



CITY COUNCIL WORK SESSION

Tuesday, June 25, 2024 | 4:00 PM

Council Chamber- City Hall

900 Church Street

Lynchburg, VA 24504

AGENDA

- I. Welcome** *Stephanie T. Reed, Mayor*
- II. Work Session Agenda Overview** *Wynter C. Benda, City Manager*
- III. Work Session Agenda Items** *Wynter C. Benda, City Manager*
 - III.1.** Downtown Lynchburg Association 2023 Annual Report Presentation
 - III.2.** Sheltering Services
- IV. Business Item Briefing(s)**
 - IV.3.** GLTC Retroactive Board Appointment
 - IV.4.** Rezoning: B-4, Urban Commercial District to B-5, General Business District - 1101 5th Street
 - IV.5.** Draft Annual Action Plan - Community Development Block Grant (CDBG) and HOME Program
 - IV.6.** National Opioid Litigation Settlement - Kroger Opioid-Related Claims
 - IV.7.** Rules of Procedure - Organizational Meeting
- V. Closed Session**
 - V.8.** Consideration of closed meeting to discuss the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the topic of the closed session being specific to the renewal of a current City franchise.
 - V.9.** Consideration of a closed meeting to discuss appointments for vacancies to the Historic Preservation Commission, City Employee Appeals Board, Martin Luther King, Jr./Lynchburg Community Council, Museum Advisory Board, Board of Zoning Appeals, Economic Development Authority, Central VA Alcohol Safety Action Plan, Greater Lynchburg Transit Company, Towing Advisory Board, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.
- VI. Roll Call**



AGENDA ITEM SUMMARY

MEETING DATE

June 25, 2024

PRESENTED BY

Ashley Kershner, DLA Executive Director

AGENDA ITEM # III.1

Downtown Lynchburg Association 2023 Annual Report Presentation

RECOMMENDATION

SUMMARY

Downtown Lynchburg Association will present their 2023 Annual Report and give an update on the Launch LYH program and it's upcoming work in 2024.

PRIOR ACTION(S)

FISCAL IMPACT

CONTACT(S)

Ashley Kershner, DLA Executive Director

ATTACHMENT(S)

1. 2024 Council Presentation PDF

REVIEWED BY

Gregory Patrick, Deputy City Manager

Date: June 20, 2024

Alicia Finney, Clerk of Council

Date: June 20, 2024



June 2024

Downtown Lynchburg Association





About Us

Our mission is to create a strong, vibrant, and welcoming downtown.



501c3 non-profit



25 year partnership



Board & Staff



Accredited member of the Department of Housing and Community Development's **Virginia Main Street Program**, and the National Trust for Historic Preservation's **Main Street America Program**.

Award-winning member of **International Downtown Association**



**INSPIRED LEADERS
SHAPING CITIES**



2023 Strategic Priorities



**Storefront
Business Support**



**Placemaking,
Activation and
Programming**



**Marketing,
Promotions and
Branding**



Advocacy

2023 Launch LYH



2024 Launch LYH





Downtown Loft Tour





Fireworks on the Riverfront





Bright Nights Block Party

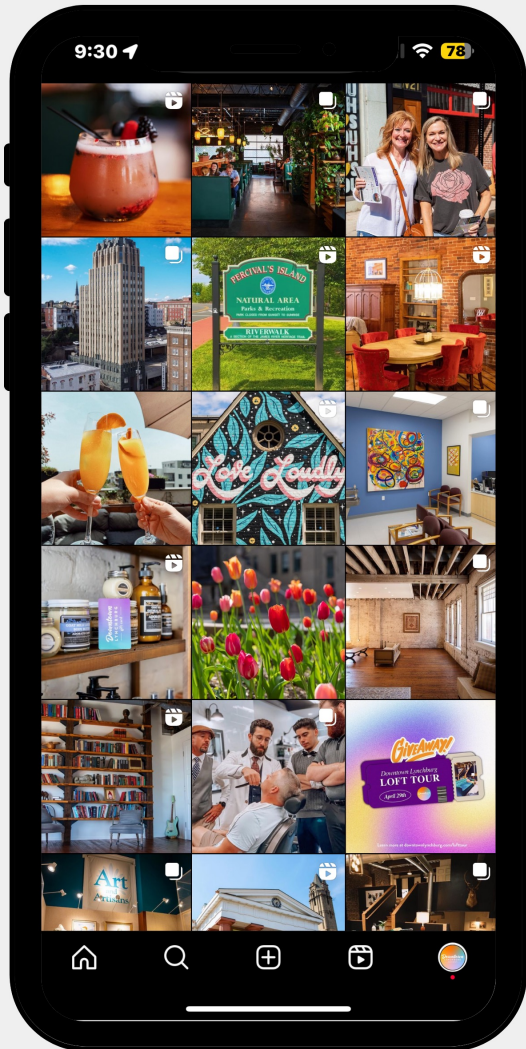


Bright Nights on the Bluffwalk





Marketing & Promotion



20.4K
INSTAGRAM
FOLLOWERS

10% INCREASE
→ OVER 2022



21.4K
FACEBOOK
FOLLOWERS

11% INCREASE
→ OVER 2022



@downtownlynchburg



163K
TOTAL
PAGEVIEWS

8% INCREASE OVER 2022



Small Business Support





State of Downtown

2023 Calendar Year

CENTRAL BUSINESS DISTRICT TAXABLE RECEIPTS

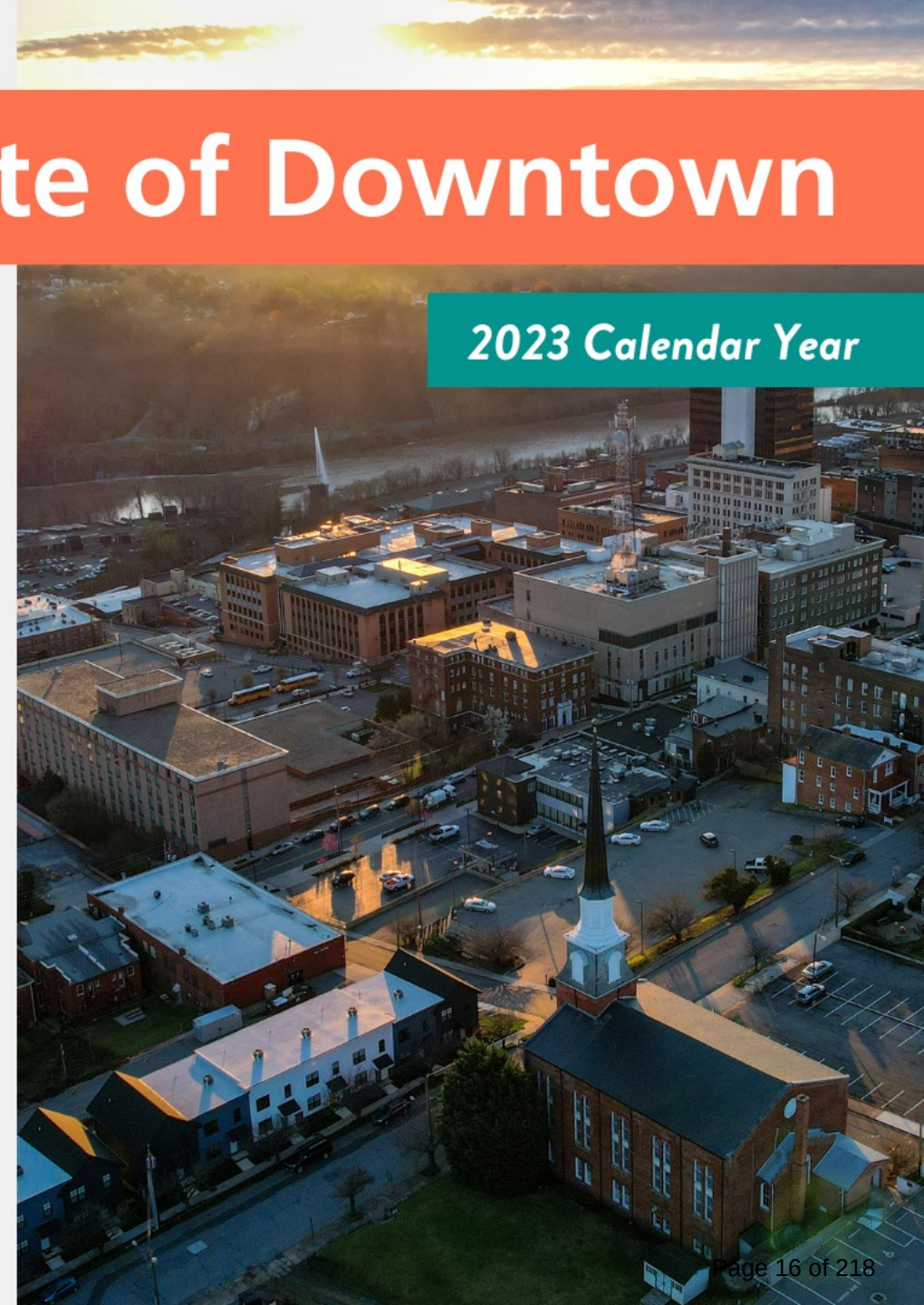
- Meals Tax: **\$29,880,633** (7.8% increase over 2022)
- VA State Sales Tax: **\$39,741,502** (6.6% increase over 2022)
- Amusement Tax: **\$1,968,328** (20.4% increase over 2022)
- Lodging Tax: **\$9,860,869** (3.2% increase over 2022)

OVERALL VISITATION

- **634,000** (7% increase over 2022)

TOTAL ASSESSED VALUE

- **\$462,397,600** (10.3% increase over 2022)



2024 Highlights



Downtown Movies

Our summer movie series will return this year with 6 Friday night showings.

Main Street Beautification

Addressing storefront blight with window displays, clean-ups, and more.

Downtown Restaurant Week

Partnering with downtown restaurants to attract new visitors to dine

5th Street Planning

Small Area Planning Grant from DHCD will fund an update of the 5th Street Master Plan.

What's Next?





Thank you

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AGENDA ITEM SUMMARY**MEETING DATE**

June 25, 2024

PRESENTED BY

Kent White, Assistant City Manager

AGENDA ITEM # III.2

Sheltering Services

RECOMMENDATION

An update on next steps for extreme weather sheltering and assistance to combat unsheltered homelessness.

SUMMARY

During the January 23, 2024 work session, the Virginia Continuum of Care briefed Council on the state of homelessness in Central Virginia. City staff also discussed the operation of a temporary warming center that opened for a brief period in January to assist un-housed residents during extremely cold evenings.

Staff will provide an update on the work that has been ongoing since this briefing and next steps Council and the community can expect in the months ahead.

PRIOR ACTION(S)

January 23, 2024: Work Session briefing by the Continuum of Care

FISCAL IMPACT

City Council approved Community Development Block Grant funds on June 9, 2024 to assist with efforts around housing intake and to request proposals for extreme weather center services.

CONTACT(S)

Kent White, Assistant City Manager

ATTACHMENT(S)

1. Presentation

REVIEWED BY

Date: June 20, 2024

SHELTERING UPDATE

June 25, 2024



PURPOSE

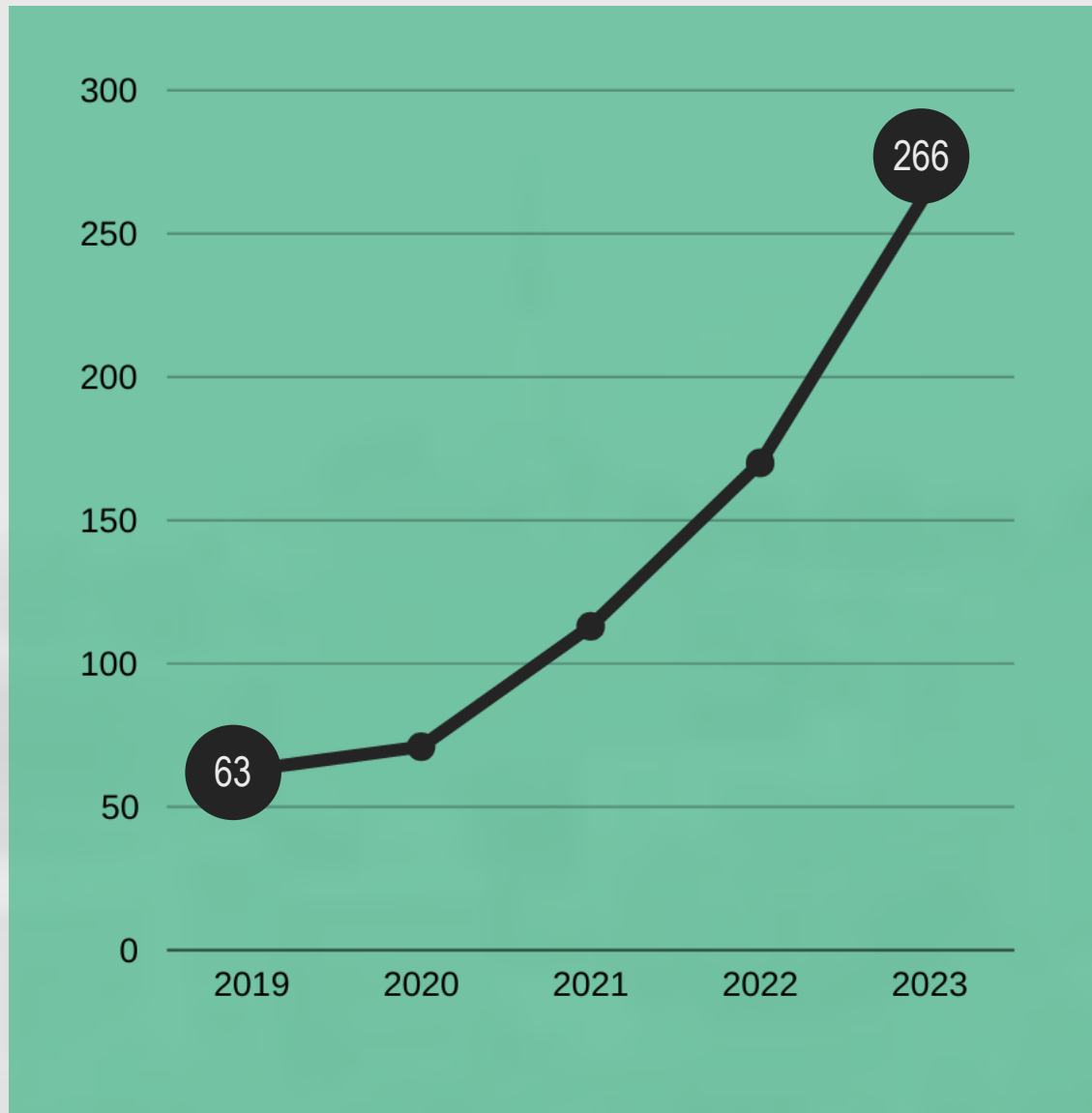
Purpose:

Follow up on upcoming plans for extreme weather sheltering and assistance for persons experiencing homelessness.

Why:

Earlier this year, City Council received an update about the state of homelessness in Central Virginia and emergency actions that were taken to protect residents during extreme weather circumstances.

Annual Unsheltered Homelessness in Central Virginia



322% increase in unsheltered homelessness from 2019 to 2023.

Source: Homeless Management Information System for the
US Department of Housing and Urban Development



Why the Increase in Unsheltered Homelessness?

Decreased shelter capacity from 98 beds to 73 beds
- **26% decrease**

- Salvation Army decreased bed capacity from 70 total beds to 57 total beds through a 2021 building renovation
- Hand Up Lodge, with its 28-beds, closed March 2022 and was replaced in December 2022 with a 16-bed homeless shelter through Roads to Recovery

Challenges and Opportunities

INCREASED HOUSING COSTS AND DECREASED AFFORDABLE HOUSING STOCK

ARPA funding in 2024 to increase housing units dedicated to households experiencing homelessness

Rush Homes' Florida Terrace development will be completed in 2024 and provide 8 set-aside units for households experiencing homelessness

LACK OF EMERGENCY SHELTER BEDS





WARMING CENTER 2024

- Open 11 evenings; two different periods
- Salvation Army provided temporary space
- Staffed by Human Services; volunteers from City, Miriam's House and Interfaith Outreach
- Number of guests increased from 8 to 39
- Unsustainable

WORK ONGOING

- **“After Action” review of the Warming Center**
 - 27% of guests had no previous record with our homeless response system
 - Temperature thresholds and consistent scheduling of operations
- **Council approved Community Development Block Grant funding**
 - Miriam’s House/CVCoC for Coordinated Homeless Intake and Access - \$65,000
 - Miriam’s House for Extreme Weather Center - \$42,000
- **The need for shelter capacity has increased**
 - RESET shelter closing June 30, 2024

COOLING CENTERS OPENED LAST WEEK

- Main Branch Library
- Downtown Branch Library
- Department of Human Services Lobby
- Miller Center
- Miller Park Pool - free water available at the gate
- Lynchburg Community Market
- Salvation Army dining room



WHAT'S NEXT

- **Miriam's House will issue a Request for Proposals for extreme weather services**
 - Warming center
 - Consistent hours of operation
 - Connection with community resources (i.e. Coordinated Housing Intake and Access)
- **Council allocation of HOME-American Rescue Plan (ARP) funding this Fall**
- **Update City's Consolidated Plan in Spring 2025**
 - Emergency Solutions Grant

AGENDA ITEM SUMMARY**MEETING DATE**

June 25, 2024

PRESENTED BY

Josh Moore - General Manager, GLTC

AGENDA ITEM # IV.3

GLTC Retroactive Board Appointment

RECOMMENDATION

Adopt a resolution retroactively appointing a member to the Greater Lynchburg Transit Company Board of Directors.

SUMMARY

The previous Centra representative informed the GLTC Board and Staff that her role was changing in the organization and that the CEO wished her to spend more time focused on Centra. Her replacement was selected by the Centra CEO and staff assumed that communication between Centra and Council had been initiated as this had been the process for the previous Centra Board Member transitions. This occasionally lagged due to matching with Council's agenda and the time of the year, so it was not initially noted by staff that there had been no formal communication with Council until after some time had passed.

PRIOR ACTION(S)

N/A

FISCAL IMPACT

N/A

CONTACT(S)

Josh Moore - General Manager
GLTC

ATTACHMENT(S)

None

REVIEWED BY

Date: June 20, 2024



AGENDA ITEM SUMMARY

MEETING DATE

June 25, 2024

PRESENTED BY

Rachel Frischeisen, City Planner

AGENDA ITEM # IV.4

Rezoning: B-4, Urban Commercial District to B-5, General Business District - 1101 5th Street

RECOMMENDATION

This item will appear for City Council vote on the July 9, 2024, Public Hearing agenda. Denial of the petition to rezone 1101 5th Street from B-4, Urban Commercial District to B-5, General Business District.

SUMMARY

Kerr Holdings, LLC, is petitioning to rezone 1101 5th Street from B-4, Urban Commercial to B-5, General Business District to allow the use of the existing building for auto body repair. The properties are included in the area covered by the Fifth Street Corridor Master Plan adopted by City Council on May 23, 2006. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Neighborhood Commercial land use for the property. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood.

The Planning Commission recommended denial of the petition, citing concerns of setting precedence for auto-oriented uses which negatively impacted 5th Street and the adjoining neighborhoods in the past. The proposed rezoning does not align with the recommendations of the Future Land Use Map, Comprehensive Plan 2013-2030, and the 5th Street Corridor Master Plan.

PRIOR ACTION(S)

May 22, 2024: The Planning Commission recommended denial (6-0 with 1 absent, Bowden) of the rezoning petition.

May 22, 2024: The Planning Division recommended denial of the rezoning petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, City Planner

ATTACHMENT(S)

1. Planning Commission Minutes, Report, and Attachments

REVIEWED BY



William Martin, Community Development Director

Date: June 17, 2024



Kent White, Assistant City Manager

Date: June 18, 2024



Alicia Finney, Clerk of Council

Date: June 18, 2024

MINUTES OF THE MAY 22, 2024 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of Kerr Holdings, LLC to rezone approximately three hundred fifty-eight thousandths (0.358) of an acre located at 1101 5th Street from B-4, Urban Commercial District to B-5, General Business District to allow the use of an existing structure as an auto body shop.

Ms. Rachel Frischeisen, City Planner provided the following summary to the Commission. The subject property is located at 1101 5th Street. The structure was built in 1949 and was previously used as an auto repair and body shop. The property is situated at the intersection of 5th, Monroe, and Park — a prominent and highly visible corner along this corridor. Corners anchor the block and can define the urban design of an area and have a great impact on the overall look and feel of a place. The purpose of the petition is to rezone the property from B-4, Urban Commercial District to B-5, General Business District to allow the use of the property as an auto body shop. The property is recommended for Neighborhood Commercial uses on the Future Land Use Map (FLUM). These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Patrons can walk, bike, or take a short drive to reach their everyday goods and services. The property is included in the area covered by the Fifth Street Corridor Master Plan, adopted by City Council on May 23, 2006. The purpose of the plan is to provide a vision and a blueprint for the revitalization of the Fifth Street Corridor between Main Street and the Martin Luther King, Jr. Memorial Bridge. Fifth Street links the Downtown/Riverfront and Midtown areas of the City, both of which are important areas for revitalization as well. The properties were rezoned to B-6, Riverfront Downtown, which is now B-4, Urban Commercial District, on December 11, 2007. This rezoning of the 5th Street corridor was done following the adoption of the 5th Street Master Plan. The Master Plan provides a vision of a revitalized Fifth Street Corridor that is walkable and meets the needs of the surrounding neighborhood. Several sections of the plan highlight why B-5 and the expansion of automotive uses is not appropriate for the area. Specifically, the requested B-5 district is our least restrictive and most intense commercial district. The abundance of automotive uses that previously dominated this corridor contributed to its decline and should not be expanded. The uses that did not conform with the plan and the B-4, Urban Commercial District were allowed to remain as “nonconforming” uses; however, it was with the understanding that they would eventually be redeveloped to uses consistent with the plan and the desires of the surrounding neighborhoods. This property has nonconforming status for the use of the building as a carwash but more than two (2) years have elapsed since auto body work was done here so the nonconforming status for auto body work is gone. In summary, with the adoption of the Master Plan and subsequent rezoning of properties in the area, City Council made a conscious decision to move away from auto-dominated uses towards a more walkable urban commercial environment similar to that of a Main Street, in order to achieve a mix of uses that would meet the needs of the neighborhood. In its prime, 5th Street was known as a place where residents could do their shopping, have a meal, meet friends, and socialize. Returning to that type of environment is a key goal of the plan. The existing zoning is the correct district to facilitate that. Rezoning the property to B-5, General Business District would be extremely detrimental to the long-term goals of the plan and surrounding neighborhoods. Planning staff has strong concerns that rezoning the property to B-5, General Business District could set precedence for similar rezonings in the corridor, which may allow an influx of auto-dominant uses. Zoning Ordinance Section 35.2-11.7, Approval criteria, states that “Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.” The requested B-5, General Business District is the most intense commercial district that allows a wide range of uses, including outside storage, that are not compatible with the vision of the Fifth Street Master Plan. Other uses that would be allowed by B-5 zoning include: commercial heavy equipment rental, lumber yards, solid waste collection, and towing yards. While these particular uses may not be suitable or practical on the subject property at this time, the property could be redeveloped into one of those uses in the future, and approval of this rezoning has potential to set precedence and open the door for future rezoning petitions with long-lasting, detrimental impacts to the Fifth Street Corridor. We must consider the broader

impact of deviating from the Fifth Street Master Plan, which has been successfully guiding the revitalization of this area for nearly twenty (20) years. For these reasons, the Planning Division recommends denial of the rezoning petition.

Ms. Frischeisen presented images of 5th Street and addressed the Planning Commission, stating that 5th Street has come a long way but is still a work in progress. In recent years, there have been successes stemming from the commitment to the 5th Street master plan and the City's investment in the area. It can be easy to forget just how far this corridor has come over the past twenty (20) years. Ms. Frischeisen referenced three examples, which illustrate the progress and benefits of adhering to the plan; following the established vision; and adhering to the adopted zoning on 5th Street. The first example referenced the intersection of 5th and Federal, where the vision of the master plan was realized with the roundabout and statue of Mayor Thornhill. The second example referenced the private investment which followed the public investment at the intersection of 5th and Federal. The former Adams Motor Company lot was redeveloped into an important community health clinic to serve the surrounding neighborhoods. This redevelopment would not have been possible without following the plan. The third example referenced the corner of 5th and Court. In 2008, at this intersection, there were two (2) vacant lots and a former automotive building, which was being used for storage. There was no investment in this corner. By 2014, however, the City had completed intersection improvements, which started to breathe new life into the area. Today, this corner has been completely revitalized. There are new construction residential buildings framing the intersection, as well as reinvestment in the adaptive reuse of the former auto shop as a coworking office space. All of these improvements would not be possible without following the vision and the zoning set forth in the master plan.

Ms. Frischeisen summarized that these examples show that good planning and zoning have long lasting impacts, which can take, in some cases, decades to come to fruition. This progress does not happen overnight, or in a month, or even a year, but when it does come to fruition, it can transform a community through positive change and improve quality of life. Abandoning the vision and B-4 zoning now, would risk disrupting the positive momentum that this corridor has experienced. The negative effects of one rezoning, may not be felt overnight, or in a month, or even a year, but it will likely have long term detrimental consequences, because approval of this rezoning would signal that the vision has been abandoned and that other similar rezonings in the area might be possible, even though they would be inappropriate.

Chair Johnson asked if anyone was present to speak on behalf of the petition.

Mr. Dave Durbin, representing Kerr Holdings, LLC, was present to represent the petition. Mr. Durbin stated that Mr. Robert Kerr had been in the neighborhood for nearly fifty (50) years and that the subject property had been automotive-related since 1948. Mr. Kerr always considered himself a great neighbor. He purchased lots around the building to buffer the neighbors from the business. The building is set up as a body shop. All of the equipment has been sitting there for over thirty (30) years. A few years ago, Mr. Kerr allowed a gentleman to come in and use the property to wash cars and turn it into a detail shop. Unbeknownst to the owner, it eliminated the grandfathered use that allowed automotive repairs. They did not realize this until the car wash tenant left and they were approached by a new tenant who wanted to turn it back into a body shop. They were then informed that they could not do that. The new tenant has stayed in the building since February and has made improvements to it. Mr. Kerr, because of his age and his health, had let building maintenance fall to the wayside. Considering the fact that there are two (2) other repair shops and the location is next to the water plant, a funeral home, and a church, he did not see the proposed use as detrimental to the area.

Chair Johnson asked if there was anyone present to speak in favor of the petition.

Mr. Rodney Hubbard stated that he became a tenant at 420 Monroe Street on January 1, 2015, to sell cars. He was advised by the landlord that he should be able to sell cars at this location, since the

previous tenant had done so. Mr. Hubbard said that when he applied for a business license he was told that he could not sell cars at this location and that the license of the previous tenant had been issued in error. Mr. Hubbard reported that he fought the issue with City Council and was told that the only way he could sell cars was to buy Mr. Kerr's building, because of its grandfathered status. Mr. Hubbard stated that he began to negotiate the purchase with Mr. Kerr, but could not come up with the down payment, so he told his friend, who was looking for a building. The friend entered into a deal with Mr. Kerr and a week later learned that he could not sell cars at this location. The building up the street was rezoned to allow car sales even though Mr. Hubbard cannot sell cars at his location. Mr. Kerr's property cannot be used for car repairs, so they have filed the rezoning petition. He said, it is not fair for the rest of the neighborhood who want to sell cars and it makes him feel as if something else is going on downtown. Mr. Hubbard implied that bias was being shown towards him by not allowing him to sell cars at his location, while a similar use occurs nearby.

Ms. Frischeisen issued a reminder that individuals speaking during the public hearing are allotted a maximum of three (3) minutes each.

Mr. Franklin Smith stated that he had been in the area for thirty (30) years and witnessed the work Mr. Kerr had done in those years, which was more than anyone else, including the government. Mr. Smith said that he wanted to offer three words on behalf of Mr. Kerr — improvement, appealing, and profitable investment neighborhood. He stated that he could speak for an hour about what is going on in this neighborhood and this city.

Ms. Sheila Irvin stated that she had lived on Fourth Street for fifty-nine (59) years and that she had seen the subject property do a lot of things. She said she knew Mr. Kerr personally and stated that he used to visit and talk with the neighbors. Different things have been there, different people have been there. Ms. Irvin said, "I don't see any issue with something being put there that has already been there; it is built for a business; the tenant has done a lot of work on the building and it looks good."

Commissioner Rogers asked for clarification about the parties at stake.

Ms. Frischeisen responded that Mr. Durbin spoke on behalf of the property owner.

Chair Johnson asked if there was anyone present to speak in opposition to the petition.

Mr. Hunter Dawson offered his opinion about the tenant and said that upon acquiring the property the tenant had immediately brought fifteen (15) junky cars onto the property and cautioned that's what it would look like if approved. The Kerrs live in Forest. Mr. Kerr hasn't been here for some time. The business has been moved to Bedford County so they have no care in this place. It was dilapidated. Mr. Dawson said the owners entered a rent-to-own agreement with the tenant. They are giving their taxes to the county not the City.

Mr. David Neumeyer spoke on behalf of the Fifth Street Community Development Corporation and the Legacy Museum of African American History. He said, "I am a board member for the Fifth Street CDC and have been so for six (6) years. I was very involved in the project to create and install the statue of "Teedy" Thornhill, that's now in the rotary. I have also been a board member of the Legacy Museum for four (4) years now, currently the board president. Both organizations are strongly in favor of the master plan that the City has adopted for the Fifth Street corridor — making it small-business friendly, walkable, useful for people in the neighborhood and for visitors, and we are opposed to the requested zoning change." Mr. Neumeyer added that there is already an auto body shop on the block. On any given day, there are at least a dozen cars parked on the block between Mr. Hubbard and the Legacy Museum. There are parking problems right now and the Legacy Museum foresees the parking competition increasing. The Legacy Museum owns three (3) adjoining properties, with a museum and an activity center, next to the proposed auto body shop. Mr. Neumeyer explained that having an auto body shop next door was

not conducive to an environment for families and children visiting the museum and activity center.

Chair Johnson offered the petitioner an opportunity to give a rebuttal.

Mr. Durbin declined.

Chair Johnson closed the public hearing.

Commissioner Henderson asked staff to provide insight into the public input process for the Fifth Street Corridor Master Plan. He asked how the plan was crafted and adopted and asked if it involved the community.

Ms. Frischeisen responded that the public input is described in the plan and offered to identify the specific methods of community engagement – surveys, workshops, etc.

Commissioner Marion asked for clarification regarding Commissioner Henderson's question.

Commissioner Henderson reframed his question about the Fifth Street Corridor Master Plan adopted in 2006. He said he was trying to understand if it included the community in terms of input and creation.

Commissioner Rogers responded that all Neighborhood plans involve the community. While he appreciates Mr. Hubbard's comments about having a small business, he noted that the Commission was not in support of the recent rezoning on Park Avenue, which is the rezoning Mr. Hubbard referenced. Planning Commission is guided by, with the input of the community, Neighborhood plans and the Comprehensive Plan. The Planning Commission looks at how the land is used rather than individual businesses.

Mr. Franklin Smith called out from the audience. Chair Johnson recognized Mr. Smith from the floor.

Mr. Smith inquired about the proceedings and the staff recommendation for denial.

Ms. Frischeisen responded that planning staff recommended denial of the petition. Planning Commission has not yet made a recommendation and will do so today.

Commissioner Rogers added that staff makes the decision based on the Comprehensive Plan and asked staff to confirm.

Ms. Frischeisen confirmed that the recommendation is based on the City-wide Comprehensive Plan; the FLUM, within the plan; and relevant small area plans or corridor plans. All of those plans layer together and are taken into consideration, along with neighborhood context and other factors.

Commissioner Gammon asked, in reference to Mr. Hubbard's comments, what would be the normal procedure if a business license was issued in violation of zoning and was discovered at some later date.

Mr. Henry, Zoning Administrator, responded that state code allows that, if a decision was made in error, the City has sixty (60) days to retract the decision.

Commissioner Gammon stated that he wanted to address Mr. Hubbard's allegation that there is some bias being shown here.

Mr. Henry responded that Mr. Hubbard has brought this issue up with him before in the past and with City Council at the time it occurred in 2016-2017.

Ms. Frischeisen added, in response to Mr. Hubbard's question, 'Why is Mr. Dawson allowed to do something that other people are not?' Mr. Dawson pursued a rezoning. Staff recommended denial of that petition as well. There is no bias coming from staff. Staff has been consistent in their recommendations.

Chair Johnson asked for clarification about non-conforming uses and the period of discontinuance.

Ms. Frischeisen responded that nonconforming uses are prohibited from starting up again if they have been discontinued for a period of two (2) years.

Chair Johnson asked when the auto shop use ended.

Mr. Frischeisen responded that it was not clear exactly when it ended, but that it was longer than two (2) years. The applicant was not able to produce proof that this type of work had been done there in that timeframe.

Chair Johnson recognized Mr. Durbin.

Mr. Durbin explained that Mr. Kerr was working on automobiles at the location up until three (3) years ago. Because of health issues, and because of help issues, he was thinking about doing something different. He stated that the property owners live in Bedford County. He added that they also have businesses in the City. He explained that Mr. Kerr was approached by a gentleman who wanted to start a car wash and detail cars. Mr. Kerr thought it would be a great opportunity, not knowing that it would eliminate the grandfathered status of auto repair.

Commissioner Gammon asked when it was grandfathered.

Ms. Frischeisen responded that it was grandfathered in 2007, when the zoning was changed from B-5 to B-6, Riverfront Downtown. B-6 is now B-4, Urban Commercial District.

Chair Johnson asked for clarification about zoning designations for car wash and auto shop.

Ms. Frischeisen responded that they are considered different uses. When the tenant started using the building as only a car wash and did not use it for auto-body work, the auto-body non-conforming status lapsed. They have non-conforming status, or grandfathering, for the carwash.

Commissioner Gammon inquired about Mr. Kerr's businesses and summarized Mr. Durbin's responses; there are numerous businesses owned by Mr. Kerr and family and that the Fifth Street location is the only one that has closed. The other Kerr family businesses in Boonsboro and Bedford continue to operate.

Ms. Frischeisen refocused the discussion, stating that the issue at hand is not when the grandfathering stopped. The use is not allowed. The matter before the Planning Commission today is to recommend approval or denial of the rezoning to B-5.

Commissioner Rogers inquired about whether or not proffers were offered.

Ms. Frischeisen explained that they had the option to submit proffers, but none were submitted. If they had been, it may not have changed staff's recommendation, because B-5 in any form is not appropriate for this district.

Commissioner Marion asked for clarification about the current use related to the non-conforming status.

Ms. Frischeisen responded that the current business has a non-conforming status for the car wash, and detailing, but not for the auto body work.

Commissioner Gammon asked if they have a business license.

Ms. Frischeisen responded that there is no business license on record for the property. Council decided that they would not require business licenses for those making under the \$150,000 threshold; if the business does not exceed that threshold, that may be the reason they do not have a license.

Commissioner Gammon explained that his questioning was to get at the crux of the issue. This building, this property, had permission to operate under a grandfathering clause, which expires when the business stops. At some point this business ceased functioning. Whether it was an oversight, or whether it was just a strategic decision by Mr. Kerr to close this one down because of its location, and keep the remaining businesses open, because maybe they were more profitable, is another question. His questions have the goal of understanding whether an exception needs to be made in this case or whether the City's plan is more consistent with what this property needs going forward.

Commissioner Rogers noted the presence of other vacant buildings. Across the street is Mr. Kerr's old garage, which is empty. Planning Commission's actions set precedent. The Commission has voted to deny petitions, which have still been approved by City Council. He noted that the area around the subject property contains quite a few buildings and that he cannot support giving carte blanche by opening the B-5 "door."

Commissioner Perault remarked that Planning Commission's purview is, "Is this an appropriate petition for this zoning, and the land use plan, and the master plan. We make some recommendations that we may not personally like, but that's our purview. We need to reign it in and focus on that. That's the question before us and not the other topics that have been raised."

Chair Johnson responded that she agrees, but the grandfather issue comes up all the time, especially when, as a community, a future plan is made and changes the FLUM. With the current Comprehensive Plan update, the Planning Commission is getting everyone's input to make recommendations for a new plan based on goals and vision. She wants to understand the grandfather issue better.

Commissioner Rogers responded that the Planning Commission declined to support a similar project, with the exact same issues, on Park Avenue. They have supported the Comprehensive Plan, the master plan and that is what they should be focusing on.

Commissioner Gammon said that once the property stopped operating as a car dealership or car repair shop, the grandfathered status expired. They cannot go back to that use unless they appear before Council and get it approved.

Commissioner Rogers said, it's legally non-conforming. Either way, the carwash can stay. The Planning Commission is not deciding on that. They are contemplating a major change to the zoning.

Commissioner Marion commented that she lived in the Fifth Street neighborhood for forty (40) years. She is familiar with the neighborhood. That corner is a major corner and intersection where Park Avenue comes in. Those pictures shown by staff of the "before and after" scenes are beautiful. She would never have imagined the buildings on the corner of Fifth and Court Street. All of those buildings have been renovated now. There are lots of uses for Fifth and Monroe. It could be a restaurant, a very attractive building, a day care center. There are all kinds of conforming uses that are neighborhood businesses that people would want to come to and would employ people. It's not as if the building can never be used again. There are plenty of conforming uses that can go in there. She would vote to deny the petition

because there are better uses, which would serve the neighborhood and conform to the plan.

Commissioner Rogers asked about the time frame for the next phase of Fifth Street redevelopment, from Taylor Street to the bridge.

Ms. Frischeisen explained that the project is in design now. It will not have as many historic streetscape features, but that phase will be moving forward and the streets will be repaved, sidewalks re-poured, sloping retaining walls will be repaired, etc.

Commissioner Rogers asked if the improvements are all part of the master plan from 2007.

Mr. Frischeisen responded that the streetscape improvements that we have now are a result of the recommendations of the plan, and implementation of the plan.

Chair Johnson added that she agrees, there have been beautiful things built, and there could be some great things in place of what is there. Her hesitation is that the people who live around it and want to use it for business may not have the resources to turn it into a restaurant or completely renovate the interior. but the Planning Commission must consider the zoning and the FLUM.

Mr. Franklin Smith approached the podium, wanting to speak on behalf of the petitioner.

Chair Johnson stated that the public hearing is closed and that there will be no further public comments allowed.

Commissioner Marion made the following motion, seconded by Commissioner Gammon and it was approved by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of the rezoning petition of Kerr Holdings, LLC to rezone approximately three hundred fifty-eight thousandths (0.358) of an acre at 1101 5th Street from B-4, Urban Commercial District to B-5, General Business District."

AYES: Gammon, Henderson, Johnson, Marion, Perault, Rogers	6
NOES:	0
ABSTENTIONS:	0
ABSENT: Bowden	1

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: May 22, 2024
Re: **REZONING: B-4, Urban Commercial District to B-5, General Business District – 1101 5th Street**

I. PETITIONER

Kerr Holdings, LLC, 142 Sailview Drive, Forest, Virginia 24551

Representative: Ms. Nadine K. Durbin, 142 Sailview Drive, Forest, Virginia 24551

Property Owner: Same as petitioner

II. LOCATION

The subject property contains approximately three hundred fifty-eight thousandths (0.358) of an acre located at 1101 5th Street.

III. PURPOSE

The purpose of the petition is to rezone the properties from B-4, Urban Commercial District to B-5, General Business District to allow the use of the existing structure as an auto body shop.

IV. SUMMARY

- The properties are included in the area covered by the Fifth Street Corridor Master Plan adopted by City Council on May 23, 2006.
- The properties are recommended for Neighborhood Commercial land uses on the Future Land Use Map.
- The properties were rezoned to B-6, Riverfront Downtown, (now B-4, Urban Commercial District) on December 11, 2007.

The Planning Division recommends denial of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Neighborhood Commercial land use for this property. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. They are comprised of individual businesses, clusters of businesses, or small shopping centers. Neighborhood shopping centers meet the day-to-day needs of a limited residential trade area of 2,500 to 10,000 people and average about 50,000 square feet of space. A small grocery store or drug store is often the anchor for a neighborhood shopping center. Office uses should be relatively small-scale with building floor areas not exceeding 20,000 square feet and heights not exceeding four stories. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. (p.75)

The Fifth Street Corridor Master Plan was adopted by City Council on May 23, 2006. The purpose of the plan is to provide a vision and a blueprint for the revitalization of the Fifth Street Corridor between Main Street and the Martin Luther King, Jr. Memorial Bridge. The primary focus is the area two blocks on either side of Fifth Street, though the surrounding neighborhoods, including College Hill, Garland Hill and Tinbridge Hill are also very important to the corridor's revitalization. Fifth Street links the Downtown/Riverfront and Midtown areas of the City, both of which are the focus of revitalization efforts as well. In order for the corridor to succeed, it must serve the needs of the residents and be an attractive gateway to both Downtown and Midtown. (p. 1)

Notably, the Fifth Street Corridor Master Plan noted that B-5, General Business District zoning is inappropriate, as it is one of the least restrictive districts in the City's Zoning Ordinance, permitting a wide variety of uses, "which require large sites and which often produce substantial nuisance effects."

2. **Zoning.** The subject property was annexed into the City in 1870. The property was rezoned to B-6, Riverfront Downtown District (now B-4, Urban Commercial District) on December 11, 2007 as recommended by the Fifth Street Corridor Master Plan.
3. **Proffers.** The petitioner has not submitted any proffers.
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On April 10, 2001, City Council approved the Conditional Use Permit request of Greater Lynchburg Habitat for Humanity to allow the construction of single-family residences at 406, 410, 412, and 414 Wise Street.
 - On May 23, 2006, City Council adopted the Fifth Street Corridor Master Plan.
 - On February 13, 2007, City Council approved the Conditional Use Permit request of Greater Lynchburg Habitat for Humanity to allow the construction of a single-family residence at 407 Wise Street.
 - On June 12, 2007, City Council approved the Conditional Use Permit request of Greater Lynchburg Habitat for Humanity to allow the construction of a single-family residence at 411 Wise Street.
 - On December 11, 2007, City Council rezoned the properties fronting Fifth Street to B-6, Riverfront Business District (now B-4, Urban Commercial District) as recommended in the Fifth Street Master Plan. Other adjoining properties were rezoned to R-2, Low-Medium Density, Single-Family Residential District; R-3, Medium Density, Two-Family Residential District; and R-4, Medium-High Density, Multi-Family Residential District.
 - On February 23, 2016, City Council approved the rewrite of the City's Zoning Ordinance. In the new Ordinance the B-6, Riverfront Business District became the B-4, Urban Commercial District.

- On June 14, 2016, City Council approved the petition of Elks Lodge #181 to rezone 515, 517, 519, 523 Polk Street and 1007, 1011 6th Street from R-3, Medium Density Residential District to B-4, Urban Commercial District to allow the construction of a new lodge and parking area.
 - On December 12, 2023, City Council approved the petition of Hunter Dawson to rezone 602 Taylor Street and 1212 Park Avenue from B-4, Urban Commercial District to B-5, General Business District to allow the use of the properties for used automobile sales.
6. **Site Description.** The property consists of approximately three hundred fifty-eight thousandths (0.358) of an acre at 1101 5th Street. The property is situated in a highly visible location at the corner of 5th Street, Park Avenue, and Monroe Street.
- The property contains a one (1) story “fire resistant” structure constructed in 1949. The structure is approximately eight thousand, sixty (8,060) square feet in size.
- The property is surrounded by a mix of residential uses, commercial uses, parking areas, and an institution (Legacy Museum of African American History).
7. **Proposed Use of Property.** If the petition is approved, the existing building would be used as an auto body shop.
8. **Traffic, Parking and Public Transit.** The petitioner was not required to conduct a traffic analysis as part of the petition.
- The submitted narrative indicates that the existing building would be used as an auto body shop and no new buildings or additions are proposed. The City’s Transportation Engineer noted during the Technical Review Committee (TRC) meeting that the existing entrances do not meet City Access Management Standards.
- The property is served by the Greater Lynchburg Transit Company (GLTC) Route 1A, 5, and 9, with bus stops located adjacent to the property along 5th Street.
9. **Stormwater Management.** An Erosion & Sediment Control Plan / Stormwater Management Plan will not be required since there are no external improvements or modifications proposed at this time. An Erosion & Sediment Control Plan would be required if disturbed areas exceed one thousand (1,000) square feet. A stormwater management plan would be required if disturbed areas exceed five thousand (5,000) square feet.
10. **Emergency Services:** The City’s Fire Marshal and Police Department had no comments of concern regarding the rezoning.
11. **Impact.** The subject property is included in the area covered by the Fifth Street Corridor Master Plan. With the adoption of the Master Plan and subsequent rezoning of properties in the area, City Council made a conscious decision to move away from auto-dominated uses that ultimately aided in the decline of the area. The Master Plan provides a vision of a revitalized Fifth Street Corridor that is walkable and meets the needs of the surrounding neighborhood. The uses that did not comply with the plan and the B-4, Urban Commercial District are allowed to remain as “nonconforming” uses; however, it was with the understanding that they would eventually be redeveloped to those consistent with the plan and the desires of the neighborhoods. There has been significant public and private investments in the area that follow the vision in the adopted Master Plan.

Rezoning the property to B-5, General Business District would be extremely detrimental to the long-term goals of the plan and surrounding neighborhoods. Planning staff has strong concerns that rezoning the property to B-5, General Business District could set precedence for similar rezonings in the corridor, which may allow an influx of the auto-dominant uses. These uses previously contributed toward the decline of Fifth Street, prior to the adoption of the Master Plan. The Master Plan explicitly recommends against the expansion of auto-oriented uses for this reason.

The requested B-5, General Business District is the most intense commercial district that allows a wide range of uses that are not compatible with the vision of the Fifth Street Master Plan. Zoning Ordinance Section 35.2-11.7 Approval Criteria states that “Council shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.” Other uses that would be allowed by B-5, General Business District, include: commercial heavy equipment rental, lumber yards, solid waste collection, and towing yards. While these particular uses may not be suitable or practical on the subject property, approval of this rezoning has potential to set precedence and open the door for future rezoning petitions with long-lasting, detrimental impacts to the Fifth Street Corridor.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on April 30, 2024.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council denial of the rezoning petition of Kerr Holdings, LLC to rezone approximately three hundred fifty-eight thousandths (0.358) of an acre at 1101 5th Street from B-4, Urban Commercial District to B-5, General Business District.

This matter is respectfully offered for your consideration.



Rachel Frischeisen
City Planner

pc: Wynter Benda, City Manager
Greg Patrick, Deputy City Manager
Kent White, Assistant City Manager
Tom Martin, Director of Community Development
Matthew Freedman, City Attorney
J. Lee Newland, City Engineer
Cynthia Kozerow, Lynchburg Police Department
Thomas Goode, Fire Marshal
Doug Saunders, Building Official
Kevin Henry, Zoning Administrator
Kerr Holdings, LLC, Property Owner & Petitioner
Nadine K. Durbin, Representative

VII. ATTACHMENTS

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

Zoning

1101 5TH ST

TRC

Nadine Kerr Durbin



PROPERTY INFORMATION

PARCEL ID

ADDRESS

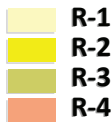
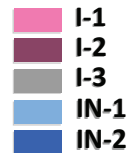
00922007

1101 5TH ST

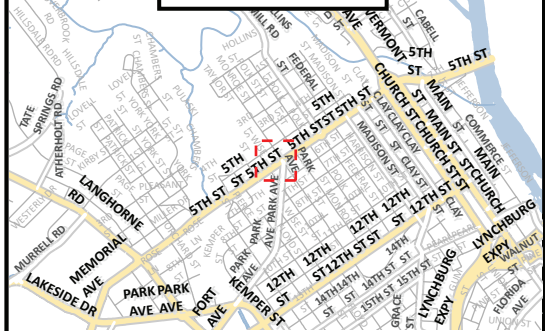
LEGEND

Subject Property

215 Foot Buffer



OVERVIEW MAP



MAP SCALE: 1:1,221 DATE PRINTED: 3/26/2024

1101 5th Street

Parcel ID	Address	Owner
00921001	1010 4TH ST	APPALACHIAN MANAGEMENT LLC
00921017	411 POLK ST	BARBOUR, ANEKA D
00923004	407 TAYLOR ST	CASTELLO, STEPHEN J
00927001	380 TAYLOR ST	CITY OF LYNCHBURG
01015009	508 TAYLOR ST	CITY OF LYNCHBURG
01015010	506 TAYLOR ST	CITY OF LYNCHBURG
01015011	504 TAYLOR ST	CITY OF LYNCHBURG
01015013	1112 5TH ST	CITY OF LYNCHBURG
00923009	419 TAYLOR ST	DAVIS, TAMIKA LETTRICE
00922001	400 TAYLOR ST	ELDRIDGE, JESSIE
00921009	1007 5TH ST	FIFTH STREET BAPTIST CHURCH
00921010	1013 5TH ST	FIFTH STREET BAPTIST CHURCH OF LYNCHBURG VA TRS
00921013	414 MONROE ST	FIFTH STREET BAPTIST CHURCH TR
00921014	410 MONROE ST	FIFTH STREET BAPTIST CHURCH TR
00921015	408 MONROE ST	FIFTH STREET BAPTIST CHURCH TR
00921016	404 MONROE ST	FIFTH STREET BAPTIST CHURCH TR
00921012	416 MONROE ST	FIFTH STREET BAPTIST CHURCH TRS
00921006	409 POLK ST	FIFTH STREET BAPTIST CHURCH TRS
00922014	414 TAYLOR ST	FITZGERALD, EDWARD L & ERA MAE
00923003	403 TAYLOR ST	IRVING, SHEILA L
00922015	410 TAYLOR ST	IRVING, SHEILA L
00922016	404 TAYLOR ST	JIRON RIVERA, LUIS A
00919013	322 MONROE ST	KENNY, GENEVIEVE JOHNSON
00922013	416 TAYLOR ST	KERR, ROBERT
01016001	1140 PARK AVE	KERR, ROBERT W
00922011	1115 5TH ST	KERR, ROBERT W
00922012	420 TAYLOR ST	KERR, ROBERT W
00922010	1111 5TH ST	KERR, ROBERT W
00922009	1107 5TH ST	KERR, ROBERT W
00922007	1101 5TH ST	KERR, ROBERT W
01015004	1135 PARK AVE	LAKAY CAPITAL LLC
01015003	1127 PARK AVE	LAKAY CAPITAL LLC
00921003	1006 4TH ST	LEE, ROSE MARY
00922006	415 MONROE ST	LEGACY PROJECT INC
00922004	409 MONROE ST	LEGACY PROJECT INC
00922002	403 MONROE ST	LEGACY PROJECT INC
00921002	1008 4TH ST	LOFTON, LATANYA D
01014014	508 MONROE ST	LYNCHBURG PROPERTIES VA LLC
01014015	1018 5TH ST	LYNCHBURG PROPERTIES VA LLC
01015012	1118 5TH ST	MILLER-DIXON, JASMINE
01014016	1014 5TH ST	OLD DOMINION LODGE ELKS TRS
00923008	417 TAYLOR ST	PSA PROPERTIES LLC
00923007	415 TAYLOR ST	REID, REBECCA KATHLEEN JOHNSON
00923005	409 TAYLOR ST	RUSH LIFETIME HOMES
01015002	1119 PARK AVE	SCRUGGS FAMILY TRUST
01015001	1100 5TH ST	SCRUGGS FAMILY TRUST
00922019	1119 5TH ST	SMITH, FRANKLIN & DOREEN A
00921011	420 MONROE ST	WARREN C SIMMONS PROPERTIES LLC

FLUM

1101 5TH ST

TRC

Nadine Kerr Durbin



PROPERTY INFORMATION

PARCEL ID

ADDRESS

00922007

1101 5TH ST

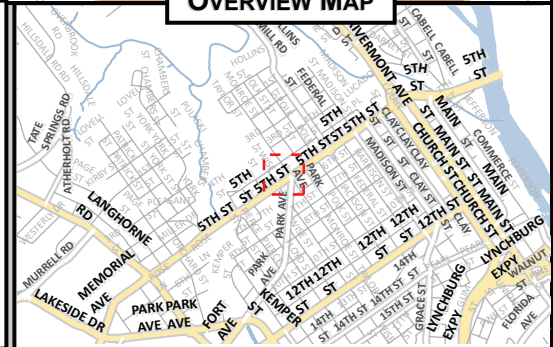
LEGEND

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

MAP SCALE: 1:1,221

DATE PRINTED: 3/26/2024

OVERVIEW MAP

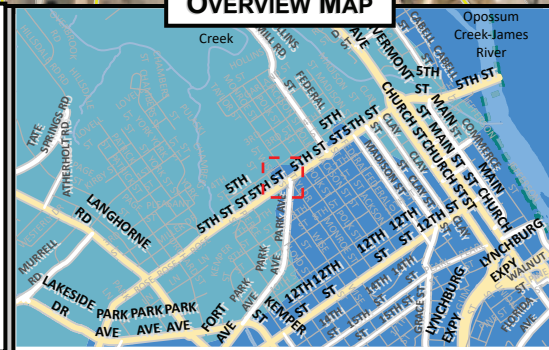


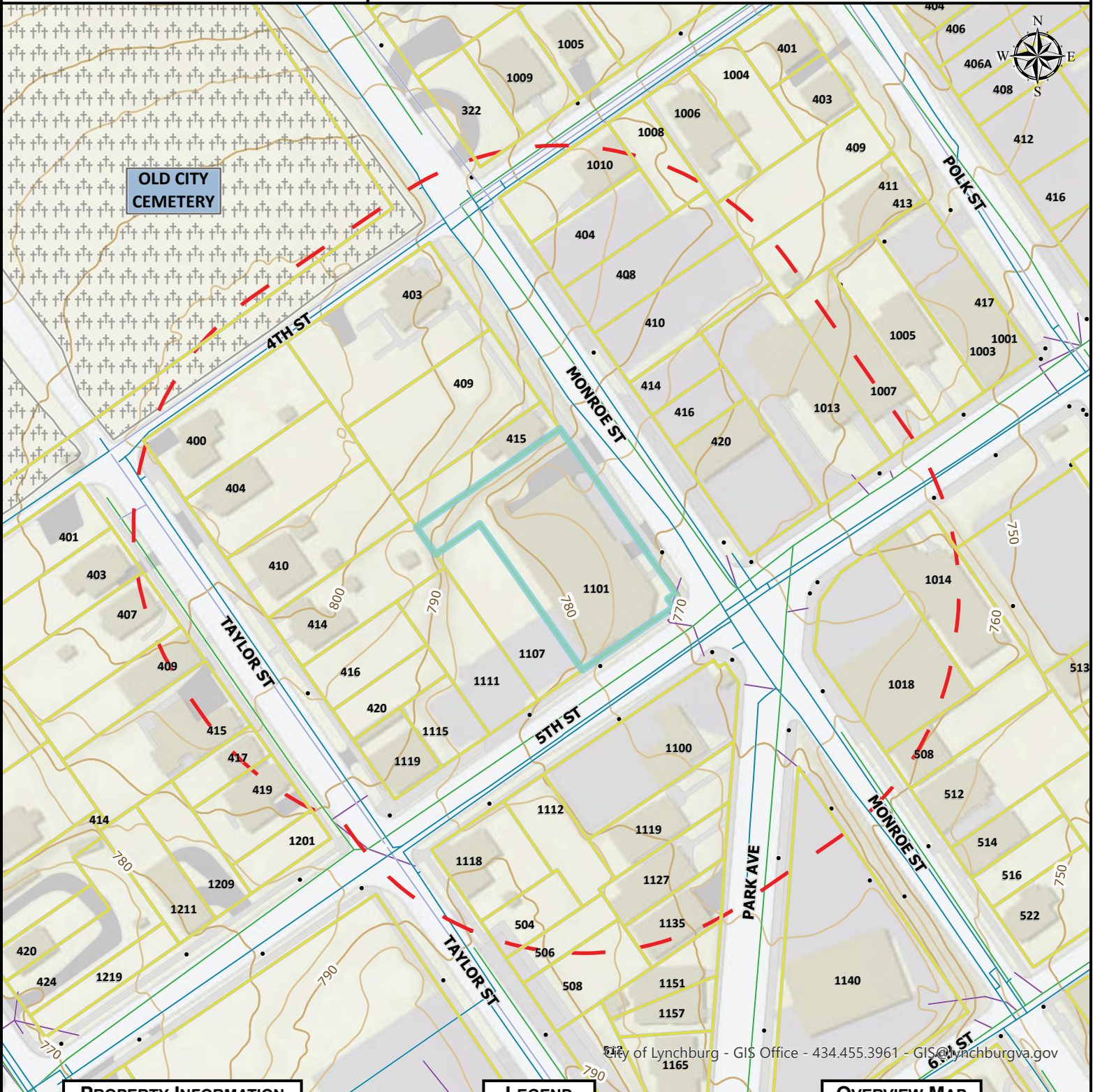
This is an aerial map of a residential neighborhood in St. Louis, Missouri. The map displays property boundaries, street names, and lot numbers. The streets shown are 4th St, 5th St, 6th St, Taylor St, Monroe St, and Park Ave. A specific property is highlighted with a red outline. The map is divided into three sections: 'PROPERTY INFORMATION' on the left, 'LEGEND' in the center, and 'OVERVIEW MAP' on the right. A compass rose is located in the top right corner.

LEGEND

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

MAP SCALE: 1:1,221 DATE PRINTED: 3/26/2024





City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

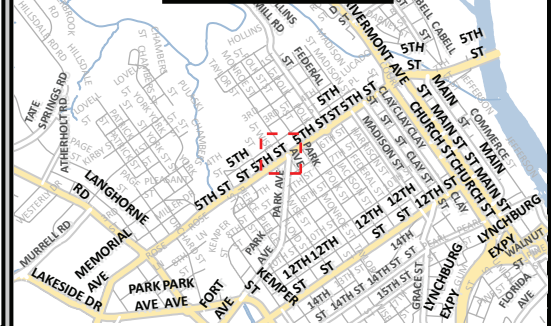
PARCEL ID	ADDRESS
00922007	1101 5TH ST

LEGEND

	Active	Proposed	Abandoned
Utilities	Water	Sanitary	Storm
Planimetrics	Structure	Roadway	Parking
Topography	Contour	100'	50'

MAP SCALE: 1:1,221 DATE PRINTED: 3/26/2024

OVERVIEW MAP



Detailed description of the request

We the petitioners/Owners request the rezoning of the property and building located at 1101 5th street Lynchburg Va. 24504, From B-4 back to B-5.

No structural, or physical changes to the building are planned or needed. Prior to zoning change in 2016, the building was used as a body shop and automotive repair facility. Associated equipment needed for this facility have been in the building since the 1970's for example Paint spray booth, Mixing station, etc.

See attached plan map page labeled EX2

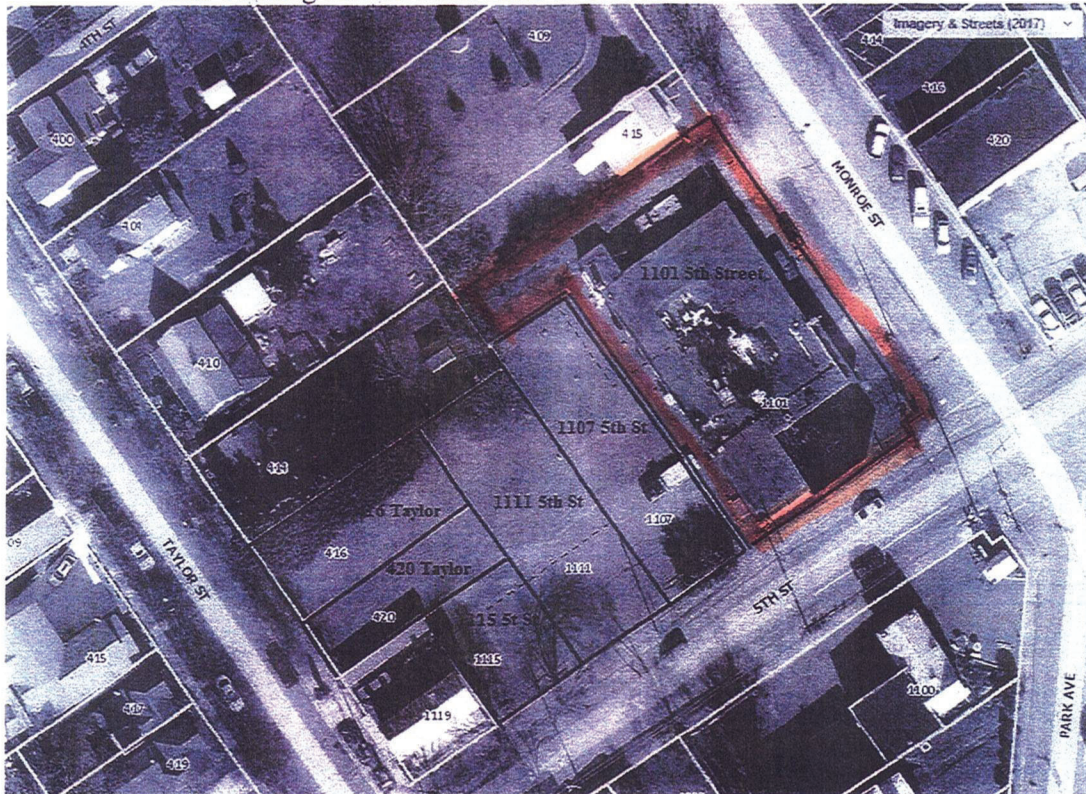
Purpose of proposed change

Rezoning back to B-5 would revive this property and allow it to once again operate as an automotive body shop.

This property was designed and built to function as an Automotive repair / Body shop in the 1940's and the intersection of 1100 5th street has been automotive related for 100 years. Rezoning this property will allow this body shop to restore it's heritage and this should be consistent with the vision of Lynchburg.

See attached diagram EX3

Aerial Sketch from City GIS
Garage/Service Facility on 0.358 acre – outlined in [red box]
Rear Parking/Excess Land Area of 0.440 Acre – outlined in Blue



0.358 ACRE SITE – DEVELOPED WITH GARAGE/SERVICE FACILITY

Description of Site:

Size: 0.358 acre, or 15,600 square feet (approximately)
Shape: Slightly L-shaped - see above sketch
Frontage: 83.7 feet, more or less, on north side of 5th Street -
153 feet, more or less, on west side of Monroe Street.
Access: Non-controlled from frontage roads.
Two entrance drives extend from Monroe Street, one entering at the northeast margin of the site and extending partially along the north property line, providing access to the overhead door entrance into the shop area at the north margin of the building. This entrance also extends parallel to Monroe Street, providing minimal parking, and exiting about 40 feet north of the 5th Street intersection. No entrance drive is available from 5th Street, as the existing building extends proximate to the property line.
Topography: Site is generally level to lightly rolling, following generally the grade of Monroe Street, which rises gradually upward from its 5th

Milton-May Appraisal Company

Ex 2

The City of Lynchburg, VA

Legend

C: Corporate Limit

Addresses

Vacation

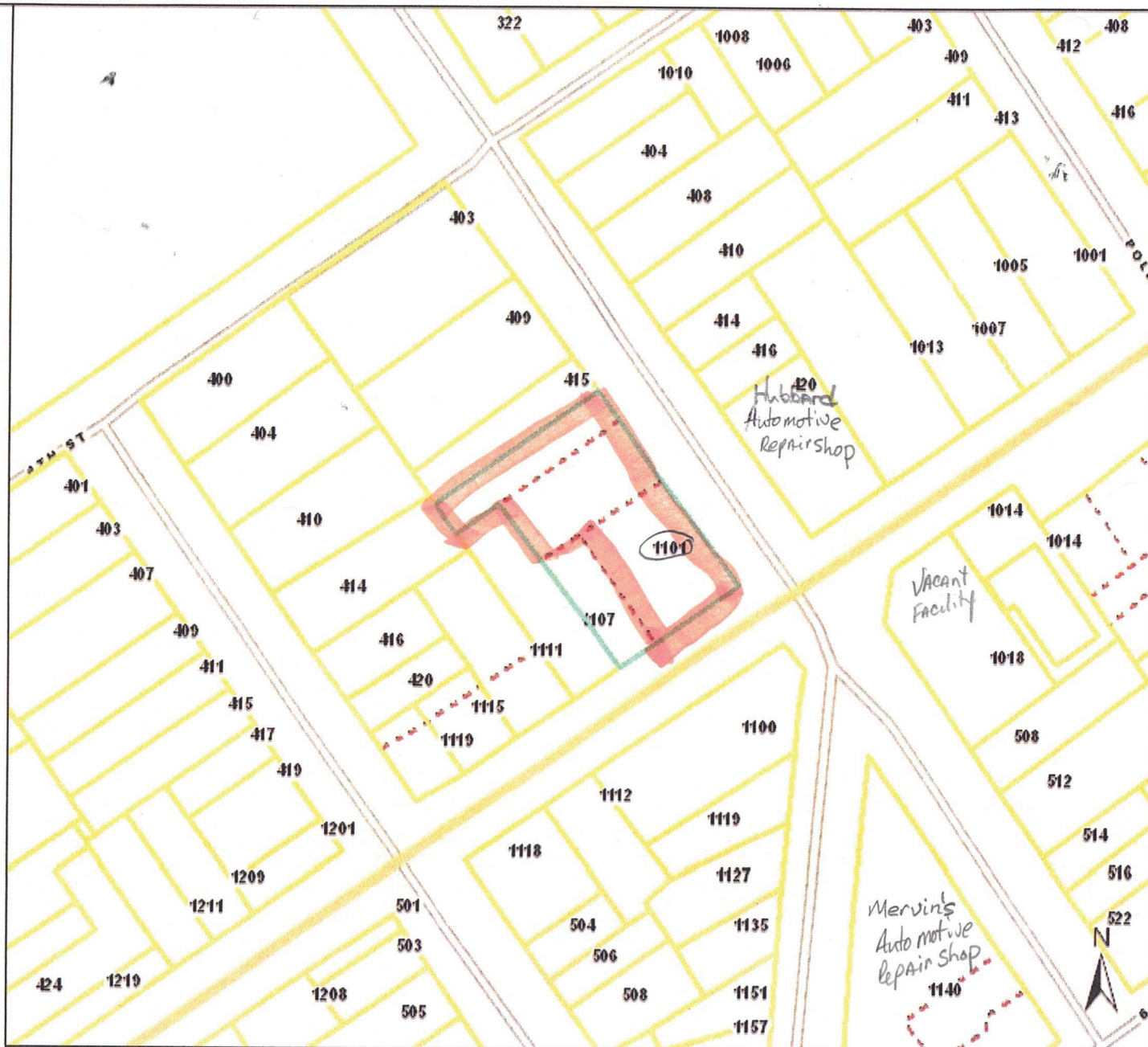
Parcels

Legal Lot Line

Legal Lot Line

Vacated Right of Way

Consistent With
Adjacent Buildings/Businesses
Currently In operation



Date: 6/30/2009

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



May 22, 2024

PLEASE PRINT CLEARLY

[illegible]

From: Jasmine Dixon
Sent: Sunday, May 19, 2024 3:45 PM
To: Planning
Subject: Comment for Rezoning Petition at 1101 5th St

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External Sender

Name: Jasmine Miller-Dixon
Address: 1118 5th St
Phone: (***)***-****

Comment regarding the petition by Robert Kerr to re-zone 1101 5th St from B-4 to B-5. As a resident within 200 feet of this address in question, I have no issues with the re-zoning so long as noise is kept to a minimum after reasonable hours. According to my research this building at this address was originally an auto shop and car wash. Therefore permitting the petition would not significantly change the status quo.

AGENDA ITEM SUMMARY**MEETING DATE**

June 25, 2024

PRESENTED BY

Melva Walker, Grants Manager

AGENDA ITEM # IV.5

Draft Annual Action Plan - Community Development Block Grant (CDBG) and HOME Program

RECOMMENDATION

This item will appear for City Council vote on the July 9, 2024, Public Hearing agenda. Approval of the Fiscal Year (FY) 2025 (Program Year 2024) Community Development Block Grant (CDBG) and HOME Program Annual Action Plan (AAP).

SUMMARY

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

PRIOR ACTION(S)

January 9, 2024: Public hearing and approval of the 2020-2024 Consolidated Plan Goals for FY 2025 Annual Action Plan
February 22, 2024: Community Development Advisory Committee (CDAC) Meeting
June 11, 2024: Public hearing and approval of the CDAC project recommendations for the CDBG and HOME Program

FISCAL IMPACT

FY 2025 increase in CDBG (\$13,779) and decrease in HOME Program (\$75,309) funding based on the final entitlement amounts from HUD.

CONTACT(S)

Melva Walker, Grants Manager

ATTACHMENT(S)

1. ResolutionAAPFY2025
2. AAP 2025 DraftFinalforPublicReview
3. 06.25.2024BIB CouncilPPAction Plan

REVIEWED BY



William Martin, Community Development Director

Date: June 17, 2024



Kent White, Assistant City Manager

Date: June 18, 2024



Alicia Finney, Clerk of Council

Date: June 18, 2024

RESOLUTION

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program Year 2024 (FY 2025) Annual Action Plan is hereby approved for submittal to the Department of Housing and Urban Development (HUD).

Adopted:

Certified: _____

Clerk of Council



Community Development Block Grant (CDBG) HOME Program



DRAFT

Program Year 2024 | Fiscal Year 2025 Annual
Action Plan | July 1, 2024 - June 30, 2025

Executive Summary

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

1. Introduction

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

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

The City of Lynchburg, as an entitlement jurisdiction in the CDBG and HOME Programs, is required by HUD to submit a consolidated plan every five years. The Consolidated Plan defines a specific course of action to meet the community development and housing needs for the citizens of Lynchburg. It integrates economic, physical, environmental, community and human development in a comprehensive and coordinated fashion so that the City, Lynchburg Redevelopment and Housing Authority (LRHA), and nonprofit organizations can work together to assist in meeting the needs of families and/or individuals.

The strategic plan in this document also sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress. In so doing, it helps the City and citizens keep track of results and learn what works in the community.

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

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

2. Summarize the objectives and outcomes identified in the Plan

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

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

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

- Improve Availability/Accessibility
- Improve Affordability
- Improve Sustainability

Activities funded in the five-year plan and the Program Year 2024 Annual Action Plan will support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals:

- Provide Decent, Affordable Housing
- Provide a Suitable Living Environment
- Increase Homeownership
- End Chronic Homelessness

The goals listed below are intended to provide broad guidance in the allocation of CDBG and HOME Program funds granted to the City by HUD for the five years that began on July 1, 2020 and ends on June 30, 2025. The Community Development Advisory Committee (CDAC) supports the allocation of funds to achieve measurable results for both housing and non-housing goals. These goals were reviewed and reaffirmed by City Council on January 9, 2024 for the Fiscal Year (FY) 2025 (Program Year 2024) Annual Action Plan.

Housing Goals

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

- Support efforts for the removal and redevelopment of dilapidated and condemned structures to eliminate neighborhood deterioration, blight and blighting influences.

Non-Housing Goals

- Support the improvements to public facilities and infrastructure.
- Support efforts for the identification and remediation of rental housing in substandard conditions.
- Support neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- Support efforts that align with the goals of the City's Blueprint for Opportunity: Building Tomorrow's City of Lynchburg 2019-2023 to improve the economic base, job skills, and health of the community.
- Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families.
- Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
- Support efforts to remove barriers to escape poverty and strengthen low-income households and families.

3. Evaluation of past performance (Program Year (PY) 2022; Fiscal Year (FY) 2023

The following is a summary of the City's past performance as reported to HUD in the Consolidated Annual Performance Report (CAPER) for overall performance in Program Year (PY) 2022 , Fiscal Year 2023 (FY) 2023.

CDBG Program- Approximately 99.5% (\$1,929,619) of the CDBG funds were expended on activities that benefited low-to-moderate income (LMI) persons within the City. With this amount the City was above the minimum threshold of 70% set in 24 CFR 570.901(a). There was \$1,375,648 of program income expended for the acquisition of property for the site of the new Lynchburg Police Department Headquarters.

There was 18.44% (\$123,707) of Lynchburg's CDBG allocation and prior years' funding expended on planning and administration, which was under the maximum of 20% allowed according to 24 CFR 570.206(g).

There was 5.48% (\$92,796) of Lynchburg's CDBG allocation and prior years' funding expended for public service activities; therefore, the City was under the maximum of 15% mandated by 24 CFR 570.201(e).

CDBG - Improve the City's Infrastructure – In Program Years 2022 and 2021, there was \$125,000 and \$417,665, respectively, of CDBG funds allocated to the Tinbridge Hill Neighborhood Pedestrian Improvements project. In Program Year 2021, construction was completed for the installation of the waterline with associated appurtenances along sections of Taylor Street, Monroe Street, Polk Street, Jackson Street, Third Street, and Fourth Street. New sidewalk and handicapped ramps were constructed along sections of Fourth Street and Monroe Street, complete with segmented block walls. There was \$186,987 of CDBG funds expended for this project during PY 2021. The City expended \$1,307,407 of Capital Improvements Project funds, within the Water Resources Department, in conjunction with the CDBG funds to complete this phase of the project.

In PY 2022, the second phase of this project was completed, which consisted of the relocation of the Tinbridge Hill Overlook Trail. This Trail serves as a trail head to the Kemper Train Station Trail, located in Blackwater Creek Natural Area. In addition, an overlook of the Trail and Natural Area was installed. There was \$286,015 of CDBG funds expended during this program year for the completion of this project. The City expended \$83,085 of CIP project funds in conjunction with the CDBG funds to complete this phase of the project.

CDBG - Public Improvements/Facilities - In PY 2021, there was \$512,607 allocated for the Jefferson Park Revitalization Improvements project. During PY 2021, the design for Phase I of the park improvements was completed. Phase I focused on the southeast side of the park, the part that is most accessible to the neighborhood, and included improvements that will have an immediate impact. Design included a new basketball court, stair improvements to the old amphitheater, a small loop trail in the park, an Americans with Disabilities Act (ADA) accessible trail into the park, neighborhood “patio” with a pavilion on the former tennis court, park lighting, and the required stormwater management. Additionally, a new basketball court with a community-chosen mural on the surface was installed. During PY 2022, there was \$80,731 expended for this project to complete Phase 1.

During PY 2022, the design continued for the construction of the Court Plaza improvements, site furnishings, lighting, stormwater management, and landscaping. These items are planned to be constructed and completed in Program Year 2023.

HOME - Increase permanent affordable housing in the rental market -In previous years and in PY 2022, Rush Homes received \$928,140 of HOME Program funds for its Community Housing Development Organization (CHDO) rental housing project, Florida Terracette. The Florida Terrace project will be a 31-apartment unit rental development. Plans are to provide housing for persons with and without disabilities, but all tenants will be low income. At least 25% of tenants will have a disability. There will be a set aside of seven (7) units for Permanent Supportive Housing (people who are exiting homelessness who also have disabilities). At the end of PY 2022, the construction phase is nearing completion. The project will be completed in PY 2023. There has been \$761,368 of HOME Program funds expended for this project.

HOME - Increase the number of owner-occupied units - Funding for the Greater Lynchburg Habitat for Humanity's (GLHFH) Knott Street Development project will help subsidize the development costs for nine (9) parcels and homes, all of which will be sold to income-eligible families. There was \$270,000 allocated of PY 2020, \$208,425 of PY 2021, and \$152,865 of PY 2022 HOME Program funds for this project. The development for this project has been completed and included the costs for building the streets, sidewalks, waterline and sewer connections, clearing of trees and other required appurtenances. All of the HOME funds allocated for this project have been expended. Habitat for Humanity will begin the construction of the housing units within this development in PY 2023.

The City increased the number of owner-occupied units by two (2) during PY 2022. The City's partnership with GLHFH provided Homebuyer Homeownership for two (2) units through its Down Payment Assistance project to eligible clients for the purchase of two homes. In PYs 2019 and 2020, there were \$203,140 in HOME Program funds allocated to GLHFH. In PY 2022, GLHFH expended \$26,900 for down payment assistance to the homebuyer.

CDBG - Rehabilitate substandard housing units - During PY 2022, two (2) rental units were rehabilitated by private landlords through the Rental Rehabilitation Program at Lynchburg Redevelopment and Housing Authority (LRHA). LRHA expended \$15,055 of CDBG funds for these rental rehabilitation activities. The landlords successfully rehabilitated the units at a total cost of \$20,936, and the units are occupied by eligible, low-to- moderate income households.

CDBG -Public Services - Through the Coordinated Homeless Intake and Assessment (CHIA) project, a uniform intake tool was developed to quickly assess individual and family needs and assure they are diverted from the homeless response system or expeditiously placed in the most appropriate housing program. CHIA assisted 6,020 people and expended \$65,000 during PY 2022.

During PY 2022, LRHA staff provided the public and local organizations with information regarding housing, local resources for housing, and how to apply for numerous services and programs. The AHRC utilized a new web-based software program that simplified the affordable housing world in searching, applying, managing and reporting on available housing in the Lynchburg area. In PY 2022, staff assisted approximately 718 persons through visits to the AHRC, telephone calls, and email. This project was allocated \$42,788 in CDBG funds for Program Year 2021. In PY 2022, the AHRC expended the remaining funds of \$22,912 allocated in PY 2021, completing this activity.

The Scoutreach program, a Boy Scouts of America and Lynchburg Parks and Recreation Department program, is a program at the neighborhood centers that offers an opportunity for school-age youth to broaden their experiences inside and beyond the neighborhood setting. In PY 2022, 20 youth were served and \$4,506 was expended.

4. Summary of Citizen Participation Process and consultation process

The planning process for the preparation of the Five-Year Consolidated Plan and FY 2025 Annual Action Plan included the following distinct elements:

- Focus group sessions with representatives from City government (staff), non-profit organizations, and other service providers to gain stakeholder input on the identification of City needs.
- Additional meetings and interviews with City departmental staff and other provider agencies and stakeholders throughout the planning process to understand the current scope of programs, issues, and concerns. The one-on-one conversations helped to develop strategies to address the community needs that were identified in the focus group sessions.
- Review of existing community development-related planning documents, including the City of Lynchburg's 2030 Comprehensive Plan.
- There was one public meeting conducted by the Community Development Advisory Committee (CDAC) and three public hearings conducted by City Council for the FY 2025 Annual Action Plan to review the housing and non-housing goals and the proposed project applications. Public notices were published in the local newspaper, *The News and Advance*, along with notifying community organizations through electronic mail and social media.

5. Summary of public comments

On January 9, 2024, City Council conducted a public hearing to receive citizens' comments concerning the Community Development Block Grant (CDBG) and HOME Program housing and non-housing goals for the FY 2025 Annual Action Plan. At the public hearing, City staff gave a summary of the proposed goals. There was no one present who wished to speak to this item, and the public hearing was closed. City Council approved the goals.

On February 22, 2024, the Community Development Advisory Committee (CDAC) held a public meeting to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the anticipated allocation of \$708,863 in CDBG entitlement, and reprogrammable funds and \$383,917 in HOME Program entitlement and reprogrammable funds. There were representatives from the various agencies that had submitted project applications present at this meeting. CDAC members reviewed each application and asked questions of the respective agency representatives for clarifications. At the conclusion of the meeting, the Committee unanimously agreed on the recommended projects for the CDBG and HOME Program that would be submitted to City Council for approval.

On June 11, 2024, City Council will conduct a public hearing to receive public input and adopt the proposed FY 2025 CDBG and HOME Program projects.

On July 9, 2024, City Council will conduct a public hearing to accept comments regarding the draft FY 2025 Annual Action Plan.

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

7. Summary

The public participation in FY 2025 Annual Action Plan carried general themes of the need for goals that would provide for programs and activities that serve the homeless and persons in poverty; provide education awareness activities to guide persons in securing homeownership through pre and post-counseling, maintaining/retaining their homes and down payment assistance; and provide affordable rental housing for low-to-moderate income persons and persons with disabilities.

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

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

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

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

Table 1 – Responsible Agencies

Narrative (optional)

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

Consolidated Plan Public Contact Information

City of Lynchburg
Department of Community Development
Grants Administration Office
900 Church Street
Lynchburg, VA 24504
Contact: Melva C. Walker, Grants Manager
Phone: 434.455.3916

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

1. Introduction

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

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

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

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

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

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

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

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

Table 2 – Agencies, groups, organizations who participated

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

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

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

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

	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Central Virginia Health Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
11	Agency/Group/Organization	Johnson Health Center
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Johnson Health Center was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
12	Agency/Group/Organization	Centra Foundation
	Agency/Group/Organization Type	Services-Health Regional organization Foundation
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Community health needs of those in poverty
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Centra Foundation was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include funding opportunities to the community to increase health and wellness opportunities.
13	Agency/Group/Organization	VIRGINIA'S REGION 2000 LOCAL GOVERNMENT COUNCIL
	Agency/Group/Organization Type	Regional organization

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

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

19	Agency/Group/Organization	City of Lynchburg Department of Social Services
	Agency/Group/Organization Type	Services - Housing Services-Children Child Welfare Agency Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Division of Social Services was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing availability of services for low-moderate persons to enhance opportunities to bridge out of poverty.
20	Agency/Group/Organization	Blue Ridge Mountains Council- Boy Scouts of America
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Blue Ridge Mountains Council- Boy Scouts of America was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the partnership with the City of Lynchburg Parks and Recreation Department improves neighborhood organizations and the relationship with youth in the community.

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

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

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

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

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

None

AP-12 Participation – 91.105, 91.200(c)

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

On January 9, 2024, City Council conducted a public hearing to receive comments on the housing and non-housing community development goals adopted in the Consolidated Plan for 2020-2024 by City Council on February 11, 2020 regarding the needs common to low- and moderate- income persons and individuals with mental illness, intellectual and physical disabilities, substance abuse or addiction, persons with HIV-Aids, persons that are homeless, and elderly persons. No public comments were received about the goals. City Council adopted the goals for the FY 2025 Annual Action Plan at the public hearing.

The Community Development Advisory Committee (CDAC) conducted a public meeting on February 22, 2024 to review CDBG/HOME allocations and make recommendations for allocations. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in The News and Advance on February 7, 2024 stating the purpose of this meeting was to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the allocation of entitlement and reprogrammable funds.

CDAC and the public were informed that City Council would hold a public hearing on June 11, 2024 on the project recommendations of the CDAC. In addition, a timetable was provided that noted the remaining public meetings that would be held to complete the allocation process and submittal of the Annual Action Plan.

On July 9, 2024, City Council will conduct a public hearing to accept comments regarding the draft FY 2025 Annual Action Plan.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/broad community	January 9, 2024 City Council public hearing. No comments were received.	No comments were received.	There were no public comments that were not considered by City Council in the approval of the goals for the Annual Action Plan.	www.lynchburgva.gov/city-council-meetings
2	Public Hearing	Non-targeted/broad community	June 11, 2024 City Council public hearing.		There were no public comments that were not considered by City Council.	www.lynchburgva.gov/city-council-meetings
3	Public Hearing	Non-targeted/broad community	July 9, 2024 City Council public hearing.		There were no public comments that were not considered by City Council.	www.lynchburgva.gov/city-council-meetings

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Internet Outreach	Minorities Non-English Speaking - Specify other language: N/A Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Public notices were posted on the Grants Administration webpage and the City's front webpage for the January 9, 2024 City Council public hearing; for the June 11, 2024 City Council public hearing; and the July 9, 2024 City Council public hearing.		There were no public comments that were not considered by City Council.	www.lyncburgva.gov/grants-administration

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
5	Public Meeting	Non-targeted/broad community	February 22, 2024- Public meeting of the Community Development Advisory Committee (CDAC) to review submitted CDBG and HOME Program applications.	Applicants provided an overview of the agency's respective CDBG or HOME Program application.	There were no public comments that were not considered or accepted by CDAC.	

Table 4 – Citizen Participation Outreach

Expected Resources

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

Introduction

The City of Lynchburg receives Federal Community Development Block Grant and HOME Investment Partnerships Program funds from the US Department of Housing and Urban Development (HUD) on an annual basis. For the purpose of this Strategic Plan, the City assumes its allocations each year over the five-year period will remain approximately the same and in line with the Program Year 2020 allocation. The Annual Action Plans submitted in each of the subsequent years will reflect actual allocation amounts received.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	722,622	0	20	722,642	0	CDBG funds will support housing and non-housing community development in the City of Lynchburg.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	302,774	0	5,834	308,608	0	HOME funds will continue to support affordable housing through rehabilitation and new development in the City of Lynchburg.

Table 5 - Expected Resources – Priority Table

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

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

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

N/A

Discussion

None

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase permanent affordable housing (rental mar)	2020	2024	Affordable Housing	Citywide	Increase access to/ quality of affordable housing Housing Rehabilitation Affordable Housing for Special Needs Populations	HOME: \$75,000	Rental units constructed: 8 Household Housing Unit
2	Increase the number of owner-occupied units	2020	2024	Affordable Housing	Citywide	Increase access to/ quality of affordable housing Housing Rehabilitation Affordable Housing for Special Needs Populations	HOME: \$203,608	Homeowner Housing Added: 5 Household Housing Unit Down Payment Assistance – 5 persons/families
3	Improve the City's public facilities	2020	2024	Non-Housing Community Development	CENSUS TRACT 11	Infrastructure Improvements Public Facility Improvements	CDBG: \$478,105	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2,051 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Promote Public Service Activities	2020	2024	Non-Homeless Special Needs	Citywide	Public Services	CDBG: \$107,000	Public service activities other than Low/Moderate Income Housing Benefit: 45 Persons Assisted Homelessness Prevention: 5000 Persons Assisted
5	Provide quality oversight/admin fed. programs	2020	2024	admin	Citywide	Planning/Administration	CDBG: \$137,537 HOME: \$30,000	Other: 0 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Increase permanent affordable housing (rental mar)
	Goal Description	Fund activities that expand the supply and improve the condition of housing affordable to lower income households. Fund activities that leverage other public and private resources such as Low-Income Housing Tax Credit projects. Support incentives to increase permanent affordable multifamily rental housing as well as direct assistance to low-income households. Emphasis to be placed on mixed income and inclusive communities.
2	Goal Name	Increase the number of owner-occupied units
	Goal Description	Increasing the number of owner-occupied units through programs such as the Greater Lynchburg Habitat for Humanity and Lynchburg Community Action Group (Lyn-CAG) programs to provide down payment assistance, and housing development and the Community Housing Development Organization (CHDO) will stabilize the City's housing stock through new construction. Emphasis to be placed on mixed income and inclusive communities.

3	Goal Name	Improve the City's public facilities
	Goal Description	Fund non-housing community development proposals that eliminate a threat to public health and safety and/or expand affordable housing development to include water/sewer projects, drainage projects, sidewalks, street improvements, neighborhood improvements, and solid waste disposal projects.
4	Goal Name	Promote Public Service Activities
	Goal Description	Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families. Promote efforts to remove barriers to escape poverty and strengthen low-income households and families. Promote neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place. Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
5	Goal Name	Provide quality oversight/admin fed. programs
	Goal Description	Provide staff for the administration and oversight of the Community Development Block Grant (CDBG) and HOME Program, Neighborhood Plans and the Analysis of Impediments to Fair Housing.

Projects

AP-35 Projects – 91.220(d)

Introduction

The City's FY 2025 planned actions will address the City's priority housing and community development needs. The projects are outlined below.

Projects

#	Project Name
1	City Administration
2	Diamond Hill Neighborhood Plan – Phase 1 Improvements
3	Central Virginia Continuum of Care (CVCoC)/Coordinated Homeless Intake and Access (CHIA)
4	Miriam's House – Extreme Weather Center
5	Rush Homes Carolyn's Place Rental Housing Development (CHDO)
6	Greater Lynchburg Habitat for Humanity Homeownership Program
7	Lynchburg Community Action Group – First Time Homebuyer Down Payment Assistance

Table 7 - Project Information

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

The City will invest the majority of CDBG and HOME Program funds City-wide. Investing in affordable housing projects City-wide will also assist the City in affirmatively furthering fair housing and avoiding the concentration of low-income populations. The City will target its CDBG infrastructure and public improvement activities to census tracts with 51% of its residents at 80% or below the Area Median Income (AMI). Utilizing federal funds, the City will address the needs of the community in low-to-moderate areas and City-wide.

AP-38 Project Summary

Project Summary Information

1	Project Name	City Administration
	Target Area	Citywide
	Goals Supported	Provide quality oversight/admin fed. programs
	Needs Addressed	Planning/Administration
	Funding	CDBG: \$137,537 HOME: \$30,000
	Description	Funding will be used for the general oversight, monitoring, administration, and personnel costs associated with the projects and programs funded with the CDBG and HOME Program.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	N/A - Planning and Administration
	Location Description	City Hall, 900 Church Street, Lynchburg, VA
	Planned Activities	Administration of the CDBG and HOME Program
2	Project Name	Diamond Hill Neighborhood Plan – Phase 1 Improvements
	Target Area	Census Tract 11

	Goals Supported	Improve the City's public facilities
	Needs Addressed	Public Facility Improvements
	Funding	CDBG: \$478,105
	Description	The Dunbar Community Schoolyard project is a common-sense and cost-effective solution to increasing access to park space in the neighborhood. A community schoolyard is a safe, green, and inviting campus, open to the public after school and on weekends. By establishing Dunbar campus as a community schoolyard, the shared public space is transformed into a positive place for youth, families, and neighbors. The addition of Dunbar campus as a community schoolyard would result in access to park space within a 10-minute walk of 75% of Diamond Hill Neighborhood residences.
	Target Date	6/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	This project plans to serve 2,051 people in Census Tract 11. Approximately 80% of households in Census Tract 11 are at or below 80% of the Area Median Income (AMI).
	Location Description	1200-1208 Polk Street, Lynchburg, VA
	Planned Activities	The CDBG funding will be used to design and construct the Dunbar community schoolyard by increasing community park space and improving the school campus by creating safe pedestrian walkways, incorporating seating, investing in low-maintenance landscaping, and enhancing recreational opportunities.
3	Project Name	Central Virginia Continuum of Care (CVCoC)/Coordinated Homeless Intake and Access (CHIA)
	Target Area	Citywide

Goals Supported	Promote Public Service Activities
Needs Addressed	Homeless Housing and Services
Funding	CDBG: \$65,000
Description	Miriam's House as the Lead Agency for the Central Virginia Continuum of Care, in partnership with the Lynchburg Redevelopment and Housing Authority, will continue providing a homeless hotline, Coordinated Homeless Intake and Access (CHIA), for households experiencing a housing crisis. This service was created in 2014 to comply with the Department of Housing and Urban Development's requirement that every community have a coordinated intake process for homeless services in order to be eligible for federal homeless assistance grants. Each year the CVCoC receives approximately 1 million dollars in federal and state homeless assistance grants to leverage this local investment. Funding for the CHIA program is used to employ a full-time Coordinated Entry Specialist that connects households experiencing homelessness or those about to become homeless with the right level of intervention to quickly resolve their crisis. The CHIA program assesses each caller for safety, homeless diversion, and available resources to ensure that every household is provided with a homeless response service such as street outreach, shelter, or homeless intervention. In 2022, there were over 5,136 households experiencing a housing crisis that were served through CHIA which is the highest call volume since program inception.
Target Date	6/30/2025
Estimate the number and type of families that will benefit from the proposed activities	This project, through the CHIA coordinator, plans to serve 5,000 people.
Location Description	409 Magnolia Street, Lynchburg, VA

	Planned Activities	The primary access point for homeless response services is a homeless hotline that is answered by the Coordinated Entry Specialist at CHIA. CHIA provides a phone-based assessment and referral to homeless diversion, homeless prevention, emergency shelter, domestic violence services and other appropriate housing interventions and services. CHIA operates during normal business hours and partners with Roads to Recovery who responds to hotline calls during non-business hours. This partnership ensures that the homeless hotline is available to households experiencing a housing crisis 24/7. The CDBG funds will be used to provide salaries and benefits for the Coordinated Entry Specialist and other associated operational program costs.
4	Project Name	Miriam's House – Extreme Weather Center
	Target Area	Citywide
	Goals Supported	Promote Public Service Activities
	Needs Addressed	Public Services
	Funding	CDBG: \$42,000
	Description	Miriam's House, as the Lead Agency for the Central Virginia Continuum of Care, in partnership with the City of Lynchburg's Department of Human Services, will utilize the funds in support of services to assist individuals experiencing a housing crisis that are further complicated by extreme temperatures. Lynchburg's Salvation Army has historically provided this service for our community. However, a combination of factors including an increase in unsheltered residents and a lack of staff/ and volunteers at the Salvation Army has prompted a need for an alternative to protect our community's most vulnerable citizens. The US Department of Housing and Urban Development's Homeless Management Information Center identified a 322% increase in Lynchburg's unsheltered homelessness from 2019 to 2023.
	Target Date	6/30/2025

	Estimate the number and type of families that will benefit from the proposed activities	This project plans to serve 45 people. This program will provide services to unsheltered individuals who are about to become homeless or already experiencing homelessness. Based on this population, there is a presumption of LMI.
	Location Description	409 Magnolia Street, Lynchburg, VA
	Planned Activities	Miriam's House will issue a request for proposals (RFP) for subrecipient(s) to operate the center, including the necessary staff and resources to run the facility, coordinate volunteers and ultimately connect unsheltered individuals to the temporary shelter during extreme temperatures. The structure would allow the Continuum of Care and the City to ensure the weather center could operate as a low barrier facility focused first on providing respite for the unsheltered and then, through that trust relationship, connecting individuals with additional services.
5	Project Name	Rush Homes Carolyn's Place Rental Housing Development (CHDO)
	Target Area	Citywide
	Goals Supported	Increase permanent affordable housing (rental mar)
	Needs Addressed	Increase access to/ quality of affordable housing Affordable Housing for Special Needs Populations
	Funding	HOME: \$75,000

	Description	Carolyn's Place Phase II is a rental housing development that will provide an additional 16-20 housing units (8-10 duplexes) of affordable and accessible, new construction apartments for individuals/families with disabilities who also have low incomes. The apartments will feature Energy Star appliances including washer/dryers, EarthCraft certification to ensure low energy costs, and a location that is within .25 miles of the GLTC bus line. Further, all apartments will meet Section 504/ Uniform Federal Accessibility Standards (UFAS) requirements that guarantee accessible housing for mobility impaired individuals and families. The location of the apartments is within .5 miles of a shopping center featuring a grocery store and .75 miles of a pharmacy. NOTE: The property on which the Carolyn's Place Phase II rental housing development will be located, requires a rezoning approval from City Council. Rush Homes has submitted the rezoning request to the City. If the rezoning request is not approved, Rush Homes will need to submit an administrative request to the Grants Administration office to have the entitlement (CHDO) funds reallocated to another location for a rental housing development.
	Target Date	6/30/2026
	Estimate the number and type of families that will benefit from the proposed activities	This project will serve individuals/families with disabilities who also have low incomes
	Location Description	The project will be located at 1015-1019 Pinehurst Street, which is located in Census Tract 19
	Planned Activities	Carolyn's Place will provide an additional 16-20 housing units (8-10 duplexes) of affordable and accessible, new construction apartments for individuals/families with disabilities who also have low incomes

6	Project Name	Greater Lynchburg Habitat for Humanity Homeownership Program
	Target Area	Citywide
	Goals Supported	Increase the number of owner-occupied units
	Needs Addressed	Increase access to/ quality of affordable housing
	Funding	HOME: \$114,304
	Description	Greater Lynchburg Habitat for Humanity (GLHFH) develops homeownership opportunities for low-income families that would not qualify or be able to afford homeownership through conventional bank mortgages. GLHFH builds good quality, moderately appointed homes and sells them to qualified applicants. The target population for the program is families whose income falls in the range of 40% to 80% of HUD's Area Median Income (AMI), adjusted for size of the family.
	Target Date	06/30/2025
	Estimate the number and type of families that will benefit from the proposed activities	GLHFH plans to provide down payment assistance to five (5) low-to-moderate income families.
	Location Description	Citywide
	Planned Activities	GLHFH will use HOME funds to pay for down-payment assistance which will reduce the principal balance so that the family can afford the monthly mortgage payments. GLHFH defines "payment affordability" as not more than 30% of monthly income, though GLHFH strives for 25%, when possible, to make the homes affordable for families in the lower tiers of HUD Area Median Income (AMI).
7	Project Name	Lynchburg Community Action Group – First Time Homebuyer Down Payment Assistance

Target Area	Citywide
Goals Supported	Increase the number of owner-occupied units
Needs Addressed	Increase access to/ quality of affordable housing
Funding	HOME: \$89,304
Description	Lynchburg Community Action Group, Inc. is seeking \$100,000 in HOME funds to assist five (5) Lynchburg residents become first time home buyers. Lynchburg Community Action Group, Inc. will use these funds for down payment and closing cost assistance to assist low-moderate income individuals and families purchase a home within the city of Lynchburg.
Target Date	06/30/2025
Estimate the number and type of families that will benefit from the proposed activities	Five (5) families/individuals with household incomes less than 80% of the Area Median Income (AMI) will be provided down payment assistance.
Location Description	Citywide
Planned Activities	Down payment assistance will be provided to five (5) families/individuals.

AP-50 Geographic Distribution – 91.220(f)

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

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

Across Lynchburg in 2013, Blacks comprised 28.2% of the population, Hispanics 3.1%, and Asians 2.7%. Therefore, an area of Black concentration would include any block group where the percentage of Black residents is 38.2% or higher, a Hispanic concentration would include a block group percentage of 13.1% or higher, and an Asian concentration would include a block group percentage of 12.7% or higher. In order to locate racially/ethnically concentrated areas that are also areas of poverty, low and moderate income (LMI) data were layered on top of racially and ethnically concentrated areas. This created racially and ethnically concentrated areas of poverty (RCAPs and ECAPs). The identified RCAPs and ECAPs are displayed in block groups. These maps are in the Unique Appendices.

Geographic Distribution

Target Area	Percentage of Funds
CENSUS TRACTS 11	55
Citywide	45

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically -

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

Discussion

In FY 2025 the project/activities allocations for the designated geographic locations are as follows:

Census Tract 11 -66%; 15% City-wide (CDBG Program)

City-wide - 90% (HOME Program)

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

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

One Year Goals for the Number of Households to be Supported	
Homeless	5,000
Non-Homeless	0
Special-Needs	0
Total	5,000

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

One Year Goals for the Number of Households Supported Through	
Rental Assistance	8
The Production of New Units	10
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	18

Table 10 - One Year Goals for Affordable Housing by Support Type

Discussion

The Coordinated Homeless Intake Access (CHIA) worker plans on serving approximately 5,000 persons through diversion or placement in transitional or permanent housing.

Rush Homes plan to construct eight (8) affordable and accessible apartments for rent for eligible, disabled individuals through its Community Housing Development Organization (CHDO) program. Greater Lynchburg Habitat for Humanity (GLHFH) will provide down payment assistance for five (5) new owner-occupied units. Lyn-CAG will provide down payment assistance for five (5) low-to-moderate income persons for homeownership.

AP-60 Public Housing – 91.220(h)

Introduction

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

The Lynchburg Redevelopment and Housing Authority is dedicated to the improvement of the quality of life for all Lynchburg citizens by being a leader in community development, revitalizing neighborhood and facilitating economic growth and development, by seeking and entering into partnership with organizations and clients to achieve safe, decent, and affordable housing, with an emphasis on homeownership, maintained in a manner that fosters pride and dignity.

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

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

According to the Annual Plan for Fiscal Year 2024 (FY2024), Lynchburg Redevelopment and Housing Authority (LRHA) plans to undertake the following new activities within FY 2024 and beyond:

- Mixed Finance Modernization or Development - LRHA has concluded its Strategic Plan with residents, staff and stakeholders and entered into a Master Development Agreement with a Developer to begin revitalization of Dearington Hill Apartments. The agency submitted a Low-Income Housing Tax Credit (LIHTC) funding application for the first phase of Dearington in March 2024. LRHA has concluded its Master Planning process with the residents at Birchwood Apartments and await their final approval in April 2024.
- Demolition and/or Disposition – LRHA anticipates incorporating plans to its overall strategy to possibly demolish or dispose of properties for mixed finance development.
- Conversion of Public Housing to Project Based Assistance under Rental Assistance Demonstration (RAD). As part of its strategic planning process the LRHA will identify properties and explore RAD conversion.

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

LRHA has partnered with the City of Lynchburg for many years in the use of HOME funds to construct new homes and revitalize neighborhoods for the benefit of low-to-moderate income families. In furtherance of this partnership LRHA developed the "Home for Good" Program in 2022; which is the Authority's vehicle for addressing the need for affordable homeownership in the City of Lynchburg.

In this program LRHA will directly hire the architects and contractors who will undertake the design and construction and identify and select the families that will occupy them, thus streamlining the process to provide additional affordable housing in Lynchburg. Additionally, LRHA encourages and supports other programs and activities to improve the quality of life for public housing residents. These programs address need in the following areas: drug prevention, resident participation in community organizations and activities, employment resources, housing counseling classes, homeownership opportunities, economic development, and self-sufficiency.

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

LRHA is not designated as troubled.

Discussion

None

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

Introduction

Most homelessness initiatives in the City are coordinated through the Central Virginia Continuum of Care (CVCoc), a recipient of funding through the U. S. Department of Housing and Urban Development's (HUD) Continuum of Care Program. Also participating in the CVCoc are the counties of Amherst, Appomattox, Bedford, and Campbell.

The CVCoc is a regional organization comprised of agencies that serve as the lead entity for Continuum of Care Programs. The CVCoc currently has 32-member agencies, with Miriam's House serving as the lead agency.

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

The Central Virginia Continuum of Care (CVCoc) operates the homeless response system within Lynchburg and has a strategic plan to end homelessness. One of the identified goals is to ensure access points for those experiencing a housing crisis are accessible, standardized, and transparent in-service delivery. The CVCoc's primary access point for homeless services is through a homeless hotline, Coordinated Homeless Intake and Access (CHIA). CHIA assesses households experiencing a housing crisis to divert, prevent homelessness, and refer to emergency assistance in an accessible manner through phone conversations. Households fleeing domestic violence are identified and connected with victim service providers. Initial screening occurs for diversion and prevention. Eligible households receive prevention services; including landlord mediation, eviction payment, relocation, housing stabilization. If no other housing options exist, the household is referred to an emergency shelter that fits their needs and honors client choice (geographic location, accessibility). A Housing Barrier Assessment, a prioritization tool, and a Coordinated Entry Referral are used by the CVCoc's coordinated entry system to determine severity of housing barriers and vulnerability and to connect to the appropriate level of intervention. Since 2018 the CVCoc has operated a street outreach program, Homeless Outreach and Mobile Engagement (HOME), to ensure outreach to persons experiencing unsheltered homelessness. HOME engages with unsheltered persons in the area's parks, soup kitchens, under bridges and when notified of an unsheltered person's location. An ongoing goal of the CVCoc is to be continually evaluating the system's success at engaging all persons experiencing homelessness and successfully moving them from homelessness and into housing. Over the last three years there has been an increase in rapid re-housing and permanent supportive housing availability through the CVCoc which has further ensured that households experiencing homelessness have the resources to quickly move into stable rental housing and retain their housing. The current one-year goal is to increase shelter capacity in the region as the number of individuals experiencing unsheltered homelessness has increased.

Addressing the emergency shelter and transitional housing needs of homeless persons

As soon as someone is experiencing a crisis impacting their housing stability, they are assessed through the CVCoc homeless hotline, Coordinated Homeless Intake and Access (CHIA). A Coordinated Entry

Specialist at CHIA first has a problem-solving conversation with the household in efforts to divert them from becoming homeless. If diversion is unsuccessful, a household is referred to an emergency shelter bed, as available. Households needing special attention due to a domestic violence situation are referred to the domestic violence hotline through the YWCA of Central Virginia. Once in shelter, the household's housing barriers and needs are assessed through shelter case management. Households belonging to a priority subpopulation (families, youth, veterans, and chronically homeless) are additionally assessed using the CVCoC Coordinated Entry Referral form and the Matching for Appropriate Placement (MAP) tool to be used by the coordinated entry system team to make appropriate referrals for services such as rapid re-housing and permanent supportive housing. Shelter staff provide targeted housing focused case management to locate safe and affordable housing as quickly as possible. In 2018, the CVCoC's average length of time homeless persons were in emergency shelter was 37 days. In 2020 the average length of time persons experienced homelessness was reduced to 34 days due to increased landlord recruitment, increased rapid re-housing and permanent supportive housing capacity, and ongoing case conferencing with homeless response providers in order to collaboratively serve households with high barriers. In 2023 the average length of time persons experienced homelessness increased to 213 days due to rising rental costs, landlords' increased preferences, and lack of housing options. The two- year recidivism rate indicates 95% maintain housing after CVCoC discharge which is an increase from the prior year. Housing stability will continue to increase through expanded housing stabilization services and use of best practices (critical time intervention and landlord/tenant mediation). Prior to discharge, staff ensure households have wraparound services in substance recovery, mental health, employment, education, healthcare, legal services, and childcare to strengthen stability. Discharged households are connected with aftercare support groups and rental counseling. The Housing Barriers Assessment and MAP tool assess previous homelessness to identify returns and strategically target resources. The CVCoC collaborates with the local federally qualified health center (Johnson Health Center), Community Service Board (Horizon Behavioral Health) and the City's Division of Social Services to assess eligibility for healthcare coverage. The local Division of Social Services assesses Medicaid eligibility and enrolls clients. For persons ineligible for health insurance, the Free Clinic of Central Virginia partners with the CVCoC to provide low barrier, free medical care to homeless persons.

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

The CVCoC has identified four priority subpopulations which are chronically homeless individuals, families with children, veterans and their families and unaccompanied youth. In 2018, the CVCoC was invited to join Community Solutions' Built for Zero (BFZ) campaign. The campaign is a national change

effort working to help communities end homelessness amongst specific populations through developing real time data on homelessness, optimizing local housing resources, tracking progress toward monthly goals, and accelerating proven strategies. Through these efforts, in October of 2018, the CVCoC launched a By-Name List, a real time list of all people within the CVCoC priority subpopulations experiencing homelessness in the Lynchburg area. It includes a robust set of data points that support coordinated access and prioritization at a household level and an understanding of homeless inflow and outflow at a system level. Since the launch of the By-Name List there have been hundreds of homeless households identified and offered housing assistance.

Veteran-specific homeless response providers, HUD-Veteran Affairs Supportive Housing (HUD-VASH) and Supportive Services for Veteran Families (SSVF) target homeless veterans and provide housing and supportive services. Bi-weekly these providers meet with other members of the CVCoC to review the By-Name List of every veteran experiencing homelessness to problem solve and identify rapid solutions to end their homeless episode. They, like all homeless services providers, enter client-level data into the CVCoC Homeless Management Information System (HMIS) allowing more visibility into the flow of next step interventions for veterans. The Homeless and Housing Services (HHS) Committee continues to work on strategies to prevent and end homelessness in the Central Virginia region. Currently, the three top goals of focus are to prevent people from losing their housing and divert people from entering the homeless services system, to quickly connect people experiencing homelessness to housing assistance and services tailored to their unique needs and strengths to help them achieve and maintain stable housing, and to increase employment and income growth for homeless persons.

Case conferencing has allowed CVCoC partners to present households experiencing homelessness to the CVCoC to develop effective and efficient interventions which decrease the length of time households experience homelessness. CVCoC projects follow a “Housing First” approach to minimize the time households experience homelessness by lowering barriers to project entry, decreasing involuntary discharge and not predicating services on housing readiness. A priority subpopulation within the CVCoC is households with children which ensures quick admittance to rapid re-housing projects to begin housing search and placement. The CVCoC’s current largest rapid re-housing project is dedicated to households with children. From 2016 to 2023 family homelessness decreased by 37%.

In the 2018 Point-In-Time (PIT) Count, unaccompanied youth experiencing homelessness increased from years past. The CVCoC expanded rapid re-housing resources to include unaccompanied youth ages 18-24. As a result, the 2023 PIT Count reported a 78% decrease in homeless youth since 2018.

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

employment, education, or youth needs.

The CVCoC operates a homeless prevention program that targets households imminently at risk of homelessness. The program uses a targeting tool that identifies households who will become homeless but for intervention. This program offers rental assistance, landlord mediation, housing relocation and housing stabilization services. In relation to youth aging out of foster care, patients released from medical facilities, patients released from mental health institutions, and ex-offenders released from correctional institutions, the CVCoC continues to work in cooperation with individuals from local law enforcement agencies, supportive service agencies, and other interested parties to coordinate discharge.

Discussion

Foster Care (Youth Aging Out): The City's Division of Social Services meets with youth in foster care at least 90 days prior to discharge in order to plan for the impending discharge. Family partnership meetings are held to develop a transitional plan with each youth that focuses on housing. The vast majority of youth leaving the foster care system return to their families of origin and many of them remain with their foster families despite being discharged from the system. Representatives from Lynchburg Department of Human Services sit on the CVCoC Board and on CVCoC committees to ensure increased coordination. The CVCoC policies require coordination with healthcare institutions for discharge planning and prevent, when possible, discharges to homelessness. The CVCoC coordinates with the local healthcare system, Centra, for discharge planning. The staff at Centra manages discharge planning with area housing agencies, providers, and organizations in the CVCoC to ensure safe and adequate placement of those being released from the hospital system. Representatives from Centra sit on the CVCoC Board and on committees to ensure increased collaboration.

Mental Health: Horizon Behavioral Health is an active member and board member of the CVCoC. The CVCoC has provided ongoing training to its members with regards to accessing services from Horizon Behavioral Health. Horizon Behavioral Health has received from the CVCoC information about current and new referral options in the area through organization presentations and announcements. Horizon currently operates two homeless response programs that pair access to affordable housing with intensive wrap-around supportive services for individuals with a serious mental illness.

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

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

Introduction:

The City of Lynchburg completed an Analysis of Impediments to Fair Housing Choice (AI) in 2020. The AI, in addition to identifying fair housing issues, also identified potential barriers to affordable housing. Those barriers include: access to community assets and opportunities; location and type of affordable housing; and discriminatory lending behavior towards members of the protected class.

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

Overall, the Zoning Ordinance of the City of Lynchburg is at a low risk relative to discriminatory provisions for housing members of protective classes and building design and construction standards in Lynchburg more than adequately implements accessible measures for people with disabilities by utilizing state building codes. However, the following are some opportunities that city administration continues to encourage in the public and private sector to provide further access to affordable housing:

- the City of Lynchburg will allocate FY 2025 HOME funds to create five (5) homeowner-occupied units, encourage 5 more potential homeowners to purchase homes, and create eight (8) units of rental housing for persons with disabilities who are exiting homelessness;
- encourage potential homeowners to purchase homes;
- coordinate with the Greater Lynchburg Transit Company (GLTC) to increase routes that will provide access to community assets and opportunities through public transit;
- investing resources in higher opportunity areas and encouraging landlords to accept Housing Choice Vouchers (HCV) through the public housing authority; and
- continue to provide education and outreach to private lenders and borrowers regarding fair housing and lending discrimination, in addition to organizations that currently advocate for fair housing.

Discussion:

The City of Lynchburg continues to support efforts to improve the lives of low- and moderate-income households in the Community. Through the development of affordable housing and funding for public services, the City partners with public and private housing agencies and local social service agencies to meet the needs of the community. For public awareness of fair housing and access to affordable housing, City staff placed a public notice in The News and Advance and posted on the City's social media regarding "April is Fair Housing Month". (See Public Participation attachment) Lynchburg Community Action Group (Lyn-CAG), a local non-profit and community partner, conducted a Fair Housing Community Conversation for local housing providers during Fair Housing Month. (See Public Participation attachment) The CVCoC conducted a Fair Housing training for participating agencies in April 2024.

AP-85 Other Actions – 91.220(k)

Introduction:

In FY 2025, the City of Lynchburg plans the following actions to help address the housing and community development needs of City residents, especially low/moderate income residents.

Actions planned to address obstacles to meeting underserved needs

Inadequate resources are the chief obstacle to meeting underserved needs ---both financial and human (staffing). The Central Virginia Continuum of Care (CVCoC) received \$489,981 in Fiscal Year 2023 in funding to continue its efforts in providing Permanent Supportive Housing and Rapid Re-housing for homeless persons. The City allocated a total of \$130,000 of Community Development Block Grant (CDBG) funds in Program Years 2023 and 2024 to support the Coordinated Homeless Intake Access (CHIA) system for persons who are homeless or about to be homeless. CHIA provides the support for these persons to access the necessary resources needed to find shelter, services, and/or permanent housing. The City of Lynchburg will continue to collaborate with human and social service agencies and the CVCoC to identify potential resources for meeting the service needs of City residents. The City will continue to support the efforts of service agencies to maximize the use of available resources and to obtain additional resources whenever possible.

In addition, in Fiscal Year 2024 the CVCoC has applied for funding from the Virginia Department of Housing and Community Development (DHCD)'s Homeless and Special Needs Housing (VHSNH) program funds in the amount of \$421,530 to continue the programs for homeless prevention, low-barrier emergency shelter operations, community first, street outreach, and Housing Opportunities for Persons with AIDS (HOPWA).

Actions planned to foster and maintain affordable housing

Using HOME Program funds, it is anticipated that Rush Homes with the Carolyn's Place Rental Development project will provide eight (8) affordable and accessible new construction units for individuals with disabilities who are exiting homelessness and require Permanent Supportive Housing services. The City has allocated \$1,348,624 in HOME American Rescue Plan (HOME-ARP) funds to Rush Homes in order to further fund Carolyn's Place Rental Development project. Greater Lynchburg Habitat for Humanity plans to assist five (5) low-to-moderate income households through its Homeownership Program by providing down payment assistance. Lyn-CAG also plans to assist five (5) low-to-moderate income households through its Homeownership Program by providing down payment assistance.

Actions planned to reduce lead-based paint hazards

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

Actions planned to reduce the number of poverty-level families

The City of Lynchburg has a taskforce in the community to identify the causes and possible local solutions to addressing poverty. The Bridges to Progress taskforce and steering committee continues to address issues of poverty in the City of Lynchburg. The City has invested in this group with general funds due to the success seen by the initiative. Reducing poverty enables families to move towards self-sufficiency and increases their ability to afford housing. The City's anti-poverty strategy and the Consolidated Plan both work towards a shared goal of enabling every family to afford decent housing in suitable living environments. To the extent possible given its limited resources, the City will continue to support organizations that provide supportive services to encourage local economic development, and to preserve and improve affordable housing options as part of its strategy to prevent and alleviate poverty.

Actions planned to develop institutional structure

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

Primarily, the City's strategies will be conducted in the various partnerships the City enjoys with the public and private housing developers and service providers operating in the City and in the region. These include public partners, such as the Lynchburg Redevelopment and Housing Authority (LRHA), and several private non-profits such as Lynchburg Community Action Group (Lyn-CAG), Greater Lynchburg Habitat for Humanity (GLHFH), Rush Homes, and FARRR Foundation (Lighthouse Beloved Community Land Trust); and the various Central Virginia Continuum of Care organizations/non-profits. These and others work separately and collectively, along with City staff, on projects that achieve the goals stated by City Council.

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

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

- Strengthen the intake process and procedures for CHIA to provide a clearer understanding to the partnering agencies and homeless persons;
- ; and
- CHIA Homeless Intake Coordinator was Miriam's House.

Discussion:

None

Program Specific Requirements

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

Introduction:

The City plans to address the overall minimum benefit of 70% of CDBG funds in Program Years 2022, 2023, and 2024.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

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

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

Total Program Income:

Other CDBG Requirements

- | | |
|---|--------|
| 1. The amount of urgent need activities | 0 |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. | 70.00% |

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

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

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

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:
In accordance with HOME Program regulations at 24 CFR Part 92, properties assisted must remain affordable during the affordability period. Under recapture provisions, this period is based on the direct HOME subsidy to the homebuyer and includes down payment assistance, gap financing, and interest rate buy downs, as available.

The HOME affordability periods are as follows:

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

HOME-assisted units are subject to affordability for the entirety of the affordability period. These HOME-assisted units are subject to a recapture provision in order to assure that the units either remain affordable (i.e. housing eligible clients) or that the City recovers its investment based on the terms of the agreement. Funds are recaptured only from the net proceeds of the sale or foreclosure. In accordance with HOME CPD 12-003 Notice "Guidance on Resale and Recapture Provision Requirements under the HOME Program" the City has submitted to the HUD Richmond Field Office the Recapture Restriction Agreement used by the City for homebuyer projects. This document includes the basic requirements for recapture provisions in HOME Investment Partnerships (HOME) program homebuyer projects. The document was reviewed by the HUD Richmond Field Office staff and was found to be acceptable for compliance with Sec. 92.254(a)(5) of the HOME Program regulations.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:
In addition, the City will enforce the recapture provision requirement in its contractual agreement with its sub-recipients and CHDO organization(s). This recapture provision must be used by all subrecipients, and CHDO organization(s) when transactions are sale of property using HOME Investment Partnership Program. Therefore, all the sub-recipients or the CHDO organization(s) will

be responsible for passing the recapture provision requirement to the purchaser of the HOME-assisted unit in the form of a “Recapture Restriction Agreement”, deed or land covenant that runs concurrently with the affordability period.

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

Not applicable.

During Program Year 2024 (FY 2025), the City of Lynchburg does not anticipate using HOME Program funds to finance or refinance debt secured by multi-family housing that is being rehabilitated with HOME funds.

FISCAL YEAR (FY) 2025 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM DRAFT ANNUAL ACTION PLAN

June 25, 2024





Community Development Block Grant (CDBG) HOME Program



DRAFT

Program Year 2024 | Fiscal Year 2025 Annual
Action Plan | July 1, 2024 - June 30, 2025

EXPECTED ACTION

- Public Hearing – July 9, 2024
- Approve Fiscal Year 2025 Annual Action Plan

PURPOSE & ACTION

The Plan outlines the needs, goals, and objectives for community development including housing and non-housing areas. The Plan includes all of the required components and the Community Development Advisory Committee (CDAC) recommended CDBG and HOME Program projects approved by City Council at the public hearing conducted on June 11th.

The required 30-day public comment period for the Plan began on June 7th and will conclude at the public hearing scheduled to come before you on July 9th.

AGENDA ITEM SUMMARY**MEETING DATE**

June 25, 2024

PRESENTED BY

Matthew Freedman, City Attorney

AGENDA ITEM # IV.6

National Opioid Litigation Settlement - Kroger Opioid-Related Claims

RECOMMENDATION

Review and discuss the adoption of the attached proposed Resolution.
The attached proposed Resolution will be presented for adoption on July 9, 2024.

SUMMARY

As the City Council recalls, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic. The Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU"), an attachment to R-21-095, illustrates the results of such negotiations.

100% participation in the MOU and the previous multistate opioid settlements with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Johnson & Johnson, Teva, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart was achieved. As of June 17, 2024, the City's Finance Department indicated the City has received \$502,291.20 from the national opioid litigation settlements. Additionally, the City has received a grant from the Virginia Opioid Abatement Authority in the amount of \$1,946,372 for the Cooperative Partnership for Horizon Crisis Receiving Center.

The City Council will need to decide if they desire the City to participate in the negotiated settlement proposals with Kroger and related entities. The amount of funds that will flow to Virginia and its localities from these settlements depends on maximizing participation. Participating Virginia counties and independent cities may receive some of the settlement funds pursuant to the allocation framework described in the Virginia Opioid Abatement Fund and the MOU previously described.

PRIOR ACTION(S)

March 14, 2023: Adoption of R-23-027

December 14, 2021: Adoption of R-21-096

December 14, 2021: Adoption of R-21-095

FISCAL IMPACT

TBD as the amount of settlement funds that will flow to the City depends on the amount of participation around Virginia.

CONTACT(S)

ATTACHMENT(S)

1. Proposed Resolution - Opioid-Related Claims (Kroger)
2. #R-23-027
3. R-21-096
4. R-21-095
5. Executive Summary
6. Statement_of_PEC (Kroger Settlement)
7. OAG PowerPoint - Opioid Litigation Settlement

REVIEWED BY



Date: June 20, 2024

Alicia Finney, Clerk of Council

A RESOLUTION OF THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA
APPROVING THE CITY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF
OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE
ENTITIES, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS
NECESSARY TO EFFECTUATE THE CITY’S PARTICIPATION IN THE SETTLEMENT

RESOLUTION:

#R-24-_____

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, Virginia (“City”), by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City’s various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City; and

WHEREAS, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

WHEREAS, the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the “Virginia MOU”), and affirms that this pending settlement with Kroger shall be considered a “Settlement” that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlement and has recommended that the City participate in the settlement in order to recover its share of the funds that the settlement would provide.

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

1. That the Council of the City of Lynchburg, Virginia hereby approves of the City's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlement, including the required release of claims against Kroger.

2. That this Resolution shall be effective upon its adoption.

Adopted: _____

Certified: _____
Clerk of Council

RESOLUTION:

#R-23-027

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY OF LYNCHBURG'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST TEVA, ALLERGAN, WALMART, WALGREENS, CVS, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY OF LYNCHBURG'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the City of Lynchburg, Virginia ("City"), by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by the City's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including the City, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and the City; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the City has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered "Settlements" that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals; and

WHEREAS, the City Attorney has reviewed the available information about the proposed settlements and has recommended that the City participate in the settlements in order to recover its share of the funds that the settlement would provide.

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

1. That the Lynchburg City Council, this 14th day of March, 2023, approves of the City's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.
2. That this Resolution shall be effective upon adoption.

Adopted: March 14, 2023

Certified:


Clerk of Council

RESOLUTION:

#R-21-096

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

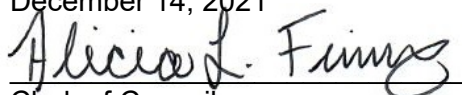
WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lynchburg, Virginia, this 14th day of December, 2021, approves of the City's participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the City Attorney to execute the documents necessary to effectuate the City's participation in the settlements, including the required release of claims against settling entities.

Adopted: December 14, 2021

Certified:


Clerk of Council

RESOLUTION:

#R-21-095

A RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING OF THE CITY'S PARTICIPATION IN THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING ("MOU") AND DIRECTING THE CITY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE CITY'S PARTICIPATION IN THE MOU

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lynchburg, Virginia, this 14th day of December, 2021, hereby authorizes and approves of the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") attached hereto and incorporated by reference as Exhibit "A", and directs the City Attorney to execute the MOU on behalf of the City.

Adopted: December 14, 2021

Certified: Alicia L. Finney
Clerk of Council

**VIRGINIA OPIOID ABATEMENT FUND AND
SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING**

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

4. "Counsel" shall mean the undersigned private attorneys representing the Political Subdivisions.
5. "The Parties" shall mean the Commonwealth of Virginia, the Political Subdivisions, and Counsel.
6. "Negotiating Committee" shall mean a three-member representative group of the Parties. The Commonwealth shall be represented by the Virginia Attorney General or his designees. The Political Subdivisions and Counsel shall be represented by W. Edgar Spivey of Kaufman & Canoles, P.C. or his designee, and J. Burton LeBlanc of Baron & Budd, P.C. or his designee.
7. "Settlement" shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant named in Complaints filed by all the Political Subdivisions in court on or before April 30, 2020 when that resolution has been jointly entered into by the Commonwealth, the Political Subdivisions, and Counsel. "Settlement" also shall include the approval by a United States Bankruptcy Court of a plan of reorganization or liquidation of a Pharmaceutical Supply Chain Participant, or any other determination, ruling, or decision by a United States Bankruptcy Court, in which legal or equitable claims against the Pharmaceutical Supply Chain Participant by the Commonwealth and the Political Subdivisions are settled, adjudicated, released, or otherwise resolved.
8. "Opioid Funds" shall mean monetary amounts obtained through a Settlement as defined in this MOU.
9. "Approved Abatement Purposes" shall mean efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the

opioid epidemic, including but not limited to those efforts described in Section C(4)(a) through (j) of this MOU. In addition, "Approved Abatement Purposes" shall include the types of efforts approved for funding by the Authority that is defined in Section C(1). "Approved Abatement Purposes" also shall include any other abatement or remediation purposes to the extent such purposes are described in a Settlement.

10. "Pharmaceutical Supply Chain" shall mean the process and channels through which opioids or opioid products are manufactured, marketed, promoted, distributed or dispensed.
11. "Pharmaceutical Supply Chain Participant" shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

B. Allocation of Settlement Proceeds

1. All Opioid Funds shall be initially divided with fifteen percent (15%) going to the Participating Political Subdivisions ("Subdivision Share"), seventy percent (70%) going to the Virginia Opioid Abatement Fund and to other Approved Abatement Purposes as further described herein ("Opioid Abatement Share"), and fifteen percent (15%) going to the Commonwealth of Virginia ("Commonwealth Share").
2. The Subdivision Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

3. In the event a Participating Political Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Participating Political Subdivision shall be redistributed equitably based on the composition of the successor subdivision.
4. The Commonwealth Share shall be deposited to the Attorney General's Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund with moneys transferred to the Commonwealth's General Fund as provided by law. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Commonwealth Share shall be deposited and distributed accordingly.
5. The Opioid Abatement Share of 70% of the Opioid Funds shall be allocated and paid as follows:
 - a. Fifty-five percent (55%) of the Opioid Funds shall be allocated and paid to the Virginia Opioid Abatement Fund ("Fund").
 - b. Fifteen percent (15%) of the Opioid Funds shall be allocated and paid to the Participating Political Subdivisions and shall be used for Approved Abatement Purposes ("Direct Subdivision Abatement Share"). Upon request, a Participating Political Subdivision shall make publicly available information showing the purposes for which the Participating Political Subdivision used Direct Subdivision Abatement Share funds. The Direct Subdivision Abatement Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who

elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

6. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Subdivision Share and the Commonwealth Share shall be used for Approved Abatement Purposes.
7. To receive funds allocated under this MOU from any Settlement, the Commonwealth and the Participating Political Subdivisions will comply with the terms of any such Settlement, including, among other things, any reporting requirements or restrictions on the use of funds for administrative purposes.

C. Virginia Opioid Abatement Fund and Virginia Opioid Abatement Authority

1. The Parties have sought creation of a Virginia Opioid Abatement Authority ("Authority") through legislation submitted to the Virginia General Assembly, which passed in the form attached hereto as Exhibit B. The Authority shall administer the Fund, which also shall be created through the legislation. The Authority shall seek to abate and remediate the opioid epidemic in Virginia through financial support from the Fund in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in Virginia.
2. The Authority shall be governed by a Board of Directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources, or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a Participating Political Subdivision, to

be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority of an urban or suburban region containing Participating Political Subdivisions and one representative of a community services board or behavioral health authority of a rural region containing Participating Political Subdivisions, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a Participating Political Subdivision, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing City or County Attorney of a Participating Political Subdivision, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

- a. The members appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor.
- b. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. Ex officio members shall serve terms coincident with their terms of office.

- c. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.
- 3. The Authority shall establish specific criteria and procedures for awards from the Fund; establish requirements for the submission of funding requests; evaluate funding requests in accordance with the criteria established by the Authority; make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of minimum percentages of funds that must be awarded to each Participating Political Subdivision; and evaluate the implementation and results of all efforts receiving support from the Authority.
- 4. The Authority may make grants and disbursements from the Fund that support efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic. Such efforts may include but shall not be limited to the following:
 - a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies.
 - b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

- c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
- d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved, or are at risk of becoming involved, in the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;
- e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;
- f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;
- g. Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;
- h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

- i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and
 - j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services.
- 5. The Authority shall provide financial support only for efforts that satisfy the following conditions:
 - a. The efforts shall be conducted or managed by a Virginia state agency or Participating Political Subdivision;
 - b. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;
 - c. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and
 - d. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.
- 6. The Authority shall give priority to applications for financial support for efforts that:

- a. Collaborate with an existing program or organization that has an established record of success treating, preventing or reducing opioid use disorder or the misuse of opioids;
 - b. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate relative to population;
 - c. Treat, prevent or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community, as that term is defined in Va. Code § 56-576; or
 - d. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.
7. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:
- a. Fifteen percent (15%) shall be restricted for use by state agencies;
 - b. Fifteen percent (15%) shall be restricted for use by Participating Political Subdivisions with these funds distributed in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.
 - c. Thirty-five percent (35%) shall be restricted for use for regional efforts (a partnership of at least two Participating Political Subdivisions within a community services board region); and

- d. Thirty-five percent (35%) shall be unrestricted and may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by the Participating Political Subdivisions, or for regional efforts in addition to the amounts set forth in subparagraphs 7(a)-(c), provided that the Authority shall ensure that such funds are used to accomplish the purposes described above or invested as described immediately below.
8. In distributing money from the Fund, the Authority shall balance immediate and anticipated needs with projected receipts of funds in order to best accomplish the purposes for which the Authority is established.
9. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System.

D. Payment of Counsel and Litigation Expenses

1. The Parties anticipate that any national Settlement will provide for payment of all or a portion of the attorneys' fees and litigation expenses of named plaintiff Participating Political Subdivisions. Counsel for any named plaintiff Participating Political Subdivision that seeks to recover attorneys' fees and litigation expenses from Settlement funds shall first seek to recover such fees and expenses from any national Settlement fund established to pay such fees and expenses. For such purposes, the Parties agree that the monetary recoveries obtained via Settlement are attributable to the Commonwealth and the Political Subdivisions 50% each.
2. In addition, the Parties agree that a supplemental attorneys' fees and costs fund (the "Deficiency Fund") will be created; provided, however, that such Deficiency Fund may not violate the terms of any national Settlement. In such event, the Parties

agree to exert diligent efforts to accomplish an alternate arrangement that preserves the payment of counsel and litigation expenses outlined hereunder. Administration of the Deficiency Fund shall be the responsibility of the Political Subdivisions, and the costs of administration may be paid out of the Deficiency Fund.

3. The Deficiency Fund is to be used to compensate counsel for the Participating Political Subdivisions that filed suit on or prior to April 30, 2020. Eligible contingent fee contracts shall have been executed on or before April 30, 2020.
4. The Deficiency Fund shall be funded as follows: from any national Settlement, the funds deposited in the Deficiency Fund shall be 25% of the Subdivision Share and 25% of the Direct Subdivision Abatement Share of each payment (annual or otherwise) that is allocated to the Commonwealth of Virginia (including its political subdivisions) for that Settlement. These funds shall be deposited to the Deficiency Fund prior to distribution to the Participating Political Subdivisions. No portion of the Deficiency Fund shall be drawn from the Commonwealth Share or the Fund.
5. The maximum percentage of any contingency fee agreement permitted for compensation shall be 25% of the portion of the Subdivision Share and the Direct Subdivision Abatement Share attributable to the named plaintiff Participating Political Subdivision that is a party to the contingency fee agreement, plus expenses attributable to that named plaintiff Participating Political Subdivision. Under no circumstances may counsel collect more for its work on behalf of a named plaintiff Participating Political Subdivision than it would under its contingency agreement with that named plaintiff Participating Political Subdivision.

6. To the extent that funds available in the designated amounts or percentages set forth in this Section D are inadequate to fully pay amounts due under contingent fee contracts, funds shall be distributed to private counsel for named plaintiff Participating Political Subdivisions who filed suit and entered into contingent fee contracts prior to April 30, 2020 on a pro rata basis based on the percentage of the total population of named plaintiff Participating Political Subdivisions contained in the named plaintiff Participating Political Subdivision that private counsel represents.
7. Any funds remaining in the Deficiency Fund in excess of the amounts needed to cover private counsel's representation agreements shall revert to the Participating Political Subdivisions and be allocated to the sources from which they derived.
8. Any attorneys' fees related to representation of the Commonwealth of Virginia shall not be paid from the Subdivision Share, the Direct Subdivision Abatement Share, or the Fund but shall be drawn directly from the Commonwealth Share or through other sources. Any payments of attorneys' fees related to representation of the Commonwealth of Virginia from such other sources shall not be deemed Opioid Funds subject to allocation under this MOU.

E. Settlement Negotiations

1. The Negotiating Committee members agree to inform each other in advance of any negotiations relating to any Virginia-only Settlement with a Pharmaceutical Supply Chain Participant that includes both the Commonwealth and its Political Subdivisions and shall provide each other the opportunity to participate in such negotiations.

2. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants. Neither this provision, nor any other, shall be construed to state or imply that the Commonwealth or the Political Subdivisions are unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the Commonwealth's and the Political Subdivisions' efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.
3. As this is a Virginia-specific effort, the Negotiating Committee shall be chaired by the Attorney General or his designee.
4. The Commonwealth of Virginia, the Political Subdivisions, or Counsel may withdraw from coordinated Settlement discussions detailed in this Section upon 5 days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section E.
5. The obligations in this Section E shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case-specific resolution with that particular Pharmaceutical Supply Chain Participant.

6. Nothing in this MOU alters or changes the right of the Commonwealth or any Political Subdivision to pursue its own claim. The intent of this MOU is to join the Parties to reach a Settlement or Settlements.

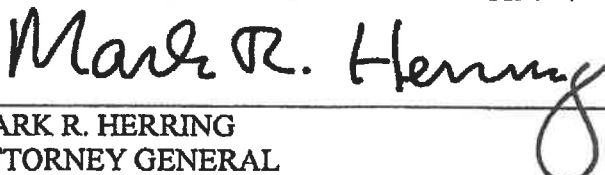
Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above MOU, including comments solicited from client Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the Commonwealth and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require acceptance by the Commonwealth of Virginia and the Participating Political Subdivisions.

We, the undersigned, hereby accept the VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING. We understand that the purpose of this MOU is to permit collaboration between the Commonwealth of Virginia and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential Settlement funds obtained under this MOU between the Commonwealth of Virginia and the Participating Political Subdivisions in a manner that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Virginia.

Executed this 20th day of August, 2021.

FOR THE COMMONWEALTH OF VIRGINIA:



MARK R. HERRING
ATTORNEY GENERAL

Executed this 20th day of August, 2021

Signature: _____

Printed Name: W. Edgar Spivey

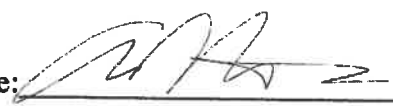
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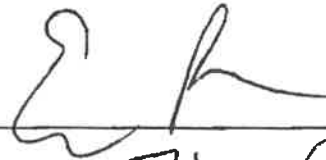
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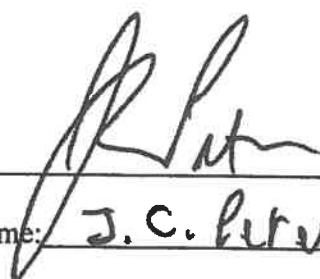
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EXHIBIT A

Table 1: Opioid Settlement Allocations to Counties and Independent Cities

Location	%	Location	%	Location	%
Accomack	0.348%	Franklin City	0.079%	Norton City	0.110%
Albemarle	0.863%	Frederick	1.277%	Nottoway	0.133%
Alexandria City	1.162%	Fredericksburg City	0.524%	Orange	0.638%
Alleghany	0.213%	Galax City	0.139%	Page	0.410%
Amelia	0.100%	Giles	0.409%	Patrick	0.329%
Amherst	0.299%	Gloucester	0.424%	Petersburg City	0.395%
Appomattox	0.133%	Goochland	0.225%	Pittsylvania	0.750%
Arlington	1.378%	Grayson	0.224%	Poquoson City	0.186%
Augusta	0.835%	Greene	0.178%	Portsmouth City	1.937%
Bath	0.037%	Greensville	0.124%	Powhatan	0.262%
Bedford	0.777%	Halifax	0.353%	Prince Edward	0.190%
Bland	0.147%	Hampton City	1.538%	Prince George	0.351%
Botetourt	0.362%	Hanover	1.079%	Prince William	3.556%
Bristol City	0.434%	Harrisonburg City	0.523%	Pulaski	1.061%
Brunswick	0.107%	Henrico	4.473%	Radford City	0.247%
Buchanan	0.929%	Henry	1.220%	Rappahannock	0.091%
Buckingham	0.127%	Highland	0.023%	Richmond	0.084%
Buena Vista City	0.078%	Hopewell City	0.344%	Richmond City	4.225%
Campbell	0.456%	Isle of Wight	0.356%	Roanoke	1.498%
Caroline	0.318%	James City	0.612%	Roanoke City	1.859%
Carroll	0.440%	King George	0.306%	Rockbridge	0.235%
Charles City	0.073%	King William	0.178%	Rockingham	0.614%
Charlotte	0.138%	King and Queen	0.072%	Russell	1.064%
Charlottesville City	0.463%	Lancaster	0.135%	Salem City	0.786%
Chesapeake City	2.912%	Lee	0.556%	Scott	0.421%
Chesterfield	4.088%	Lexington City	0.093%	Shenandoah	0.660%
Clarke	0.125%	Loudoun	2.567%	Smyth	0.592%
Colonial Heights City	0.283%	Louisa	0.449%	Southampton	0.137%
Covington City	0.100%	Lunenburg	0.088%	Spotsylvania	1.417%
Craig	0.070%	Lynchburg City	0.816%	Stafford	1.443%
Culpeper	0.790%	Madison	0.163%	Staunton City	0.440%
Cumberland	0.100%	Manassas City	0.452%	Suffolk City	0.710%
Danville City	0.637%	Manassas Park City	0.095%	Surry	0.058%
Dickenson	0.948%	Martinsville City	0.494%	Sussex	0.081%
Dinwiddie	0.196%	Mathews	0.088%	Tazewell	1.606%
Emporia City	0.050%	Mecklenburg	0.344%	Virginia Beach City	4.859%
Essex	0.101%	Middlesex	0.108%	Warren	0.766%
Fairfax	8.672%	Montgomery	1.205%	Washington	0.996%

Fairfax City	0.269%	Nelson	0.147%	Waynesboro City	0.363%
Falls Church City	0.102%	New Kent	0.156%	Westmoreland	0.223%
Fauquier	1.210%	Newport News City	2.047%	Williamsburg City	0.086%
Floyd	0.182%	Norfolk City	3.388%	Winchester City	0.649%
Fluvanna	0.194%	Northampton	0.122%	Wise	1.756%
Franklin	0.954%	Northumberland	0.129%	Wythe	0.642%
				York	0.561%

EXHIBIT B

Va. Code Ann. § 2.2-2365

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2365. Definitions

As used in this article, unless the context requires a different meaning:

"Authority" means the Opioid Abatement Authority.

"Board" means the board of directors of the Authority.

"Community services board region" means a region as determined by the Department of Behavioral Health and Developmental Services for purposes of administering Chapter 5 (§ 37.2-500 et seq.) of Title 37.2.

"Fund" means the Opioid Abatement Fund.

"Historically economically disadvantaged community" means the same as such term is defined in § 56-576.

"Local apportionment formula" means any formula submitted to the Attorney General by participating localities pursuant to the provisions of subsection B of § 2.2-507.3.

"Participating locality" means any county or independent city that agrees to be bound by the terms of a settlement agreement entered into by the Attorney General relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and that releases its own such claims.

"Regional effort" means any effort involving a partnership of at least two participating localities within a community services board region.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

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Va. Code Ann. § 2.2-2366

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2366. Opioid Abatement Authority established

The Opioid Abatement Authority is established as an independent body. The purpose of the Authority is to abate and remediate the opioid epidemic in the Commonwealth through financial support from the Fund, in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth. The Authority's exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

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End of Document

Va. Code Ann. § 2.2-2367

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2367. Board of directors; members

A. The Authority shall be governed by a board of directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a participating locality, to be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority serving an urban or suburban region containing participating localities and one representative of a community services board or behavioral health authority serving a rural region containing participating localities, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a participating locality, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing county or city attorney of a participating locality, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

The member appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor. If the term of the office to which a member appointed pursuant to clause (iii) or (v) was elected expires prior to the expiration of his term as a member of the board, the Governor may authorize such member to complete the remainder of his term as a member or may appoint a new member who satisfies the criteria of clause (iii) or (v), as applicable, to complete the remainder of the term.

B.1. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms.

2. Ex officio members shall serve terms coincident with their terms of office.

C. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board.

D. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business.

E. The Board shall meet annually or more frequently at the call of the chairman.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EDITOR'S NOTE. --

Acts 2021, Sp. Sess. I, cc. 306 and 307, cl. 2 provides: "That the initial appointments of nonlegislative citizen members to the board of directors of the Opioid Abatement Authority shall be staggered as follows: (i) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of one year, (ii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of two years, (iii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of three years, and (iv) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. For purposes of this enactment, "nonlegislative citizen member" means any member identified in clauses (iii) through (viii) of § 2.2-2367 of the Code of Virginia, as created by this act. Any nonlegislative citizen member appointed to an initial term of less than four years shall be eligible to serve two additional full four-year terms."

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2368

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2368. Duties of the Authority

The Authority shall:

1. Establish specific criteria and procedures for awards from the Fund;
2. Establish requirements for the submission of funding requests;
3. Evaluate funding requests in accordance with the criteria established by the Authority and the provisions of this article;
4. Make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of mandatory minimum percentages of funds to be awarded from the Commonwealth to each participating locality;
5. Evaluate the implementation and results of all efforts receiving support from the Authority; and
6. Administer the Fund in accordance with the provisions of this article.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2369

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§ 2.2-2369. Powers of the Authority

In order to carry out its purposes, the Authority may:

1. Make grants and disbursements from the Fund that support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids or otherwise abate or remediate the opioid epidemic;
2. Pay expenditures from the Fund that are necessary to carry out the purposes of this article;
3. Contract for the services of consultants to assist in the evaluation of the efforts funded by the Authority;
4. Contract for other professional services to assist the Authority in the performance of its duties and responsibilities;
5. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other assistance from federal agencies, the Commonwealth, or any other public or private source to carry out the purposes of this article;
6. Enter into any agreement or contract relating to the acceptance or use of any grant, assistance, or support provided by or to the Authority or otherwise in furtherance of the purposes of this article;
7. Perform any lawful acts necessary or appropriate to carry out the purposes of the Authority; and
8. Employ such staff as is necessary to perform the Authority's duties. The Authority may determine the duties of such staff and fix the salaries and compensation of such staff, which shall be paid from the Fund. Staff of the Authority shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees. Staff of the Authority shall not be subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2370

Current through the 2021 Regular Session and Special Session I of the General Assembly

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BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES >
CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY**

§ 2.2-2370. Conditions and restrictions on financial assistance

A. The Authority shall provide financial support only for efforts that satisfy the following conditions:

1. The efforts shall be designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic, which may include efforts to:

a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved in, or are at risk of becoming involved in, the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;

e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;

f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions and the needs of their families, including infants with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;

g. Support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;

h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and

j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services;

2. The efforts shall be conducted or managed by any agency of the Commonwealth or participating locality;

3. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;

4. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and

5. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.

B. The Authority shall give priority to applications for financial support for efforts that:

1. Collaborate with an existing program or organization that has an established record of success treating, preventing, or reducing opioid use disorder or the misuse of opioids;
2. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate, relative to population;
3. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community; or
4. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2371

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§ 2.2-2371. Cooperation with other agencies

All agencies of the Commonwealth shall cooperate with the Authority and, upon request, assist the Authority in the performance of its duties and responsibilities.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2372

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CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY**

§ 2.2-2372. Form and audit of accounts and records

A.The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B.The accounts and records of the Authority are subject to an annual audit by the Auditor of Public Accounts or his legal representative.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2373

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CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY**

§ 2.2-2373. Annual report

The Authority shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Authority no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. The executive summary shall include information regarding efforts supported by the Authority and expenditures from the Fund.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

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Va. Code Ann. § 2.2-2374

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§ 2.2-2374. Opioid Abatement Fund

A. There is hereby created in the state treasury a special, nonreverting fund to be known as the Opioid Abatement Fund, referred to in this section as "the Fund," to be administered by the Authority. All funds appropriated to the Fund, all funds designated by the Attorney General under § 2.2-507.3 from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and any gifts, donations, grants, bequests, and other funds received on the Fund's behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be authorized by majority vote of the Board.

B. Moneys in the Fund shall be used to provide grants and loans to any agency of the Commonwealth or participating locality for the purposes determined by the Authority in accordance with this article and in consultation with the Office of the Attorney General. The Authority shall develop guidelines, procedures, and criteria for the application for and award of grants or loans in consultation with the Office of the Attorney General. Such guidelines, procedures, and criteria shall comply with the terms of any applicable settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities.

C. The Authority shall fund all staffing and administrative costs from the Fund. Its expenditures for staffing and administration shall be limited to those that are reasonable for carrying out the purposes of this article.

D. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:

1. Fifteen percent shall be restricted for use by state agencies;
2. Fifteen percent shall be restricted for use by participating localities, provided that if the terms of a settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities, require this portion to be distributed according to a local apportionment formula, this portion shall be distributed in accordance with such formula;
3. Thirty-five percent shall be restricted for use for regional efforts; and
4. Thirty-five percent shall be unrestricted. Unrestricted funds may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by participating localities, or for regional efforts in addition to the amounts set forth in subdivisions 1, 2, and 3, provided that the Authority shall ensure that such funds are used to accomplish the purposes of this article or invested under subsection F.

E. In distributing money from the Fund under subsection D, the Authority shall balance immediate and anticipated needs with projected receipts of funds to best accomplish the purposes for which the Authority is established.

F. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.40. The State Treasurer is not liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. —

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Va. Code Ann. § 2.2-2375

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§ 2.2-2375. Exemption from taxes or assessments

The exercise of the powers granted by this article shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and shall at all times be free from state and local taxation. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

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Va. Code Ann. § 2.2-2376

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§ 2.2-2376. Exemption of Authority from personnel and procurement procedures

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this article.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Executive Summary of National Opioid Settlements

[5.06.2024. Subject to ongoing corrections and updates]

In 2021, nationwide settlements were reached to resolve all opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen (“Distributors”) and against manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, “J&J”). These National Settlements have been finalized, and payments have already begun. In all, the Distributors will pay up to \$21 billion over 18 years, and J&J will pay up to an additional \$5 billion over no more than nine years.

In late 2022, agreements were announced with three pharmacy chains—CVS, Walgreens, and Walmart—and two additional manufacturers—Allergan and Teva. In January 2023, each of those pharmacy chains and manufacturers confirmed that a sufficient number of states had agreed to the settlements to move forward. The 2022 National Settlements have now all been finalized.

As was with the 2021 National Settlements, the greater the level of subdivision participation, the more funds will ultimately be paid out for abatement. The process by which subdivisions will receive funding for the 2022 National Settlements is currently being finalized. Assuming maximum participation, the 2022 National Settlements require:

- Teva to pay up to \$3.34 billion over 13 years and to provide either \$1.2 billion of its generic version of the drug Narcan over 10 years or \$240 million of cash in lieu of product, as each state may elect;
- Allergan to pay up to \$2.02 billion over 7 years;
- CVS to pay up to \$4.90 billion over 10 years;
- Walgreens to pay up to \$5.52 billion over 15 years;
and
- Walmart to pay up to \$2.74 billion in 2023, and all payments to be made within 6 years.

(These figures include amounts attributable to prior settlements between the Defendants and certain states/subdivisions and amounts for attorneys’ fees and costs.)

Under both the 2021 and 2022 National Settlements, at least 85% of the funds going directly to participating states and subdivisions must be used for abatement of the opioid epidemic, with the overwhelming bulk of the proceeds restricted to funding future abatement efforts by state and local governments.

In addition to providing billions of dollars for abatement, the settlements also impose changes in the way the settling defendants conduct their business. For example:

- The Distributors will create a groundbreaking clearinghouse through which they will be required to account not only for their own shipments, but also the shipments of the other distributors, in order to detect, stop, and report suspicious opioids orders;
- J&J (which ceased marketing Opioids in 2015 and ceased selling Opioids in 2020) will not market or sell any opioid products in the next ten years and has agreed to cease lobbying concerning prescription opioids for ten years;
- Teva and Allergan have agreed to strict limitations on their marketing, promotion, sale, and distribution of opioids, including a ban on: (1) promotion and lobbying; (2) rewarding or disciplining employees based on volume of opioid sales; and (3) funding or grants to third parties; and
- Walmart, CVS, and Walgreens are required to implement changes in how they handle opioids, including requirements addressing their compliance structures, pharmacist judgment, diversion prevention, suspicious order monitoring, and reporting on red-flag processes, as well as blocked and potentially problematic prescribers.

The 2021 and 2022 National Settlements are the culmination of many years of intense negotiations among representatives of the State Attorneys General, the court-appointed Plaintiffs' Executive Committee and Negotiation Committee, which are comprised of lawyers in the National Prescription Opiate MDL who represent subdivisions, and counsel to the Settling Defendants. These negotiations were facilitated by Judge Dan Polster (who oversees the federal MDL litigation), by the Special Masters appointed by the MDL Court, and by experienced, neutral mediators.

Agreements with other defendants including Kroger and Hikma have also moved forward and are in the process of being finalized. The agreements do not settle or release any claims brought by Tribes or by private parties, including private individuals, private hospitals, or private third-party payers.

Additional information, including answers to FAQs, can be found at **nationalopioidsettlement.com/news** (<https://nationalopioidsettlement.com/news>).

[HOME \(/\)](#) [NEWS \(https://nationalopioidsettlement.com/news/\)](https://nationalopioidsettlement.com/news/)

[RISKS & ASSUMPTIONS \(https://nationalopioidsettlement.com/risks-assumptions/\)](https://nationalopioidsettlement.com/risks-assumptions/)

[MDL ORDERS \(/mdl-orders/\)](/mdl-orders/) [TRIBAL SETTLEMENTS \(https://www.tribalopioidsettlements.com\)](https://www.tribalopioidsettlements.com)

[FEE PANEL DOCUMENTS \(https://opioidfeepaneldocuments.com/\)](https://opioidfeepaneldocuments.com/)

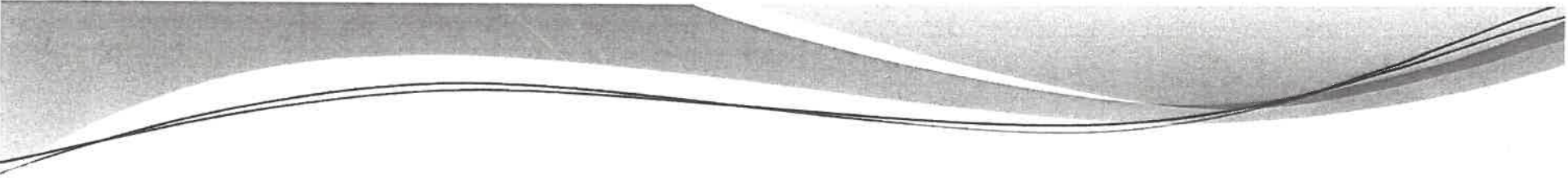
Statement of Plaintiffs' Executive Committee

The below statement is on behalf of National Prescription Opiate Litigation MDL Plaintiffs' Executive Committee co-leads Jayne Conroy of Simmons Hanly Conroy; Paul T. Farrell Jr. of Farrell & Fuller Law LLC; and Joe Rice of Motley Rice LLC.

"This \$1.2 billion agreement-in-principle is another step forward in holding each company that played a role in the opioid epidemic accountable and ensuring hard-hit communities are provided with much-needed resources. The agreement with Kroger, which is subject to final documentation expected to be completed within 30 days, is the first involving one of the smaller, regional supermarket pharmacies that still played a significant part in the opioid crisis. With many cases against regional pharmacy defendants still pending, we will continue to aggressively litigate these remaining cases.

"We encourage all eligible states and subdivisions to join us in this agreement to expedite the process of providing these life-saving resources where they are needed most. While the efforts of the law firms appointed five years ago to the opioid MDL leadership have thus far obtained over \$51 billion for communities nationwide, our work is far from finished. Alongside community leaders, first responders, and others on the front lines of this crisis, we will continue to work to hold all those responsible for this epidemic fully accountable and obtain some measure of justice for its catastrophic effects."

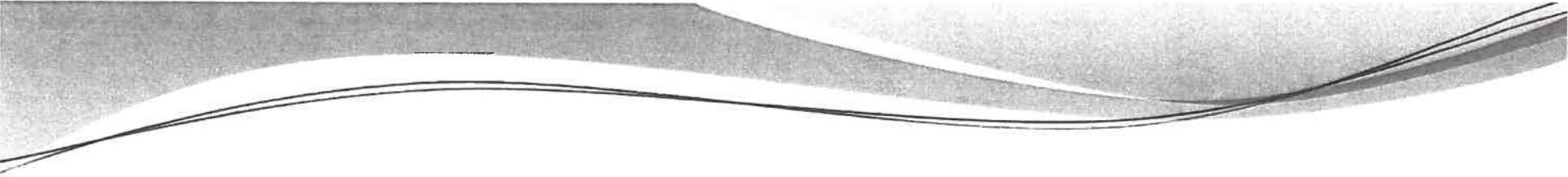
Additional background: Dependent on participation by the 33 eligible states and the District of Columbia, the agreement-in-principle with Kroger totaling \$1.2 billion will be paid out over eleven years after its effective date, with the first payment in December 2023.



Opioid Litigation Settlements Participation Overview

Presentation by the
Office of the Attorney General of Virginia

October 25, 2021



Distributors and Janssen Settlements

- \$26 Billion National Settlement
- Approximately ***\$530 Million*** available to Virginia and Localities
 - Amount Depends on Participation of Localities
- Funds Distributed over 18 and 9 years with sums front-loaded
- Join by January 2, 2022



Other Opioid Settlements and Litigation

- McKinsey
- Bankruptcy Cases
 - Purdue Pharma
 - Mallinckrodt
- Teva/Cephalon Litigation
- Other Investigations



VA Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding

- Agreement Between Commonwealth and Localities Regarding Allocation of Settlement Proceeds
- Impetus for Creation of Virginia's Opioid Abatement Authority and Opioid Abatement Fund
 - Va. Code §§ 2.2-507.3, 2.2-2365 through 2.2-2376
- Provisions for Payment of Localities' Litigation Counsel

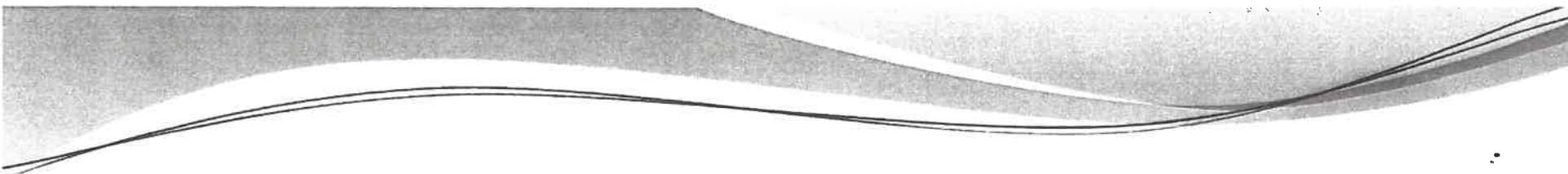


Allocation of Settlement Funds under MOU

- 15% to Participating Localities – Unrestricted*
- 15% to Participating Localities – Abatement Purposes
- 15% to Commonwealth – Unrestricted*
- 55% to Opioid Abatement Fund

*Unless settlement requires that all or more funds be used for abatement





Opioid Abatement Fund Allocation

- 15% to Participating Localities*
- 35% to Participating Localities' Regional Partnerships*
- 15% to State Agencies
- 35% Unrestricted – Any of the above and administrative expenses*

*Up to 85% available for Participating Localities



**VIRGINIA OPIOID ABATEMENT AUTHORITY
BOARD OF DIRECTORS**

- **Joseph P. Baron**
Sheriff, City of Norfolk
- **Sharon H. Buckman**
Director of Clinical Services, Piedmont Community Service
- **The Honorable James Holland**
Chair, County Board of Supervisors, Chesterfield County
- **Victor McKenzie Jr.**
Executive Director, Substance Abuse and Addiction Recovery Alliance of Virginia
- **Sarah T. Melton, PharmD, BCPP**
Associate Professor of Pharmacy Practice, Gatton College of Pharmacy, East Tennessee State University
- **Timothy R. Spencer**
City Attorney, City of Roanoke
- **James Thompson**
Founder and Chief Medical Officer, Master Center for Addiction Medicine
- **Daryl Washington, LCSW**
Executive Director, Community Services Board, Fairfax-Falls Church
- **Corey Pleasants**
Assistant Secretary of Health and Human Resources
- **Todd Pillion, DDS**
Senator, 40th Senatorial District
- **Jay Jones**
Delegate, 89th District

VIRGINIA OPIOID ABATEMENT AUTHORITY
CURRENT SCHEDULE STATUS

- **First Meeting:** October 5, 2021
- **Next Meeting:** November 8, 2021 @ 1:00 p.m.
 - **Will adopt By-Laws**
 - **Election of Officers**

Participation Logistics

- Localities Must Join **Both** the Settlements and the Virginia MOU to Receive Funds
- Adopt Resolutions to Join the Settlements **and** the Virginia MOU
- Submit Required Documentation **by January 2, 2022**



Participation Logistics

STEP 1 – Join the Virginia MOU

- Adopt a resolution approving the MOU
 - Model resolution language can be provided
- Send copies of the resolution to:
 - Tom Beshere, Virginia Attorney General's Office:
tbeshere@oag.state.va.us
 - Ed Spivey, Kaufman & Canoles:
wespivey@kaufcan.com



Participation Logistics

STEP 2 – Sign on to the Settlement Agreements

- Adopt a resolution approving the settlements and delegating authority to enter/execute the settlements to the relevant subdivision officer.
- Go to <https://nationalopioidsettlement.com> and register with your assigned registration code to register. Provide the name and e-mail address of the person who will be authorized to sign formal and binding documents on your subdivision's behalf.
- Once you receive the settlement participation documents, use the DocuSign service to complete and execute the documents, and submit the completed and signed documentation via the website.

**Note: Steps 1 and 2 can be done concurrently.*





Participation Logistics

REMEMBER:

To maximize Virginia's share (and the share of Participating Localities) of money from the National Settlements . . .

Localities must complete all steps by:
January 2, 2022



National Opioids Settlement
P.O. Box 43196
Providence, RI 02940-3196

NPD

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122810009281
Postal service: Please do not mark barcode
NPD AT-717-754
W. Edgar Spivey Kaufman & Canoles, P.C.
150 W. Main Street, Suite 2100
14040folk VA 23510



**TO LOCAL POLITICAL SUBDIVISIONS: IMPORTANT INFORMATION ABOUT THE NATIONAL
OPIOID SETTLEMENT. SUBDIVISIONS MUST SUBMIT SIGNED DOCUMENTATION TO
PARTICIPATE. THE DEADLINE FOR PARTICIPATION TO MAXIMIZE SETTLEMENT BENEFITS
IS JANUARY 2, 2022.**

If your subdivision is represented by an attorney with respect to opioid claims, please
immediately contact them.

SETTLEMENT OVERVIEW

After years of negotiations, two proposed nationwide settlement agreements ("Settlements") have been reached that would resolve all opioid litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors, McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and one manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson (collectively, "Janssen").

The proposed Settlements require the Distributors and Janssen to pay billions of dollars to abate the opioid epidemic. Specifically, the Settlements require the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over no more than 9 years, for a total of \$26 billion (the "Settlement Amount"). Of the Settlement Amount, approximately \$22.7 billion is earmarked for use by participating states and subdivisions to remediate and abate the ~~impact~~ of the opioid crisis.

The Settlements also contain injunctive relief provisions governing the opioid marketing, sale and distribution practices at the heart of the states' and subdivisions' lawsuits and further require the Distributors to implement additional safeguards to prevent diversion of prescription opioids.

Each of the proposed Settlements has two key participation steps. First, each state decides whether to participate in the Settlements. Virginia has joined both Settlements. Second, the subdivisions within each participating state must then decide whether to participate in the Settlements. Generally, the more subdivisions that participate, the greater the amount of funds that flow to that state and its participating subdivisions. Any subdivision that does not participate cannot directly share in any of the settlement funds, even if the subdivision's state is settling and other participating subdivisions are sharing in settlement funds.

This letter is part of the formal notice required by the Settlements.

WHY IS YOUR SUBDIVISION RECEIVING THIS NOTICE?

You are receiving this letter because Virginia has elected to participate in both of the two national Settlements against (1) the Distributors, and (2) Janssen, and your subdivision may participate in the Settlements. This notice is being sent directly to subdivisions and also to attorneys for subdivisions that we understand are litigating against these companies. If you are represented by an attorney with respect to opioid claims, please immediately contact them. Please note that there is no need for subdivisions to be represented by an attorney or to have filed a lawsuit to participate in the Settlements.

WHERE CAN YOU FIND MORE INFORMATION?

This letter is intended to provide a brief overview of the Settlements. Detailed information about the Settlements may be found at <https://nationalopioidsettlement.com/>. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state. This website will be supplemented as additional documents are created.

HOW DO YOU PARTICIPATE IN THE SETTLEMENTS?

You must go to the national settlement website to register to receive in the coming weeks and months the documentation your subdivision will need to participate in the Settlements (if your subdivision is eligible). All required documentation must be executed and submitted electronically through the website and must be executed using the "DocuSign" service. As part of the registration process, your subdivision will need to identify, and provide the email address for, the individual who will be authorized to sign formal and binding documents on behalf of your subdivision.

Your unique Subdivision Identification Number to use to register is: _____

HOW WILL SETTLEMENT FUNDS BE ALLOCATED IN EACH STATE?

The settlement funds are first divided among the participating states according to a formula developed by the Attorneys General that considers population and the severity of harm caused by the opioid epidemic in each participating state. Each state's share of the abatement funds is then further allocated within each state according to agreement between the state and its subdivisions, applicable state allocation legislation, or, in the absence of these, the default provisions in the agreements.

Many states have or are in the process of reaching an agreement on how to allocate abatement funds within the states. Allocation agreements, legislation, and other information about Virginia's allocation agreement or legislation can be found on the national settlement website. The allocation section of the website will be supplemented as more intrastate allocation arrangements are finalized.

In reviewing allocation information, please note that while all subdivisions may participate in the Settlements, not all subdivisions are eligible to receive direct payments. To promote efficiency in the use of abatement funds and avoid administratively burdensome disbursements that would be too small to add a meaningful abatement response, certain small subdivisions do not automatically receive a direct allocation. However, participation by such subdivisions will help maximize the amount of abatement funds being paid in the Settlements, including those going to counties, cities, parishes, and other larger subdivisions in their communities.

Questions About Subdivision Identification Number?

Email:

registration@nationalopioidsettlement.com



National Opioids Settlement

Update: Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

[Please use Google Chrome, Microsoft Edge, or another Modern Browser]

On Wednesday, July 21, 2021, the National Prescription Opiate Litigation MDL Plaintiffs' Executive Committee, several State Attorneys General, and four main defendants announced agreement on terms of proposed nationwide settlements to resolve all Opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmeriSourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"). These settlements, if agreed and adopted, will provide substantial funds to states and subdivisions for abatement of the Opioids epidemic across the country and will impose transformative changes in the way the settling defendants conduct their business.

This website provides copies of the agreements, as well as additional documents and information concerning these historic proposed settlements. The agreements themselves control the terms of the settlements and entities eligible to participate in the settlements should consult with counsel about participation.

- [Distributor Master Settlement Agreement](#)

STATE-SPECIFIC DOCUMENTS

[Arizona](#)
[California](#)
[Colorado](#)
[Florida](#)
[Illinois](#)
[Indiana](#)
[Iowa](#)
[Kentucky](#)
[Maine](#)
[Maryland](#)
[Massachusetts](#)
[Michigan](#)
[Minnesota](#)
[Mississippi](#)
[Missouri](#)
[Montana](#)
[Nebraska](#)
[Nevada](#)
[New Jersey](#)
[New Mexico](#)
[New York](#)
[North Carolina](#)
[Ohio](#)
[Oklahoma](#)
[Oregon](#)
[Texas](#)
[Virginia](#)
[Washington](#)

This site will be supplemented and updated as new information becomes available.

Virginia Documents

- [Allocation Deal – Virginia](#)

STATE-SPECIFIC DOCUMENTS

Arizona
Colorado
Delaware
Florida
Kansas
Kentucky
Massachusetts
Minnesota
Nebraska
Nevada
New Jersey
New York
North Carolina
Ohio
Tennessee
Texas
Virginia
Wisconsin

**VIRGINIA OPIOID ABATEMENT FUND AND
SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING**

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

This site will be
supplemental and
updated as new
information becomes
available.

National Opioids Settlement

Update: Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

[Please use Google Chrome, Microsoft Edge, or another Modern Browser]

On Wednesday, July 21, 2021, the National Prescription Opiate Litigation MDL Plaintiffs' Executive Committee, several State Attorneys General, and four major defendants announced agreement on terms of proposed nationwide settlements to resolve all Opioids litigation brought by states and local political subdivisions against the three largest pharmaceutical distributors: McKesson, Cardinal Health and AmerisourceBergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson (collectively, "J&J"). These settlements, if agreed and adopted, will provide substantial funds to states and subdivisions for abatement of the Opioids epidemic across the country and will impose transformative changes in the way the settling defendants conduct their business.

This website provides copies of the agreements, as well as additional documents and information concerning these historic proposed settlements. The agreements themselves control the terms of the settlements and entities eligible to participate in the settlements should consult with counsel about participation.

- [Distributor Master Settlement Agreement](#)

STATE-SPECIFIC DOCUMENTS

Arizona

Colorado

Delaware

Florida

Kansas

Kentucky

Massachusetts

Minnesota

Nebraska

Nevada

New Jersey

New York

North Carolina

Ohio

Tennessee

Texas

Virginia

Wisconsin

Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

Step 1: Verify Registration Code

Select your state, your political subdivision, enter your Subdivision's unique registration code, and click "Verify Registration Code"

State

Political Subdivision

Registration Code

Verify Registration Code

Subdivisions Register Here to Receive Participation Agreements for Distributor and Janssen Settlement Agreements

Registration Code Verified

State: Virginia

Political Subdivision: PRINCE WILLIAM COUNTY | PRINCE WILLIAM COUNTY

Step 2: Complete the required information below

Fill in the information for the person authorized to sign the settlement documents for your Political Subdivision and click "Submit"

First Name

Last Name

Note: Please provide the email address that the person who will be signing regularly uses for their government work

Email

Street Address

Suite (optional)

City

State

Zip

Phone Number

(000) 000-0000

Will your political subdivision be executing your settlement participation form via DocuSign or paper signature?

☐ DocuSign ☐ paper signature

Type the name of the person submitting this form

Name

Submit

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS [CITY COUNCIL] APPROVING OF THE COUNTY'S [CITY'S] PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY [CITY] ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S [CITY'S] PARTICIPATION IN THE SETTLEMENTS

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors [City Council], this ___ day of ___, 2021, approves of the County's [City's] participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County [City] Attorney to execute the documents necessary to effectuate the County's [City's] participation in the settlements, including the required release of claims against settling entities.

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS [CITY COUNCIL] APPROVING OF THE COUNTY'S [CITY'S] PARTICIPATION IN THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING ("MOU") AND DIRECTING THE COUNTY [CITY] ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY'S [CITY'S] PARTICIPATION IN THE MOU

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors [City Council], this ____ day of __, 2021, hereby authorizes and approves of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") attached hereto and incorporated by reference as Exhibit "A," and directs the County [City] Attorney to execute the MOU.



Questions?

Office of the Attorney General Contacts:

Samuel T. Towell
Deputy Attorney General

Richard S. Schweiker, Jr.
Senior Assistant Attorney General and Section Chief

Thomas M. Beshere
Assistant Attorney General
(804) 823-6335
tbeshere@oag.state.va.us

AGENDA ITEM SUMMARY

MEETING DATE

June 25, 2024

PRESENTED BY

Alicia Finney, Clerk of Council, Matthew
Freedman, City Attorney

AGENDA ITEM # IV.7

Rules of Procedure - Organizational Meeting

RECOMMENDATION

Adopt a resolution approving the City Council's Rules of Procedure which contain the City Council's schedule of regular meetings and work sessions for the upcoming year and amendments brought forth by staff members

SUMMARY

This item will appear before Council for action on July 9, 2024. Section § 15.2-1416 of the Code of Virginia and Section § 2-6 of the City Council's Rules of Procedure provide that each year the local governing body shall prescribe by resolution the schedule of meeting dates, times, and places for the upcoming year. City Council's schedule of meetings and work sessions is set forth in its Rules of Procedure under Section § 2-1. As such, City Council's Rules of Procedure should be readopted to confirm City Council's schedule of regular meetings and work sessions for the upcoming year.

Meetings shall be held as follows: Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m. in City Hall, Council Chamber, except for the **fourth Tuesday of February** and during the months of **March and April** where the meetings will be held in City Hall, 2nd Floor Training Room. In the months of July and December, there will be meetings on each of the second Tuesdays; **in August, there will be meetings on the fourth Tuesday.** City Council's Rules of Procedures Section 2-1 will be revised to reflect these changes.

Additionally, staff suggest adding language to Section 5-4(A) of the RoP specific to "Prohibited Conduct":

9. Bring pickets, stakes, poles, staffs, or the like into the Council Chamber.
10. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.
11. Block entrances, exits, or doorways of the Council Chamber.

PRIOR ACTION(S)

N/A

FISCAL IMPACT

N/A

CONTACT(S)

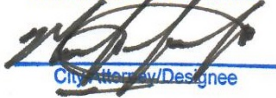
Alicia Finney, Clerk of Council
Matthew Freedman, City Attorney

ATTACHMENT(S)

1. RoP Resolution (7-9-24 Revisions)
2. Council - Rules Procedures_07112023 amendment

REVIEWED BY

APPROVED AS TO FORM:


City Attorney/Designee

Matthew Freedman, City Attorney

Date: June 19, 2024



Mercedes Braun, Assistant to the City Manager

Date: June 20, 2024



Wynter Benda, City Manager

Date: June 20, 2024



Alicia Finney, Clerk of Council

Date: June 20, 2024

RESOLUTION:

#R-24-_____

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

1. That the Lynchburg City Council's Rules of Procedure ("RoP") are hereby amended, reenacted, and readopted with the following changes:

Section 5-4(A) of the RoP, specific to "Prohibited Conduct", is hereby amended to include subsections (9), (10), and (11), which shall read as follows:

9. Bring pickets, stakes, poles, staffs, or the like into the Council Chamber.

10. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.

11. Block entrances, exits, or doorways of the Council Chamber.

Section 2-1 of the RoP, specific to "When and Where Regular Meetings are to be Held", is hereby amended to read as follows:

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 Council Chamber, on the first floor, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July, ~~August~~, and December, and (ii) there will no regular meeting on the second Tuesday during the month of August. However, on the fourth Tuesday of February and during the months of March and April, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

2. That all other parts, portions, and provisions of the RoP not inconsistent with this Resolution remain in effect and as previously adopted by the Lynchburg City Council.

3. That the dates, times, and locations of the Work Sessions and Regular Meetings of the Lynchburg City Council for the 2025 Calendar Year are as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will no regular meeting on the second Tuesday during the month of August. However, on the fourth Tuesday of February and during the months of March and April, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504. Except as previously stated or otherwise scheduled, all meetings of the Lynchburg City Council shall be held in the Council Chamber of the City Hall, 900 Church Street, Lynchburg, VA 24504.

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

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL RULES OF PROCEDURE

(Adopted September 23, 2008; Amended August 11, 2009, July 9, 2010, July 3, 2012, May 14, 2013, July 12, 2016, July 1, 2020, July 13, 2021, July 26, 2022, and July 11, 2023)

INTRODUCTION

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council (hereafter “the Council”). Their purpose is to help the Council conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. These rules of procedure do not create substantive rights for third parties or participants in proceedings before the Council. Further, the Council reserves the right to suspend or amend these rules of procedure whenever a majority of the Council decides to do so. When the Council's rules of procedure do not address a procedural issue, the Council may consider the most recent edition of *Robert's Rules of Order Newly Revised* for guidance. The failure of the Council to strictly comply with these rules of procedure shall not invalidate any action of the Council.

SECTION 1 -- PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of the Rules of Procedure

- A. To enable the Council to transact business fully, expeditiously, and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Councilmember;
- C. To preserve a spirit of cooperation among Councilmembers; *and*
- D. To determine the will of the Council on any matter.

Section 1-2. Basic Principles Underlying the Rules of Procedure

- A. The business of the Council should proceed in the most efficient manner possible;
- B. The Council's rules of procedure must be followed consistently;
- C. The Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one (1) subject may claim the attention of the Council at a time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every Councilmember shall have equal rights to participate and vote on all issues;
- G. Every Councilmember must have an equal opportunity to participate;

H. The will of the majority must be carried out, and the rights of the minority must be preserved; *and*

I. The Council must act as a body.

SECTION 2 -- MEETINGS

Section 2-1. When and Where Regular Meetings are to be Held

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 Council Chamber, on the first floor, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m.; except, there will be no regular meeting on the fourth Tuesdays during the months of July, August, and December. However, during the month of March, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

Section 2-1.1 Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for the Councilmembers to attend the regular meeting. Such finding shall be communicated to the Councilmembers and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 2-2. Special Meetings

The Council may hold such special meetings as it deems necessary at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Sections 15.2-1417 and 2.2-3707(D) of the Code of Virginia, 1950, as amended.

A. Special meetings may be called by the Mayor, the City Manager, or any two (2) Councilmembers in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the Councilmembers of the time and place designated and the purpose of the special meeting. Notice of the special meeting shall be provided to each Councilmember by written notice, telephone, or electronic means.

The Clerk of Council will attempt to give each Councilmember at least twelve (12) hours' notice before the time scheduled for the special meeting, as provided by the Virginia Freedom of Information Act and the City's Charter, and that notice shall be "reasonable under the circumstances". In order to hold a special meeting, a majority of the Councilmembers who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve (12) hours' notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

B. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the Councilmembers, the City Attorney, and the City Manager.

Section 2-3. Legal Holiday

When a regular meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is cancelled by a majority of the Council.

Section 2-4. Adjourned or Recessed Meetings

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings, and after the recess business is resumed where it left off.

B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such recessed or adjourned session of a properly called regular, additional scheduled, or special meeting.

Section 2-5. Cancellation or Rescheduling of Meetings

A regular meeting may be cancelled or rescheduled, in special circumstances and for the convenience of the Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change and the Councilmembers shall be immediately notified of the change and the reason therefore. If any Councilmember objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no Councilmember objects, the public and the media shall be notified promptly.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year shall be known as the organizational meeting. The purpose of the organizational meeting shall be:

1. To establish the dates, times, and places for its regular meetings; *and*

2. Adopt its Rules of Procedure.

Section 2-7. Procedure for Election of Mayor and Vice Mayor

A. The first meeting in January of each year following a municipal election shall be reserved for the election of Mayor and Vice Mayor. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership of the Council.
2. Any Councilmember, after being recognized by the presiding officer, may place one (1) or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. After all nominations have been made, the presiding officer shall close the nominating process and open the floor for discussion.
4. After discussion, the presiding officer shall call for the vote.
5. The Councilmembers shall vote by written ballot and the completed ballots shall immediately be passed to a City staff member designated by the Clerk of Council who shall collect the ballots, read them aloud, publicly announce how each Councilmember voted, and tally the respective votes.
6. Each Councilmember shall cast one (1) vote for any one (1) nominee.
7. In the case of a three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.
8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

- B. The Mayor and Vice Mayor shall serve for a term of two (2) years, or until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining Councilmembers shall determine their seating arrangement by seniority with the most senior Councilmember selecting his or her seat first and the remaining Councilmembers selecting their respective seats in seniority order based on years served on the Council. In the event that two (2) or more Councilmembers have equal seniority, the selection of seating for those Councilmembers shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the

absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Councilmembers present shall choose one of themselves as temporary presiding officer.

Section 3-2. Clerk of Council

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for the Council meetings, shall attend all of the Council meetings, and shall keep an accurate record of the Council's proceedings.

Section 3-3. Parliamentarian

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these rules of procedure and the Code of Virginia as may be directed by the presiding officer, or as required as a result of a point of order raised by one (1) or more of the Councilmembers. If the City Attorney is unavailable, then the City Manager shall serve as the Parliamentarian.

Section 3-4. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, and to entertain and rule on objections from other Councilmembers on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time; *and*
5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three (3) powers listed above may be appealed to the Council upon motion of any Councilmember. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The Councilmember making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two (2) exceptions to this right of appeal.

C. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the Councilmembers.

D. While a meeting of the Council is in session, all Councilmembers will treat one another with respect, courtesy, and exhibit appropriate decorum. Councilmembers shall not insult, demean, or belittle one another or the City's staff while a meeting of the Council is in session.

SECTION 4 -- AGENDA

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the Council's regular meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Councilmember may request that items be placed on the agenda by contacting the Clerk of Council at least seven (7) days prior to the meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall place requested items on the agenda for the next regular meeting following the request. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, and voted upon by a majority of the Council. Council members must use discretion in requesting the addition of items to an agenda. It is considered desirable to have items listed on a published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Friday preceding the regular meeting.

Section 4-2. Delivery of Agenda

The Council agenda packet shall be delivered to each Councilmember, the City Attorney, and the City Manager the Thursday prior to a regular meeting. Delivery by electronic means is the preferable method. The Public Comment Agenda Addendum will be posted after the Public Comment sign-up deadline.

Section 4-3. Public Access to Agenda Materials

The Clerk of Council shall post the Council agenda packet on the Internet for public information as promptly as possible. Copies of the Council agenda will also be available outside of City Council Chamber and at the Citizens First desk located on the first floor of City Hall for public inspection. Furthermore, paper copies of the Council agenda packet will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. At regular meetings of the Council, on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. 4:00 p.m. Call to Order
2. Council Work Session (to conclude at 6:00 p.m.)
 - Staff Reports/Business Item Briefings
 - Roll Call
 - Closed Meeting (if necessary)
3. Recess
4. 7:00 p.m. Call to Order
5. Invocation & Pledge of Allegiance
6. Special Recognitions by the Mayor or Council (if any)
7. Consent Agenda
8. Public Hearings
9. Public Comment (if requested)
10. General Business
11. Closed Meeting (if necessary)
12. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council.

Section 5-1.1. Council Work Session

A. The Council Work Session shall be the designated time where items that affect the City, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and consideration for a vote at a later date. The Council and the City's staff are encouraged to engage in discussion, ask questions, and the like during the Council Work Sessions.

B. Unless a motion to consider for adoption is approved by a two-thirds vote of the membership of the Council, no items will be positioned for a vote during a Council Work Session. Motions to enter into closed meetings and to accept bids pursuant to the requirements of §§ 15.2-2100 *et. seq.* of the Code of Virginia, 1950, as amended, are excepted from this rule.

Section 5-1.2. Roll Call

A. Roll Call shall be the designated time where Councilmembers may individually and publicly speak to matters relevant to the City, its citizens, and/or the operations of the municipal corporation.

B. Debate shall not be permitted during Roll Call.

Section 5-2. Consent Agenda

A. The Consent Agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.
2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances, or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The Consent Agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of Consent Agenda items to answer questions or clarify a matter. There shall be no lengthy debate or discussion of a Consent Agenda item.

D. Upon request of a Councilmember, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

Section 5-3. Public Comment

A. Every petition, communication, or address to the Council shall be in respectful language and is encouraged to be in writing.

B. General rules regarding Public Comment are as follows:

1. Individuals or groups wishing to speak at a regular meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting.
2. Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to City staff, the audience, or the media.
4. The presiding officer shall open the Public Comment period.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of three (3) minutes.

7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her comment period. A group may have no more than one (1) spokesperson.
8. Speakers are not permitted to donate time to other speakers.
9. There shall be no comment during the Public Comment period on a matter for which a public hearing is scheduled during the same meeting.
10. There shall be no comment during the Public Comment period on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.
12. Councilmembers shall not discuss issues raised by the public except by consent of a majority of the Councilmembers present.
13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the Councilmembers present and voting.
14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the Council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the Councilmembers present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Councilmembers present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit ten (10) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures;

4. Use language which insults or demeans any person or which, when directed at a public official or employee, is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane or frivolous statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;
7. Engage in behavior that intimidates others; *or*
8. Address the Council on issues that do not concern the services, policies, affairs of the Council or the City.

B. The presiding officer shall preserve order and decorum at the Council meetings. He or she may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which they were expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six (6) months, or upon a still subsequent expulsion a period not to exceed one (1) year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Section 5-5. Public Hearings

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

B. The presiding officer shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.
2. Public hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee. The presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers may seek clarification during the presentation.
3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant(s) or his or her representative's presentation.
4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a

time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.

5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.
6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. Emails, letters, and other writings submitted to the Clerk of Council or Councilmembers to be included as part of a public hearing shall be provided to the Clerk of Council at least one (1) calendar day prior to the applicable public hearing date. Such emails, letters, and other writings need not be read publicly. If provided in accordance with the above, such emails, letters, and other writings shall be provided by the Clerk of Council to the Council prior to the public hearing for review. If a Councilmember desires any such emails, letters, and other writings to be included as part of a public hearing, then such Councilmember shall announce the same during the public hearing and provide a summary of the applicable documents to be included in the minutes prior to the conclusion of the public hearing.

E. Voicemails submitted to the Clerk of Council to be included as part of a public hearing shall be publicly presented to the Council prior to the conclusion of the public hearing. Such voicemails shall be provided to the Clerk of Council at least one (1) calendar day prior to the public hearing date. Voicemails shall only be presented during a public hearing after all in-person speakers have had an opportunity to speak and all emails, letters, and other writings have been summarized.

F. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. The Councilmembers, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

G. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

Section 5-6. General Business

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive a unanimous vote upon introduction. After the presiding officer has stated the item for consideration, staff may be asked to provide a brief summary.

Section 5-7. Items Not on the Agenda

With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

Section 5-8. Closed Meetings

A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.

B. No meeting shall become a Closed Meeting until the Council takes an affirmative recorded vote during the open meeting.

1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Virginia Freedom of Information Act, which authorizes the Closed Meeting.
2. The Councilmembers shall request the assistance of the City Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation, or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; *and*
2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed, or considered.
3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the Councilmembers present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Virginia Freedom of Information Act.

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

SECTION 6 -- RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, 1950, as amended, a majority of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. A quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia, 1950, as amended, provide that a majority of the remaining members of the Council shall constitute a quorum.

Section 6-2. Priority in Speaking on the Council

When two (2) or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments and Queries of Councilmembers

Councilmembers are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. The Councilmembers may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Councilmembers' questions. All legal questions should be addressed to the City Attorney.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one (1) at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all Councilmembers present, and the proposal will not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Councilmembers present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

Section 6-5. Motions

- A. Informal discussion of a subject is permitted while no motion is pending.
- B. Any Councilmember, including the presiding officer, may make a motion.
- C. Councilmembers are required to obtain the floor before making motions or speaking, which they can do while seated.
- D. A Councilmember may make only one (1) motion at a time.
- E. Except for matters recommended by a committee of the Council, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6. Substantive Motions

- A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.
- B. A substantive motion is out of order while another substantive motion is pending.

Section 6-7. Procedural Motions

A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, requires a majority of the votes cast, and a quorum being present for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The Councilmember making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.
2. To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action in a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending.
4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of the Councilmembers present.
5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:
 - (a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.
 - (b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.
 - (c) Section 15.2-2286 of the Code of Virginia, 1950, as amended, requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one (1) year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.
6. To Call the Question. The motion to call the question is not in order until every Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that item of business has exceeded thirty (30) minutes. The motion is not amendable or debatable.
7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions may be made.

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever is first.

10. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. To Prevent Reintroduction for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules of procedure.

Section 6-8. Debate

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken;
3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure;
4. A Councilmember may vote for or against his or her motion, but may not speak against his or her motion;
5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote; *and*
6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

Section 6-9. Duty to Vote

A. Each Councilmember who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests Act or unless excused from voting by the other Councilmembers. A Councilmember who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the Councilmember to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining for the record.

Section 6-10. Method of Voting

A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.

C. An "affirmative vote" by a majority of the Council present is necessary to adopt a motion, and a tie vote means that the motion, resolution, or issue has been rejected. When a motion fails on a tie vote, the "noes" prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

E. All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in the Council Chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any Councilmember may request a roll call vote. In any case, the presiding officer shall announce the results of the vote.

Section 6-11. Decisions on Points of Order

Any Councilmember may raise a point of order without being recognized by the presiding officer. The presiding officer shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Councilmember may appeal the ruling of the presiding officer to the Council which shall decide the matter by majority decision.

SECTION 7 -- BOARDS, AUTHORITIES, COMMISSIONS, AND COMMITTEES

Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees

A. Members of boards, authorities, commissions, and committees shall be appointed by an affirmative vote of a majority of the Councilmembers to serve specified terms as may be deemed

appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two standing committees, Finance and Physical Development. Substitutes or alternates may participate on such committees only if so authorized by the Mayor. Committee members for such committees will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time by the Council, for specific purposes, as determined by the Council.

Section 7-2. Standing Committees Roles and Guidelines

The roles of and the operating guidelines for the Finance and Physical Development committees shall be as adopted by a majority of the Council.

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Public Engagement at cost.

Section 8-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk of Council to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. For example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

The minutes of the Council's meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record of the Council's votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

Section 8-4. Amending the Rules of Procedure

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment to these rules shall require an affirmative vote of four (4) members of the Council.

Section 8-5. Special Rules of Procedure

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

AMENDMENTS:

August 11, 2009: the time of Council meetings was changed to the present schedule.

July 9, 2010: amended Section 6-7, B (8) to stipulate that if a substitute motion passes it becomes the main motion for consideration and action and there may be no additional substitute motions.

July 3, 2012, amended as follows:

- Introduction; added a process to consider when the Rules of Procedure do not address a procedural issue.
- Section 2-1; adjustments reflecting the practice of no longer distinguishing separate "work session" meetings. The work session will be recognized as a part of Council's regular meeting and that section will be separated from the rest of the meeting by a recess.
- Section 4-3 to 4-4; clarifying language reflecting that agendas are now prepared, delivered, and are available to the public electronically. Section 4-5 was deleted.
- Section 5-1; amended the order of business to reflect current practice.
- Section 5-3, B; added a restriction on speakers donating their time to other speakers.
- Section 6-8, A; added a restriction on electronic communication between Councilmembers regarding an item under debate.
- Section 6-10. D; clarification that action on a zoning matter requires a majority vote of those present for resolution.
- Section 7-1, C; acknowledgement of the Mayor's responsibility to appoint Councilmembers to the Audit Committee.

May 14, 2013: amended Sections 5-3 and 5-5 to eliminate the requirement that a speaker provide his or her physical address and replace it with the requirement that the speaker identify his or her locality of residence when speaking in a public meeting.

July 12, 2016: amended Section 7-1(C) to eliminate the provision providing for the appointment of Councilmembers to serve on the Audit Committee.

July 1, 2020: amended Section 2.2 to eliminate the provision requiring that twelve hours advance notice must be given in order to hold a special meeting.

July 13, 2021: amended Section 4-1(F) and Section 5-3(B)(1) changing deadline for public comment from noon on the Wednesday preceding the Council meeting to noon on the Friday preceding the Council meeting.

July 26, 2022, amended as follows:

- All non-consequential clerical revisions including grammatical and formatting changes; uniform language changes; and modernization of terminology changes, less the revision of replacing "must" with "should" under Section § 1-2.(B.).

- Section § 2-6.(A.) - hold an Organizational Meeting annually instead of biennially to align with State code Section § 15.2-1416
- Section § 2-7.(A.)(5.) - removal of “Deputy Clerk”; changed to “City staff member designated by the Clerk of Council”
- Section § 4-3. Delivery of Agenda - addition of language to address the delivery of the Public Comment Agenda Addendum
- Section § 2-7. Procedure for Election of Mayor and Vice Mayor – address moving the Mayor and Vice Mayor elections from July to January to align with municipal elections
- Section § 3-4. Preservation of Order; separated last sentence of subsection B to be a “C” so it can be used as needed by the Mayor/Vice Mayor
- Section § 3-4. Preservation of Order; created subsection “D” to address Councilmember decorum
- Section § 5-4. Prohibited Conduct; edited language in subsection A to apply to all persons speaking or in Council Chamber

July 11, 2023, amended as follows:

- Section § 2-1 When and Where Regular Meetings are to be Held; in the month of March, hold the Council Work Sessions in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.
- Section § 3-4(D) Preservation of Order; add additional language to include, “Councilmembers shall not insult, demean, or belittle one another or the City’s staff while a meeting of the Council is in session.”
- Section § 4-1(B) Preparation; add additional language to include, “Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion.”
- Technical revisions to correct § 4-2 and § 4-3
- Section § 5-1(A) Order of Business; to further detail Council Work Session and to move the Call to Order to 7:00 p.m.
- Section § 5-1.1 Council Work Session; created a new section to further define Council Work Session.
- Section § 5-1.2 Roll Call; created a new section to further define Roll Call.
- Section § 5-5 Public Hearings; revised subsections (D) and (E) to address emails and voicemails to be submitted for the record. Created new subsections (F) and (G) as technical revisions.