// A special meeting of the Council of the City of Lynchburg, recessed from August 12, was held on the 8th day of September, 2008, at 10:00 A.M., Florence Elston Conference Center, Sweet Briar College, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct City Council's annual retreat. The following Members were present:

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

// City Manager Kimball Payne presented draft Rules of Procedure for Council consideration. Mr. Payne explained that attached to the draft Rules of Procedure was a memorandum from the City Attorney offering his thoughts regarding the issue.

// City Council spent the morning discussing at length the draft Rules of Procedure and offering revisions to the draft document.

// City Council recessed at 12:00 Noon for lunch.

// Council Member Johnson arrived at 12:10 p.m. during lunch.

// City Council reconvened the meeting at 12:55 p.m.

// Council Members spent the remainder of the afternoon completing its review regarding the draft Rules of Procedure, offering further revisions to the document. Following discussion, City Council requested that the City Manager incorporate City Council's revisions to the draft Rules of Procedure and schedule this item for further review at a future work session.

// City Council took a short break at 4:50 p.m., reconvening at 5:00 p.m.

// Council Member Johnson left the meeting during the break.

// Following the break, Deputy City Manager Bonnie Svrcek along with Communications and Marketing Director JoAnn Martin provided an overview regarding the results of the 2008 Citizens Survey.

// Council Member Helgeson rejoined the meeting at 5:20 p.m.

// City Council recessed at 6:15 p.m. for dinner.

// Council Member Johnson rejoined the meeting at 7:25 p.m. during dinner.

// Council Member Helgeson left the meeting following dinner.

// City Council reconvened the meeting at 7:40 p.m., and the evening session focused on goals setting and was facilitated by Kathy Baske Young. Ms. Young led City Council through a process using Visual Explorer® to help them discuss and reach agreement on a future focus for the City. Ms. Young explained that Visual Explorer is a series of high-quality color images that represent diverse subjects that helps groups understand more fully the context and the perspectives of each person. Ms. Young asked that each Council Member choose an image that best represents how they want the City of Lynchburg to look and feel ten years from now, and an image that best represents the City of Lynchburg now. Following the exercise, Council Members brainstormed possible issues that may need to be addressed in order to close the gap between where the City is now and what's necessary to move the City forward.

Economic Development

- Retail development
- Dynamic Jobs
- Culture and entertainment
- Destination businesses
- Emerging technologies
- Regionalism
- Destination location
- Good paying jobs
- Marketing
- Workforce development

Infrastructure

- Roads
- Bridges
- Waterline
- Unfunded mandates
- Waterways
- Green spaces
- Sustainability
- Public transportation
- Housing
- Spot blight
- Recreation/parks
- Public parking

Public Safety

- Turnover of police officers
- Sense of community
- Prevention
- Gangs
- More urban
- Succession planning

Fiscal Accountability

- Fiscal stress
- Services offered
- Maintaining bond rating

- Unfunded state mandates
- Keep taxes low/reasonable
- Sustainability

Education

- Buildings (Heritage High School)
- Athletic fields
- Support for colleges
- Perception of quality of education
- Teacher pay

Other

- Sustainability
- Community livability
- Trust of/in community
- Public education/Community: website/newsletter

// Ms. Young explained that she would prepare tonight's information in a format to facilitate further discussion and finalization of goals by City Council on September 9.

// The meeting was recessed at 9:40 p.m. to Tuesday, September 9, at 9:00 a.m., to continue with the retreat agenda.

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Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from September 8, was held on the 9th day of September, 2008, at 9:00 A.M., Florence Elston Conference Center, Sweet Briar College, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct City Council's annual retreat. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Absent: 0

// The meeting was called to order by Mayor Foster at 9:07 a.m.

// Members of the Industrial Development Authority and staff from the City's Economic Development Office joined City Council during the morning presentations regarding economic development.

// Dan C. Messerschmidt, Professor of Economics at Lynchburg College, provided an overview regarding the following: areas of concern for the national economy, national economic indicators, state and regional economic situation, forecast for the nation, implications for Virginia and the Region, long term trends, projected growth in occupations and educational attainment.

// Bryan David, Region 2000 Director, provided an overview regarding economic development in Virginia's Region 2000.

// Economic Development Director Marjette Glass provided information regarding the City's land use, enterprise zones, downtown revitalization, workforce development, and the Buxton Study, the results of which will be shared with City Council once completed.

// City Council recessed for lunch.

// Following lunch, City Council reconvened and spent a short time reviewing the results of the goals identified at the 2007 City Council retreat.

// Facilitator Kathy Baske Young stated that following the goals setting exercise at the September 8 meeting, the following themes emerged:

<u>Lynchburg – Ten years from now</u>

The themes for the future were:

- Healthy, vibrant, diverse, sustainable, exhilarated
- Working hard together; valuing everyone's contributions
- Well into our journey; seeing progress, but not progress at any cost
- Fiscally fit and forward thinking
- Consensus agreement on the target
- Taking measured risks

<u>Lynchburg – Now</u>

The themes that emerged when thinking about where the City is now were:

- No one knows about us
- Encumbered by what's been put in place, but we can maneuver around it
- Deep roots developed over many years

- Afraid of progress/change
- Different perspectives affect how we see things
- Pieces are there but not fitting together
- Big things on the horizon, but we have a ways to go

City Council then “voted” to identify those issues that they felt needed a special focus over the next two years from issues in the five categories identified at the September 8 meeting.

Economic Development

- Retail development
- Dynamic Jobs (5)
- Culture and entertainment (1)
- Destination businesses (6)
- Emerging technologies (2)
- Regionalism
- Destination location
- Good paying jobs (1)
- Marketing
- Workforce development

Infrastructure

- Roads (6)
- Bridges
- Waterline
- Unfunded mandates
- Waterways
- Green spaces (2)
- Sustainability
- Public transportation (2)
- Housing
- Spot blight (2)
- Recreation/parks
- Public parking (4)

Public Safety

- Turnover of police officers (2)
- Sense of community
- Prevention (1)
- Gangs
- More urban
- Succession planning

<u>Fiscal Accountability</u>

- Fiscal stress (4)
- Services offered (9)
- Maintaining bond rating (5)
- Unfunded state mandates
- Keep taxes low/reasonable (8)
- Sustainability

<u>Education</u>

- Buildings (Heritage High School) (5)
- Athletic fields
- Support for colleges
- Perception of quality of education (4)
- Teacher pay (1)

<u>Other</u>

- Sustainability
- Community livability
- Trust of/in community
- Public education/Community: website/newsletter

City Council then identified goals for the next two years, recognizing that there are already ongoing efforts on many of the issues noted previously, but that the goals that were set (listed below) are specific areas that the Council felt needed a special focus in the next two years in order to ensure that Lynchburg is a vibrant, fiscally strong City ten years from now.

GOAL	BY WHEN	WHO
INFRASTRUCTURE – ROADS 1. Leesville & Greenview intersection improved		
2. Completed Transportation Master Plan		
3. Explore funding to bring all roads and bridges to an acceptable standard		
INFRASTRUCTURE - PUBLIC PARKING 1. Support Parking Manager position		
INFRASTRUCTURE – SPOT BLIGHT Identify a dedicated funding source		

1. CDBG needs to be re-organized		
INFRASTRUCTURE – WATER LINE 1. Inventory water line infrastructure and set priorities		
EDUCATION - HERITAGE HIGH SCHOOL (new or vastly improved by 2019) 1. Liberate debt capacity (finance options)		
2. Master plan		
3. Continue dialogue with School Board		
ECONOMIC DEVELOPMENT – DESTINATION BUSINESSES (retail and employers) 1. Commitment towards reviewing long-term use of land		
2. Meeting with IDA to explore opportunities		
3. Explore more creative incentives		

City Manager Kimball Payne stated that staff will set completion dates and assign responsibilities for these projects and update City Council on their status.

// City Council reviewed a list of topics for possible discussion at future work sessions. Mr. Payne stated that the CDBG/HOME Programs is scheduled for the September 23 work session, and that curbside recycling and the Dog Park Feasibility Study are scheduled for the October 28 work session. Council Members then discussed other topics and reached consensus as follows:

Big Box Ordinance – November 11 public hearing; November 25 work session
Briefing on Erosion & Sediment Control/Stormwater Program - future
Review Historic Districts Ordinance re Council Member Helgeson's concerns – pending/wait
Brief Council on Utilities Extension Policy, Water and Sewer Availability and Connection Fees and providing Service to Unsewered Areas (currently in PDC)
Brief Council on Planned Programming on the Government Channel – written report
Curbside vendors - hold
City Regulation of Taxi Cabs – wait until they initiate

Johnson Health Center, Dr. Houck & Dr. Gately (Health Department Director) – hold for now

Housing – timetable from Charlene Montford

Public Safety – recruitment, retention, turnover (September – December work session)

Public Education – joint meeting with School Board (adequate yearly progress, facilities, enrollment, leakage issue)

Sustainability

Community Dialogue on Race & Racism – December work session

SWOT

Preliminary Budget Priorities – December work session

Rules of Procedure – September 23 work session

// In the matter of Budget, Resolution #R-08-104 appropriating $485,892 to make a reimbursement payment to the Commonwealth of Virginia, laid over from the August 12 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Police – E911, Resolution #R-08-108 amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $51,947, with $41,559 reimbursement, to replace Emergency Communications Center equipment, laid over from the August 12 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Fire - General, Resolution #R-08-109 amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $81,000, with $38,500 reimbursement, to purchase two LifePak 12 monitors/defibrillators, two AutoPulse devices, and one Masimo Carboxyhemoglobin monitor, laid over from the August 12 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Fire - General, Resolution #R-08-110 amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $80,050, with $64,040 reimbursement, to purchase firefighter rehabilitation equipment, laid over from the August 12 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Airport - General, Resolution #R-08-111 amending the FY 2009 Airport Capital Projects Fund budget and appropriating $190,000, with $152,000 reimbursement, for the Hangar 7 – Ramp Rehabilitation project, laid over from the August 12 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// In the matter of Courts - General, Resolution #R-08-112 amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $80,000, with $60,000 reimbursement, for the provision of screening, assessment, supervision, treatment and intervention services for the mentally ill who come in contact with the criminal justice system, laid over from the August 12 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// In the matter of Public Works - Sewers, Resolution #R-08-113 amending the FY 2009 Sewer Capital Projects Fund budget and appropriating $1,500,000, fully reimbursable, for Combined Sewer Overflow (CSO) abatement projects, laid over from the August 12 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// In the matter of Public Works - Sewers, Resolution #R-08-114 amending the FY 2009 Sewer Capital Projects Fund budget and appropriating $287,000, fully reimbursable, for Combined Sewer Overflow (CSO) projects, and authorizing the City Manager to execute the grant documents, laid over from the August 12 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// In the matter of FY2009 Budget, Resolution #R-08-118 amending the FY 2009 Budget and appropriating funds to reflect the carry forward of FY 2008 appropriations that were unexpended as of June 30, 2008 in the General, Technology, City Capital Projects, City Federal State Aid, Fleet, Community Development Block Grant, Home Investment Partnership, Asset Forfeiture, Sewer, Water, and Solid Waste Funds, and amending the FY2008 Budget and appropriating funds in the General Fund and Comprehensive Services Act Fund, laid over from the August 12 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// The meeting was recessed at 3:42 P.M. to September 23, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from September 9, was held on the 23rd day of September, 2008, at 1:00 P.M., Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Absent:	0

// City Manager Kimball Payne informed that Vice Mayor Dodson asked that City Registrar Pat Bower be invited to today's work session to brief City Council regarding the work load related to sharply increased voter registration, in addition to having City Attorney Walter Erwin and Commissioner of the Revenue Mitch Nuckles to report on the possible personal property tax and vehicle registration implications of students registering to vote in a locality. City Registrar Pat Bower informed of new guidelines by the State Board of Elections regarding college student registrations and the impact it has had on her office due to the increase in the student voter registrations from local colleges, especially Liberty University. Ms. Bower went on to say that City Manager Payne has offered support to her office via City employee volunteers in addition to whatever else that her office needed to process the additional voter registrations. Ms. Bower also noted that the costs associated with the upcoming Presidential election will be higher than expected and that she will be seeking additional funding for those additional costs. Council Member Helgeson stated that Liberty University has also offered student volunteers to assist the Registrar's Office. Some Council Members commented that the City Registrar needed to be provided with whatever was needed, i.e., City employee volunteers and funding, to ensure that all voter registrations are processed in a timely manner to make sure that everyone that has registered will be able to vote in the upcoming election. City Attorney Erwin briefly reviewed two sections of the State Code and Commissioner of the Revenue Nuckles outlined the process followed by his Office in determining whether there is an obligation to pay personal property taxes and vehicle registration fees for college students who register to vote in Lynchburg.

// City Manager Kimball Payne provided an overview regarding the proposed Rules of Procedure as amended to reflect City Council's direction given during its recent retreat. Council Members reviewed and agreed to additional changes to pages 2, 5, 17, and 18 of the proposed Rules of Procedure. In response to questioning, Mr. Payne explained that some of the proposed changes will require amendments to certain sections of the City Code. Following discussion and on motion by Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-08-123, as amended to reflect the additional changes to pages 2, 5, 17 and 18, to adopt special Rules of Procedure for the conduct of City Council meetings:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// City Manager Kimball Payne stated that City Council has expressed its intention to fundamentally re-examine its approach to the utilization of Community Development Block Grant (CDBG) and HOME Programs entitlement funds, and that currently the City receives about $1 million in CDBG funds and $0.47 million in HOME funds annually. Mr. Payne explained that those amounts have been decreasing slightly over time, and that the practice has developed of allocating the funds to an increasing number of agencies, programs and activities and that presently, about thirty (30) activities are funded to some extent. Mr. Payne went on to say that the current practice has raised some issues that Council may want to address in its deliberations:

- The City may not be making the impact that it could on priority goals due to the dilution of funds across a broad range of activities; there may also be some duplication of effort.
- There is some concern that funds have been used for salaries and other operating expenses of subrecipient agencies leaving fewer resources for program activities.
- There is some feeling that the programs should be tightened up to include specific measurable goals that advance agreed upon priorities and that goals should be addressed through focused efforts involving as few agencies/activities as possible.
- The requirement for City monitoring of subrecipients and the extensive and complex requirements of HUD make the allocation of funds to as many as thirty different agencies/activities untenable and current CDBG/HOME administrative staff is inadequate to perform the required monitoring.
- Just as much documentation and monitoring is required for a $2,000 allocation as for a $200,000 allocation, and even $1 in federal funds triggers compliance requirements that are extensive and require considerable staff time.
- A more focused approach to specific projects may produce more tangible and measurable benefits in a timelier manner.
- How should the Community Development Advisory Committee (CDAC) be structured to address a different approach to funds utilization?
- What might be the roles of the Lynchburg Redevelopment and Housing Authority (LRHA), Lynchburg Community Action Group (LynCAG), the Lynchburg Neighborhood Development Foundation (LNDF) and other agencies in a restructured approach?

Mr. Payne also noted that to facilitate discussion, a number of documents were forwarded to City Council, i.e., the CDBG/HOME Consolidated Plan for 2005-2010, the Executive Summary of the Annual Action Plan, the current Citizen Participation Plan, and a proposed revised Citizen Participation Plan. Mr. Payne explained that each of these documents may need revision depending on Council's decisions regarding the future utilization of CDBG and HOME funds. Mr. Payne went on to say that if substantive changes are proposed for the CDBG and HOME programs, the proper procedures for changing the documents will have to be followed and that in some cases this may require public hearings and involve certain scheduling and notice requirements. Mr. Payne also noted that any discussion of substantive program changes should include the various stakeholder groups (Council, agencies, citizens, and staff), and that it may also be appropriate to develop a timetable with milestones for the reinvention of the programs, including such things as the adoption of revised goals and plans. Director of Community Development Charlene Montford presented a power point presentation that included background information regarding the CDBG and HOME Programs, and items for discussion and consideration by City Council:

1. Targeted neighborhood revitalization and development;
2. Reduction in the number of subrecipients, particularly in the Public Service categories;
3. Prioritizing funding objectives;
4. Development and revision of policies and procedures;
5. Revised Citizen Participation Plan;
6. Utilization of existing Community Development staff to assist with HUD mandated requirements and regulations;
7. Building the capacity of local non-profits; and
8. Temporary assistance from consultants while we build internal capacity.

Following the presentation, Council Members discussed some possible options regarding the CDBG and HOME Programs process, i.e., continue to set aside the funds for the Section 108 loan guarantee, that City projects take first priority, increase the support for the Housing Authority, reduce or eliminate the 15% CHDO allocation, require the CHDO allocation be used for capital projects only, or partner with appropriate groups in the community regarding the 15% CHDO allocation. Some Council Members questioned the timeline regarding any changes to the current process, stating that they would like for the local non profit groups who have received CDBG funds in the past be given ample notice regarding any changes. Ms. Montford stated that the first step in the process would be to update the Citizen Participation Plan, which would require a public hearing to seek citizen comments regarding any proposed changes to the Plan. Council Members agreed that major changes were needed to the current CDBG and HOME Programs process especially in light of the recent U. S. Department of Housing and Urban Development (HUD) monitoring report. Following discussion, and on motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote agreed to schedule the public hearing regarding the Citizen Participation Plan for October 28, at 5:00 p.m.:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// During roll call, and in response to Council Member Perrow's question, City Manager Kimball Payne stated that Communications and Marketing is preparing an update regarding the City's government channel, which will include information on what it would take to include "closed caption" on that channel. Mayor Foster mentioned that the City was presented with the Lynchburg flag that Leland Melvin took with him when he flew in the space shuttle.

// The meeting was adjourned at 4:46 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of September, 2008, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Vice Mayor Dodson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Absent: 0

// City Council recognized the Lynchburg Rotary Club Open World Delegation of Russian educators who are visiting area schools and colleges.

// Copies of the minutes of the August 12 (two meetings), 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Garrett, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Community Planning - Zoning, City Council Report #2 regarding a request to approve a third and final extension of the Conditional Use Permit (CUP) to Bountiful Blessings Church to allow the construction of a new sanctuary with associated parking was considered. City Planner Tom Martin provided a brief summary regarding the request, explaining that the City Manager has approved two, six-month extensions of the CUP with the petitioner's understanding that the future sanctuary addition may need to shift away from Langhorne Road to allow for a possible right-of-way acquisition in support of the Midtown revitalization efforts. In response to Council questioning, City Attorney Walter Erwin stated that the petitioner did meet the deadline as outlined in the City Code for submitting the request to the City for a 12 month extension. City Council also discussed what would be the beginning date of the third and final extension of the CUP. Council Member Gillette made a motion, seconded by Council Member Johnson, to grant the third and final extension of the CUP and that the beginning date of the third and final extension of the CUP would be the date of the adoption of the Resolution approving the extension, and Council by the following recorded vote adopted Resolution #R-08-124, as presented, granting a third and final extension of the Conditional Use Permit (CUP) to Bountiful Blessings Church to allow the construction of a new sanctuary with associated parking:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Community Planning - Zoning, City Council Report #3 regarding a request to place the Conditional Use Permit (CUP) for a Planned Unit Development, Grand Oaks at Boonsboro, 2016, 2020 and 2028 Mimosa Drive, on a future City Council agenda for action was considered. City Planner Tom Martin provided a brief summary regarding the request, explaining that the petitioner, Systematic Concepts, LLC, has submitted a revised site plan proposing the construction of eight single-family detached homes and eighteen single-family attached homes. Mr. Martin also noted that the revised plan provides for a reduced environmental impact by eliminating one road and homes that were proposed on the steepest part of the site. Several Council Members commented that a new public hearing was needed to give the citizens an opportunity to comment regarding the proposed revisions to the site plan. Council Members discussed possible dates for the public hearing and agreed on November 11. Council Member Johnson informed that he would not be at the November 11 meeting due to his attendance at the National League of Cities meeting, but stated that he would like to be present when the vote is taken on this petition. Vice Mayor Dodson stated that City Council did not have to take action on the petition the same night as the public hearing. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote requested staff to schedule a new public hearing for the November 11 Council meeting regarding the petition of Systematic Concepts, LLC, for a Conditional Use Permit (CUP) for a Planned Unit Development, Grand Oaks at Boonsboro, 2016, 2020 and 2028 Mimosa Drive:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Recreation - General, City Council Report #4 regarding a request to support Lynchburg Grows applying for a grant from the Virginia Land Conservation Foundation for the acquisition and permanent conservation of an urban farm was considered. Parks and Recreation Director Kay Frazier provided a brief summary regarding the request, explaining that Lynchburg Grows is requesting the funding to retire the remaining debt for their purchase of the H.R. Schenkel property and that the application requires placing a conservation easement on the property which will be held by the City. Ms. Frazier explained that a conservation easement ensures that the property will remain as open space for park or farm in perpetuity. Ms. Frazier went on to say that the Department of Parks and Recreation works in partnership with Lynchburg Grows to provide environmental and recreation programs and has a mutual interest in development of the urban farm, remediation of the Allen Morrison property and development of City Stadium Park and that conserving the Lynchburg Grows' property as open space is beneficial to the neighborhood and supports efforts to plan for future improvements to City Stadium and development of the Allen Morrison property into a City park. Lynchburg Grows Executive Director Michael Van Ness along with its President Dereck Cunningham provided information and asked for approval of the request. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-08-125, as presented, to support Lynchburg Grows applying for a grant from the Virginia Land Conservation Foundation for the acquisition and permanent conservation of an urban farm, and agreeing that the City will serve as holder of a conservation easement on the urban farm to preclude any incompatible development in perpetuity:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Community Planning - General, City Council Report #5 regarding a request to support a Highway-Rail Grade Crossing Safety Grant for the rail crossing on Forest Brook Road was considered. City Traffic Engineer Gerry Harter provided a brief summary regarding the request. Council Member Helgeson, Chair of the Finance Committee, stated that the request was considered by the Finance Committee and made a motion to approve the request. The motion did not require a second, and Council by the following recorded vote adopted Resolution #R-08-126, as presented, to support a Highway-Rail Grade Crossing Safety Grant request for Rail Crossing Number 468343C N209.2 at Forest Brook Road:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// The meeting was adjourned at 5:39 P.M.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, called by City Manager Kimball Payne, was held on the 7th day of October, 2008, at 8:30 a.m., Bank of the James Building, 828 Main Street, Joan F. Foster, President, presiding. The purpose of the meeting was to hear a presentation from Chip Rodgers with the Buxton Group. The following Members were present:

Present: Dodson, Garrett, Johnson, Perrow, Foster	5
Absent: Gillette, Helgeson	2

// Council Member Helgeson joined the meeting at 8:55 a.m.

// Members of the Industrial Development Authority and Planning Commission, along with City staff, also attended the presentation.

// Economic Development Director Marjette Glass introduced Mr. Chip Rodgers, Senior Vice President with the Buxton Group, explaining that the Buxton Group was selected to assist the City in developing tools necessary for a successful Retail Recruitment Strategy. Mr. Rodgers provided a brief history regarding the Buxton Group, explaining that Buxton has assisted over 1,700 retailers and 400 municipalities on one purpose – retail expansion, and that Buxton's clients have successfully recruited more than 20 million square feet of development/re-development using the proven Community/ID process. Mr. Rodgers stated that Community/ID is a target marketing program that matches the specific retail and restaurant concepts to the buying habits and lifestyles of the consumers living in a specific trade area, and that it is the only program of its kind that can factually identify exactly which concepts should be in a community. Mr. Rodgers went on to say that four sites were submitted to Buxton for preliminary analysis: Site 1: 9th and Church (downtown); Site 2: Lakeside & Oakley (midtown); Site 3: 501 & 460 (River Ridge Mall); and Site 4: 501 & 221 (Lakeside Centre site), with Site 4 being selected for complete analysis and retail matching. Mr. Rodgers then spoke about defining a trade area, defining a secondary trade area, identifying and profiling customers, segmentation, lifestyles, identifying and profiling customers within a trade area, understanding retail potential, and matching customers to retailers. Following the presentation, Mr. Rodgers explained that the next step would be for Lynchburg to pick 15 retailers and/or restaurants that they want to pursue and then Buxton would prepare custom marketing/recruiting packages for those 15 selected retailers and/or restaurants. Mr. Rodgers then responded to questions regarding the findings of the report. Council Member Perrow questioned if City Council might want to postpone discussion regarding the big box ordinance until the City's new economic development priorities were established. City Planner Tom Martin expressed concern regarding any possibility that the City might lower its development standards. Economic Development Director Marjette Glass stated that the next step will be for her staff along with the Industrial Development Authority to refine the current list of eligible retailers down to a final 15 and that those retailers will then be courted with the help of the Buxton Group.

// The meeting was adjourned at 10:05 a.m.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 14, 2008** AGENDA ITEM NO.: **5**

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Gates Foundation's Opportunity Online Hardware Grant to Qualifying Virginia Public Libraries**

RECOMMENDATION:
Adopt a resolution to amend the FY 2009 City/Federal/State Aid Fund budget and appropriate $7,800 with resources from the Gates Foundation to purchase three new personal computers and one new Early Learning Station for the Downtown Branch Library.

SUMMARY:
The Bill and Melinda Gates Foundation initiated the Opportunity Online Hardware Grant to support the replacement or addition of public access personal computers (PCs) in public libraries. The Library of Virginia is working with Gates Foundation to determine public library eligibility for the Grant based on, first, the level of poverty in the service area, and second, the age of hardware and number of updated workstations per number of people living in poverty. Based on the criteria, the Downtown Branch Library will receive grant funding over a two year period, totaling $13,000 to replace and/or add seven public use PCs and an early Learning Station. The library will replace four existing computers and add three new ones.

FY 2009: The Downtown Branch Library will receive $7,800 through the Opportunity Online Hardware Grant to purchase three additional personal computers (increasing the number of available PCs from 4 to 7) and one youth Early Learning Station. A local match of $2,600 is required but will be absorbed in the current budget; no new funds are being requested.

FY 2010: The Downtown Branch Library will receive $5,200 through the Opportunity Online Hardware Grant to replace four existing personal computers. A local match of $5,200 is required. Funding for the Grant will be included in the FY 2010 budget request; no new matching funds will be requested.

PRIOR ACTION(S):
Finance Committee, September 23, 2008, recommended approval.

FISCAL IMPACT:
None, the required local match will be absorbed into the current budget.

CONTACT(S):
Lynn L. Dodge, Director of Libraries and Museums, 455-6301

ATTACHMENT(S):
Resolution

REVIEWED BY: lkp

RESOLUTION:
BE IT RESOLVED That the FY 2009 City/Federal/State Aid Fund budget is amended and $7,800 is appropriated with resources from the Gates Foundation to purchase three new personal computers and one new Early Learning Station for the Downtown Branch Library.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

115L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 14, 2008**		AGENDA ITEM NO.: **6**
CONSENT: **X**	REGULAR:	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **FY 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) Program**

RECOMMENDATION:
Adopt a resolution amending the FY 2009 City/Federal/State Aid Fund budget and appropriate $15,919 with resources from the FY 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to purchase nineteen X-26 Tasers and cartridges.

SUMMARY:
Originally, the Police Department applied for grant funding to improve and enhance the Police Officer Recruitment Program; this application was brought before City Council in July 2008. Upon review of the application, the Department of Justice (DOJ) advised the Police Department that the recruitment program did not fit the programmatic stipulations for funding. The DOJ recommended the proposal be modified to include a qualifying initiative. After further research, it was determined that purchasing law enforcement equipment would meet the needs of the Police Department as well as the grant criteria.

On August 25, 2008, the Department was notified of the grant award; the funds will be used to purchase nineteen X-26 Tasers ($805 each) and cartridges ($624).

No matching funds are required for this grant.

PRIOR ACTION(S):
Finance Committee, July 8, 2008
Finance Committee, August 12, 2008
Finance Committee, September 23, 2008, recommended approval.

FISCAL IMPACT:
None, no matching funds are required for this grant.

CONTACT(S):
Major Parks H. Snead, Acting Chief of Police, 455-6045
Captain H. Wayne Duff, Jr., 455-6052

ATTACHMENT(S):
Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED THAT the FY 2009 City/Federal/State Aid Fund budget is amended and $15,919 is appropriated with resources from the FY 2008 Edward Byrne Memorial Justice Assistance Grant (JAG) Program to purchase nineteen X-26 Tasers and cartridges.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

116L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 14, 2008** AGENDA ITEM NO.: 7

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

ACTION: **X** INFORMATION:

ITEM TITLE: **CONDITIONAL USE PERMIT (CUP) – West Lynchburg Baptist Church Playground and Pavilion, 101,103, 105 and 107 Langhorne Lane**

RECOMMENDATION: Approval of the requested CUP petition.

SUMMARY: West Lynchburg Baptist Church is petitioning for a CUP to allow the construction of a playground and a one thousand, five hundred (1,500) square foot pavilion in an R-3, Medium Density, Two-Family Residential District at 101,103, 105 and 107 Langhorne Lane. The Planning Commission recommended approval of the CUP petition because:

- The Lynchburg *Comprehensive Plan* recommends a Medium Density Residential use for this area; these areas may also include public and institutional uses compatible in scale with single family residential homes. In addition to the proposed setbacks, the church would provide for a vegetative buffer between the playground and the closest residences to ensure its compatibility with the neighborhood.
- Petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-3, Medium Density Two-Family Residential District with approval of a CUP by the City Council.
- The petitioner has provided for a crosswalk and sidewalk ramps at the intersection of Eldon Street and Langhorne Lane for pedestrian access.
- Church staff will escort children to and from the playground and the facilities will be supervised by staff during their use. When not in use by the church, the fence around the playground will be locked and "No Trespassing" signs clearly posted on the property.

PRIOR ACTION(S):

September 10, 2008: Planning Division recommended approval of the CUP petition.
Planning Commission recommended approval (6-0, with 1 absent, Swienton) of the CUP with the following conditions:

1. The property shall be developed in substantial compliance with the concept plan dated July 16, 2008, and received by the Department of Community Development on September 2, 2008.
2. The fencing, playground equipment and lighting will be similar to the photo renderings received by the Department of Community Development on July 31, 2008.
3. All lighting will be glare shielded and directed to prevent direct illumination across the property line.
4. The project shall provide for a pedestrian crossing at the intersection of Eldon Street and Langhorne Lane, as designated on the approved concept plan.
5. The playground will only be used under the direct supervision of church staff. The facilities will be locked at all other times.

FISCAL IMPACT: N/A

CONTACTS: Charlene Montford/ 455-3902;Tom Martin/ 455-3909

ATTACHMENT(S):
Resolution
PC Report
PC Minutes
Vicinity Zoning Pattern
Vicinity Proposed Land Use
Watershed Location Map
Concept Plan
Photo Renderings
Speaker Sign-Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A PLAYGROUND AND A ONE THOUSAND, FIVE HUNDRED (1,500) SQUARE FOOT PAVILLIOIN IN AN R-3, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT LOCATED AT 101, 103, 105 AND 107 LANGHORNE LANE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of West Lynchburg Baptist Church for a Conditional Use Permit at 101, 103, 105 and 107 Langhorne Lane to allow the construction of a playground and a one thousand, five hundred (1,500) square foot pavilion be, and the same is hereby, approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan dated July 16, 2008, and received by the Department of Community Development on September 2, 2008.

2. The fencing, playground equipment and lighting will be similar to the photo renderings received by the Department of Community Development on July 31, 2008.

3. All lighting will be glare shielded and directed to prevent direct illumination across the property line.

4. The project shall provide for a pedestrian crossing at the intersection of Eldon Street and Langhorne Lane, as designated on the approved concept plan.

5. The playground will only be used under the direct supervision of church staff. The facilities will be locked at all other times.

Adopted:

Certified: ______________________________
Clerk of Council

114L

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: September 10, 2008
Re: **CONDITIONAL USE PERMIT (CUP): West Lynchburg Baptist Church Playground and Pavilion at 101,103, 105 and 107 Langhorne Lane**

I. PETITIONER

West Lynchburg Baptist Church, 3031 Memorial Avenue, Lynchburg, VA 24501
Representative: Tom Woodford, 100 Pleasant View Drive, Goode, VA 24556

II. LOCATION

The subject property includes four (4) tracts totaling fifty-seven hundredths (.57) of an acre at 101, 103, 105 and 107 Langhorne Lane.
Property Owner: West Lynchburg Baptist Church, 3031 Memorial Avenue, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow the construction of a playground and a one thousand, five hundred (1,500) square foot pavilion for West Lynchburg Baptist Church.

IV. SUMMARY

- The *Comprehensive Plan* recommends a Medium Density Residential use in this area. Adjacent land uses designated by the *Future Land Use Map* (*FLUM*) also include a combination of Community Commercial, Institution and Low Density Residential uses.
- Petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-3, Medium Density Two-Family Residential District with approval of a conditional use permit (CUP) by the City Council.

<u>The Planning Division recommends approval of the conditional use permit petition.</u>

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Medium Density Residential use for this area. Medium Density Residential areas are characterized by small-lot single family detached housing, duplexes and townhouses at densities of up to twelve (12) units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. **[page 5.6]**

   The *Future Land Use Map* also provides for Community Commercial, Institutional and Low Density Residential uses in the surrounding area. In addition to the setbacks provided for the proposed recreational area, the church would provide for a vegetative buffer between the playground and the closest residences to ensure its compatibility with the neighborhood and the standards set forth for medium density residential areas established within the *Comprehensive Plan*.

2. **Zoning.** The existing R-3, Medium Density Two-Family Residential District was established in 1978 with the adoption of the current *Zoning Ordinance*.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.

4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

   - On July 11, 2000, City Council approved New Vistas School's petition for a CUP to allow the expansion of the school into an adjacent existing structure at 610 Eldon Street.
   - On February 10, 1998, City Council approved Allied Sandwich Shoppe's petition for a CUP to operate a game room at 3102 Memorial Avenue. City Council revoked the petition by resolution on August 11, 1998.
   - On March 10, 1992, City Council approved Tarkington Realty Company, Inc.'s petition to rezone one and four tenths (1.4) acres at 2600 Memorial Avenue from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend an existing proffer regarding building and parking setbacks and a petition for a CUP to allow the expansion of an existing vocational school and parking lot.
   - On January 28, 1992, City Council approved Lynchburg College's petition for a CUP to allow the operation of a child care facility in an existing structure at 520 Eldon Street.
   - On June 11, 1991, City Council approved First Assembly of God Church's petition for a CUP to allow the construction of a parking lot at 3135 Fort Avenue.
   - On September 11, 1990, City Council approved Tarkington Realty Company, Inc.'s petition to rezone one and one tenth (1.1) acres at 2600 Memorial Avenue from B-1, Limited Business District and three tenths (0.3) of an acre at 407 Euclid Avenue from R-3, Medium Density Two-Family Residential District to B-3C, Community Business District (Conditional) to allow the operation of a vocational school and expansion of a parking lot.
   - On December 12, 1989, City Council approved Howard Sodikoff's petition to rezone one tenth (0.1) of an acre in the 400 Block of Eldon Street from R-3, Medium Density Two-Family Residential District and two tenths (0.2) of an acre at 477 Oakley Avenue from B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of an existing building for an automobile dealership.
   - On November 14, 1989, City Council approved Shekijah Preparation Assembly's petition for a CUP to operate a child care center for up to twenty (20) children at 725 Mansfield Avenue.
   - On September 13, 1988, City Council approved Howard Sodikoff's petition to rezone three hundredths (0.03) of an acre in the 400 Block of Eldon Street from R-3, Medium Density Two-Family Residential District and one tenth (0.1) of an acre at 463 Oakley Avenue from B-3, Community Business District to B-5C, General Business District (Conditional) to allow the construction of a parking lot for an existing automobile dealership.
   - On August 13, 1985, City Council approved Howard Sodikoff's petition to rezone seven tenths (0.7) of an acre at 401 and 451 Oakley Avenue from B-3, Community Business District and B-5, General Business District to B-5C, General Business District (Conditional) to allow the operation of an automobile dealership.
   - On July 12, 1983, City Council approved West Lynchburg Baptist Church's petition for a CUP to allow the construction of a parking lot at 700, 702 and 724 Shenandoah Street.

5. **Site Description.** The subject property is bound to the north by single-family homes and New Vistas School, to the south by single-family homes, to the east by West Lynchburg Baptist Church and commercial properties and to the west by single-family homes.

6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a playground and the future construction of a picnic pavilion. Landscaping for the recreational area will comply with the requirements of the City's *Zoning Ordinance*; these include street tree and vegetative buffer plantings. Although City water and sewer are available to the site, no utility connections are proposed

for this project. Church staff will escort children to and from the playground and the facilities will be supervised by staff during their use. When not in use by the church, the fence around the playground will be locked and "No Trespassing" signs clearly posted on the property.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer recommended that provisions to allow pedestrians to safely cross Eldon Street be incorporated into the concept plan. He also noted that the City would provide "Pedestrian Crossing" signs at the crosswalk and change the existing "Yield" sign at the intersection of Eldon Street and Langhorne Lane to a "Stop" sign to help slow vehicle traffic around the proposed crosswalk. The petitioner has provided for a crosswalk and sidewalk ramps on the revised concept plan and noted the installation of the additional signage, as recommended by the City's Transportation Engineer.

   Parking requirements for the church are set at one (1) space for every three (3) seats by the *Zoning Ordinance*. West Lynchburg Baptist Church has seating for five hundred and eighty-eight (588) persons and requires one hundred and ninety-six (196) parking spaces; two hundred and nine (209) spaces are provided within existing church parking lots, thus meeting the requirement of City Code. Since the proposed recreation area will be for the private use of the church members and will not result in an increase to the building footprint, no additional parking is required.

   Public transit is currently accessible in this area. Greater Lynchburg Transit Company Route 6 is available directly in front of the site on Eldon Street.

8. **Storm Water Management.** The proposed one thousand, five hundred (1,500) square foot pavilion will result in a slight increase in stormwater runoff. The City's *Stormwater Management Ordinance* provides that projects with new impervious cover between one thousand (1,000) and five thousand (5,000) square feet may mitigate stormwater run off with landscaping, as long as run off from the site is discharged into an adequate receiving channel. The church does not propose to do any grading for the installation of the playground equipment or the pavilion; as such drainage patterns for the site will not be altered from their present condition. All stormwater drainage will be mitigated through a trench drain application and landscaping; these management practices will provide for infiltration in lieu of surface water run off to the alleyway at the rear of the property. The proposed management strategy is acceptable to the City's Environmental Planner.

9. **Emergency Services.** The City's Fire Marshal had no comments regarding the conditional use permit for the recreation area.

   The City Police Department and Planning staff both recommended that the petitioner add designated pedestrian walkways/crossings from the sanctuary to the playground area for the safety of the church patrons. The petitioner has provided for a crosswalk and sidewalk ramps at the intersection of Eldon Street and Langhorne Lane for pedestrian access. The Police Department also commented that the playground should be well lit and fenced for the protection of the church members, as well as to prevent unauthorized use of the facility. The concept plan provides for the installation of security lighting that will be glare shielded to prevent spillover lighting onto adjacent properties. The plan also designates a fence around the playground area.

10. **Impact.** The proposed recreation area will have limited impact on the surrounding area. Traffic, stormwater management and public safety concerns have all been addressed to the satisfaction of City staff, and the result is a project that would fit into the fabric of the existing neighborhood.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on August 19, 2008. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of West Lynchburg Baptist Church's

petition for a conditional use permit (CUP) at 101, 103, 105 and 107 Langhorne Lane subject to the following conditions:

6. **The property shall be developed in substantial compliance with the concept plan dated July 16, 2008, and received by the Department of Community Development on September 2, 2008.**
7. **The fencing, playground equipment and lighting will be similar to the photo renderings received by the Department of Community Development on July 31, 2008.**
8. **All lighting will be glare shielded and directed to prevent direct illumination across the property line.**
9. **The project shall provide for a pedestrian crossing at the intersection of Eldon Street and Langhorne Lane, as designated on the approved concept plan.**
10. **The playground will only be used under the direct supervision of church staff. The facilities will be locked at all other times.**

This matter is respectfully offered for your consideration.

William T. Martin

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Tom Woodford, Representative

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
2. **Vicinity Proposed Land Use**
3. **Watershed Location Map**
4. **Concept Plan**
5. **Photo Renderings**

MINUTES FROM THE SEPTEMBER 10, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of West Lynchburg Baptist Church for a conditional use permit to allow the construction of a playground and pavilion in an R-3, Medium Density, Two-Family Residential District at 101,103, 105 and 107 Langhorne Lane.

Mr. Martin addressed the commissioners with the following comments. This petition is for the construction of a playground area and a pavilion that will be used for activities associated with the church in an area directly across from it on Eldon Street. The main concern that planning staff had with this project was that the playground area was across the street. That was addressed through a recommended condition that the children would be supervised at all times when using the playground and when the children are traveling back and forth to it. The church will also be installing a designated pedestrian crosswalk and the City will be changing a yield sign to a stop sign on Langhorne Road and also installing some other pedestrian signs. The site will be adequately buffered with a fence and will have lighting. The Planning Division recommends approval of the petition with the recommended conditions in the report.

Mr. Tom Woodford came forward to speak as the representative for the petition. He stated that he lives in Goode but is a member of the church. A few years ago, Jason Sherman, a member of the church, was serving in Iraq and was killed in action. His parents decided to memorialize him in the form of this playground because he was active with the children of the church. His parents and the church feel that it will be a good outreach tool and something by which to always remember him. The parents gave the proceeds of his life insurance policy to the church for this purpose. For a long time, the church could not decide what would be a good place for a playground. However, the church had bought these properties and was never sure what they would do with them. It occurred to them to use this land for the playground just recently rather than putting a parking lot on it, as the church had also considered. The church has talked to the neighbors and has encouraged them to join them when the church is using the playground. Due to insurance, liability and vandalism issues, it will be locked when not in use by the church. There will be “No Trespassing” signs posted as well. They hate to take this approach, but it has been strongly recommended to them to do so by the police department. They have given the police department the authority to arrest trespassers as well.

Mr. Woodford explained that the playground equipment will be similar to the park down the street. They are asking for the pavilion to be approved as well, but they do not know when they will build it. It will be similar to what they have at Forest Baptist Church or Forest Presbyterian, a covered area with some picnic tables. The church only anticipates the playground being used on Sundays for a few hours in the morning and evening and Wednesday nights for a few hours, during vacation bible school and other special events, which are not too often.

Chair Hamilton asked for anyone else to speak in favor or in opposition to the petition and no one came forward. Two people stood in support of the petition when asked to do so by Chair Hamilton.

Commissioner Worthington asked for clarification about how the children will be taken safely to and from the playground. Mr. Woodford explained that the rationale for placing the crosswalk where it is on the plan is due to the fact that if you come directly across from Langhorne, he did not think that the sight lines were very good looking down toward Memorial or back in the other direction. Putting it at a little bit more of a diagonal, you have great sight lines all the way down Langhorne and good sight lines in both other directions. He was more concerned about people on Langhorne not stopping. If they will be standing where they can be seen by cars coming down Langhorne, he thinks that it makes it a lot safer. It was also suggested to them by Gerry Harter that they take a crossing sign with them and use it when crossing the street. Mr. Woodford said there will probably be less than ten people crossing at normal times. The only time there might be more people crossing is if they do have picnics. When they have picnics, they will probably use the church van to get older members over to the area.

Mr. Woodford also explained about the type of lighting they will be using on the playground. It will be a shoebox style lighting right in the middle of the playground area. There will not be any light going past the property line and very little light even getting past the fenced in area. Commissioner Hannon asked if the lighting is primarily for security purposes or will the playground be used at nights. Mr. Woodford said mainly for security purposes, but it will also help when the playground is being used in the evenings and it starts getting dark earlier. Mr. Woodford and Cindy Kozerow of the police department were discussing whether it should be kept on all night or put it on a timer. It was decided that it was probably best to keep it on all night to help police identify if there are any trespassers.

Commissioner Worthington asked how high the fence would be. Mr. Woodford commented that their initial thought was four feet but after consideration, it was decided to go with a metal picket fence that is five feet high. Someone could easily get over a four foot fence but a five foot fence would still look nice but make it a little more difficult for someone to get over it.

Commissioner Sale asked for clarification about the changing of the yield sign at Eldon and Langhorne to a stop sign. Mr. Woodford commented that was at the recommendation of Ms. Kozerow and Mr. Harter did not seem to have an issue with it whatsoever. Commissioner Sale commented that in terms of elevation—the back access at least off the alley—there is a lot more sight as you look down Eldon from the front of the church; there is a straight line. Commissioner Sale was wondering where the access from the church would be for the kids and for other church members where there are picnics. He is concerned more with picnics because more people will be crossing the street. Mr. Woodford explained that all the classrooms are back on the end of the education building away from Memorial. There is a doorway on the parking lot side of the education building opening up into the parking lot. The best and shortest route to take is out that doorway and you would come out right at the crosswalk. That is what they are going to direct the teachers and everyone else to do to get over to the playground.

Commissioner Sale asked if there is only one entrance to the playground. Mr. Woodford said that recently it was decided that there will be a gate at the end of the property up against the neighbor where the pavilion will be. That will not be the primary entrance, but the thinking there is that there might be the need to bring in people in wheelchairs or bring the van to that spot and let people in there as well. They want to make the entire playground and its equipment handicap accessible. Chair Hamilton asked if there were any plans for a preschool or anything that might increase the use of the playground. Mr. Woodford said that had been discussed at one time but it has been decided that it is not feasible.

Commissioner Worthington made the following motion, which was seconded by Commissioner Hannon, and passed by the following vote:

"That the Planning Commission recommends to City Council approval of West Lynchburg Baptist Church's petition for a conditional use permit (CUP) at 101, 103, 105 and 107 Langhorne Lane subject to the following conditions:

1. **The property shall be developed in substantial compliance with the concept plan dated July 16, 2008, and received by the Department of Community Development on September 2, 2008.**
2. **The fencing, playground equipment and lighting will be similar to the photo renderings received by the Department of Community Development on July 31, 2008.**
3. **All lighting will be glare shielded and directed to prevent direct illumination across the property line.**
4. **The project shall provide for a pedestrian crossing at the intersection of Eldon Street and Langhorne Lane, as designated on the approved concept plan.**
5. **The playground will only be used under the direct supervision of church staff. The facilities will be locked at all other times.**

AYES:	Barnes, Hamilton, Hannon, Oglesby, Sale and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Swienton	1

Commissioner Sale asked if the playground was going to be named for Jason and Mr. Woodford commented that it will be called JJ's playground. WSET has worked with the family and wants to do a story when it is opened. An Army general involved with Jason is also going to give a plaque in his memory.

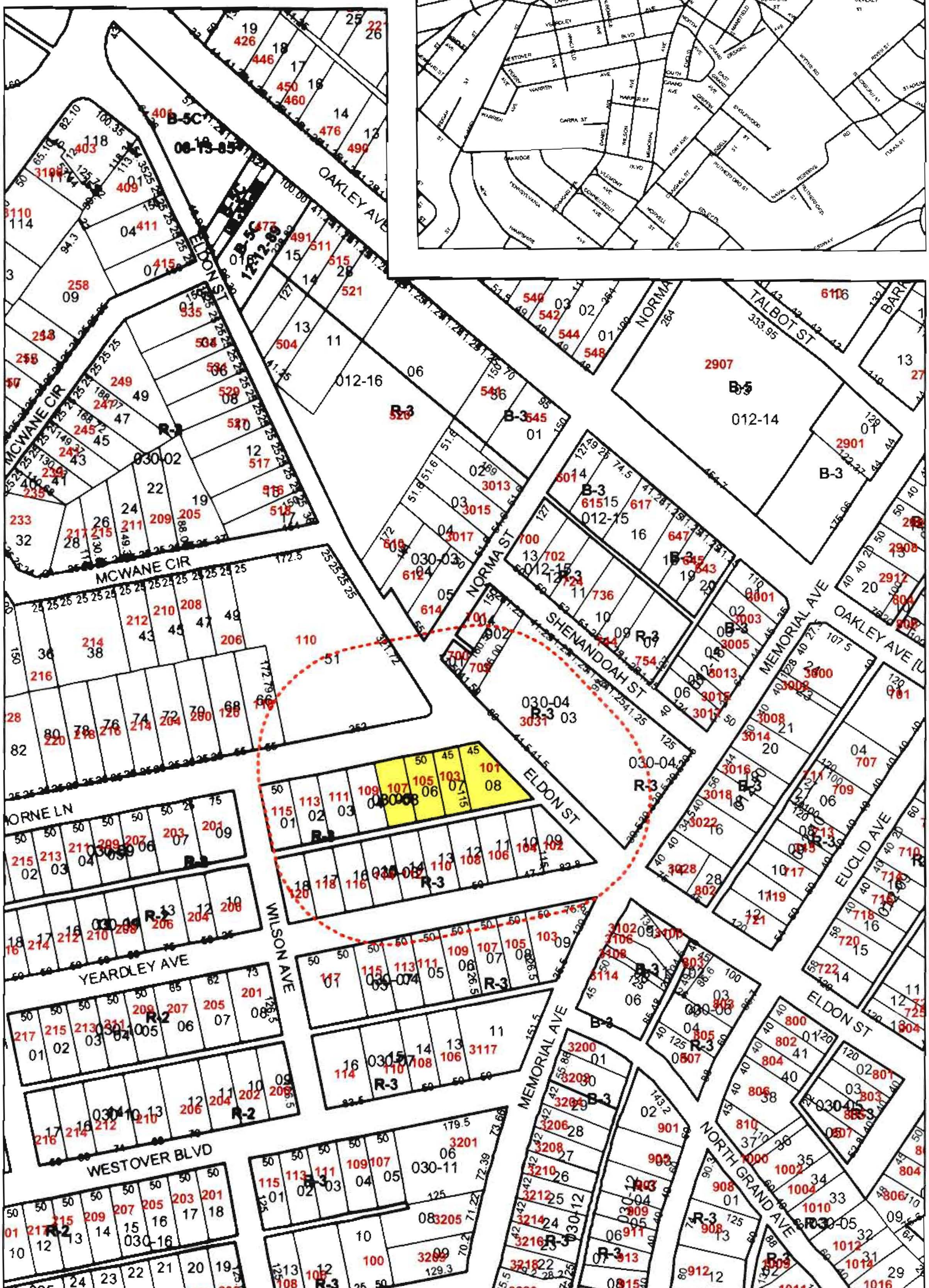
WEST LYNCHBURG BAPTIST CHURCH
101, 103, 105, 107 Langhorne Lane
Map # 030-08-005/008
Conditional Use Permit Request
Petitioner: West Lynchburg Baptist Church

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

N

Subject Property

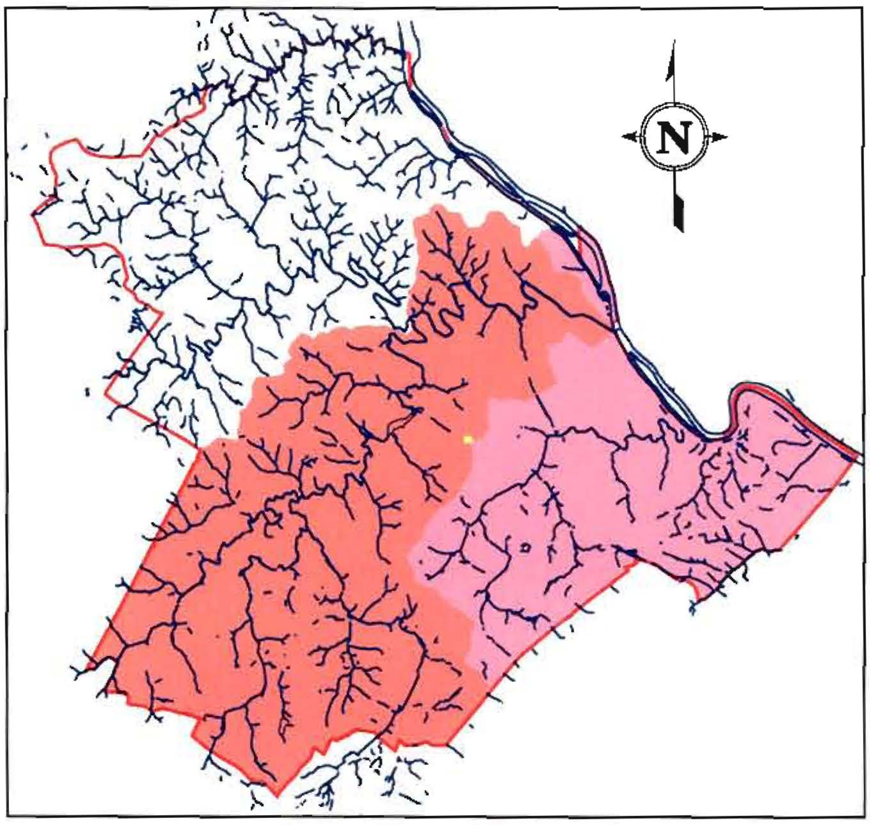
200 ft Radius

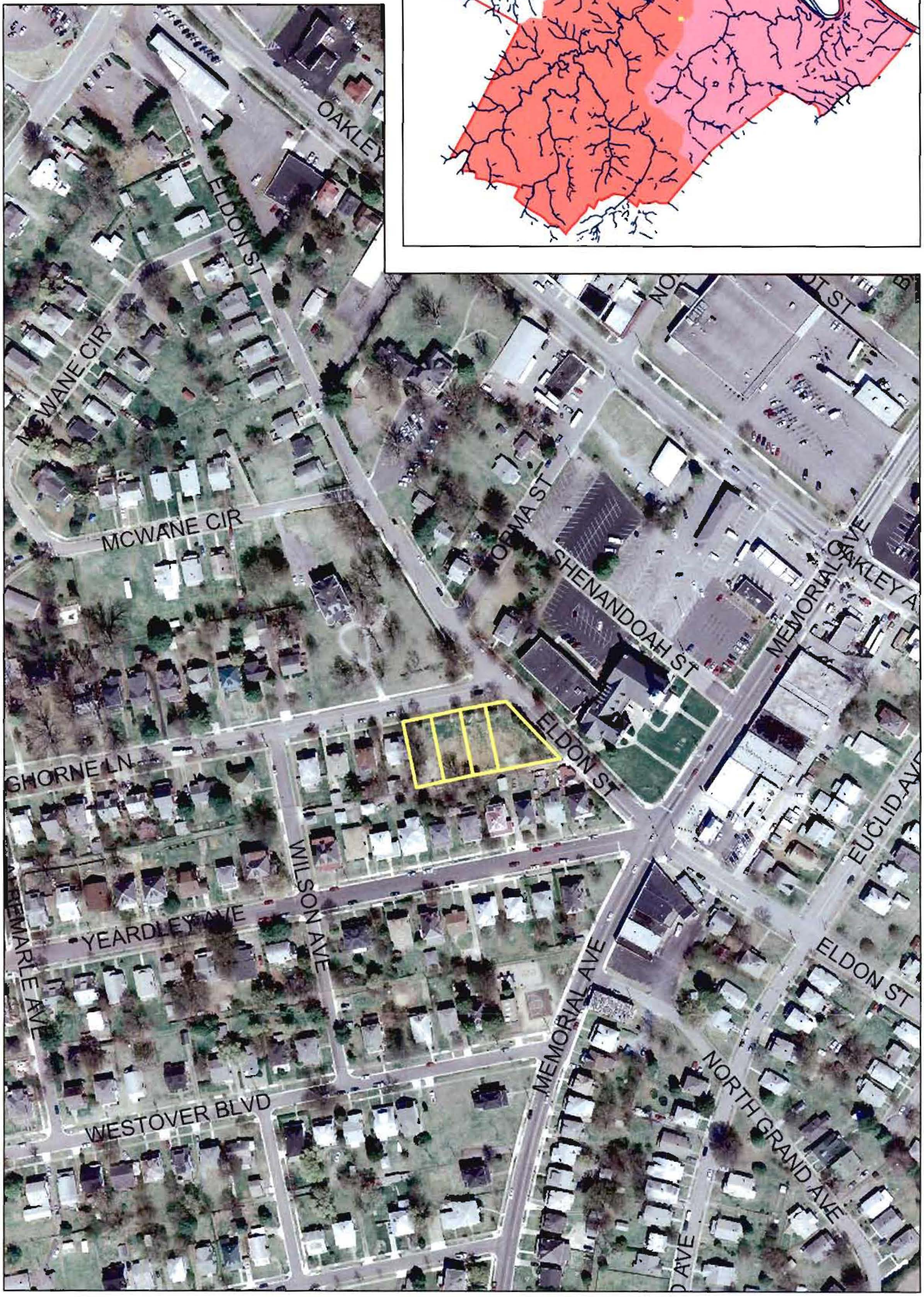


West Lynchburg Baptist Church Playground Watershed Location Map

Legend

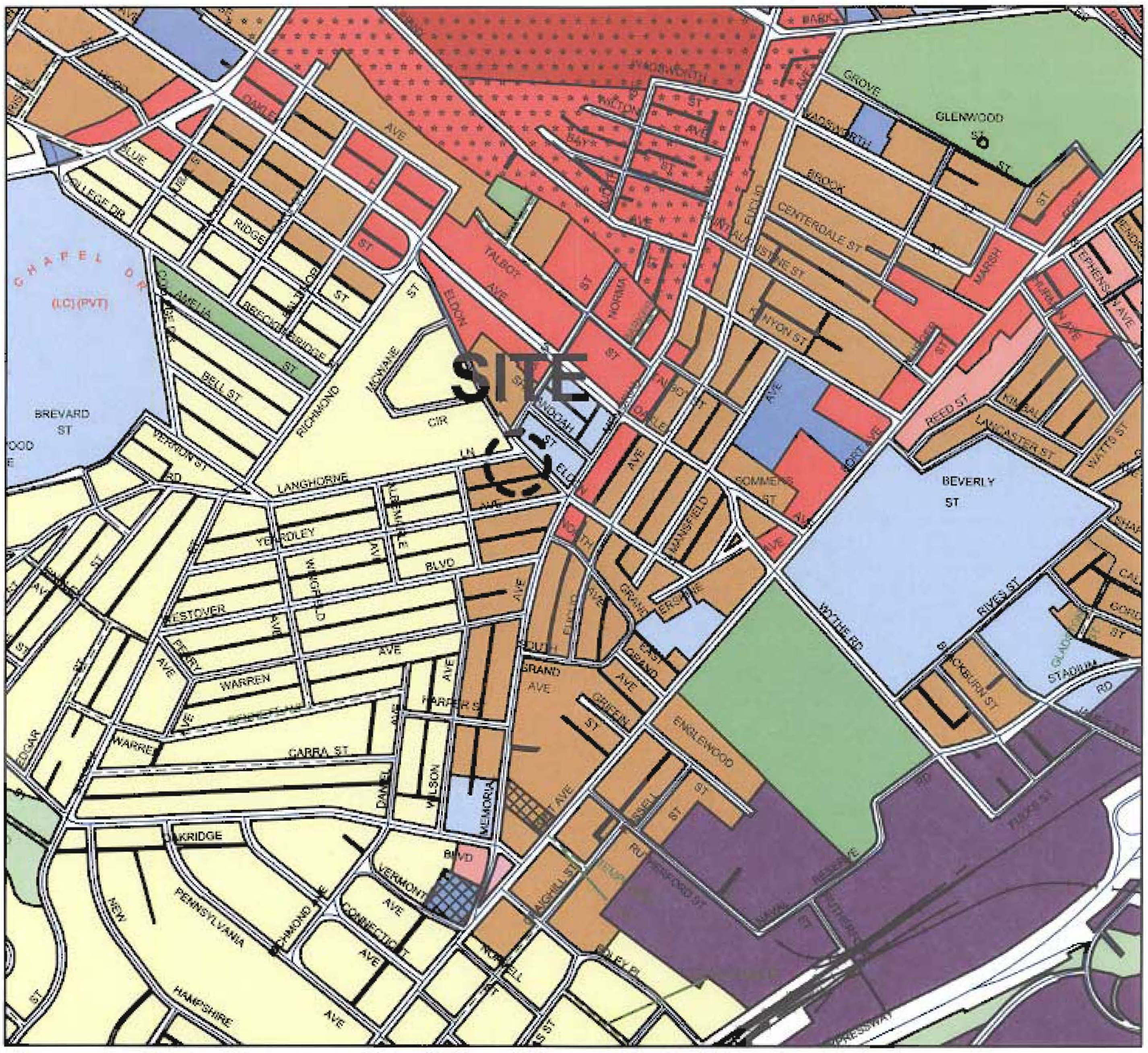
- Project Site
- Corporate Limit
- Blackwater Creek Watershed
- Fishing Creek Watershed





WEST LYBG BAPTIST CHURCH ADJOINING OWNERS

PIN	OWNER	LOCADDR
3001051	LYNCHBURG COLLEGE	110 LANGHORNE LN
3001066	PIXTON JEFFREY S & TINA M	118 LANGHORNE LN
3003005	PALMER MELISSA A	614 ELDON ST
3004001	WEST LYNCHBURG BAPTIST CHURCH TRS	700 ELDON ST
3004002	GILLISPIE FRED D JR & GILLISPIE FAY & RICK	702 ELDON ST
3004003	WEST LYNCHBURG BAPTIST CHURCH TRS	3031 MEMORIAL AVE
3004004	WEST LYNCHBURG BAPTIST CHURCH TRS	701 SHENANDOAH ST
3007003	GRANT LINDA M	115 YEARDLEY AVE
3007004	MCGORMAN JONATHAN & DESTINY D	113 YEARDLEY AVE
3007005	MILLER SANDRA F	111 YEARDLEY AVE
3007006	PHILLIPS JON B	109 YEARDLEY AVE
3007007	PHILLIPS JON B	107 YEARDLEY AVE
3007008	TINSLEY KAY C	105 YEARDLEY AVE
3007009	TAYMAN JURGEN L&WILLIAMS JOLLETTE M	103 YEARDLEY AVE
3008001	RIBER JEFFREY K SR RIBER JEFFREY K JR & RIBER BLAKELY L	115 LANGHORNE LN
3008002	HOUK RANDY L & TRACIE J	113 LANGHORNE LN
3008003	CARPENTER DAVID S & HEATHER L	111 LANGHORNE LN
3008004	VEAK TYLER J	109 LANGHORNE LN
3008005	WEST LYNCHBURG BAPTIST CHURCH	107 LANGHORNE LN
3008006	WEST LYNCHBURG BAPTIST CHURCH	105 LANGHORNE LN
3008007	WEST LYNCHBURG BAPTIST CHURCH	103 LANGHORNE LN
3008008	WEST LYNCHBURG BAPTIST CHURCH	101 LANGHORNE LN
3008009	WALKER CHRISTIAN L & WALKER WILLIAM F-TRS U/JAMES E WALKER	102 YEARDLEY AVE
3008010	THOMAS BARBARA A	104 YEARDLEY AVE
3008011	LEWIS REBA F	106 YEARDLEY AVE
3008012	BURNELL VALERIE	108 YEARDLEY AVE
3008013	SITES ALBERT W JR & ELIZABETH C	110 YEARDLEY AVE
3008014	PHILLIPS JON B	112 YEARDLEY AVE
3008015	WAGGENER ROBERT & NANCY	114 YEARDLEY AVE
3008016	MCCOMBS LEE W & MARLENE A	116 YEARDLEY AVE
3008017	AYERS DANIEL R	118 YEARDLEY AVE
3008018	KORMANIK CHRISTEL	120 YEARDLEY AVE
Owner	WEST LYNCHBURG BAPTIST CHURCH TRS	
Petitioner	WEST LYNCHBURG BAPTIST CHURCH TRS	
Representative	TOM WOODFORD C/O WEST LYNCHBURG BAPTIST CHURCH TRS	



- Public Parks
- Resource Conservation
- Public Use
- Institution
- Downtown
- Office
- Employment 1
- Employment 2
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Traditional Residential
- LocalHistoricDistrict
- MixedLandUse

WEST LYNCHBURG BAPTIST CHURCH 101, 103, 105, 107 LANGHORNE LANE LAND USE PLAN

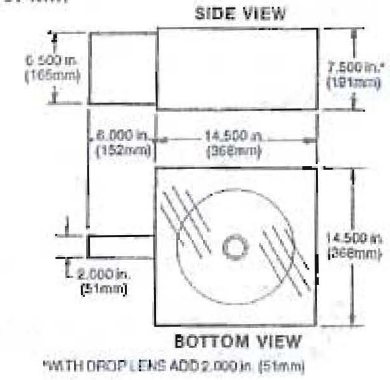
N


MIRACLE
RECREATION EQUIPMENT COMPANY
Site Concepts
CREATING LEISURE ENVIRONMENTS
P.O. Box 9309
Chesapeake, VA 23321
CD162571/72

DECASHIELD® 175 LUMINAIRE

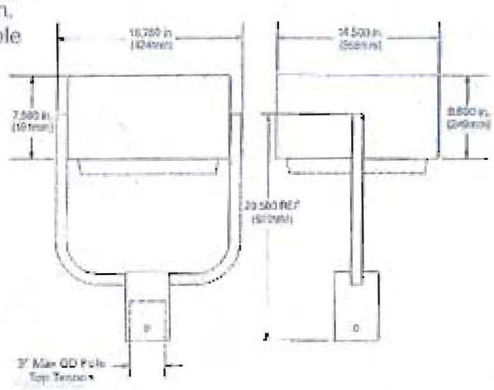
FIXTURE DIMENSIONS

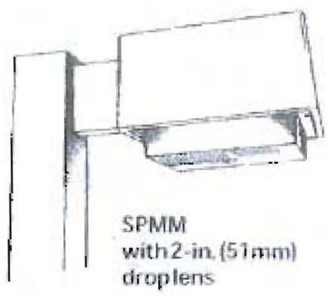
SPMM



*WITH DROP LENS ADD 2.000 in. (51mm)

SYMM
For mounting on 3.000 in. (76mm) pole tenon





SPMM with 2-in. (51mm) drop lens

DATA

Approximate Net Weight	20 lbs	9 kgs
Suggested Mounting Height	12-20 ft.	4-6 M
Effective Projected Area	1.0 sq ft max	0.09 sq M max

BALLAST AND PHOTOMETRIC SELECTION TABLE

All light sources are clear unless otherwise indicated.

Wattage	Light Source	Ballast Type/Voltage 60Hz Multi-volt	60Hz 120, 208 240, 277, 480	60Hz 347, 120X347	60Hz 220	50Hz 220	Amb. °C	Photometric Curve Number 35-17 - - - - Flat Glass IES Distribution Type MC3	Flat Glass SC5**	2-in. (51mm) Drop Acrylic SC5**	2-in. (51mm) Drop Polycarb. SC5**
SPMM											
50	HPS	H	H	H	N/A	N/A	25	8265	8307	8305	8306
70, 100, 150 (55V)	HPS	H	G, H*, M	H	N/A	H	25	8265	8307	8305	8306
70, 100	MH	H	H	C/F	N/A	N/A	25	8271	8665	8666	8667
175	MH	A	A	A	A	A	25	8271	8665	N/A	N/A
SYMM											
50	HPS	H	H	H	N/A	N/A	25	8526	8522	N/A	N/A
70, 100, 150 (55V)	HPS	H	G, H*, M	H	N/A	H	25	8526	8522	N/A	N/A
70, 100	MH	H	H	C/F	N/A	N/A	25	8527	8524	N/A	N/A
175	MH	A	A	A	A	A	25	8527	8524	N/A	N/A

NOTE: N/A = Not Available C/F = Contact Factory
NOTE: *480 volt is **A** or **M**
NOTE: **Coated lamp standard for **SC5**

RECEIVED
JUL 3 1 2008
COMMUNITY DEVELOPMENT

REFERENCES

See Page A-16 for start of Accessories.
See Page A-22 for Explanation of Options and Other Terms Used.
See Pole and Bracket Section Page P-2 for pole selection.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 14, 2008**		AGENDA ITEM NO.: 8
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	
ITEM TITLE: **Cabell Street Transit Service**		

RECOMMENDATION: Concur with Greater Lynchburg Transit Company (GLTC) Board of Directors action of October 1, 2008 to provide a weekday shuttle service for Cabell Street to the Plaza Transfer Station, funded with GLTC's "unallocated reserve" ($376,980 in unbudgeted State operating assistance), and provide quarterly ridership reports to the Board. Council may wish to refer this item to the Finance Committee as it includes a change in a program that creates a new and future budget impact.

SUMMARY: In March 2008, the City closed the "D" Street Bridge due to structural deficiencies, restricting access to Cabell Street. This closure required GLTC to terminate the existing fixed route service to Cabell Street via the Routes 1A and 1B, as the extra time required to traverse Cabell Street would result in Routes 1A and 1B unable to maintain schedule adherence and missed connections at the Plaza Transfer Station.

GLTC has received numerous complaints from Daniels' Hill residents, and has received a petition to restore transit service to Cabell Street.

PRIOR ACTION(S): GLTC staff prepared several options to restore some level of transit service to Cabell Street:

Option 1: Modify the current Route 1B to serve Cabell Street in lieu of Bedford Avenue;
Option 2: Establish a "Cabell Street Shuttle" which would provide limited fixed-route service to Cabell Street, Bedford Avenue, 5th Street and the Plaza. The "Shuttle" would run approximately 7 hours on weekdays only – morning peak, mid-day, and afternoon peak service.
Option 3: Provide general public demand-response service to Cabell Street, during Route 1A service hours (7 days per week, including nights). This option would require customers to call ahead to schedule service.

These options were reviewed by the Board's Community Relations Committee and Planning Committee in August, with the Community Relations Committee recommending Option 3; Planning Committee recommended either Option 2 or 3, and further recommended staff to conduct another public meeting with the residents of Daniels Hill. At its September Regular Board meeting, the Board directed staff to explore additional City funding and to hold a public meeting for Daniels Hill residents.

Staff held a public meeting on September 16 at Mt. Carmel Baptist Church, and reviewed the service options with citizens in attendance (estimated to be approximately 30), and conducted a "weighted voting" process in which each attendee was given four "votes" and allowed to split those votes among the various options. Votes were tallied as follows:

Option 1 (Modify Route 1B) : 17 Votes
Option 2 (Cabell Street Shuttle to the Plaza) 91 Votes
Option 3: (General Public Demand Response) 6 Votes
Option 4: (Customer Suggestions) 6 Votes

Staff considered outsourcing this proposed service, but believes that any outsourcing of public transit service by GLTC would be a violation of its "13C Labor Protection" agreement with the Federal Transit Administration, which is a condition of GLTC receiving Federal operating and capital assistance.

At its 10/1/08 regular meeting, the Board endorsed “Option 2” and further directed staff to monitor ridership on the route and provide quarterly reports.

FISCAL IMPACT: No additional operating funds from the City in the FY 2009 budget, as the $71,395 estimated additional operating costs would be funded through the “unallocated reserve” of $376,980. Additional funds will be required in FY 2010.

Note: The matter previously discussed with Council regarding the potential use of the additional state funding and any “maintenance of local effort requirement” is still unsettled. Although there is draft language requiring such for FY 2009, the Commonwealth Transportation Board has still not acted on the language.

CONTACT(S): Michael J. Carroll, General Manager, 455-5084, michael.carroll@lynchburgva.gov

ATTACHMENT(S): Proposed Shuttle Timetable

REVIEWED BY: lkp

118L

Cabell Street Shuttle - Weekdays ONLY

Effective 10/20/2008

Cabell Street/A Street	Bedford Ave/Food Lior	5th Street/Federal	Plaza	Plaza	5th/Federal	Bedford Ave/Food Lior	Cabell Street/A Street	Hours	Miles
6:15 AM	6:20 AM	6:30 AM	6:40 AM	6:45 AM	6:55 AM	7:05 AM	7:12 AM	1.00	11.42
7:12 AM	7:20 AM	7:30 AM	7:40 AM	7:45 AM	7:55 AM	8:05 AM	8:12 AM	1.00	11.42
8:15 AM	8:20 AM	8:30 AM	8:40 AM					0.50	5.71
11:15 AM	11:20 AM	11:30 AM	11:40 AM	11:45 AM	11:55 AM	12:05 PM	12:12 PM	1.00	11.42
12:15 PM	12:20 PM	12:30 PM	12:40 PM	12:45 PM	12:55 PM	1:05 PM	1:12 PM	1.00	11.42
1:15 PM	1:20 PM	1:30 PM	1:40 PM					0.50	5.71
				3:45 AM	3:55 PM	4:05 PM	4:12 PM	0.50	0.50
4:15 PM	4:20 PM	4:30 PM	4:40 PM	4:45 AM	4:55 PM	5:05 PM	5:12 PM	1.00	11.42
5:15 PM	5:20 PM	5:30 PM	5:40 PM	5:45 AM	5:55 PM	6:05 PM	6:12 PM	1.00	11.42
								7.50	80.44

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **October 14, 2008** AGENDA ITEM NO.: 9

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Changing the Name of the Lynchburg Industrial Development Authority to the Lynchburg Economic Development Authority**

RECOMMENDATION: Adopt an ordinance changing the name of the "Industrial Development Authority of the City of Lynchburg, Virginia" to the "Economic Development Authority of the City of Lynchburg, Virginia" as requested by the Lynchburg IDA (LIDA).

SUMMARY: One of the priorities identified by City Council during its retreat in September of 2007 was to explore changing the name of the Lynchburg IDA to the Lynchburg EDA. While such a change does not grant any additional authority to that body, there is a trend across the Commonwealth to rename IDA's to reflect the wider range of economic development activities, in addition to industrial development, undertaken by such bodies. Accordingly, the Lynchburg IDA has studied the matter and has requested (resolution attached) that City Council adopt an ordinance changing its name. While previously such a change could only be granted by the General Assembly, recent legislation enabled local governments to make the change by ordinance. The proposed ordinance is attached. Also attached for reference, are copies of the previous two ordinances that established the present IDA.

PRIOR ACTION(S): September 4, 2007—Council suggested the name change; September 24, 2008 the IDA requested the name change.

FISCAL IMPACT: None

CONTACT(S): Marjette Glass, 455-4492; Walter Erwin, 455-3973

ATTACHMENT(S): Resolution from the IDA, Prior ordinances related to the IDA; Proposed ordinance

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE ORDINANCES CREATING THE “INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA,” BY CHANGING ITS NAME TO THE “ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA.”

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

1. That by ordinances adopted on March 14, 1967 and on September 23, 1980, the Lynchburg City Council created the “Industrial Development Authority of the City of Lynchburg, Virginia” (the “Authority”);

2. That by resolution adopted on September 24, 2008, the directors of the Authority requested that City Council adopt an ordinance amending the name of the Authority to the “Economic Development Authority of the City of Lynchburg, Virginia.”

3. That the purpose of amending the name of the Authority is to reflect the fact that in addition to promoting manufacturing and industrial development within the City, the Authority also promotes a wide range of other economic development activities.

4. That the name of the “Industrial Development Authority of the City of Lynchburg, Virginia” be and hereby is amended to the name of the “Economic Development Authority of the City of Lynchburg, Virginia.”

5. That except as amended herein, all of the terms and conditions contained in the ordinances adopted by City Council on March 14, 1967 and on September 23, 1980 shall remain in full force and effect.

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

Adopted:

Certified: ______________________________
Clerk of Council

119L

CERTIFICATE OF RESOLUTION

The undersigned, Secretary of the Industrial Development Authority of the City of Lynchburg, Virginia (the "Authority") hereby certifies the following as and for a true copy of the resolution adopted by the Board of Directors of the Industrial Development Authority of the City of Lynchburg, Virginia at its special meeting duly called and held on September 18, 2008, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on the date hereof.

> RESOLVED, that the Directors request the City Council of the City of Lynchburg to adopt an ordinance amending the name of the Authority pursuant to Section 15.2-4903 of the Code of Virginia from the "Industrial Development Authority of the City of Lynchburg, Virginia" to the "Economic Development Authority of the City of Lynchburg, Virginia".

This resolution shall take effect immediately.

WITNESS the following signature and seal of the Authority, this 24th day of September, 2008.

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

(SEAL)

AN ORDINANCE CREATING THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, A POLITICAL SUBDIVISION OF THE COMMONWEALTH OF VIRGINIA, PURSUANT TO THE PROVISIONS OF THE "INDUSTRIAL DEVELOPMENT AND REVENUE BOND ACT" (CHAPTER 33, SECTIONS 15.1-1373 THROUGH 15.1-1390, INCLUSIVE, OF THE CODE OF VIRGINIA)

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

1. That there is hereby created pursuant to the provisions of the "Industrial Development and Revenue Bond Act," Chapter 33, Sections 15.1-1373 through 15.1-1390, inclusive, of the Code of Virginia, a political subdivision of the Commonwealth of Virginia, to be known as an industrial development authority, with such public and corporate powers as are set forth in said sections of the Code of Virginia.

2. The name of the Authority shall be the Industrial Development Authority of the City of Lynchburg, Virginia.

3. The Authority shall be governed by a Board of Directors in which all powers of the Authority shall be vested and which board shall be composed of seven directors, appointed by the Council of the City of Lynchburg, Virginia.

4. The seven directors shall be appointed initially for terms of one, two, three and four years, two being appointed for one year terms; two being appointed for two year terms; two being appointed for three year terms and one being appointed for a four year term; subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. Each director shall, before entering upon his duties, take and subscribe the oath prescribed by Section 49-1 of the Code of Virginia. No director shall be an officer or employee of the municipality.

5. The directors shall elect from their membership a chairman, a vice chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer. The directors shall receive no salary but shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

6. Four members of the Board of Directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the Authority shall be leased or disposed of in any manner without a majority vote of the members of the Board of Directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

7. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of all its financial transactions and shall arrange to have the same audited annually. Copies of such audit shall be furnished to City Council and shall be open to public inspection.

8. The Authority shall have the same powers, duties and obligations as set forth in Sections 15.1-1373 through 15.1-1390, inclusive, of the Code of Virginia, or as any of said sections may hereafter be amended.

Adopted: March 14, 1967

#0-80-295

AN ORDINANCE TO AMEND AND REENACT AN ORDINANCE CREATING THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG

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

1. That an ordinance creating the Industrial Development Authority of the City of Lynchburg be, and the same hereby is, amended as follows:

1. That there is hereby created pursuant to the provisions of the "Industrial Development and Revenue Bond Act," Chapter 33, Section 15.1-1373 through 15.1-1390, inclusive, of the Code of Virginia, a political subdivision of the Commonwealth of Virginia, to be known as an industrial development authority, with such public and corporate powers as are set forth in said sections of the Code of Virginia.

2. The name of the Authority shall be the Industrial Development Authority of the City of Lynchburg, Virginia.

3. The Authority shall be governed by a Board of Directors in which all powers of the Authority shall be vested and which board shall be composed of seven directors, appointed by the Council of the City of Lynchburg, Virginia.

4. The seven directors shall be appointed initially for terms of one, two, three and four years, two being appointed for one year terms; two being appointed for two year terms; two being appointed for three year terms and one being appointed for a four year term; subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. Each director shall, before entering upon his duties, take and subscribe the oath prescribed by Section 49-1 of the Code of Virginia. No director shall be an officer or employee of the municipality.

5. The directors shall elect from their membership a chairman, a vice chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer. The directors shall receive no salary but shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties; provided, however, that the Chairman and the Secretary shall each be paid the sum of $50.00 per meeting which they attend to cover office and clerical expenses, to the extent that the authority has funds sufficient to pay the same.

6. Four members of the Board of Directors shall constitute a quorum of the board of the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the Authority shall be leased or disposed of in any manner without a majority vote of the members of the Board of Directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

7. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of all its financial transactions and shall arrange to have the same audited annually. Copies of such audit shall be furnished to City Council and shall be open to public inspection.

8. The Authority shall have the same powers, duties and obligations as set forth in Sections 15.1-1373 through 15.1-1390, inclusive, of the Code of Virginia, or as any of said sections may hereafter be amended.

2. That this ordinance shall become effective on its passage.

Adopted: September 23, 1980

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **February 26, 2008**		AGENDA ITEM NO.: 10
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **Public Hearing – Virginia Department of Transportation Right-of-Way**

RECOMMENDATION:

Authorize the City Manager to execute a Right-of-Way Acquisition conveying 0.02 acre, more or less, to the Virginia Department of Transportation (VDOT) for the purpose of constructing a right turn lane onto adjacent property under development.

SUMMARY:

The property conveyed is part of a City of Lynchburg / Lynchburg Regional Airport owned parcel containing 0.90 acre, more or less, located on the east side of Wards Road approximately 300 feet south of the airport main entrance known in the Campbell County tax map records as parcel ID #22A-1-38 (39, 40, 41). There is a statutory requirement for a Public Hearing prior to conveying any interest in public property.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

Mark F. Courtney 455-6089 Airport Director

ATTACHMENT(S):

1) Resolution
2) Letter from Perkins & Orrison (Engineers)

REVIEWED BY: lkp

RESOLUTION: #R-08-020

BE IT RESOLVED by the Lynchburg City Council that the City Manager is hereby authorized to execute Right-of- Way Acquisition documents with the Virginia Department of Transportation conveying 0.02 acre, more or less, of City-owned property to the Department of Transportation, said property being a portion of the property identified as Campbell County, Tax Parcel Number 22-A-38 (39, 40, 41).

Adopted: February 26, 2008

Certified: ______________________________
Clerk of Council

020L

cc: M. Courtney

OPTION TO PURCHASE AGREEMENT

THIS OPTION TO PURCHASE AGREEMENT, made this ~~8th~~ 12th day of ~~August~~ October, 2005, by and between THE CITY OF LYNCHBURG, hereinafter referred to as "Owner", whose business address is 900 Church Street, Lynchburg, Virginia 24504; and INVEST LYNCHBURG, LLC, hereinafter referred to as "Optionee", whose address is 901 Jefferson Street, Apartment 5- I, Lynchburg, VA 24504;

WITNESSETH:

WHEREAS, the Owner is the owner in fee simple absolute of the real property known locally as **1117, 1201, 1215 and 1221 Jefferson Street, Lynchburg, Virginia 24504** and designated on the Tax Valuation Map for the City of Lynchburg as **Tax Parcel Nos. 045-18-004, 046-03-002, 046-03-003 and 046-03-007**, together with all improvements thereon and all rights and appurtenances thereunto pertaining, all of which is hereinafter collectively referred to as the "Property."

WHEREAS, the Optionee desires to enter into this option agreement for the purchase of the Property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledge, the parties agree and covenant as follows:

(1) The Owner grants to the Optionee the sole and exclusive option to purchase the Property for eighteen months upon full execution of this document by all parties in consideration of the receipt an option fee of Five Thousand Dollars ($5,000). The option fee shall be applied to the purchase price should the Optionee exercise this purchase option.

(2) The purchase price for the Property shall be $43,300 provided the value of the

Property with the Optionee's projected improvements per its development plan will be at least 10 times the current assessed value of $201,300. The Optionee's development plan shall be submitted to the Owner, and the value of the Optionee's proposed improvements determined and agreed upon by the parties, within sixteen months following the execution of this option agreement by all parties. For the purposes of this option the value of proposed improvements may be determined by construction cost estimates. If the Optionee's improvements per its development plan are not completed within three years after the exercise of this option, the purchase price of the property will be re-negotiated, and may be as much as the current assessed value of the property at the time of transfer. Any consideration of the assessed value of the property for the purpose of negotiating the purchase price will be for land only. Any improvements made by the Optionee are not to be considered in determining the purchase price.

(3) The exercise of the option to purchase the Property shall be made by the Optionee by delivering written notice to Owner. The written notice shall be deemed to have been delivered to the Owner upon delivery of the same to the Owner's last known address by either certified mail, with return receipt requested, or by an overnight mail service.

If the Optionee does not exercise this option agreement on or before its expiration date, this option agreement shall be considered null, void and of no effect, unless the parties otherwise agree in writing.

(4) In the event the Optionee exercises this option, the following provisions shall govern the settlement:

a. If the Optionee exercises the option, settlement shall occur within a reasonable period of time after notice is given to the Owner (but in no event later than 90 days after the date notice of exercise is given), at a date and time mutually agreeable to both the Owner and the Optionee. At settlement, the Owner shall deliver to the Optionee a deed, containing Special Warranty of Title, conveying fee simple title to the property to the Optionee. In addition, the Owner shall execute and deliver such other instruments and documents as may be necessary and proper to vest in the Optionee full, legal, equitable and uncontested title to the Property. If any defects are found affecting marketability of title to the Property, the Owner shall be given a reasonable period of time within which to cure such defects and if such defects cannot be cured to the satisfaction of the Optionee and its legal counsel, the option shall become null and void and of no further effect whatsoever, in which event the Option Fee shall be refunded to the Optionee.

b. At settlement the Owner shall give and the Optionee shall take possession of the Property.

c. The risk of loss by fire or other casualty is assumed by Owner until settlement.

d. The Owner hereby makes the following warranties and representations which shall be effective as of the date of the settlement:

(1) There are no leases applicable to the Property or tenants in possession of the Property other than those leasehold interests and tenants in possession that are acceptable to the Optionee.

(2) The Owner has paid for all work, labor and materials furnished to the Property prior to the recording of the deed, and there will be no mechanic's liens and/or the right of any person to file a mechanic's lien against the Property for any reason whatsoever.

e. Settlement shall take place at a mutually acceptable location.

f. Owner shall pay the expense of preparing the deed and any recordation tax applicable to Owner as a grantor. Except as otherwise agreed herein, all other expenses incurred by Optionee in connection with the settlement, including, but not limited to, title examination, insurance premiums, survey costs, engineering and other study costs, recording costs and the fees of the Optionee's attorney shall be borne by Optionee.

g. The parties hereby represent to each other that no real estate agent or broker was involved in this transaction with the exception of Donald G. Pendleton, Consensus Real Estate Services, LLC P.O. Box 146, Lynchburg, Virginia 24505. All claims for commissions or fees by Donald G. Pendleton and/or Consensus Real Estate Services shall be paid by the Optionee and the Optionee shall hold the Owner harmless from any claim for a commission by any real estate agent or broker by reason of any action on the part of the Optionee.

h. All rents, if any, deposits, utilities, assessments, real estate taxes and personal property taxes shall be pro-rated at the day of settlement.

I. On or before the settlement date, the Owner shall remove, at the expense of the Owner, all tangible personal property of the Owner, (except such tangible personal property that may, by mutual agreement, remain on the premises beyond the settlement date), and shall deliver possession of the Property reasonably free of debris and trash.

j. The provisions contained in this option agreement shall not merge with the deed conveying the Property, but shall survive the execution and delivery of the deed.

(5) The Owner hereby grants to the Optionee, and the agents, employees and assigns of the Optionee, permission to go on and in the Property at all reasonable times prior to the settlement date for the purpose of conducting any and all surveys, inspections and tests deemed necessary or appropriate by the Optionee. The Owner further grants

permission to the Optionee, and the agents, employees and assigns of the Optionee, to take samples of materials from the Property for testing purposes and all areas disturbed by such sampling shall be returned to as nearly the same condition as existed prior to the sampling.

(6) The Owner and the Optionee shall cooperate in the design and construction of the Bluffwalk and Overlook Terrace (Twelfth Street Right of Way) as described in the 2000 Downtown and Riverfront Master Plan. The Optionee agrees to provide such real property as the Owner requires in order to develop these improvements. Within sixteen months following the execution of this option agreement by all parties, the owner shall determine and provide to the Optionee the extent of the land required for the construction of the Bluffwalk and Overlook Terrace. Should the amount of real property required by the owner for these purposes render the Optionee's development plan unfeasible in the Optionee's sole discretion, the obligations of the Optionee hereunder shall be extinguished and the Option fee identified in Paragraph 1 shall be returned to the Optionee.

(7) Notices and other correspondence regarding this option agreement shall be delivered to the following addresses, or to such other additional addresses as the parties may designate in writing:

OWNER:
City of Lynchburg
L. Kimball Payne
City Manager
900 Church Street
Lynchburg, Virginia 24504

OPTIONEE:
Invest Lynchburg, LLC

901 Jefferson Street, Apartment 5- I
Lynchburg, VA 24504
Attention: Charles J. Catalano, MD

WITH A COPY TO:

Donald G. Pendleton, Broker
Consensus Real Estate Services
P.O. Box 146
Lynchburg, Virginia 24505

(8) This option agreement may not be assigned to third parties by the Optionee without the Owner's written consent. Such consent to assignment shall not be unreasonably withheld by the Owner.

(9) This agreement represents the entire understanding between the parties and there are no collateral or oral agreements or understandings, and this agreement shall not be modified unless in writing of equal formality signed by both parties.

(10) This agreement shall be construed according to the laws of the Commonwealth of Virginia.

(11) This option to purchase agreement is conditioned upon the approval of the sale of the property described herein by the Lynchburg City Council as required by Section 15.2-1800 of the Code of Virginia.

OWNER:

City of Lynchburg

By

L Kimball Payne

Its

City Manager

OPTIONEE:

Invest Lynchburg, LLC

By

Its

PRESIDENT

STATE OF VIRGINIA,

CITY OF LYNCHBURG,

To-wit:

The foregoing instrument was acknowledged before me this 13 day of October 2005, by L. Kimball Payne III, Owner.

My commission expires 4.30.08

Dyletta V Campbell

Notary Public

STATE OF VIRGINIA

CITY OF LYNCHBURG,

To-wit:

The foregoing instrument was acknowledged before me this 5th day of October 2005, by Charles J Cataland, Optionee.

My commission expires My Commission Expires April 30, 2007

Jeanette A. Surlak

Notary Public

EXTENSION OF OPTION TO PURCHASE AGREEMENT

THIS EXTENSION OF OPTION TO PURCHASE AGREEMENT, made and dated this 1st day of June, 2007, by and between the CITY OF LYNCHBURG, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to as the "Owner" and INVEST LYNCHBURG, LLC, a Virginia Corporation, hereinafter referred to as the "Optionee".

W I T N E S S E T H:

WHEREAS, the Owner is the owner of certain parcels of real property located within the City limits and known as 1117, 1201, 1215 and 1221 Jefferson Street, Lynchburg, Virginia, designated on the Tax Valuation Map for the City of Lynchburg as Tax Parcel Nos. 045-18-004, 046-03-002, 046-03-003 and 046-03-007, together with all improvements thereon and all rights and appurtenances thereunto pertaining, all of which are hereinafter collectively referred to as the " Property," and,

WHEREAS, the Owner and the Optionee entered to an Option to Purchase Agreement dated October 12, 2005, wherein the Owner granted the Optionee an exclusive option to purchase the property for a period of eighteen months beginning on

October 12, 2005; and,

WHEREAS, the Owner and the Optionee desire to extend the Option to Purchase Agreement for an additional 180 days.

NOW, THEREFORE, WITNESSETH, that for and in consideration of the premises and the mutual covenants and agreements contained herein, the Owner and the Optionee do mutually agree to extend the October 12, 2005, Option to Purchase Agreement for an additional 180 days, beginning on June 1st, 2007.

Except as modified herein, all of the terms and conditions contained in the October 12, 2005, Option to Purchase Agreement between the Owner and the Optionee shall remain in full force and effect. However, the timelines contained in the original Option to Purchase shall be automatically adjusted in accordance with the 180 day extension of the Option granted herein.

IN WITNESS WHEREOF, the parties hereto have executed this Extension of Agreement of Lease as of the day and year above written.

City of Lynchburg

By: L. Kimball Payne

L. Kimball Payne, City Manager

Invest Lynchburg, LLC

By: ________________

President

STATE OF VIRGINIA,

CITY OF LYNCHBURG,

To-wit:

The foregoing instrument was acknowledged before me this 5 day of June 2007, by L. Kimball Payne, Lynchburg City Manager, on behalf of the City.

My commission expires 4.30.08

D'Vetta V Campbell

Notary Public

STATE OF VIRGINIA

CITY OF LYNCHBURG,

To-wit:

The foregoing instrument was acknowledged before me this 1ST day of June 2007, by Charles Catalano, President, of Invest Lynchburg, LLC.

My commission expires 9/30/07

Ann Rantindh

Notary Public

CONSENSUS
Real Estate Services, LLC

P O Box 146
Lynchburg VA 24505
P 434.846.6585
F 434 528.0403
mail@donpendleton.net

Donald G. Pendleton
Certified General Appraiser ♦ Broker ♦ Consultant

November 28, 2007

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

RE: Option to Purchase Agreement dated October 12, 2005
City of Lynchburg to Invest Lynchburg, LLC
Property located at 1117, 1201-1207, 1215 and 1221 Jefferson Street
Lynchburg, VA

Dear Mr. Payne:

Invest Lynchburg, LLC hereby provides notice of its intent to exercise its option to purchase the above referenced property for $43,300 under the terms of the option. Paragraph 4 of the Agreement governs settlement.

Invest Lynchburg, LLC looks forward to cooperating with you and the City of Lynchburg in the development of this exciting project.

Respectfully submitted,

Donald G. Pendleton
Broker

cc: Charlene B. Montford
Charles D. Grant
Walter Erwin
John Randolph Nelson
Invest Lynchburg, LLC

RECEIVED
NOV 28 2007
Council / Manager Offices

JOHN RANDOLPH NELSON, P.C.
A PROFESSIONAL CORPORATION
716 COURT STREET
POST OFFICE BOX 1343
LYNCHBURG, VIRGINIA 24505

JOHN RANDOLPH NELSON

TELEPHONE (434) 528-1078
FACSIMILE (434) 845-0510

September 2, 2008

Mr. Walter C. Erwin, Esquire
City Hall
900 Church Street
Lynchburg, Virginia 24504

VIA FACSIMILE # 434-847-9049

Re: **Conveyance of Properties to Invest Lynchburg, LLC**

Dear Walter:

May I confirm your telephone message of today regarding the price to be paid for the property _if_ Invest Lynchburg does not "start" the project within the specified time-period. While I think my last proposal encompassed the terms in your message, it may be worthwhile to more precisely fix the property's redemption price and not leave it to future negotiations or discussion as was prescribed by the terms of the option agreement. Therefore, if I understand your message, the preferred language would be to add something similar to the following at the end of paragraph numbered "8", to-wit:

> Notwithstanding the foregoing, if Invest Lynchburg has not so "started" Phase 1 of the James River Place Condominium project by December 1, 2010, this right of first refusal shall otherwise expire and fully terminate if Invest Lynchburg pays to the City an amount equal to: (a) the assessed value of the unimproved land as set forth in the records of the Office of the Lynchburg City Assessor on the date this deed is recorded in the Office of the Clerk of the Circuit Court for the City of Lynchburg, Virginia, (b) minus the sum of $43,300.00, being the consideration already paid to the City for this conveyance. If such payment is so made then within thirty days of its receipt thereof the City shall cause a certificate to be recorded in the land records of said Clerk's Office affirming receipt of that payment and acknowledging the expiration of this right of first refusal.

Please confirm your approval or provide me with your edits.

Very truly yours,
JOHN RANDOLPH NELSON, P.C.

Randy

John Randolph Nelson

fc: Invest Lynchburg, LLC

JOHN RANDOLPH NELSON, P.C.
A PROFESSIONAL CORPORATION
716 COURT STREET
POST OFFICE BOX 1343
LYNCHBURG, VIRGINIA 24505

JOHN RANDOLPH NELSON

TELEPHONE (434) 528-1078
FACSIMILE (434) 845-0510

August 28, 2008

Mr. Walter C. Erwin, Esquire
City Hall
900 Church Street
Lynchburg, Virginia 24504

Re: **Conveyance of Properties to Invest Lynchburg, LLC**

Dear Walter:

I wish to confirm our telephone conversation of today regarding the incorporation, by reference in the proposed deed, of the language in paragraph "2" of the Option Purchase Agreement. This would be accomplished by inserting another sentence into paragraph 8 as follows:

> If Invest Lynchburg has not so "started" Phase 1 of the James River Place Condominium project by December 1, 2010, Invest Lynchburg may nevertheless elect to retain the above property and compensate the City according to the provisions set forth in paragraph "2" of the "Option To Purchase Agreement" made between the City and Invest Lynchburg, dated October 12, 2005, and the subsequent extensions thereof.

I apologize for not having addressed this in earlier drafts of that deed and trust that it will not present a problem to the expeditious settlement of this transaction.

With best regards, I remain

Very truly yours,
JOHN RANDOLPH NELSON, P.C.

Randy

John Randolph Nelson

THE CITY OF LYNCHBURG, VIRGINIA

CITY HALL, 900 CHURCH STREET, LYNCHBURG, VIRGINIA 24504 • (434) 455-3980
Fax (434) 847-9043

OFFICE OF THE CITY ATTORNEY

WALTER C. ERWIN, III
CITY ATTORNEY

ELEANOR A. PUTNAM DUNN
DEPUTY CITY ATTORNEY

SUSAN L. HARTMAN
ASSISTANT CITY ATTORNEY

HOPE R. TOWNES
ASSISTANT CITY ATTORNEY

September 5, 2008

J. Randolph Nelson, Esq.
Attorney at Law
716 Court Street
P.O. Box 1343
Lynchburg, VA 24505

Re: Conveyance of Properties to Invest Lynchburg, LLC

Dear Randy:

I revised paragraph 8. of the proposed deed for the conveyance of City-owned property to Invest Lynchburg, LLC, for the James River Place Condominiums project. The revisions try to address the concerns raised by both your client and the City Manager. The October 12, 2005, "Option To Purchase Agreement" provides that if the improvements to the property "are not completed within three years after the exercise of this option, the purchase price will be re-negotiated." The City Manager and I do not have the authority to agree to a provision providing that the purchase price will be re-negotiated if the improvements are not "started" by December 1. 2010.

> 8. If Invest Lynchburg has not completed Phase 1 of the James River Place Condominium project by December 1, 2010, the purchase price for the property will be re-negotiated and Invest Lynchburg will pay to the City an amount equal to: (a) the assessed value of the unimproved land as set forth in the records of the Office of the Lynchburg City Assessor on the date this deed is recorded in the Office of the Clerk of the Circuit Court for the City of Lynchburg, Virginia, (b) minus the sum of $43,300, being the consideration already paid to the City for this conveyance. Should Invest Lynchburg desire to transfer or sell all or any portion of any of the herein described parcels prior to starting the Phase 1 of the James River Place Condominium project, the City shall have a right of first refusal to purchase such parcel(s) upon the following terms: Invest Lynchburg shall notify the City, by personal delivery or certified mail, return receipt, addressed to the City Manager at City Hall, 900 Church Street, Lynchburg, Virginia 24504, in writing, of its desire to transfer or sell such parcel(s). Within thirty

(30) days of delivery or receipt of said notice from Invest Lynchburg, the City shall notify Invest Lynchburg in writing of its intention to exercise this right of first refusal and repurchase such parcel(s) for the same price at which the property was sold to Invest Lynchburg. If the City exercises its right of first refusal, Invest Lynchburg shall re-convey the parcel(s) to the City within sixty (60) days of the receipt of the notice from the City. If the City has not notified Invest Lynchburg of its desire to repurchase the parcels(s) within thirty (30) days following the date of its receipt of notice from Invest Lynchburg, the City's right of first refusal shall expire and terminate. This right of first refusal shall expire and terminate as to any and all of said parcels once Invest Lynchburg has started Phase 1 of the James River Place Condominium project. In order to be deemed to have "started" Phase 1 of the James River Place Condominiums by December 1, 2010, Invest Lynchburg must have obtained a financial commitment from a bona fide commercial lender for financing the Phase 1 improvements, must have obtained all necessary building and related permits needed for the Phase 1 improvements and must have executed a contract(s) for the full scope of said Phase 1 improvements with a licensed contractor(s). Once Invest Lynchburg has started Phase 1 of the James River Place Condominium project the City shall cause a certificate to be recorded in the land records of said Clerk's Office acknowledging the expiration of this right of first refusal.

Please let me know your thoughts concerning these proposed revisions. I will be out of the office from September 8-12. However, Susan P. Powers in our office has the original deed and can handle the closing if Invest Lynchburg wishes to close on the property during that period of time.

Sincerely yours,

Walter C. Erwin

Cc: Susan P. Powers