FINANCE COMMITTEE AGENDA
Tuesday, November 26, 2013
Bidder's Room
11:00 a.m.

GENERAL BUSINESS

11:00 a.m.

1. Report on the General Fund Reserve for Contingencies

   Contact: Donna Witt, Director of Financial Services 455-3968

11:05 a.m.

2. Consider a request to adopt a resolution to amend the FY 2014 General Fund budget and appropriate $507,487 for transfer to the School Operating Fund with resources from unexpended FY 2013 School Operating appropriations to fund maintenance and security needs as well as the replacement of student records software.

   Contact: Dr. Scott Brabrand, Superintendent of Schools 515-5070

11:15 a.m.

3. Consider a request to adopt a resolution to amend the FY 2014 Schools Capital Project Fund budget and appropriate $589,731 with resources from the General Fund Heritage High School Committed Fund Balance for architectural fees for Heritage High School based on a revised construction cost estimate.

   Contact: Dr. Scott Brabrand, Superintendent of Schools 515-5070

11:25 a.m.

4. Consider a request to adopt a resolution to amend the FY 2014 Stormwater Capital Projects Fund budget and appropriate $600,000 with resources transferred from the FY 2014 Stormwater Operating Fund budget to provide necessary funding for initial master planning efforts to comply with federal and State mandates according to the Municipal Separate Storm Sewer System (MS4) permit and provide matching resources for grant funds available from the Virginia Stormwater Local Assistance Fund.

   Contact: Tim Mitchell, Director of Water Resources 455-4252

11:30 a.m.

5. Consider a request adopt a resolution to amend the FY 2014 Sewer Capital Projects Fund budget and appropriate $30,000,000 with resources from the Virginia Public Building Authority to accelerate completion of the Combined Sewer Overflow (CSO) Program.

   Contact: Tim Mitchell, Director of Water Resources 455-4252

11:35 a.m.

6. Review collections received from five of the City's largest revenue sources.

   Contact: Donna Witt, Director of Financial Services 455-3968

11:40 a.m.

7. Roll Call

OTHER INFORMATION

1. Adopt a resolution to amend the FY 2014 General Fund budget and appropriate $35,747 with resources from the State Compensation Board, Technology Trust Fund fees to support information technology needs in the Office of the Circuit Court.

2. Per Finance Committee request at the September 24, 2013 meeting, staff has compiled a Comprehensive List of Fees. For ease of reading, the report will be printed on oversized paper and provided in hard copy form at the meeting.

The next Finance Committee meeting is Tuesday, December 10, 2013, at 11:30 a.m.

AGENDA ITEM NO.: **1**

FY 2014 GENERAL FUND RESERVE FOR CONTINGENCIES

	Reserve for Contingencies	City Manager's Discretionary Funding
BEGINNING BALANCE, JULY 1, 2013	$700,000	$0
Anticipated carryforward to FY 2014 Reserve for Contingencies - 05/28/13 Council Meeting	450,000	50,000
BALANCE	**$1,150,000**	**$50,000**
APPROPRIATIONS (Second Reading)		
Additional funding for the Regional Radio Upgrade Project - 10/22/13 Council Meeting	$210,700	
Debt service interest payment on $10m bond issue - 10/22/13 Council Meeting	166,528	
TOTAL APPROPRIATIONS	**$377,228**	**$0**
REMAINING BALANCE	**$772,772**	**$50,000**
ITEMS INTRODUCED		
TOTAL INTRODUCED ITEMS	**$0**	**$0**
REMAINING BALANCE	**$772,772**	**$50,000**
PENDING ITEMS		
TOTAL PENDING ITEMS	**$0**	**$0**
PROJECTED BALANCE	**$772,772**	**$50,000**

November 2013

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **December 10, 2013** AGENDA ITEM NO.: **2**

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Appropriation of Fund Balance from FY 2013 Unexpended School Operating Fund**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 General Fund budget and appropriate $507,487 for transfer to the School Operating Fund with resources from unexpended FY 2013 School Operating appropriations to fund maintenance and security needs as well as the replacement of student records software.

SUMMARY: This action is requested in accordance with an agreement signed by the Lynchburg City Council and the Lynchburg City School Board dated December 14, 1993. This agreement provides for the creation and maintenance of a school operating fund balance for "the purpose of underwriting any occasional shortfalls from the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board."

The FY 2013 audit identified $507,487 as available fund balance to be returned to City Schools. These funds are requested by the School Board to be used for maintenance and security needs ($207,487) and the replacement of student records software ($300,000).

PRIOR ACTION(S): November 26, 2013 Finance Committee
December 14, 1993 Agreement with Schools regarding the Return of Fund Balance

FISCAL IMPACT: Transfer of available fund balance in the amount of $507,487 to the School Operating Fund.

CONTACT(S): Dr. Scott Brabrand, Superintendent, Lynchburg City Schools, 515-5070
Anthony Beckles, Chief Financial Officer, Lynchburg City Schools, 515-5010
Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Resolution
Request from Dr.Scott Brabrand, Superintendent dated November 20, 2013

REVIEWED BY:

RESOLUTION

BE IT RESOLVED that the FY 2014 General Fund budget is amended and $507,487 is appropriated for transfer to the School Operating Fund with resources from unexpended FY 2013 School Operating appropriations to fund maintenance and security needs as well as the replacement of student records software.

Introduced: Adopted:

Certified: ______________________________

Clerk of Council

A TRADITION OF EXCELLENCE FOR ALL

LCS

LYNCHBURG CITY SCHOOLS

SCHOOL ADMINISTRATION BUILDING

915 Court Street
Post Office Box 2497
Lynchburg, VA 24505-2497
www.lcsedu.net

November 20, 2013

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

Dear Mr. Payne:

I am requesting reappropriation of the Lynchburg City Schools fund balance for FY2013 in the amount of $507,487 for the following purposes:

Maintenance and Security Needs	$ 207,487
Purchase of Student Information System Software	$ 300,000
Total	$ 507,487

Thank you for your attention to this matter. Please call if you have questions.

Sincerely,

Scott S. Brabrand, Ed.D.
Superintendent

SSB/wls

cc: Anthony E. Beckles, Sr., Chief Financial Officer

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **December 10, 2013**			AGENDA ITEM NO.: **3**
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	
ITEM TITLE: **Appropriation for Heritage High School Architectural Services**			

RECOMMENDATION: Adopt a resolution to amend the FY 2014 Schools Capital Project Fund budget and appropriate $589,731 with resources from the General Fund Heritage High School Committed Fund Balance for architectural fees for Heritage High School based on a revised construction cost estimate.

SUMMARY: The contract with Moseley Architects was signed on June 7, 2012. The fee was negotiated at 5.75% of the estimated $60 million for construction of Heritage High School, which is $3,450,000. Article 11.1 of the contract states "The updated estimated of the Cost of Work at the midpoint of Design Development Phase shall be the basis of the adjustment (increase or decrease) of compensation of Basic Services of Architect."

Mosley has submitted an amendment to the contract for additional fees based on the construction cost estimate determined by the Third Party Cost Estimator, Downey & Scott, LLC. Downey & Scott's construction cost estimate is $70,256,192 which increases the cost under the Moseley Architect contract by $589,731 to $4,039,731.

PRIOR ACTION(S): November 26, 2013 Finance Committee
August 23, 2013 Appropriation for Land Acquisition, Surveys and Contract Administration ($1,185,000)
October 9, 2012 Appropriation for Architecture and Engineering Services ($3,480,000)

FISCAL IMPACT: Use of General Fund Heritage High School Committed Fund Balance which leaves a balance of $1,894,223

CONTACT(S): Dr. Scott Brabrand, Superintendent, Lynchburg City Schools, 515-5070
Ben Copeland, Assistant Superintendent of Operations & Administration, Lynchburg City Schools, 515-5070
Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Resolution

REVIEWED BY:

RESOLUTION

BE IT RESOLVED that the FY 2014 Schools Capital Project Fund budget is amended and $589,731 is appropriated with resources from the General Fund Heritage High School Committed Fund Balance for Heritage High School architectural services.

Introduced: Adopted:

Certified: ______________________________

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **December 10, 2013**			AGENDA ITEM NO.: **4**
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **FY 2014 Budget Adjustment for Transfer of $600,000 to Stormwater Capital Fund**

RECOMMENDATION:
Adopt a resolution to amend the FY 2014 Stormwater Capital Projects Fund budget and appropriate $600,000 with resources transferred from the FY 2014 Stormwater Operating Fund budget to provide necessary funding for initial master planning efforts to comply with federal and State mandates according to the Municipal Separate Storm Sewer System (MS4) permit and provide matching resources for grant funds available from the Virginia Stormwater Local Assistance Fund.

SUMMARY:
Due to the FY 2013 Stormwater Operating Fund ending the year with higher than anticipated revenues and lower than budgeted expenses, $600,0000 is available in the Stormwater Operating Fund for transfer to the Stormwater Capital Fund to begin funding master planning efforts and infrastructure projects that qualify for a 50% matching grant from the Virginia Stormwater Local Assistance Fund (SLAF). The SLAF funds capital projects that improve water quality and reduce pollutants coming from stormwater sources to meet Total Maximum Daily Loads (TMDL) limits. In the event a SLAF grant is not awarded, the funds will be utilized for water quality projects associated with TMDL and permit compliance and stormwater infrastructure renewal.

PRIOR ACTION(S):
Adoption of the FY 2014 Stormwater Operating Fund Budget: May 14, 2013
November 26, 2013 Finance Committee

FISCAL IMPACT:
A one-time transfer of funds from the Stormwater Operating Fund to the Stormwater Capital Fund of $600,000.

CONTACT(S):
Tim Mitchell, Director of Water Resources, 455-4252

ATTACHMENT(S):
Resolution

REVIEWED BY:

RESOLUTION:

BE IT RESOLVED that the FY 2014 Stormwater Capital Projects Fund budget is amended and $600,000 is appropriated with resources transferred from the FY 2014 Stormwater Operating Fund budget to provide necessary funding for initial master planning efforts to comply with federal and State mandates according to the Municipal Separate Storm Sewer System (MS4) permit and provide matching resources for grant funds available from the Virginia Stormwater Local Assistance Fund.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **December 10, 2013** AGENDA ITEM NO.: **5**

CONSENT: REGULAR: WORK SESSION: CLOSED SESSION:
(Confidential)

ACTION: INFORMATION**:**

ITEM TITLE: **$30,000,000 Grant Award from Virginia Public Building Authority**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 Sewer Capital Projects Fund budget and appropriate $30,000,000 with resources from the Virginia Public Building Authority to accelerate completion of the Combined Sewer Overflow (CSO) Program.

SUMMARY: The City of Lynchburg has been awarded a grant totaling $30,000,000 from the Virginia Public Building Authority to help complete the CSO Program. This grant coupled with the proposed CSO Long Term Control Plan, which was submitted to the Department of Environmental Quality (DEQ), will allow for a faster and less expensive approach to finishing the CSO program. Disbursements of these proceeds shall be authorized by the State Water Control Board under the authority of DEQ and administered by the Virginia Resources Authority.

A public hearing is scheduled for December 10, 2013; the public will be notified through an advertisement in *The News and Advance*.

No local match is required with this grant award. Grant funds will be used to reimburse costs incurred by the Sewer Capital Projects Fund for CSO projects.

PRIOR ACTION(S):
November 26, 2013 Finance Committee

FISCAL IMPACT:
None, no local match is required.

CONTACT(S):
Tim Mitchell, Director of Water Resources, 455-4252

ATTACHMENT(S):
Resolution

REVIEWED BY:

RESOLUTION:
BE IT RESOLVED that the FY 2014 Sewer Capital Projects Fund budget is amended and $30,000,000 is appropriated with resources from the Virginia Public Building Authority to accelerate completion of the Combined Sewer Overflow (CSO) Program.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

FINANCE COMMITTEE
Agenda Item Summary

MEETING DATE: **November 26, 2013**			AGENDA ITEM NO.: **6**
CONSENT:	REGULAR:	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION:		INFORMATION: **X**	
ITEM TITLE: **Revenue Update**			

RECOMMENDATION:
Review the collections received from five of the City's largest revenue sources.

SUMMARY:
Five of the City's major revenue sources are taxes collected on a monthly basis: Sales Tax, Consumer Utility Tax – Electric, Communications Sales and Use Tax, Meals Tax, and Lodging Tax. Since the last Finance Committee meeting, revenue information for the month of September has been posted these five revenue streams.

PRIOR ACTION(S):
This information is provided monthly to the Finance Committee.

FISCAL IMPACT:
None

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

ATTACHMENT(S):
Comparison of Collections Budget to Actual FY 2013 – FY 2014

REVIEWED BY:

Comparison of Collections
Budget to Actual FY 2013 - FY 2014

	Actual FY 2011	Actual FY 2012	Actual FY 2013	Adopted FY 2014	Actual FY 2014	Actual FY 2014 to Adopted FY 2014	Actual FY 2014 to Actual FY 2013
SALES & USE TAX							
ADOPTED FY 2014 BUDGET - $13,440,973							
JULY	$979,650	$1,014,596	$996,646	$985,733	$1,075,816	$90,083	$79,170
AUGUST	1,022,849	1,079,129	1,145,592	1,133,048	1,098,342	(34,706)	(47,250)
SEPTEMBER	1,102,964	1,100,698	1,117,209	1,104,976	1,083,199	(21,777)	(34,010)
TOTAL	**$3,105,463**	**$3,194,423**	**$3,259,447**	**$3,223,756**	**$3,257,357**	**$33,601**	**($2,090)**
CONSUMER UTILITY TAX - ELECTRIC							
ADOPTED FY 2014 BUDGET - $3,650,000							
JULY	$352,603	$341,729	$323,141	$312,574	$325,815	$13,241	$2,674
AUGUST	345,842	345,615	345,163	333,876	318,738	(15,138)	(26,425)
SEPTEMBER	329,379	325,754	318,915	308,486	317,324	8,838	(1,591)
TOTAL	**$1,027,824**	**$1,013,098**	**$987,219**	**$954,937**	**$961,877**	**$6,940**	**($25,342)**
COMMUNICATIONS SALES & USE TAX							
ADOPTED FY 2014 BUDGET - $3,462,621							
JULY	$301,373	$349,339	$293,358	$288,552	$286,999	($1,553)	($6,359)
AUGUST	344,401	294,910	291,560	288,552	284,691	(3,861)	(6,869)
SEPTEMBER	274,076	179,549	263,295	288,551	284,249	(4,302)	20,954
TOTAL	**$919,850**	**$823,798**	**$848,213**	**$865,655**	**$855,939**	**($9,716)**	**$7,726**

	Actual Assessed FY 2012	Actual Collected FY 2012 [1]	Actual Assessed FY 2013	Actual Collected FY 2013 [1]	Adopted FY 2014	Actual Assessed FY 2014	Assessed FY 2014 to Adopted FY 2014	Actual Collected FY 2014	Collected FY 2014 to Adopted FY 2014	Collected FY 2014 to Assessed FY 2014
MEALS TAX										
ADOPTED FY 2014 BUDGET - $11,785,000										
JULY [2]	$889,917	$889,135	$943,431	$1,044,556	$917,109	$950,875	$33,766	$1,159,786	$242,677	$208,911
AUGUST	960,082	962,761	1,042,850	1,026,544	1,013,754	1,062,943	49,189	1,024,718	10,964	(38,225)
SEPTEMBER	984,785	998,157	1,011,701	1,012,294	983,475	1,038,949	55,474	1,052,079	68,604	13,130
TOTAL	**$2,834,784**	**$2,850,053**	**$2,997,982**	**$3,083,394**	**$2,914,338**	**$3,052,767**	**$138,429**	**$3,236,583**	**$322,245**	**$183,816**
LODGING TAX										
ADOPTED FY 2014 BUDGET - $1,700,000										
JULY [2]	$180,074	$168,386	$180,074	$197,072	$160,554	$174,789	$14,235	$223,419	$62,865	$48,630
AUGUST [3]	192,759	200,321	163,020	275,903	145,349	185,677	40,328	185,340	39,991	(337)
SEPTEMBER	156,383	159,891	160,661	157,680	143,245	181,706	38,461	204,758	61,513	23,052
TOTAL	**$529,216**	**$528,598**	**$503,755**	**$630,655**	**$449,148**	**$542,172**	**$93,024**	**$613,517**	**$164,369**	**$71,345**

[1] Meals and Lodging Tax data includes columns titled "Actual Collected ." The figures listed under these columns include all revenue received per month under that description regardless of whether the payment is current or delinquent.

[2] Due to year end accounting activities, a portion of Meals and Lodging Tax revenues associated with May and June were posted in June and July.

[3] The August FY 2013 collection amount includes a one-time $140,000 payment in delinquent taxes.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **December 10, 2013** AGENDA ITEM NO.: **OTHER INFORMATION**

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Technology Trust Fund (TTF) Fees for the Office of the Circuit Court Clerk**

RECOMMENDATION:
Adopt a resolution to amend the FY 2014 General Fund budget and appropriate $35,747 with resources from the State Compensation Board, Technology Trust Fund fees to support information technology needs in the Office of the Circuit Court.

SUMMARY:
As required by the Code of Virginia, Section 17.1-279 – Additional fee to be assessed by circuit court clerks for information technology, "the clerk of each circuit court shall assess a $5 fee, known as the "Technology Trust Fund Fee," in each civil action, upon each instrument to be recorded in the deed books, and upon each judgment to be docketed in the judgment lien docket book. Such fee shall be deposited by the State Treasurer into a trust fund." Annually, a portion of this fee is returned to the local Office of the Circuit Court Clerk based on its information technology needs. These funds cannot be used to take the place of current funding supplied by the locality.

PRIOR ACTION(S):
Finance Committee November 26, 2013

FISCAL IMPACT:
None

CONTACT(S):
Eugene C. Wingfield, Circuit Court Clerk, 455-2611

ATTACHMENT(S):
Resolution

REVIEWED BY:

RESOLUTION;
BE IT RESOLVED that the FY 2014 General Fund budget is amended and $35,747 is appropriated with resources from the State Compensation Board, Technology Trust Fund fees to support information technology needs in the Office of the Circuit Court Clerk.

Introduced: Adopted:

Certified: ___________________________________
Clerk of Council

memo

To:	City Council
From:	Donna S Witt, Director of Financial Services D- S. Witt
CC:	L. Kimball Payne, III, City Manager; Bonnie Svrcek, Deputy City Manager
Date:	11/26/2013
Re:	Comprehensive List of Fees

Per Finance Committee request at the September 24, 2013 meeting, staff has compiled a Comprehensive List of Fees. For ease of reading, the report will be printed on oversized paper and provided in hard copy form at the Finance Committee meeting. All other City Council members will be provided with a copy at today's scheduled meeting. The referenced State and City Code sections have also been compiled and will be added to Council's Dropbox as a pdf file this afternoon.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 26, 2013** AGENDA ITEM NO.: 3

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Randolph College Financing Through the Industrial Development Authority of Campbell County**

RECOMMENDATION: Adopt the attached resolution approving the issuance of up to $9,000,000 in bonds for Randolph College through the Industrial Development Authority of Campbell County, Virginia (IDA).

SUMMARY: Randolph College, Incorporated, a nonprofit institution of collegiate education and a Virginia nonstock corporation (formerly, Randolph-Macon Woman's College) (the "Borrower"), has requested that the Economic Development Authority of the City of Lynchburg, Virginia (the "Lynchburg Authority") approve the issuance by the Industrial Development Authority of the County of Campbell (the "Campbell Authority") of up to $9,000,000 of the Campbell Authority's revenue bonds or notes (the "Bonds"), in one or more series, to assist the Borrower in (1) the refunding in whole or in part of the outstanding principal amount of the Educational Facilities Revenue Refunding Bonds (Randolph-Macon Woman's College), Series 2003 (the "Refunded Bonds") issued by the Lynchburg Authority (formerly the Industrial Development Authority of the City of Lynchburg, Virginia); (2) the financing of certain capital improvements on or adjacent to the Borrower's campus, an approximately 100-acre site located at 2500 Rivermont Avenue, Lynchburg, Virginia 24503, including, without limitation, renovations and improvements to Grosvenor Apartments to create student housing, located at 2715 and 2717 Rivermont Avenue, Lynchburg, Virginia, 24503 and the acquisition, installation and renovation of HVAC systems on the Borrower's campus; and (3) the financing of amounts required for reserves, working capital, capitalized interest, costs of issuance and other financing expenses related to the issuance of the Bonds (collectively, the "Plan of Finance").

Although the bonds will be issued through the Campbell County IDA, regulations require that both the Lynchburg Economic Development Authority and the Lynchburg City Council adopt resolutions supporting the transaction. The EDA is expected to act on this matter on November 21st.

PRIOR ACTION(S): N/A

FISCAL IMPACT: There is no financial obligation placed on either the EDA or the City.

CONTACT(S): Kimball Payne, 455-3990, Ted Craddock, 846-2731

ATTACHMENT(S): Letter from EDA Counsel, Ted Craddock; Proposed Resolution for Adoption by City Council

REVIEWED BY: lkp

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

The Economic Development Authority of the City of Lynchburg, Virginia (the "Lynchburg Authority") has considered the request of Randolph College, Incorporated, a nonprofit institution of collegiate education and a Virginia nonstock corporation (the "Borrower"), requesting concurrence with the issuance by the Industrial Development Authority of the County of Campbell (the "Campbell Authority") of the Campbell Authority's revenue bonds or notes in an amount not to exceed $9,000,000 (the "Bonds") to be issued at one time or from time to time, in one or more series, to assist the Borrower in its plan of finance (the "Plan of Finance"), which includes (1) the refunding in whole or in part of the outstanding principal amount of the Educational Facilities Revenue Refunding Bonds (Randolph-Macon Woman's College), Series 2003 (the "Refunded Bonds") issued by the Lynchburg Authority (formerly the Industrial Development Authority of the City of Lynchburg, Virginia); (2) the financing of certain capital improvements on or adjacent to the Borrower's campus, an approximately 100-acre site located at 2500 Rivernont Avenue, Lynchburg, Virginia 24503, including, without limitation, renovations and improvements to Grosvenor Apartments to create student housing, located at 2715 and 2717 Rivernont Avenue, Lynchburg, Virginia, 24503, and the acquisition, installation and renovation of HVAC systems on the Borrower's campus; and (3) the financing of amounts required for reserves, working capital, capitalized interest, costs of issuance and other financing expenses related to the Plan of Finance.

The Borrower's campus is located outside of the geographical limits of Campbell County and within the geographical limits of the City of Lynchburg, Virginia. Therefore, before the Campbell Authority may issue the Bonds, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Section 15.2-4905 of the Code of Virginia of 1950, as amended (the "Virginia Code"), require that the City Council of the City of Lynchburg, Virginia concur in the resolution authorizing the issuance of the Bonds by the Campbell Authority after a public hearing.

The Lynchburg Authority held a public hearing on the Borrower's application to the Campbell Authority on November 21, 2013, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"). Section 147(f) of the Code also provides that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds must approve the issuance of the bonds.

The Lynchburg Authority has recommended that the City Council of the City of Lynchburg, Virginia (the "Council") approve the issuance of the Bonds.

The Council concurs with the resolution adopted by the Lynchburg Authority and approves the issuance of the Bonds by the Campbell Authority for the benefit of the Borrower as required by Section 15.2-4905 of the Virginia Code.

Copies of the Lynchburg Authority's resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Council.

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

1. The Council approves the issuance of the Bonds by the Campbell Authority, as required by Section 147(f) of the Code and Section 15.2-4905 of the Virginia Code, to permit the Campbell Authority to assist the Borrower in the Plan of Finance.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Plan of Finance or the Borrower.

3. Neither the Bonds, nor the interest thereon, shall ever constitute an indebtedness or a charge against the general credit or taxing powers of the Lynchburg Authority, the Campbell Authority, the City of Lynchburg, Virginia (the "City"), or Campbell County, Virginia (the "County") within the meaning of any constitutional or charter provision or statutory limitation and neither shall ever constitute or give rise to any pecuniary liability of the Lynchburg Authority, the Campbell Authority, the City or the County. The Bonds and the interest thereon shall be limited obligations of the Campbell Authority, payable by the Campbell Authority solely from the revenues derived from loan repayments (both principal and interest) made to the Campbell Authority by the Borrower on account of the Bonds and from any other monies made available to the Campbell Authority for such purposes.

4. The Bonds shall be authorized, issued, sold and delivered without direct or indirect cost to the Lynchburg Authority or the City, and to that end, the Borrower shall pay all necessary expenses of selling and issuing the Bonds and any and all costs, fees and expenses (including, without limitation, attorneys' fees) incurred by or on behalf of the Lynchburg Authority and the City in connection with this Resolution or the publication of notices of any public hearings to be held in connection herewith, whether or not the proposed financing is consummated.

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

Adopted:

Certified: ______________________________
Clerk of Council

167K

[SEAL]

ECONOMIC DEVELOPMENT AUTHORITY
OF THE
CITY OF LYNCHBURG, VIRGINIA

900 CHURCH STREET, 2ND FLOOR
LYNCHBURG, VA 24504

TEL (434) 455-4490
FAX (434) 847-2067

November 21, 2013

City Council
City of Lynchburg, Virginia
900 Church Street
Lynchburg, Virginia 24504

Economic Development Authority of the City of Lynchburg, Virginia
Approval of Proposed Financing by the Industrial Development Authority of the County of Campbell for the benefit of Randolph College

Randolph College, Incorporated, a nonprofit institution of collegiate education and a Virginia nonstock corporation (formerly, Randolph-Macon Woman's College) (the "Borrower"), has requested that the Economic Development Authority of the City of Lynchburg, Virginia (the "Lynchburg Authority") approve the issuance by the Industrial Development Authority of the County of Campbell (the "Campbell Authority") of up to $9,000,000 of the Campbell Authority's revenue bonds or notes (the "Bonds"), in one or more series, to assist the Borrower in (1) the refunding in whole or in part of the outstanding principal amount of the Educational Facilities Revenue Refunding Bonds (Randolph-Macon Woman's College), Series 2003 (the "Refunded Bonds") issued by the Lynchburg Authority (formerly the Industrial Development Authority of the City of Lynchburg, Virginia); (2) the financing of certain capital improvements on or adjacent to the Borrower's campus, an approximately 100-acre site located at 2500 Rivermont Avenue, Lynchburg, Virginia 24503, including, without limitation, renovations and improvements to Grosvenor Apartments to create student housing, located at 2715 and 2717 Rivermont Avenue, Lynchburg, Virginia, 24503 and the acquisition, installation and renovation of HVAC systems on the Borrower's campus; and (3) the financing of amounts required for reserves, working capital, capitalized interest, costs of issuance and other financing expenses related to the issuance of the Bonds (collectively, the "Plan of Finance").

As set forth in the resolution of the Campbell Authority attached hereto (the "Campbell Resolution"), the Campbell Authority has agreed to issue its Bonds as requested. The Lynchburg Authority has conducted a public hearing on the proposed Plan of Finance and has recommended that you approve the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code").

Attached hereto is (1) a certificate evidencing the conduct of the public hearing and the action taken by the Lynchburg Authority, which includes a copy of the Lynchburg Authority's resolution concurring in the issuance of the Bonds by the Campbell Authority to accomplish the Plan of Finance; (2) the Fiscal Impact Statement required pursuant to Virginia Code Section 15.2-4907; and (3) the form of resolution suggested by counsel to evidence your approval.

Barry J. Allen

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

CERTIFICATE

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

1. A meeting of the Authority was duly called and held on November 21, 2013, at 11:30 a.m. in the Economic Development Office on the second floor of City Hall, located at 900 Church Street, Lynchburg, Virginia 24504, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

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

3. A summary of the statements made at the public hearing is attached as Exhibit B.

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

WITNESS my hand and the seal of the Authority, this 21st day of November, 2013.

[SEAL]

Barry J. Allen

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

Exhibits:

A – Copy of Certified Notice from Newspaper
B - Summary of Statements
C - Public Hearing Resolution of the Lynchburg Authority

EXHIBIT A

Copy of Certified Notice from Newspaper

The News & Advance

Advertising Affidavit

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

Account Number
3332931

Date
November 14, 2013

MCGUIRE WOODS
901 EAST CARY STREET
RICHMOND, VA 23219

Date	Category	Description	Ad Size	Total Cost
11/14/2013	Legal Notices	PUBLIC HEARING	1 x 94 L	818.40

Publisher of the
News and Advance

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

11/07, 11/14/2013

The First insertion being given ... 11/07/2013

Newspaper reference: 0003144192

Given under my hand on

the 19th day of November, 2013

Lora McChesney

Classified Manager

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

legal

legals

LEGAL NOTICES

NOTICE OF PUBLIC HEARING TO BE HELD BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA ON THE ISSUANCE OF UP TO $9,000,000 BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF CAMPBELL FOR THE BENEFIT OF RANDOLPH COLLEGE, INCORPORATED

Notice is hereby given that the Economic Development Authority of the City of Lynchburg, Virginia (formerly the Industrial Development Authority of the City of Lynchburg, Virginia)(the "Lynchburg Authority") will hold a public hearing with respect to a resolution which is pending before the Lynchburg Authority that approves the issuance by the Industrial Development Authority of the County of Campbell (the "Campbell Authority") of up to $9,000,000 of the Campbell Authority's tax-exempt revenue bonds (the "Bonds"), the proceeds of which will be loaned to Randolph College, Incorporated (the "Borrower"), to assist the Borrower in its plan of finance (the "Plan of Finance"), which includes:

(1) the refunding in whole or in part of the outstanding principal amount of the Educational Facilities Revenue Refunding Bonds (Randolph-Macon Woman's College), Series 2003 (the "Refunded Bonds") issued by the Lynchburg Authority; and

(2) the financing of certain capital improvements on or adjacent to the Borrower's campus, an approximately 100-acre site located at 2500 Rivermont Avenue, Lynchburg, Virginia 24503, including, without limitation, renovations and improvements to Grosvenor Apartments to create student housing, located at 2715 and 2717 Rivermont Avenue, Lynchburg, Virginia, 24503, and the acquisition, installation and renovation of HVAC systems on the Borrower's campus; and

(3) the financing of amounts required for reserves, working capital, capitalized interest, costs of issuance and other financing expenses related to the Plan of Finance.

The Refunded Bonds were originally issued: (a) to refinance existing tax-exempt indebtedness previously issued to finance the constructing and equipping of certain capital improvements and additions to the Borrower's campus, and (b) to finance the amounts required for reserves, working capital, capitalized interest, costs of issuance and other financing expenses related to the Refunded Bonds.

The public hearing, which may be continued or adjourned, will be held at 11:30 a.m. on November 21, 2013, before the Lynchburg Authority, in the Economic Development Office on the second floor of City Hall, located at 900 Church Street, Lynchburg, Virginia 24504. As required by the Act, the Bonds will not pledge the faith and credit or the taxing power of the Commonwealth of Virginia, the City of Lynchburg, Virginia, the County of Campbell, Virginia or any other political subdivision of the Commonwealth of Virginia, including the Lynchburg Authority and the Campbell Authority, but will be payable solely from the revenues derived from the Borrower and pledges therefore. Any person interested in the issuance of the Bonds or the location or nature of the financed projects may appear at the hearing and be heard. A copy of the applicant's application is on file and is open for inspection at the Economic Development Office, on the second floor of City Hall, 900 Church Street, Lynchburg, Virginia, during business hours.

Economic Development Authority of the City of Lynchburg, Virginia

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Sealed Proposals, subject to the conditions and instructions contained herein, are requested to establish a contract or contracts(s) with qualified vendors for the purpose of obtaining "on-call" repair services on a time and materials basis for electrical, utility and hot water & steam boiler systems as may now be owned or later acquired by Campbell County Schools and Campbell County Administration. Proposals will be received until 2:00 P.M., Monday, November 25, 2013 at Central Purchasing, first floor, Haberer Building, 47 Courthouse Lane, Rustburg, Virginia. Proposal package may be picked up at the above address or call (434) 332-9670 and reference Proposal Number CCADM 005-FY14. The bid documents are also posted on Campbell County's website at www.co.campbell.va.us/purchasing.htm .

Vertical Spaces is proposing to construct a new telecommunications tower facility located at 2140 Lakeside Drive, Lynchburg, VA. The new facility will consist of a 154-foot monopole tower and associated equipment. Any interested party wishing to submit comments regarding the potential effects the proposed facility may have on any historic property may do so by sending comments to: Project 61136108-SF c/o EBI Consulting, 6876 Susquehanna Trail South, York, PA 17403, or at 781-273-2500.

PROPOSALS, SEALED BIDS, RFPS

BID REQUEST

Falwell Corporation is requesting MBE/WBE Firms to submit bids on the Hat Creek Water System, CCUSA Project 80-0817 in Hat Creek Virginia. Bidders must comply with the following: The President's Executive Order #11246, Prohibiting discrimination in employment Regarding in race, creed, sex, or national origin; The President's Executive Orders #12138 and #11625 regarding utilization of MBE/WBE firms; And Civil Rights Act of 1964. Bidders must Certify that they do not or will not maintain or provide for their employees any facilities that are segregated on the basis of race, color, creed or national origin. Plans and specifications available at Falwell Corporation, 3900 Campbell Ave, Lynchburg, VA 24501, (434)846-2737. Bids due by Nov. 20th, 2013, at 2:00 p.m.

PROPOSALS, SEALED BIDS, RFPS

DBE Subcontractors and Material Suppliers are invited to quote on the following projects for VDOT:
C91 - Halifax Street, Emporia
D48 - Route 613, Prince Edward County
D56 - Route 6, Fluvanna County
D70 - Interstate 64, Alleghany County
D73 - Route 621, Prince Edward County
Send quotes to Burleigh Construction, PO Box 289, Concord, Virginia 24538 or contact Phillip Burleigh at (434) 993-2214 fax (434) 993-3851. Bid date is 11/20/13. Please respond by 11/19/13. EOE

TRUSTEE SALES

TRUSTEE'S SALE
1553 BEAR CREEK ROAD
RUSTBURG, VA 24588

In execution of a Deed of Trust in the original principal amount of $50,600.00, dated July 22, 2008, recorded in the Office of the Clerk of the Circuit Court for Campbell County, Virginia as Instrument #080005007 and re-recorded as Instrument #080005296, default having occurred in the payment of the Note thereby secured and at the request of the holder of that Note, the undersigned Substitute Trustee will offer for sale at public auction at the entrance of the aforesaid Circuit Court, at #731 Village Highway, Rustburg, Virginia 24588, on November 20, 2013 at 12:15 o'clock PM, the property described in that Deed of Trust, located at the above address, and briefly described as: That parcel of land containing 0.57 acres on State Route #651 (Bear Creek Road) in Long Mountain Magisterial District of Campbell County, Virginia, as shown on a plat recorded in that Clerk's Office in Deed Book 466, at page 145, with improvements thereon, and designated as Tax Map #35-A-72B.

TERMS OF SALE: A deposit of $5,000.00 or 10% of the sales' price, whichever is lower, cash or certified check, will be required within two days of sale with settlement to be made within 15 days from the date of sale. Sale is subject to post sale confirmation that the borrower did not file for protection under the U.S. Bankruptcy Code prior to the sale. In such event, the sale shall be null and void, and the Purchaser's sole remedy, in law or equity, shall be the return of his deposit without interest. Additional terms may be announced at the time of sale. John Randolph Nelson, Substitute Trustee, 716 Court Street, Lynchburg, VA 24504, 434.528.1078. For information contact Trustee between 9:30 AM & 4:30 PM on weekdays.

TRUSTEE'S SALE OF
1817 Broadway Street,
Lynchburg, VA 24501

In execution of a certain deed of trust dated July 31, 2007, in the original principal amount of $90,781.00 recorded in the Clerk's Office, Circuit Court for City of Lynchburg, Virginia, in Instrument No. 070007719, default having occurred in the payment of the Note thereby secured and at the request of the holder, the undersigned Substitute Trustee will offer for sale at public auction in the front of the Circuit Court building for the City of Lynchburg, 900 Court Street, Lynchburg, Virginia, on December 19, 2013, at 10:30 AM, the property described in said deed of trust, located at the above address, and more particularly described as follows: THAT CERTAIN TRACT OR PARCEL OF LAND, TOGETHER WITH THE BUILDINGS AND IMPROVEMENTS THEREON, AND THE PRIVILEGES AND APPURTENANCES THEREUNTO BELONGING, SITUATE, LYING AND BEING IN THE CITY OF LYNCHBURG, VIRGINIA, AND BEING DESIGNATED AS "LOT 1" CONTAINING 0.532 ACRES, ON A PLAT ENTITLED "BOUNDARY RESURVEY OF THE "ROBERTSON" LOTS ON BROADWAY STREET, CITY OF LYNCHBURG, VIRGINIA", DATED OCTOBER 16, 2003, BY BERKLEY-HOWELL AND ASSOCIATES, PC, WHICH SAID PLAT IS ATTACHED TO AND RECORDED WITH THAT CERTAIN DEED OF TRUST AS INSTRUMENT NO. 030015787. THE DWELLING THEREON IS KNOWN AS 1817 BROADWAY STREET.

TERMS OF SALE: ALL CASH. A bidder's deposit of ten percent (10%) of the sale price or ten percent (10%) of the original principal balance of the subject deed of trust, whichever is lower, in the form of cash or certified funds payable to the Substitute Trustee must be present at the time of the sale. The balance of the purchase price will be due within fifteen (15) days of sale, otherwise Purchaser's deposit may be forfeited to Trustee. Time is of the essence. Sale is subject to post sale confirmation that the borrower did not file for protection under the U.S. Bankruptcy Code prior to the sale, as well as to post-sale confirmation and audit of the status of the loan with the loan servicer including, but not limited to, determination of whether the borrower entered into any repayment agreement, reinstated or paid off the loan prior to the sale. In any such event, the sale shall be null and void, and the Purchaser's sole remedy, in law or equity, shall be the return of his deposit without interest. Additional terms to be announced at the sale. A form copy of the Trustee's memorandum of foreclosure sale and contract to purchase real property is available for viewing at www.bwwsales.com. This is a communication from a debt collector and any information obtained will be used for that purpose. The sale is subject to seller confirmation. Substitute Trustee: Equity Trustees, LLC, 2101 Wilson Boulevard, Suite 402, Arlington, VA 22201, (703)548-4600. For information contact: BWW Law Group, LLC, attorneys for Equity Trustees, LLC, 4520 East West Highway, Suite 200, Bethesda, MD 20814, (301) 961-6555. website: www.bwwsales.com.

TRUSTEE SALES

TRUSTEE SALE
1931 Tabby Lane,
Altavista, VA 24517-2021
Campbell County

In execution of a Deed of Trust in the original principal amount of $71,500.00, dated February 15, 2011 recorded in the Clerk's Office of the Circuit Court of the Campbell County, Virginia, in Document No. 110001784, default having occurred in the payment of the Note thereby secured and at the request of the holder of said Note, the undersigned Trustee will offer for sale at public auction at the Circuit Court of Campbell County, (ground floor of New Courthouse) Village Highway, Rustburg, on December 4, 2013 at 1:30 PM the property described in said deed, located at the above address and briefly described as:

Lot 3, Subdivision 7, as shown on plat of survey recorded in Plat Book 17, Page 113, with improvements thereon.

Subject to any and all covenants, conditions, restrictions and easements, if any, affecting the aforesaid property.

TERMS OF SALE: CASH: A deposit of $20,000, or 10% of the sales price, whichever is lower, cash or certified check, will be required at the time of sale with settlement within fifteen (15) days from the date of sale. Sale is subject to post sale confirmation that the borrower did not file for protection under the U.S. Bankruptcy Code prior to the sale, as well as to post-sale confirmation of the status of the loan with the loan servicer including, but not limited to, determination of whether the borrower entered into any repayment agreement, reinstated or paid off the loan prior to the sale. In any such event, the sale shall be null and void, and the Purchaser's sole remedy, in law or equity, shall be the return of his deposit without interest. Additional terms may be announced at the time of sale. Pursuant to the Federal Fair Debt Collection Practices Act, we advise you that this firm is a debt collector attempting to collect the indebtedness referred to herein and any information we obtain will be used for that purpose.

SAMUEL I. WHITE, P.C., Trustee

This is a communication from a debt collector.
FOR INFORMATION CONTACT:
SAMUEL I. WHITE, P.C. (4968)
5040 Corporate Woods Drive, Suite 120
Virginia Beach, Virginia 23462
757-457-1460 - Call Between 9:00 a.m. and 11:30 a.m. or visit our website at www.siwpc.net

TRUSTEE SALES

TRUSTEE SALE OF
PROPERTY LOCATED AT
2123 RIVERMONT AVENUE,
LYNCHBURG, VIRGINIA 24505,
TAX MAP NUMBER 020070005

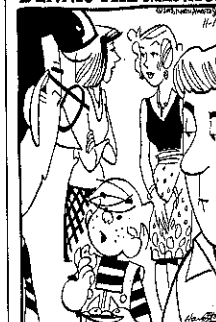
This Trustee Sale is in execution of a certain Deed of Trust and Assignment of Rents, dated August 3, 2007, granted by the Eric Joseph Schwarz and Sandra Ann Schwarz, as grantors, to TRSTE, Inc., a Virginia corporation, as the original trustee, for the benefit of the Noteholder, the successor in interest to Wachovia Bank, National Association, as beneficiary, and recorded on August 6, 2007, in the Clerk's Office of the Circuit Court of the City Lynchburg, Virginia, as Instrument Number 070007879 (the "Deed of Trust"), encumbering property commonly known as 2123 Rivermont Avenue, Lynchburg, Virginia 24503, having Tax Map Number 020070005 (the "Property"). Default having been made in the payment of the debts secured and being required to do so by the noteholder, the Substitute Trustee will offer for sale at public auction at the entrance of the building housing the Circuit Court for the City of Lynchburg, Virginia, to be held on November 21, 2013, beginning at 12:00 p.m. (noon), the Property with all improvements thereon. The Property will be sold "AS IS." There is no warranty of merchantability or fitness for a particular purpose given in connection with the sale of any of the Property. Title to the Property will pass from the Substitute Trustee by Special Warranty Deed.

The sale of the Property will be made subject to all existing superior liens, easements and restrictive covenants, as the same may lawfully affect the Property.

Terms of Sale: Cash. Settlement of the Property within 30 days of the sale. Additional terms may be announced at the time of sale. A bidder's deposit of $10% of the winning bid may be required. The Substitute Trustee reserves the right to waive or modify the requirements with respect to the bidder's deposit.

For information contact:
Ryan C. Kenrick, Substitute Trustee
804.420.6394

DENNIS THE MENACE



"HOW COME EVERYBODY SAYS YOU WERE LUCKY TO MARRY MOM, BUT THEY NEVER SAY SHE WAS LUCKY TO MARRY YOU?"

TRUSTEE SALES

TRUSTEE SALE
2801 Hurdle Hill Road,
Lynchburg, VA 24503-3213

In execution of a Deed of Trust in the original principal amount of $203,200.00, dated March 16, 2005 recorded in the Clerk's Office of the Circuit Court of the City Of Lynchburg, Virginia, in Instrument 050002505, at page 93, default having occurred in the payment of the Note thereby secured and at the request of the holder of said Note, the undersigned Substitute Trustee will offer for sale at public auction at the entrance to the Circuit Court of Lynchburg, 900 Court Street, Lynchburg, Virginia, on December 11, 2013 at 12:30 o'clock pm the property described in said deed, located at the above address and briefly described as:
Part of Lots 13 & 14, Evergreen Subdivision, as shown on plat of survey attached to Deed recorded in Deed Book 612, Page 39, with improvements thereon.

Subject to any and all covenants, conditions, restrictions and easements, if any, affecting the aforesaid property.

TERMS OF SALE: CASH: A deposit of $20,000.00, or 10% of the sales price, whichever is lower, cash or certified check, will be required at the time of sale with settlement within fifteen (15) days from the date of sale. Sale is subject to post sale confirmation that the borrower did not file for protection under the U.S. Bankruptcy Code prior to the sale, as well as to post-sale confirmation of the status of the loan with the loan servicer including, but not limited to, determination of whether the borrower entered into any repayment agreement, reinstated or paid off the loan prior to the sale. In any such event, the sale shall be null and void, and the Purchaser's sole remedy, in law or equity, shall be the return of his deposit without interest. Additional terms may be announced at the time of sale. Pursuant to the Federal Fair Debt Collection Practices Act, we advise you that this firm is a debt collector attempting to collect the indebtedness referred to herein and any information we obtain will be used for that purpose.

SAMUEL I. WHITE, P.C., Substitute Trustee

This is a communication from a debt collector.
FOR INFORMATION CONTACT:
SAMUEL I. WHITE, P.C.
(01-017765-12/CONV)
5040 Corporate Woods Drive, Suite 120
Virginia Beach, Virginia 23462
757-457-1460 - Call Between 9:00 a.m. and 11:30 a.m. or visit our website at www.siwpc.net

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NOTICE OF SUBSTITUTE TRUSTEE'S SALE
3600 Old Forest Road, #25,
Lynchburg, VA 24501-2905
Tax Map No. 220-15-009

Pursuant to the terms of a Deed of Trust executed by Mc Wi Investments, LLC dated April 24, 2006 and recorded April 25, 2006 as Instrument No. 060003750 (the "Deed of Trust"), recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, the undersigned Substitute Trustee will offer for sale at public auction the real property (the "Property"), commonly known as 3600 Old Forest Road, #25, Lynchburg, VA 24501-2905, and more specifically described below:

All that certain tract or parcel of land, together with the buildings and improvements thereon and the privileges and appurtenances thereunto belonging, lying and being in the City of Lynchburg, Virginia, shown and designated as Lot 25 on a plat entitled, "Plat Showing Sterling Park Townhomes, City of Lynchburg, Virginia", made by Hurt & Proffitt, Incorporated, J. A. Michael Nichols, L.S., dated July 18, 2005, which plat is attached to, incorporated in and recorded with the "DECLARATION OF COVENANTS AND RESTRICTIONS" by Lineage Concepts, LLC and Sterling Park Townhomes Owners' Association, Inc., dated October 20, 2005, of record in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, in Plat Cabinet B, Slides 220, 221 and 222.

Being the same property conveyed unto Mc Wi Investments, LLC, a Virginia Limited Liability Company, by Deed dated March 28, 2006, and recorded contemporaneously therewith.

The sale will take place on November 21, 2013 at 11:00 a.m. at the front steps of the Circuit Court of the City of Lynchburg, Virginia, located at 900 Court Street, Lynchburg, VA.

Terms: A deposit in the form of immediately available funds made payable to Norman A. Kinnier, Substitute Trustee, in the amount of Five Thousand Dollars ($5,000.00) or ten percent (10%) of the successful bid, whichever is the lesser, will be required of the successful bidder at the time of sale. Proof of deposit must be presented to the Trustee at the start of the sale in order to be qualified to bid. The successful bidder will be required to close within fifteen (15) days of the sale. Time will be of the essence as to the closing date and the payment of the purchase price. All loss or damage to the Property from the time of sale and before settlement shall be at the risk of the successful bidder. The purchase price in the form of immediately available funds, made payable to Norman A. Kinnier, Substitute Trustee, will be due and payable on the closing date. The successful bidder will be required to pay all closing costs, including the Grantor's recording tax. Real estate taxes will be prorated as of the foreclosure sale date.

The Property will be sold "AS IS" and will be conveyed by Special Warranty Deed, subject to all rights, reservations, leases, covenants, conditions, easements and restrictions superior to the Deed of Trust, as they may lawfully affect the Property. Neither the Substitute Trustee nor the holder of the Note secured by the Deed of Trust will deliver physical possession of the Property to the successful bidder.

The purchaser at the sale will be required to pay all closing costs, including the Grantor's recording tax. Real estate taxes will be pro rated as of the foreclosure sale date.

Additional terms may be announced at the sale.

Pursuant to the Federal Fair Debt Collection Practices Act, we advise you that this firm is a debt collector attempting to collect the indebtedness referred to herein and any information we obtain will be used for that purpose. This is a communication from a debt collector.

Norman A. Kinnier,
Substitute Trustee
Fralin & Kinnier PC
3028 Cardinal Pl.
Lynchburg, VA 24503
434-846-7911

Published: 10/24, 10/31, 11/7 and 11/14/13

EXHIBIT B

SUMMARY OF STATEMENTS

Representatives of Randolph College, Incorporated, appeared before the Lynchburg Authority to explain the financing. No one appeared in opposition to the proposed bond issue.

EXHIBIT C

RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITYOF THE CITY OF LYNCHBURG, VIRGINIA APPROVING THE ISSUANCE AND SALE OF REVENUE BONDS (RANDOLPH COLLEGE), SERIES 2013 BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF CAMPBELL

WHEREAS, the Industrial Development Authority of the County of Campbell (the "Campbell Authority"), a political subdivision of the Commonwealth of Virginia, is empowered by the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), to issue its revenue bonds or notes to protect or promote the safety, health, welfare, convenience, and prosperity of the inhabitants of the Commonwealth of Virginia (the "Commonwealth") by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing, and refinancing of facilities for use by certain organizations which are described in Section 501(c)(3) of the Internal Revenue Code, as amended (the "Code"), and which are exempt from federal income taxation pursuant to Section 501(a) of the Code, and facilities for private, accredited, and nonprofit institutions of collegiate, elementary, or secondary education in the Commonwealth whose primary purpose is to provide collegiate, elementary, secondary, or graduate education and not to provide religious training or theological education, such facilities being for use as academic or administration buildings or any other structure or application usual and customary to a college, elementary or secondary school campus other than chapels and their like.

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia (formerly the Industrial Development Authority of the City of Lynchburg, Virginia)(the "Lynchburg Authority") issued, on June 5, 2003, its Educational Facilities Revenue Refunding Bonds (Randolph-Macon Woman's College), Series 2003 (the "2003 Bonds") for purposes of assisting Randolph College, Incorporated (formerly Randolph-Macon Woman's College), a nonprofit institution of collegiate education and a Virginia non-stock corporation (the "Borrower"), (1) in refinancing existing tax-exempt indebtedness previously issued to finance and refinance the constructing and equipping certain capital improvements and additions to the Borrower's campus, and (2) in financing the amounts required for reserves, working capital, capitalized interest, costs of issuance and other financing expenses related to the 2003 Bonds.

WHEREAS, the Campbell Authority has received a request from the Borrower requesting that the Campbell Authority issue its revenue bonds (the "Bonds") in one or more series, to assist the Borrower in (1) the refunding in whole or in part of the 2003 Bonds; (2) the financing of certain capital improvements on or adjacent to the Borrower's campus, an approximately 100-acre site located at 2500 Rivermont Avenue, Lynchburg, Virginia 24503, including, without limitation, renovations and improvements to Grosvenor Apartments to create student housing, located at 2715 and 2717 Rivermont Avenue, Lynchburg, Virginia, 24503, and the acquisition, installation and renovation of HVAC systems on the Borrower's campus; and (3) the financing of amounts required for reserves, working capital, capitalized interest, costs of issuance and other financing expenses in connection with the issuance of the Bonds (collectively, the "Plan of Finance").

WHEREAS, Section 147(f) of the Code provides that prior to the issuance and sale of tax-exempt bonds, the elected legislative body of the county or municipality in which the facilities financed with the proceeds of the bonds are located shall approve the bonds and the financing of the facilities following a public hearing.

WHEREAS, pursuant to Section 15.2-4905 of the Act, the Campbell Authority may issue its bonds with respect to facilities outside of Campbell County if the governing body of the locality where the facilities are or will be located concurs with the resolution for such bonds adopted by the Campbell Authority.

WHEREAS, the Lynchburg Authority has been asked to concur in the Campbell Authority's resolution adopted November 14, 2013 (the "Campbell Resolution"), a certified copy of which has been filed with the Lynchburg Authority, evidencing the Campbell Authority's intention to issue the Bonds to assist in the Plan of Finance.

WHEREAS, a public hearing has been held by the Lynchburg Authority regarding the Borrower's request, and the Lynchburg Authority desires to recommend (i) approval of the proposed bond issue to the City Council of the City of Lynchburg, Virginia (the "City Council"), and (ii) concurrence of the City Council in the adoption of the Campbell Resolution, with respect to the Plan of Finance, in accordance with the requirements of Section 147(f) of the Code and Section 15.2-4906 of the Act.

WHEREAS, notice of the intention of the Lynchburg Authority to hold a public hearing with respect to the issuance of the Bonds by the Campbell Authority was published in accordance with the provisions of Section 147(f) of the Code and Section 15.2-4906 of the Act.

WHEREAS, the Plan of Finance has been described to the Lynchburg Authority and a public hearing after public notice has been held as required by Section 147(f) of the Code, and Section 15.2-4906 of the Act.

WHEREAS, the Bonds will be limited obligations of the Campbell Authority, issued pursuant to the terms of a Bond Purchase Agreement (the "Bond Purchase Agreement"), between the Campbell Authority, the Borrower and Branch Banking and Trust Company or such other bank as may be selected by the Borrower (the "Bank").

WHEREAS, the foregoing arrangements will be reflected in the following documents, by which the Campbell Authority proposes to carry out the transaction described above and forms of which have been presented to this meeting and filed with the Lynchburg Authority's records:

(a) the Bond Purchase Agreement, a Loan Agreement (the "Loan Agreement") between the Campbell Authority and the Borrower, and an Assignment (the "Assignment") from the Campbell Authority for the benefit of the Bank;

(b) the form of the Bonds bearing interest and payable as provided therein and in the Bond Purchase Agreement and the Loan Agreement; and

(c) the form of the Note of the Borrower, bearing interest and payable as provided therein and in the Loan Agreement.

WHEREAS, all of the documents listed above are referred to in this Resolution as the "Basic Documents."

WHEREAS, no member of the Board of Directors of the Lynchburg Authority is an officer or employee of the City of Lynchburg, Virginia (the "City"), and each member has, before entering upon his or her duties during his or her present term of office, taken and subscribed to the oath prescribed by Section 49-1 of the Code of Virginia (the "Virginia Code"). At the time of their appointments and at all times thereafter, including the date hereof, all of the members of the Board of Directors of the Lynchburg Authority have satisfied the residency requirements of the Act.

WHEREAS, no member of the Board of Directors of the Lynchburg Authority has engaged in conduct prohibited under the Conflict of Interest Act, Chapter 40.1, Title 2.1 of the Virginia Code, in connection with this Resolution, the Bonds, the Basic Documents or any other official action of the Lynchburg Authority in connection therewith.

After careful consideration and in furtherance of the public purposes for which the Authority was created, NOW, THEREFORE, BE IT RESOLVED THAT:

1. The issuance of the Campbell Authority's revenue bonds pursuant to the Bond Purchase Agreement for the financing of the Plan of Finance is hereby authorized and approved.

2. The Plan of Finance shall provide that the Bonds do not constitute a debt or pledge of the faith and credit or taxing power of the Commonwealth nor any of its political subdivisions, including the Lynchburg Authority and the City. Neither the Commonwealth nor any of its political subdivisions will be obligated to pay the principal of, premium, if any, or interest on the Bonds or other costs incident to them except from the revenues and monies pledged for such purposes, and neither the faith and credit nor the taxing power of the Commonwealth or any of its political subdivisions, including the Lynchburg Authority and the City, is pledged to the payment of principal of, premium, if any, or interest on the Bonds or other costs incident to them. No officer or director of the Lynchburg Authority shall have any liability therefor.

3. The Basic Documents shall be in substantially the forms submitted to this meeting, which are hereby approved with such completions, omissions, insertions and changes consistent with the Basic Documents as do not materially adversely affect the interests of the Lynchburg Authority as may be approved by the Chairman or the other officers of the Campbell Authority executing them, execution by such officers to constitute conclusive evidence of approval of any such completions, omissions, insertions and changes.

4. The Lynchburg Authority hereby requests and recommends that the City Council approve the Plan of Finance and the issuance of the Bonds by the Campbell Authority.

5. All other acts of the officers of the Lynchburg Authority that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds are hereby ratified and confirmed.

6. All costs and expenses of the Lynchburg Authority in connection with the issuance of the Bonds, the actions undertaken pursuant to this resolution, and the fees and expenses of counsel to the Lynchburg Authority, will be paid by the Borrower. If for any reason the Bonds are not issued, it is understood that all such expenses will be paid by the Borrower and that the Lynchburg Authority will have no responsibility therefor.

7. This resolution will take effect immediately upon its adoption.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the City of Lynchburg, Virginia (the "Lynchburg Authority"), certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the members of the Lynchburg Authority present and voting at a meeting duly called and held on November 21, 2013, in accordance with law, during an open meeting, with a quorum present and acting throughout, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

Dated: November 21, 2013

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

[SEAL]

FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING

Date: November 26, 2013

To the City Council
City of Lynchburg, Virginia

Applicant: Randolph College, Incorporated

1.		Maximum amount of financing sought.	$9,000,000*
2.		Estimated taxable value of the facility's real property to be constructed in the locality.	N/A**
3.		Estimated real property tax per year using present tax rates.	N/A**
4.		Estimated personal property tax per year using present tax rates.	N/A**
5.		Estimated merchants' capital tax per year using present tax rates.	N/A**
6.	(a)	Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality.	$1,350,000
	(b)	Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality.	$150,000
	(c)	Estimated dollar value per year of services that will be purchased from Virginia companies within the locality.	$1,350,000
	(d)	Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality.	$150,000
7.		Estimated number of regular employees on year round basis.	355***
8.		Average annual salary per employee.	$50,800

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

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* Financing is requested through the Industrial Development Authority of the County of Campbell. No financing is necessary from the Economic Development Authority of the City of Lynchburg, Virginia.

** The College is a non-profit organization, exempt from federal income taxation, as well as real and personal property and merchants' capital taxes.

*** Of the College's 355 employees, approximately 225 are residents of the City of Lynchburg.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 26, 2013** AGENDA ITEM NO.: 4

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Legislative Agenda for the 2014 Session of the Virginia General Assembly**

RECOMMENDATION: Adopt the Legislative Agenda for the 2014 Session of the Virginia General Assembly.

SUMMARY: Following the November 12th work session, staff has incorporated Council's comments into the attached revision. Council asked that two alternatives be incorporated for discussion and adoption on the issue of Law Enforcement Data Collection and Retention. Language regarding Water Quality has been amended as well. Legislation supporting the Filing of Bills with Local Fiscal Impact, opposition to any legislation that would reduce Taxes on Machinery and Tools and Taxes on Business Licenses and support for full funding of Teacher Retirement Benefits are included as 2014 Legislative Priorities.

PRIOR ACTION(S): November 12, 2013, Council Work Session

FISCAL IMPACT: N/A

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

ATTACHMENT(S): Draft 2014 Legislative Agenda (revised); both red-lined and clean versions

REVIEWED BY: lkp

166K

CITY OF LYNCHBURG
2014 LEGISLATIVE AGENDA

Revised Draft
November 26, 2013
Adopted ~~November 27, 2012~~

The City of Lynchburg is a member of both the Virginia Municipal League and the Virginia First Cities Coalition and supports the legislative agendas of both organizations. The City of Lynchburg 2014 Legislative Agenda is meant to highlight those issues of particular importance to the City.

The Lynchburg City Council understands the fiscal challenges facing the Commonwealth as the 2014 session of the Virginia General Assembly convenes. Those challenges make it even more important that the legislators keep the following principles in mind as they evaluate and vote on legislation and possible amendments to the biennial budget.

PRINCIPLES

- Local governments are instruments of the state, created in large measure to deliver state responsible services in a more efficient and effective manner. This state/local partnership requires an equitable allocation of costs between the two levels of government and across the various jurisdictions of the Commonwealth.

- The state must continue to meet constitutional and statutory responsibilities to adequately fund the state share of state/local services, especially in education, human services, and public safety. Any shortfall in state revenues should not be shifted to local governments.

- When the state experiences or anticipates a budget surplus, due to either increased revenues or reduced expenditures, it should relieve localities of funding responsibilities that have been shifted to them for state mandated/locally delivered serves.

- Rather than shifting responsibilities for programs that the state is unwilling to fund down to the localities, the state should consider eliminating those programs.

- The state should explore ways to increase the efficiency and effectiveness of the delivery of state services at the local level including the regionalization of service delivery (e.g. Social Services) and the elimination of inefficient structures such as the Compensation Board.

- The General Assembly should defeat proposed legislation that would erode local taxing authority, cap or reduce local revenue sources or that would impose unfunded mandates on localities.

- The General Assembly should support legislation that provides greater authority to localities in implementing sustainability initiatives especially with regard to land use and transportation planning.

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

2014 LEGISLATIVE PRIORITIES

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

Taxes- Machinery and Tools: Oppose legislation that would reduce or eliminate a locality's authority to impose a machinery and tools tax. The loss of $4,516,511 in revenue from the Machinery and Tools Tax would equate to a 9.2 cent increase in the City's Real Property Tax rate.

Taxes- Business License: Oppose legislation that would reduce or eliminate a locality's authority to impose a business license tax. The loss of $7,542,720 in revenue from the Business License Tax would equate to a 15.3 cent increase in the City's Real Property Tax rate.

Teacher Retirement Benefits: Fully fund the actuarial rate for teacher retirement as recommended by the Virginia Retirement System Board of Trustees. The Commonwealth should pay ~~at least its fair~~ an equitable share of teacher retirement costs directly to VRS. Further, the unfunded liability for the plan should be a responsibility shared proportionally by the state and local governments.

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

Educational Funding: Jobs are the key to economic recovery and adequate education is essential for preparing the current and future workforce. The State should fully fund the Standards of Quality (SOQ), including support staff costs and categorical incentive funds for At-Risk students and restore funding from cuts to education over the last biennium. The state has a constitutional duty to meet its education funding obligations and should refrain from changes in methodology and the division of financial responsibility that result in a further shift of funding responsibility from the state to localities. These shifts do not change what it actually costs to provide education but simply transfer additional costs to local governments, and ultimately to the local real estate tax base.

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

Odd Fellows Road Funding: The City is seeking State funding to provide access to the new interchange that will be constructed on Route 460/29 at Odd Fellows Road. Without improvements to the intersection of Odd Fellows Road and Mayflower Drive and to Odd Fellows Road from the Lynchburg Expressway (Rt. 29 Business) to the interchange access to the new interchange will be constricted, limiting the effectiveness of that facility.

Water Quality: The City continues to face significant financial burdens in its efforts to comply with water quality regulations. The management of all the related water quality ~~programsCombined Sewer Overflow (CSO), Sanitary Sewer, Total Maximum Daily Load (TMDL), and stormwater regulations impose~~programs imposes~~s~~ high costs on sewer and stormwater rate payers. Continued Federal and State assistance is required to avoid an unreasonable economic burden on City residents and businesses. The City urges support for the following positions:

- Continue to ~~increase~~ adequately fund~~ing to~~ the Virginia Clean Water Revolving Loan Fund (VCWRLF) program and make available low and zero interest loans for water quality improvement projects that are necessary for permit compliance and the achieve the goals of the Chesapeake Bay and other local TMDLs.~~earmark those funds for CSO abatement in order to qualify Lynchburg and Richmond for zero interest rates.~~
- Support efforts to fund the Stormwater Local Assistance Fund in the amount of $50 million to help localities offset some of the multi-billion dollar cost attributed to stormwater through the Chesapeake Bay TMDL.
- Support expansion of Virginia's Nutrient Credit Exchange Program to include other sectors such as stormwater as long as it is not to the detriment of the established point source trading or risk a reduction in point source allocations.
- Provide local authority to charge connection and availability or facility fees for stormwater systems similar to those charged by water and wastewater utilities.
- Insist that any regulations enacted to implement the Total Maximum Daily Load (TMDL) in the Chesapeake Bay watershed be based on factual information, propose a reasonable schedule and are sensitive to the fiscal ability of local governments.
- Support reasonable and affordable implementation of any new stormwater management requirements. EPA storm water requirements should be reviewed and revised to avoid placing an unreasonable economic burden on communities.
- Oppose efforts to implement further point source (wastewater treatment plant) reductions of nutrient discharges beyond those allocations currently in the Chesapeake Bay Nutrient General Permit.

- Provide state or federal funding support for all water quality initiatives, as well as continued funding for the Water Quality Improvement Fund (WQIF).

OTHER LEGISLATIVE POSITIONS

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

Communications Sales and Use Tax: Support legislation to reclassify the communications sales and use tax as a local not a state tax.

Economic Development: Provide $2 million for the Virginia Brownfield Redevelopment Assistance Fund, to continue the redevelopment of brownfield sites.

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

Original Language:

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

Alternative #1: Law Enforcement Data Collection and Retention

Support the generation of a standard that would govern the collection of data on citizen activities in the public rights of way. This is a sensitive matter and should be addressed with due caution to respect individual privacy rights. Access to data collected by devices such as Automatic License Plate Readers should be only for legitimate law enforcement purposes after a crime has been committed and with a process that conditions a reasonable retention and search of retained data to a specific criminal investigation.

Alternative #2: Law Enforcement Data Collection and Retention

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

Line of Duty Act: Support initiatives that return program funding responsibility to the state. Should this unfunded mandate continue, give localities the authority to establish these benefits rather than participate in the state program**.**

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Local Government Mandates: Amend section 15.2-2903 of the Code of Virginia to extend the term of the Task Force for Local Government Mandate Review from an expiration date of July 1, 2014 to July 1, 2016.

Prevention: Restore state funds for prevention services.

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

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

Social Services: Maintain funding for workforce re-training through appropriate agencies, retaining VIEW staff and funding in Social Services. This program has successfully helped TANF recipients secure and maintain jobs.

State Aid to Public Libraries*:* Increase state aid for libraries. Public libraries have experienced unprecedented demand for their services due since the recession.

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

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Taxes- Transient Occupancy and On-line Travel Companies: Support legislation to ensure that transient occupancy taxes are based on the cost of the room as paid by the consumer. On-line travel companies collect and remit transient occupancy taxes based on the wholesale room price hotels and motels paid by the travel companies not the room price paid by the consumer.

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.

TDO Transports: Approve legislation to reduce the burden on local law enforcement agencies required to transport patients subject to temporary detention orders to treatment centers significant distances from the jurisdiction.

Trans Dominion Express: Support the extension of passenger rail service from Lynchburg to Roanoke as part of the Trans Dominion Express.

Trespassing Bans: Amend Section 15.2-1717.1 of the Code of Virginia to include language providing that a notarized form signed by the property owner will be admissible in court for the purpose of proving that the local law enforcement agency has the authority to enforce a trespassing ban.

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CITY OF LYNCHBURG
2014 LEGISLATIVE AGENDA

Revised Draft
November 26, 2013
Adopted November 26, 2013

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<u>VDOT Street Maintenance Payments:</u> Increase the lane mileage payment rate for city street maintenance payments and refrain from expanding VDOT's role in the local project prioritization process.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 26, 2013** AGENDA ITEM NO.: 5

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

ACTION: INFORMATION: **X**

ITEM TITLE: **Fort Ave. On Road Bike Facility Striping Plan**

RECOMMENDATION: Complete review of striping for Fort Ave. bike lanes.

SUMMARY: As Fort Avenue is resurfaced and restriped upon completion of Midtown improvements, staff has prepared a plan to add lane markings and separate bike lanes to the roadway where the existing pavement width allows. This proposal covers the area from Park Ave. to Wythe, and adds sharrows from Wythe to Memorial.

As recommended in the approved Region 2000 Bike plan this restriping plan eliminates on street parking on one side of Fort Ave. to accomplish the addition of the bike lanes for both sides.

The City comprehensive plan states that parking will not be removed from Fort Avenue, from Park Avenue/Kemper Street to Memorial Avenue, “to permit increased traffic flow…”.

The markings proposed are consistent with the federal and state guidelines for pavement markings associated with both vehicular and bicycle use.

Graphics are attached which depict the proposed project which eliminates on street parking on the East side of Fort Ave.

Council reviewed the planned striping during its meeting on November 12th and asked that the item be scheduled for further discussion on November 26th.

PRIOR ACTION(S): City Comprehensive plan; Approved Regional Bike Plan; Approved Share the road signage plan; PDC, September 13, 2013; City Council Review, November 12, 2013.

FISCAL IMPACT: None

CONTACT(S):
Don DeBerry – City Traffic Engineer – 455-3935
Lee Newland – City Engineer – 455-3947
Gaynelle Hart – Public Works Director – 455-4469

ATTACHMENT(S): PDC Report; Nov. 12 Council Report; Graphics

REVIEWED BY: lkp

168K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 10, 2013 (PDC)**			AGENDA ITEM NO.:
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **Fort Ave. on road bike facility striping plan**

RECOMMENDATION:
Proceed to a public meeting to discuss restriping

SUMMARY:

As Fort Avenue is resurfaced and restriped upon completion of Midtown improvements, staff has prepared a plan to add lane markings and separate bike lanes to the roadway where the existing pavement width allows. This proposal covers the area from Park Ave. to Wythe, and adds sharrows from Wythe to Memorial.

As recommended in the approved Region 2000 Bike plan this restriping plan eliminates on street parking on one side of Fort Ave. to accomplish the addition of the bike lanes for both sides.

The City comprehensive plan states that parking will not be removed from Fort Ave. for the purpose of adding capacity.

The markings proposed are consistent with the federal and state guidelines for pavement markings associated with both vehicular and bicycle use.

Graphics are attached which depict the proposed project which eliminates on street parking on the East side of Fort Ave.

PRIOR ACTION(S):

City Comprehensive plan
Approved Regional Bike Plan,
Approved Share the road signage plan.

FISCAL IMPACT:

None

CONTACT(S):
Don DeBerry – City Traffic Engineer – 455-3935
Lee Newland – City Engineer – 455-3947
Gaynelle Hart – Public Works Director – 455-4469

ATTACHMENT(S):

graphics

REVIEWED BY:

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 12, 2013**			AGENDA ITEM NO.:
CONSENT:	REGULAR:	WORK SESSION: **X**	CLOSED SESSION: (Confidential)
ACTION:		INFORMATION: **X**	
ITEM TITLE: **Fort Avenue on Road Bike Facility**			

RECOMMENDATION: No action required; staff presentation only

SUMMARY: As Fort Avenue is resurfaced and restriped upon completion of Midtown improvements, staff has prepared a plan to add lane markings and separate bike lanes to the roadway where the existing pavement width allows. This proposal covers the area from Park Avenue to Wythe Road, and adds sharrows from Wythe Road to Memorial Avenue. The markings proposed are consistent with the federal and state guidelines for pavement markings associated with both vehicular and bicycle use.

As recommended in the approved Region 2000 Bike plan this restriping plan eliminates on street parking on one side of Fort Avenue to accomplish the addition of the bike lanes for both sides. The City comprehensive plan states that parking will not be removed from Fort Avenue for the purpose of adding capacity. Graphics are attached which depict the proposed project which eliminates on street parking on the East side of Fort Ave.

A public meeting was advertised and held on October 2nd at the Aviary at Miller Park. Approximately 40 people attended and a summary of their comments is attached. Support for the bike lanes was very evident.

PRIOR ACTION(S): City Comprehensive Plan; Approved Regional Bike Plan; Approved Share the Road Signage Plan.

FISCAL IMPACT: None

CONTACT(S): Don DeBerry – City Traffic Engineer – 455-3935
Lee Newland – City Engineer – 455-3947
Gaynelle Hart – Public Works Director – 455-4469

ATTACHMENT(S): Graphics

REVIEWED BY: lkp

Proposed Bicycle Lane Improvements on Fort Avenue

Campbell Avenue to Park Avenue

Newsletter #1

September 2013

Public Information Workshop

The City of Lynchburg will hold a public information workshop for the Fort Avenue Bicycle Improvements project from 4:30 to 6 p.m. on Wednesday, October 2, 2013 at the Aviary at Miller Park, 420 Grove Street, Lynchburg. Come anytime between 4:30-6 p.m. to view plans and speak one-on-one with the project team and representatives from the City. You are encouraged to attend and share your comments about the project. If you would like more information about the project or if you need special accommodations under the Americans with Disabilities Act of 1990, please contact Don DeBerry prior to the meeting at 434-455-3935.

Proposed Fort Avenue with bike lanes.

The City of Lynchburg is evaluating the feasibility of adding bicycle lanes to each side of Fort Avenue from Park Avenue to Wythe Avenue, approximately 1 mile. The Fort Avenue plan is part of the Region 2000 Bicycle Plan to develop bicycle and pedestrian-friendly streets within the City and surrounding counties of Campbell, Bedford and Amherst. The Plan facilitates the development of a bicycle transportation network that encourages and supports bicycling as a safe and effective alternative transportation mode. The plan was completed by Region 2000 and adopted by the City in 2009.

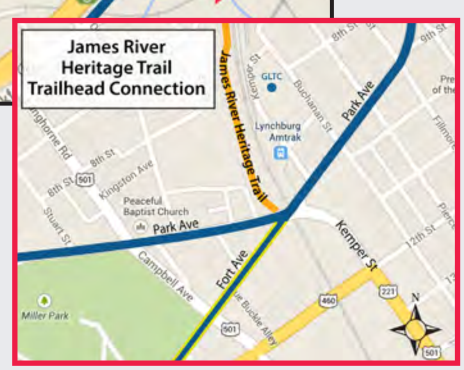
About the project

The approved Region 2000 Bicycle Plan recommends the restriping of Fort Avenue, a "Priority Accommodation Corridor", to provide bike lanes. The proposed plan adds lane markings and separate bicycle lanes to each side of the existing roadway by eliminating on-street parking on one side of Fort Avenue. All work would remain in the City's right-of-way and Fort Avenue would not need to be widened. The City is currently considering removing on-street parking on the east side of the roadway where neighboring buildings have access to off-street parking. The bike lanes could be modified, reduced or closed for special events.

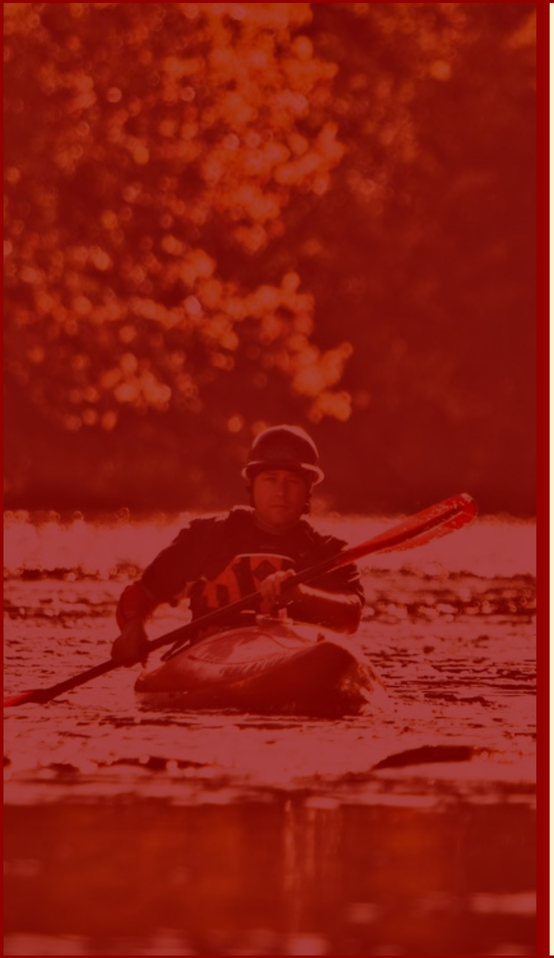
The graphic above represents Segment 4 of Fort Avenue from Campbell Avenue to Park Avenue and illustrates the areas in red that are "no parking existing" and shown in yellow are areas with "proposed loss of parking".

City of Lynchburg
Transportation Engineering
900 Church St.
Lynchburg, VA 24504

Proposed Fort Avenue Bike Accommodations



The graphic above shows the Fort Avenue Bike Accommodations project limits. The Fort Avenue bike corridor would link to the James River Heritage Trail and the Amtrak & GLTC Bus Transfer Stations to the north. This project will facilitate bike access to locations such as Miller Park, Lynchburg City Stadium, Lynchburg College and the Fort Hill community to the south. The 2009 Bike Plan Priority Accommodations Corridors are shown in blue.



Fort Ave. Bike Lanes

Donald DeBerry

Public Meeting Newsletter (held 10/2)

Proposed Bicycle Lane Improvements on Fort Avenue

Campbell Avenue to Park Avenue

Newsletter #1 September 2013

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City of Lynchburg
Transportation Engineering
900 Church St.
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Proposed Fort Avenue Bike Accommodations

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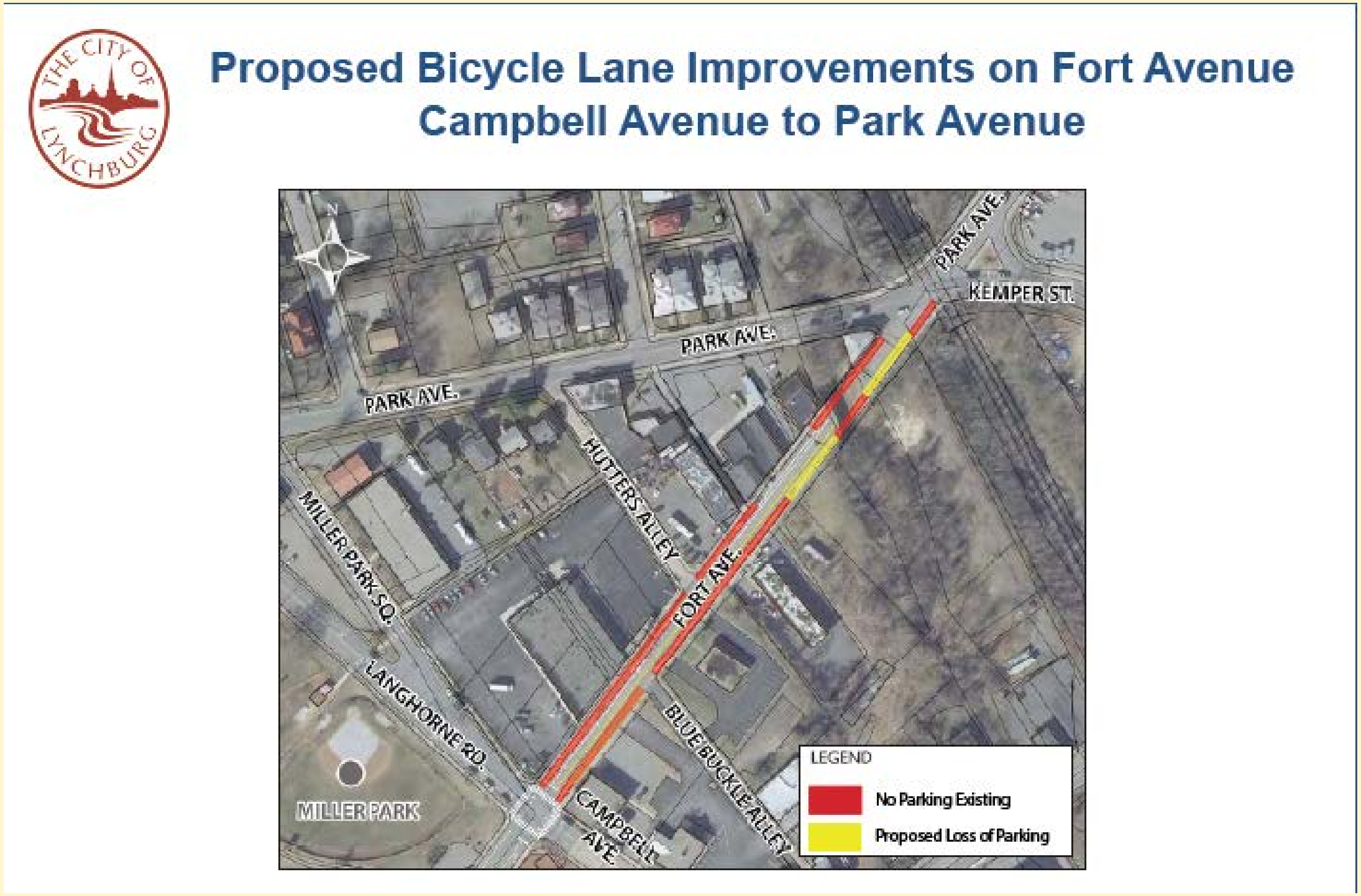
Campbell to Fort graphic



Oakley to Campbell

Proposed Bicycle Lane Improvements on Fort Avenue
Oakley Avenue to Campbell Avenue

Temporary Striping 11/7/2013

Parking survey

- Per request from PDC:
- Three staff members have observed parking on Fort Ave. from Oakley to Campbell over the past 2 months.
- Very little utilization except for roughly 5 spaces at the western end of the Cemetery utilized during football games.
- Generally no other parking utilization observed

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 26, 2013** AGENDA ITEM NO.: 6

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Establishment of the Lynchburg Regional Convention and Visitors Bureau and the Lynchburg Regional Tourism Board; Authorization to Hire Tourism Program Staff**

RECOMMENDATION: Adopt the attached resolution establishing the Lynchburg Regional Convention and Visitors Bureau (LRCVB) and the Lynchburg Regional Tourism Board. Adopt another resolution (also attached) authorizing the addition of positions related to the tourism program, including the Visitors Center.

SUMMARY: The current contract for the management and operation of the Lynchburg Visitors Center and the Lynchburg Regional Convention and Visitors Bureau (LRCVB) expires on December 31st. The City and the Lynchburg Regional Chamber of Commerce (LRCC) have not been able to agree to terms for a new contract and negotiations have ceased. A joint statement has been issued announcing that the City will take over the administration of its tourism program beginning January 1, 2014.

The LRCVB and the Lynchburg Regional Tourism Board were established or recognized through the current contract between the LRCC and the City. No other document or action has been identified that has created those two entities. With the expiration of the current contract, it is appropriate to formally establish the LRCVB and the Tourism Board by resolution of City Council. The attached resolution is offered for Council action.

The structure and responsibilities of the Tourism Board, as outlined in the resolution, are similar to past practice, with two exceptions. The resolution includes either the City Manager or the Deputy City Manager as a voting member of the Tourism Board and designates the Director of Tourism, the Director of Economic Development and the Director of Communications and Marketing as ex officio, non-voting members. Each of those City positions would serve indefinite terms.

New positions within the City organization are approved by Council either during the budget process or through a separate action. The attached resolution authorizes the creation of six (6) full-time and seven (7) part-time positions in the new Department of Tourism as of January 1, 2014. This is the current number of employees in the tourism program and Visitors Center and an informal offer of employment has been made to the incumbent individuals. After adoption of the resolution authorizing the positions, a formal written offer of employment, at the same salary, will be made.

PRIOR ACTION(S): The current contract was approved by City Council in 2008.

FISCAL IMPACT: None. Funds for the second half of FY 2015 have been budgeted and will cover staff and other tourism program costs.

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Resolution establishing the LRCVB and the Tourism Board; Resolution authorizing the hiring of tourism program staff.

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION ESTABLISHING THE LYNCHBURG REGIONAL CONVENTION AND VISITORS BUREAU AND THE LYNCHBURG REGIONAL TOURISM BOARD.

BE IT RESOLVED BY the Council of the City of Lynchburg, Virginia, that in order to assist the City in planning, organization, direction and administration of the City's tourism program, to be known as the Lynchburg Regional Convention and Visitors Bureau, there is hereby established a Lynchburg Regional Tourism Board as follows:

Article I - Establishment.

The tourism program of the City of Lynchburg shall be known as the "Lynchburg Regional Convention and Visitors Bureau" (LRCVB). The LRCVB may be managed by an existing City department or departments, may operate as a stand-alone City department, or may be outsourced to a third party subject to a management and operating agreement.

There is hereby established a Lynchburg Regional Tourism Board (Tourism Board) to assist the City in planning, organization, direction and administration of the City's tourism program.

Article II - Appointment.

The Tourism Board shall consist of nine (9) members, all of whom shall be appointed by the Lynchburg City Council. Any organization providing for the operation and management of the tourism program under a contract with the City shall have the right to submit a list of names to City Council for consideration for appointment to the board. One member of the board shall be the City Manager or Deputy City Manager. The other eight members of the board shall be appointed from the community and criteria for appointment may include, without limitation: (1) knowledge of the tourism industry and economic development interests, (2) relevant business experience, and (3) interest in and support of the tourism program. The City's Director of Tourism, Director of Economic Development and Director of Communications and Marketing shall be ex officio members of the board, without voting rights.

Article III - Term of office.

The eight (8) members appointed from the community shall initially serve terms as follows: two (2) of the members shall serve one (1) year terms, three (3) of the members shall serve two year (2) terms, and three (3) of the members shall serve three (3) year terms. After the initial appointments, all of the eight (8) members appointed from the community shall serve terms of three (3) years, and such members shall not be appointed for more than three (3) consecutive three (3) year terms. The City Manager or Deputy City Manager, Director of Tourism, Director of Economic Development, and Director of Communications and Marketing shall serve for an indefinite term.

Tourism Board members must attend a minimum of seventy-five percent (75%) of the board's meetings during a term to qualify for reappointment. If any board member is absent without cause for three consecutive meetings or is absent for four meetings in any twelve (12) month period, that member's position shall be deemed vacant.

Vacancies occurring in the membership of the board shall be filled for the unexpired term in the same manner in which original appointments are made.

The members of the Tourism Board serve at the pleasure of City Council and may be removed by Council for cause, as determined by City Council.

Members of the Tourism Board shall serve without compensation

Article IV - Responsibilities.

The Tourism Board's responsibilities shall include, but shall not be limited to the following:

(a) Using input provided by the City, the Director of Tourism or any party under contract with the City to provide for the operation and management of the tourism program, and other stakeholders, the board shall develop and adopt a long term tourism strategy and policies for the management and operation of the tourism program.

(b) Receive from the Director of Tourism or any party under contract with the City to provide for the operation and management of the tourism program, review, amend as necessary, and approve the annual tourism program plan, including goals and objectives for the upcoming year and the plan for the achievement of established performance measures.

(c) Receive from The Director of Tourism or any party under contract with the City to provide for the operation and management of the tourism program, amend as necessary, and approve the annual tourism marketing plan, including marketing goals and objectives for the upcoming year and planned advertising expenditures.

(d) Receive, review, amend as necessary, and approve the proposed annual budget prepared by The Director of Tourism or any party under contract with the City to provide for the operation and management of the tourism program based on the resources provided by City Council.

(e) Approve any commitment of tourism program funds that incurs an obligation for multiple year funding.

(f) Establish, review and periodically revise, as appropriate, benchmark standards and performance measures to help demonstrate the value of and to evaluate the performance of the tourism program.

(g) Provide broad oversight of the tourism program including an ongoing evaluation of the performance of the Director of Tourism or any party under contract with the City to provide for the operation and management of the tourism program and the City in meeting their respective responsibilities under the terms of any Management and

Operating Agreement between the City and any party under contract with the City to provide for the operation and management of the tourism program.

(h) Oversee and approve the preparation of annual tourism program reports prepared by The Director of Tourism or any party under contract with the City to provide for the operation and management of the tourism program.

(i) Serve as an advisory body to the City Council and make recommendations to the City Council concerning the tourism program.

(j) Address and attempt to resolve any disputes or complaints brought to the board by the Director of Tourism or any stakeholder regarding the financing, programming, or marketing of the tourism program. Disputes related to program legal, contractual or personnel issues may be reviewed by the board but shall be forwarded as appropriate to the City Manager and/or any party under contract with the City to provide for the operation and management of the tourism program.

Article V - Rules and Bylaws.

The Tourism Board may adopt rules and bylaws for conducting its affairs, consistent with ordinances of the City of Lynchburg and general laws of the Commonwealth, and shall meet at regular intervals, to be determined by the rules and bylaws.

Article VI - Public Records and Meetings; Conflicts of Interest.

As a public body the Tourism Board shall comply with the provisions of the Virginia Freedom of Information Act dealing with public records and meetings and with the provisions of the Virginia Conflict of Interests Act dealing with prohibited conduct, prohibited contracts, and prohibited conduct concerning personal interests in transactions.

Article VII - Quorum.

For the conduct of any meeting and the taking of any action, a quorum shall not be less than a majority of all members of the board.

This resolution shall become effective upon its adoption.

Adopted:

Certified: ______________________________
Clerk of Council

169K

RESOLUTION

Be it hereby resolved by the Lynchburg City Council that the creation of six (6) full-time and seven (7) part-time positions is authorized, effective January 1, 2014, for the purpose of staffing the Department of Tourism, including the Lynchburg Visitors Center. Funding for the positions shall come from those resources budgeted in the FY 2014 Budget for the tourism program.

Adopted:

Certified: ______________________________

Clerk of Council

170K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **November 26, 2013** AGENDA ITEM NO.: 7

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Liberty University Request for Access to Treasure Island**

RECOMMENDATION: Authorize the scheduling of a public hearing to receive input on a proposal to grant Liberty University access through Riverside Park to Treasure Island.

SUMMARY: In March of this year, Liberty University announced plans to construct athletic facilities on Treasure Island and Daniel's Island in the James River. Access to Treasure Island would be via a new bridge replacing the former bridge that was destroyed in the 1985 flood.

A road through Riverside Park to the original bridge had been constructed by the City in the 1920's. In 1931 City Council adopted a resolution allowing the YMCA and its successors-in-interest the right to use the road for "private purposes" as long as its use did not constitute a nuisance in Riverside Park. A more complete history of the access to Treasure Island is provided in the attached memorandum from the City Attorney. The memorandum from the City Attorney also explains why he does not believe that a legal grant of perpetual access exists.

In a letter dated October 1, 2013 from Chancellor Falwell to the City Manager, with copies sent to City Council members, Liberty University asked that the City grant it a perpetual access easement through Riverside Park to Treasure Island. A copy of that letter is attached. The letter also outlined Liberty's contemplated uses on the islands and asked that the matter be resolved before February of 2014 so that planning could proceed without undue delay.

Subsequent to the October 1 letter the City Manager met with Chancellor Falwell and discussed this request among other matters. The Chancellor advised that the planned use of the islands had been significantly down-scaled and repeated the request for a grant of access. As requested during that meeting a follow up letter, dated October 17, 2013, was sent to the manager and Council members outlining the revised plans. A copy of that letter is attached.

The grant of access to Treasure Island, within the limitations of the law and with appropriate conditions, is a reasonable action to allow for the use and enjoyment of the islands and the James River. Accordingly, Council is asked to authorize the scheduling of a public hearing to consider a franchise granting Liberty University access to Treasure Island through Riverside Park.

Prior to the development of a franchise there would need to be a clear understanding of Liberty's intended use of the access as well as any responsibilities of Liberty and/or the City with respect to the access. Of primary concern would be the following:

- The type and intensity of anticipated traffic
- Access construction and maintenance
- Hours of operation (Riverside Park is closed dusk to dawn)
- Impacts on park drives or other City streets

Council may have other concerns or questions to share with staff during the discussion.

PRIOR ACTION(S): As noted.

FISCAL IMPACT: None, unless the City is obligated to construct or reconstruct the requested access road and drives or streets to that road.

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

ATTACHMENT(S): Memorandum from the City Attorney to the City Manager dated November 18, 2013; Letters from Chancellor Falwell dated October 1 and October 17, 2013.

REVIEWED BY: lkp

171K

MEMORANDUM

The City Attorney's Office

To: L. Kimball Payne, City Manager

From: Walter C. Erwin, City Attorney

Subject: Access Road to Treasure Island

Date: November 18, 2013

Liberty University proposes to develop Treasure Island and Daniel's Island for use as a community garden and passive recreation activities. In order that it can access the islands, Liberty University has requested that City Council grant Liberty University the right to use the road that runs through Riverside Park as a means of access. I thought it would be helpful to provide a history of the construction and use of the Riverside Park road.

In 1910, the Lynchburg YMCA purchased a 31.3 acre island in the James River to be used for public recreational facilities. The island subsequently came to be known as the YMCA Island and eventually as Treasure Island. In 1912, the YMCA purchased a strip of land at the end of Fredonia Avenue to provide access to the island. The YMCA used the strip of land to construct a foot bridge to the island. When the island was opened to the public in the fall of 1912, it boasted a club house, boat house, swimming pool, baseball diamonds, tennis courts, a wharf, facilities for track and field, and areas for picnic and camping grounds. The original foot bridge was swept away by a flood in March of 1913, was rebuilt by the end of 1913, but was destroyed in a subsequent flood several years later and was not rebuilt.

In 1921, the YMCA advised the City it was undertaking a campaign to raise money for the construction of a vehicular bridge from the mainland to the upper end of the island and requested that the City agree to construct a road from Rivermont Avenue through Riverside Park to provide access to the bridge and the island. City Council approved the construction of the road, appropriated funds for its construction, and by 1924 the road had been constructed and put into use.

In February of 1931, the YMCA advised City Council it planned to sell the island and asked City Council to adopt a resolution allowing the YMCA and its successors-in-interest to use the road in Riverside Park for the purpose of accessing the island. On February 27, 1931, City Council adopted a resolution authorizing the YMCA and its successors-in-interest to continue to use the road to access the island as long as the use did not constitute a nuisance in Riverside Park and subject to the City's right to adopt regulations concerning the use of the road.

In 1963 Elim Incorporated purchased the island and asked the City to repave the road in Riverside Park to make the island accessible for use as an interdenominational youth camp, and City Council agreed to repave the road. The island was eventually conveyed to Liberty University and the park road was used to access the island until the vehicular bridge that was washed away in the November 1985 flood. Since that time the road in Riverside Park has not been used, since it only leads to an overhang above the James River.

The resolution City Council adopted in 1931 appeared to give the YMCA and its successors-in-interest the perpetual right to use the road in Riverside Park to access the island for their private purposes. However, in 1931, Virginia's laws provided that no right of any kind to use public property "in a manner not permitted to the general public, shall be granted for a longer period than 30 years." Because Virginia's laws only allowed the City to grant a third party the right to use public property for a period of thirty years, the permission City Council granted to the YMCA and its successors-in-interest to use the park road has expired. Since the right to use the park road that was granted by the 1931 Resolution has expired, if Liberty University wishes to use the park road as a means to access the islands, it will need to obtain permission from the City in order to do so.

There are two possible means by which Liberty University could be allowed to use the road in Riverside Park to access Treasure Island and Daniel's Island. The first would be a franchise; the second would be dedicating the park road as a public street. In 1931, the law only allowed a local government to grant a franchise for a maximum of 30 years. The law was amended in 1971 and now allows a franchise to be granted for a maximum of 40 years. The City can grant Liberty University a 40 year franchise to use the park road, but every 40 years the franchise will need to be renewed. In the alternative, the road in Riverside Park could be dedicated as a public street. Once the road is dedicated as a public street, Liberty University and the general public would have the right to use it in the same manner as any other public street.

In other situations it might be possible to convey the strip of land encompassing the park road to Liberty University. However, because the land in question is located within Riverside Park, conveying the strip of land to Liberty University does not appear to be feasible.

In the 1980s the City obtained a federal grant from the U.S. Department of the Interior, as part of the Urban Park and Recreation Recovery Program (UPARR) for improvements to Riverside Park. One of the conditions of the grant was that the land in Riverside Park had to be maintained for public recreational purposes in perpetuity, and the City could not take land out of the park without first obtaining the approval of the Secretary of the U.S. Department of the Interior.

In order to obtain the approval of the Secretary of the Interior, the City would have to satisfy the following conditions: (i) all practical alternatives to the conveyance of the park property must have been evaluated and rejected on a sound basis, (ii) the City must replace the property that is being conveyed with property that is reasonably equivalent in both usefulness and location, and it must be newly acquired property, (iii) the fair market value of the property to be conveyed and the fair market value of the proposed replacement property must be determined, and must be comparable in value, and (iv) a detailed environmental assessment must be submitted to the National Park Service demonstrating that the proposed conveyance of the property will not have a significant impact upon the park environment.

In view of the requirement that any land that is taken out of the park must be replaced with equivalent land, it does not appear it is practical to convey the park road to Liberty University.

If you need any additional information or have any questions concerning this matter, please do not hesitate to contact me.

October 1, 2013

L. Kimball Payne, III
City Manager
City of Lynchburg
900 Church Street – 3rd Floor
Lynchburg, Virginia 24504

Re: Treasure Island Access

Dear Kim:

As I am sure you are aware, Liberty University is investigating the feasibility of redeveloping/developing Treasure Island and Daniels Island. We have contemplated using the islands as health and fitness assets for the university and for the community at large. We are considering starting with a community garden project. The other uses we are considering include multi-purpose athletic fields for soccer, lacrosse, flag football, softball, and other sports. We are also considering building boat docks, vending stations and pavilions, and allowing the islands to be used for special events and other community and university sponsored recreational activities. These uses would be reminiscent of the agricultural and recreational uses that have historically been made by prior owners, including the YMCA and Thomas Road Baptist Church.

We have been operating with the understanding we would have access to Treasure Island through Riverside Park. In 1931, City Council adopted and recorded in its Ordinances and Resolutions Book a conveyance by which it granted the owners of Treasure Island and their successors a perpetual easement over an access road through the park, which road the City was required to maintain perpetually. The public remained free to use the road, as well. The grant was subject only to the City's power to relocate the road's Rivermont Avenue entry location and to a requirement that the road use not be a nuisance to the park. However, we were recently informed the City Attorney is of the opinion that the 1931 resolution was not properly adopted by Council due to technicalities, did not achieve its stated purpose, and is therefore now invalid. He claims, because he can find no evidence of advertising or other bids for the easement, that there necessarily were none, rendering the conveyance defective. He also claims that because the recorded conveyance was titled as a "Resolution" and not as an "Ordinance," it was defective as a franchise. He further claims that even if it were a franchise, it expired in 1961, because in 1931, 30 years was the longest period permitted for a franchise award. While we do not necessarily concur with Mr. Erwin's opinion, which I understand necessarily concludes that the City is powerless to grant a permanent easement to any party, we are not willing to incur the costs of additional engineering and legal fees premised on developing the access through Riverside Park with the new uncertainty created by this opinion.

We either need to reach a resolution with the City on use of the historic park access road, or we need to shift our resources to designing and constructing an entrance from the end of Fredonia Avenue. Liberty University has deeded rights at the end of Fredonia that would allow us to construct our access at that point. However, this is a narrow city street with parking on each side and we do not believe it is a good means of accessing Treasure Island. We would prefer to continue to access the islands by way of the road through Riverside Park.

Neither Liberty nor those in the Fredonia Avenue neighborhood will appreciate the City's new position on access. It is discomforting to note that the City's new position is that all of the use of the access road through Riverside Park by Thomas Road Baptist Church and Liberty University since 1961 (at least) has been without legal right. Our use for all of this time has been without a single objection from the City, since everyone understood the grant of access from City Council was in place. In fact, in 1963 the City adopted another resolution confirming the preexisting understanding of access rights. Both the City and the island owners have relied on the City's grant of an access easement for years and the City has never been prejudiced by this reliance. We are at a loss to understand the impetus for the change of position reflected in the City Attorney's recent opinion. The City has a moral obligation to make good on the City Council's promise to the YMCA and its successors 72 years ago for access to Treasure Island. The City should not seize upon the error of a prior City attorney, as is claimed by its current City attorney, to the detriment of the honorable island owners who are in this position through no fault of their own. Doing so would simply not be a fair and decent position for the City to take.

We would like City Council to consider the points raised in this letter, and to do what is necessary to grant to Liberty University a perpetual access easement through Riverside Park consistent with the historic rights of Liberty's predecessors. Given that the City Attorney's opinion has brought our efforts to a standstill, we would appreciate Council's willingness to conclude its consideration of this matter before February of next year.

Of course, we are happy to answer any questions or provide you additional information regarding this request, as well as work with the City Attorney on the language of the proposed conveyance. I look forward to hearing from you.

Best regards,

Jerry L. Falwell, Jr.
Chancellor and President

cc: Mayor Michael A. Gillette
Vice-Mayor Ceasor T. Johnson
Councilwoman Joan F. Foster
Councilman Jeff S. Helgeson
Councilman Edgar J. T. Perrow, Jr.
Councilman Hunsdon Cary, III
Councilman J. Randolph Nelson, Esq.
Walter C. Erwin, III, Esq., City Attorney

October 17, 2013

L. Kimball Payne, III
City Manager
City of Lynchburg
900 Church Street – 3rd Floor
Lynchburg, Virginia 24504

Re: Treasure Island Access

Dear Kim:

As we discussed, Liberty University is investigating the feasibility of redeveloping/developing Treasure Island and Daniels Island. We had previously contemplated using the islands as health and fitness assets for the university and for the community at large. Those plans included the development of multiplex sports fields and related facilities. Liberty has since determined that certain capital projects not directly related to Liberty's core educational mission will be suspended indefinitely. These projects include facilities that will primarily be used for travel teams and youth leagues, including the sports facilities planned for Treasure Island and Daniel's Island.

Liberty's plans for the island now include the development of a community garden and other passive recreation activities, such as hiking, camping, academic field study, crew, open water swimming, water skiing, canoeing/kayaking, and fishing. These types of uses would not generate the traffic and bus travel about which you expressed concern. We do not believe these types of uses would raise any reasonable objections. In the event Liberty develops other access to the island in the future, the intensity of use of the islands may be reconsidered.

For Liberty to engage in any more work on redeveloping/developing the islands, we have to resolve the issue of a reasonable access. As you know, we have deeded rights to construct an access at the end of Fredonia Avenue. I maintain the position that we do not believe this is a good means of accessing the islands. We prefer to use the access road through the park. It would suit our needs better, and would certainly be more desirable to those living on Fredonia Avenue. However, we need to know the city's position one way or the other. If any access through the park is going to be denied, no matter how limited our proposed use of the islands will be, we need to shift our resources to the design and construction of the alternative means of access.

Given our willingness to use the Riverside Park access to make only a more limited use of the islands, will you recommend to City Council that Liberty University be granted rights to use the road which has been the access road to the islands for more than 72 years? We would like the city to do what is necessary to ensure Liberty's perpetual right to use the access road through Riverside Park and to connect our bridge to the end of this road.

As always, we are happy to answer any questions or provide you additional information regarding this request, as well as work with the City Attorney on the language of the proposed conveyance. I look forward to hearing from you.

Best regards,

Jerry L. Falwell, Jr.
Chancellor and President

cc: Mayor Michael A. Gillette
Vice-Mayor Ceasor T. Johnson
Councilwoman Joan F. Foster
Councilman Jeff S. Helgeson
Councilman Edgar J. T. Perrow, Jr.
Councilman Hunsdon Cary, III
Councilman J. Randolph Nelson, Esq.
Walter C. Erwin, III, Esq., City Attorney