

COUNCIL MEMBER DOLAN WILL GIVE THE INVOCATION

A G E N D A

City Council Meeting of December 12, 2017

4:00 P. M.

Work Session Agenda Items

- | | | |
|------------------|----|---|
| 4:00 – 4:20 p.m. | 1. | Presentation of the FY 2017 Comprehensive Annual Financial Report (CAFR) |
| 4:20 – 4:40 p.m. | 2. | Amend Legislative Agenda – Infill Development (#R-17-100) |
| 4:40 – 5:00 p.m. | 3. | City Council Salaries/Benefits – FY 2019 |
| 5:00 – 5:15 p.m. | 4. | Roll Call |
| 5:15 – 6:30 p.m. | 5. | Consideration of a closed meeting for: (i) the discussion and consideration of the acquisition by the City of a lot currently owned by Amazement Square, Inc. and located at 11 9 th Street the for the operation of a public skatepark because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; for discussion and consideration of the City Manager's and Clerk of Council's performance evaluations; and, to consider appointments to various boards and commissions, specifically the Community the Development Advisory Committee, the Planning Commission, Horizon Behavioral Health, the Sister City Liaison, the Lynchburg Regional Airport Commission, the Museum Advisory Board, the Historic Preservation Commission, the Transit Company Board of Directors, the Economic Development Authority, the Design Review Board, and the Lynchburg Business Development Center, pursuant to Section 2.2-3711(A.) (1) and (3) of the Code of Virginia." |

7:30 P.M.
City Council Agenda Items

Visit our Internet Web Site @ <http://www.lyncburgva.gov>

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into three sections.

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

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

Procedure:

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

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

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

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

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

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

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

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

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

- *#6. Consideration of adopting Resolution #R-17-101 to amend the FY 2018 Stormwater Capital Fund budget and appropriate \$70,494 with resources from Stormwater Local Assistance Fund (SLAF) matching grant to reimburse costs for Fire Station No. 8 Water Quality Improvement Project.
- *#7. Consideration of adopting Resolution #R-17-102 to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$36,182.98 with resources of \$18,091.49 from the Bulletproof Vest Partnership 2017 Grant Program and \$18,091.49 transferred from the FY 2018 General Fund Police Department (\$13,703.99) and Sheriff's Office (\$4,387.50) budgets to purchase 43 replacement bulletproof vests for law enforcement officers.

P U B L I C H E A R I N G

- #8. Public hearing regarding the petition of James River Day School (Lynchburg Day School, Inc.) for a conditional use permit in an R-1, Low Density Residential District at 5039 Boonsboro Road to allow the expansion and improvements to athletic fields.
(File: Community Development) #R-17-_____

P U B L I C C O M M E N T

- #9. Hear from a citizen regarding a request (Mark Reed).
(File: City Council)

G E N E R A L B U S I N E S S

- #10. Consideration of adopting a Resolution authorizing the issuance of bonds for Lynchburg College through the Economic Development Authority of the City of Lynchburg, Virginia.
(File: Economic Development) #R-17-_____

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 12, 2017**

AGENDA ITEM #: **1**

CONSENT:
ACTION:

REGULAR:
INFORMATION: **X**

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

**ITEM TITLE: Presentation of the FY 2017 Comprehensive Annual Financial Report (CAFR)
and Related Reports**

KEY ELEMENTS:

___Economic Development **_X_Excellent Government** ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Hear a presentation on the FY 2017 Comprehensive Annual Financial Report from the City's auditors.

SUMMARY: Representatives from the City's external auditing firm, Brown Edwards, LLC, will present the results of the annual audit to City Council.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Memo from Donna Witt; CAFR and related documents

NOTE: Hard copies of the attachments will be provided to City Council at the meeting.

REVIEWED BY: bms

160K



The City of Lynchburg, Virginia

CITY HALL, 900 CHURCH STREET, LYNCHBURG, VIRGINIA 24504
(434) 455-3968
FAX (434) 845-0711

FINANCIAL SERVICES
OFFICE OF THE DIRECTOR

To: City Council

From: Donna Witt, Director of Financial Services 

CC: Bonnie Svrcek, City Manager
Charles Hartgrove, Deputy City Manager

Date: December 7, 2017

Re: FY 2017 Comprehensive Annual Financial Report and Related Reports

In preparation for the upcoming presentation by Brown Edwards, LLC the following documents are enclosed for your review:

- FY 2017 Comprehensive Annual Financial Report (CAFR)
- Audit Committee Letter – Required Communication with those Charged with Governance
- Independent Auditor’s Report on Agreed –Upon Procedures – City of Lynchburg’s Sheriff’s Office
- Independent Auditor’s Report on Census Data submitted to the Virginia Retirement System-City of Lynchburg
- Independent Auditor’s Report on Census Data submitted to the Virginia Retirement System- Lynchburg City Schools and Laurel Regional Program
- Accounting and Other Matters – City of Lynchburg
- Accounting and Other Matters – Lynchburg City Schools
- Audit Committee Letter – Required Communication with those Charged with Governance – Lynchburg City Schools

Representatives from Brown Edwards, LLC will be presenting this information in the December 12th work session. Hard copies of these documents will be distributed at that time.

Thank you.

Attachments (8)

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 12, 2017**

AGENDA ITEM #: **2**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: Amend the 2018 Legislative Agenda to Include Infill Development Enabling Legislation

KEY ELEMENTS:

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

RECOMMENDATION: Adopt the revised 2018 Legislative Agenda.

SUMMARY: City Council adopted their Legislative Agenda in preparation for the 2018 session of the Virginia General Assembly on November 28, 2017. During the same meeting, Council directed staff to prepare code amendments to provide tax incentives for in-fill development of residential, commercial, multi-family (5 + units), or industrial buildings in the City's Rehabilitation and Conservation Districts, Redevelopment Areas, Arts & Cultural Districts. This tool would provide incentives for in-fill development to encourage additional housing, business services, employment opportunities and revitalization in older areas of the City. Council also directed staff to explore ways to expand the applicability of the program to other neighborhoods within the City.

Currently the only areas eligible for in-fill development with real estate tax exemption periods in this code section are redevelopment, rehabilitation and conservation areas. Council may also provide the exemption in the City's Arts & Cultural District in accordance with a separate state code section. Since the purpose of redevelopment areas, conservation areas, and rehabilitation districts is to designate areas of operation for the Housing Authority, expanding the boundaries of these areas would mean that the Housing Authority would be expected to provide services in those areas. Allowing local governments to determine the areas where real estate tax incentives for in-fill development apply would provide a tool to promote neighborhood revitalization and economic development without expanding the workload of the Housing Authority.

Staff proposes to amend the City's 2018 Legislative Agenda to encourage enabling legislation to let the local governing body determine where real estate tax incentives for in-fill development apply. If adopted, staff will forward the revised Agenda to our General Assembly delegation as well as invite our local legislators to meet with the Mayor, Vice Mayor, City Manager and Deputy City Manager should they so desire.

PRIOR ACTION:

November 28, 2017: City Council directed staff to explore ways to expand the applicability of the program to other neighborhoods within the City.

FISCAL IMPACT: If adopted, the proposed amendment to State Code would only allow the City the option to designate areas of the City to offer incentives for in-fill development. There would be no significant additional costs to administer the program within the City Assessor's Office, since the program is very similar to the Rehabilitation Exemption program.

CONTACT(S): Jeff Bandy, City Assessor (455-3830); Walter Erwin, City Attorney, 455-3973; Kent White, Community Development Director (455-3900); Marjette Upshur, Economic Development Director (455-4490); Charles Hartgrove, Deputy City Manager (455-3990);

ATTACHMENT(S): Resolution; Draft Revision to 2018 Legislative Agenda

REVIEWED BY: bms

RESOLUTION:

BE IT HEREBY RESOLVED that the Lynchburg City Council adopts its 2018 Legislative Agenda and directs the Clerk of Council to forward it to the City's General Assembly delegation for information and action, as appropriate.

Adopted:

Certified:

Clerk of Council

149K

CITY OF LYNCHBURG

2018 LEGISLATIVE AGENDA

Adopted ~~November 28, 2017~~
December 12, 2017

The City of Lynchburg is a member of both the Virginia Municipal League and the Virginia First Cities Coalition and supports the legislative agendas of both organizations. The City of Lynchburg 2018 Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council asks that legislators keep the following principles in mind as they evaluate and vote on legislation and the biennial budget.

PRINCIPLES

- Local governments are instruments of the state, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.
- The state must continue to meet constitutional and statutory responsibilities to adequately fund the state share of state/local services, especially in education, human services, and public safety. Any shortfall in state revenues should not be shifted to local governments.
- When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered services.
- Rather than shifting responsibilities for programs that the state is unwilling to fund down to the localities, the state should consider eliminating those programs.
- The state should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.
- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.
- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.

- The General Assembly should preserve local zoning and land use authority, allowing flexibility to meet the needs of individual communities.

2018 LEGISLATIVE PRIORITIES

Filing of Bills with Local Fiscal Impact: Support legislation that requires members of the General Assembly to file bills with local fiscal impacts as early as possible and no later than the first day of the legislative session, so that the appropriate fiscal impact analysis can be completed and reported in a timely manner.

Taxes- Machinery and Tools: Oppose legislation that would reduce or eliminate a locality's authority to impose a machinery and tools tax. The loss of \$4,841,000 in revenue from the Machinery and Tools Tax would equate to a 9.9 cent increase in the City's Real Property Tax rate.

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of \$8,127,366 in revenue from the Business License Tax would equate to a 16.7 cent increase in the City's Real Property Tax rate.

Children's Services Act (CSA): CSA funding continues to be a serious concern. Actions taken by the General Assembly have increased mandated services and shifted costs to the localities. The General Assembly should refrain from adding additional mandated services and should fund its full share of the CSA program.

Comprehensive Poverty Reduction: Support continued funding of the Community Wealth Building state matching fund which partners with local programs that target intractable long-term pockets of poverty through combined education and job training, housing and transportation resources, mentoring and prisoner re-entry, childcare and early education, and workforce training and other programs that break the cycle of poverty. Preparing people for jobs in the new workforce is extremely important to a healthy community continuum. Prioritize the use of "Go Virginia" funding to create jobs for those in poverty.

Economic Development: Preserve existing incentive and grant funds offered by the Virginia Economic Development Partnership, the Virginia Department of Agriculture and Consumer Services, the Department of Housing and Community Development, the Department of Environmental Quality, Virginia Tourism Corporation, and Virginia Commission for the Arts.

Educational Funding: Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality (SOQ), including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These

shifts do not change what it actually costs to provide education but simply transfers additional costs to local governments, and ultimately to the local real estate tax base.

Historic Rehabilitation Tax Credits: Support this financing tool which supports the development and redevelopment of historic buildings.

Local Law Enforcement Funding: The Commonwealth should be equitable in its support for local law enforcement funding both to those localities with police departments (HB 599 funding) and to those in which Sheriff's Departments provide law enforcement (through the Compensation Board). Cities should not bear a disproportionate burden for law enforcement funding through continued reductions in funds provided by HB 599.

Proffers: Request that the General Assembly monitor the impact the adoption of Section 15.2-2304.4 of the State Code will have on the use of proffers in conditional residential rezonings, with an eye towards identifying any uncertainties or confusion resulting from the implementation of the new legislation, and consider any amendments to Section 15.2-2304.4 that may be needed to further clarify the appropriate use of proffers in conditional residential rezonings.

Revenue Sharing: Preserve the Revenue Sharing program administered by the Virginia Department of Transportation. This program allows localities to leverage funds for needed projects that have no other source of funding.

Water Quality and Environment: The City continues to face significant financial burdens in its efforts to comply with water quality regulations. The management of all the related water quality programs imposes high costs on sewer and stormwater rate payers. Continued Federal and State assistance is required to avoid an unreasonable economic burden on City residents and businesses. The City urges support for the following positions:

- Support legislation authorizing Long-Term phased implementation of ammonia-related nitrogen requirements under consideration now by the State Water Control Board.
- Conform Virginia's Compliance Schedule Rule to the Federal Rule for consistency to remove the 5-year ceiling on allowed schedules and instead adopt the Environmental Protection Agency's "As soon as possible" provision that allows for longer compliance schedules when appropriate.
- Support legislation that minimizes duplicative mandates on Municipal Separate Storm Sewer Systems (MS4) localities for oversight of industries with Virginia Pollution Discharge Elimination System (VPDES) permits which are already regulated by the Department of Environmental Quality (DEQ).
- Support adding a DEQ administrative process to forecast future funding needs specifically related to the Stormwater Local Assistance Fund.
- Continue to adequately fund the Virginia Clean Water Revolving Loan Fund (VCWRLF) program and make available low and zero interest loans for water quality improvement projects that are necessary for permit compliance and the achievement of the goals of the Chesapeake Bay

and other local Total Maximum Daily Loads(TMDL).

- Support efforts to fund the Stormwater Local Assistance Fund in the amount of at least \$50 million to help localities offset some of the multi-billion dollar cost attributed to stormwater through the Chesapeake Bay TMDL.
- Oppose any efforts to exempt certain properties from stormwater utility fees. Additionally oppose efforts to provide reduced stormwater fees for certain properties or situations. Equitable distribution of stormwater program costs is essential to meeting regulatory requirements and minimizing stormwater rates.
- Oppose any efforts to increase DEQ's penalty authority against localities.
- Oppose any efforts to shorten Sanitary Sewer Overflow reporting deadlines. Currently the requirement is to notify DEQ within 24 hours of an overflow. A shorter timeline would significantly impact staffing needs.
- Oppose more stringent requirements and regulations associated with the land application of biosolids.

OTHER LEGISLATIVE POSITIONS

Binding Arbitration: Oppose legislation that mandates binding arbitration, meet and confer requirements, and imposed grievance procedures for local employees.

Communications Sales and Use Tax: . The Virginia Communication Sales and Use Tax was enacted to establish a statewide tax rate and to preempt local taxes on communication sales and services. The City supports setting the tax rate at the same level as the state sales tax rate of 5.3 percent, and broadening the coverage of the tax to include audio and video streaming services and prepaid calling services.

Exemptions: Oppose any legislation that would exempt churches and other religious and non-profit organizations from neutral, generally applicable local ordinances, and in particular local health, safety and zoning ordinances.

FOIA Exemption on the Release of Information Pertaining to Closed Criminal Justice Case Files: Oppose legislative action to remove the current FOIA exemption on the release of information pertaining to closed criminal justice case files. While not preventing the disclosure of information from closed criminal case files, the exemption allows law enforcement agencies the option to decline disclosure in situations where such disclosure is deemed likely to compromise ongoing criminal investigations; to identify at-risk witnesses, informants or victims; or to otherwise jeopardize public safety. Beyond the scope of endangering witnesses, informants or victims in certain cases, indiscriminate release of all closed case information would significantly hamper current criminal investigations involving the same suspect, similar modus operandi, etc. A primary reason for keeping investigative details from public knowledge is to preserve investigators' ability to evaluate the validity of information gathered from various sources

Infill Development: [Sections 58.1-3220, 58.1-3220.01, 58.1-3220.1, and 58.1-3321 of the Virginia Code allow a local governing body to adopt an ordinance providing for the](#)

partial exemption of real estate taxes for rehabilitated, renovated or replacement residential, hotel or motel, and commercial or industrial structures. However, these sections do not allow a local governing body to adopt an ordinance providing for the partial exemption of real estate taxes for in-fill structures that are constructed on vacant lots. The construction of new structures on vacant lots helps revitalize residential neighborhoods and helps promote economic development in commercial and industrial areas. In order to be able to offer an incentive to encourage the construction of new structures on vacant lots, the City requests that the General Assembly adopt legislation amending Sections 58.1-3220, 58.1-3220.01, 58.1-3220.1, and 58.1-3321 of the Virginia Code to also allow a local governing body to adopt an ordinance providing for the partial exemption of real estate taxes for the construction of in-fill residential, hotel or motel, and commercial or industrial structures on vacant lots.

Law Enforcement Data Collection and Retention: The collection of data on citizen activities in the public rights of way is a sensitive matter and should be addressed with due caution to respect individual privacy rights. Access to data collected by devices such as Automatic License Plate Readers should be only for legitimate law enforcement purposes after a crime has been committed.

Line of Duty Act: Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, support efforts to implement the recommendations of the 2014 Joint Legislative Audit and Review Commission (JLARC) “Line of Duty Act Report”.

Prevention: Restore state funds for prevention services.

Reimbursement for Political Party Primaries: Support the full reimbursement to localities for the costs related to political party primaries.

Reimbursement for General Registrar and Electoral Board Expenses: Support the full reimbursement by the State to the localities for the compensation and expenses of the General Registrar and Electoral Board.

Reimbursement for the Retrieval of Cellular Phone Information: The General Assembly should amend §19.2-70.3 of the Code of Virginia to provide reimbursement for the costs of retrieving historic cellular tower information through a search warrant. Code of Virginia §19.2-70.2 has language in section G that allows localities to seek reimbursement for costs related to obtaining pen register information authorized through a court order. Such orders are traditionally used for real-time cellular phone information (pen register and trap & trace). Code of Virginia §19.2-70.3 does not currently have language to allow localities to seek reimbursement. This code section requires a search warrant for cellular phone information related to real-time location data (pinging a phone) or historic subscriber and billing information. United States v. Graham, decided August 5th by the 4th Circuit Court of Appeals, held that a search warrant is necessary for historic cellular tower information. This sort of information shows where a phone was at any relevant point in time. Without the reimbursement language being added to §19.2-70.3, localities will end up spending thousands of dollars a year through investigations involving the need for cellular phone information obtained through search warrants.

Short-term Rentals: Oppose short-term rental legislation that does not require property owners to register locally and insure accessibility, zoning and life safety protections and equal taxing of all lodging facilities.

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining Virginia Initiative for Employment not Welfare (VIEW) staff and funding in Social Services. This program has successfully helped Temporary Assistance for Needy Families (TANF) recipients secure and maintain jobs.

State Aid to Public Libraries: Restore state aid for libraries to at least FY 2010 levels. Public libraries serve as resources for early childhood education and for the unemployed seeking job opportunities.

Substance Abuse Treatment: Restore state funding for substance abuse treatment programs. Such funding could be provided to Community Service Boards, programs such as “The Healing Place” or other pilot programs.

Tax on Electronic Cigarettes and Vapor: Support legislation to allow localities to tax electronic cigarettes and vapor in a manner similar to traditional cigarettes.

Taxes on Local Services: Oppose the imposition of a state fee, tax or surcharge on water, sewer, and solid waste or on any other local government funds or services.

Telecommunications: Maintain local authority over zoning, land use, rights-of-way and taxation. Limit new state regulation preempting local authority regarding the use and compensation of local rights of way for telecommunications.

Workers Compensation Medical Fees: Virginia should adopt Medicare-based fee schedules for setting medical provider fees in workers’ compensation cases, instead of the prevailing community rate standard now used. This will make providing workers’ compensation coverage more affordable and will adequately protect the financial interests of the medical providers of Virginia.

Adopted: ~~November 28, 2018~~ December 12, 2017

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 12, 2017**

AGENDA ITEM #: **3**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ITEM TITLE: City Council Compensation

KEY ELEMENTS:

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

RECOMMENDATION: If so desired, adopt the revised ordinance regarding Council salaries and/or resolution regarding fringe benefits.

SUMMARY: City Council requested additional information regarding Council compensation at its retreat in early November particularly as compensation relates to non-salary related or fringe benefits. Section 15.2-1414.6 of the *Code of Virginia* (copy attached) states that no increase in the salary of a member of council shall take effect until July 1 after the next regularly scheduled general election of council members. The *Code* further states that every proposed increase in the salary of members of council shall be adopted at least four months prior to the date of the next municipal election except in the case of a newly consolidated city when the proposed increase shall be adopted at least two months prior to the date of its municipal election.

According to the *Code of Virginia* cities within the 75,000 to 174,999 population bracket shall be allowed to set salaries for mayors, which include presidents of council and council members not to exceed \$25,000 for the Mayor and \$23,000 for Council. The attached "Study on City Council Salaries and Fringe Benefits" offers comparative information from other cities in the Commonwealth.

It is not clear whether non-salary related or fringe benefits fall within Section 15.2-1414.6 of the *Code of Virginia*. In consultation with the City Attorney and in the spirit of transparency, staff recommends that Council consider *any* compensation be considered within the *Code of Virginia* language noted above.

If Council were to add fringe benefits to their compensation, the following rates would apply: Group Life Insurance – 1.31% of salary; Medical Insurance (employee only) - \$5,520; Dental Insurance (employee only) - \$336; Vision (employee only) - \$48; Virginia Retirement System – 18.76% City contribution.

With a municipal election on May 1, 2018 Council would need to take action on a proposed increase prior to January 1, 2018.

Council salaries are set forth in the *City Code*. Accordingly, a change to the salaries would require a *Code* amendment. An excerpt of the *City Code* is attached along with a draft ordinance with blanks to fill in an amount that Council might choose. A resolution providing the members of City Council with benefits is also attached.

PRIOR ACTION(S): On December 11, 2007 City Council voted to increase the salary of the Mayor from \$10,000 to \$12,000 per year and increase the salary of Council members from \$8,000 to \$10,000 per year.

BUDGET IMPACT: To be determined based on Council discussion. Any additional funding would be budgeted in the *FY 2019 Proposed Operating Budget*.

CONTACT(S): Bonnie Svrcek, City Manager, 455-3990

ATTACHMENT(S): Resolution; *Code of Virginia* § 15-2-1414-6 Permitted salaries; salary increases; reimbursement for expenses; Study on City Council Salaries and Fringe Benefits – November 2016; *City Code* Draft Ordinance Regarding Council Salaries

REVIEWED BY: bms

RESOLUTION

BE IT RESOLVED by the Lynchburg City Council that pursuant to the authority granted to Council by Section 15.2-1414.6 of the Virginia Code, beginning on July 1, 2018, the members of City Council are hereby compensated with the following benefits _____.

Adopted:

Certified:

Clerk of Council

164K

§ 15.2-1414.6. Permitted salaries; salary increases; reimbursement for expenses.

Subject to the exception provided for in § [15.2-1414.5](#), the annual salary of each member of the council of any city shall be set by its members by ordinance notwithstanding any contrary provision of law, general or special. The setting of such salaries by members of council shall include the salary of the mayor or president of the council whether such official is a member of council or not.

Cities within the following population brackets shall be allowed to set salaries for mayors, which include presidents of council, and council members not to exceed the following:

a	Population	Annual Salary
b	260,000 and over	
c	Mayor	\$30,000
d	Council	28,000
e	175,000 to 259,999	
f	Mayor	27,000
g	Council	25,000
h	75,000 to 174,999	
i	Mayor	25,000
j	Council	23,000
k	35,000 to 74,999	
l	Mayor	20,000
m	Council	18,000
n	20,000 to 34,999	
o	Mayor	13,000
p	Council	12,000
q	15,000 to 19,999	
r	Mayor	12,000
s	Council	11,500
t	14,999 and under	
u	Mayor	11,500
v	Council	11,000

No increase in the salary of a member of council shall take effect until July 1 after the next regularly scheduled general election of council members.

Every proposed increase in the salary of a member of council shall be adopted at least four months prior to the date of the next municipal election except in the case of a newly created

consolidated city when the proposed increase shall be adopted at least two months prior to the date of its first municipal election.

Any member of council shall be eligible to be reimbursed for any personal expenses incurred by him for official business. However, all claims for reimbursement shall be for reasonable expenses to the extent permitted by law incurred in the conduct of official city business and shall be itemized and documented by stamped paid receipts to the extent feasible.

In addition to salary, each member of the council of any city may be compensated with such benefits as are provided city employees by the city.

1981, c. 358, § 14.1-47.2; 1982, c. 125; 1985, c. 111; 1986, cc. 111, 312; 1988, c. 213; 1996, c. [263](#); 1997, c. [592](#); 1998, c. [872](#).

Study on City Council Salaries and Fringe Benefits



**Commission on Local Government
Commonwealth of Virginia**

November 2016

***Members of the
Commission on Local Government (CLG)***

Chairman

Victoria L. Hull

Vice-Chairman

Diane M. Linderman, PE

Bruce C. Goodson
Kimble Reynolds, Jr.
John T. Stirrup, Jr.

Director, Department of Housing and Community Development
William C. Shelton

Local Government Policy Administrator
J. David Conmy

CLG Staff for this Report
Ali Akbor, Senior Public Finance Analyst
Kristen B. Dahlman, Senior Policy Analyst

This report is available on the Commission's website at www.dhcd.virginia.gov/clg

Main Street Centre
600 E. Main Street, Suite 300
Richmond, Virginia 23219

Study on City Council Salaries and Fringe Benefits

November 2016

Summary:

- When adjusting for Cost of Living (CLI) using 2015 Sterling's Best Places index; the majority of the 11 cities appear to compensating less than the actual statutory salaries for council members and mayors.
- If the current salary brackets set out in the code (last updated in 1997) were adjusted for inflation, it would increase the current statutory maximums by roughly 40 percent.
- CLG staff were unable to determine a comprehensive comparison of city council salaries due to a wide variation in benefits offered, city council structure, and charter language.

Background:

During the 2016 General Assembly session, the House Committee on Counties, Cities, and Towns Subcommittee #1 considered HB 460 (McQuinn) to raise the maximum salary of city council members by \$10,000 for cities with a population of 175,000 or more. The members received and reviewed a study from the City of Richmond that examined salary, health, retirement, and fringe benefits offered to City Council and Board of Supervisors members in "comparable jurisdictions" throughout the Richmond region and cities in the state.¹ Upon reviewing the study, the committee concluded that additional information was needed to properly assess raising the salary for cities that have a population of 175,000 or more.

To collect additional information, Delegate Charles Poindexter, Chairman, House Committee on Counties, Cities, and Towns Subcommittee #1, requested that the Commission on Local Government (CLG) conduct a study of current salaries for city council members with a population of 175,000 or more. Upon further discussion among the Commissioners, CLG staff, and Delegate Poindexter, it was agreed that the study would consist of:

1. A comparison of the various statutes, special acts, and charter provisions governing city and council member salaries
2. A comparison of salaries, health, retirement, and related employee benefits provided to council members; the most recent date of a salary increase; and the statute, special act, or charter provision under which those salaries and benefits were established

To conduct a thorough comparison, it was decided to include cities that are in the top three population brackets per §15.2-1414.6 of the Code of Virginia (the Code): 75,000 to

174,999; 175,000 to 259,999; and 260,000 and over (Attachment A). The cities that are included in this study are Virginia Beach, Chesapeake, Norfolk, Richmond, Newport News, Alexandria, Hampton, Lynchburg, Portsmouth, Roanoke, and Suffolk.

Subsequently, an email was sent to city managers on June 6, 2016, notifying them of the study and requesting information to be completed using an Excel template. There was a 100 percent response rate for the study. City managers were given a deadline of July 30, 2016, to furnish the following requested information:

- 1) City Council Duties and Responsibilities
- 2) Number of Council Members
- 3) Related Salary and Compensation laws for City Council Members with a copy of the relevant section of the charter or Code of Virginia section
- 4) List of current benefits such as salary, allowance, fringe, and other benefits
- 5) Average working hours per month, including any "official business of the people" conducted as a council member.

CLG staff also included median household income, cost of living index, city area (in square miles), and salary adjusted for inflation for further analysis.

Analysis and Findings

Charter Language:

Section 15.2-1414.5 of the Code (Attachment A) authorizes annual salaries of council members and permits localities that have no limitations on salaries in their charters to continue to pay their council members pursuant to their charter. Alternatively, §15.2-1414.6 of the Code sets maximum salary amounts for cities that do set limitations on such compensation and also contains provisions regarding salary increases and reimbursement expenses. The salary limits are based upon their alignment within different population brackets. Finally, the Code authorizes city council members to raise salaries within the statutory limit by ordinance and provides that any salary increases by the city council ordinance shall not go into effect until July 1 after the next regularly scheduled general election of council members. The salary amounts were last updated during the 1997 General Assembly session.

The Cities of Alexandria, Virginia Beach and Portsmouth do not contain any language in their charters that places limits on the salaries for city council and mayor. Virginia Beach had language in their charter until 2003, when such language was removed. The City of Portsmouth passes an annual ordinance (most recently on May 10, 2016) that sets the yearly compensation for the mayor and council members (Attachment B). Although they do not have language in their charter pertaining to salaries, their annual rates do not exceed the state salary maximum.

Language varies amongst the other cities for setting compensation for council members. Chesapeake, Newport News, Norfolk, Richmond, Roanoke, and Suffolk have language in

their charter that allows salary raises by ordinance within the limits set by state statute; whereas, Hampton and Lynchburg have language that sets out specific salaries for the mayor and council members within the state statute.

Salary ranges:

There was a wide variation in salaries for council members and mayors. One city, Alexandria is compensating the mayor and city council above the statutory limit per the Code. Overall, the majority of the cities are compensating mayors and city council members at the maximum amounts per the Code (six out of 11 cities). Only four cities are compensating below the maximum amount. The City of Richmond has different compensation for the mayor (\$125,000) because the mayor is elected at large and is authorized to have a salary set higher than the statutory limits.ⁱⁱ

Residents Represented per Council Member

There was variation in representation via number of residents per city council member (Attachment F). Consequently, CLG staff was unable to properly assess population served by each council member in relation to their salary due to the different classifications and structures: council members can represent “Districts,” “Wards” and “Super Wards” or “At Large.” For instance, Norfolk has seven council members, where two council members each represent one half of the city in “Super-Wards” and five council members represent a specific “Ward.” The mayor is elected “At Large” separately from the council and represents the entire population of Norfolk. For Virginia Beach, three out of 11 council members are elected “At Large,” and seven represent a specific “District”. The mayor of Virginia Beach is also elected “At Large.” On the other hand, Alexandria has six council members, all of whom are elected “At Large” in addition to the mayor. Therefore, each council member and mayor represents the total population of the city. There are only three cities that have both the mayor and city council elected “At Large” (Alexandria, Chesapeake, and Hampton).

Benefits

The Code includes language that allows city council members and mayors to receive benefits that are offered to city employees and eligibility to receive reimbursement for personal expenses incurred while on official business. The range of benefits offered to members varies by population tier (Attachment D). For instance, the City of Alexandria in the 75,000 to 174,999 population bracket classifies city council members and the mayor as full time employees in the city charter and offers a full range of retirement, health, and fringe benefits. The City of Newport News in the 175,000 to 259,999 population bracket classifies council members and the mayor as part time employees and offers only retirement and travel allowance benefits.

A comprehensive comparison of the total amount cities pay for benefits could not be included in the study due to two factors in the reporting of data. In the instance of health insurance or group life insurance, a city may offer the benefits, but not all of the members chose to opt into the program. The CLG was unable to accurately calculate total cost per

council member or mayor because not every member opted into benefits offered. Moreover, some cities classify their mayor and council members as full time while others classify them as part time. Due to this classification, some cities offer more benefits than others. CLG staff could not conclude whether one city was spending more over another on benefits due to these different classifications and because council members may choose to opt out of benefits programs.

Comparing and Measuring the worth of Salary:

1. Cost of Living Index (CLI) Adjusted Salary:

Sperling's Best Places Cost of Living Index (CLI) was used to equally weigh and compare the value of salary for mayors and council members of each city and to account for regional differences (Attachment C). The salaries are indexed at 100 to show differences in high and low CLI. A score above 100 indicates a high CLI and a score below 100 indicates a low CLI. Additionally, current city council and mayor salaries were adjusted for CLI to be compared with the current salaries offered by the cities.

Based upon the analysis:

- Alexandria's CLI at 155.5 is the highest and 75% more than the lowest calculated CLI for Roanoke at 88.9.
- Richmond City Council members' CLI adjusted salary is \$26,205 and is the highest among the 11 cities and 137% more than the lowest CLI adjusted salary of \$11,038 for Lynchburg City Council members.
- Alexandria's CLI is the highest, whereas their adjusted city council salaries ranked 9th highest among the 11 cities.
- Seven out of the 11 cities appear to be compensating their council members and mayors less than current salaries based on CLI
- Four out of the 11 cities appear to be compensating more than current salaries based on CLI

2. Inflation Adjusted Salary:

Section 15.2-1414.6 of the Code for salary brackets was lastly updated in 1997. If the current salary brackets set out in the Code were adjusted for inflation (Attachment E), it would increase the current statutory maximums by roughly 40 percent. For example, the City of Virginia Beach (population bracket of 260,000 or more) is compensating at the maximum statutory amounts: \$30,000 for the mayor and \$28,000 for city council members. Those salaries, when adjusted for inflation, would raise the compensation of the mayor to \$41,919 and \$39,124 for council members. This is more than a \$10,000 difference, a 39.73 percent increase, respectively.

Concluding Remarks

There are a wide variety of differences in salaries and benefits offered to city council members and mayors in the different population bracket cities. There is also inconsistency in the full time/part time classification of elected officials among the cities examined. When compared to CLI or adjusting for inflation, a different picture appears for the amount of compensation that is offered to these elected officials. Staff furnished this information upon request and is available to expand on any of the information presented here in this study.

ⁱ *Report of the City Council Compensation Review Advisory Committee*. Working paper. Richmond City Hall. November 9, 2015.

ⁱⁱ "Class Title: Mayor." Richmond VA Human Resources Richmond On-Line Staffing System. Accessed October 05, 2016.
<http://agency.governmentjobs.com/richmond/default.cfm?action=viewclassspec>.

Attachment A: Code of Virginia

§ 15.2-1414.5. Each councilman to be paid annual salary; effect of charter

Each member of the council of each city shall be allowed and paid out of the city levy an annual salary in equal monthly installments, or in accordance with the payroll cycle of city employees, to be fixed as herein provided, for his services in attending the meetings of the council and in discharging the duties imposed by law upon him. Any city, however, whose charter imposes no limitation on salaries, may continue to pay its councilmen and mayor pursuant to such charter.

§ 15.2-1414.6. Permitted salaries; salary increases; reimbursement for expenses.

Subject to the exception provided for in § 15.2-1414.5, the annual salary of each member of the council of any city shall be set by its members by ordinance notwithstanding any contrary provision of law, general or special. The setting of such salaries by members of council shall include the salary of the mayor or president of the council whether such official is a member of council or not.

Cities within the following population brackets shall be allowed to set salaries for mayors, which include presidents of council, and council members not to exceed the following:

Population	Annual Salary	
260,000 and over		
Mayor	\$30,000	
Council	28,000	
175,000 to 259,999		
Mayor	27,000	
Council	25,000	
75,000 to 174,999		
Mayor	25,000	12,000
Council	23,000	10,000
35,000 to 74,999		
Mayor	20,000	
Council	18,000	
20,000 to 34,999		
Mayor	13,000	
Council	12,000	
15,000 to 19,999		
Mayor	12,000	
Council	11,500	
14,999 and under		
Mayor	11,500	
Council	11,000	

Attachment A: Code of Virginia

§ 15.2-1414.6. Permitted salaries; salary increases; reimbursement for expenses
(continued)

No increase in the salary of a member of council shall take effect until July 1 after the next regularly scheduled general election of council members.

Every proposed increase in the salary of a member of council shall be adopted at least four months prior to the date of the next municipal election except in the case of a newly created consolidated city when the proposed increase shall be adopted at least two months prior to the date of its first municipal election.

Any member of council shall be eligible to be reimbursed for any personal expenses incurred by him for official business. However, all claims for reimbursement shall be for reasonable expenses to the extent permitted by law incurred in the conduct of official city business and shall be itemized and documented by stamped paid receipts to the extent feasible.

In addition to salary, each member of the council of any city may be compensated with such benefits as are provided city employees by the city.

ORDINANCE NO. 2016-23

AN ORDINANCE ADOPTING THE FY 2016 - 2017 CLASSIFICATION AND PAY PLAN FOR EMPLOYEES OF THE CITY OF PORTSMOUTH, VIRGINIA.

BE IT ORDAINED by the Council of the City of Portsmouth, Virginia:

1. That there is hereby adopted a new classification and pay plan for all employees of the City of Portsmouth, Virginia, entitled "City of Portsmouth Classification and Pay Plan," attached hereto as Exhibit A and made a part hereof.
2. That Ordinance No. 2015-21, adopted on May 12, 2015, is hereby repealed.
3. That this ordinance shall take effect on July 1, 2016.

ADOPTED by the Council of the City of Portsmouth, Virginia, at a meeting held on May 10, 2016.

Teste:

City Clerk

SECTION 8. SALARIES FOR UNCLASSIFIED POSITIONS

The annual salary rates of the following unclassified positions shall be the amount stated herein:

	<u>July 1, 2016</u>
City Manager	\$ 150,000
City Attorney	\$ 150,000
City Clerk	\$ 94,544
City Assessor	\$ 120,377
City Auditor	\$ 97,391
Mayor	\$ 25,000
Council Member	\$ 23,000

In addition to the base salary, the City Manager is hereby authorized an annual amount of \$9,600 for car allowance and \$3,600 for general expenses. Further, the City Manager is hereby authorized an annual lump sum contribution of \$50,000 for a defined contribution plan.

In addition to the base salary, the City Attorney is hereby authorized an annual lump sum contribution of \$25,000 for a defined contribution plan.

SECTION 9. ADJUSTMENTS TO RETIREMENT ALLOWANCES

There shall be no adjustments of retirement allowances as prescribed in Sections 30-122 and 30-243 of the Code of the City of Portsmouth, Virginia, (2006).

SECTION 10. REPEAL OF CONFLICTING ORDINANCES

Ordinance No. 2015-21 was repealed effective June 30, 2016.

SECTION 11. EFFECTIVE DATE OF ORDINANCE

- (a) The ordinance became effective July 1, 2016.
- (b) Adopted by the City Council of the City of Portsmouth, Virginia at a meeting held on May 10, 2016.

Attachment C: Salary Comparison

Population Tier per VA Code: §15.2-1414.6	Locality	Council Members	Annual Salary				Median Household Income	Cost of Living Index	Annual Salary Equivalent to Cost of Living Index at 100	City Area
				Actual	Limit Per Statute	Remarks				
260,000 and over	Virginia Beach	11	Mayor	\$30,000	\$30,000	Within the Statutory limit	\$67,676	109.8	\$27,322	497 mi ²
			Council	\$28,000	\$28,000				\$25,501	
175,000 to 259,999	* Chesapeake	9	Mayor	\$25,000	\$27,000	Below the Statutory limit	\$66,625	109.7	\$22,789	351 mi ²
			Council	\$23,000	\$25,000				\$20,966	
	Norfolk	8	Mayor	\$27,000	\$27,000	Within the Statutory limit	\$42,567	98.6	\$27,383	95.98 mi ²
			Council	\$25,000	\$25,000				\$25,355	
	Richmond	9	Mayor*			Within the Statutory limit (Except Mayor)	\$42,074	95.4	\$ -	62.51 mi ²
			Council	\$25,000	\$25,000				\$26,205	
	Newport News	7	Mayor	\$27,000	\$27,000	Within the statutory limit	\$48,440	96.4	\$28,008	120 mi ²
			Council	\$25,000	\$25,000				\$25,934	
75,000 to 174,999	Alexandria	7	Mayor	\$30,500	\$25,000	Above the Statutory limit	\$86,419	155.5	\$19,614	15.48 mi ²
			Council	\$27,500	\$23,000				\$17,685	
	Hampton	7	Mayor	\$25,000	\$25,000	Within the Statutory limit	\$47,615	94	\$26,596	136 mi ²
			Council	\$23,000	\$23,000				\$24,468	
	Lynchburg	7	Mayor	\$12,000	\$25,000	Below the Statutory limit	\$40,065	90.6	\$13,245	49.61 mi ²
			Council	\$10,000	\$23,000				\$11,038	
	Portsmouth	7	Mayor	\$25,000	\$25,000	Within the Statutory limit	\$43,045	91.7	\$27,263	16.83 mi ²
			Council	\$23,000	\$23,000				\$25,082	
	Roanoke	7	Mayor	\$22,000	\$25,000	Below the Statutory limit	\$40,735	88.9	\$24,747	43.01 mi ²
			Council	\$17,116	\$23,000				\$19,253	
	Suffolk	8	Mayor	\$18,000	\$25,000	Below the Statutory limit	\$60,735	105.7	\$17,029	429 mi ²
			Council	\$15,000	\$23,000				\$14,191	

Note: Per Federal Law, employer contributes 6.20% and 1.45% of salary for Social Security and Medicare, respectively for each Council member.

**Richmond's Mayor is elected at large and has separate salary parameters*

Attachment D: Benefits Offered by Cities

Locality	Group Life	Health Insurance	Retirement	Education & Training	Computer	Telephone	Parking	Office	Travel Allowance	All Other
Virginia Beach	No	Yes	No	Yes	Yes	Yes- Mayor	Yes	Yes-Mayor	Yes	No
Chesapeake	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Norfolk	No	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes
Richmond	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Newport News	No	Yes*	Yes	No	No	No	No	No	Yes	No
Alexandria	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Hampton	No	Yes	No	Yes	Yes	Yes	No	Yes-Mayor	No	No
Lynchburg	No	No	No	Yes	Yes	Yes	Yes	Yes -Mayor Vice Mayor	No	No
Portsmouth	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Roanoke	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes
Suffolk	No	No	No	Yes	No	Yes	Yes	Yes-Mayor	No	No
Benefit Offered (%)	36%	82%	45%	73%	73%	91%	55%	82%	64%	36%

*Only offered to those elected before 03/10/2010

Attachment E: Inflation Adjusted Salary for 2015

Salary permitted per Virginia Code of § 15.2-1414.6		Last Updated by General Assembly in 1997		Inflation Adjusted Salary for 2015	
Tier	Population	Annual Salary		Annual Salary	
		Mayor	Council	Mayor	Council
1	260,000 and over	\$30,000	\$28,000	\$41,919	\$39,124
2	175,000 to 259,999	\$27,000	\$25,000	\$37,727	\$34,933
3	75,000 to 174,999	\$25,000	\$23,000	\$34,933	\$32,138
4	35,000 to 74,999	\$20,000	\$18,000	\$27,946	\$25,151
5	20,000 to 34,999	\$13,000	\$12,000	\$18,165	\$16,768
6	15,000 to 19,999	\$12,000	\$11,500	\$16,768	\$16,069
7	14,999 and under	\$11,500	\$11,000	\$16,069	\$15,370

Attachment F: Residents Represented Per Council Member

Locality	Council Members	Total Population	Residents per Council Member
Alexandria	7 at large	155,230	155,230
Chesapeake	9 at large	235,638	235,638
Hampton	7 at large	138,545	138,545
Lynchburg	4 per Ward 3 at Large	77,874	19,468 77,874
Newport News	7 1 at large	183,362	26,195 183,362
Norfolk	6 2 Super-ward Mayor at Large	246,394	41,065 123,197 246,394
Portsmouth	7 at large	96,802	96,802
Richmond	9 Mayor at large	213,504	23,723 213,504
Roanoke	7	99,320	99,320
Suffolk	7 Mayor at large	89,586	12,798 89,586
Virginia Beach	7 4 at Large	451,672	64,525 451,672

DRAFT ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 2-16.1 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE SALARIES OF THE MEMBERS OF COUNCIL.

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

1. That Section 2-16.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 2-16.1. Salaries of members of council.

Present members of council shall be paid their current salary until the first of July 2018, thereafter the salary of each member of council shall be ~~\$10,000~~ _____ per annum, except that member who shall be elected mayor, whose salary shall be ~~\$12,000~~ _____ per annum, payable out of the treasury of the City of Lynchburg in bi-weekly installments.

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

Adopted:

Certified:

Clerk of Council

164K

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of November, 2017, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Absent: 0

// Mayor Foster welcomed and introduced the new President and CEO of Lyn-CAG, William J. Coleman. Mr. Coleman spoke briefly on his appointment as President of Lyn-CAG. Mr. Coleman stated their objective is to identify the needs of the City and what Lyn-CAG can do as an agent, set priorities, and focus resources on overcoming poverty. He also mentioned there are things as an agent they would like to do while transforming themselves to meet those needs. It is hard to identify poverty and strategies to address it. He has a vision for Lyn-CAG that says "Lyn-CAG Cares", which would help focus on who they are rather than what they do.

- To make sure we do our best and that we provide the best service
- We respect every person that we serve
- Will cooperate with every department to make a stronger Lynchburg community action group, committed and professional to approach the problems we are facing

Mr. Coleman stated that in the near future he plans to report on the things that Lyn-CAG is doing to meet the needs of people in Central Virginia and the future plans of the organization.

// Mr. David Perault, Chair of Lynchburg Planning Commission presented the Lynchburg Planning Commission Fiscal Year 2017 Annual Report. The annual report covers the activities of the Planning Commission and the implementation of the Comprehensive Plan for the period July 1, 2016 – June 30, 2017.

Mr. Perault stated he would be focusing this year on sidewalks. City Council directed the Planning staff to work on Zoning Ordinance addressing sidewalks and connectivity.

- August 9, 2017 – Planning Commission held a work session on the proposed zoning ordinance amendments
- September 13, 2017 – Planning Commission conducted a public hearing
- September 27, 2017 – Planning Commission conducted another work session
- October 11, 2017 – Planning Commission conducted a third work session which came forth with a recommendation

Mr. Perault went on to say that the main focus is to talk about how the process works to address complaints, concerns and at the end coming up with a solution. Several Council Members commented stating that the Planning Commission is a diverse group with diverse experience and how they worked through the process on the sidewalks. Since the rewrite of the zoning ordinance is complete, looking forward is the next step to having a clear vision for the future of Lynchburg, to identify goals toward achieving that vision, creates policy guidance for public and private decision-makers, and identifies tasks that need to be pursued to make the Plan's vision and goals a reality. The report was reviewed by the Planning Commission on September 13, 2017 with a favorable recommendation of forwarding it to City Council for information purposes.

// Deputy City Manager Charles Hartgrove provided background information on the National Citizens Survey (NCS) before the presentation by Dr. Tom Miller, President and Chief Executive Officer for the National Citizens Survey. The City of Lynchburg utilizes the National Research Center to conduct the National Citizens Survey every other year. The survey has been conducted in 2004, 2006, 2008, 2013, 2015, and this year (2017). The information from this survey for the City of Lynchburg residents has historically provided guidance to both City Council and staff regarding community strategic planning and overall service delivery. Dr. Miller stated he would go over the survey at a high level because there is so much data in this survey. Arrangements have been made to present the survey to the Leadership Team in more detail and identify the focus areas of the strategic plan. Dr. Miller went on to say he would focus on three key findings:

Community Livability

Community Characteristics

Governance

Participation

Facets of Community Livability

Safety

Natural Environment

Mobility

Built Environment

Quality of Community Overall

Economy

Education and Enrichment

Recreation and Wellness

Community Engagement

The NCS and Lynchburg

Participant in the NCS since 2004

Scientific sample of 1,500 households

345 returns to the mailed survey; 618 responses to the opt-in survey; total of 963

± 3% margin of error

Dr. Miller mentioned that in the 2017 survey, compared to 2015, 29 categories received higher ratings; 94 received similar ratings and 10 received lower ratings. The key focus areas for the City of Lynchburg are Safety and Economy. The Economy ratings are on the rise (vibrant downtown/commercial area rate increased 53% and Economic development rate increased 52%). The positive Economic Features are cost of living and work in Lynchburg. The shopping opportunities have taken a sharp downturn (in 2004 it was 46% and in 2017 it was 40%). A higher priority for the City is providing stable, quality employment. The next key finding is Mobility which has room for improvement, but may not be a priority. Mobility services are on the rise. The third key finding is Residents. Resident's engagement has improved since 2015. In summary, the Economy ratings are on the rise, reflecting successes and challenges. There is room for improvement in Mobility, but it may not be a priority for residents and residents are more engaged in their community. Council Member Perrow suggested that this should come back to another

work session after staff and Council has had time to fully digest it and see what staff sees as priorities, responses and initiatives over the next couple of years. City Manager Bonnie Svrcek stated that the Leadership Team will take a deeper dive into the data with conversations about how to use this data to determine priorities for the future.

// Deputy City Manager Charles Hartgrove provided an overview of the Rotary Centennial Riverfront Skatepark Operation. Mr. Hartgrove gave some background information on the Rotary Centennial Riverfront Skatepark and how we arrived at this point.

History of the Skatepark

- November 6, 2003 - Memorandum of Understanding (MOU) signed between City Manager and Amazeement Square, Inc. (ASI) Executive Director Mort Sajadian.
- August 2003 – The Noon and Morning Rotary Clubs, and the Greater Lynchburg Community Trust recognized for contributing a total of \$118,000 for construction costs for the new skatepark
- August 2003 – City Council approves basic elements of the Memorandum of Understanding agreement
- May 2004 – City Council agrees to sign an MOU whereby real estate taxes on the Skateboard park would be returned to ASI, as a contribution to operating costs, and in 2004 the indoor skatepark opens

Mr. Hartgrove mentioned the following key elements:

- City contributes \$50,000 for construction and donated 1.56 acres adjacent to the Signal Tower building to ASI and the City will retain an easement through the property for purposes of expanding the trail system in conjunction with riverfront development
- ASI will have sole cost and expense of operating the skateboard complex; and will obtain liability insurance and name the City as additionally insured. In addition, ASI will raise the funds for design and capital costs with anticipated capital cost of \$150,000 - \$225,000

Mr. Hartgrove explained what has changed with the Skatepark.

- January 6, 2017 – letter from Mort Sajadian, President and CEO of Amazeement Square Inc. to City Manager Bonnie Svrcek stating that after more than 10 years trying to operate the park, they are finding that they are unable to continue absorbing operational losses. The admission has been reduced from \$5 to \$1 and safety requirements were lowered as well.
- Mr. Sajadian stated that the Parks and Recreation Department had indicated an interest in managing the park, and asked if the City would be willing to incorporate the park into the Parks and Recreation programs by acquiring it from Amazeement Square.

Mr. Hartgrove went on to say that the skatepark is currently closed while there is a group of skaters that want a convenient place for safely and legally skateboarding. The skaters and their parents have formed a group called “Save Our Skatepark” with the goal of having the Skatepark opened for skateboarding use. The City does recognize the importance of donor intent during the original fundraising phase of this project and the City also values the collaborative relationships with our community stakeholders that have invested in the Skatepark and Downtown Lynchburg overall.

The Police Department had the following summary of calls for the Skatepark:

- In the past 13 years there have been an average of 5 calls for service per year at the Skatepark and the highest three years have been the most recent three years (2015, 2016 and 2017)
- During the 30 month time period, there has been an average of 1 call for service per month and 47% of the calls for service were citizen initiated Skatepark trespassing calls related to people skating after the facility was closed

There was a need for positive places and programs for Teens with the following statistics:

- The Fairview Community Meetings (2016) request showed more positive places and programs for teens. Studies showed that every \$1 spent on afterschool programs and positive activities for youth saves \$6 in crime, court and detention costs. An activity such as skateboarding encourages physical activity which is a key factor in reducing youth obesity.

Mr. Hartgrove mentioned the other current Youth Partner Groups with the City.

- Blue Ridge Lacrosse
- Central Virginia United Soccer
- Central Virginia Volleyball Association
- Hill City Youth Football and Cheerleading
- Lynchburg Little League
- Lynchburg Tennis Patrons
- Girls on the Run
- Challenged Sport Exchange
- Boys and Girls Club of Greater Lynchburg
- Blackwater Rugby Football Club
- Greater Lynchburg Off – Road Cyclist

The Lynchburg Parks and Recreation Department Priorities 2017 – 2019 include the following which involves their strategic plan:

- Develop Partnerships
- Upgrade Neighborhood Centers
- Quality vs. Quantity (Programming)
- Generating New Revenue/Fund Raising
- Staff Development
- Change Perceptions
- Park Building/Skate Park and Infrastructure Improvements
- Getting clear on Special Events administration and implementation
- Staff Retention/Rewards
- James River Connection/Natural Resource Leverage

Mr. Hartgrove provided the options that staff recommended to Council for the skatepark. City Staff have not entered into any formal negotiations regarding financial or in-kind partnerships with any potential community partners regarding this issue.

Option #1

- Nullify the MOU and buy Rotary Centennial Riverfront Skatepark from Amazement Square Inc.
- The property known as Rotary Centennial Riverfront Skatepark be transferred to the City of Lynchburg
- Designate the Skatepark as an official City park
- The cost of the Skatepark to be determined based on the assessed value of the improvement minus contributions from the City (\$50K) and the Morning and Noon Rotary Clubs/Greater Lynchburg Community Trust (\$118K)
- A payment schedule to be negotiated over time

Option #2

- Comply with the adopted Memorandum of Understanding between the City and Amazement Square Inc. by approving a deed transfer of the 1.5 acres of land know as the Rotary Centennial Riverfront Skatepark and all improvements on said property to the City of Lynchburg.
- Accept the operation of Rotary Centennial Riverfront Skatepark under the umbrella of Lynchburg Parks and Recreation Department. Approve the proposed budget for a unsupervised, skate-at-your-own risk Skatepark.

Option #3

- Nullify the Memorandum of Understanding thus paving the way for Amazement Square Inc. to convert the facility into an Outdoor Discovery Center. The new facility will focus on botanical, aquatic and environmental education similar to the Portland Oregon Children's Museum.

Option #4

- Amend the Memorandum of Understanding and subsidize the operation of Rotary Centennial Riverfront Skatepark for operating costs estimated at \$40,000 annually. This would be paid to Amazement Square.
- This option assumes Amazement Square Inc. will agree to open and operate the Skatepark with established hours. The Skatepark will be open at least 50 hours per week. Specifics to be determined.
- A new Memorandum of Understanding would be written with more specific parameters of operations
- Amazement Square Inc. may not charge a fee

Option #5

- Rotary Centennial Riverfront Skatepark remains closed. No resolution to the problem

Option #6

- What option(s) has staff not thought of or considered?

Mr. Hartgrove stated that staff recommended to Council Option #2. Uphold the adopted Memorandum of Understanding between the City of Lynchburg and Amazement Square, Inc. by approving a deed transfer of the 1.56 acres of land adjacent to the signal tower. The property known as Rotary Centennial Riverfront Skatepark and all improvements on said property to be transferred to the City of Lynchburg to be operated as an officially designated City park.

After the presentation, Council had a very lengthy discussion on the 6 options. The following are Council's thoughts and recommendation on the options.

Council Member Wilder is in favor of option #2 recommended by City staff and consider parenting with neighborhood centers and neighborhood watch programs on how we can mobilize our neighborhoods/communities to work together.

Council Member Perrow stated this was a complex issue with three points of interest. 1) Does the City want to assume the responsibility of the Skatepark? 2) Should Amazement Square be compensated in any way? and 3) How would the Park be managed? After discussing his three questions, he recommended option #1 and thinks the City should assume the responsibility of the Skatepark and compensate Amazement Square fairly, which is a good place for the City to start.

Council Member Nelson stated that he agrees with Council Member Perrow's comments and concerns regarding the options. There is a need to have positive athletic youth activities and programs in the City; it is an existing asset and to waste that feature would be reckless on the part of the City. The Skatepart is a feature that draws people to Lynchburg which enhances the quality of life. If a private group is not operating it, then the logical place would be the Parks and

Recreation program. Council Member Nelson asked several questions, “has Amazement Square agreed to give back the skatepark to the City with no compensation”, the answer to that question was no; “has Amazement Square agreed to give it back to the City if there is compensation”, the answer was yes. City Attorney Walter Erwin commented on the matter that the Court would have to enforce the Memorandum of Understanding. Council Member Nelson did mention a disclosure in this matter, which depends on whether the City would compensate Amazement Square or not. He stated that option #2 does not call for any monitoring at all and he could not support it, but would consider option #6 with some monitoring and agreed that option #2 is the most appropriate option.

Council Member Dolan stated she agrees with what Council Member Nelson said and one of her big concerns with option #2 is “skate at your risk.” Council Member Dolan stated she would be in favor of option #6 but with option #2 agree with some sort of compensation.

Council Member Helgeson stated that we should recognize the Rotary Club and Amazement Square contributions and support of the skatepark and noted that times have changed. He was not in favor of option #2 because he has concerns with liability and potential issues of the skatepark which will be a lot of responsibility.

Vice Mayor Tweedy is in favor of option #2 with no compensation to Amazement Square but still has concerns with the monitoring of the skatepark.

Mayor Foster spoke on all six options and stated why she chose option #2. Mayor Foster was in agreement with the City taking over the skatepark but it needs some type of monitoring system, possibly having cameras installed, and some sort of compensation to Amazement Square.

- option #1 – take over the skatepark with some compensation
- option #2 – take over the skatepark with no compensation
- option #3 – nullify the MOU and make an outdoor discovery center
- option #4 – no
- option #5 – not to close the park, will not vote for that option
- option #6 – likes it, need some type of cameras and monitoring

After the many comments and concerns, Council Member Perrow made a suggestion to split the questions; 1) The City take back the Skatepark and 2) if any compensation to Amazement Square. Council Member Perrow made a motion seconded by Council Member Nelson that the City, through the Parks and Recreation Department, initiate steps to take over the skatepark. Council by the following recorded vote adopted the motion:

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

The compensation section was discussed. Council Member Nelson made a motion, seconded by Council Member Perrow to authorize City staff to seek terms for acquiring the real estate from Amazement Square. Council Member Nelson stated that we are not in a position to identify the amount of compensation, how much the compensation would be, how it would be paid and how it would be financed and whether Amazement Square would be agreeable to take it in any form and

there needs to be some conversation between Amazement Square and the City and that would be appropriate for City Staff. Council Member Perrow stated regarding the Memorandum of Understanding that it is clear if it fails it would convert back to the City. Council Member Perrow went on to say that Amazement Square should fairly be compensated as we move forward. Council Member Helgeson stated “I do understand the element of fairness; I look at fairness for our taxpayers and fairness with Amazement Square. We know what the Memorandum of Understanding says and don’t want to be overly unfair to anyone”. Council Member Helgeson made a suggestion after his remarks that maybe we should go with option #2 with no compensation. He stated he would not be supporting this motion. Council Member Nelson restated his motion to make it clear; the motion to authorize City staff to seek terms for requiring real estate from Amazement Square.

Council by the following recorded vote adopted the motion to authorize City staff to seek terms for acquiring real estate from Amazement Square:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: Helgeson 1

// During roll call Council Member Nelson mentioned that at several voting places in the City there were no “I Voted” stickers”. He also mentioned the opening of the train ride to Roanoke which was a lovely experience.

// Council Member Perrow mentioned that he and Council Member Wilder were growing mustaches for the month of November called “mustache for kids” (M4K) a fundraiser for Jubilee Family Development Center, Boys and Girls Club, Big Brother and Sister and others.

// Council Member Helgeson mentioned the Veterans Parade which was a wonderful event that had not been held in 80 years.

// Council Member Wilder mentioned the wonderful train ride to Roanoke.

// Council Member Tweedy mentioned the Veterans Day Parade and the train ride to Roanoke.

// Mayor Foster mentioned the Veterans Day Parade which was held on Saturday, November 12, 2017.

// Consideration of a closed meeting for the discussion of plans to protect public safety and the security of City Hall and the safety of persons using City Hall because discussion in an open meeting would jeopardize the safety of such persons or the security of the building, pursuant to Section 2.2-3711(A.)(19.) of the Virginia Code. On motion of Council Member Dolan, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting:

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

Noes: 0

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

// Council Member Dolan made the following motion:

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

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

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

The Motion was seconded by Council Member Wilder, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// City Council recessed the meeting at 6:36 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Absent: 0

Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster introduced Jim Stutts, President of Virginia Park and Recreation Society, who presented to Jennifer Jones Director of Parks and Recreation and staff the following annual awards from the Virginia Park and Recreation Society.

- Best New Program – Hill City Hoops
- Best New Facility (Bricks and Mortar) – Lynchburg City Stadium
- Best New Renovation/Addition (Bricks and Mortar) – Riverside Park
- Best New Environmental Sustainability – Please Do Hug the Trees Campaign
- Best Promotional Effort (Specialty)- The Green Machine

// Mayor Foster presented a proclamation for Nurse Practitioners Week.

// Copies of the minutes of the September 26, 2017 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Budget, Resolution #R-17-093 to amend the FY 2018 Operating and Capital Budgets and appropriating funds to reflect the FY 2018 First Quarter Adjustments, laid over from the October 10, 2017 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development, a public hearing was held regarding City Council Report #9 regarding the petition of William Bohn and Jennifer Woofert to appeal the decision of the Historic Preservation Commission (HPC) to deny a Certificate of Appropriateness (COA) to allow the installation of four (4) twenty-four (24) inch fiber reinforced polymer columns (FRP) on the front porch at 1919 Rivermont Avenue. Mr. Chris McSwain, Chair of the HPC provided an overview of the petition. Ms. Jennifer Woofert spoke asking Council to appeal the decision of the HPC. There was no one else present who wished to speak to this item, and the public hearing was closed. Council discussed the decision of HPC to deny the Certificate of Appropriateness. After the discussion, Council Member Helgeson made a motion to appeal the decision of the HPC, and that motion failed for a lack of a second. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-17-096, as presented, to uphold the decision of the Historic Preservation Commission to deny a Certificate of Appropriateness at 1919 Rivermont Avenue to allow the replacement of four (4) twenty-six inch (26") diameter wood columns on the front of the structure with four (4) twenty-four inch (24") diameter fiberglass columns:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: Helgeson 1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of 712 12th Street, LLC to rezone approximately five hundred eighty-four thousandths (0.584) acres at 712 12th Street from I-2, Light Industrial District to B-4(C), Urban Commercial District (Conditional) to allow the use of the existing building as apartments. Planner II Anne Nygaard provided an overview of the petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-17-097, as amended, granting the petition of 712 12th Street, LLC to rezone approximately five hundred eighty-four thousandths (0.584) acres at

712 12th Street from I-2, Light Industrial District to B-4(C), Urban Commercial District (Conditional)

to allow the use of the existing building as apartments:

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

Noes: 0

// In the matter of Community Development, a public hearing was held regarding City Council Report #11 regarding the consideration of amending Section 35.2-67, Sidewalks and Pedestrian Connectivity to provide alternatives to when sidewalks are required as part of any development subject to site plan review. City Planner Tom Martin provided a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-17-098, as presented, amending Section 35.2-67, Sidewalks and Pedestrian Connectivity to provide alternatives to when sidewalks are required as part of any development subject to site plan review :

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

Noes: 0

// In the matter of City Council, Gavin Braithwaite provided a video regarding the skatepark to Council.

// In the matter of City Council, Jeff Gray was not present to speak to Council regarding the skatepark.

// In the matter of City Council, Robert Blevins and Jackie Asbury were not present but Ben Ravely spoke before Council regarding the skatepark.

// In the matter of City Council, Katie Basten spoke before Council regarding the skatepark.

// In the matter of City Council, City Council Report #16 was considered. This item was introduced at the October 10, 2017 Council meeting, Council agreed to move forward with this item, to authorize the sale of surplus City property located at 405 Cabell Street. Council discussed this item at length and after the discussion, Council Member Helgeson stated he was not in support of the sale of this property. On motion of Council Member Perrow, seconded by Mayor Foster, Council by the following recorded vote adopted Resolution #R-17-099, as presented, for the proposed sale of surplus City property located at 405 Cabell Street

111

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: Helgeson 1

// In the matter of City Council, City Council Report #17 (2018 Legislative Agenda) was not discussed. This item will be presented at the November 28, 2017 Council meeting. Council by consensus postponed the 2018 Legislative Agenda until the next Council meeting on November 28, 2017. Council by the following recorded vote passed this motion to postpone the 2018 Legislative Agenda to November 28, 2017:

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

Noes: 0

// The meeting was adjourned at 9:52 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 12, 2017**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit: James River Day School – 5039 Boonsboro Road

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the conditional use permit (CUP) petition.

SUMMARY: James River Day School is petitioning for a CUP at 5039 Boonsboro Road to allow the widening of an existing athletic field, resulting in the ability to have two (2) smaller practice fields. There will be no lighting associated with the practice fields.

The petition is consistent with the *Zoning Ordinance* which permits schools and associated uses in R-1, Low Density Residential Districts upon approval of a conditional use permit. It is also in keeping with the *Comprehensive Plan 2013-2030* which recommends an Institutional use for the property. Conditions placed by the Board of Zoning Appeals and the Planning Commission along with the required Zoning Ordinance development standards should address any negative impacts associated with the athletic field expansion.

PRIOR ACTION(S):

September 27, 2017: The Board of Zoning Appeals approved a variance to allow a recreational field thirty-six (36) feet from the property line instead of the required two hundred (200) feet.

November 8, 2017: The Planning Division recommended approval of the CUP petition.
The Planning Commission recommended approval (6-0 with one absent, Marion) of the CUP petition.

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner -- 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – November 8, 2017
- Planning Commission Packet – November 8, 2017
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Narrative
 - o Property photograph
 - o Speaker Signup Sheet

REVIEWED BY: bms

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JAMES RIVER DAY SCHOOL IN AN R-1, LOW DENSITY RESIDENTIAL DISTRICT AT 5039 BOONSBORO ROAD TO EXPAND AND IMPROVE AN ATHLETIC FIELD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of James River Day School to expand and improve an athletic field at 5039 Boonsboro Road is approved subject to the following conditions:

1. The property will be developed in substantial compliance with the concept plan entitled "Conditional Use Permit Plan for James River Day School" dated October 30, 2017.
2. There will be no lighting associated with the athletic field.
3. All conditions required by the Board of Zoning Appeals shall be met. These conditions include:
 - a. A fence is to be installed by the petitioner along the property line adjoining 5059 Boonsboro Road.
 - b. A twenty (20) foot evergreen buffer shall be installed along the entire property line between 5057 Boonsboro Road and 5059 Boonsboro Road.
 - c. Communicate regularly with neighbors.
 - d. The stormwater management area shall be screened.

Adopted:

Certified: _____
Clerk of Council

161K

MINUTES OF THE NOVEMBER 8, 2017 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of James River Day School (Lynchburg Day School, Inc.) for a conditional use permit in an R-1, Low Density Residential District at 5039 Boonsboro Road to allow the expansion and improvements to athletic fields.

Ms. Frischeisen summarized the report for the commissioners. James River Day School is located at 5039 Boonsboro Road. The school is requesting a conditional use permit (CUP) to allow widening of the existing athletic field to allow for two smaller practice fields. The City's *Comprehensive Plan* recommends an Institutional use for this property. Schools and their permitted uses are permitted in R-1, Low Density Residential District, with a conditional use permit.

Ms. Frischeisen explained that a variance was approved by the Board of Zoning Appeals on September 27, 2017 to allow the recreational field to be thirty six (36) feet from the property line instead of the required two hundred (200) feet with the conditions outlined in the report. The Planning Division recommends approval of the petition.

Mr. Scott Beasley of Hurt and Proffitt was available to represent the petitioner. He explained that the field is already located within the two hundred (200) foot buffer area because of a current zoning variance. Mr. Beasley indicated that the school has been in contact with the neighbors directly affected by the athletic fields. The school has addressed those neighbors' concerns.

Commissioner Bowden asked if what this concept plan proposes in terms of stormwater management is in addition to what is already there. Mr. Beasley indicated that the proposed stormwater management plan will take care of any additional runoff.

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

"That the Planning Commission recommends to City Council approval of the petition of James River Day School to allow the expansion of the existing athletic field at 5039 Boonsboro Road subject to the following conditions:

- 1. The property will be developed in substantial compliance with the concept plan entitled "Conditional Use Permit Plan for James River Day School" dated October 30, 2017.**
- 2. There will be no lighting associated with the athletic field.**
- 3. All conditions required by the Board of Zoning Appeals shall be met. These conditions include:**
 - A fence is to be installed by the petitioner along the property line adjoining 5059 Boonsboro Road.**
 - A twenty (20) foot evergreen buffer shall be installed along the entire property line between 5057 Boonsboro Road and 5059 Boonsboro Road.**
 - Communicate regularly with neighbors.**
 - The stormwater management area shall be screened.**

The motion passed by the following vote:

AYES:	Bowden, Johnson, Light, Lowe, Perault and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Marion	1

The Department of Community Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: November 8, 2017

Re: **Conditional Use Permit (CUP) – James River Day School – 5039 Boonsboro Road**

I. PETITIONER

James River Day School Inc., 5039 Boonsboro Road, Lynchburg, Virginia 24503

Representative: Mr. Scott Beasley, Hurt & Proffit, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property consists of one (1) tract totaling approximately ten (10) acres located at 5039 Boonsboro Road.

Property Owner: James River Day School, Inc., 5039 Boonsboro Road, Lynchburg, Virginia 24503

III. PURPOSE

The purpose of the petition is to allow widening of the existing athletic field resulting in the ability to have two (2) smaller practice fields.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030 Future Land Use Map (FLUM)* recommends an Institutional use for the property.
- Schools and their associated uses are permitted in R-1, Low Density Residential Districts upon approval of a Conditional Use Permit by City Council.
- A variance was approved by the Board of Zoning Appeals on September 27, 2017 to allow a recreational field thirty-six (36) feet from the property line instead of the required two hundred (200) feet.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends an Institutional use for the property. Institutional land uses include religious, educational, and other nonprofit entities. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. **(p. 76)**
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Residential zoning was established in 1978. The school is currently operating under conditional use permits approved by City Council in 1987, 1996, 1998, 2013 and 2016.
3. **Board of Zoning Appeals (BZA).** The Board of Zoning Appeals (BZA) granted a variance on September 27, 2017 to allow the athletic field to be setback thirty-six (36) feet from the property line instead of the required two-hundred (200) feet. The variance was approved with the following conditions:

- a. A fence is to be installed by the petitioner along the property line adjoining 5059 Boonsboro Road.
 - b. A twenty (20) foot evergreen buffer shall be installed along the entire property line between 5057 Boonsboro Road and 5059 Boonsboro Road.
 - c. Communicate regularly with neighbors.
 - d. The stormwater management area shall be screened.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 8, 1984, City Council approved the CUP petition of Carriage Associates to allow the construction of a forty (40) unit Planned Unit Development at 5021 Boonsboro Road.
 - On March 3, 1987, City Council approved the CUP petition of Lynchburg Day School (James River Day School) to allow the construction of a building addition at 5039 Boonsboro Road.
 - On September 12, 1989, City Council approved the Comprehensive Growth Management Program for the Northwest Expressway Area. This study established zoning for several surrounding parcels.
 - On April 9, 1996, City Council approved the CUP petition of Lynchburg Day School (James River Day School) to allow the construction of a media center, classrooms, gym and entrance from Boonsboro Road, parking and playing fields at 5039 Boonsboro Road.
 - On April 14, 1998, City Council approved the CUP petition of James River Day School to allow the construction of additions to the gym, classrooms, offices, food services drive and additional parking at 5039 Boonsboro Road.
 - On June 9, 1998, City Council denied the CUP Petition of Manorhouse Retirement Centers to allow the construction of an assisted living and retirement center at 5040 Boonsboro Road.
 - On September 11, 2007, City Council denied the CUP petition of McKenna Farms, LLC to allow the construction of a Cluster Commercial Development at 5040 Boonsboro Road.
 - On October 22, 2013, City Council approved the CUP petition of James River Day School to allow the use of a modular building to be used as a classroom at 5039 Boonsboro Road and to allow the dwelling located at 108 Bon Ton Road to be used for educational purposes.
 - On September 13, 2016, City Council approved the CUP petition of James River Day School to allow the construction of a building addition, playground areas and the use of an existing structure as storage at 5039 Boonsboro Road and 110 Bon Ton Circle.
5. **Site Description.** The subject property consists of one (1) tract comprising approximately ten (10) acres located at 5039 Boonsboro Road. The property contains buildings, parking and facilities associated with James River Day School.

6. **Proposed Use of Property.** The purpose of the petition is to allow the expansion of the existing athletic field, resulting in the ability to have two (2) practice fields.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the proposed use.

The property contains seventy-four (74) parking spaces. Additional parking areas are not required.

The property is not currently served by the Greater Lynchburg Transit Company. The closest route (Route 3B) is located at 4925 Boonsboro Road (Boonsboro Shopping Center) approximately one-half mile from the property. Sidewalks exist along all street frontages.

8. **Stormwater Management.** A stormwater management/erosion and sediment control plan will be required prior to final site plan approval. The submitted plan and narrative indicated that stormwater management will be addressed by the use of existing and proposed stormwater management facilities.

9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern related to the athletic field expansion.

10. **Impact.** The athletic field expansion will impact approximately fifty-six thousandths (0.056) of an acre of wetland. This disturbance will require permitting from Clean Water Act Section 404/401 and a Joint Application to the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality through the Virginia Marine Resources Commission. The petitioner is currently in the permitting process and no mitigation is anticipated as the impact is less than 1/10th of an acre.

The field is not proposed to have lighting. Conditions placed by the Board of Zoning Appeals and normal Zoning Ordinance Development standards should address any negative impacts associated with the athletic field expansion.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on October 17, 2017. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of James River Day School to allow the expansion of the existing athletic field at 5039 Boonsboro Road subject to the following conditions:

1. **The property will be developed in substantial compliance with the concept plan entitled "Conditional Use Permit Plan for James River Day School" dated October 30, 2017.**
2. **There will be no lighting associated with the athletic field.**
3. **All conditions required by the Board of Zoning Appeals shall be met. These conditions include:**

- **A fence is to be installed by the petitioner along the property line adjoining 5059 Boonsboro Road.**
- **A twenty (20) foot evergreen buffer shall be installed along the entire property line between 5057 Boonsboro Road and 5059 Boonsboro Road.**
- **Communicate regularly with neighbors.**
- **The stormwater management area shall be screened.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Charles Hartgrove, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Peter York, Petitioner
Mr. Scott Beasley, Representative

VII. ATTACHMENTS

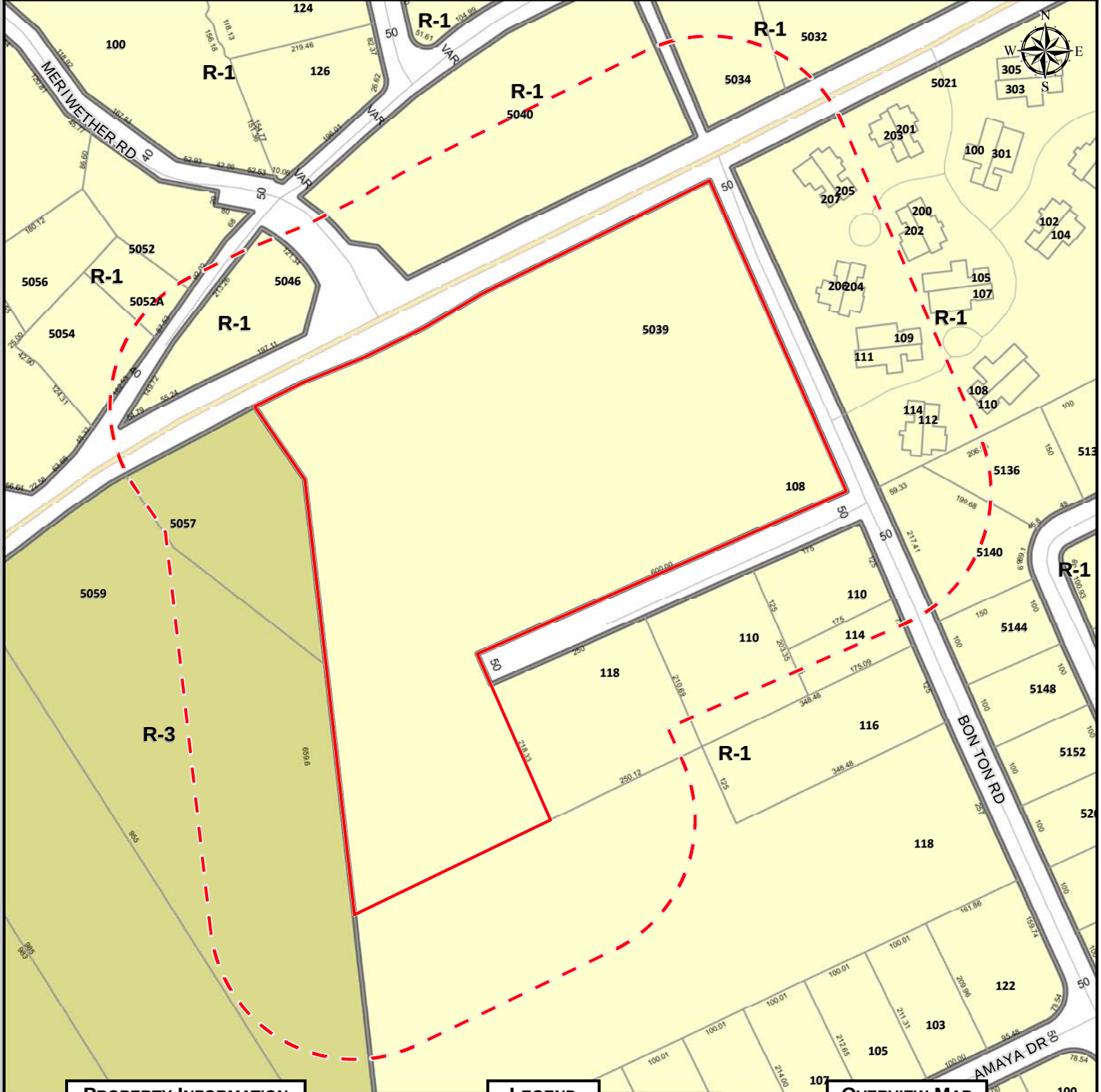
- 1. Zoning Map with Adjoining Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photograph**

Zoning Map

JAMES RIVER DAY SCHOOL ATHLETIC FIELDS

CUP Request

James River Day School



PROPERTY INFORMATION

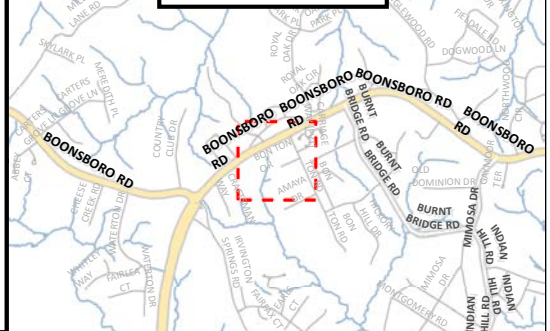
PARCEL ID **ADDRESS**
20314002 5039 BOONSBORO RD

LEGEND

- Subject Property**
- 215' Buffer**
- B-1**
- B-2**
- B-3**
- B-4**
- B-5**
- B-6**
- I-1**
- I-2**
- I-3**
- R-1**
- R-2**
- R-3**
- R-4**
- R-5**
- R-C**
- IN-1**
- IN-2**

MAP SCALE: 1" to 4,000' DATE PRINTED: 10/27/2017

OVERVIEW MAP



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

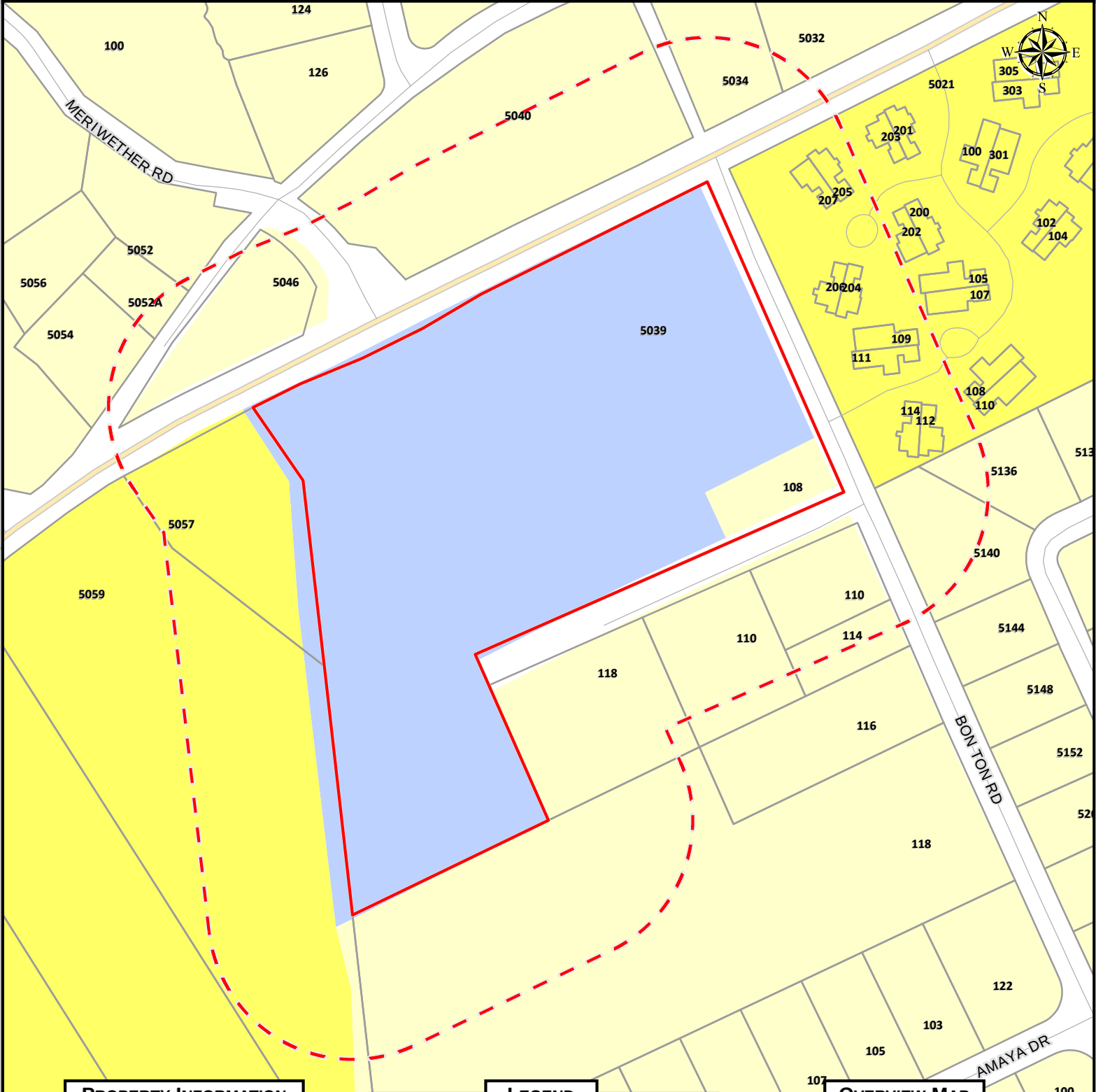
Parcel ID	Address	Owner
20309004	5046 BOONSBORO RD	BARTLETT, GEORGE E & LOIS J
18308033	5021 BOONSBORO RD	CARRIAGE ASSOCIATES
20309002	5034 BOONSBORO RD	CASH, MARY-MARGARET P
18308005	205 SAINT JAMES PL	DANIEL, DAWN S
18308031	109 CARRIAGE WAY	DODD, LEIGHTON B & MARYANN
18301015	5136 WEDGEWOOD RD	DOREMUS, CHARLES L & KENNA G
21001017	118 BON TON CIR	GRANDSTAFF, TIMOTHY F & THERESA G
21003001	5059 BOONSBORO RD	HUBBARD, SAMUEL M JR
20314004	110 BON TON RD	JAMES RIVER DAY SCHOOL
21001016	110 BON TON CIR	JAMES RIVER DAY SCHOOL INC
20314002	5039 BOONSBORO RD	LYNCHBURG DAY SCHOOL INC
20312004	5054 BOONSBORO RD	MARTIN, CATHERINE M TRS
18308006	207 SAINT JAMES PL	MATTHEWS, JOHN S & SHIRLEY M
20309003	5040 BOONSBORO RD	MCKENNA, WALLACE JR & JOHN H &
18308027	112 CARRIAGE WAY	MERIWETHER, MARY S
20314008	5057 BOONSBORO RD	NORTON, MATTHEW R & MICHELLE B
18308008	204 SAINT JAMES PL	PETTIGREW, ANN K
21001015	114 BON TON RD	PLOTT, JANE O
20312001	5052 BOONSBORO RD	REID, BETTY M
20312002	5052 A BOONSBORO RD	REID, BETTY M
18308028	114 CARRIAGE WAY	RICHARDS, ALEXIS V TRS
20309001	5032 BOONSBORO RD	ROBERTSON, ELIZABETH B TRS
18301016	5140 WEDGEWOOD RD	SMITH, JERRY B & MARTHA C
18308007	206 SAINT JAMES PL	SPARKS, CAROLYN C
18308032	111 CARRIAGE WAY	TAURMAN, JANE R
21001013	118 BON TON RD	TINSLEY, GRACIE D &

FLUM Map

JAMES RIVER DAY SCHOOL ATHLETIC FIELDS

CUP Request

James River Day School



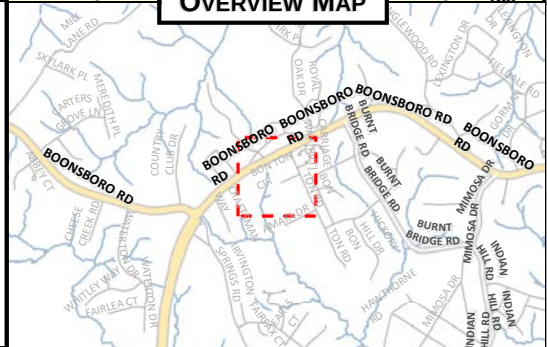
PROPERTY INFORMATION

PARCEL ID	ADDRESS
20314002	5039 BOONSBORO RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 10/27/2017

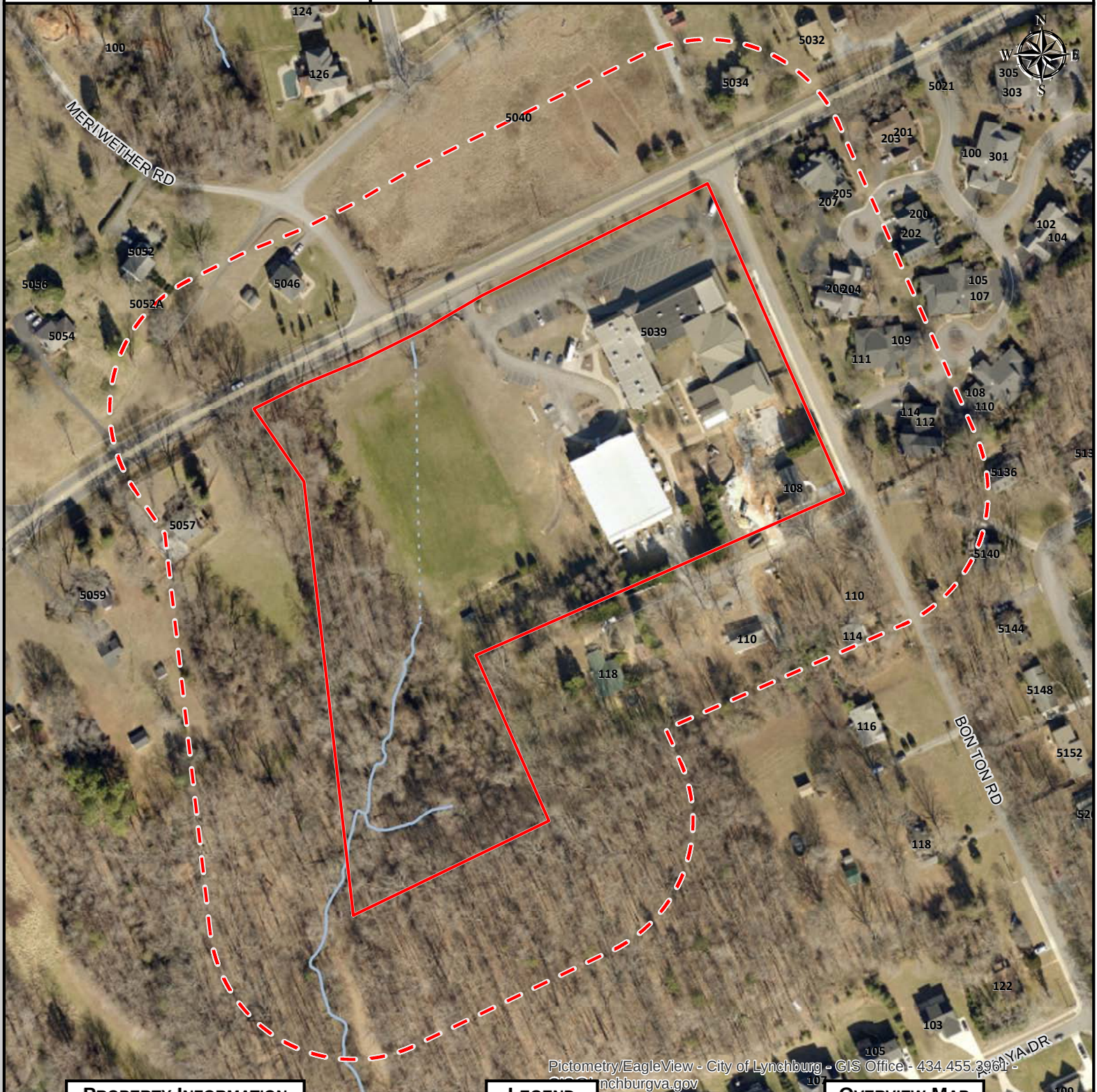
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Watershed Map

JAMES RIVER DAY SCHOOL ATHLETIC FIELDS

CUP Request

James River Day School



PROPERTY INFORMATION

PARCEL ID **ADDRESS**
20314002 5039 BOONSBORO RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 33,333' DATE PRINTED: 10/27/2017

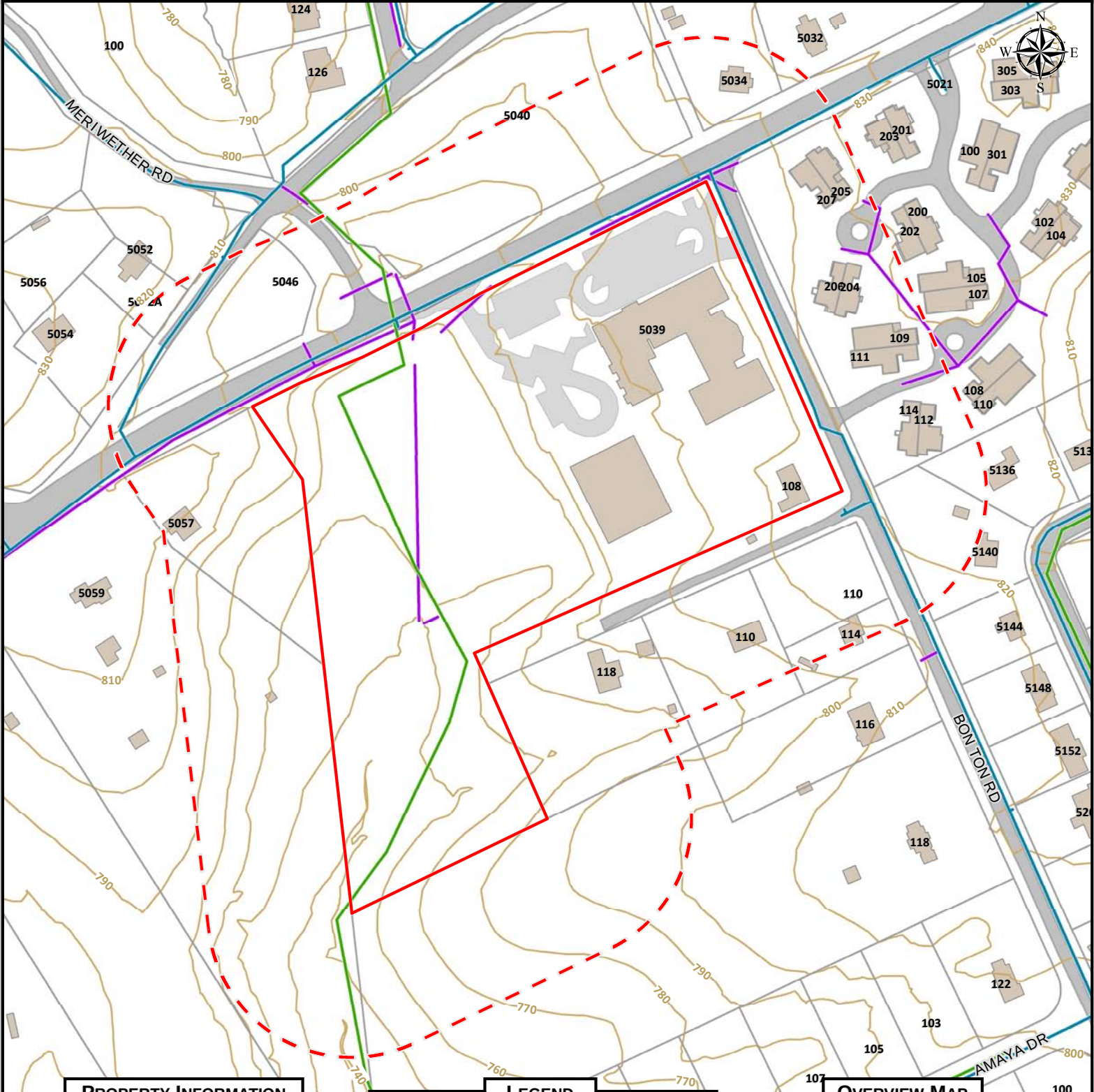
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Planimetric and Topographic Map

JAMES RIVER DAY SCHOOL ATHLETIC FIELDS

CUP Request

James River Day School



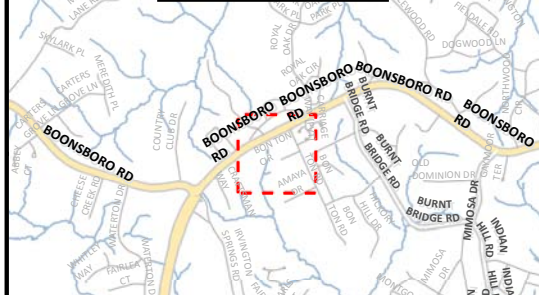
PROPERTY INFORMATION

PARCEL ID	ADDRESS
20314002	5039 BOONSBORO RD

LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			

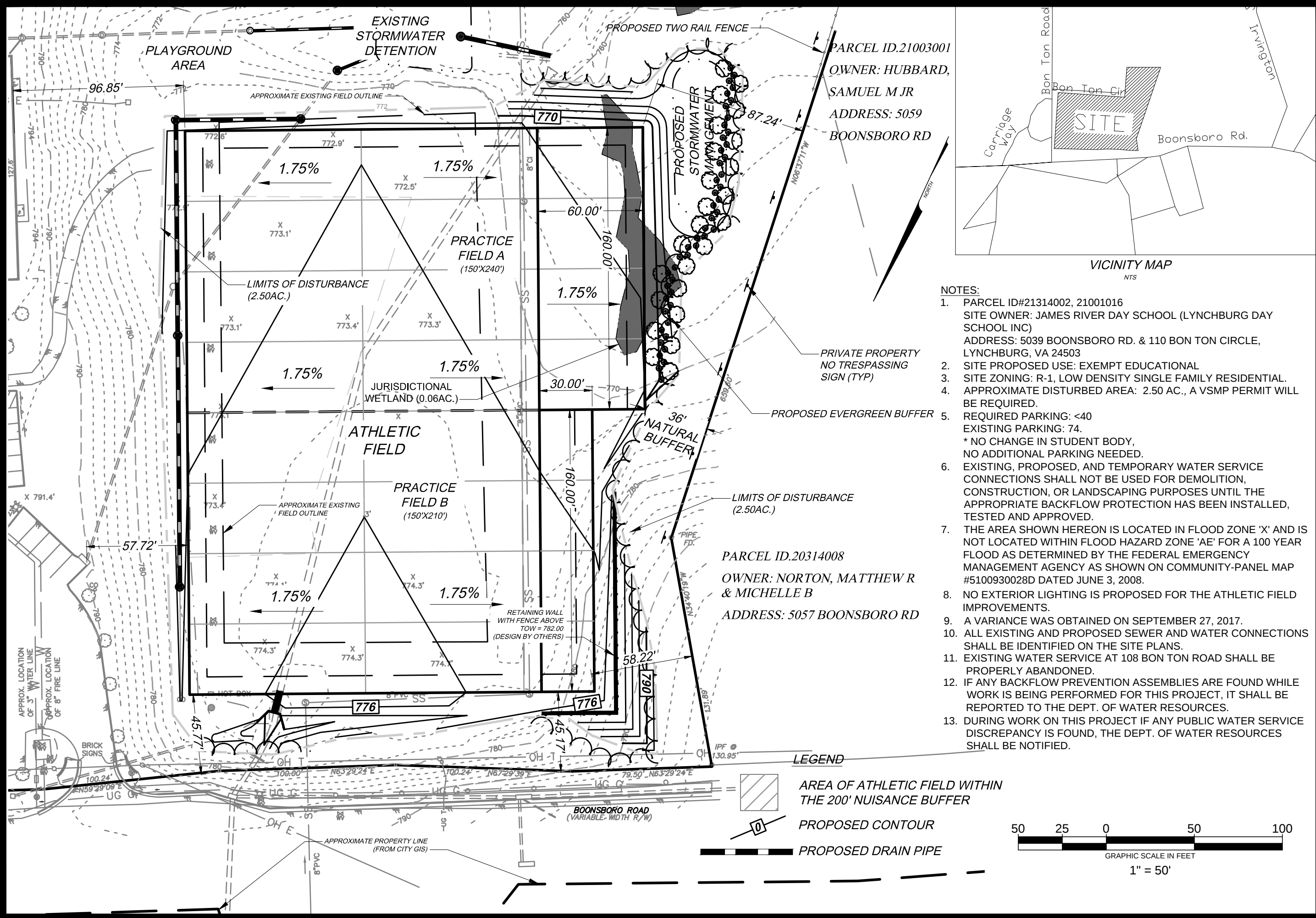
OVERVIEW MAP



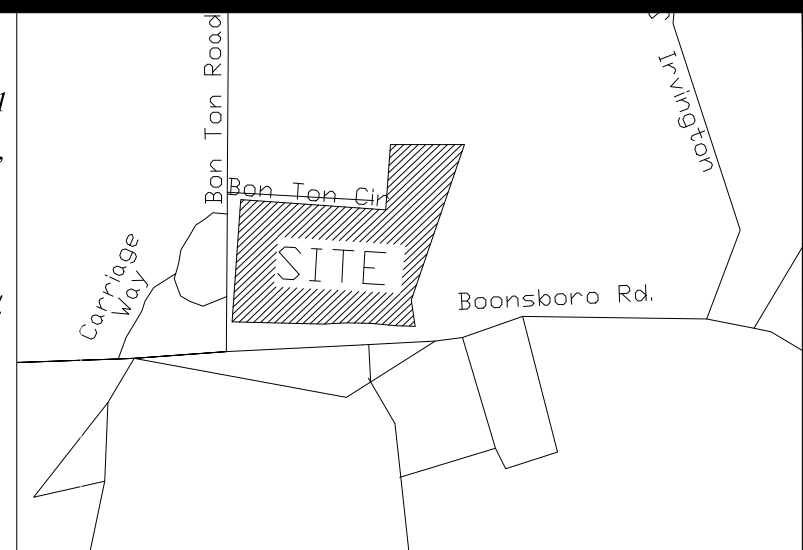
MAP SCALE: 1" to 4,000' DATE PRINTED: 10/27/2017

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Oct 30, 2017 - 2:35pm \\Data01\Projects\2017\20170868\CAD\CUP.dwg



- NOTES:
1. PARCEL ID#21314002, 21001016
SITE OWNER: JAMES RIVER DAY SCHOOL (LYNCHBURG DAY SCHOOL INC)
ADDRESS: 5039 BOONSBORO RD. & 110 BON TON CIRCLE, LYNCHBURG, VA 24503
 2. SITE PROPOSED USE: EXEMPT EDUCATIONAL
 3. SITE ZONING: R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL.
 4. APPROXIMATE DISTURBED AREA: 2.50 AC., A VSMP PERMIT WILL BE REQUIRED.
 5. REQUIRED PARKING: <40
EXISTING PARKING: 74.
* NO CHANGE IN STUDENT BODY, NO ADDITIONAL PARKING NEEDED.
 6. EXISTING, PROPOSED, AND TEMPORARY WATER SERVICE CONNECTIONS SHALL NOT BE USED FOR DEMOLITION, CONSTRUCTION, OR LANDSCAPING PURPOSES UNTIL THE APPROPRIATE BACKFLOW PROTECTION HAS BEEN INSTALLED, TESTED AND APPROVED.
 7. THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'AE' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #5100930028D DATED JUNE 3, 2008.
 8. NO EXTERIOR LIGHTING IS PROPOSED FOR THE ATHLETIC FIELD IMPROVEMENTS.
 9. A VARIANCE WAS OBTAINED ON SEPTEMBER 27, 2017.
 10. ALL EXISTING AND PROPOSED SEWER AND WATER CONNECTIONS SHALL BE IDENTIFIED ON THE SITE PLANS.
 11. EXISTING WATER SERVICE AT 108 BON TON ROAD SHALL BE PROPERLY ABANDONED.
 12. IF ANY BACKFLOW PREVENTION ASSEMBLIES ARE FOUND WHILE WORK IS BEING PERFORMED FOR THIS PROJECT, IT SHALL BE REPORTED TO THE DEPT. OF WATER RESOURCES.
 13. DURING WORK ON THIS PROJECT IF ANY PUBLIC WATER SERVICE DISCREPANCY IS FOUND, THE DEPT. OF WATER RESOURCES SHALL BE NOTIFIED.



HURT & PROFFITT

2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

ENGINEERING • SURVEYING • LAND DEVELOPMENT • INSPECTION • ENVIRONMENTAL
GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

CUP PLAN
FOR
JAMES RIVER DAY SCHOOL
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20170868
LAT.	37°26'39.48"
LONG.	79°13'37.60"
DATE:	10/30/2017
DRAWN BY:	ELC
CHECKED BY:	PSB



Hurt & Proffitt, Inc.

Engineering • Surveying • Environmental
Materials Testing • Geotechnical
Site Planning

2524 Langhorne Road • Lynchburg, VA 24501
(434) 847-7796 • FAX (434) 847-0047

CONDITIONAL USE PERMIT NARRATIVE

October 3, 2017

Revised October 30, 2017

James River Day School – Athletic Field Improvements
5039 Boonsboro Road
Lynchburg, Virginia 24503
Hurt & Proffitt Project #20170868

PROJECT DESCRIPTION

The James River Day School proposes to make improvements to their athletic field. The improvements include widening the existing field while simultaneously providing two smaller practice fields that overlay the larger competition field. The two smaller fields will allow two different sports teams to practice simultaneously. The James River Day School campus is located at 5039 Boonsboro Road (PID #20314002). The construction of the field improvements require a variance and a Conditional Use Permit as permitted uses in a residential zone. The variance was approved by the Board of Zoning Appeals on Tuesday, September 26, 2017.

PROPOSED FIELD IMPROVEMENTS

The work will consist of grading a larger competition field with two smaller practice field overlays. The grading work will include clearing and grubbing and placement of fill material in a low area west of the existing field. The existing field is oriented in a north-south configuration. The proposed competition field is also oriented north-south. The two practice fields will run east-west with one field on the north half of the competition field and one field on the south half. Due to the challenging topography, the northern practice field will be approximately 10 yards shorter, measuring 70 yards by 50 yards. The larger practice field on the south will measure approximately 80 yards by 50 yards. The proposed improvements will impact a small wetland on the west side of the property. To minimize the impact to the wetland, the originally-proposed field size was reduced and the stormwater management facility was relocated slightly north of the originally-proposed location.

WETLAND IMPACT

As stated in the previous paragraph, the expansion of the field will impact a small wetland (0.056 acres) on the west side of the property. This will require Clean Water Act (CWA) Section 404/401 permitting via a Nationwide 18 permit that would be submitted as a Joint Permit Application (JPA) to the US Army Corps of Engineers (USACE) and Virginia Department of Environmental Quality (VDEQ) through the Virginia Marine Resources Commission (VMRC).

Because the impact is under 1/10th of an acre, no compensatory mitigation would be required. James River Day School is currently in the preliminary jurisdictional determination (PJD)/JPA process and no issues have arisen thus far.

STORMWATER MANAGEMENT

Runoff from the site will be conveyed overland and in stormwater conveyance systems to two different stormwater management facilities. Runoff from the east half of the field is now and will be conveyed to the existing stormwater management pond that was just reconstructed for the recent building addition project on the JRDS campus. This pond manages only stormwater quantity. Runoff from the west half of the field will be conveyed via sheet flow and pipes to a proposed stormwater management pond. The proposed stormwater management pond also would only manage stormwater quantity.

No new impervious area will be added with the new project. Management of water quality and quantity will be required for the disturbed area per state and City requirements. It is anticipated that a small stormwater management pond will be placed on the southwest corner of the improved field. Management of stormwater quality will likely be addressed through the purchase of nutrient credits.

The CUP plan shows the approximate limits of disturbance. This area will be refined as the project becomes more clearly defined. Grading will be limited to what is needed to construct the field improvements and the required stormwater management facility.

The property is located in Flood Zone “X” and is not located in the 100-year floodplain. A VSMP permit will be required for this project.

PARKING

The project does not impact parking as the number of students and teachers will remain the same. Furthermore, sports team practices are held after normal school hours. No additional parking spaces are required for this project.

VARIANCE/LANDSCAPING

Based on feedback received from adjoining property owners during the variance hearing, a sitting area was removed from the west end of the larger practice field and the stormwater management pond was reconfigured to make it narrower. These changes were made to maximize the natural buffer between James River Day School and the two neighboring properties to the west. In addition, the school plans to add a landscape buffer and erect a wooden two-rail fence (non-chain link) fence and “No Trespassing” signs along the western border of the larger practice field to discourage unauthorized access onto the neighboring properties.

No lighting is proposed for the field improvements.



5039 Boonsboro Road
Conditional Use Permit - Public Hearing
November 8, 2017

PLEASE PRINT

[illegible]

AGENDA ITEM #9

From: Mark Reed [<mailto:Mark.Reed@rescare.com>]
Sent: Tuesday, December 05, 2017 11:23 AM
To: Chambers, Valeria
Cc: Hartgrove, Charles
Subject: Request to speak at City Council Meeting

Dear Ms. Chambers--

Per direction from Mr. Hartgrove, I would like to request in writing a time slot to speak at your December 12th City Council meeting. Mr. Hartgrove met with me yesterday so that I could talk with him about the need for Foster Parents in Lynchburg and surrounding communities and my Agency's willingness to address this issue. I intend to speak about the specific need for Foster Parents, raise awareness on how we license Foster Parents, and offer contact info for not only our Agency, but for all Public and Private Child Placing Agencies in the Lynchburg area.

Please contact me when you can to advise me if there is anything else I need to do to ensure I can inform City Council about the needs of at-risk children and families in Lynchburg.

Respectfully--

Mark H. Reed
Foster Parent Recruiter
Braley & Thompson, Inc.
434-832-1326, ext. 306
mark.reed@rescare.com

162K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **December 12, 2017**

AGENDA ITEM #: **10**

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Lynchburg College Financing Through the Lynchburg Economic Development Authority

KEY ELEMENTS:

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

RECOMMENDATION: Adopt the proposed resolution authorizing the issuance of bonds for Lynchburg College through the Economic Development Authority of the City of Lynchburg, Virginia (EDA).

SUMMARY: Lynchburg College filed its application for assistance of revenue bond financing with the Economic Development Authority of the City of Lynchburg, Virginia. The bonds requested will not exceed \$25,000,000. The funds will be used to demolish an existing older residence hall (McWane Hall) and construct a new residence hall that will also include the Westover Honors College.

The Lynchburg Economic Development Authority advertised and held a Public Hearing on December 6, 2017.

Lynchburg College currently employs 490 people at an average salary of \$57,000.00.

PRIOR ACTION(S): Council authorized a bond issue for Lynchburg College through the Industrial Development Authority of the County of Campbell, Virginia on October 10, 2017 for up to \$8,500,000.

FISCAL IMPACT: Neither the Authority nor the City has responsibility for the payment of these bonds as they are conduit revenue bonds. The Authority does receive annual payments from bond borrowers which assist the financing of the Authority's operations.

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

ATTACHMENT(S): Resolution; Letter from Economic Development Authority/Bond Application

REVIEWED BY: bms

RESOLUTION
OF THE CITY COUNCIL OF
THE CITY OF LYNCHBURG, VIRGINIA

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") has considered the application of Lynchburg College (the "Borrower") requesting the issuance of one or more of the Authority's revenue bonds or notes in an amount not to exceed \$25,000,000 (the "Bonds") in one or more series, from time to time, to assist the Borrower in (a) financing the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus (the "Campus") at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the construction of a dormitory and/or the renovation of one or more other dormitories, (b) paying interest on the Bonds, and (c) paying the costs of issuing the Bonds, and which Project will be owned and operated by the Borrower, and the Authority has held a public hearing thereon; and

WHEREAS, it has been requested that the City Council of the City (the "Council") approve the financing of the Project and the issuance of the Bonds, and such approval is required for compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended;

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

1. The Council approves the financing of the Project and the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by said Section 147(f), to permit the Authority to assist in the financing of the Project and the refunding of the Prior Bonds.

2. The approval of the issuance of the Bonds, as required by said Section 147(f), does not constitute an endorsement of the Bonds, the creditworthiness of the Borrower or the economic viability of the Project. The Bonds shall provide that neither the Commonwealth of Virginia (the "Commonwealth") nor any political subdivision thereof, including the City and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and receipts pledged therefor and that neither the faith or credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the City and the Authority, shall be pledged thereto.

3. This Resolution shall take effect immediately upon its adoption.

Adopted:

Certified:

Clerk of Council

163K

December 6, 2017

DELIVERED BY HAND

Honorable Mayor and Members of the
Council of the City of Lynchburg
c/o Bonnie Svrcek, City Manager
900 Church Street
Lynchburg, VA 24504

**Re: Economic Development Authority of the City of Lynchburg, Virginia,
proposed financing for Lynchburg College**

Dear Madam Mayor and Members of Council:

Lynchburg College (the "Applicant") has requested the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority"), to issue its revenue bonds or notes, the principal obligation not to exceed \$25,000,000, (the "Bonds") in one or more series, from time to time, to assist the Applicant in (a) financing the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Applicant's 214-acre campus at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the construction of a dormitory and/or the renovation of one or more other dormitories, (b) paying interest on the Bonds, and (c) paying the costs of issuing the Bonds. The Project will be located entirely in the City and will be owned and operated by the Applicant.

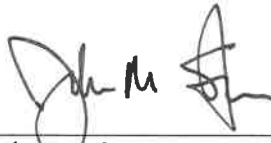
As set forth in the enclosed Authority's Inducement Resolution, the Authority has agreed to issue its Bonds as requested. The Authority has conducted a public hearing on the proposed financing of the Project and has recommended that the City Council approve the issuance of the Bonds as required by Section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

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

Honorable Mayor and Members of the
Council of the City of Lynchburg
December 6, 2017
Page 2

It is requested that consideration of the proposed Council Resolution be placed on the Council agenda for the meeting scheduled for Tuesday, December 12, 2017. A representative of the Authority will be present at the meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John M. Stone', written over a horizontal line.

John M. Stone, Secretary, Economic Development
Authority of the City of Lynchburg, Virginia

JMS/ahd

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

Mrs. Marjette G. Upshur, Director
Office of Economic Development

Alton L. Knighton, Jr., Esquire
Woods Rogers PLC
Counsel to Lynchburg College

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

APPLICATION FOR AUTHORITY FINANCING

Section 1
Information Concerning Applicant

1. Legal Name(s) of Applicant(s):
Lynchburg College

Applicant's Tax ID No.: 54-0505922

Mailing Address:
1501 Lakeside Drive
Lynchburg, VA 24501
2. Name of applicant's representative to be contacted for additional information:

<u>Name</u>	<u>Mailing Address if Different</u> <u>from Applicant's</u>
<u>Mr. Stephen E. Bright, Vice President for Business & Finance</u>	<u>Same address</u>
Telephone No. <u>434-544-8428</u>	Telefax No. <u></u>
3. Type of business presently conducted by applicant, if any: Educational Institution
4. Present location of applicant's principal place of business, if any:
Lynchburg, VA
5. In what year was business started: 1903
6. If a corporation, give state of incorporation: 1903
7. If a subsidiary of another corporation, give name, mailing address, and state of incorporation of parent corporation:
Name: N/A
Address:

State of incorporation:
8. If applicant is a partnership, give:
(a) Name of state under whose laws it is organized: N/A

- (b) City or County in which its principal office is located: _____
9. If a partnership, state whether general or limited: N/A
10. If a partnership, give names and residence addresses of all present partners and indicate whether general or limited:
N/A
11. If applicant is a joint venture or other business entity (other than a corporation or partnership), describe and give names and residence addresses of all principals:
N/A
12. If applicant proposes to undertake the facility sought to be financed through a subsidiary corporation, a new corporation, or other entity to be formed by applicant, give details:
N/A
13. If applicant intends to lease the facility to some other corporation or entity or if some other entity is to otherwise occupy and use the facility, so state and give the full proper name of such entity, its principal place of business, and if a corporation, the state of incorporation.
N/A

Lessee's Tax ID No.: _____

Section 2
Information Concerning Facility Sought To Be Financed

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

3. Type of business or activity to be conducted and purpose of facility sought to be financed. Explain proposed use of facility by applicant and/or others and, if a manufacturing plant, the type of products to be manufactured.
To demolish an existing older residence hall (McWane Hall) and construct a new residence hall that will also include the Westover Honors College.
-
-
4. Specific site location, including street number, if available and approximate acreage or size of site:
New residence hall will be 91,500 square feet and will be located on Lynchburg College's campus located in Lynchburg, VA.
-
5. General description of proposed facility (describe type of construction, square footage, amount for each operation such as manufacturing, storage, office, etc.) :
Refer to Attachment A and Attachment B
-
-
6. Name and address of architect, if retained:
Dominion Seven Architects Telephone No. 434-528-4300
1000 Jefferson St. – Suite 2A
Lynchburg, VA 24504
-
7. Give name of present owners(s) of site: Lynchburg College
-
8. If an existing facility:
(a) what is its present use McWane Hall – Residence Hall (To be demolished)
(b) number of regular employees presently employed on year-round basis N/A
(c) average annual salary per such employee \$ N/A
-
9. If applicant is not the present owner of the site, state what, if anything, has been done concerning the location and acquisition of a site by or on behalf of the applicant.
N/A
-
-
10. State the present zoning classification of the site under the Zoning Ordinance of the City of Lynchburg:
R-2
-
11. Is a zoning change required? YES X NO
If yes, state the zoning classification required:
-

12. Estimated number of regular employees to be employed on year-round basis after acquisition or completion of facility: N/A
13. Average annual salary per such employee: \$ N/A
14. If application is approved by the Authority, when would applicant anticipate issuance of bonds and work on the facility started? Work-May 2018 after graduation

Section 3
Cost of Facility and Financing

1. Estimated total cost of proposed facility: \$ Construction Costs \$18,300,000
Other Costs \$6,700,000
2. Maximum amount of financing sought through the Authority: \$ 25,000,000
3. Items of cost to be paid from Authority financing (i.e., land, equipment, legal, etc.):
Refer to Attachment A
4. If financing is approved, does applicant expect the Authority bonds to be sold by
X (a) private placement
_____ (b) public offering
5. If by private placement, has applicant received a commitment or other assurance from a bank or others with respect to the sale of the bonds?
YES X NO
Elaborate: Bank proposals are due on November 22, 2018.
6. If by public offering, name and address of underwriter(s) desired:
N/A Name Mailing Address
Telephone No.
7. Name and address of bond counsel desired:
Alton L. Knighton, Jr. Mailing Address
Woods Rogers PLC 10 S. Jefferson Street, Suite 1400
Roanoke, VA 24011
Telephone No. (540) 983-7632

Section 4
Tax Information

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

Land	\$	_____
Improvements	\$	_____
	\$	Included in the \$74,930,100 current assessment on the City of Lynchburg's website.
TOTAL		_____

2. Current yearly real property tax on the proposed site: \$ -0-
3. Estimated taxable value of the facility's real property (buildings and improvements) to be constructed: \$ -0-
4. Estimated real property tax per year with respect to the facility when completed (buildings and improvements) using present City of Lynchburg tax rates: \$ -0-
5. Estimated personal property tax per year with respect to the facility when completed, using present City of Lynchburg tax rates: \$ -0-
6. Estimated merchants' capital tax per year with respect to the facility completed, using present tax rates: \$ -0-
7. Estimated business license tax per year with respect to the facility when completed and in use, using, present City of Lynchburg license tax rates: \$ -0-
8. Estimated dollar value per year of goods and services that will be purchased locally by applicant or other users of the facility: \$ 1,930,000

Section 5
Inducement

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

The new residence hall will be built on Lynchburg College's campus which is part of the City of Lynchburg and Commonwealth of Virginia.

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

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

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

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

Respectfully submitted this 16th day of November, 2017.



Stephen E Bright, Vice President for Business and Finance

CONSTRUCTION COSTS

OTHER COSTS

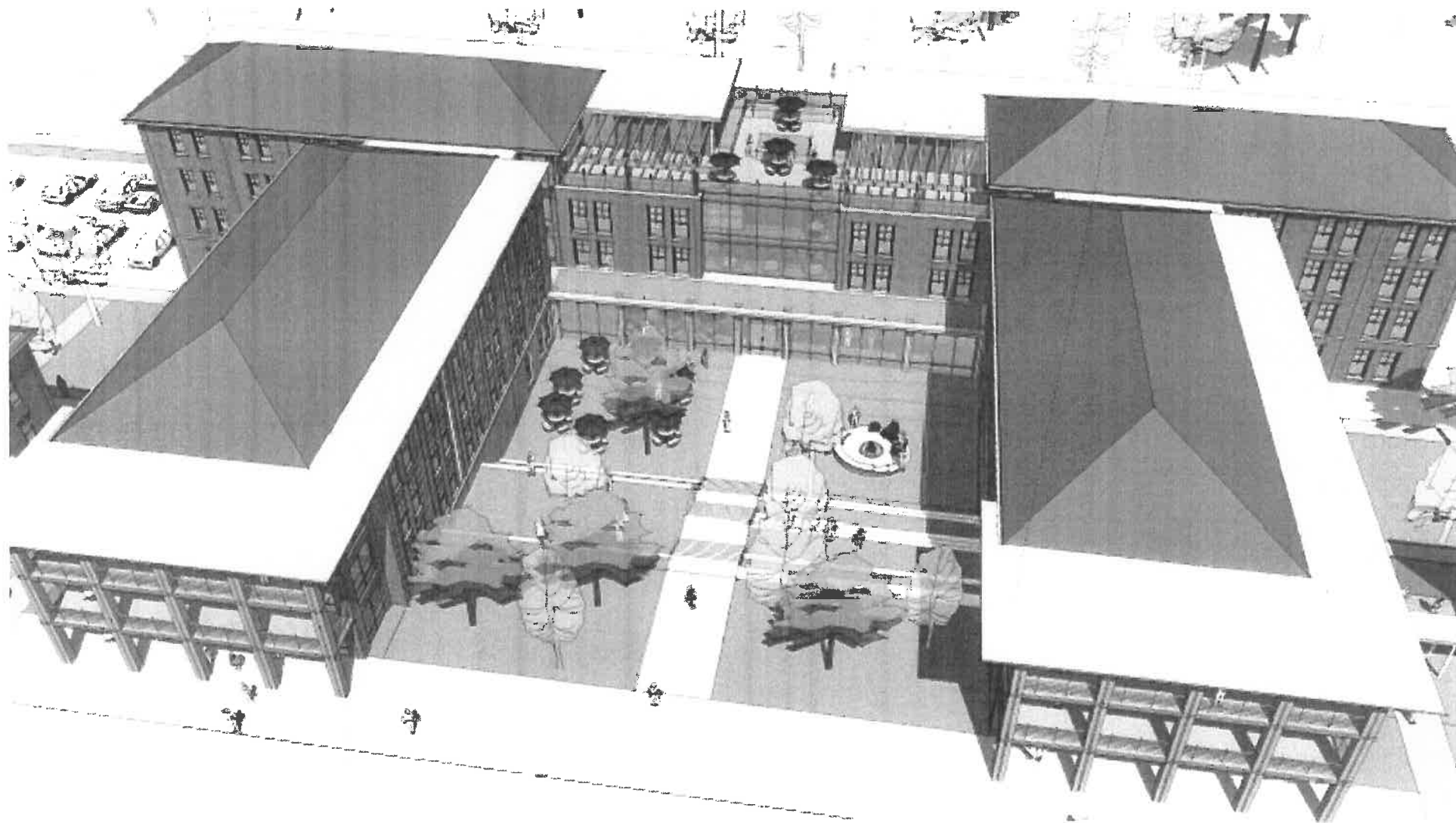
Professional Services:

Sub-Total	\$21,257.800
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Recommended Budget Contingency	10%	\$2,130,000
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Total Project Budget	\$23,387,800
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ARCHITECTURAL - THE COURTYARD



CERTIFICATE

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

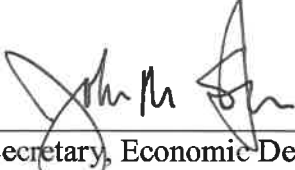
1. A meeting of the Authority was duly called and held on December 6, 2017, at 8:30 o'clock a.m. in the Conference Room of the Office of Economic Development, 2nd Floor, City Hall, 900 Church Street, Lynchburg, Virginia, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of Lynchburg College and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the City of Lynchburg, Virginia ("Notice"), with the second publication appearing not less than seven days nor more than twenty-one days prior to the hearing date. A copy of the Notice has been filed with the minutes of the Authority and is attached as **Exhibit A**.

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

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

WITNESS my hand and the seal of the Authority, this 6th day of December, 2017.



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

(SEAL)

Exhibits:

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

The News & Advance

Advertising Affidavit

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

Account Number

3382053

Date

November 29, 2017

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

Date	Category	Description	Ad Size	Total Cost
11/29/2017	Legal Notices	NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE B	2 x 54 L	780.00

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

Notice is hereby given that the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") will hold a public hearing on the application of Lynchburg College (the "Borrower"), 1501 Lakeside Drive, Lynchburg, Virginia 24501, requesting the Authority to issue up to \$25,000,000 of its revenue bonds or notes (the "Bonds") in one or more series, from time to time, to assist the Borrower in (a) financing the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus (the "Campus") at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the construction of a dormitory and/or the renovation of one or more other dormitories, (b) paying interest on the Bonds, and (c) paying the costs of issuing the Bonds. The Project will be located entirely in the City and will be owned and operated by the Borrower.

As required by the Virginia Industrial Development and Revenue Bond Act, the incurrence of the Authority's obligations under the Bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City. Neither the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the City, shall be obligated to pay the principal of and interest on the Bonds, or to pay other costs incidental thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of the principal of or interest on the Bonds or other costs incidental thereto.

The hearing will be part of the approval process with respect to the Bonds, and, if, following the hearing, the Authority approves the issuance, the City Council of Lynchburg will then consider the issuance for approval.

The public hearing, which may be continued or adjourned, will be held at 8:30 a.m. on December 6, 2017, before the Authority in the Office of Economic Development of the City of Lynchburg, 2nd Floor, City Hall, 900 Church Street, Lynchburg, Virginia. All persons interested in the issuance of the Bonds or the location or nature of the Project are invited to appear at the hearing and present their views or submit written comments prior to the hearing to the Secretary of the Authority, 2nd Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504. A copy of the Borrower's application may be inspected at the Authority's offices.

Economic Development Authority of the City of Lynchburg, Virginia
By John M. Stone, Secretary

Publisher of the News & Advance

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

11/22, 11/29/2017

The First insertion being given ... 11/22/2017

Newspaper reference: 0000652889

Given under my hand on

the 29 day of November

[Signature]

Classified Manager



Tonya D Davis
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7506750
My Commission Expires
September 30, 2019

[Signature]

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

EXHIBIT

A

EXHIBIT “B” TO CERTIFICATE

SUMMARY OF STATEMENTS

The Chairman declared the public hearing open. The Chairman asked if there was anyone present to speak in favor of the application of Lynchburg College requesting the Authority to issue up to \$25,000,000 of its revenue bonds to assist Lynchburg College in the acquisition, construction, expansion, renovation and equipping of academic, student housing, and other facilities on or near Lynchburg College’s 214-acre campus in the City. Mr. Craddock advised that the notice of this public hearing had been published in *The News & Advance* as required by law.

Mr. Stephen Bright, Vice President for Business and Finance for Lynchburg College, reviewed with the Directors Lynchburg College’s plans to replace McWane Residence Hall and replace it with a newly designed resident hall and provide additional space for the College’s Honors Program. Mr. Bright confirmed that Union Bank had agreed to purchase the bonds with an interest rate at LIBOR plus 1.461%. Dr. Kenneth Garren, President of Lynchburg College, also spoke concerning the fact that this project would modernize the students’ resident experience. Mr. Bright and Dr. Garren also discussed the College’s reduction of energy costs through the improvements which have been made through the College’s sustainable energy reduction programs.

The Chairman asked if anyone else would like to speak in favor of Lynchburg College’s application. No one else appeared to speak in favor.

The Chairman then asked if anyone was present to speak in opposition to the application. No one appeared or spoke in opposition to the application.

The Chairman declared the public hearing closed.

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

WHEREAS, there have been described to the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") the plans of Lynchburg College (the "Borrower") for (a) the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the construction of a dormitory and/or the renovation of one or more other dormitories, (b) paying interest on the Bonds (as hereinafter defined), and (c) paying the costs of issuing the Bonds; and

WHEREAS, the Borrower has described the benefits to the City and has requested the Authority to agree to issue its revenue bonds or notes, under the Virginia Industrial Development and Revenue Bond Act (the "Act"), in such amounts as may be necessary to finance the cost of the Project and the refunding of the Prior Bond;

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

1. It is hereby found and determined that the location of the Project in the City will promote the welfare of the residents of the City and surrounding areas, will enhance educational opportunities for residents of the City and the Commonwealth of Virginia, will be in the public interest and will be consistent with the purposes of the Act.

2. To induce the Borrower to locate the Project in the City, the Authority hereby agrees, subject to required approvals and the compliance of the proposed issue with applicable law, to assist the Borrower in every reasonable way to finance the Project and, in particular, to undertake the issuance of one or more of its revenue bonds or notes (the "Bonds") therefor in amounts now estimated not to exceed \$25,000,000 upon terms and conditions to be mutually agreed upon between the Authority and the Borrower. The proceeds from the sale of the Bonds shall be loaned by the Authority to the Borrower pursuant to an agreement or agreements which will provide for loan repayments to the Authority sufficient to pay the principal of and premium, if any, and interest on the Bonds and to pay all other expenses in connection with the Project. The Bonds shall be issued in form and pursuant to terms to be set by the Authority.

3. It having been represented to the Authority that it is necessary to proceed immediately with the Project, the Authority hereby agrees that the Borrower may proceed with plans for the Project, enter into contracts for renovation, construction, expansion and equipping and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Borrower to obligate the Authority without its consent in each instance to the payment of any monies or the performance of any acts in connection with the Project. The Authority agrees that, to the extent consistent with federal tax



laws, the Borrower may be reimbursed from the proceeds of the Bonds for all costs so incurred by it.

4. To the extent consistent with federal tax laws, all costs and expenses in connection with the financing of the Project, including the fees and expenses of bond counsel and Authority counsel, shall be paid from the proceeds of the Bonds. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.

5. The Authority shall perform such other acts and adopt such further resolutions as may be required to implement its undertakings as hereinabove set forth, and if requested by the Borrower, it will make application to the Internal Revenue Service for such tax rulings as may be necessary in the opinion of bond counsel. To that end, the Chairman or Vice Chairman of the Authority is hereby authorized to execute an appropriate power of attorney naming counsel selected by the Borrower for such purposes.

6. The Authority hereby recommends that the City Council of the City (the "Council") approve the financing of the Project and the issuance of the Bonds.

7. The officers of the Authority are hereby authorized and directed to deliver to the Council (a) a reasonably detailed summary of the comments expressed at the public hearing held with respect to the issuance of the Bonds, (b) a fiscal impact statement concerning the Project in the form specified in Section 15.2-4907 of the Code of Virginia, and (c) a copy of this resolution, which constitutes the recommendation of the Authority that the Council approve the financing of the Project and the issuance of the Bonds.

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

FISCAL IMPACT STATEMENT

Date: December 6, 2017

Applicant: Lynchburg College

Facility: Real and personal property located on or near the Applicant's campus in the City of Lynchburg, Virginia.

- | | | |
|----|---|----------------------|
| 1. | Maximum amount of financing sought | \$ <u>25,000,000</u> |
| 2. | Estimated taxable value of the facility's real property to be constructed in the municipality | \$ <u>0</u> |
| 3. | Estimated real property tax per year using present tax rates | \$ <u>0</u> |
| 4. | Estimated personal property tax per year using present tax rates | \$ <u>0</u> |
| 5. | Estimated merchants' capital tax per year using present tax rates | \$ <u>0</u> |
| 6. | a. Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality | \$ <u>661,711</u> |
| | b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality | \$ <u>19,155</u> |
| | c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality | \$ <u>1,242,182</u> |
| | d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality | \$ <u>0</u> |
| 7. | Estimated number of regular employees on year round basis | <u>490</u> |
| 8. | Average annual salary per employee | \$ <u>57,540</u> |

Signature:



Authority Chairman

Economic Development Authority of the City of
Lynchburg, Virginia

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

The fiscal impact of the project being financed is limited. The above reflects the Applicant's annual fiscal impact on the City of Lynchburg.

**RESOLUTION
OF THE CITY COUNCIL OF
THE CITY OF LYNCHBURG, VIRGINIA**

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") has considered the application of Lynchburg College (the "Borrower") requesting the issuance of one or more of the Authority's revenue bonds or notes in an amount not to exceed \$25,000,000 (the "Bonds") in one or more series, from time to time, to assist the Borrower in (a) financing the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus (the "Campus") at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the construction of a dormitory and/or the renovation of one or more other dormitories, (b) paying interest on the Bonds, and (c) paying the costs of issuing the Bonds, and which Project will be owned and operated by the Borrower, and the Authority has held a public hearing thereon; and

WHEREAS, it has been requested that the City Council of the City (the "Council") approve the financing of the Project and the issuance of the Bonds, and such approval is required for compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended;

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

1. The Council approves the financing of the Project and the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by said Section 147(f), to permit the Authority to assist in the financing of the Project and the refunding of the Prior Bonds.
2. The approval of the issuance of the Bonds, as required by said Section 147(f), does not constitute an endorsement of the Bonds, the creditworthiness of the Borrower or the economic viability of the Project. The Bonds shall provide that neither the Commonwealth of Virginia (the "Commonwealth") nor any political subdivision thereof, including the City and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and receipts pledged therefor and that neither the faith or credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the City and the Authority, shall be pledged thereto.

3. This Resolution shall take effect immediately upon its adoption.