// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of November, 2007, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Seiffert gave the Invocation, followed by the Pledge of Allegiance led by Boys Scout Troop 50. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster 6
Absent: Johnson 1

// Mayor Foster announced that Council Member Johnson was out of town attending the National League of Cities conference.

// Copies of the minutes of the October 23 (two meetings) and October 30, 2007 meetings, having been previously furnished Council, reading was dispensed with. Council Member Seiffert asked that the October 23 and October 30 minutes be voted on separately since he was unable to attend the October 30 meeting and would like to abstain from voting on those minutes. On motion of Council Member Garrett, seconded by Council Member Gillette, Council by the following recorded vote approved the October 23 (two meetings) minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster 6
Noes: 0
Absent: Johnson 1

On motion of Council Member Garrett, seconded by Council Member Gillette, Council by the following recorded vote approved the October 30 minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Foster 5
Noes: 0
Absent: Johnson 1
Abstention: Seiffert 1

// In the matter of Parks and Recreation, City Council Report #2 was considered. On motion of Council Member Garrett, seconded by Council Member Seiffert, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-07-141, as presented, amending the FY 2008 City/Federal/State Aid Fund budget and appropriating $1,500, fully reimbursable, to purchase supplies for an education program on the James River watershed and its importance to the Chesapeake Bay:

Ayes: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster 6
Noes: 0
Absent: Johnson 1

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #3 outlining the petition of Robert Hartless to rezone approximately 0.2 acres from B-3, Community Business District, to B-5C, General Business District (Conditional), to allow the use of an existing building as a car rental business at 2415 Wards Road. City Planner Tom Martin provided a brief summary regarding the petition. Mr. Thomas Brooks, Acres of Virginia, Inc., representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Garrett, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-07-142, as presented, granting the rezoning petition:

Ayes: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:	0
Absent: Johnson	1

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #4 outlining the petition of Lynchburg Renting, LLC to rezone approximately 7.1 acres from R-1, Low Density Single-Family Residential District to R-3C, Medium Density Two-Family Residential District (Conditional) and for a Conditional Use Permit to allow the construction of 76 townhouse units (for sale) and associated parking with access to Leesville Road and Middle Street at 714 Leesville Road. City Planner Tom Martin provided a brief summary regarding the petition, explaining that there is a discrepancy in condition #8 of the Resolution approving the Conditional Use Permit, i.e., the height of the wood board fence should be eight feet instead of six feet. Mr. Bill Berkley, Berkley Howell and Associates, representing the petitioner, outlined the request and asked for approval. Mr. Berkley explained that the site immediately adjacent to this property was rezoned about two years ago for a similar use by the same company and that those townhomes are under construction and half of them are presently occupied. Mr. Berkley went on to say that this project will have ingress/egress via a connection to Middle Street. Six adjoining property owners including the President of the Lakeland Club homeowners association spoke in opposition to the petition citing the following concerns: that the damage to adjoining properties due to stormwater runoff from the current townhomes development will increase; further damage to the lake from stormwater runoff depositing sediment into the lake; and a concern that the retention pond will not contain the stormwater runoff. Ms. Carole VanBlarican presented photographs showing the damage to adjoining properties from stormwater runoff from the current development. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Members discussed the proposed petition and expressed similar concerns regarding the topography of the site, the failure of the company to take appropriate steps to control stormwater runoff from the current development, and the potential for further damage to adjoining properties due to stormwater runoff not only from the current development but the proposed development. Concerns were also expressed about the overcrowding of land given the number of townhouses already existing in this area of the City. Following discussion, and on motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote denied the rezoning request:

Ayes: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:	0
Absent: Johnson	1

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #5 outlining the petition of Liberty University, Inc. to amend the Future Land Use Map from an Institutional to a Community Commercial use, to rezone approximately 3.6 acres from R-C, Resource Conservation District to B-3C, Community Business District (conditional) and for a Conditional Use Permit at 500 Liberty Mountain Drive to allow the development of a commercial shopping center with one retail building to be constructed across the Campbell County/City of Lynchburg jurisdictional boundary. Vice Mayor Dodson stated that since his company provides pest control services for Liberty University, he will abstain from voting on this request. City Planner Tom Martin provided a brief summary regarding the petition, explaining that although the Planning Division originally recommended denial of the petition due to traffic, pedestrian, land use, environmental and gateway concerns, the petitioner did submit proffers and plan revisions to address those concerns. Jerry Falwell, Jr., representing the petitioner, outlined the request and asked for approval. Dr. Tom Shahady, Associate Professor of Environmental Science at Lynchburg College, along with two Lynchburg College students expressed concerns regarding the effect that this project along with the loss of 3+ acres of conservation land will have on the streams and wetlands within the watershed and suggested that petitioner be required to rezone a comparable track of land in the City to conservation to replenish the land to be rezoned. Mr. Falwell stated that he is agreeable to Dr. Shahady's suggestion and would be willing to proffer the same. In response to Council questioning, City Attorney Walter Erwin stated that State Code does allow amended proffers during a public hearing as long as the amended proffers do not constitute a material change in the petition. Mr. Erwin went on to say that there are currently two proffers that address stormwater management and if the petitioner is willing to submit an amended proffer tonight, then that would be acceptable since the amendment would not constitute a significant material change in the petition. Mr. Falwell offered the following written proffer #9 which states…"Liberty University will work with City staff in petitioning City Council to rezone 3.6 acres of University or Church-owned property in another part of the City to R-C conservation." There was no one else present who wished to speak to this item, and the public hearing was closed. Council Members commented that the petitioner's willingness to work with everyone to address concerns regarding this project was commendable. Dr. Garrett did suggest that there is a need to update the Master Plan for Liberty University. Following discussion, and on motion of Council Member Helgeson, seconded by Council Member Seiffert, Council by the following recorded vote adopted Ordinance #0-07-143, as presented, to amend the Future Land Use Map for property located at 500 Liberty Mountain Drive from Institutional to Community Commercial use:

Ayes: Garrett, Gillette, Helgeson, Seiffert, Foster	5
Noes:	0
Absent: Johnson	1
Abstention: Dodson	1

On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #0-07-144, as amended to include proffer #9, approving the petition of Liberty University, Inc., to rezone approximately 3.6 acres at 500 Liberty Mountain from R-C, Resource Conservation District, to B-3C, Community Business District (conditional):

Ayes: Garrett, Gillette, Helgeson, Seiffert, Foster	5
Noes:	0
Absent: Johnson	1
Abstention: Dodson	1

On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-07-145, as presented, approving a Conditional Use Permit at 500 Liberty Mountain Drive to allow the development of a commercial shopping center with one retail building to be constructed across the Campbell County/City of Lynchburg jurisdictional boundary:

Ayes: Garrett, Gillette, Helgeson, Seiffert, Foster	5
Noes:	0
Absent: Johnson	1
Abstention: Dodson	1

// In the matter of Courts – General, a public hearing was held regarding City Council Report #6 regarding vacating a portion of Ninth Street and approving boundary line adjustments in conjunction with the construction of the new Juvenile and Domestic Relations Courthouse. James S. Talian, Project Manager, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-07-146, as presented, approving boundary line adjustments in conjunction with the construction of the new Juvenile and Domestic Relations Courthouse:

Ayes: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:	0
Absent: Johnson	1

On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote adopted Ordinance #O-07-147, as presented, vacating a portion of Ninth Street in conjunction with the construction of the new Juvenile and Domestic Relations Courthouse:

Ayes: Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:	0
Absent: Johnson	1

// In the matter of Community Planning – Historic Districts, City Council Report #7A regarding adopting the Updated Lynchburg Historic Districts Residential Design Review Guidelines and Lynchburg Historic Districts Commercial Design Review Guidelines was considered. City Manager Kimball Payne stated that a public hearing was held in September regarding these historic guidelines and that City Council postponed action to a future meeting. Following the September public hearing, staff determined that the

City Code also needed to be amended to reference the adoption date of the new guidelines and that a public hearing regarding the Code amendment is scheduled next on the agenda. City Council will need to take action regarding the guidelines prior to amending the City Code. Mr. Payne also informed that grammatical revisions and corrections as shown in Attachment A will be made to the guidelines. On motion of Council Member Seiffert, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-07-148, as presented, adopting the Updated Lynchburg Historic Districts Residential Design Review Guidelines and Lynchburg Historic Districts Commercial Design Review Guidelines:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:		0
Absent:	Johnson	1

// In the matter of City Code/Community Development - Historic Districts, a public hearing was held regarding City Council Report #7B regarding amending Section 35.1-44.1 of the City Code relating to Commercial Historic Districts Design Guidelines and Residential Historic Districts Design Guidelines. City Manager Kimball Payne provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson stated that there are a few items in the historic district ordinance that he would like for City Council to discuss at a future work session. City Manager Payne stated that staff has been reviewing one of the items that City Council previously asked that staff research, i.e., professional standards qualification requirements for Historic Preservation Commission members, and that the report on that item should be ready for either the January or February work session and that Council could also discuss Council Member Helgeson's items at the same work session. On motion of Council Member Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #O-07-149, as presented, amending Section 35.1-44.1 of the City Code relating to Commercial Historic Districts Design Guidelines and Residential Historic Districts Design Guidelines:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:		0
Absent:	Johnson	1

// In the matter of Community Planning - Zoning, City Council Report #8 outlining the petition of S.W. Neal Development Group for a Conditional Use Permit at 1200 and 1202 Wood Road to allow the construction of a Planned Unit Development containing 34 attached single-family homes and 11 townhouses in a R-1, Low-Density, Single-Family Residential District, and a R-3, Medium-Density, Two-Family Residential District was again considered. City Planner Tom Martin stated that at the August 14 meeting, City Council held a public hearing for the Locke Haven Planned Unit Development (PUD) project for the proposed construction of forty-five (45) homes, which included a combination of single-family attached and townhouse units. Mr. Martin explained that at that time the petitioner requested an exemption to the ordinance requirement that twenty (20) percent of the units be single-family detached homes and that City Council decided to delay the vote on the project to allow the developer time to explore options that would satisfy some of the neighbors' concerns, including a provision for at least twenty (20) percent of the residences to be single-family detached houses. Mr. Martin went on to say that S.W. Neal Development Group has revised its request for the approval of a conditional use permit to allow a Planned Unit Development to include the construction of sixteen (16), single-family detached homes, seventeen (17) single-family attached homes and eleven (11) townhouses with landscaping and pedestrian features and that although the decision on whether the plan changes are significant enough to warrant a second public hearing ultimately rests with City Council, it is staff's opinion that another public hearing is not required. Vice Mayor Dodson questioned Trent Warner, the engineer for the project, regarding the proposed change and asked that he also explain why the developers have chosen to use the universal design concept instead of complying with the ADA requirements. Council Members also agreed to allow a representative from the adjoining neighborhood a few minutes to speak to the proposed change. Ms. Ruth Wymer, representing the adjoining neighborhood, stated that the proposed change did not address the neighborhood concerns as outlined at the August public hearing and urged City Council to deny the petition. Ms. Wymer also questioned if the zoning procedure was correctly followed regarding notification to Campbell County since the rezoning request was within one half mile of the county line. In response to Council questioning, City Attorney Walter Erwin stated that he would check to see if the notification to Campbell County was required in this instance. Several Council Members commented that they were still concerned regarding increased traffic, the density of the project, and that the proposed development would be out of character with the existing residential neighborhood. Following discussion, and on motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote denied the petition of S.W. Neal Development Group for a Conditional Use Permit:

Ayes: Garrett, Gillette, Helgeson, Seiffert, Foster	5
Noes: Dodson	1
Absent: Johnson	1

// In the matter of Community Planning - General, Mayor Foster announced that City Council Report #9 has been removed from the agenda.

// In the matter of Public Works – Monument Terrace, City Council Report #10 regarding establishing a policy regarding the placement of future memorials on Monument Terrace and a proposal to place a military order of the Purple Heart Memorial on Monument Terrace was considered. City Manager Kimball Payne provided a brief summary regarding the two requests and asked that City Council vote on the policy prior to considering the proposal regarding the Purple Heart Memorial on Monument Terrace. Mr. Payne stated that the proposed policy states that …

- Memorials shall have direct applicability to the citizens of Lynchburg, Virginia, and its immediate surroundings.

- Memorials shall recognize intentional acts (such as placement of one's self in harm's way in consequence of entry into military or naval service, imprisonment in an enemy prison, death or wounds in battle) in the lawful execution of assigned duties.
- Memorials shall have direct (e.g. active service) connection with military or naval service.
- Memorials shall be emplaced in harmony with the architecture and design of Monument Terrace.

Council Members discussed the proposed policy at length, including whether to limit memorials to the citizens of Lynchburg and those who have a direct connection to the City especially since it was the citizens of Lynchburg who spent $2 million to renovate Monument Terrace. In response to questioning regarding the intent of the policy, Mr. Payne stated that the intent of the policy is to recognize those men and women who die in direct action in a military conflict that has a relative clear identity to it. Mr. Payne went on to say that memorials should be put up after a conflict is over and has been defined by history as to when it started and when it ended. Mr. Payne also noted that it is not the intent of the policy to memorialize individuals in the military who die in the performance of their duty that is not caused by a direct action in a military conflict, such as a National Guardsman who is in Mississippi and falls off a levy and drowns. Council Member Helgeson made a motion, seconded by Council Member Seiffert, to approve the policy as presented. Council Member Gillette made a substitute motion, seconded by Vice Mayor Dodson, to change the first bullet to read…" Memorials shall have direct applicability to the citizens of Lynchburg, Virginia," and Council by the following recoded vote adopted Resolution #R-07-150, as amended, establishing a policy to guide the placement of future memorials on Monument Terrace:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:		0
Absent:	Johnson	1

Mr. Dennis Janiak, representing the Central Virginia Chapter of the Military Order of the Purple Heart (MOPH), provided an overview regarding a request to place a MOPH memorial in the center of the first landing down from Court Street on Monument Terrace. Mr. Janiak stated that the memorial will be completely funded by the chapter and plans are to have it completed and dedicated on Memorial Day 2008. Mr. Janiak went on to say that the memorial will include the names of 276 individuals who are currently engraved on Monument Terrace. Mr. Terry Jamerson, a Marine Veteran, expressed concern that there might not be space available in the future on Monument Terrace to honor those individuals who have been killed in the current conflict. Mr. Payne noted that all proposals regarding the placement of memorials on Monument Terrace would need City Council approval. Mr. Payne went on to say that there have been discussions regarding the placement of an appropriate memorial on Monument Terrace once the current conflict has been defined. In response to Council questioning, Mr. Payne stated that it would not be appropriate for any memorial to be used for commercial purposes. Mr. Payne explained that any such use would not be in keeping with the dignity and design of the current memorials on Monument Terrace and would be totally inappropriate. Following discussion, and on motion of Council Member

Helgeson, seconded by Council Member Garrett, Council by the following recorded vote approved a proposal to place a military order of the Purple Heart Memorial on Monument Terrace:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:		0
Absent:	Johnson	1

// In the matter of Finance - General, City Council Report #11 was considered. On motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-07-151, as presented, amending the FY2008 City Capital Projects Fund budget and rescinding $3,402,123 in appropriations for projects in order to more accurately reflect expected expenditures:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:		0
Absent:	Johnson	1

// In the matter of Finance - General, City Council Report #12 was considered. On motion of Council Member Seiffert, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-07-152, as presented, approving the up-grade of a part-time Financial Technician III position to a full-time position in the Finance Department - Human Services Financial Division:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:		0
Absent:	Johnson	1

// In the matter of Commonwealth Attorney, City Council Report #13 was considered. On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-07-153, as presented, amending the FY 2008 City/Federal/State Aid Projects Fund budget and appropriating $12,280, fully reimbursable, to hire an Americorp member to assist the office of the Commonwealth's Attorney with the Community Court Program:

Ayes:	Dodson, Garrett, Gillette, Helgeson, Seiffert, Foster	6
Noes:		0
Absent:	Johnson	1

// City Attorney Walter Erwin informed City Council that there is a provision in the State Code that requires notification of the Chief Administrative Officer in adjoining counties under certain zoning circumstances, but that notification was not necessary in the Locke Haven petition since the petition was for a Conditional Use Permit and not a request to change the zoning of the property.

// The meeting was recessed at 10:54 P.M. to November 27, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 27, 2007** AGENDA ITEM NO.: 4

CONSENT: REGULAR: **X** CLOSED SESSION: (Confidential)

ACTION: INFORMATION: **X**

ITEM TITLE: **Meeting with Area Legislators re 2008 Legislative Agenda**

RECOMMENDATION: No action required.

SUMMARY: Area legislators were invited to attend Council's meeting to discuss the upcoming session of the General Assembly. Initially, both Senator Newman and Delegate Valentine said that they could attend. Subsequently, Senator Newman has had a conflict with work arise. He has been invited to the December 11 Council meeting. Delegate Valentine cannot attend on the 11^{th}.

A copy of the adopted 2008 Legislative Agenda is attached for your information.

PRIOR ACTION(S): 2008 Legislative Agenda adopted September 25, 2007.

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990; Linda McMinimy, (804) 643-1166

ATTACHMENT(S): 2008 Legislative Agenda

REVIEWED BY: lkp

CITY OF LYNCHBURG

2008 LEGISLATIVE AGENDA

Approved September 25, 2007

PRIORITY ITEMS

The Lynchburg City Council urges Region 2000 legislators to adhere to these principles as they evaluate and vote on bills and the biennial budget during the 2008 General Assembly Session:

State Budget:

- Continue progress toward adequately funding 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 to fill.
- Develop an ongoing and sustainable source of funding to provide at least $5 million in grants for the Lynchburg Combined Sewer Overflow program from an ongoing and reliable fund source.

State Policies:

- Oppose legislation that erodes local taxing authority, caps or reduces local revenue or that contains costly unfunded mandates for localities.
- Support legislation that provides greater authority to localities in implementing smart growth initiatives especially with regard to transportation planning.

Specific Action Requested

I. Continue Progress in Meeting State Fiscal Obligations to Localities

Lynchburg, like other older Virginia cities, has a high level of mandated service responsibilities and infrastructure costs yet is dependent on a narrow tax base with limited capacity for growth. Lynchburg is the one of the most fiscally stressed localities in the State. Both the State and localities have a constitutional and statutory responsibility to share the costs of many services provided at the local level. The state should meet its responsibilities to fund the full costs of mandated services in the following areas:

- Education: rebenchmarking of the Standards of Quality and at-risk related incentive programs
- Comprehensive Services Act: avoid duplicative service requirements and additional new administrative costs
- Social Services – TANF and Foster Care
- Jail Per Diems- (increase daily rates)
- Constitutional Officers
- Juvenile Justice and Detention Programs

- State share of library costs

II. State - Local Funding Priorities

The City of Lynchburg is particularly interested in enhanced funding in the following areas:

- Combined Sewer Overflow (CSO) program
- Transportation: public transportation, street maintenance, urban construction
- HB 599; (fund should grow at same rate as State revenue growth)
- The Center for Advanced Engineering & Research (CAER), a Region 2000 initiative.

III. Support the First Cities Coalition Agenda

Lynchburg is a member of the Virginia First Cities (VFC) Coalition, which represents fifteen of Virginia's older, fiscally challenged core cities. The Coalition is working to change State policies that disadvantage cities, to fund programs that will improve the vitality and condition of cities and the quality of life of city residents. Lynchburg Supports the VFC's priorities (attached).

City of Lynchburg

2008 Legislative Positions

A. State/Local Partnerships

Maintain state funding for shared state-local service responsibilities. With state and local revenue growth slowing, the Governor and General Assembly should oppose efforts to:

- ❖ Eliminate or cap local revenue sources
- ❖ Restrict local taxing authority
- ❖ Shift State funding responsibilities to the local level.

B. Human Services

Comprehensive Services Act (CSA)

- CSA policy changes and guidelines are being implemented which would duplicate the mission of the existing community services board system (to provide mental health services for children) and will expand mandated services to include a vaguely defined population that does not fit under the traditional foster care or special education definitions. Costs generated by these new policies and guidelines should be paid for by the state not shifted to localities.

Mental Health/Mental Retardation Services

- Increase state funding for community based treatment and placements.
- Require Community Service Boards (CSB) to provide mental health services to children as mandated by state law.

Social Services

- Increase funding for workforce re-training through appropriate agencies, retaining VIEW staff and funding in Social Services. This program has been successfully helped TANF recipients secure and maintain jobs. New Federal TANF requirements will increase the number of clients eligible for employment services, the need for child care services and will require additional funds.
- Maintain state funds for prevention services and the administration of mandated programs and services.

C. Utilities and Environmental Quality

Combined Sewer Overflow (CSO)

- Provide at least $5 million in state grants for the CSO program in Lynchburg from an ongoing, reliable fund source.
- Support long term funding strategies for the CSO program.
- The General Assembly should continue to increase funding to the Virginia Revolving Loan (VRL) program and earmark these funds for CSO abatement in order to qualify Lynchburg and Richmond for zero interest rates.

Water Quality

- Continue to support the mechanisms authorized to facilitate nutrient trading.
- Continue to provide adequate funds to the Water Quality Improvement Fund (WQIF) to support nutrient removal projects.
- Oppose efforts to implement further point source reductions of nutrient discharges beyond that of the Chesapeake Bay General Permit.

Stormwater Management

- Provide adequate funds or fee authority for state mandated local enforcement, administration and inspections of private storm water facility maintenance agreements.
- Support state and federal financial and technical support for TMDL implementation and stormwater permit compliance, as well as reasonable implementation schedules.

Biosolids

- Support and encourage the beneficial recycle/reuse of biosolids on farms and as a crop nutrient and soil amendment in accordance with federal and state handling and disposal regulations, and support local authority to monitor and reasonably regulate biosolids.

Dam Safety

- Provide funds to assist localities whose dams will need to be upgraded due to new dam safety regulations.
- Support legislation that reasonably regulates development within dam inundation zones. Support reasonable requirements for dam upgrades.

Utility Marking

- Oppose efforts by the State Corporation Commission to require local governments to mark private water and sewer lines.

State 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.

D. Transportation

The General Assembly should:

- Ensure that adequate dedicated, non-general fund revenues are available to maintain the current transportation infrastructure, especially bridges and key arterial and collector roadways and adequately support non-automobile transportation modes such as public transportation, pedestrian and bikeways airports, and intercity rail, specifically, the TransDominion Express.
- Support policies that maximize the use of existing transportation infrastructure, encourage redevelopment and promote pedestrian and context sensitive development.
- Oppose changes in the highway funding formula that would reduce transportation funding for Lynchburg.
- Support State incentives for regional transit service to improve regional mobility and access to employment centers.
- Support enhanced intercity rail service to Lynchburg
- Support policies to streamline and improve project delivery through the Virginia Department of Transportation (VDOT)

E. Economic Development

- Fully fund the Enterprise Zone Program.
- Support State transportation and land use policy initiatives that encourage city redevelopment and discourage dispersed development.
- Preserve and expand tax credit programs that benefit city redevelopment; including the Historic Tax Credit Program.
- Direct funding to the Virginia Brownfield Redevelopment Assistance Fund to facilitate the redevelopment of brownfield sites.
- Support funding for the Center for Advanced Engineering and Research (CAER)

F. Zoning and Land Use

- Preserve local zoning and land use authority. Retain local authority to use by right special exceptions and special use permits to meet the individual needs of communities.

- Oppose legislation that would require localities to treat manufactured homes as single-family homes and allow them by right in all single-family districts; preempting the City's zoning ordinance and eroding local authority.
- Oppose legislation that would allow State agencies to circumvent local comprehensive plans and land use regulation in the placement of State or telecommunication facilities

Abandoned/Neglected Properties

- Oppose an eminent domain Constitutional amendment.
- Support legislation to make it more efficient and cost effective for local governments and citizens to eliminate blighted properties.

Exemption of Religious Organizations from Local Ordinances

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

G. Education

Educational Funding

- Fully fund rebenchmarking of the Standards of Quality (SOQ) and categorical incentive funds for At-Risk students. The state should fully recognize and fund the costs of rebenchmarking of the various educational programs including the Standards of Quality, incentive, categorical, and school facilities programs. Changing the process of rebenchmarking to artificially lower recognized costs does not change what it actually costs to provide education. Instead, it simply transfers additional costs to local governments, and ultimately to the local real estate tax base.
- Fund the State Board of Education approved Standards of Quality (SOQ) positions
    - one full-time instructional reading specialist for each 1,000 students
    - funds to reduce caseload for speech-language pathologists
    - one principal at every elementary school,
    - one assistant principal for every 400 students in grades K-12
- Virginia Preschool Initiative (Pre-K Four Year Old Program)
    - Support expanding program eligibility to reduced lunch students
    - Increase the per pupil rate of VPI to $7,200 per child to reflect actual program costs
    - Increase funds for alternative education programs

School Construction

- Restore the Literary Fund to support school reconstruction and construction projects.

Education Policies:

- Fund teacher salary increases as of July 1, the beginning of each year, instead of the current practice of funding mid- year, January 1.

H. Employee Relations and Training

Heart/Lung and Cancer Presumption

- Support local government initiatives amending the presumption statute to restore balance to the rebuttal process.
  Unless a balance is restored localities will be faced with enormous and growing costs of medical conditions caused not by employment conditions but by individual lifestyle choices (e.g. life-time tobacco use, unhealthy eating habits) that result in chronic disease. The State program is designed to protect the legitimate long-term effects of work related dangers. It should not be revised to reward those who have made poor lifestyle choices yet seek the same benefits.
- Oppose extending the presumption to salaried and volunteer EMT's and lifesaving and rescue squads.
- Oppose the expansion of cancers covered by the presumption statute.

Binding Arbitration

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

Employee Retirement and Benefits

- Support the local option of participating in the Virginia Sickness and Disability Program.
- The General Assembly should refrain from the transfer of funds out of the Virginia Retirement Fund (VRS) and into the General Fund to solve budget problems.
- Adequately fund education so that teacher retirement costs will be equitably borne by the State and its localities.
- Oppose the shift of State VRS line of duty benefit responsibility to localities.

I. Taxation

Support a real estate homestead exemption, on a local option basis, granting local elected officials maximum authority to establish fiscal policies specific to their jurisdictions.

State legislation effecting local taxation should conform to the following principles:

- Maintain the current constitutional requirement for fair market valuation of property.

- Any changes to the real estate tax must be "local option" (adopted at the discretion of the local governing body). Local officials must bear the responsibility for providing adequate services; therefore they should be able to control the revenues to do so.
- Timely adoption of measures that can help to provide local governments with tax flexibility.
- Changes to taxes should be simple to administer and revenue neutral.

NOVEMBER 19, 2007

PATRICIA KOST
Clerk of Council
900 Church St
Lynchburg, VA 24501

DEAR MS. KOST,

1 I, William J Norris, II, would like to address the City Council, City of Lynchburg, VA. on the subject of who GLTC (Greater Lynchburg Transit Company) is accoutable to as far as uses of tax monies and delivery of services. I have talked to the GM of GLTC, the board of GLTC, members of City council individually and members of the City Manager's Office. To put it bluntly, no one wants to hold GLTC accountable because GLTC is a "seperate independant company" that is over seen by an out of state board or company hired by a council appointed group of citizens that constitue a board that oversees GLTC.

I would like to represent a group of patrons of GLTC @ the 27 NOV 2007, 17:00 meeting of City Council, Lynchburg VA.

(2) I, William J Norris II, would also like to address City Council for 3 (three) minutes about traffic issues concerning pedestrian safety.

Very respectfully yours,

William J Norris II

William J. Norris II

Mailing Address PO Box 4325
Lynchburg VA
24502

434 238 3087

Physical Address
Apt M-13, 1201 Long Meadows Dr
Lynchburg VA

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 27, 2007**		AGENDA ITEM NO.: 6
CONSENT:	REGULAR: **X**	CLOSED SESSION:
ACTION: **X**	INFORMATION:	

ITEM TITLE: **Central Virginia Community Services Board (CVCSB) Purchase of the Courtland Building**

RECOMMENDATION:
Adopt a Resolution regarding the financing of project by the VML/VACo Authority.

SUMMARY:
Central Virginia Community Services Board (CVCSB) wishes to purchase the Courtland Building, a facility which it is now leasing. On October 9, 2007, City Council approved the submittal of a financing application by CVCSB to the Virginia Municipal League/Virginia Association of Counties Finance Program for the purpose of financing the costs of the project. The Virginia Code requires consent of a local jurisdiction to finance projects located within its boundaries through use of an authority other than its own local authority. In order to complete the loan to CVCSB, the City Council needs to approve a resolution which consents to the use of the Program's industrial development authority of the County of Stafford and the City of Staunton to finance the project. The issuance of the debt shall not directly, indirectly or contingently obligate the City of Lynchburg to pledge its faith and credit or to levy any taxes for the payment of the principal amount of or premium, if any, and interest on the debt or other costs incident to it.

PRIOR ACTION(S):
October 9, 2007 – City Council approved submittal by CVCSB of financing application

FISCAL IMPACT:
None

CONTACT(S):
Wayne Trent, Director of Administration 847-8050

ATTACHMENT(S):
Resolution
Letter dated November 15, 2007

REVIEWED BY: lkp

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, AUTHORIZING THE CENTRAL VIRGINIA COMMUNITY SERVICES BOARD AND RELATED MATTERS

WHEREAS, the City Council of the City of Lynchburg, Virginia (the “City Council”) has previously consented, along with the Counties of Amherst, Appomattox, Bedford and Campbell and the City of Bedford, to the financing by the Central Virginia Community Services Board (“CSB”) of the acquisition and capital improvements for a facility located in the City of Lynchburg known as the Courtland project (the “Project”);

WHEREAS, the Project will be financed through the VML/VACo CSB Finance Program by the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia (the “VML/VACo Authority”);

WHEREAS, copies of the Industrial Resolution of the VML/VACo authority expressing its intent to finance qualified project for community service boards and the Resolution of the CSB with regard to the financing of the Project are attached hereto;

WHEREAS, the consent to the City Council is hereby requested to allow the VML/VACo Authority to finance the Project.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Lynchburg, Virginia (the “Locality”) hereby consents to the financing of the Project by the VML/VACo Authority. Under no circumstances, however, shall the payment of debt service on any obligation issued by the VML/VACo Authority constitute a general obligation indebtedness or a pledge of the full faith and credit or taxing power of the City of Lynchburg.

2. This resolution shall take effect immediately.

Adopted:

Certified: ________________________________
Clerk of Council

152P

CENTRAL VIRGINIA
COMMUNITY
SERVICES
Behavioral Healthcare

ADMINISTRATION

2241 LANGHORNE ROAD, LYNCHBURG, VA 24501
434-847-8050 • TDD: 434-847-8062
FAX: 434-847-6099 • HUMAN RESOURCE FAX: 434-847-4129

November 15, 2007

Pat, For Walter's review & then pls add to Nov. 27 agenda. K

Mr. L. Kimball Payne III
City Manager
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Dear Kim:

We need your help once again in the quest for financing to purchase the Courtland Building.

The VML/VACo Finance Program established an IDA for financing projects exclusively for Community Services Boards. This creates a technical problem in that the Virginia Code doesn't allow an IDA to finance a project in an area already served by an existing IDA without that locality's approval. We are asking that Lynchburg approve the use of the IDA of the County of Stafford and the City of Staunton in financing our project. A sample resolution prepared by VML is included, along with other supporting materials.

We will appreciate your taking this matter to City Council at the next scheduled meeting if possible. Thank you for your help in this matter.

Sincerely,

Wayne

L. Wayne Trent,
Director of Administration

C: Walter Erwin
Jeff Helgeson

RECEIVED
NOV 15 2007
Council / Manager Offices

"Quality Care...Changed Lives!"

VML VACo

FINANCE PROGRAM

1108 E. Main Street
Suite 801
Richmond, VA 23219

Phone: 804-648-0635
Fax: 804-783-2286

info@valocalfinance.org
www.valocalfinance.org

November 6, 2007

Mr. L. Wayne Trent
Director of Administration
Central Virginia Community Services Board
2241 Langhorne Road
Lynchburg, Virginia 24501

Dear Wayne:

I am writing to request your assistance in obtaining approval from the Lynchburg City Council for an addendum to the City's recently-adopted resolution authorizing the issuance of debt by the Central Virginia Community Services Board.

The Virginia Code, Section 15.2 – 4905, Powers of authority, requires consent by resolution of a local jurisdiction to finance projects located within it boundaries through the use of an authority other than its own local authority. *(See the last paragraph of the attached Code.)* For the convenience of our participants, loans through the VML/VACo Finance Program generally are structured as loans made directly from the Program's industrial development authority to the participant, Central Virginia CSB in this case. The Program's IDA, the IDA of the County of Stafford and the City of Staunton, Virginia, was established exclusively for the Program.

In order to complete the loan to Central Virginia CSB as described and comply with the Code, the City of Lynchburg's council needs to approve a resolution which addresses this technical issue and consents to the use of the Program's IDA to finance the Courtland Services project, located in Lynchburg.

Thank you for your assistance in this matter.

Sincerely,

Robert W. Lauterberg
Managing Director

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Business Assistance. (1966, c. 651, § 15.1-1377; 1979, c. 35; 1980, c. 304; 1982, c. 463; 1983, c. 514; 1984, c. 750; 1987, c. 368; 1990, c. 87; 1993, c. 896; 1996, cc. 589, 599; 1997, c. 587; 1999, cc. 337, 408, 414; 2000, c. 963; 2001, c. 121; 2003, cc. 347, 357.)

The 2003 amendments. — The 2003 amendment by c. 347 twice substituted "10" for "ten," added "the board of supervisors of Russell County ... board of supervisors" and made a stylistic change in subsection A.

The 2003 amendment by c. 357 twice substituted "10" for "ten" and added "and the town council of the Town of South Boston ... creating such authority" in subsection A.

Law Review. — For note, "Small Issue Industrial Development Bonds: The Growing Abuse," see 39 Wash. & Lee L. Rev. 223 (1982).

§ **15.2-4905. Powers of authority.** — The authority shall have the following powers together with all powers incidental thereto or necessary for the performance of those hereinafter stated:

1. To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
2. To adopt and use a corporate seal and to alter the same at pleasure;
3. To enter into contracts;
4. To acquire, whether by purchase, exchange, gift, lease or otherwise, and to improve, maintain, equip and furnish one or more authority facilities including all real and personal properties which the board of directors of the authority may deem necessary in connection therewith and regardless of whether any such facilities shall then be in existence;
5. To lease to others any or all of its facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to include in any such lease, if desired, a provision that the lessee thereof shall have options to renew such lease or to purchase any or all of the leased facilities, or that upon payment of all of the indebtedness of the authority it may lease or convey any or all of its facilities to the lessee thereof with or without consideration;
6. To sell, exchange, donate, and convey any or all of its facilities or properties whenever its board of directors shall find any such action to be in furtherance of the purposes for which the authority was organized;
7. To issue its bonds for the purpose of carrying out any of its powers including specifically, but without intending to limit any power conferred by this section or this chapter, the issuance of bonds to provide long-term financing of any pollution control facility, whether any such facility was constructed prior to or after the enactment hereof or the receipt of a commitment from an authority to undertake financing pursuant hereto, unless the major part of the proceeds of such bonds will be used to redeem any prior long-term financing of such facility other than financings pursuant to this chapter or any similar law;
8. As security for the payment of the principal of and interest on any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any or all of its facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues therefrom or from any part thereof or from any loans made by the authority;
9. To employ and pay compensation to such employees and agents, including attorneys, and real estate brokers whether engaged by the authority or otherwise, as the board of directors shall deem necessary in carrying on the business of the authority;

10. To exercise all powers expressly given the authority by the governing body of the locality which established the authority and to establish bylaws and make all rules and regulations, not inconsistent with the provisions of this chapter, deemed expedient for the management of the authority's affairs;

11. To appoint an industrial advisory committee or similar committee or committees to advise the authority, consisting of such number of persons as it may deem advisable. Such persons may be compensated such amount per regular, special, or committee meeting as may be approved by the appointing authority, not to exceed fifty dollars per meeting day, and may be reimbursed for necessary traveling and other expenses incurred while on the business of the authority;

12. To borrow money and to accept contributions, grants and other financial assistance from the United States of America and agencies or instrumentalities thereof, the Commonwealth, or any political subdivision, agency, or public instrumentality of the Commonwealth, for or in aid of the construction, acquisition, ownership, maintenance or repair of the authority facilities, for the payment of principal of any bond of the authority, interest thereon, or other cost incident thereto, or in order to make loans in furtherance of the purposes of this chapter of such money, contributions, grants, and other financial assistance, and to this end the authority shall have the power to comply with such conditions and to execute such agreements, trust indentures, and other legal instruments as may be necessary, convenient or desirable and to agree to such terms and conditions as may be imposed; and

13. To make loans or grants to any person, partnership, association, corporation, business, or governmental entity in furtherance of the purposes of this chapter including for the purposes of promoting economic development, provided that such loans or grants shall be made only from revenues of the authority which have not been pledged or assigned for the payment of any of the authority's bonds, and to enter into such contracts, instruments, and agreements as may be expedient to provide for such loans and any security therefor. An authority may also be permitted to forgive loans or other obligations if it is deemed to further economic development. The word "revenues" as used in this subdivision includes contributions, grants and other financial assistance, as set out in subdivision 12.

The authority shall not have power to operate any facility as a business other than as lessor and shall not have the power to operate any single or multi-family housing facilities. However, the authority shall have the power to apply for, establish, operate and maintain a foreign-trade zone in accordance with the provisions of Chapter 14 (§ 62.1-159 et seq.) of Title 62.1. Any meeting held by the board of directors at which formal action is taken shall be open to the public.

If a locality has created an industrial development authority pursuant to this chapter or any other provision of law, no other such authority, not created by such locality, shall finance facilities, except pollution control facilities, within the boundaries of such locality, unless the governing body of such locality in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution. Notwithstanding the foregoing, nothing contained herein shall be deemed to invalidate or otherwise impair any existing financing by an authority or the financing of any facilities for which application has been made to an authority prior to July 1, 1981. (1966, c. 651, § 15.1-1378; 1970, c. 598; 1972, c. 783; 1973, c. 528; 1981, c. 3; 1991, c. 6; 1993, c. 896; 1994, c. 317; 1997, cc. 587, 758, 763; 1998, c. 728.)

RESOLUTION OF THE BOARD OF DIRECTORS OF VIRGINIA LOCAL GOVERNMENT FINANCE CORPORATION

WHEREAS, the Board of Directors of Virginia Local Government Finance Corporation, a Virginia nonstock, nonprofit corporation (the "Corporation"), in cooperation with the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia (the "Issuer"), the Virginia Municipal League ("VML"), and the Virginia Association of Counties ("VACo"), has previously discussed the need within the Commonwealth of Virginia (the "Commonwealth") for a financing program for the benefit of community services boards ("Community Services Boards") created by cities, towns and/or counties of the Commonwealth (or any combination of the foregoing) in accordance with Section 37.1-195 of the Code of Virginia of 1950, as amended (the "Code"), which will provide funds for qualifying projects (the "Projects") undertaken by or on behalf of such entities.

WHEREAS, the Managing Director for the financing programs currently administered by the Corporation has presented to this meeting some background information regarding Community Services Boards and a general summary of a potential pooled bond, fixed rate financing structure and opportunity for implementing a financing program for the benefit of Community Services Boards (the "CSB Program").

WHEREAS, pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), the Issuer can establish the CSB Program and issue from time to time its bonds, in one or more series (collectively, the "Bonds"), for the purpose of providing funds to originate financings (collectively, the "Financings" and each, a "Financing") to participants in the CSB Program in order to finance and refinance the costs of the Projects, to fund reserves, and to pay certain costs of issuance.

WHEREAS, representatives of LeClair Ryan, A Professional Corporation ("Bond Counsel") were also present at this meeting to address various matters relating to the CSB Program.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF VIRGINIA LOCAL GOVERNMENT FINANCE CORPORATION:

RESOLVED, that the Corporation hereby supports and recommends the establishment of the CSB Program by the Issuer, and has determined that the CSB Program will benefit inhabitants of the Commonwealth of Virginia and promote their health, welfare, convenience and/or prosperity.

RESOLVED, that the Corporation hereby expresses its recommendation and approval for the issuance of Bonds by the Issuer and making a portion of the proceeds thereof available to participants in the CSB Program upon the general terms and conditions and other information presented at this meeting, and as may be otherwise approved by the Executive Committee of the Corporation and the Issuer; provided, however, that prior to the issuance of the Bonds and making a Financing available to any particular CSB, the Issuer shall have received a resolution or similar authorization approving the applicable Financing from the governing body of the jurisdiction in which the project to be financed by such particular CSB is located.

RESOLVED, that the Corporation hereby approves the selections of Ferris, Baker Watts Incorporated to serve as the underwriter or placement agent for the Bonds, Wells Fargo Bank, N.A. to serve as trustee for the Bonds, ACA Financial Guaranty Corporation to serve as the issuer of a financial guaranty insurance policy securing repayment of the Bonds, and LeClair Ryan, A Professional Corporation, to serve as Bond Counsel in connection with the issuance of the Bonds.

RESOLVED, that the officers of the Corporation, subject to the Corporation's Articles of Incorporation and Bylaws, as now or hereafter amended and modified, be and hereby are authorized and directed to take any and all such further and other action as they or any of them deem necessary or advisable in connection with the foregoing resolutions and the transactions and documents referred to therein and to execute and deliver, as appropriate, any and all agreements, instruments, certificates and other documents as they or any of them deem appropriate in connection therewith.

RESOLVED, that any and all acts taken on or prior to the adoption of these resolutions on behalf of the Corporation by its Executive Committee or any officer or representative of the Corporation in furtherance of the CSB Program and the transactions contemplated by the foregoing resolutions, are hereby ratified, confirmed, approved, and adopted in all respects as acts of the Corporation.

Effective: June 14, 2007

CERTIFICATE

The undersigned Secretary of Virginia Local Government Finance Corporation (the "Corporation") hereby certifies that the foregoing is a true, correct and complete copy of a resolution duly adopted by a majority of the directors of the Corporation present and voting during the meeting duly called and held on June 14, 2007, and that such resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof. A summary of the directors present or absent at such meeting, and the recorded vote with respect to the foregoing resolution, is set forth below:

			Voting		
Member Name	**Present**	**Absent**	**Yes**	**No**	**Abstaining**
Carolyn Cios	✓		✓		
Robert E. Claytor	✓		✓		
Leonard Wales		✓			
Mary K. Tuohy		✓			
G. G. Belfield, Jr.		✓			
R. Lance Terpenny		✓			
Phillip A. Bradshaw	✓		✓		
Tibor Baksy, Jr.	✓		✓		
R. Steven Crosby	✓		✓		
Stephen F. Owen		✓			
James D. Campbell	✓		✓		
R. Michael Amyx	✓		✓		
Beverly R. Cameron	✓		✓		

WITNESS my hand and the seal of the Corporation this June 14, 2007.

Robert W. [signature]
Secretary,
Virginia Local Government Finance Corporation

(SEAL)

**RESOLUTION OF THE
CENTRAL VIRGINIA COMMUNITY SERVICES BOARD
APPROVING THE ISSUANCE AND SALE OF A PUBLIC FACILITY LEASE REVENUE BOND IN THE MAXIMUM PRINCIPAL AMOUNT OF UP TO $2,200,000, AND THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS PREPARED IN CONNECTION THEREWITH**

WHEREAS, the Central Virginia Community Services Board (the "Board") is a political subdivision formed to act as an agent and instrumentality of the Commonwealth of Virginia, duly created pursuant to Chapter 5, Subtitle II, Title 37.2 of the Code of Virginia of 1950, as amended (the "Act"), and is organized and operated in accordance with the Charter Agreement by and among the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Bedford and Lynchburg (collectively, the "Member Jurisdictions").

WHEREAS, the Executive Director of the Board has previously submitted a financing application (the "Application") to the Virginia Municipal League / Virginia Association of Counties CSB Finance Program (the "VML / VACo CSB Finance Program") for the purpose of acquiring and undertaking various capital improvements to certain property located in the City of Lynchburg, Virginia and known as the Courtland Property (the "Project") with proceeds received by the Board through the issuance of revenue bonds (the "Authority's Bonds") issued by the Industrial Development Authority of the County of Stafford and the City of Staunton, Virginia (the "Authority") pursuant to the VML / VACo CSB Finance Program.

WHEREAS, pursuant to the terms and conditions of the Act, the Board is authorized to finance its activities as authorized by its Member Jurisdictions.

WHEREAS, pursuant to a resolution adopted by the Board on September 26, 2007 (the "Inducement Resolution"), the Board recommended to the Member Jurisdictions that each such Member Jurisdiction adopt and approve a resolution (each, a "Member Jurisdiction Approval Resolution") authorizing and approving the submission of the Application and the issuance of a public improvement lease revenue bond by the Board in a principal amount not to exceed $2,200,000 pursuant to the VML / VACo CSB Finance Program in order to finance the Project and to pay related costs and expenses, upon terms and conditions, and pursuant to such financing, collateral, and other documents, as shall be approved by the Board pursuant to a subsequent resolution adopted by the Board (collectively, the Project").

WHEREAS, each of the Member Jurisdictions has adopted a Member Jurisdiction Resolution.

WHEREAS, subject to the parameters set forth herein, the Board desires to provide final authorization and approval for the issuance of its public improvement lease revenue bond and the undertaking of the Project.

NOW, THEREFORE, BE IT RESOLVED:

1. **Issuance of Public Facility Lease Revenue Bond and Use of Proceeds.** Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Act, the Board hereby provides for the issuance and sale of a public improvement lease revenue bond obligation of the Board in a maximum principal amount of $2,200,000 (the "Local Bond") to be acquired by the Authority in exchange for funds to finance the Project and to pay costs incurred in connection with the transaction.

2. **Authorization of Financing Agreement.** The form of the Financing Agreement between the Authority and the Board (the "Financing Agreement") submitted to this meeting is hereby approved, together with its exhibits, along with the Prime Lease whereby the Project is leased by the Board to the Authority (the "Prime Lease") and the Lease Agreement whereby the Authority leases the Project back to the Board (the "Lease Agreement") in exchange for the Local Bond (the Financing

Agreement, the Prime Lease, and the Lease Agreement shall hereafter be referred to as the "Lease Documents"). The Local Bond and all the obligations under the Lease Documents will be assigned by the Authority to Wells Fargo Bank, N.A., as trustee ("Trustee") under a Trust Indenture dated as of December 1, 2007 for the benefit of the holders of the Authority's Bonds and the insurer of the obligations of the Authority. The Chairman, the Vice-Chairman, the Director of Administration and the Executive Director of the Board (each, an "Authorized Representative") are each authorized to execute the Lease Documents and the Local Bond in substantially such form, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by an Authorized Representative, whose approval shall be evidenced conclusively by the execution and delivery thereof. The issuance and sale of the Local Bond to the Authority shall be upon the terms and conditions of the Lease Documents, and proceeds of such Local Bond shall be applied in the manner set forth in the Financing Agreement and related documents. All capitalized terms used but not defined herein shall have the same meaning as set forth in the Financing Agreement.

3. **Local Bond Details.** The Local Bond shall be issued as a single, registered Bond, shall be designated "Public Facility Lease Revenue Bond, Series 2007" or such other designation approved by an Authorized Representative (the "Local Bond"), and shall be numbered R-1. The Board authorizes the issuance and sale of the Local Bond to the Authority on terms as shall be satisfactory to an Authorized Representative; provided, however, that the Local Bond (a) shall be in a principal amount not to exceed $2,200,000, (b) shall mature no later than December 31, 2027, and (c) shall consist of rental payments in amounts sufficient to pay principal and interest on the outstanding principal balance of the obligation evidenced thereby at an interest rate approved by an Authorized Representative, and other costs and expenses upon the terms and conditions described in the Lease Documents. The approval of the final terms, purchase price, rental payments and all other features of the Local Bond shall by evidenced by the execution and delivery of the Bond, and no further action shall be necessary on the part of the Board.

4. **Payment and Redemption Provisions.** The rental payments with respect to the Local Bond shall be payable as set forth in the Local Bond and the Financing Agreement. The Board may, at its option, redeem, prepay or refund the Local Bond upon the terms set forth in the Financing Agreement.

5. **Execution and Form of Local Bond.** The Local Bond shall be signed by an Authorized Representative, and shall be attested by a separate Authorized Representative or by a Secretary, Clerk or similar official or officer of the Board. The Local Bond shall be issued as a typewritten Local Bond in a form sufficient to evidence the Board's obligations under the Lease Documents, consistent with the terms of this Resolution, and approved by an Authorized Representative, whose approval shall be evidenced conclusively by the execution and delivery of the Local Bond.

6. **Security for the Local Bond.** Repayment of the Local Bond shall be secured in accordance with the terms and conditions of the Lease Documents and the "Security Instruments" as defined therein, including but not limited to a Leasehold Deed of Trust, Security Agreement and Assignment of Leases and Rents on the Project.

7. Preparation of Printed Local Bond. The Board shall issue the Local Bond in typewritten form. Upon the reasonable request of the registered owner and upon presentation of the Bond at the office of the Registrar (as hereinafter defined), the Board shall arrange to have prepared, executed and delivered in exchange as soon as practicable the Local Bond in typewritten form in an aggregate principal amount equal to the unpaid principal of the Local Bond, in denominations of $100,000 and integral multiples of $5,000 in excess thereof, of the same form and maturity and registered in such names as requested by the registered owners or their duly authorized attorneys or legal representatives.

8. Registration and Transfer of the Local Bond. The Board appoints the Executive Director as paying agent and registrar (the "Registrar") for the Local Bond. If deemed to be in its best interest, the Board may at any time appoint a qualified bank or trust company, or another official of the Board, as successor Registrar. The Local Bond may be transferred only by an assignment duly executed by the registered owner thereof in form satisfactory to the Registrar in exchange for a single, new Local Bond having an equal maximum principal amount, of the same form and maturity, and bearing interest at the same rates. Such transfer shall be made in the registration books kept by the Registrar, upon presentation and surrender hereof. The Registrar shall treat the registered owner as the person or entity exclusively entitled to payment of principal, premium, if any, and interest, and the exercise of all other rights and powers of the owner.

9. Mutilated, Lost or Destroyed Local Bond. If the Local Bond has been mutilated, lost or destroyed, the Board shall execute and deliver a new Local Bond of like date and tenor in exchange and substitution for, and upon cancellation of, such mutilated Local Bond or in lieu of and in substitution for such lost or destroyed Local Bond ; provided, however, that the Board shall so execute and deliver only if the registered owner has paid the reasonable expenses and charges of the Board in connection therewith and, in the case of a lost or destroyed Local Bond , (a) has filed with the Board evidence satisfactory to the Board that such Local Bond was lost or destroyed and (b) has furnished to the Board satisfactory indemnity.

10. Preparation and Delivery of Local Bond. Each Authorized Representative is authorized and directed to take all proper steps to have the Local Bond prepared and executed in accordance with its terms and to deliver it to the Authority as the purchaser thereof upon receipt of the purchase price from the Authority as set forth in the Financing Agreement.

11. Arbitrage Covenants. The Board covenants that it shall not take or omit to take any action the taking or omission of which will cause the Authority's Bonds to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause interest on the Bonds issued by the Authority to be includable in the gross income of the registered owner thereof under existing law. Without limiting the generality of the foregoing, the Board shall comply with any provision of law that may require the Board at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Local Bond , unless the Board receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Authority's Bonds from being included in the gross income for federal income tax purposes of the registered owners thereof under existing law. The Board shall pay any such required rebate from legally available funds.

12. Security Instruments, Tax and Other Documents. Each Authorized Representative is authorized and directed to execute and deliver the Security Instruments, including a Leasehold Deed of Trust, Security Agreement and Assignment of Rents and Leases, a Tax Certificate as to Arbitrage, any applicable tax forms including but not limited to Form 8038-G, a Continuing Disclosure Agreement and such other documents and instruments related to the transaction each in a form approved by such officers and the Board's bond counsel in connection with the issuance of the Local Bond .

13. Limitation on Private Use. The Board covenants that it shall not permit the proceeds of the Local Bond or the facilities financed with the proceeds of the Local Bond to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities financed with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the Board receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Authority's Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the Board need not comply with such covenants.

14. Reimbursement for Prior Expenditures. To the extent applicable and necessary, in adopting this resolution the Board intends to evidence its "official intent" to reimburse expenditures incurred in connection with the refinancing of the Existing Indebtedness with proceeds from the issuance of the Local Bond within the meaning of Treasury Regulations Section 1.150-2 promulgated by the Internal Revenue Service pursuant to the Internal Revenue Code of 1986, as amended.

15. Other Actions. All other actions of Board officials in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Local Bond are ratified, approved and confirmed. The Board officials are authorized and directed to execute and deliver all certificates and other instruments considered necessary or desirable in connection with the issuance, sale and delivery of the Local Bond pursuant to this Resolution and the Lease Documents.

16. Effective Date. This Resolution shall take effect immediately.

[Remainder of Page Intentionally Left Blank]

The undersigned Executive Director of the Central Virginia Community Services Board of Central Virginia, hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Board of Directors of the Board present and voting at a meeting duly called and held on November 14, 2007, and that such resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect on the date hereof. A summary of the members present or absent at such meeting, and the recorded vote with respect to the foregoing resolution, is set forth below:

			Voting		
Director Name	**Present**	**Absent**	**Yes**	**No**	**Abstaining**
BOYERS, Sue		X			
BROCKMAN, Nancy	X		X		
CRAFT, William	X		X		
DOSS, Lynn	X		X		
EDWARDS, Lindsey	X		X		
FALWELL, Charles	X		X		
FORE, Thomas		X			
HELGESON, Jeff	X		X		
LOWRY, Gary		X			
MARPLE, Gary	X		X		
PARKER, Debbie		X			
PORTER, Clyde	X		X		
ROSE, Marsha	X		X		
THEISEN, Phil	X		X		

Nancy Cottingham, Executive Director,
Central Virginia Community Services Board

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 27, 2007**		AGENDA ITEM NO.: 7
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	
ITEM TITLE: **Centra Health Bond Issue**		

RECOMMENDATION: Adopt the attached resolution approving the issuance of bonds for Centra Health through the Economic Development Authority of Appomattox County, Virginia (EDA).

SUMMARY: The attached memorandum from Kevin Cash, General Counsel for Centra Health, explains the purpose of the proposed resolution. The financing will be used to cover the acquisition by Centra Health of the Cardiovascular Services Building which is a property in the City, located at **2410 Atherholt Rd**, Lynchburg VA 24501 containing **7.843**. Centra Health will be using "bank qualified" financing to take advantage of a lower interest rate. Up to $10 million a year in bank qualified financing can be utilized per locality. Lynchburg's General Obligation bond sale earlier in the year was in excess of $20 million and therefore Centra Health could not seek bank qualified financing through the Lynchburg IDA because it would not be a qualified small issuer and because the City's 2007 needs with regard to financing for 2007 are subject to change.

PRIOR ACTION(S): Appomattox EDA resolution was adopted October 22, 2007.

FISCAL IMPACT: None. The City incurs no obligation or liability in this transaction.

CONTACT(S): Kimball Payne, 455-3990; Walter Erwin, 455-3973

ATTACHMENT(S): 1. Memorandum from Kevin Cash; 2. Resolution of the Appomattox EDA; 3. Proposed Resolution for Adoption by City Council re Appomattox EDA

REVIEWED BY: lkp

RESOLUTION
OF THE CITY COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA
The Economic Development Authority of Appomattox County, Virginia
Hospital Facilities Revenue Bonds (Centra Health, Inc.) Series 2007,
in the amount of $7,500,000

WHEREAS, the Economic Development Authority of the Appomattox County, Virginia (the "Authority") has been requested by Centra Health, Inc. ("Centra") to issue certain bonds to be known as Hospital Facilities Revenue Bonds (Centra Health, Inc.) Series 2007, in the amount of $7,500,000 (the "Bond"), the proceeds of which are to be used to assist in a plan of financing for the acquisition and equipping of certain capital improvements and facilities for Centra located in the City of Lynchburg, Virginia (the "City") known as: the Cardiovascular Services Building and being that certain property in the City, located at **2410 Atherholt Rd**, Lynchburg VA 24501 containing **7.843 Acres and having Tax Parcel Number 00501015,** and costs of issuance as may be necessary for the proposed issuance of the Bond (the "Project") and costs of issuance as may be necessary for the proposed issuance of the Bond.

WHEREAS, the Authority held on October 22, 2007, prior to the issuance of the Bond, a public hearing on the issuance of the Bond as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Section 15.2-4906 of the Virginia Economic Development and Revenue Bond Act, as amended (the "Act"); and,

WHEREAS, the Authority has requested the City Council (the "Council") of the City of Lynchburg, Virginia (the "City") approve the issuance of the Bond to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act by adopting this resolution approving and authorizing the issuance of the Bond; and,

WHEREAS, a copy of the Authority's Resolution of October 22, 2007 approving the issuance of the Bond has been provided to Council as a part of this Resolution.

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

1. Council hereby approves the issuance of the Bond as described in the proposed resolution of the Authority to permit the Authority to issue the Bond for the purpose set forth above.

2. The approval of the issuance of the Bond does not constitute an endorsement of the Bond or the creditworthiness of Centra Health. As required by Section 15.2-4906 of the Act, the Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the City or the Authority shall be pledged thereto.

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

Adopted

Certified: ______________________________
Clerk of Council

151L

<u>CERTIFICATE</u>

The undersigned Clerk of the City Council of the City of Lynchburg, Virginia ("City ") hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the members of Council present and voting at a meeting duly called and held on November 27, 2007, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

WITNESS the following signature and seal of the City, this ____ day of _______, 2007.

____

Patricia W. Kost, Clerk of the
City Council of the
City of Lynchburg, Virginia

[SEAL]

EDMUNDS & WILLIAMS

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RESPOND TO:
P.O. Box 958
Lynchburg, Virginia 24505-0958

MEMORANDUM
November 15, 2007

To: Lynchburg City Council

From: Kevin Cash, Edmunds & Williams
General Counsel for Centra Health

Re: Centra Health Bond Issues through
The Economic Development Authority of Appomattox County, Virginia

As you may recall from meetings earlier this year, Centra Health has been seeking tax exempt bank qualified bond financing. Centra has already completed one issue through the Campbell County IDA and the other through the Town of Amherst IDA. Both of thos issues were approved by City Council. The funds are to be used to reimburse the acquisition of the Cardiology Building located on Atherholt Road in the City. Council is being asked to adopt this resolution because one of the requirements of an issue of this type is that the governmental jurisdiction in which the project is located, in this instance the City, must approve the issues. These approvals in no way financially obligate the City. Centra Health greatly appreciates Council's willingness to help in this transaction. The Economic Development Authority's resolution of October 22, 2007 is attached to this memorandum.

RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITY OF APPOMATTOX COUNTY, VIRGINIA, AUTHORIZING THE ISSUANCE OF $7,500,000 HOSPITAL FACILITIES REVENUE BOND (CENTRA HEALTH, INC.) SERIES 2007

The Economic Development Authority of Appomattox County, Virginia (the "Authority"), a political subdivision of the Commonwealth of Virginia ("Commonwealth"), has been duly created by the County of Appomattox, Virginia, (the "Locality") pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"). In furtherance of the Act's purposes, the Authority, at the request of Centra Health, Inc. ("Centra") an organization which is exempt from taxation pursuant to Section 501(c)*(3) of the Internal Revenue Code of 1986, as amended (the "Code") whose principal place of business is 11920 Atherholt Road, Lynchburg, Virginia 24501, will issue the Authority's revenue bond in an aggregate principal amount of $7,500,000 (the "Bond") thereby promoting the safety, health, welfare, convenience and prosperity of the residents of the Commonwealth. Issuance of the Bond by the Authority will assist in a plan of financing for the construction, renovation and equipping of certain capital improvements and additions to facilities of Centra located in the City of Lynchburg, Virginia (the "City") known as: the Cardiovascular Services Building and being that certain property in the City, located at **2410 Atherholt Rd**, Lynchburg VA 24501 containing **7.843 Acres and having Tax Parcel Number 00501015,** and costs of issuance as may be necessary for the proposed issuance of the Bond (the "Project") to be used and operated by Centra. The Authority held a public hearing regarding the plan of financing on October 22, 2007 at 6:00 PM following reasonable puiblic notice as required by and in compliance with Section 147(f) of the Code and Section 15.2-4906 of the Act. After the public hearing, pursuant to applicable law the issuance will be submitted to the City for approval prior to the issuance of the Bond and pursuant to applicable law the issuance will be submitted to the Locality for approval prior to the issuance of the Bond.

NOW, THEREFORE, IT IS RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF APPOMATTOX COUNTY, VIRGINIA:

1. It is hereby found and determined that the acquisition, construction, equipping and financing of the Project will promote the safety, health, welfare, convenience and prosperity of the inhabitants of the Commonwealth by enhancing the ability of Centra to provide its community services to the inhabitants of the Commonwealth.

2. As a further inducement to Centra to acquire, construct and equip the Project, the Authority hereby agrees to assist Centra in every reasonable way to finance the acquisition, construction and equipping of the Project and to undertake the issuance of its Bond in an aggregate principal amount now estimated not to exceed $7,500,000 upon terms and conditions mutually agreeable to the Authority and Centra. The proceeds of the Bond shall be used to finance the Project for Centra pursuant to a financing agreement, the terms of which shall obligate Centra to make payments to or on behalf of the Authority sufficient to pay interest on, premium (if any), and principal of the Bond and to pay all other expenses in connection with the Project. The Bond will be issued pursuant to documents satisfactory to the Authority, Centra and the purchaser of the Bond which (a) will set forth the form and terms of the Bond and (b) as security for the Bond, will assign

the Authority's rights to payments under the financing agreement with Centra to the purchaser of the Bond. The Bond may also be secured by other collateral. Such Bond shall be issued after the Authority has received the approving opinion of bond counsel as to the qualification of the Bond under the Act. The Bond may be issued at one time or from time to time in one or more series.

4. Principal of and premium, if any, and interest on the Bond shall be a limited obligation of the Authority payable solely from the revenues and receipts derived by the Authority from or on behalf of Centra under the financing agreement and the security therefor. The principal of and premium, if any, and interest on the Bond shall not be deemed to constitute a debt or pledge of the faith and credit of the Commonwealth or any political subdivision thereof, including the Authority, the Locality or the City. Neither the Commonwealth nor any political subdivision thereof, including the Authority, the Locality or the City shall be obligated to pay the principal of or premium, if any, or interest on the Bond or other costs incident thereto except from payments received pursuant to the financing agreement and the security therefor, and neither the faith and credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the Authority, the Locality or the City, will be pledged to the payment of principal of or premium, if any, or interest on the Bond or other costs incident thereto. No covenant, condition or agreement contained in the Bond or in any financing instrument executed and delivered in connection therewith shall be deemed to be a covenant, agreement or obligation of any past, present or future director, officer, employee or agent of the Authority in his or her individual capacity, and no officer of the Authority executing the Bond shall be liable personally on the Bond or be subject to any personal liability or accountability by reason of the issuance thereof.

4. It having been represented to the Authority that it is necessary to proceed immediately with the acquisition, construction and equipping of the Project, the Authority hereby agrees that Centra may proceed to develop further plans for the Project, enter into contracts for the acquisition, construction and equipping of the Project and take such other steps as Centra may deem appropriate; ***provided*** that nothing herein shall be deemed to authorize Centra to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection with the Project. The Authority agrees that Centra may be reimbursed from the proceeds of the Bond for all expenditures so made and costs so incurred by it, insofar as such expenditures and costs are properly reimbursable under the Act and other applicable state and federal laws.

5. All fees, costs and expenses in connection with the financing and the acquisition, construction and equipping of the Project, including the Authority's annual administrative fee of $1/8^{th}$ of 1% of the principal amount of the Bond outstanding and the other fees and expenses of the Authority, bond counsel and Authority counsel, shall be paid from the proceeds of the Bond or from moneys provided by Centra. If for any reason such Bond are not issued, it is understood that all such expenses shall be paid by Centra and that the Authority shall have no responsibility therefor.

6. Centra agrees by its request and acceptance of this Resolution to indemnify and save harmless the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, losses, costs and expenses in any way connected with the Project or the issuance of the Bond.

7. The Authority hereby recommends and requests that the Board of Supervisors of the Locality (the "Board") approve the issuance of the Bond. The Authority hereby directs the officers of the Authority to submit to the Board this Inducement Resolution, Centra's Fiscal Impact Statement, and a summary of the comments made at the public hearing held by the Authority.

8. The Authority hereby designates the Bond as a "qualified tax-exempt obligation" eligible for the exception from the disallowance of the deduction of interest by financial institutions allocable to the cost of carrying tax-exempt obligations in accordance with the provisions of Section 265(b)(3) of the Code. The Authority does not reasonably anticipate issuing more than $10,000,000 in tax-exempt obligations during calendar year 2007, and the Authority will not designate more than $10,000,000 of qualified tax-exempt obligations pursuant to such Section 265(b)(3) this calendar year.

9. All other acts of the Authority that are in conformity with the purposes and intent of this Inducement Resolution and in furtherance of the issuance and sale of the Bond and the undertaking of the Project are hereby ratified, approved and confirmed.

10. This Inducement Resolution shall take effect immediately upon its adoption.

Adopted: October 22, 2007.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of Appomattox County, Virginia ("Authority") hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on October 22, 2007, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

WITNESS the following signature and seal of the Authority, this ____ day of October, 2007.

____
Secretary of the Economic Development Authority
of Appomattox County, Virginia

[SEAL]

SUMMARY OF COMMENTS MADE AT THE PUBLIC HEARING BEFORE THE ECONOMIC DEVELOPMENT AUTHORITY OF APPOMATTOX COUNTY, VIRGINIA

A public hearing was held at the Appomattox Community Center, 220 Community Lane, Appomattox, Virginia 24522 on Monday, October 22, 2007 at 6:00 PM before the Economic Development Authority of Appomattox County, Virginia (the "Authority").

The Chairman, Mr. Slagle, announced that a public hearing was being held on the application of Centra Health, Inc. (the "Applicant") for up to $7,500,000 in tax exempt revenue bonds to be issued by the Authority for a facility located in the City of Lynchburg known as the Cardiovascular Services Building at 2410 Atherholt Rd, Lynchburg, VA 24501.

The Chairman asked if anyone was present from the public to speak for or against the bond issue.

There were no members of the public present.

The Chairman asked the Special Counsel for the Authority, Daniel M. Siegel, of Sands Anderson Marks & Miller (Bond Counsel to the County) to summarize the request.

Mr. Siegel explained that the Applicant was seeking bonds from the EDA in order to be able to issue "Bank-Qualified" bonds. The City of Lynchburg did not have the ability during this calendar year to issue "Bank-Qualified" bonds.

Mr. Siegel explained that each calendar year, the County has the ability to issue up to $10 million in "Bank-Qualified" bonds that would be attractive for Banks to purchase. This calendar year, the County was not utilizing it's $10 million limit, so it could assist the Applicant.

The County would have a new $10 million Bank-Qualified ability beginning in January 1, 2008.

Kevin Cash, counsel to Centra Health and Bond Counsel for Centra Health then briefly described the project and that the Bond would be sold to BB&T at an attractive interest rate.

A member of the board of the Authority then asked what benefit there would be to the Authority to issue this bond. Mr. Siegel explained that the facility would serve County residents and that the Authority would receive an annual fee from the bond issue. Mr. Cash reiterated the benefits to the area of the facility and the Applicant.

There were no other comments and the public hearing was closed.

WITNESS my hand and seal, this ___ day of _______, 2007.

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Secretary, Economic Development Authority of
Appomattox County, Virginia

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LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 27, 2007**		AGENDA ITEM NO.: 8
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	
ITEM TITLE: **Business Licenses for Itinerant Vendors and Dealers in precious metals and gems.**		

RECOMMENDATION: Adoption of the attached ordinance

SUMMARY: The State Code allows local governments to adopt ordinances requiring itinerant vendors (persons and companies that come into a locality to transact business for a period of less than one year and have no fixed place of business) to obtain a local business license. The City of Lynchburg has had such an ordinance since 1941. The provisions in the State Code defining an itinerant vendor have changed and it is appropriate to amend the City Code so the definition of itinerant vendor in the City Code will be consistent with the State Code.

In 1983 at the recommendation of the Virginia Attorney General, the City adopted an ordinance regulating dealers in precious metals and gems. The purpose of the ordinance was to try and decrease the number of stolen items being sold to such dealers by requiring background checks of dealers, proper record keeping, identification of sellers, cooperation with law enforcement officials, etc. In 2002 the question was raised as to whether or not the City's ordinance applied to itinerant dealers in precious metals and gems. Section 23.1-13 was added to the City Code to make it clear that the City's ordinance regulating dealers in precious metals and gems applies to itinerant dealers as well as dealers having a fixed place of business within the City. The Police Department recommends that Section 23.1-13 be further amended to specifically state that itinerant dealers in precious metals and gems shall not do business within the City until they have applied for a business license from the Commission of Revenue and paid any business license taxes assessed by the Commissioner. The proposed amendment will make it clear that itinerant dealers in precious metals and gems are subject to the same licensing requirements as dealers that have fixed places of business within the City.

PRIOR ACTION(S): The definition of itinerant vendor was previously amended in 1996. Section 23.1-13 was added to the City Code in 2002.

FISCAL IMPACT: The proposed amendments will help ensure that itinerant vendors and dealers in precious metals and gems obtain the required business licenses. This may result in additional business license taxes being paid to the City. However, it is not possible to estimate how much additional business license taxes may be paid to the City with any degree of certainty.

CONTACT(S): Walter C. Erwin, 455-3973

ATTACHMENT(S): An ordinance amending Sections 36-126.36 and 23.1-13 of the City Code.

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 36-126.34 AND 23.1-193 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTIONS RELATING TO THE DEFINITION OF ITINERANT VENDORS AND THE LICENSING OF ITINERANT DEALERS IN PRECIOUS METALS AND GEMS.

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

1. That Sections 36-126.34 and 23.1-193 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 36-126.36. Itinerant vendors.

(a) Itinerant vendors shall mean any person, firm or corporation who shall engage in, do or transact any temporary or transient business in the city in one or more places ~~for the sale of goods, wares and merchandise~~, and who for the purpose of carrying on such business shall hire, lease, use or occupy any building or structure, motor vehicle, tent, car, boat or public room or any part thereof, including rooms in hotels, lodging houses, or houses of private entertainment, or in any street, alley, or other public place in the city, for a period of less than one (1) year~~, for the exhibition of or sale of such goods, wares and merchandise~~.

(b) Any itinerant vendor doing business in the city shall pay for the privilege an annual license tax of five hundred dollars ($500.00), not prorated. The license shall be a personal privilege and shall not be transferable nor shall there be any abatement in any instance of the tax upon such license by reason of the fact that such person or persons so licensed shall exercise such license for any period of time less than that for which it was granted.

Sec. 23.1-13. Itinerant dealers in precious metals and gems.

(a) The provisions of this chapter shall apply to itinerant dealers in precious metals and gems that do not maintain an established place of business within the city that is regularly open to the public. Because itinerant dealers in precious metals and gems do not have an established place of business within the city some of the provisions of this chapter may not be applicable to them. Therefore, the chief of police or his designee may modify or waive by written notice any of the provisions of this chapter that the chief of police or his designee do not believe can be reasonably applied to itinerant dealers in precious metals and gems; provided, the spirit and inten~~d~~t of this chapter are observed and the regulation of itinerant dealers in precious metals and gems is not compromised.

(b) No itinerant dealer in precious metals and gems shall do any business within the city until such itinerant dealer has applied to the commissioner of the revenue for a business license as required by section 36-126.6 of the city code and paid any business license taxes that may be assessed by the commissioner of the revenue. No permit to deal in precious metals and gems shall be issued by the police department without the itinerant dealer providing proof that he has obtained a business license from the commissioner of the revenue's office.

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

Adopted:

Certified: ______________________________

Clerk of Council

153L