

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
Tuesday, September 9, 2014
9:00 a.m.**

Information Items

Recent/Pending Contract Awards: – none to report this month.

Update on priority projects – see attached report.

General Business

- | | | |
|----|---|-------------|
| 1. | Vacate a portion of Range Street | Kevin Henry |
| 2. | Temporary Speed Table use for traffic calming | Don DeBerry |
| 3. | Citizen Request Hillview Street / 3004 Winchester-Follow-Up | Lee Newland |
| 4. | Review of PDC Guidelines | Lee Newland |
| 5. | Roll Call | |

Pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: October 14, 2014

Lynchburg Capital Projects (General Fund)

September 9, 2014

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Design	November 2014	Preliminary Design - Interchange Modification Report Submitted to VDOT - Addressing VDOT Comments Rnd. 2
Wards Road Pedestrian X-ing 2B		Construction	September 2014	Trail Phase 2B - Notice to Proceed Given May 5, 2014 - 120 Day Project - Approximately 2 months behind
Midtown Connector		Construction	August 2015	Under Construction - Working on Langhorne 60% complete & Kemper Underway -
Greenview Drive Phase 2		R/W	August 2014	Project to be Included in P3 RFP with VDOT - Revenue Sharing Funds Awarded
Kemper Street Bridge / Interchange	*	Design	August 2014	Project out for ReBid
One Way Pairs @ 501/221		Preliminary	August 2014	Preliminary Design being Completed to Determine Available R/W for Development
Lower Bluffwalk Phase 2		Construction	October 2014	Underway
Memorial - Park - Lakeside Intersection		Utilities Design	November 2014	Project Underway to Install City Utilites separate from Project then ReBid
Miller Center Renovations		Construction	August 2014	Construction on Building Approximately 3 Months Behind Schedule.
Odd Fellows Road - P3		Advertising	May 2014	VDOT Issuing RFP in December-
Lakeside Drive Improvements @ L.C.		Design	September 2014	Design Underway - VDOT Performing SERP.
Harvard Road Improvements at Tunnel		Construction	October 2014	Adding Turn Lanes and Utilities
Old Forest Road Sidewalk	*	Construction	October 2014	Under Construction - Project 75% Complete

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION:

ITEM TITLE: **Vacate a portion of Range Street.**

RECOMMENDATION: Vacate the right-of-way.

SUMMARY: Robert Crocker, the owner of Acorn Hill at 2134 Old Forest Road, is petitioning to vacate a portion of right-of-way known as Range Street. The portion of Range Street that would be vacated adjoins the petitioner's property. The area is approximately ninety-nine thousandths (.099) of an acre. The exact dimensions of the proposed vacation are not completely surveyed at this time, but will have to be prior to this item being presented to Council. This section of right-of-way includes a grassed area.

The petitioner has submitted this right-of-way vacation proposal in conjunction with a rezoning petition that will be presented to Council at its October 14, 2014 meeting. The petitioner has requested this vacation in order to allow for additional parking near this area of Range Street.

The petitioner has already installed the parking area (gravel), which does not conform to the proffers associated with the property. The petitioner is seeking to amend proffers on the property, which will include an increased parking area. If the right-of-way vacation is denied a portion of the parking area that exceeds the current allowance would have to be removed.

PRIOR ACTION(S):

August 28, 2014: The Technical Review Committee [TRC] reviewed the petition. The TRC comments will have to be incorporated into the proposed ordinance.

FISCAL IMPACT: None

CONTACT(S):

Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

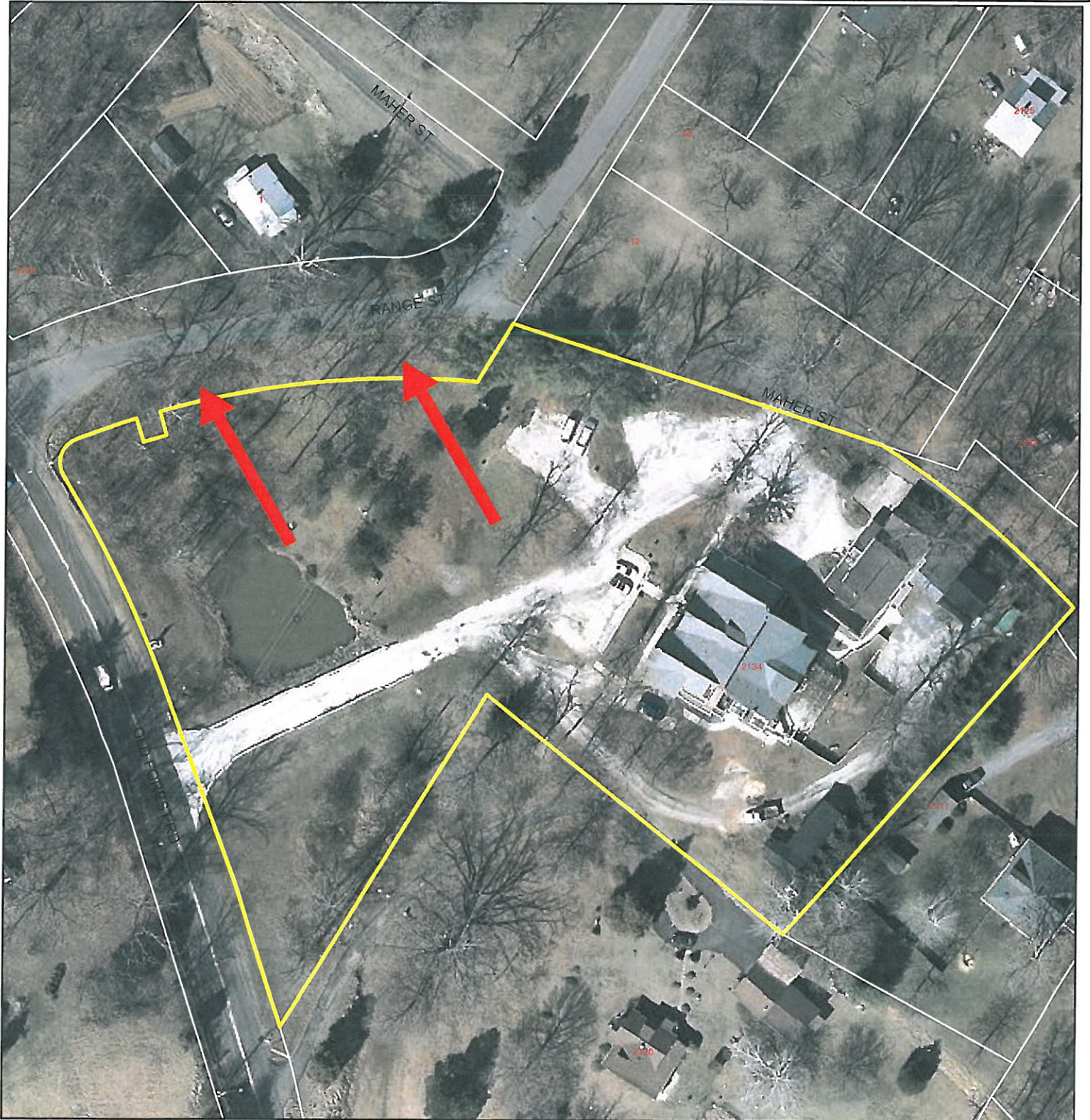
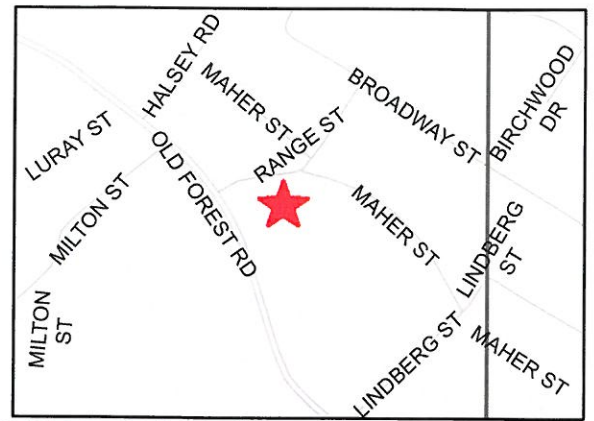
- Application
- Maps
- Site Plan

REVIEWED BY:

2134 Old Forest Road

Right-of-Way Vacation

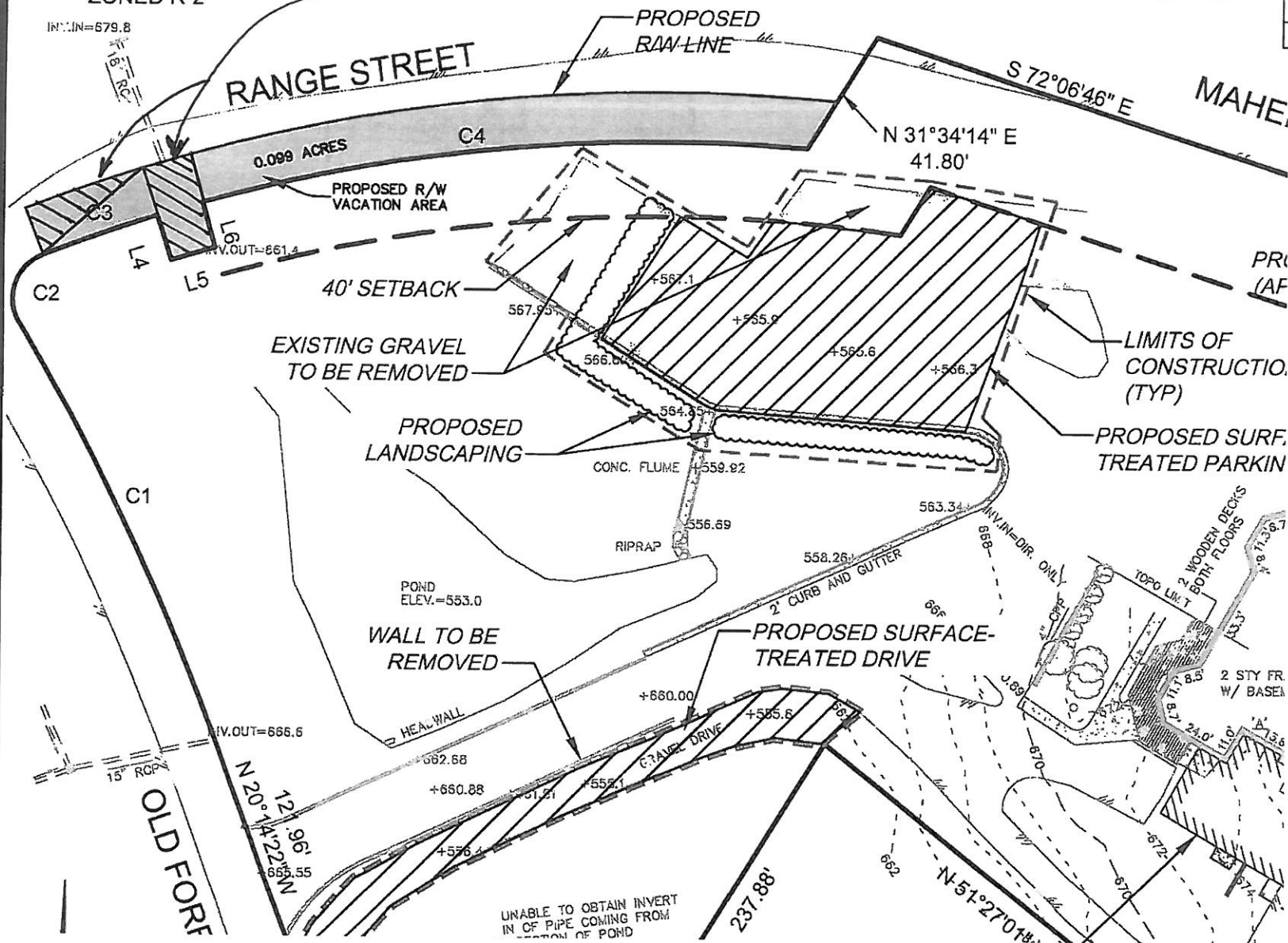
★ Location



CANNOT VACATE
MATCHED PORTIONS

ADJACENT PROPERTY
ZONED R-2

CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	10°38'29"	147.46	793.94	147.25	N 25°33'37" W
C2	99°21'49"	26.01	15.00	22.87	N 18°48'03" E
C3	4°03'35"	38.43	542.36	38.42	N 70°30'46" E
C4	20°37'03"	195.17	542.36	194.11	N 84°26'41" E
C5	14°39'33"	153.65	600.55	153.23	S 50°08'32" E



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Temporary Speed Table use for traffic calming**

RECOMMENDATION:

Allow the use of a temporary speed table to provide traffic calming for neighborhoods that successfully request same through the Neighborhood Traffic Management Program (NTMP) (by petition of greater than 66%). The device would be deployed for a period of roughly 90 days at a properly designed location after April 1 and removed prior to November 1 each year to avoid issues with snow removal.

SUMMARY:

Iowa DOT study found: "the devices were shown to be effective with the temporary speed table performing as well or better than the speed hump. Both the speed hump and the speed table were effective in reducing mean speeds at the device and immediately downstream, while speeds immediately upstream and farther downstream were less likely to be affected. The speed hump and speed table also reduced the number of vehicles exceeding the speed limit in the immediate vicinity of the devices. Also "once the devices were removed the number of vehicles exceeding the speed limit remained lower than before installation." Finally "It is recommended that small rural jurisdictions may consider temporary speed humps and/or temporary speed tables as a possible solution to concerns of speeding traffic on residential streets."

Currently there is a permanent speed table being constructed on Grove Street as part of the Miller Park Renovation. Another is being constructed on Harvard Street by CVCC.

We have one temporary speed table in stock in the traffic shop.

Referencing the following photograph, we do not propose to stripe the speed table per the picture, we will install advance signage: Black on yellow Speed Table Ahead.

PRIOR ACTION(S):

No prior PDC actions.

FISCAL IMPACT:

Staff time to install

CONTACT(S):

Don DeBerry – City Traffic Engineer 455-3935

Lee Newland – City Engineer – 455-3947

Gaynelle Hart – Public Works Director - 455-4406

ATTACHMENT(S):

Picture of temporary speed hump

REVIEWED BY:



Neighborhood Traffic Management Program (NTMP)



**December, 2005
FINAL DOCUMENT**

**City of Lynchburg
Virginia**

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City of Lynchburg

Neighborhood Traffic Management Program

1. Introduction

Speeding has become an increasing concern to neighborhood residents and to governing agencies charged with ensuring traffic safety. Excessive speed jeopardizes both the safety and “livability” of our neighborhoods. As a consequence, the City of Lynchburg has implemented this Neighborhood Traffic Management Program (NTMP) to address this important neighborhood concern. The NTMP enlists input from residents to help solve speeding problems and improve the residential environment. The program includes the components of public education, enforcement of laws and ordinances, and street and roadway engineering.

The program is adapted from the Virginia Department of Transportation’s (VDOT), “Residential Traffic Calming Guide,” with input from other programs throughout the Commonwealth and the nation.

Traffic calming is defined by the Institute of Transportation Engineers (ITE) as “the combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior, and improve conditions for non-motorized street users.” With the NTMP as a framework, City staff will work with neighborhoods to develop a plan to better manage speeding traffic. Although traffic calming is a major component in traffic management, this program was not called a “traffic calming” program as the term was considered to be too narrow. The term traffic management includes traffic calming as well as other strategies to slow speeds and make neighborhoods more livable.

Livability in neighborhoods is addressed in the City’s Comprehensive Plan, specifically relating to traffic conditions within neighborhoods. The City of Lynchburg’s *Comprehensive Plan, Transportation Element*, states:

Objective 1.D. Neighborhood Traffic. Ensure that traffic conditions do not degrade neighborhood quality.

1) Consider neighborhood-level impacts of transportation projects during preparation of Neighborhood Conservation Plans (see Chapter 4, Plan Framework) and employ traffic calming techniques to control...speeding traffic.

The NTMP is consistent with the City’s Comprehensive Plan. It should be noted that this program applies mainly to existing neighborhoods. New residential neighborhoods under review should be designed and constructed to include traffic management techniques. Guidelines for designing livable streets can be found in the documents Residential Streets, 3rd Edition (ISBN 0-874208-79-3), and Context Sensitive Street Design, APA. These documents are available from the Institute of Transportation Engineers and the American Planning Association, respectively.

2. Neighborhood Traffic Management Principles

The NTMP will be implemented and evaluated by Public Works Traffic Section staff with assistance from the Lynchburg Police Department. The intent of this program is to resolve traffic problems starting with the least restrictive measures, and proceeding through a step by step program. The program stresses a philosophy that incorporates the 3 E's in the following order of implementation:

- Education and Community Awareness
- Enforcement
- Engineering – Signage and other Physical Devices

These are explained in more detail below.

Education and community awareness – This is a critical first step. Residents should be made aware of speeding concerns and should be reminded of the importance of driving safely in their neighborhood. City staff is available to speak to homeowner associations and others about neighborhood traffic management techniques and to help raise community awareness about advantages, disadvantages, costs, and funding options of traffic management options.

Also, speeding is often due to increased traffic demands on crowded primary streets. In most cases, improvements to the primary arterial streets and the addition of new primary streets will be the only solution to traffic congestion and speeding in neighborhoods. The community must be aware of the plans, (e.g., major street plan for primary street improvements) and recognize the impact on their neighborhood. Also, implementation and expansion of bicycle and pedestrian plans, and the use of public transit will reduce congestion on neighborhood streets.

Enforcement – Speeding problems are traditionally addressed through police enforcement. Police officers monitor and enforce the posted speed limit. Enforcement efforts should be undertaken as much as possible prior to considering implementation of physical traffic management measures. Increased penalties for excessive speed is a low-cost measure that does not physically restrict driver maneuvers. An ordinance for increased penalties will increase the awareness that speeding within a specific neighborhood is a serious concern and that there is community support for increased speeding fines. City Council would have to adopt a procedure to accept and implement increased speeding penalties for selected streets within the City limits. A *Speed Watch* program conducted by trained citizens can be an effective tool for educating the motorist. Each of these items (education and enforcement) is discussed in greater detail in Appendix A and should be read by residents interested in the NTMP.

Engineering - Signage suggested by engineering studies may also help reduce speeds and will support law enforcement. It should be noted that unwarranted signs could be more of a problem than a solution. Please refer to Appendix C for some common questions regarding traffic control in neighborhoods. Physical Devices are designed to reduce speed by creating a vertical or horizontal shift in the roadway or travel lanes (See Appendix B for details of physical measures used to slow traffic in neighborhoods). Because they are indiscriminate and affect all motorists,

they should be used only as a last resort and with a majority of residents agreeing to this action. Since Fire and Emergency Medical Services (EMS) are affected by physical measures, they too must have an active role in the management plan. It should be noted that this policy does not prohibit the City to do what is necessary and in the timeframe necessary to correct a documented safety concern.

3. Neighborhood Traffic Management Process

The following explains how the NTMP works and how and when in the process the residents will need to participate. The flow chart figure on the following page graphically summarizes the NTMP process.

3.1. Step 1 – Initiate Petition (Residents Responsibility)

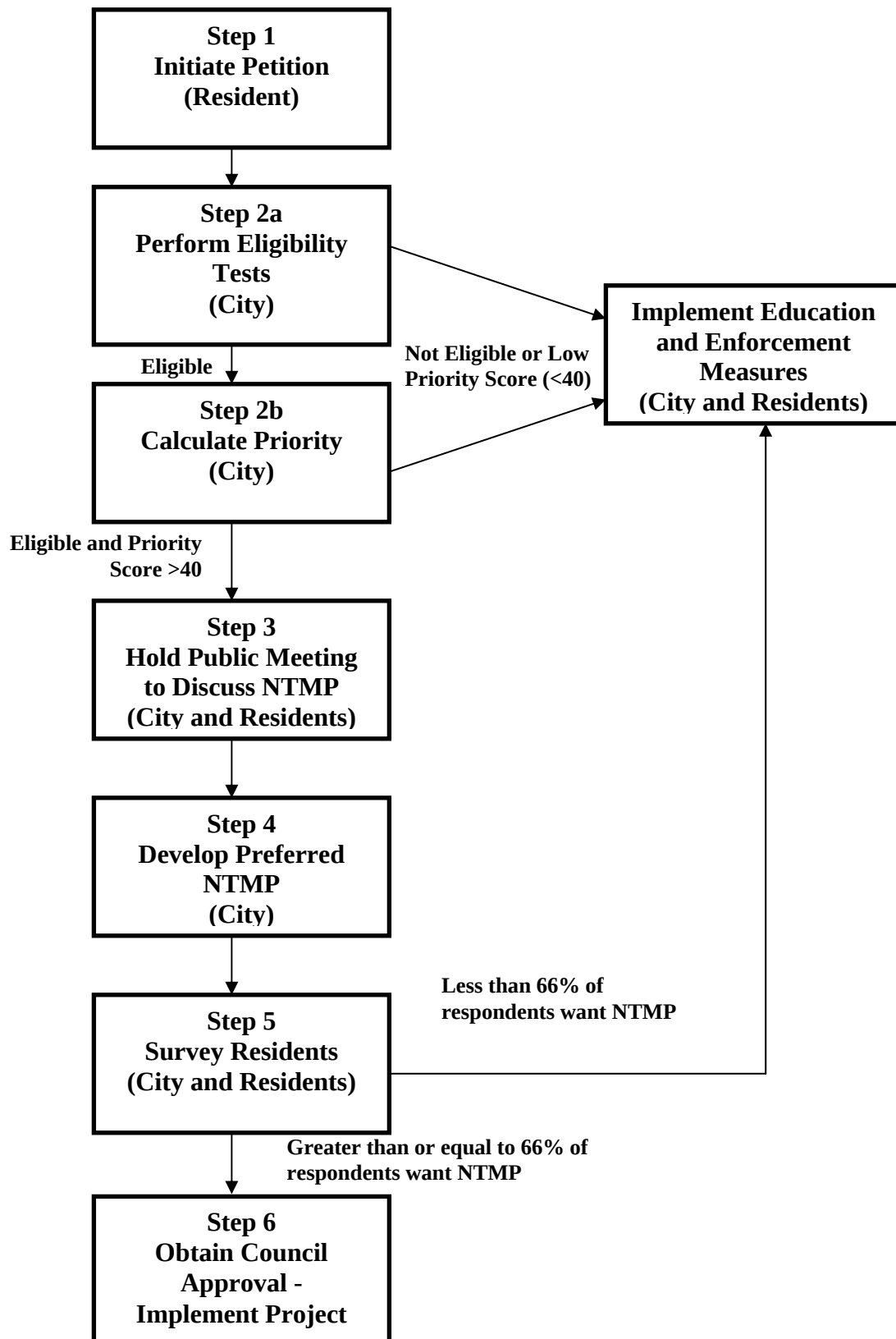
Any resident can initiate the NTMP. If a resident feels that the traffic moving through the area is creating an unsafe situation or adversely affecting their quality of life, that resident should contact the City's Public Works Traffic Engineering Section (455-3950) and request a copy of this document.

To ensure that there is at least basic support for traffic management in the area in question, the resident initiating the process will be asked to obtain the signatures of at least three (3) other area residents living at three (3) different mailing addresses who support the request using the petition form presented on Page 6. This petition form must be used and returned to Traffic Engineering. This request should also include the opinion of any existing neighborhood homeowner's association. Only one signature per property is allowed.

The petition should include all relevant data such as a description of the unsafe conditions, streets affected, time of day the safety concern is at its worst (if applicable), the speed limit of the roadway, possible causes of the problem, and other pertinent data to help Traffic Engineering staff identify and understand the problem.

<i>When Traffic Calming could help:</i>
• Speeding • High Traffic Volumes • Vehicular Safety Concerns • Pedestrian Safety Concerns • Noise Pollution • Vibration

City of Lynchburg Neighborhood Traffic Management Program (NTMP) Process



CITY OF LYNCHBURG
NEIGHBORHOOD TRAFFIC MANAGEMENT PETITION

We, the residents of _____, are in favor of pursuing Traffic Management in our neighborhood, in accordance with the City of Lynchburg's Neighborhood Traffic Management Program (NTMP), because of the following concern(s). (Please be specific and attach a separate sheet of paper if necessary.)

Note: Please state names of roads where you are concerned about safety from Begin Point to End Point. Also state whether the problem is excess speeds, geometric constraints (sight distance), or other.

Signature	Print Name	Address	Date
------------------	-------------------	----------------	-------------

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Three (3) individual resident signatures living at three (3) different addresses are required in addition to the petitioner. Only one (1) signature per address.

_____	_____
Name of Concerned Citizen (Petitioner)	Address

_____	_____
Day Time Phone Number	Home Phone Number

If a Homeowners Association exists, please state its collective opinion:

_____	_____
Homeowners Association Officer/Date	Day Time Phone Number

_____	_____
Title	Home Phone Number

Please send Petition to:
City Traffic Engineer
Public Works – Engineering, City Hall
900 Church Street
Lynchburg, VA 24504

3.2. Step 2a – Perform Eligibility Tests (City Responsibility)

After a traffic management petition has been received by Traffic Engineering, City staff will determine whether the street(s) is (are) eligible for traffic management techniques. This will most likely require data collection efforts and could take up to 90 days to complete. City staff will also determine the study area as more than one road may be affected if traffic management techniques are applied to one street.

The following criteria must be used to determine if a street is eligible for traffic management techniques. If a street does not meet the criteria listed below, enforcement and education remain viable options to address neighborhood speeding.

A. *Local residential streets* (two-lane) are eligible for traffic management techniques provided the posted speed limit does not exceed 25 mph. A local residential street provides direct access to abutting residences and serves to provide mobility within the neighborhood. Motorists on these streets should be entering and exiting the residences. Typically, dead-end, no outlet and private streets are not eligible for physical measures unless there is a major attractor on the street (e.g., church, school, etc.). The following additional criteria must also be met:

1. Minimum Vehicular Volumes: Eligible streets should have one or both of the following:
 - a) Daily Traffic Volume greater than 500 vehicles, or
 - b) Peak Hour Volume greater than 100 (any one hour during the day)**and**
2. A Documented Speed Problem – the average speed is greater than 5 mph over the speed limit based on documented speed studies (greater than 30 mph).

B. *Certain residential collector streets*, although classified as collector roads, may have characteristics of a local residential street. (For purposes of this document, a collector street is defined as a roadway that can have lower speeds and volumes and usually connect major arterials with local streets.) Typically, dead-end, no outlet and private streets are not eligible for physical measures. These streets may be considered for traffic management techniques if they meet all the following conditions:

1. Posted speed of 25 mph
2. Two-lane roadway
3. Does not serve as the primary access to commercial, educational, or industrial sites.
4. Minimum of 12 dwelling units fronting the street per 1,000 feet of roadway, including both sides.
5. The volume of traffic is greater than 1,000 vehicles per day.
6. Documented Speed Problem – the average speed is greater than 5 mph over the speed limit based on documented speed studies (greater than 30 mph).

Due to the large number of requests that may be received each year, Traffic Engineering may perform a qualitative assessment in lieu of a more detailed quantitative assessment.

3.3. Step 2b – Calculate Priority (City Responsibility)

Once all the data outlined above has been collected and analyzed, the request will be prioritized. Requests scoring less than 40 points on the first chart below will automatically be considered low priority and not considered for physical measures (this threshold should be adjusted annually as more data becomes available). If a request is determined to be a low priority, consideration should still be given to addressing the issue through simple, alternative traffic management measures that can be implemented with City forces using available operating funds. These measures are typically low cost yet provide some support to the neighborhood to lessen the apparent problem.

Some alternative measures that may be considered include:

- Increased police enforcement and/or speed displays
- Education
- On-street parking
- Signing improvements
- Improvements or revisions to pavement markings, such as crosswalks or edgelines
- Changes to traffic regulations such as speed limits, or turn prohibitions

It is important that implementation of these alternative measures does not adversely impact adjacent streets or neighborhoods. If the anticipated impacts of a proposed measure cannot be easily identified or if the impacts are expected to extend beyond the study location, then the measure should not be considered except in conjunction with a full traffic management plan. For those neighborhoods not automatically categorized as low-priority, consideration must still be given to using simple, alternative traffic management measures before advancing to Step 3. If the issues cannot reasonably be addressed through any of the alternative measures identified above or if alternative methods have already been tried unsuccessfully, then the neighborhood will be considered for a more extensive traffic management project. All of the traffic management projects being considered will be prioritized based on their point totals according to the second chart below, available funding, and Council approval.

All streets must meet the requirements outlined under Step 2a above, and meet the following scoring requirements to move forward:

Criteria	Points	Basis for Point Assignment
Speed	0 to 50	85 th percentile traffic speeds more than 5 mph above the posted speed (5 points assigned for every mph over)
Volume	0 to 50	Average daily traffic volumes (2 points assigned for every 100 vehicles per day)
Total Points Possible	Varies	Must have at least 40 points to move on to the table below

Streets with a score of 40 or greater will advance to the detailed scoring process (see table below). Streets that score below 40 points will need to wait a minimum of three (3) years before starting the process over again. This timeframe can be adjusted if traffic patterns in the area change significantly before the three (3) year timeframe is over. These roadways are still eligible for education, enforcement, and possibly other low cost measures.

Criteria	Points	Basis for Point Assignment
Speed	0 to 50 max	Percentage of vehicles traveling 10 mph over the posted speed (1 point assigned for every 1 percentage point)
Volume	0 to 5 max	Average daily traffic volumes (1 point assigned for every 100 cars over 500 vehicles per day)
Elementary Schools	0 to 10 max	5 points assigned for each school zone in study area
Pedestrian Generators	0 or 5	5 points assigned for public facilities (such as parks, community centers, and high schools) that generate a significant number of pedestrians on the street
Bicycle Route	0 or 10	10 points assigned if any part of the street is a designated bicycle route
Transit Streets	0 or 10	10 points assigned if any part of the street is a designated transit route
Pedestrian Facility	0 or 10	10 points assigned if there is no continuous sidewalk on at least one side of the street
Crash Frequency	0 to 5 max	5 points for injury accidents, 1 point for property damage (last 3 years)
Total Possible Points	Varies	

The qualifications and selection scores for each street segment are added together. All street segments are then compared with each other. Those with the most total points are ranked the highest. City Council must approve physical measures and may change priorities due to available funding. The priority of a project may be accelerated if it is compatible with an existing or scheduled overlay or other repair in the area.

3.4. Step 3 – Initiate and Hold Public Meeting (City and Residents Responsibility)

Based on the results of Step 2, City staff will hold a neighborhood design charrette to begin the development of the project. A charrette is a highly interactive public meeting in which facilitators educate participants and encourage their interaction through a variety of activities designed to allow the participants to express their opinion and to understand the opinions of others. The purpose of the charrette is to:

- Educate the residents about traffic management, available traffic management measures, and the process;
- Review the traffic data gathered about the project and restate the issues to be addressed;
- Brainstorm traffic management techniques that could be utilized for the project;

- Develop a rough draft traffic management plan that addresses the issues and is supported by the neighborhood and is economically feasible.

The group of local representatives from the petition area or the homeowners association will be responsible for scheduling and facilitating the meeting. City staff will provide technical support and advise the community of the potential advantages and disadvantages of traffic management techniques. Educating participants about neighborhood traffic management is important to a successful program.

All residents in the defined study area will be invited to participate in the charrette. The outcome of the meeting will give City staff a direction for the development of a Neighborhood Traffic Management Plan for the neighborhood. A plan may include enforcement and education only but also could include physical measures.

3.5. Step 4 – Develop Preferred Traffic Management Plan (City Responsibility)

After the neighborhood design charrette, City staff will take all of the information that has been gathered and develop a conceptual plan for the implementation of traffic management techniques in the neighborhood. It is critical that appropriate City departments are included in this process, especially emergency services. The plan will include sketches, as appropriate, depicting the proposed installation sites of the preferred management measures and a plan to evaluate the effects on the neighborhood one year from the time of implementation. City staff will circulate the conceptual plan for review and comment to the various City departments through the Technical Review Committee (TRC). The City departments that will need to review the final plan prior to implementation may include:

- Risk Management
- Fire Department
- Police Department
- Buildings and Grounds (if landscaping is anticipated)
- Waste Management Division
- Streets and Engineering Divisions
- Planning Department
- GLTC (if bus routes are in study area)
- Public School Transportation Department
- Historic District Review Boards (if applicable)

City staff will consider the various comments received from other City Departments and revise the conceptual plan accordingly. A preliminary cost estimate will be prepared for the final concept plan.

3.6. Step 5 – Survey Residents for Preferred Traffic Management Plan (City and Resident Responsibility)

The residents of the neighborhood will be given a copy of the preferred Neighborhood Traffic Management Plan and surveyed to determine what percentage agrees with the Plan. City staff will mail the survey out to all residents in the study area by mailing address. Each address in the study area will receive one survey. At this stage, there must be at least a 66% approval rating (a “yes” vote) of all potential/eligible properties for the preferred Neighborhood Traffic Management Plan to move forward. This percentage must be obtained regardless of the respondent rate. This survey requirement only applies to physical remedies within the road. There is no need to complete a survey prior to utilizing the approaches of enforcement and education.

Only one vote per address is allowed. If a property is an apartment complex with five or more units, only the property owner or management company may complete the survey. If an apartment has less than five units, it will be treated as individual properties. Respondents will have two (2) weeks to mail the survey back to the City.

3.7. Step 6 – Implement Project Based on Priority, Funding and Council Approval

The Neighborhood Traffic Management Plan will be implemented based on its priority score and available funding. If a project is very costly, it is conceivable that it may have to be carried over two (2) or more fiscal years to encumber enough funds to construct it. If a project can not be completed over a course of five (5) years due to funding constraints, it can be reconsidered again for traffic management techniques of lesser cost. If the NTMP’s funding is placed on hold by City Council, all traffic management projects that required funding will also be put on hold until such time as Council funds projects again. City Council has the authority to establish and/or change the priority of requested projects.

City staff will work with neighborhoods and interested parties to identify funding sources and to provide advice on obtaining project funds. Funding participation by neighborhoods or interested parties is welcomed and will be considered in prioritizing approved projects. A project that is fully funded could take up to 12 months to construct depending on the time of year and the complexity of the project.

After construction, a follow-up evaluation will be performed to ensure that the physical measures are effective. The City will determine the method to disseminate the findings and recommendations to those involved in the plan development, and obtain feedback as appropriate. If an unforeseen problem develops, the City may determine it appropriate to remove any installed physical devices. In this case, any private funding will not be refunded.

Appendix A

COMMUNITY AWARENESS, EDUCATION AND ENFORCEMENT

COMMUNITY AWARENESS, EDUCATION AND ENFORCEMENT

Community Awareness and Education

Many neighborhood traffic management programs include a community awareness and education component. This component is performed alone, as a first step before deciding to consider other actions, or in combination with other actions. A brochure has been developed for the City of Lynchburg which is presented on the following pages.

Enforcement

In addition to the traditional role of enforcing speed limits through issuing tickets, the police may also increase the community's awareness of speeding problems. An example is announcing locations for speed monitoring by radar through public service announcements (PSAs).

Increase Speeding Fine

The Virginia State Code authorizes increased penalties for speeding in residential neighborhoods. A community's voluntary acceptance of increasing the maximum penalty for exceeding the speed limit to \$200 will emphasize their commitment to addressing the problem. The primary focus of this program is to resolve the problems at the source, the violators. This will require a program to be implemented by City staff and approved by City Council.

HOW CAN YOU MAKE YOUR NEIGHBORHOOD STREETS SAFER?

Studies have shown that motorists drive over 25 mph on residential streets. These studies also show that those who exceed the speed limit come from all age groups, not just teenagers or commuters, but everyone alike. What does this mean? The average motorist in Lynchburg drives faster than they should on residential streets. This usually occurs for two reasons:

- Local residents drive faster on their local streets because they feel familiar and comfortable.
- Outsiders use local streets as short cuts to busy arterial roads.

AS A DRIVER



SLOW DOWN

The maximum legal speed limit on residential streets is 25 mph (unless otherwise posted). Drive 25 mph or less to give yourself more time to react to the unexpected, such as a child darting out from behind a parked car. Unless you make a conscious effort, you may drive faster than you should on residential streets. Remind neighbors to drive 25 mph. Make sure that others who use your vehicles drive 25 mph. Do not speed on major streets either, and avoid bad driving habits. Studies show that driving at a lower and more responsible speed on residential streets has very little effect on the time it takes to complete your journeys. Besides, **IT IS THE LAW.**

AVOID USING NEIGHBORHOOD STREETS AS SHORT CUTS

The more we use residential streets as short cuts, the more we disrupt the quality of life in neighborhoods. Neighborhood cut-through traffic increases noise and pollution in residential areas and results in a greater threat to the safety of children.



OBSERVE ALL THE RULES OF THE ROAD

Don't take chances, even on short trips. As statistics show, most accidents occur close to home. In particular, make sure you and all your passengers buckle up.

CHANGE YOUR DRIVING PATTERN ON RESIDENTIAL STREETS

Learn to adopt a different attitude! You should expect the unexpected on residential streets. It may not be your fault if you have an accident, but imagine the pain you would live with if you hit a child or elderly pedestrian. Yield to pedestrians. Pedestrians have the right-of-way at intersections whether crosswalks are painted on the street or not.

AS A PARENT

Ensure that your children know and understand the rules of the road. Our children are the primary pedestrians on residential streets and are the most likely victims of careless drivers.



Studies have shown that smaller children have difficulty in making safe judgments about traffic dangers. Do not let your children play in the street. Warn them against darting into the road after pets or toys. Teach your children to stop, look both ways, and listen before crossing streets. Make sure your children know that even though cars are supposed to stop, they may not.

SUPERVISE YOUR CHILDREN'S TRIPS TO AND FROM SCHOOL

- Plan a safe walking route to school. Walk it with your child and point out areas where they should be especially careful.
- Take or arrange for transport of smaller children to and from school.
- Set a good example, drive the speed limit and drive with courtesy. Let children off on the correct side of the road when delivering or picking them up from school.
- Ensure that your children are properly equipped to ride bicycles on city streets.
- You need to equip them with two things:
 1. Bright clothing and a safety helmet
 2. A sound understanding of the Rules of the Road



AS A RESIDENT

DON'T RUSH!

Do not rush while driving. Be organized and leave a little earlier. In particular, do not rush getting children to and from school. Our urgency may cause them to disregard traffic safety and run headlong across the street.



TAKE THE INITIATIVE

If there are potential problem areas along your street let your Public Works Department staff know (by calling Citizen's First), such as:

- Damaged or missing signs
- Pot-holes
- Landscaping that obscures a driver's vision of signs or intersections.

TALK WITH THE LYNCHBURG POLICE DEPARTMENT

Speeding should be reported to your local police department. Let them know when the problem is more prevalent so they can conduct more effective enforcement. Ask for an occasional traffic patrol to deter speeders.



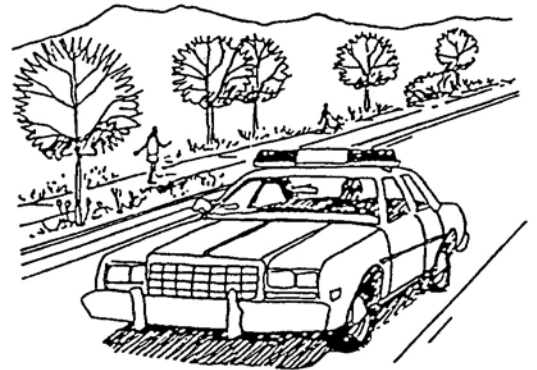
GET INVOLVED AND DO YOUR PART TO IMPROVE TRAFFIC SAFETY



856-CITY (856-2489)

ENFORCEMENT **(Visible and Active Police Presence)**

Enforcement is the periodic monitoring of speeding and other violations by police. Police officers can come out to a neighborhood for short periods of time to issue tickets. Additionally, police officers can “take a neighborhood under their wing,” and monitor traffic on a regular basis.



POLICE SPEED WATCH **(Speed Wagon/Trailer)**

Police speed watches are the use of a portable radar speed meter capable of measuring vehicle speed graphically and then displaying the speed to passing drivers.



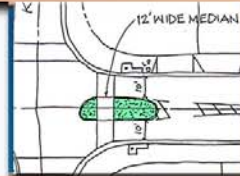
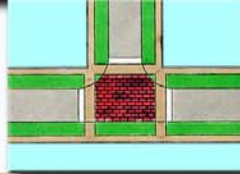
Appendix B

PHYSICAL TRAFFIC MANAGEMENT DEVICES

(Commonly Referred to as Traffic Calming Devices)

Source: Walkable Communities, Inc.

Traffic Calming -- Intersection Tools

Tool Description	Added Benefits		Cost / Other	Plan View	
Curb Extensions	Main Street	Neighborhood			
Curb extensions are great tools for slowing speeds at intersections and midblock locations. They are often used in combination with other tools, such as refuge islands, or part of a modified intersection. They are very helpful to inset parking, meet ADA requirements and reduce pedestrian crossing times and distances.		Helps protect and preserve sight lines, eliminates illegal parking, helps assure emergency responder access to critical streets. Can be used for emergency responder operations area. Use to create chokers, chicanes, neckdowns.		Costs range from \$5-30,000 per corner. Costs are reduced if drainage is left open. This can increase maintenance costs, so these details must be worked out by a city/county team.	
Refuge Islands					
Refuge islands slow traffic in three ways. They visually tighten the road, slow turning speeds, and help create narrow channels. They separate conflicts, create 10' wide driving lane channels (when used with curb extensions), minimize pedestrian crossing conflict speeds.		Minimum preferred width 8.0 feet. Best when landscaping is used to help motorist see treatment in advance. Keep ADA ramps at grade or with light crown for drainage. Use full width ADA ramps, and create 45 degree bend, if midblock.		One of the most affordable tools. Does not affect drainage. Can be landscaped at added cost with or without irrigation. Used effectively in high pedestrian areas, such as schools, parks, stores.	
Modified Intersections					
Modified intersections take back unwarranted asphalt, returning it as green space. Often motorists turn too fast when curb radii were made too wide for safety. Some intersections can be turned into small parks, greatly increasing safety, beauty and a gateway appearance.		Vastly improves sight distances. Helps many motorists get into difficult or unsafe intersections. Can serve as a small neighborhood park or gathering place, thus increasing association and security of the neighborhood.		Very popular as a gateway to a neighborhood, or any place where excessive asphalt exists. Very high return on investment, especially where pedestrian crossings are risky. Avoid ugly temporary treatments.	
Raised Intersections					
Raised intersections provide a colorful vertical intersection effect. They slow traffic in three ways. First they create an attractive, distinct shape. Second, they create a vertical deflection forcing a low speed approach. Third, they highlight the area as a pedestrian space.		Can be used with very tight and narrow intersections. Used where roundabouts cannot fit. Highly attractive. Requires good coordination with engineering, landscaping and architectural specialists.		Very popular as a gateway to a neighborhood, or any place where excessive asphalt exists. Very high return on investment, especially where pedestrian crossings are risky.	
Roundabouts, Mini- Roundabouts					
Roundabouts and mini-roundabouts are the most effective and popular traffic calming feature. These horizontal deflection tools lower speeds to 15-20 mph, shorten pedestrian crossings to 12-14 feet at a time, decrease injury crashes about 90%, reduce noise and pollution, and increase area property values.		Roundabouts are excellent for entrances, intersections near schools, parks, gateways to downtowns, and many other locations. Always consider any time a signalized intersection is being funded.		Great range in costs. Mini-roundabouts can be \$10-50,000, while roundabouts can be \$50-500,000 for many sizes. Greatest safety benefit of all traffic calming tools.	

Traffic Calming -- Mid Block Tools

Tool Description

Speed Tables (Flat Top Tables)

Speed Tables slow traffic through vertical deflection. They are a best tool for pedestrian and bicyclist crossings. Although they are not desired where volumes are high (above 10,000), on bus routes or prime emergency response routes, they have great utility. Their most common placements are at schools, parks, many local streets, and on some moderate volume roads.



Major Street

Speed tables are highly effective on narrow streets where parking must be maximized, and where other tools take away valuable land or parking. They can be colorized, enhanced with advance markings and made of asphalt or concrete.



Cost / Other

Costs range from \$4-15,000. Costs are reduced if drainage is left open. This can increase maintenance costs, so these details must be worked out by a city/county team. They can be stamped or patterned for added attractiveness.

Plan View



Chokers

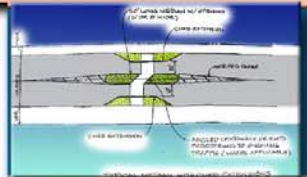
Chokers reduce speeding by narrowing passageways at appropriate points. They are highly effective when set at 10' width. Sometimes additional visual narrowing is applied. Chokers demand landscaping, so that they can be seen from a distance. Low, slow growth ground cover and tall trees are useful.



Chokers take up only moderate space, keeping parking toward a maximum. Chokers require low ground cover and tall trees for maximum safety and benefit. They are very attractive enhancements to neighborhoods, and quite popular.



Costs range from \$4-15,000. Costs are reduced if drainage is left open. This can increase maintenance costs, so these details must be worked out by a city/county team. They can be stamped or patterned for added attractiveness.



Chicanes

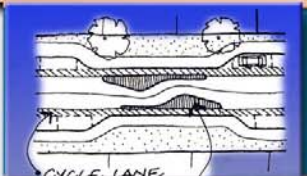
Chicanes divert traffic from its intended course. Deflection speeds are held to 15-20 mph. These tools are highly effective and can be made very attractive. These tools work for all size vehicles. On low volume streets no treatments are needed for bicycles, but on higher volume Avenues it may be appropriate to channel bikes along their own independent course.



Chicanes take up longer sections of roads than most tools and must be carefully set between driveways. Meanwhile, they are very popular since they can create attractive mini-parks. Landscaping greatly enhances their performance.



Costs range from \$12 -35,000. Costs are reduced if drainage is left open. This can increase maintenance costs, so these details must be worked out by a city/county team. They can be stamped or patterned for added attractiveness.



Medians

Raised medians are especially useful around curves and on any overly wide street. Medians are the most attractive and least intrusive treatment. Their benefit to pedestrians is noteworthy. Medians can have openings for driveways, and so fit in many tight locations. Use care to keep medians in plain view, especially around curves and on hills.



Medians may restrict parking, especially on narrower roads. Medians can add significant beauty to neighborhoods. A variety of materials can be used. Concrete curbs are essential to their success.



Costs range from \$4-15,000. Costs are low, since they do not impact drainage. Using xeroscaping or other alternative landscaping materials can keep maintenance costs low. Light crowning aids detection and beauty.



Short Medians

Short medians are best described as a pregnant median, or a mis-located roundabout. They are highly effective tools, slowing traffic to about 15-20 mph. Short medians are very attractive. However, they remove parking, and often appear to take land away from adjacent properties. Best for local streets.



Short medians can be neighborhood focal points or mini-parks. When parking, driveway placement and other land issues are not an issue they are exceptionally well liked by the entire neighborhood. Tall trees should be planted.



Costs range from \$10-25,000. They are often free if added as part of normal street construction. They rarely have impact on drainage. Often short medians are used to preserve a historic tree, cactus, boulder or other feature.



Appendix C

COMMON MYTHS OF TRAFFIC CONTROL

Common Questions of Traffic Control

Why can't we have a 4-way stop to reduce accidents?



Many people believe that installing STOP signs on all approaches to an intersection will result in fewer accidents, however, this is not always the case. Although the accident severity may be lessened, drivers are penalized by the additional delay and higher vehicle operating costs (fuel, brakes, etc.). There is no real evidence to indicate that STOP signs decrease the speed of traffic.

Impatient drivers view the additional delay caused by unwarranted STOP signs and begin to disregard their importance. Unwarranted STOP signs breed disrespect by motorists who tend to ignore them or slow down without stopping. This can sometimes lead to tragic consequences.

The Manual on Uniform Traffic Control Devices (MUTCD) published by the U.S. Department of Transportation is the national standard for Traffic Control Devices. The Virginia Department of Transportation has adopted the MUTCD as the State standard. The installation of a multi-way stop condition must first meet the warrants as set forth in the MUTCD. Any of the following conditions may warrant a STOP sign installation (sec. 2B-4):

1. Where traffic signals are warranted and urgently needed, the multi-way STOP is an interim measure that can be installed quickly to control traffic while arrangements are being made for the signal installation.
2. An accident problem, as indicated by five or more reported accidents of a type susceptible to correction by a multi-way STOP installation in a 12-month period. Such accidents include right and left-turn collisions as well as right-angle collisions.
3. Minimum traffic volumes:
 - (a) The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any 8 hours of an average day, and
 - (b) The combined vehicular and pedestrian volume from the minor street or highway must average at least 200 units per hour for the same 8 hours, with an average delay to minor street vehicular traffic of at least 30 seconds per vehicle during the maximum hour, but
 - (c) When the 85th percentile approach speed of the major street traffic exceeds 40 miles per hour, the minimum vehicular volume warrant is 70 percent of the above requirements.

STOP signs should not be viewed as a cure-all for solving all safety problems but, when properly located, can be useful traffic control devices to enhance safety for all roadway users. Stop signs will not be used solely for speed control within the City of Lynchburg.

"Won't a 'children at play' sign help protect our kids?"



At first consideration, it might seem that this sign would provide protection for youngsters playing in a neighborhood. It doesn't.

Studies made in cities where such signs were widely posted in residential areas show no evidence of having reduced pedestrian accidents, vehicle speed or legal liability. In fact, many types of signs which were installed to warn of normal conditions in residential areas failed to achieve the desired safety benefits. Further, if signs encourage parents with children to believe they have an added degree of protection - which the signs do not and cannot provide - a great disservice results.

Obviously, children should not be encouraged to play in the roadway. The "children at play" sign is a direct and open suggestion that it is acceptable to do so.

Federal standards discourage the use of "children at play" signs.

Specific warnings for schools, playgrounds, parks and other recreational facilities are available for use where clearly justified.

"Why not lower the speed limit to reduce hazards in our area?"



An unrealistically low speed limit can actually lead to accidents. Here's why:

First, many studies conducted over several decades in all parts of the country have shown that a driver's speed is influenced more by the appearance of the roadway and the prevailing traffic conditions than it is by the posted speed limit.

Second, some drivers will obey the lower posted speed while others will feel it's unreasonable and simply ignore it. This disrupts the uniform traffic flow and increases accident potential between the faster and the slower drivers.

Third, when traffic is traveling at different speeds as mentioned above, the number of breaks in traffic to permit safe crossing is reduced. Pedestrians also have greater difficulty in judging the speed of approaching vehicles.

Finally, setting the speed limit to an unrealistic threshold as compared to the geometrics and appearance of the roadway will create a significant enforcement problem with the Police Department.

Appendix D

COMPARISON OF TRAFFIC CALMING POLICIES FROM DIFFERENT AGENCIES

TRAFFIC CALMING COMPARISONS

ELIGIBLE STREETS					APPROVING CRITERIA						PHYSICAL MEASURES ALLOWED *											
	AGENCY	STATE	WRITTEN POLICY	ACTIVE PROGRAM	COMMENTS	AVERAGE SPEED/CUT-THRU %	% CITIZEN APPROVAL	FUNDING PER YEAR	PRIORITIZATION PROCEDURE	COMMUNITY AWARENESS PROGRAM	SPEED WATCH PROGRAM/ ENFORCEMENT CONSIDERATION	PAVEMENT MARKINGS	SPEED HUMP	SPEED TABLE	CHOKER	TRAFFIC CIRCLE	MEDIAN ISLANDS	CHICANE	CLOSURES	SPEED ZONES	FOLLOW-UP EVALUATION	
1	VA Dept of Transportation	VA	Y	Y	Local - 25 MPH	30 MPH	75%	Varies	Y - Point System	Mentions as first step	mentions enforcement	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
					Collector - 25 MPH																	
					2-Lane																	
					Not primary																	
					12 dwellings per 1,000 ft.																	
2	City of Harrisonburg	VA	Y	Y	Same as VDOT's with small variation	≥ 31 MPH (85%)	75%	Varies	Y - Point System	Y - Written program	Y - Written program		Y	Y	Y	Y				Y - specific guidelines	Y	
3	City of Bedford	VA	N	N	Comprehensive plans mentions design modifications to calm traffic					N/A	N/A									N/A		
4	Chesterfield County	VA	N - Have draft policy	N	VDOT	≥ 30 MPH	75%	\$50,000 If active	Y - own method	N/A	N/A	Y	Y	Y	Y	Y	Y	Y		N/A	N/A	
5	City of Hampton	VA	N	Y - (past 7 years)	N/A	> 8 MPH over posted (85%) 40% cut-thru during peak	2/3	Varies	N/A	N/A	N/A			Y		Y			Y	N/A	N/A	
6	City of Chesapeake	VA	Y (recent)	Y	VDOT	≥ 32 MPH	75%	Varies	VDOT	Y	Mention enforcement		Y	Y	Y	Y	Y	Y		Y		
7	City of Alexandria	VA	Y	Y - includes dedicated program manager	Classification Designation by City - Specific volumes	15% of motorists going 5 MPH over speed limit	65%	\$400,000 - \$600,000	Y - own method	N/A	N/A		Speed cushions	No more speed tables - Fire & EMS issue		Y		Y				
8	Town of Blacksburg	VA	Y	Y	N/A	N/A	N/A	Cost share program	First come-First serve	N/A	N/A	Y	Y		Y	Y	Y	Y			N/A	
9	City of Charlottesville	VA	Y	Y	All roadways up to minor arterial	use speed charts	50% response rate 2/3 agree	N/A	N/A	Y	Y	Y	Y	Y	Y	Y	Y	Y			Y	
10	City of Sarasota	FL	Y	Y	Neighborhood Streets	10 MPH over posted speed limit (85%)	Letter from Associations	\$300,000	Y - point system	N/A	N/A		Y	Y	Y	Y	Y	Y				
11	City of Winston-Salem	NC	Y -draft	Case by Case	Neighborhood Streets	N/A	2/3 - non-responsive are "no"	N/A In CIP	Y - point system	Y	Y	Y	Y	Y	Y	Y	Y	Y			N/A	
12	City of Fayetteville	AK	Y	Y	locals and collectors ≤ 30 MPH posted speed	Ranking system	75%	N/A In CIP	Y - point system	N/A	N/A	Vote on preferred strategy with citizens - 60% or more must sign to remove										N/A
13	City of Portland	OR	Y	Y - some elements on hold	≤ 4000 AADT - locals and some collectors	Point System	30% return - 51% approval		Y - point system	Y	Y	Y	Y		Y	Y	Y				Y	

* VDOT provides design guidance for each

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Citizen Request Hillview Street / 3004 Winchester Continued from August**

RECOMMENDATION:

Deny request for the City of Lynchburg to allow substandard street construction.

SUMMARY:

Update:

At last month's meeting the PDC wanted additional information and follow-up on this agenda item.

- 1) How far would the road have to be extended and what size did the hammerhead turn around need to be? The road would be required to be extended 20 feet beyond the driveway to the lot and the hammerhead would need to have 20' long legs. (22.5 feet minus the 2.5 foot curb and gutter) From the existing location, the road would need to be extended approximately 48 feet to get to the property line and then the area for the hammerhead for a total of approximately 90 feet. The pavement section required is 6" stone and 2" asphalt.
- 2) Is there water and sewer available? There is a 2" water line in Hillview Street and an 8" water line in Winchester Street. For sewer, a 48" sewer crosses the property but is inaccessible due to it being over 100' deep. An 8" sewer crosses the property at Winchester Street and is also 70 feet away from the property in Hillview Street. It is only 6 feet deep in Hillview and may require a pump due to the topography.
- 3) Are there any concerns from the Fire Department? The closest fire hydrant on Hillview Street is over 670' from the property line. According to the International Fire Code, a hydrant would need to be within 400' of the house or the structure would need to be sprinkled. A hydrant is within 50' of the property line on Winchester Street.
- 4) Are there other situations like this within the City? Yes. Water and the road had to be extended on "L" Street by the property owner. Pine Drive had water and road extensions, with curb and gutter, paid for by the property owner. Brunswick Drive also had to be extended for the construction of a residence.

Staff is present to answer any additional questions.

End of Update

Mr. Quick is here to request that Hillview Street be extended 46 feet to beginning of his property then an additional 60 feet for a turnaround area with gravel held in place by railroad ties. Staff is present to discuss the topic. The zoning ordinance states that in order to obtain a building permit, an improved street must extend all the way across the frontage of the property.

The definition in the code of a street is: Street, public: An improved dedicated right-of-way, or an improved road which has become public by right of use, for access use by the public, usually having a minimum pavement width of thirty (30) feet and a minimum right-of-way width of fifty (50) feet unless the regulations of the City of Lynchburg require otherwise.

Sec. 35.1-22. Buildings, uses and lots.

(a) Building lot required. Every building or structure hereafter erected shall be located on a lot as herein defined. Where more than one (1) building is erected on a single lot, open spaces or courts shall be provided between buildings as provided herein.

(b) Street frontage required. No permit shall be issued for any land use or structure unless the lot on which such land use is to be established or such structure is to be built has frontage providing access on at least one (1) dedicated, improved street extending across the entire front of the lot where right-of-way extends on the property line with at least twenty (20) feet of pavement with fifty (50) feet of right-of-way. This requirement may be waived by the city council in the case of planned unit developments, cluster commercial developments, traditional neighborhood developments, and townhouse lots for sale complexes where adequate public and private access is provided to such land use or structure.

(c) Reduced street frontage requirements. A permit may be issued for a land use or structure on a lot with less than the required street frontage if:

- (1) The lot fronts on a cul-de-sac, in which case the minimum street frontage shall be thirty (30) feet; or
- (2) The lot is a flag lot meeting the requirements of Section 24.1-28.1 Flat lots.
- (3) The lot is an existing lot of record on September 12, 1989 and has a perpetual unobstructed easement of access at least thirty (30) feet wide to such a street to serve one (1) building.
- (4) The lot is an existing lot of record on July 11, 2011, in which case the lot shall provide access on at least one (1) dedicated, improved street extending a minimum of twenty-five (25) feet past the driveway accessing the lot.

Responded to Mr. Quick on 4/12/2011 that City would accept a minimum of 20' pavement of 6" stone and 2" of asphalt with a hammerhead turn around that was 22' along the legs.

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland – City Engineer – 455-3947

Gaynelle Hart – Public Works Director – 455-4469

ATTACHMENT(S):

Letter and information from Mr. Gil Quick

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014 PDC**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Physical Development Committee Guidelines**

RECOMMENDATION:

Discuss and approve the attached guidelines for the operation of City Council's Physical Development Committee (PDC).

SUMMARY:

The Physical Development Committee (PDC) should review the guidelines every two years to ensure the committee is organized for a high degree of effectiveness and efficiency. The last time the guidelines were reviewed was in August 2010.

PRIOR ACTION(S):

8/10/10 PDC – Last revision of guidelines.

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland – City Engineer – 455-3947

ATTACHMENT(S):

Physical Development Committee Guidelines

REVIEWED BY:

Lynchburg City Council

Physical Development Committee Guidelines

General Purpose Statement

To guide the City in the execution of Council-adopted physical development policies; to review and serve as a filter in determining specific physical development actions to be considered by City Council; and, to review reports regarding physical development and capital projects on a quarterly basis to determine if any adjustments are necessary during the fiscal year.

To better facilitate the Physical Development Committee meetings, there are three types of agenda items: General Business, Other Information and Items to be considered later by the full City Council. Following are examples of items that may be included in each of these sections:

I. Items considered as General Business include:

1. Presentations by and requests from City departments, citizens, outside agencies and private entities including those seeking relief from City Code requirements (preliminary review) and City policies, such as utility connection fees;
2. Petitions for non-routine utility line extensions;
3. Reallocations (greater than \$50,000) of non-project specific Capital Budget appropriations.

II. Items considered as Other Information include:

Items that do not require immediate Committee action, but are to advise the Committee on upcoming items or issues. Examples include: quarterly and special reports regarding the status of the City's physical development including City capital projects and other items relating to the City's solid waste system and water and wastewater systems, including the Combined Sewer Overflow (CSO) program.

III. Items to be considered later by the full City Council at a Regular City Council Meeting or Worksession include:

1. Street vacations and disposition of other real property;
2. Input into the planning and approach for the annual Capital Improvement Program;
3. Review and deliberations regarding the Proposed Capital Improvement Program;
4. Changes to the City Code relating to the physical development of the City;
5. City Council reports relating to the physical development of the City;
6. Demolition of City owned buildings;
7. Waivers of municipal property liens;
8. Leases and terms of leases;
9. License Agreements for R/W use (setting fees);
10. Grant applications for infrastructure
11. Contracts that exceed 25% of bid amount.

IV. Committee Procedures Regarding Items from the General Public

In order to make the best use of the Committee's meeting time, requests for new items from the general public should be provided, preferably in writing, to the City Engineer two weeks prior to the Committee's scheduled meeting date. This schedule will provide City staff with adequate time to prepare background information, if necessary, and provide this information to the Committee prior to its meeting. Exceptions to this procedure will be made in emergency situations. The Chairman of the Committee makes the final decision about which items are on the agenda. If the Chairman is not available, the decision will be made by the City Engineer, who will contact the Chairman as soon as he/she is available.

V. Suggestions

1. Recommendation is not to send renewal of leases through PDC, only when terms change.

Agenda Item #1

072

July 8, 2014

// A special meeting of the Council of the City of Lynchburg, recessed from June 24, 2014 was held on the 8th day of July, 2014, at 4:00 P.M. in the Council Chamber, City Hall, Valeria P. Chambers, Clerk of Council, presiding. The purpose of the meeting was to elect City Council officers. The following members were present:

Present: Foster, Gillette, Helgeson, Johnson, Nelson, Perrow, Tweedy 7

Absent: 0

// The Clerk of Council declared nominations were in order for the Office of President of Council, who will serve as ex-officio Mayor of the City of Lynchburg for a two-year term ending June 30, 2016. Council Member Johnson nominated Council Member Gillette. Council Member Perrow nominated Council Member Foster. Council Member Foster respectfully declined the nomination for President. Council Member Helgeson nominated Council Member Perrow. There being no further nominations, Council Member Johnson made a motion that the nominations for President be closed. This motion was seconded by Council Member Foster and Council by the following recorded vote approved the motion to close the nominations for President:

Ayes: Foster, Gillette, Helgeson, Johnson, Nelson, Perrow, Tweedy 7

Noes: 0

City Council voted by written ballot. Deputy Clerk Kyna Thomas received the written ballots and then read aloud the ballots:

Gillette: Foster, Gillette, Johnson, Nelson, Tweedy 5

Perrow: Helgeson, Perrow 2

Clerk of Council Chambers announced that Council Member Gillette has been elected President of Council.

// The Clerk of Council declared nominations were in order for the Office of Vice President of Council, who will serve as ex-officio Vice Mayor of the City of Lynchburg for a two-year term ending June 30, 2016. Council Member Gillette nominated Council Member Johnson. Council Member Perrow nominated Council Member Foster. Council Member Foster respectfully declined the nomination for Vice President. Council Member Helgeson nominated Council Member Perrow. There being no further nominations, Council Member Foster made a motion that the nominations be closed. This motion was seconded by Council Member Gillette, and Council by the following recorded vote approved the motion to close the nominations for Vice President:

Ayes: Foster, Gillette, Helgeson, Johnson, Nelson, Perrow, Tweedy 7

Noes: 0

City Council voted by written ballot. Deputy Clerk Thomas received the written ballots and then read aloud the ballots:

Johnson: Foster, Gillette, Johnson, Nelson, Tweedy 5

Perrow: Helgeson, Perrow 2

Clerk of Council Chambers announced that Council Member Johnson has been elected Vice President of Council.

July 8, 2014

073

// After the Organizational Meeting the newly elected President, Michael Gillette, presided over the meeting. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Absent:

0

// Mayor Gillette made the following announcements:

- Council Member Perrow is celebrating his 40th Birthday on July 8, 2014.
- Welcomed the newest Council Member, Treney Tweedy, to the dais.
- Asked if the item to adopt a Resolution to approve the Law Enforcement Mutual Aid Agreement could be added to the agenda before Roll Call. The Agenda was changed to include this item.

// Mayor Gillette stated that Council had received the Rules of Procedure prior to the meeting by electronic means and asked for a motion. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Council's Rules of Procedure and established the times and places for Council meetings from July 8, 2014 through June 30, 2016:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// City Attorney Walter Erwin gave a briefing on the Freedom of Information Act and the Conflict of Interest Act to City Council. Mr. Erwin noted the following changes:

- The financial disclosure form required by the Virginia Conflict of Interest Act (COIA) must be filed twice a year, instead of once a year. Forms must be filed by December 15th to cover the preceding six month period (May through October), and by June 15 for the preceding six month period (November through April).
- The amendments reduce the personal interest threshold from \$10,000 to \$5,000.
- The new amendments include several new provisions regarding gifts.
- The amendments prohibit tangible gifts with a value of more than \$250 from a lobbyist, or a person, business, or organization who is a party to or seeking to become a party to certain governmental contracts.
- The amendments also clarify the distinction between gifts and other things of value received for travel.

Mr. Erwin also mentioned the Freedom of Information Act (FOIA) electronic meetings. Council asked the City Attorney to look into FOIA electronic meeting procedures and report back to Council.

// City Manager Kimball Payne introduced Mr. Chris Winstead, Lynchburg District Administrator, with Virginia Department of Transportation (VDOT) who provided a briefing on Odd Fellows Road and Greenview Drive Projects. Mr. Winstead stated that the separate projects will be procured through a "Design/Build" process and a Request for Qualifications (RFQ) has recently been issued by VDOT. Mr. Winstead further reviewed the scope of the two projects, the estimated costs, and the anticipated schedule.

// Deputy City Manager Bonnie Svrcek gave a summary of the 2014 Region 2000 Regional Library Operations. Ms. Svrcek stated that on August 13, 2013 Council authorized participation in a Phase II Operational Analysis for a Regional Library System with Bedford and Campbell Counties. Ms. Svrcek further stated that the consulting firm of Management Partners was hired to perform the analysis with assistance from the Regional Library Working Group. Ms. Svrcek went on to say that Management Partners will present the findings of the Phase II Operational Analysis as outlined in the Regional Library Operations Report.

Ms. Amy Paul with Management Partners stated that a phase approach to creating a Regional Library system is recommended by Management Partners with the first phase focusing on shared services. Ms. Paul went on to say that the prerequisite to forming a Regional Library System is sharing an Integrated Library System (ILS). Bedford and Campbell Counties are on a common ILS platform and funding for the Lynchburg Public Library to transition this platform is included in the FY 2015 Adopted Budget. Preliminary work is underway by Lynchburg Library staff to move to the common ILS platform. The net cost reduction of the regional system is projected at about \$595,000, according to the report from Management Partners.

After Council discussion, Council agreed to pass a Resolution directing City staff to continue moving forward with an implementation plan for the regional system that aims at finding cost savings with shared resources. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-082, as presented, authorizing staff to continue moving forward with an implementation plan for the regional system that aims at finding cost savings with shared resources:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

Council also unanimously agreed to repeal the \$25 fee as recommended by the consulting firm advising the City and Bedford and Campbell Counties in the ongoing study to establish a regional library. Council Member Nelson made a motion, seconded by Vice Mayor Johnson, and Council by the following recorded vote adopted Ordinance #O-14-083, as presented, relating to the Annual Nonresident Library Fee:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

Mayor Gillette stated the City should look to achieve as much local control as possible in working out the agreement. Aside from technical questions, Council seemed supportive of the idea. Council Member Perrow said "I think this is a great idea," and added "I'd like to see if we can make it work".

// Kent White, Community Development Director and Shaun Conway, GIS Specialist provided a demonstration on Open Data Portal. Mr. Conway stated that this portal has been implemented on the City's website which provides easier access to City data, increasing transparency of local government operations and improving customer service to those desiring to access this data.

// Mayor Gillette presented the item on the Law Enforcement Mutual Aid Agreement. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-14-084, as presented, approving the Law Enforcement Mutual Aid Agreement:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// During roll call Council Member Foster mentioned she had received a complaint regarding mulching at Monument Terrace. Would it be possible to form a group called the Friends of Monument Terrace to see if they could help with the situation at Monument Terrace? The second issue regarded concerns about some Community Centers being closed. City Manager Kimball Payne responded stating that due to sickness and terminations over the past month, Parks and Recreation is having a problem staffing the Community Centers. Mr. Payne stated there were two reasons why they were having problems filling the positions; not offering a fair market wage for the positions and continued discussion on closing some Centers.

// Council Member Perrow reported that the American flag at the Community Market needs to be replaced.

// Council Member Nelson asked if the situation on Payne Street regarding the garage has been resolved. The City Manager responded that the situation is still ongoing but there is no violation. The neighbors are still having their differences.

// On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Planning Commission and Horizon Behavioral Health; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

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

// Council Member Foster made the following motion:

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

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

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

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

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Appointments, and on nomination of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote appointed Council Member Treney Tweedy, to serve on the Horizon Behavioral Health to fill an unexpired term ending December 31, 2014:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// City Council recessed the meeting at 6:14 p.m.

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

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Absent: 0

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

// Mayor Gillette presented a Certificate of Recognition to Kevin Shroyer – Civil War Sesquicentennial.

// In the matter of Community Development – General, Resolution #R-14-079 amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$98,298 with resources of \$88,298 from the U.S. Department of Housing and Urban Development (HUD) and \$10,000 transferred from the FY 2015 General Fund Division of Social Services budget to provide at least 10 units of tenant-based rental assistance and associated case management services, laid over from the June 24, 2014 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: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Virginia Episcopal School for a Conditional Use Permit (CUP) at 400 VES Road to allow the construction of a seventy-eight (78) space parking area in an R-1, Low Density, Single-Family Residential District. City Planner Tom Martin provided an overview of the request and stated the Planning Commission recommended approval of the CUP. Representative Scott Beasley with Hurt & Proffitt, Inc. asked Council to approve the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-14-085, as presented, granting the Conditional Use Permit:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #9 outlining the petition of CDDI Development Group to rezone approximately 3.41

acres located at 2627 Old Forest Road and 2624 and 2700 Confederate Avenue from R-3, Medium Density, Two-Family Residential District to B-3C, Community Business District (Conditional) to allow the use of the existing building as a restaurant and to allow the construction of a special events center and associated parking. Kevin Henry, Planner II, provided a summary of the rezoning request and stated that the Planning Commission recommended approval of the request. Representative Paul Hughes with CDDI Development Group asked Council for approval of the rezoning request. There were three individuals who spoke in favor of the rezoning request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-14-086, as presented, granting the petition of CDDI Development Group to rezone the use of the existing building as a restaurant and to allow the construction of a special events center and associated parking:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Community Development – Historic District, a public hearing was held regarding City Council Report #10 regarding the petition of CDDI Development Group, LLC for the properties located at 2624 and 2700 Confederate Avenue, more particularly Tax Map Identification Number 16610009 and 16610010, approximately one and seventeen thousandths (1.017) acres, to be included in the Locust Thicket Local Historic District. Kevin Henry, Planner II, provided a summary of the petition and stated that the Planning Commission recommended approval of the request. Representative Paul Hughes with CDDI Development Group asked Council for approval of the petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-14-087, as presented, granting the petition of CDDI Development Group, LLC for the properties located at 2624 and 2700 Confederate Avenue:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #11 regarding the petition of CDDI Development Group, LLC to vacate a right-of-way known as Boxwood Place between 2627 and 2701 Old Forest Road and 2730 Confederate Avenue which is approximately four hundred two thousandths (.402) of an acre. In particular, the right-of-way is fifty (50) feet in width and extends for a length of approximately three hundred fifty (350) feet. Kevin Henry, Planner II, provided a summary of the petition. Council Member Perrow, Chair of the Physical Development Committee (PDC) reviewed this petition. The PDC forwarded the petition to Council without a recommendation to allow the request to be considered within the context of the applicant's rezoning and historic district requests. Representative Paul Hughes with CDDI Development Group asked Council for approval to vacate a right-of-way. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the

following recorded vote adopted Ordinance #0-14-088, as presented, to vacate a right-of-way known as Boxwood Place between 2627 and 2701 Old Forest Road and 2730 Confederate Avenue:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #12 outlining the petition of Belleau Wood Development, LLC to rezone approximately 25 acres located at 7814, 7816, 7822, 7824, 7900, 7904, 7906 7908, 7912 & 8022 Timberlake Road and 109 & 111 Buckingham Drive from R-1, Low Density, Single-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-3C, Community Business District (Conditional) to R-4C, Medium-High Density, Multi-Family Residential District and B-3C, Community Business District (Conditional). The purpose of the rezoning is to amend previously approved proffers to allow the construction of a private street in lieu of a public street and to allow the construction of a 284 unit apartment complex, with associated office, clubhouse, pool and parking. The plan indicates vehicular and pedestrian connections to Timberlake Road and Buckingham Drive. City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the two rezoning petitions. Ed Tam with Belleau Wood Development LLC, asked Council for approval of the two rezoning petitions. Mr. Tam also stated he was working to accommodate concerns of the neighbors. Several individuals spoke to support the rezoning. There were other individuals that spoke in opposition to the rezoning whose concerns were the connectivity issue, a narrow road, increased traffic and creating a non-safe neighborhood. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion the concerns were connectivity and proffers. City Manager Kimball Payne pointed out that Council has the authority to deviate from the Comprehensive Plan. Mr. Payne went on to say that if Council chose to do so, City staff would bring forth recommendations that would line up with the Comprehensive Plan. Mr. Payne further stated that Council has the responsibility to review matters on an individual case basis. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-14-089 as presented, granting the rezoning of Phase I of the petition:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

Council Member Helgeson stated he would be voting against the Phase II petition because he would like to drop the connector road proffer and not add a burden to the project and also wanted the project to undergo further review in a work session. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-14-090, as amended, on proffers 5, 8, and 11 granting the rezoning of Phase II of the petition:

Ayes: Foster, Johnson, Nelson, Perrow, Tweedy, Gillette

6

Noes: Helgeson

1

// In the matter of Emergency Services, City Council Report #13 was considered. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote introduced

July 8, 2014

079

and laid over to a later meeting for final action Resolution #R-14-091, as presented, amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$46,846 with resources of \$23,423 from the Virginia Department of Emergency Management and \$23,423 of in-kind matching services to partially fund the Emergency Services Specialist position within the Department of Emergency Services:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// The meeting was adjourned at 10:30 P.M.

Clerk of Council

Agenda Item #2

080

August 12, 2014

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of August, 2014, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Absent:

0

// Mayor Gillette congratulated Council Member Helgeson on his recent marriage.

// Mayor Gillette recognized the Procurement Staff for receiving the Universal Public Procurement Certification Council Agency Certification Award.

// Deputy City Manager Bonnie Svrcek introduced the new Executive Director of the James River Council on the Arts and Humanities, Cameo Hoyle, and the Director of Tourism, Sergei Troubetzkoy.

// City Manager Kimball Payne introduced Kelly Harris-Braxton, Executive Director of Virginia First Cities and Jim Regimbal of Fiscal Analytics, A presentation was given of the work of Virginia First Cities and the financial state of the Commonwealth. The information that was presented was the 2014 Virginia First Cities Annual Report.

// City Manager Kimball Payne provided feedback on a date for a fall Strategic Planning Session and topics of interest. Mr. Payne suggested topics that could be addressed during the planning session including: the twelve strategic pillars and related activities, the Capital Improvement Plan, a preliminary view of the FY 2016 Budget environment, team building, senior staff succession, and Capital Projects by priority. After Council discussion it was agreed to have the Strategic Planning Session on September 29, 2014 from Noon until 5:00 P.M. at a location to be announced later.

// There were no Roll Call items.

// On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Planning Commission, Historic Preservation Commission, Youth Services Citizens Board, Community Code Compliance Team, Region 2000 Local Government Council, Region 2000 Metropolitan Planning Organization and Virginia Municipal League (VML) Environmental Quality Policy Committee, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

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

// Council Member Helgeson made the following motion:

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open

meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Appointments, and on nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Mark Lowe, to serve on the Planning Commission to fulfill an unexpired term ending December 31, 2015:

Ayes Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed William N. Mays, Jr., to serve on the Planning Commission to fulfill an unexpired term ending December 31, 2014:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Christopher McSwain to serve on the Historic Preservation Commission for a term ending June 30, 2017:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Treney Tweedy to serve on the Youth Services Citizens Board for an indefinite term:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote reappointed Joan F. Foster to serve on the Region 2000 Local Government Council Board for a term ending June 30, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Turner Perrow to serve on the Region 2000 Metropolitan Planning Organization for a term ending June 30, 2016:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Joan F. Foster to serve on the Community Code Compliance Team for an indefinite term:

Ayes Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// On nomination of Vice Mayor Johnson, seconded by Council Member Helgeson, Council by the following recorded vote appointed Turner Perrow to serve on the Virginia Municipal League Environmental Quality Policy Committee for an indefinite term:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// City Council recessed the meeting at 5:35 p.m.

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

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Absent: 0

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

// Copies of the minutes of the June 10, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// Copies of the minutes of the June 24 (2 meetings), 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Emergency Services, Resolution #R-14-091 amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$46,846 with resources of \$23,423 from the Virginia Department of Emergency Management and \$23,423 of in-kind matching services to partially fund the Emergency Services Specialist position within the Department of Emergency Services, laid over from the July 8, 2014 meeting, was again presented and read, and on motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of City Code/Registrar, a public hearing was held regarding City Council Report #10 to amend and reenact Section 14-34 of the City Code to change the location of the voting place for the Fourth Precinct of the Third Ward from Heritage Elementary School, located at 501 Leesville Road, Lynchburg, Virginia, to the First Church of the Nazarene, located at 1737 Wards Ferry Road, Lynchburg,

Virginia. Electoral Board Chair Pat Bower provided a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Foster, Council by the following recorded vote adopted Ordinance #O-14-092, as presented, to amend and reenact Section 14-34 of the City Code to change the location of the voting place for the Fourth Precinct of the Third Ward from Heritage Elementary School, located at 501 Leesville Road, Lynchburg, Virginia, to the First Church of the Nazarene, located at 1737 Wards Ferry Road, Lynchburg, Virginia:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #11 outlining the petition of Prayer of Faith Temple Church of God In Christ for a Conditional Use Permit (CUP) to allow a child day care center for up to fifty (50) children between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday at 3100 Hill Street in a R-2, Low-Medium Density, Single-Family Residential District. Kevin Henry, Planner II, gave a summary of the request and stated the Planning Commission recommended approval of the CUP. The representative from Prayer of Faith Temple Church of God In Christ, Ms. Dashia Womack, requested approval of the CUP for the day care center. Ms. Womack also apologized for not going through the proper process last year. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-14-093, as presented, granting the Conditional Use Permit:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette

7

Noes:

0

// In the matter of Community Development – Historic Review, a public hearing was held regarding City Council Report #12 on the petition of twenty-seven (27) registered voters of the City of Lynchburg to appeal the decision of the Lynchburg Historic Preservation Commission (HPC) regarding the approval of a Certificate of Appropriateness for the installation of new windows on the basis that the new windows do not meet the Residential Design Review Guidelines for Historic Districts. The property is located at 323 Harrison Street, which is within the Garland Hill Historic District. Kevin Henry, Planner II, gave a summary of the request regarding HPC's approval of a Certificate of Appropriateness (COA) for new windows on the house at 323 Harrison Street in the Garland Hill Historic District.

Garland Hill Neighborhood Association representative Frances B. Calhoun spoke regarding modifying a decision of the Historic Preservation Commission approving the replacement windows on the property located at 323 Harrison Street. Two individuals spoke to uphold the decision of the Historic Preservation Commission. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion there were two options to consider: (a) reverse the HPC decision, which would require the owner to remove the windows and install wooden sash windows; or (b) uphold the HPC decision to approve the COA for Robert Mouzayck's property at 323 Harrison Street. Jeffery

Schneider, Vice Chair of the Historic Preservation Commission, stated that the HPC approved the request of Robert Mouzayck to install new aluminum clad windows at 323 Harrison Street. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-14-094, as presented, as option "B" to uphold the Historic Preservation Commission decision, to approve the Certificate of Appropriateness by Robert Mouzayck concerning property at 323 Harrison Street:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #13 on approving the request of Appalachian Power Company for an easement to install approximately 1,800 feet of underground power lines on City owned property (Lynchburg Regional Airport) in Campbell County. Council Member Nelson stated that he represents Mr. David Dudley and that he would abstain from discussion and voting on this item. City Manager Kimball Payne gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before PDC and they recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-14-095, as presented, to approve the request of Appalachian Power Company for an easement to install approximately 1,800 feet of underground power lines on City owned property (Lynchburg Regional Airport) in Campbell County:

Ayes: Foster, Helgeson, Johnson, Perrow, Tweedy, Gillette 6

Noes: 0

Abstention: Nelson 1

// In the matter of Public Works – Street Vacation, no public hearing was held regarding City Council Report #14 on the petition of Peyton Morgan to vacate a portion of unopened right-of-way known as New Street located between 2019 and 2101 New Street. Mayor Gillette stated that there was an error in the ad when it was advertised. Council agreed to postpone this item and re-advertise this street vacation. Council by the following vote agreed to postpone the petition of Peyton Morgan to vacate a portion of unopened right-of-way known as New Street located between 2019 and 2101 New Street.

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #15 on the petition of Cari L. Smith to vacate a portion of unopened right-of-way known as Craighill Street located between 1210 and 1300 Norvell Street. The area is approximately one hundred seventy-two thousandths (.172) of an acre. The dimensions of the proposed vacation are one hundred fifty (150) feet long by fifty (50) feet. Kevin Henry, Planner II, gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed.

Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before PDC and they recommended approval. This motion does not require a second, and Council

by the following recorded vote adopted Ordinance #O-14-096, as presented, to vacate a portion of unopened right-of-way known as Craighill Street located between 1210 and 1300 Norvell Street:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of City Code/Inspections/Fire Department, City Council Report #16 regarding an Ordinance to amend sections 11-2, 19-42 and 19-47.2 of the City Code relating to the enforcement of the 2012 Edition of the Uniform Statewide Building Code and the 2012 Edition of the Statewide Fire Prevention Code. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #O-14-097, as presented, to amend sections 11-2, 19-42 and 19-47.2 of the City Code relating to the enforcement of the 2012 Edition of the Uniform Statewide Building Code and the 2012 Edition of the Statewide Fire Prevention Code:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// In the matter of Community Planning – Zoning, Robert J. F. Murphy spoke before Council regarding the upcoming update of the City's Zoning Ordinance.

// In the matter of Economic Development – General, City Council Report #18 was considered. Mayor Gillette made the following statement, "since I am an employee of Centra Health, Inc., under the Virginia Conflict of Interest Act, I must abstain from discussion and voting on this item". At that point Vice Mayor Johnson proceeded with the meeting. Council Member Helgeson stated that his wife is an employee of Centra Health, but he is able to participate in Centra Health's request fairly, objectively, and in the public interest. Therefore, he will participate in City Council's consideration of this request. On motion of Council Member Helgeson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-14-098, as presented, approving the issuance of up to \$100,000,000 bonds through the Lynchburg Economic Development Authority (LEDA) for the benefit of Centra Health, Inc:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Abstention: Gillette 1

// In the matter of Parks and Recreation – General, City Council Report #19 was considered. Council Member Helgeson, Chair of the Finance Committee (FC) stated that this matter came before FC for approval. This motion does not require a second. Several Council Members were not in favor of appropriating \$135,720 from the FY 2015 General Fund Reserve for Contingencies to continue operation and management of two neighborhood community centers because the balance of the Reserve for Contingencies has dropped by more than 30% in the new fiscal year that started in July, and it does not seem wise to spend the Reserve so early in the year. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-099, as presented, amending the FY 2015 Parks and Recreation General Fund budget and appropriating \$135,720 with \$135,720 from the

General Fund Reserve for Contingencies to continue operation and management of two neighborhood community centers:

Ayes: Foster, Johnson, Nelson, Tweedy, Gillette 5

Noes: Helgeson, Perrow 2

Council Member Helgeson, Chair of the Finance Committee (FC) stated that this item came before FC for approval. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-100, as presented, amending the FY 2015 Parks and Recreation General Fund budget and appropriating \$8,000 with resources of \$4,000 from the FY 2015 General Fund Reserve for Contingencies and \$4,000 from the Schools Operating Fund to provide Wi-Fi access in the neighborhood community centers:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Noes: 0

// The meeting was adjourned at 9:26 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 19

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Funding for Neighborhood Community Centers and to Provide Wi-Fi Access**

RECOMMENDATION: Adopt a resolution to amend the FY 2015 Parks and Recreation General Fund budget and appropriate \$139,720 from the General Fund Reserve for Contingencies to continue the operation and management of two neighborhood community centers and to install wi-fi in the centers.

SUMMARY: Funding was eliminated in the FY 2015 Parks and Recreation General Fund budget to operate two of the nine community centers that are managed and programed by Parks and Recreation.

In response to the loss of funding, Parks and Recreation issued a Request for Proposals in March, 2014 and again in July, 2014, seeking proposals from nonprofits or from a collaboration of nonprofits to operate College Hill Center, Jefferson Park and/or Daniels Hill Centers. The City received only one proposal to utilize College Hill Center for a job training program. This proposal was rejected primarily because the proposal lacked a youth recreation component, the organization was in the beginning stages of board development, and the organization lacked a clear source of sustainable funding.

Jefferson Park Center has been closed since the beginning of June due to the combination of issues, lack of funding and a high number of staff resignations. College Hill Center was also closed for the same reasons in June, but reopened in mid-July. It is worth noting that since closure and sporadic operations, both centers have been vandalized, with breaking and entering and broken windows. Parks and Recreation also has not been able to respond to and support requests to assist with community events, meetings and activities, and rentals at either of these centers.

The requested funding allows for one full-time Senior Recreational Specialist, one year-around temporary Recreation Specialist, temporary staff for the summer months, and year-around temporary custodial staff for each center. Staffing at this level traditionally supports a youth after-school program, a summer youth camp, teen leadership programs, support of neighborhood initiatives, family meals and community events, and programs targeting the 50+ generation. Recently Parks and Recreation has partnered with Lynchburg City Schools to offer preschool programs and an extended day to the summer PETAL program. Recreation programs are supported by numerous partners and non-profits, including Lynchburg College, Liberty University, the YMCA, Centra Health, Lynchburg City Schools, Blue Ridge Area Food Bank, and many local churches and civic groups. The City's ability to provide a higher level of service as a result of the numerous partnerships is dependent on qualified and trained staff to develop and manage the numerous agreements with the numerous organizations. Recreation staff also provides oversight of outdoor park activities during the center operating hours, serving in the additional crucial role of a park monitor.

In addition to recreation programs the centers are rented on weekends to families, community groups and individuals for various personal and community functions. The centers also support Neighborhood Watch and neighborhood associations, providing meeting space and a clearing house for information.

The neighborhood centers that are continually open have seen heavy use during the previous fiscal year and this trend continued into the summer. After school programs and summer camps filled to capacity, new programs have been added for the 50+ generation, and the centers continue to be popular for rentals and community use. Parks and Recreation is most pleased with new partnerships with Lynchburg City Schools and Lynchburg College.

The approval of funding will provide resources to establish and maintain consistent programing, develop and

nurture relationship with partners and community groups, provide community access to civic buildings, and contribute in positive ways to the health of the neighborhoods.

In addition, the schools will be issuing Chromebook tablets in lieu of textbooks to all 9th graders this year. There is concern that not all students will have the broadband access to utilize the tablets to their greatest potential. Installing wi-fi capability in the community centers, assuming that they stay open, will help to bridge the digital divide that exists in the more financially challenged areas of the City. Furthermore, broadband access is quickly becoming a baseline infrastructure requirement/expectation such as a telephone and in a similar way that fax machines came to permeate offices. The annual cost of providing wi-fi service in the community centers is \$8,000 and the Schools Superintendent has agreed to share this cost equally with the City.

PRIOR ACTION(S): none

FISCAL IMPACT: \$135,720 to staff the centers and \$4,000 for wi-fi access, for a total of \$139,720 from the General Fund Reserve for Contingencies

CONTACT(S): Kay Frazier, Parks and Recreation, 455-5876

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

#R-14-099

BE IT RESOLVED that the FY 2015 Parks and Recreation General Fund budget is amended and \$135,720 is appropriated with resources of \$135,720 from the FY 2015 General Fund Reserve for Contingencies to continue operation and management of two neighborhood community centers.

Introduced: August 12, 2014

Adopted: September 9, 2014

Certified:

Clerk of Council

#R-14-100

BE IT RESOLVED that the FY 2015 Parks and Recreation General Fund budget is amended and \$8,000 is appropriated with resources of \$4,000 from the FY 2015 General Fund Reserve for Contingencies and \$4,000 from Schools Operating Fund to provide Wi-Fi access in the neighborhood community centers.

Introduced: August 12, 2014

Adopted: September 9, 2014

Certified:

Clerk of Council

110K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: 5

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amendment to and Re-adoption of Finance Committee Guidelines**

RECOMMENDATION: Adopt a resolution amending and approving the attached guidelines for the operation of City Council's Finance Committee.

SUMMARY: The Finance Committee Guidelines are reviewed by the Committee for relevance bi-annually with the reappointment committee members and the Chair. During this year's review staff recommended that the Greater Lynchburg Transit Company (GLTC) be added to the quarterly financial reports. The guidelines, with the proposed change, were reviewed by the Finance Committee on August 12, 2014 and accepted. The guidelines now require Council approval.

PRIOR ACTION(S): Finance Committee, August 12, 2014

FISCAL IMPACT: N/A

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

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the Finance Committee Guidelines of the Lynchburg City Council are hereby amended to include the Greater Lynchburg Transit Company (GLTC) in the quarterly financial reviews and the same are re-adopted effective this date.

Adopted:

Certified:

Clerk of Council

113K

Lynchburg City Council
Finance Committee Guidelines
(Staff Recommendations, August 12, 2014)

General Purpose Statement

To guide the City in the execution of Council-adopted financial policies; to review and serve as a filter in determining specific budget/financial actions to be considered by City Council; and, to review financial reports on a quarterly basis to determine if any revenue or expenditure adjustments are necessary during the fiscal year.

To better facilitate the Finance Committee meetings, the agenda format is divided into two sections: General Business and Other Information. Following is a sample of items that may be included in each of these sections:

I. Items considered as General Business

1. A review of the status of the General Fund Reserve for Contingencies
2. Any item requesting an appropriation from:
 - Reserve for Contingencies-All Funds
 - Fund Balance-All Funds
3. Review of grant applications:
Prior to submitting grant applications, the grant application or concept will be reviewed by the Finance Committee if local funding is required during or following the end of the grant period. Departments applying for grants must include a strategy for consideration by the Committee outlining what action will occur when the grant funding expires.
4. Discuss quarterly financial reports for the General, Water, Sewer, Stormwater, Airport, Juvenile Detention Home, and Comprehensive Services Act (CSA) Funds and the Greater Lynchburg Transit Company (GLTC).
5. Proposed Amendments to Fiscal Management Policies.
6. The structure and timing of proposed bond sales.

II. Items Considered as Other Information

1. Items that do not require immediate Council action but are to advise Council on future items, issues, or simply information sharing. Examples include: reports from bond rating agencies, changes in Virginia Retirement System costs, changes in accounting identified by the Governmental Accounting Standards Board (GASB), grants that are fully reimbursable, requiring no current or local funding.

III. Financial items to be considered by the full City Council

1. Input into the planning and approach for the annual Capital Improvement Program and Operating Budget.
2. Review and deliberations regarding the Proposed Capital Improvement Program and Operating Budget
3. Requests for funding by outside agencies.
4. Carry Forward
5. Third Quarter Adjustments
6. Use of Contingency
7. Financial Trend Indicator Reports
8. New programs or changes in programs creating a current or future budget impact, to include both revenue and expenditure impact.

IV. Roll Call Items

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: 6

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF)
Grant to purchase cardiac equipment and Tactical EMS gear.**

RECOMMENDATION: Adopt a resolution to amend the FY 2015 City/Federal/State Aid Fund budget and appropriate \$39,418 with resources of \$18,684 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) grant and \$20,734 transferred from the FY 2015 General Fund Fire Department budget to purchase one (1) Physio LifePak 15 cardiac monitor/defibrillator and four (4) sets of Tactical EMS gear for the Fire Department.

SUMMARY: The Virginia Office of Emergency Medical Services (EMS) periodically awards grant funding to assist career and volunteer EMS agencies in obtaining/maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of citizen and community EMS services.

The Fire Department submitted a RSAF grant request to purchase cardiac equipment, an ambulance, and Tactical EMS gear. Only the cardiac equipment and Tactical EMS gear were approved for funding.

The Physio LifePak 15 cardiac monitor/defibrillator will replace one in-service LifePak 12 unit that has reached the end of its useful life cycle. The LifePak 15 is an upgrade from the LifePak 12; it has carboxyhemoglobin monitoring capability and is more ruggedly constructed.

The Tactical EMS gear purchase is part of the active shooter protocol initiative in cooperation with the Lynchburg Police Department. The protective gear is needed for Fire Department personnel rendering emergency medical care to patients at an active shooter incident.

This grant requires a local match of fifty percent (50%); however, the grant award total is limited to \$18,684. The itemized costs: one LifePak 15 cardiac monitor / defibrillator-\$32,118 and four sets of Tactical EMS gear-\$7,300. With a total cost of \$39,418, the required local match is \$20,734 which is available for transfer from the the FY 2015 General Fund Fire Department budget.

PRIOR ACTION(S): Finance Committee August 12, 2014

FISCAL IMPACT: Matching funds of \$20,734 are available for transfer from the Fire Department's FY 2015 General Fund budget; no additional funding is required. Future funds will be needed for periodic maintenance of the equipment purchased.

CONTACT(S): Fire Chief Steven B. Ferguson, 455-6340; Acting Battalion Chief Heather Childress, 455-6360; Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2015 City/Federal/State Aid Fund budget is amended and \$39,418 is appropriated with resources of \$18,684 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) grant and \$20,734 transferred from the FY 2015 General Fund Fire Department budget to purchase one (1) Physio LifePak 15 cardiac monitor/defibrillator and four (4) sets of Tactical EMS gear for the Fire Department.

Introduced:

Adopted:

Certified:

Clerk of Council

112K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Vacate a portion of New Street**

RECOMMENDATION: After a public hearing, vacate the right-of-way.

SUMMARY: Peyton Morgan, the owner of 2019 Elm Street, is petitioning to vacate a portion of unopened right-of-way known as New Street located between 2019 and 2101 Elm Street. Although the total area of the property is approximately sixty-nine thousandths (0.069) of an acre, the dimensions of the proposed vacation are one hundred (100) feet long by thirty (30) feet in width; a twenty (20)-foot deep portion of the right-of-way adjoining Elm Street will be retained by the City in order to allow for traffic to turn around since there is no cul-de-sac at the end of Elm Street. This section of right-of-way includes overgrown brush and vegetation as well as a significant slope towards Main Street.

The petitioner is requesting the vacation in order to allow additional space for a dwelling. The adjoining owner, Thomas Milstead, at 2101 Elm Street has consented to the petition. This portion of right-of-way currently does not serve as access to any of the adjoining properties and there is no foreseeable use of the right-of-way in the future.

PRIOR ACTION(S):

May 9, 2014:

The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

June 10, 2014:

The Physical Development Committee [PDC] reviewed the petition and recommended it be forwarded to City Council.

August 12, 2014:

City Council postponed the petition due to a mistake in the legal advertisement of the public hearing.

FISCAL IMPACT:

None

CONTACT(S):

Kevin Henry, Planner II – 455-3900

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Maps

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF UNOPENED RIGHT OF WAY KNOWN AS NEW STREET BETWEEN 2019 AND 2101 ELM STREET.

WHEREAS, Peyton Morgan is petitioning to vacate a portion of unopened right of way known as New Street located between the properties of 2019 and 2101 Elm Street, starting twenty (20) feet from the right of way line boundary of Elm Street and continuing for one hundred (100) feet to the rear property line of 2019 Elm Street; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Sections 35-71 through 35-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

The portion of right of way known as New Street located between 2019 and 2101 Elm Street, starting twenty (20) feet from the right of way line boundary of Elm Street and continuing for one hundred (100) feet to the rear property line of 2019 Elm Street.

Said vacation is contingent upon the following: that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED that the Clerk of the Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

120K

INSPECTIONS DIV
APR 25 2014
RECEIVED

Street/Alley/Right-of-way

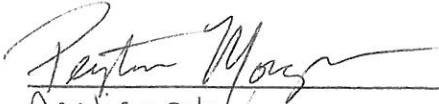
2101 and 2019 Elm St, Lynchburg, VA

The undersigned applicant, Peyton Morgan
pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950,
as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg
City Code, 1981, as amended, respectfully makes application to the
Lynchburg City Council for the vacation of that certain paper street
described as follows:

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on _____, 20____, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described paper street on Elm St.

Given under my hand this _____ day of _____,

20____.


Applicant

2019 Elm St

Lynchburg VA
Address

434-845-8317

Telephone Number


Applicant

2101 Elm St

Lynchburg VA
Address

(434) 244-0308

Telephone Number

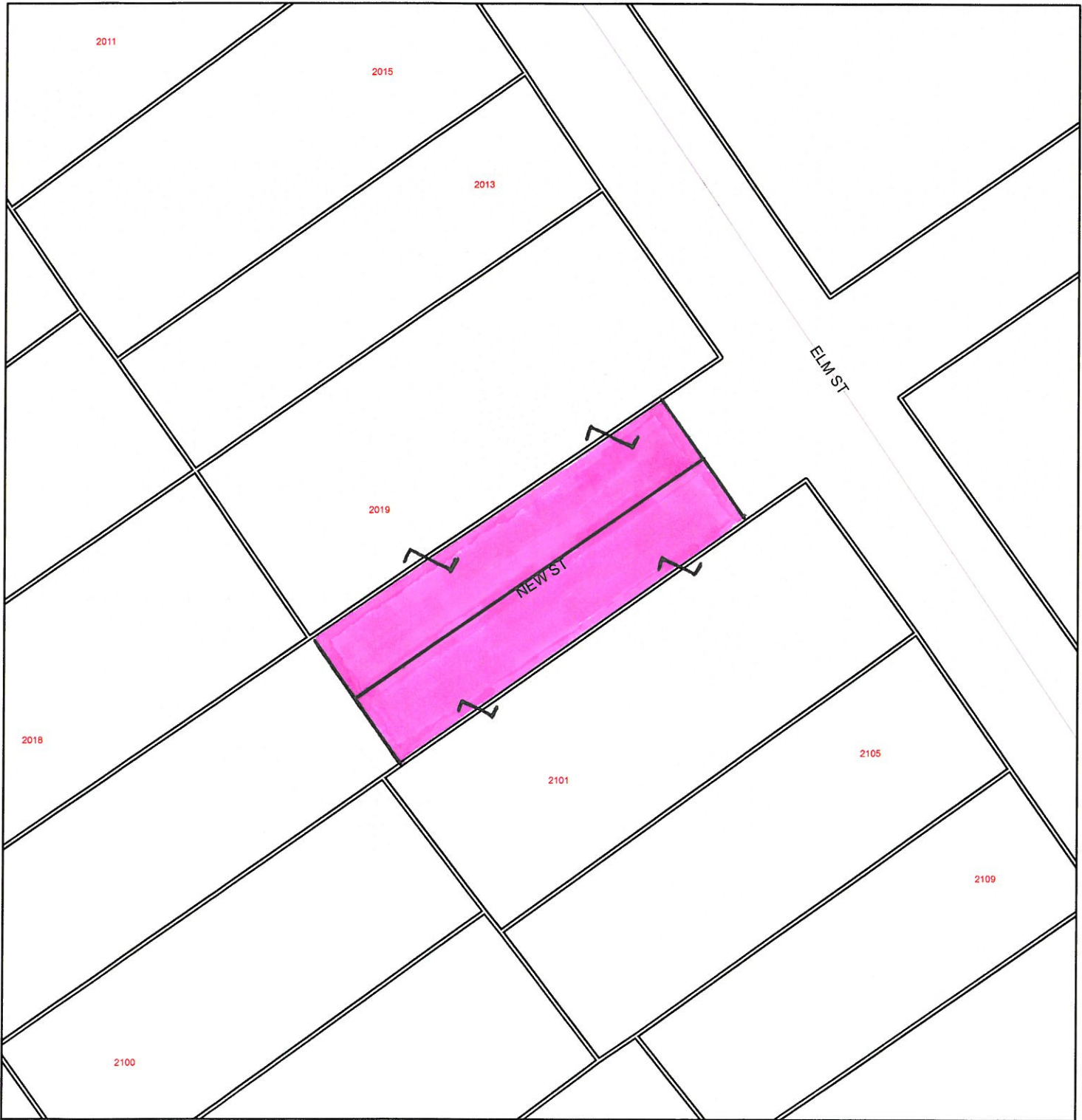
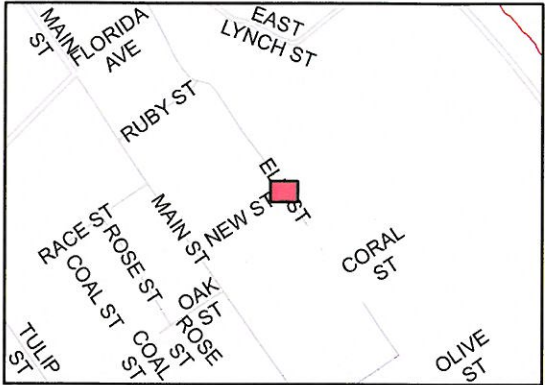
WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT
TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY.

2019 & 2101 Elm Street

Right-of-Way Vacation



Area to be vacated

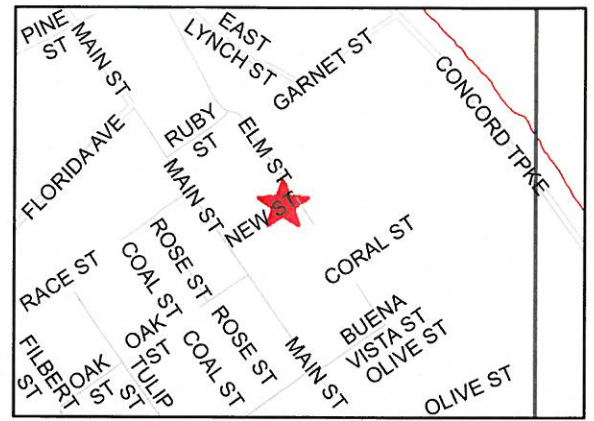


2019 & 2101 Elm Street

Right-of-Way Vacation



Location



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: 8

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Verizon request for an easement on city-owned property (New Heritage High School) at 3020 Wards Ferry Road**

RECOMMENDATION: After a public hearing, adopt a resolution approving the request to grant Verizon an easement to relocate overhead communication facilities on city property at Heritage High School.

SUMMARY: Verizon is requesting easement approval to relocate approximately 850 feet of overhead communications facilities on city-owned property (New Heritage High School) at 3020 Wards Ferry Road. The relocation is required for the construction of the New Heritage High School project. The communication facilities would be located on school property adjacent to Wards Ferry Road as indicated on attached easement map.

PRIOR ACTION(S): Physical Development Committee (PDC) – August 2014; Technical Review Committee (TRC) – June 2014

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer – 455-3947; Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S): Resolution; Easement Deed and Map

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED by the Lynchburg City Council that the City Manager is authorized to execute a utility easement/right of way agreement with Verizon allowing the installation, maintenance, and operation of approximately 850 feet of overhead communications facilities on City owned property (Heritage High School) at 3020 Wards Ferry Road for the construction of the new Heritage High School.

Adopted:

Certified:

Clerk of Council

115K

Aerial, Buried Cable and Conduit

After Recording Mail To:
VERIZON VIRGINIA LLC .
553 LEESVILLE ROAD
LYNCHBURG, VA 24502



TAX MAP PARCEL I.D. NO:
24807001

Document Prepared By:
VERIZON VIRGINIA LLC .
553 LEESVILLE ROAD
LYNCHBURG, VA. 24502

DEED OF EASEMENT

THIS DEED OF EASEMENT made this _____ day of _____, 2014, by and between
_____ herein after called Grantor and VERIZON
VIRGINIA, LLC a Virginia corporation, its successors, assigns lessees and agents, herein after called Grantee.

WITNESSETH:

For and in consideration of One Dollar (\$1.00) cash in hand paid unto Grantor and for other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants and conveys unto Grantee, its successors, assigns, lessees and agents, a perpetual non-exclusive easement and right of way (the "Easement") to install, construct, operate, maintain, inspect, improve, relocate, alter, replace and remove a communication system consisting of such poles, fixtures, braces, guys, anchors, wires, cables, pole-mounted cabinets, buried cable, buried wires, vaults, conduits, manholes, handholes, and related above-ground facilities, including but not limited to, posts, terminals, location markers, cabinets, equipment housings and other appurtenances and related above-ground facilities, including but not limited to, posts, terminals, location markers, cabinets, equipment housings, and other appurtenances (the "Facilities"), as Grantee may from time to time require, upon, under, across and over Grantor's real property being located in the City of Lynchburg, Commonwealth of Virginia more particularly identified as a 15' wide easement beyond the city right of way at 3020 Wards Ferry Rd paralleling Wards Ferry Rd, (the "Property") as shown and described on a plat identified as Exhibit "A", numbered PAOHBC - 14 - 017 - R, attached hereto and made a part hereof (the "Easement Area").

Said Easement is hereby granted and conveyed unto Grantee together with the following rights and covenants:

- (i) Grantee shall have the right of ingress and egress over, upon and across the Property, Right of Ingress and Egress including Grantor's private roads, to and from the communications system and Easement, including the right to temporarily open and close fences, for the purposes of exercising the rights herein granted.
- (ii) Grantee shall have the right to trim, cut and remove trees, shrubbery, undergrowth and other obstructions within the Easement Area which interfere with or threaten the efficient and safe operation, construction or maintenance of it facilities or impedes the access thereto.
- (iii) The communications system constructed hereunder is and shall remain the property of the Grantee. Grantee shall have the right to inspect, rebuild, remove, repair, remove and relocate its communications system, or any part thereof, within the Easement Area, and may make such changes, alterations, substitutions, additions in and to or extensions of its facilities as it deems advisable without the prior consent of the Grantor.
- (iv) During periods of actual construction, Grantee shall have the temporary right to use Grantor's property lying adjacent to the Easement Area.
- (v) Grantor grants and conveys to the power company, its successors and assigns an easement and right-of-way (the "Power Company Easement") upon Grantor's lands to construct, operate and maintain an electric utility system consisting of such buried cables, buried conductors, conduits, handholes, transformers, terminals, grounding apparatus, metering equipment, and other appurtenances as may be required to provide electric utility service to support the communications system. The Power Company easement area shall overlap the Easement Area granted hereunder in its entirety.
- (vi) NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.
- (vii) Grantor covenants that it is seized of the Property and has the right to convey the Easement, rights and privileges herein conveyed to Grantee and that Grantee shall have quiet and peaceable possession, use and enjoyment of the aforesaid Easement, rights and privileges hereby granted.

IN WITNESS WHEREOF, the following signature(s) and seal(s):

By: _____
(Insert Name of Individual Person(s))

By: _____
(Insert Name of Individual Person(s))

By: _____
(Insert Name of Individual Person(s))

By: _____
(Insert Name of Individual Person(s))

COMMONWEALTH OF VIRGINIA:

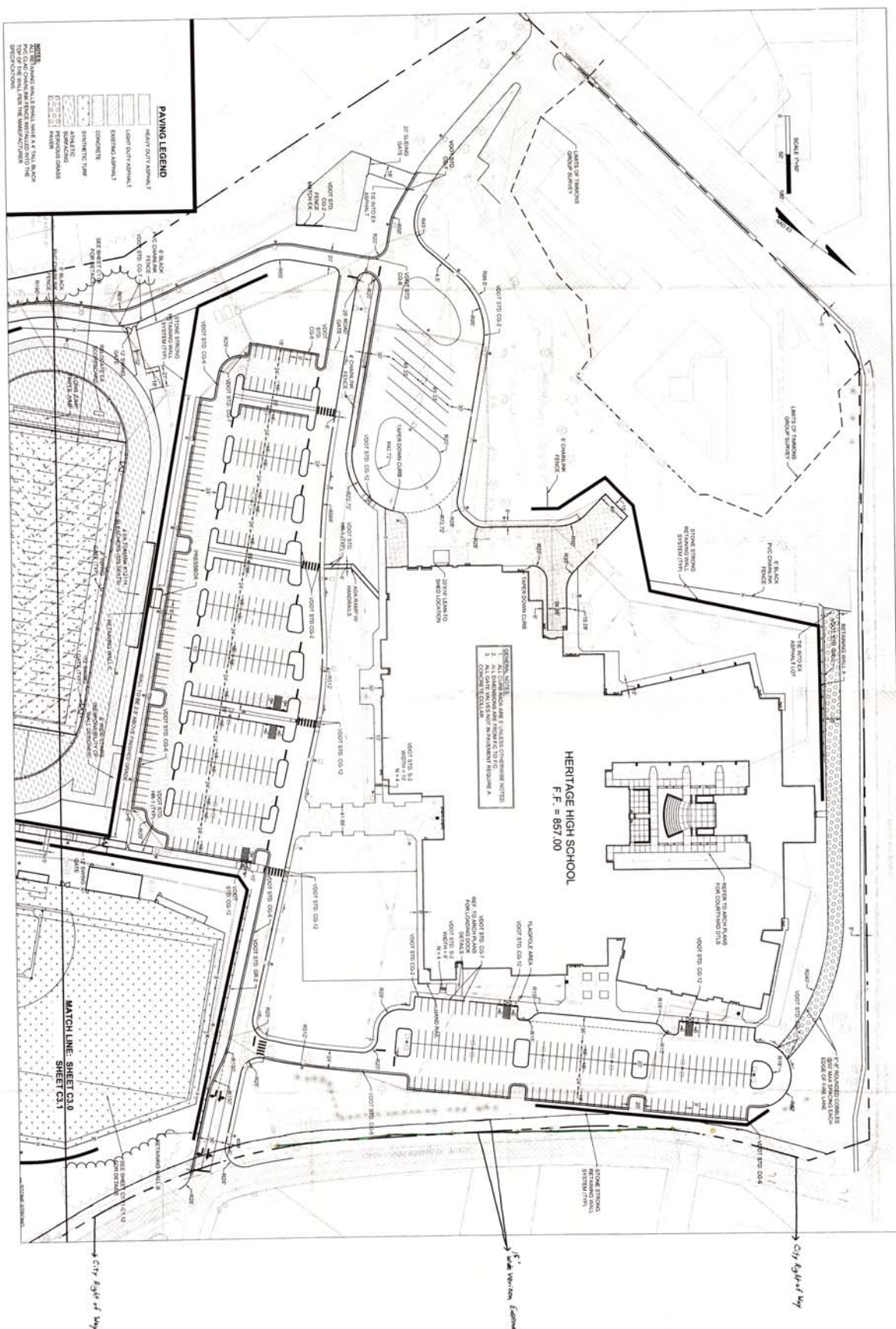
County/City of _____; to wit:

I, _____, a Notary Public in and for the jurisdiction aforesaid do hereby
certify that _____ (as _____ of _____ for
Corp, LLC, LP, GP, Govt Entity) did personally appear before me and acknowledge the foregoing writing dated
_____ in the jurisdiction aforesaid this _____ day of _____, 2014.

My Commission expires: _____

Notary Public

Exhibit A



HERITAGE HIGH SCHOOL

LYNCHBURG CITY SCHOOLS
3020 WARDS FERRY ROAD, LYNCHBURG, VA 24502



MOSELEYARCHITECTS

3200 NORFOLK STREET, RICHMOND, VA 23230
PHONE (804) 794-7555 FAX (804) 355-5690
MOBILEARCHITECTS.COM

LAYOUT PLAN

C3.1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: 9

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Appalachian Power Company request for an easement on city-owned property (New Heritage High School) at 3020 Wards Ferry Road**

RECOMMENDATION: After a public hearing, adopt a resolution approving the request to grant Appalachian Power Company an easement to relocate overhead power lines on city property at Heritage High School.

SUMMARY: Appalachian Power Company is requesting easement approval to relocate approximately 850 feet of overhead power lines on city-owned property (Heritage High School) at 3020 Wards Ferry Road. The relocation of lines is required for the construction of the new Heritage High School project. The power line would be located on school property adjacent to Wards Ferry Road as indicated on attached easement map.

PRIOR ACTION(S): Physical Development Committee (PDC) – August 2014; Technical Review Committee (TRC) – June 2014

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer – 455-3947; Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S): Resolution; Easement Deed and Map

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED by the Lynchburg City Council that the City Manager is authorized to execute a utility easement/right of way agreement with Appalachian Power Company allowing the installation, maintenance, and operation of approximately 850 feet of overhead power lines on City owned property (Heritage High School) at 3020 Wards Ferry Road for the construction of the new Heritage High School.

Adopted:

Certified:

Clerk of Council

114K

TAX PARCEL No. 24703020 and 24807001

GRW 252-OVHD – VA CORP

The City of Lynchburg Eas. No. _____ R/W Map No. 3779 151 B1
W.O. No. W002512801 Job No. 14 310035 Prop No. 1
Line Heritage High School relocation

THIS AGREEMENT, made this 23rd day of May, 2014,
by and between **THE CITY OF LYNCHBURG**,
a Municipal Corporation of the Commonwealth of Virginia, herein called "Grantor", and APPALACHIAN POWER
COMPANY, a Virginia corporation, herein called "Appalachian",

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), cash in hand paid to Grantor by Appalachian, the receipt whereof is hereby acknowledged, Grantor hereby grants, conveys, and warrants to Appalachian, its successors, assigns, lessees and tenants, a right of way and easement for an electric power line or lines, and communication lines, in, on, along, through, over, and across the following described lands of the Grantor situated the **CITY OF LYNCHBURG**, State of Virginia.

Being a right of way and easement on the property of the Grantor identified as Campbell County Tax Parcel number 24703020 and 24807001.

Said right of way and easement shall be as shown shaded on Appalachian's Drawing No. V-2331, dated 5/20/14 and entitled "PROPOSED RIGHT OF WAY ON THE PROPERTY OF CITY OF LYNCHBURG" attached hereto and made a part hereof.

TOGETHER with the right, privilege and authority to Appalachian, its successors, assigns, lessees and tenants, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the number of, and relocate at will, poles, with wires, cables, crossarms, guys, anchors, grounding systems and all other appurtenant equipment and fixtures (hereinafter called "Appalachian's Facilities"), and string wires and cables, adding thereto from time to time, across, through, or over the above referred to premises; the right to cut down, trim and/or otherwise control, and at Appalachian's option, remove from said premises, any trees, overhanging branches, buildings or other obstructions which may endanger the safety of, or interfere with the use of, Appalachian's Facilities; and the right of ingress and egress to and over said above referred to premises, and any of the adjoining lands of the Grantor at any and all times, for the purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or convenient in connection therewith.

It is understood and agreed between the parties hereto, that the Grantor reserves the right to use said lands in any way not inconsistent with the rights herein granted.

TO HAVE AND TO HOLD the same unto Appalachian Power Company, its successors, assigns, lessees and tenants.

THIS INSTRUMENT PREPARED BY AND UPON RECORDATION RETURN TO
APPALACHIAN POWER COMPANY, PO BOX 2021, ROANOKE, VIRGINIA 24022

It is agreed that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, Grantor has caused its name and seal to be hereto affixed the day and year first above written.

Accepted pursuant to the Code of Virginia (15.2 – 1803) on behalf of The City of Lynchburg by authority granted by City Council, approved as to form:

By: _____
Walter C. Erwin, III
City Attorney

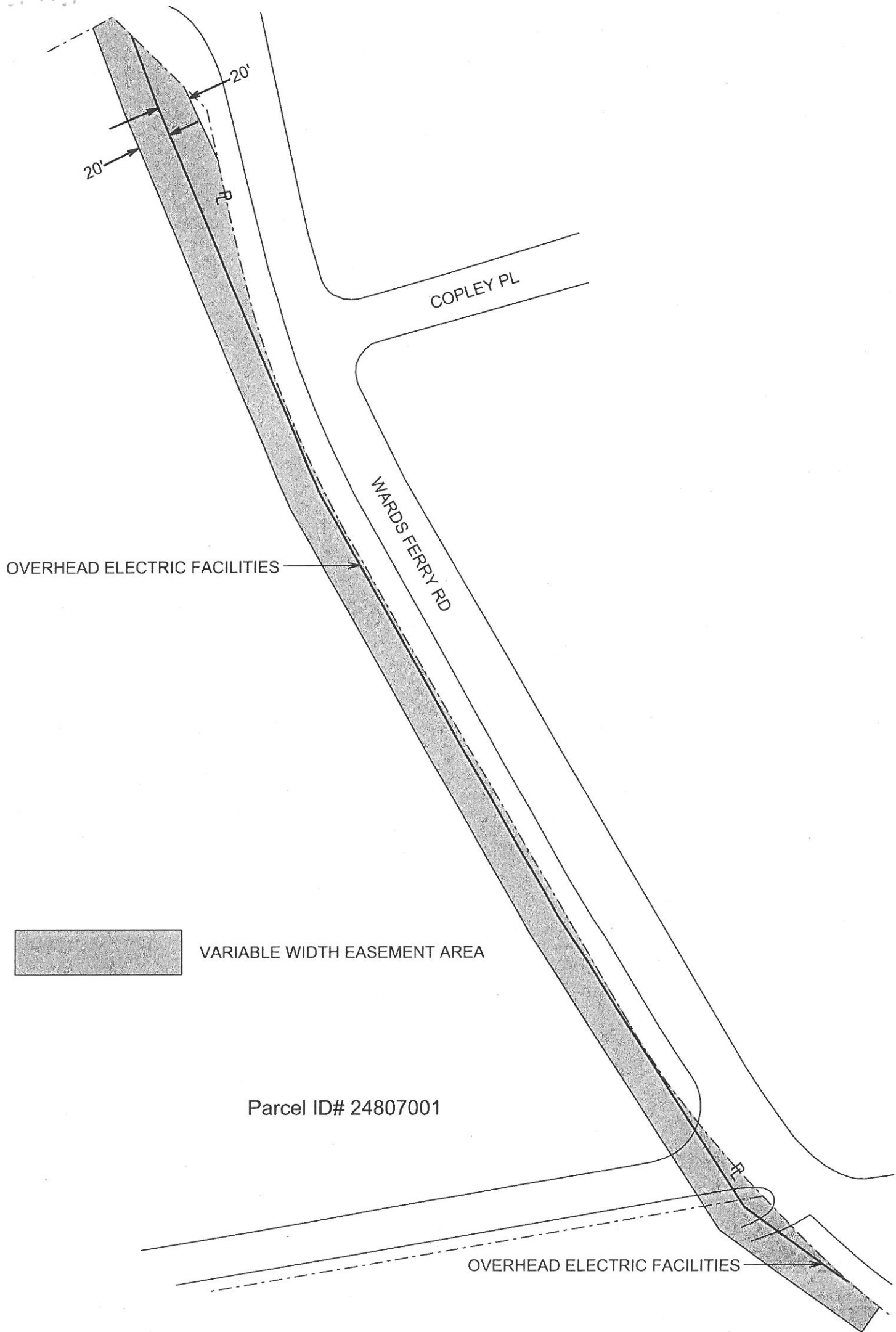
By: _____
L. Kimball Payne, III
City Manager

STATE OF _____)
CITY OF _____) To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by Walter C. Erwin, III, City Attorney and L. Kimball Payne, III, City Manager on behalf of The City of Lynchburg, a Municipal Corporation of the Commonwealth of Virginia.

Notary Public/Commissioner

My Commission expires:



Lynchburg, Virginia
T.D. 670010
Map Section 37790152B1

APPALACHIAN POWER COMPANY	
CHARLESTON REGION- ROANOKE DISTRICT- LYNCHBURG, VIRGINIA	
PROPOSED RIGHT OF WAY ON THE PROPERTY OF CITY OF LYNCHBURG	
DRAWN BY: KJW	DATE: 5/20/14
APP. BY: CPH	SCALE: NONE
SHEET 1 OF 1	
DRAWING NO.	V-2331

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: 10

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **License Agreement to Install Fiber Optic Cable from 5067 Boonsboro Road to 182 Irvington Springs Road**

RECOMMENDATION: After a public hearing, adopt a resolution granting Peg Bandwidth a License Agreement to place fiber optic cable in city owned right-of-way from 5067 Boonsboro Rd to 182 Irvington Springs Road as indicated on the attached route map.

SUMMARY: Peg Bandwidth has submitted a request for installation of approximately 4,300 feet of underground fiber optic cable in city right-of-way from 5067 Boonsboro Road to 182 Irvington Springs Road. They will be installing new fiber for Network Services to AT&T and Sprint. This will increase network traffic among the two carriers within the city.

PRIOR ACTION(S): Physical Development Committee (PDC) – August, 2014; Technical Review Committee (TRC) – July, 2014

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer – 455-3947; Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S): Resolution; Route Map

REVIEWED BY: lkp

RESOLUTION

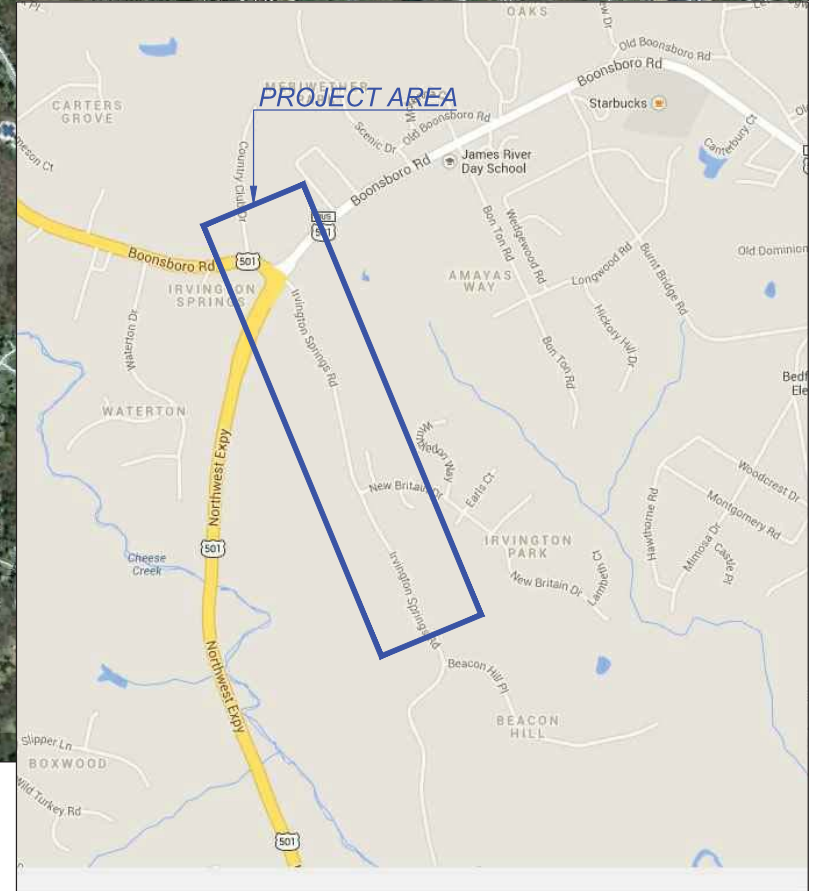
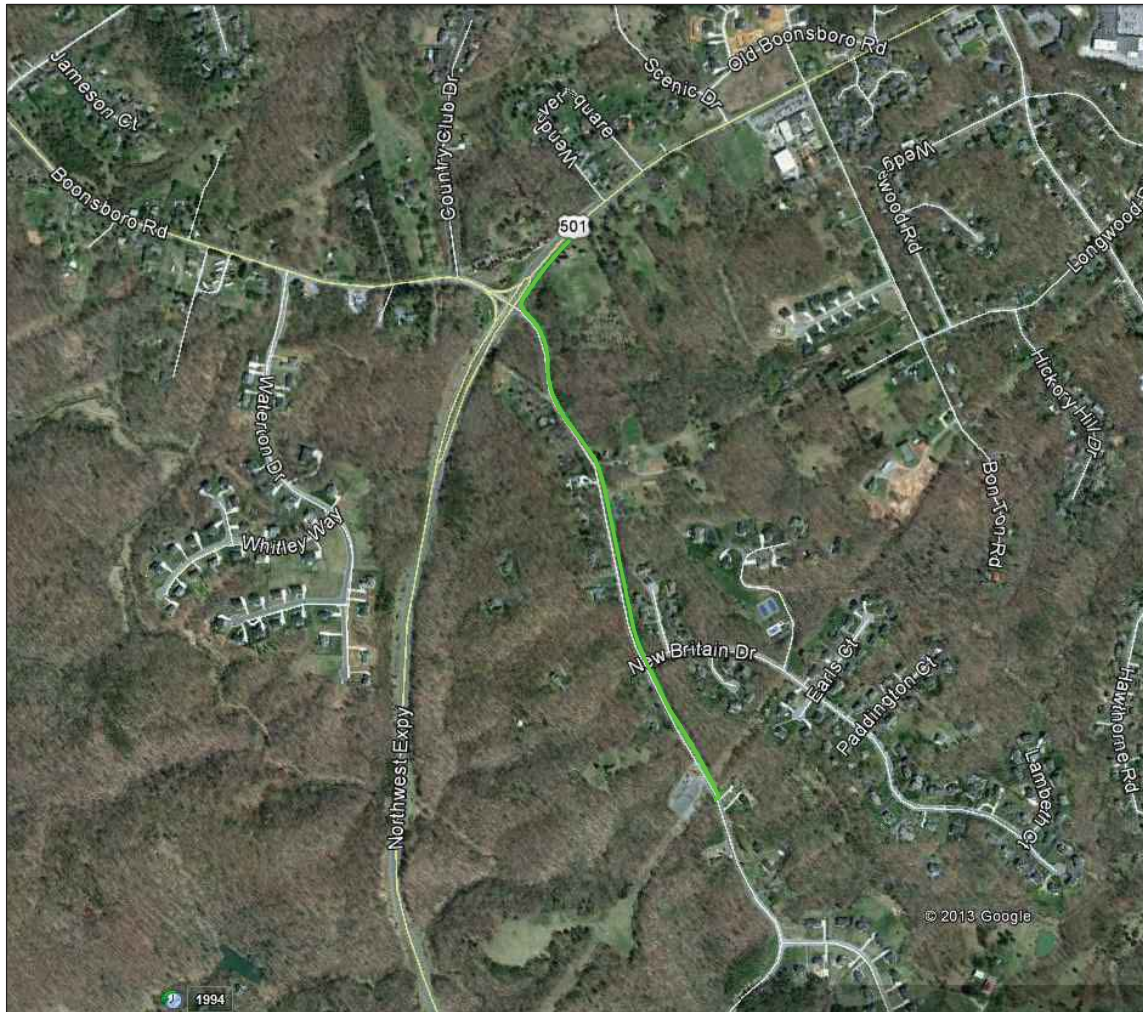
BE IT RESOLVED That the City Manager is hereby authorized to execute a nonexclusive license agreement with Peg Bandwidth for the installation, maintenance, and operation of approximately 4,300 feet of underground fiber optic cable in the City right-of-way from 5067 Boonsboro Road to 182 Irvington Springs Road. Peg Bandwidth's authority to install, maintain, and operate fiber optic cable in the City's right-of-way is subject to applicable law.

Adopted:

Certified:

Clerk of Council

116K



RAKE OFF	QTY	RAKE OFF	QTY	RAKE OFF	QTY
BORE FOOTAGE		AERIAL NEWBUILD		PLACE 3'X5'X3' HH	2
DIRECTIONAL BORE FOOTAGE	4062'	AERIAL OVERLASH		PLACE 4'X4'X4' MH	
PULL THRU EXISTING CONDUIT		DOMINION OWNED POLES		PLACE VAULT	
BORE & PLACE 4" PVC		VERIZON OWNED POLES		PLACE PED	
BORE & PLACE 4" SCHED 80 PVC		TOTAL POLES			
TOTAL BURIED FOOTAGE	4062'	TOTAL AERIAL FOOTAGE			

PERMIT FOR NEW BUILD
 VIR0020
 200 IRVINGTON SPRINGS RD LYNCHBURG, VA



KINETIC SOLUTION LLC.
 1585 JAMESON RD.
 VAN ALSTYNE TX. 75495
 888-519-9188

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: 11

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Blanket License Agreement to Install Fiber Optic Cable in City Right-Of-Way in Various Locations of the City**

RECOMMENDATION: After a public hearing, adopt a resolution granting Peg Bandwidth a blanket License Agreement to place fiber optic cable in various locations of the city.

SUMMARY: Peg Bandwidth is requesting the city to grant it a blanket license agreement to install underground and overhead fiber optic cable in various other locations throughout the city limits. Peg is requesting a blanket license agreement because of their time constraints. City Attorney Walter Erwin has advised that a blanket license agreement is possible. The blanket agreement would allow Peg Bandwidth to move forward with installing cable in locations in the city and not be required to bring each location before PDC and Council. Peg would still be required to have its plans reviewed and approved by the Technical Review Committee (TRC).

PRIOR ACTION(S): Physical Development Committee (PDC) – August, 2014

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer – 455-3947; Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED That the City Manager is hereby authorized to execute a nonexclusive license agreement with Peg Bandwidth for the installation, maintenance, and operation of fiber optic cable in the public ways throughout the City. Peg Bandwidth's authority to install, maintain, and operate fiber optic cable in the City's public ways is subject to applicable law.

Adopted:

Certified:

Clerk of Council

117K

Consensus from the committee was to move the request forward to full Council with their recommendation for approval.

2. Verizon request for an easement on City-owned property (New Heritage High School) at 3020 Wards Ferry Road.

See item number 1 above. Mr. Copeland indicated Verizon lines are tacked on to the same poles as AEP lines and Verizon is requesting easement for where their equipment is located.

Consensus from the committee was to move the request forward to full Council with their recommendation for approval.

3. PEG Bandwidth License Agreement to install fiber optic cable from 5067 Boonsboro Road to 182 Irvington Springs Road – PEG Bandwidth has submitted a request for installation of approximately 4,300 feet of underground fiber optic cable in city right-of-way from 5067 Boonsboro Road to 182 Irvington Springs Road. They will be installing new fiber for Network Services to AT&T and Sprint. This will increase network traffic among the two carriers within the city.

Mr. Moorefield summarized the request, indicating the company is in the process of building a fiber optic ring around the entire City of Lynchburg. Within the state of Virginia, PEG Bandwidth is installing fiber optic cable for AT&T and Sprint for the 4G network. There was discussion regarding increase in network traffic and availability of this network to other carriers beyond the initial AT&T and Sprint providers. Mr. Moorefield indicated their network would be available to other carriers, including Verizon and the City of Lynchburg if needed.

Consensus from the committee was to move the request forward to full Council with their recommendation for approval.

4. PEG Bandwidth Blanket License Agreement to install fiber optic cable in city right-of-way in various locations of the City – PEG Bandwidth is requesting the City to consider granting them a blanket license agreement to install underground and overhead fiber optic cable in various other locations throughout the city limits. They are requesting a blanket license agreement because of their time constraints. Walter Erwin has advised that a blanket license agreement is possible. The blanket agreement would allow Peg Bandwidth to move forward with installing cable in locations in the city and not be required to bring each location before PDC and Council. They would still be required to have their plan reviewed and approved by the Technical Review Committee (TRC).

Mr. Newland provided background regarding the process of granting license agreements—staff time to review in Technical Review Committee (TRC), bringing before the PDC, and then approval by full Council. The blanket license agreement would create a more timely method, where each location for an agreement would be reviewed and approved by TRC, but would not be required to go before PDC and Council. The City Attorney has advised a blanket license agreement is plausible but would need the approval of City Council.

There was discussion regarding how this differs from a franchise agreement. Mr. Newland reported it is his understanding the SCC is not issuing franchise agreements for telecommunication companies, and a license agreement is a temporary measure to allow telecommunications to locate in the City's right-of-way until a franchise agreement can be allowed again.

There was additional discussion of whether a blanket license agreement would create a monopoly for this company. Mr. Moorefield indicated this would not shut anyone out and companies could choose to lease their fiber if they did not desire to build their own network.

Staff was asked for feedback and there was discussion regarding anticipated location of fiber cables. Mr. Moorefield indicated their preference was aerial where possible unless replacement of a pole was financially prohibitive.

There was additional clarification for how the blanket license agreement would work regarding the process of review, PEG Bandwidth's commitment to plan outlined on their proposed map, and timetable to complete the build-out according to the map. Mr. Moorefield indicated their anticipated timeframe for completion is by the end of the calendar year.

A sunset provision for the agreement was discussed in order to give PDC an opportunity to review again in the event the project was not completed in the expected timeframe, however Mr. Payne indicated a sunset provision would not be possible because the license agreement would need to remain in place for PEG Bandwidth to operate within after the installation of the network was completed. Mr. Payne stated he would ask Mr. Erwin to clarify to City Council why this was the proposed course of action.

Consensus from the committee was to move the request forward to full Council with their recommendation for approval.

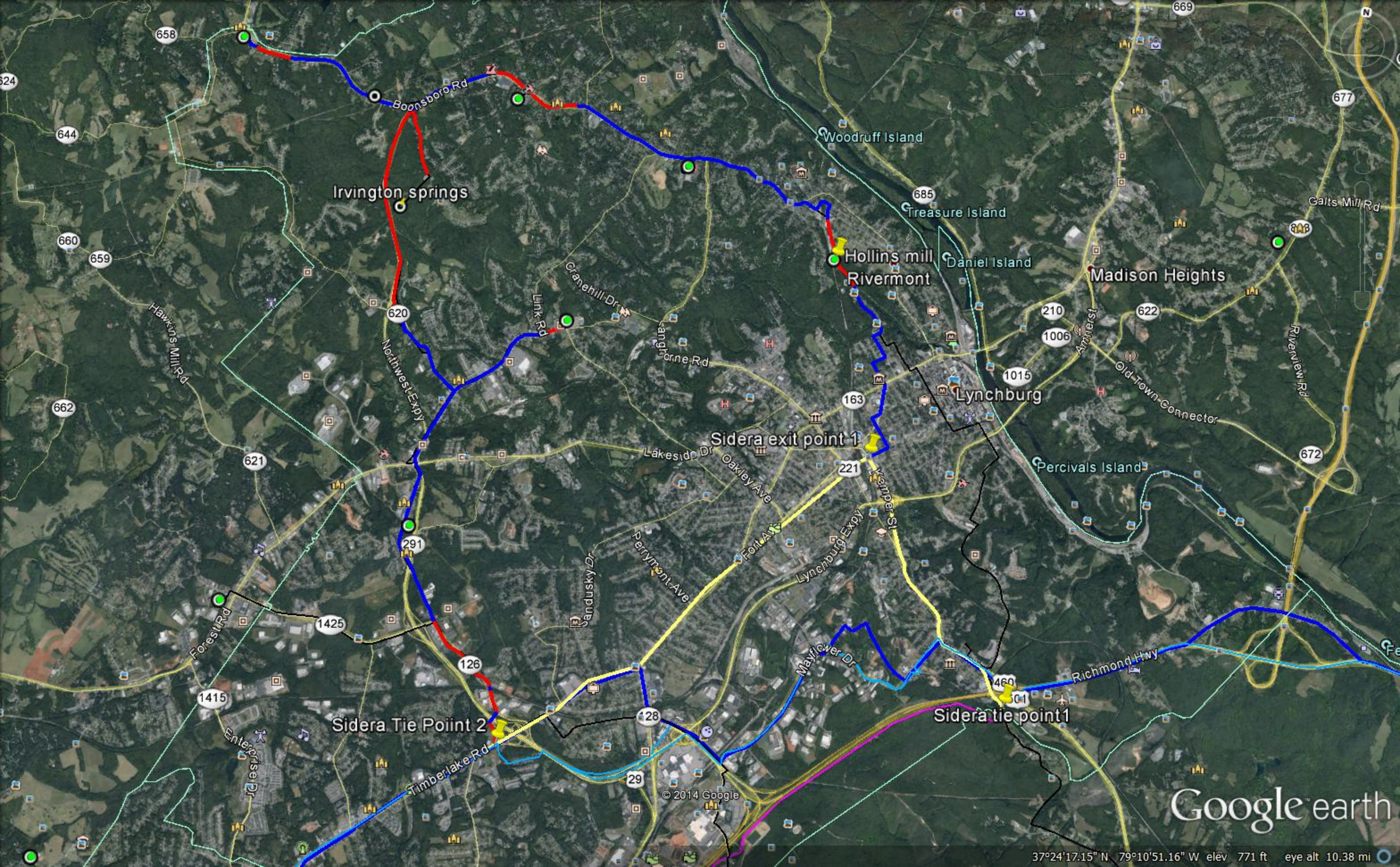
5. **Citizen Request- Hillview Street/3004 Winchester** –Mr. Quick is requesting that Hillview Street be extended 46 feet to beginning of his property then an additional 60 feet for a turnaround area with gravel held in place by railroad ties. The zoning ordinance states that in order to obtain a building permit, an improved street must extend all the way across the frontage of the property.

Mr. Newland presented background information, noting the gravel road proposed by Mr. Quick was different from the usual pavement standard required by the City. Mr. Newland had previously advised Mr. Quick he could not permit a gravel road to be constructed in lieu of the standard and now Mr. Quick is requesting to discuss this decision with the PDC.

Mr. Quick summarized his acquisition of the property in 1997, noting issues surrounding access to the property from Winchester, and provided the PDC with images of Winchester to highlight topography constraints. He discussed the current size and condition of Hillview Street, modular home price increases from time of property purchase, and questioned need for a hammerhead turnaround for EMS. He made further remarks on the time it has taken to work through this issue with the City, asking for some timely resolution so he can gain access and use of his property to build a home.

Council Member Perrow indicated the request hinged on a policy issue as it required allowing a deviation from the current building/zoning regulations of the City, opening the door to similar requests by others. There was discussion regarding location of other homes in proximity of this road as it relates to safety and a more detailed description of the current City standards for new construction of streets. In 2011, Mr. Newland had, in consult with the City Public Works Director at that time, agreed to reduce the standard for the road to 20 ft. wide, no curb and gutter requirement, and a hammerhead turnaround for EMS access. Mr. Newland had conveyed that proposal to Mr. Quick, who indicated there was miscommunication of those reduced requirements that has kept him from developing his property.

Council Member Foster clarified the modifications as currently proposed and inquired whether those were acceptable to Mr. Quick. Mr. Quick indicated he would like further modifications that were more



Irvington springs

Woodruff Island

Treasure Island

Daniel Island

Madison Heights

Lynchburg

Sidera exit point 1

Percivals Island

Sidera Tie Point 2

Sidera tie point 1

Google earth

37°24'17.15" N 79°10'51.16" W elev 771 ft eye alt 10.38 mi

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: 12

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conservation / Open Space Easements Guidelines**

RECOMMENDATION: Amend Chapter 10: Natural Systems of the *Comprehensive Plan 2013-2030* to include the Conservation/Open Space Easements guidelines.

SUMMARY: On February 12, 2014, the Planning Commission appointed a committee to draft guidelines that would be used in instances when the city is asked to support or hold a conservation/open space easement. The proposed guidelines provide the applicable criteria and direct that properties that are deemed appropriate should be designated as Resource Conservation on the City's *Future Land Use Map*. If approved, these guidelines would be included as part of Chapter 10: Natural Systems of the *Comprehensive Plan 2013-2030*: (Pages 8-9)

PRIOR ACTION(S):

August 13, 2014: The Planning Division recommended approval of the plan amendment.

The Planning Commission recommended approval (3-0, with 2 members absent, Light/Perault and 2 vacancies)

FISCAL IMPACT: Properties placed in conservation easements would result in a reduction of property tax.

CONTACT(S):

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Chapter 10, Natural Systems of the *Comprehensive Plan* (with revisions)
- Planning Commission Memorandum and Minutes – August 13, 2014
- Existing/Pending Conservation Easements Map

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE AMENDING CHAPTER 10: NATURAL SYSTEMS OF THE CITY'S COMPREHENSIVE PLAN 2013-2030.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, general welfare, and good zoning practice Chapter 10: Natural Systems, of the City's Comprehensive Plan 2013-2030, be amended and reenacted as follows:

Chapter 10: Natural Systems

Chapter Overview

Lynchburg residents attach a high value to preserving and enhancing their natural and environmental resources. For many residents, the beauty of the City is an essential part of their quality of life. The City is known for its hills and steep ravines that harbor rich woodlands, wildlife, and rare plants. The James River, Lynchburg's most prominent natural feature, provided the City's early reason for being—a source of water power and a transportation vehicle. Now the James River is becoming the focus for downtown revitalization. As the City has developed, pressures have increased to build on sensitive natural lands. Citizens have expressed a desire to increase efforts to protect natural and environmental resources and to move towards a more sustainable community. Lynchburg embraces sustainability and recognizes that elements such as environmental stewardship, financial responsibility, economic development and social impact must serve as a filter for the City's decision making and development of policy. Only through appropriate consideration of these principles will Lynchburg provide its residents with the opportunity to meet the needs of the present without compromising the ability of future generations to meet their needs. This Plan strives to lead Lynchburg towards a more sustainable future by protecting, and promoting and restoring the City's outstanding natural resources.

Geology, Topography and Soils

The natural features of Lynchburg, including the geology, topography, and soils, have a significant impact on the suitability of the land for development. The variable rock types underlying the City have formed the hills and steep ravines of the central city, the imposing Candler's Mountain along the City's southern border, and the foothills of the Blue Ridge Mountains that begin in the Reusens area along the northwest border. Those areas of the City that feature a highly dissected landscape of narrow ridges and steep-sided valleys present a challenge to developers, especially for large retail and industrial buildings needing large areas for parking. Clearing and grading of steep slopes can result in significant soil erosion and sedimentation of streams, though to accomplish much additional development in Lynchburg, some steep areas will likely need to be graded. Exhibit 10-1 illustrates the topography of the City.

Water Resources

Lynchburg is drained by eleven streams. Judith, Pigeon, Blackwater, Fishing, and Opossum Creeks all drain directly to the James River, while Ivy, Cheese, Tomahawk, Burton, and Dreaming Creeks are tributaries of Blackwater Creek. By far, Blackwater Creek has the largest watershed area affecting the City and extending into neighboring Bedford and Campbell counties.

Both the frequency of bank overflow and flood elevations have risen in these streams. The increased impact of floods appears to be due to increased urbanization of stream watersheds, not only in the City, but also in neighboring counties. This resulted in an update of the City's floodplain mapping with new FEMA 100-year floodplain maps being adopted by the City, effective June 3, 2008. While the City has permitted development to occur in the 100-year floodplain in the past, it should limit new development in the floodplain in the future and seek to protect existing development that may be affected by flooding. As required by dam safety regulations, the City also should monitor and update dam break inundation zones shown in Exhibit 10-1. Due to the potential impacts to downstream properties this map should be updated regularly as new information becomes available for public and private regulated dams.

The water quality of several streams, including Blackwater, Burton, Fishing, Ivy, Judith and Tomahawk Creeks and the James River, has been found to violate the state and federal water quality standard for bacteria, specifically *Escherichia coli* (E. coli), a type of fecal coliform, which indicates contamination from human or animal wastes. The bacteria levels in these streams exceed those allowed by Virginia's Water Quality Standards. As a result, the Virginia Department of Environmental Quality (DEQ) has placed these streams on the priority list of impaired waters pursuant to Section 303(d) (1) of the Federal Clean Water Act. The DEQ, in cooperation with local stakeholders performed a study called Total Maximum Daily Load (TMDL) to determine the total amount of a pollutant from point and non-point sources that the streams can handle daily and still meet water quality standards for their designated uses. The study, "Bacteria TMDL for the James River Basin" dated August 2007 identifies Lynchburg's Combined Sewer Overflows as a major point source contributor to the E. coli impairment. The study also states that the majority of the impairment originates from non-point sources, which primarily include: agriculture, residential and forested areas. Non-agriculture anthropogenic non-point sources include loadings from straight pipes, leaking sanitary sewers, failing septic systems and pet waste.

The bacteria TMDL has not yet finalized due to pending revisions to the CSO Long Term Control Plan (LTCP). If the revised LTCP is approved, the completion of the CSO Program will greatly be accelerated, potentially saving the citizens of Lynchburg over \$200 million. The revised LTCP would dramatically change the direction of the CSO Program. The current plan includes completely separating the storm and sanitary sewer systems with the goal of eliminating the combined sewer overflows. The proposed plan would capture and convey most of the remaining combined stormwater and wastewater flow to the Lynchburg Regional Wastewater Treatment Plant (LRWWTP). While some overflows would still occur through permitted overflow points, water quality standards would still be met in part due to capturing much of the stormwater in the combined area and treating it at the LRWWTP.

In conjunction with the revisions to the LTCP, the Bacteria TMDL is also being revised in order to accurately reflect the changes in the CSO Program. Upon completion of the TMDL an Implementation Plan (IP), which develops bacteria load reduction goals from each contributing sector in each watershed, will then be developed through collaboration with DEQ and other stakeholders.

The EPA, DEQ and DCR are implementing various regulations and requirements related to reducing nutrient (phosphorus and nitrogen) and sediment pollution as part of the Chesapeake Bay TMDL. Through the Watershed Implementation Plan (WIP) various sectors including regulated and unregulated sectors, have specific pollution reduction requirements. The regulated goals are incorporated into the City's Virginia Pollution Discharge Elimination System (VPDES) permits including the Regional Wastewater Treatment Plant's Nutrient General Permit and the Small Municipal Separate Storm Sewer System (MS4) Phase II General Permit. Additionally, the unregulated urban areas of the City also have specific reduction goals. All of which must meet certain timelines established by the permit cycles or the Bay target dates of 2017 and 2025. One significant outstanding issue is the ongoing study of the James River Chlorophyll-A standard. The outcome this study may result in significant additional nutrient reductions especially in the stormwater and wastewater sectors and could require a major capital investment in the LRWWTP. Lynchburg will continue working to meet its regulatory obligations and water quality goals.

As a result of these water quality challenges, the City has initiated the development of a strategic plan. The plan will be the foundation for decisions to cost effectively meet the goals of the Bacteria and Chesapeake Bay TMDLs, various other water quality regulations and permit requirements.

Air Quality

Lynchburg continues to maintain excellent air quality and DEQ monitoring confirms Lynchburg is compliance with federal ambient air quality standards. In addition, the American Lung Association releases the "State of the Air" report every three years which uses measurements taken by the U.S. Environmental Protection Agency's Air Quality System. In 2013, Lynchburg received an A rating for 24-hour particulate pollution and exceeded the standard for annual particulate pollution – which can include emissions from factories, vehicle

exhaust and the like. The City's efforts to improve its mass transit, bicycle and pedestrian systems, implement various "anti-idling" transportation features such as roundabouts and reduce energy consumption through building design, energy audits and efficiency efforts have been key. Land use patterns that promote redevelopment, connectivity and an appropriate mix of uses also reduce emissions while providing for more efficient service delivery and cost savings.

Understanding the Value of Natural Systems

There is a keen interest among citizens in improving the environmental quality of Lynchburg and protecting its natural resources. The first step in protecting these resources is to understand their value in providing a healthy environment. Monitoring and managing the environmental resources within the City can require a significant amount of resources. Many cities and counties across Virginia are developing environmental databases in their GIS systems to help them plan environmentally sensitive communities. Most cities map topography, soils, water bodies, floodplains and parks.

City officials and citizens could benefit from more comprehensive information about effective environmental protection techniques. City staff from a variety of departments should be kept abreast of environmental trends and practices through training, conferences, workshops, and other educational forums. The City has also established a panel of local experts to serve on a Natural Resources Advisory Committee and/or a Stormwater Advisory Committee to evaluate and comment on natural resource-related policies.

Resource Management & Protection

The City desires to improve the protection and management of its natural systems in order to create a truly sustainable community. There are a number of approaches that the City may choose to pursue, including environmental performance standards, incentives for private actions, **conservation/open space easements**, education and awards programs, and direct City actions.

As described above, it is important for the City to consider environmental performance standards for new development and redevelopment, not only to ensure compliance with state and federal standards, but also to address the protection and management of important natural resources. Through the application of reasonable standards limiting the development of floodplains, wetlands and streamside steep slopes, these important resources could be preserved. Standards for the construction and maintenance of stormwater management facilities would ensure that flooding levels are kept in check and that the water quality of stormwater discharges is addressed. A major concern raised by citizens is the design, quality, and upkeep of stormwater management facilities. During the Community Character Survey, poorly functioning stormwater management facilities received some of the lowest rankings. Maintenance and upkeep of such facilities are directly linked to their effectiveness in managing stormwater. The City should adequately enforce post construction maintenance agreements on private stormwater best management practices to ensure that they are performing as designed. Incentives, rather than codified standards, may be more appropriate for other efforts to achieve sustainable development. For example, the City should continue to promote the recycling and re-use of existing buildings and offer incentives for the cleanup and redevelopment of brownfield sites, including tax abatement, density/intensity increases, and contributions to infrastructure and public amenities. Density increases or other incentives for private developers should be available in a variety of zoning districts, not just the Traditional Neighborhood Development and Planned Unit Development zones, in exchange for the preservation of significant wooded open space, unique species areas or critical habitats, and for green building design. The City should also continue to work with property owners desiring to participate in the stormwater credit program. The City should also employ softer techniques for natural resource protection such as educational programs and programs to recognize private environmental initiatives. The City supports a variety of environmental education efforts including interpretive signage, programming and design workshops. A number of communities in Virginia also use awards programs to promote green development. These programs could be used to highlight a variety of topics including the eradication of invasive plant species, development that incorporates green building techniques, water conservation initiatives and various efforts to protect stream valleys and woodlands.

Conservation/Open-Space easements are legal documents made between a landowner and a public

body such as a land trust or government agency. The most common entities that serve as easement holders include the Virginia Outdoors Foundation, the Virginia Department of Forestry and the Department of Historic Resources; however, the city could also consider being a holder of the easement. The public body holding the easement serves as the enforcement agent for any violations of the terms of the easement. The easements allow land to be continually held in private ownership, but generally restrict the development rights of the property. Certain traditional uses such as a single-family dwelling, farm, forest, open space and/or natural area would be allowed. The easement is legally recorded and bound to the deed of the property permanently.

While the city generally supports conservation/open space easements, careful consideration is needed when determining location, size and number within the city limits. The city has limited available land resources. A careful balance between conservation/open space easements providing a true public benefit and future development needs of the city must be established.

When considering whether to support or hold a conservation/open space easement, the city should consider the following criteria:

- Proximity to other conservation/open space easements;
- Viewshed protection;
- Presence of wetlands;
- Groundwater protection;
- Forest cover;
- Absence of city water/sewer availability;
- Floodplain;
- Slopes of 25% or greater;
- Stream protection;
- Soil type;
- Rock outcroppings;
- Protection of wildlife habitat;
- Historical significance;
- Current participation in the city land use deferral program;
- Currently zoned R-C, Conservation District;
- Currently designated as Resource Conservation on Future Land Use Map.

If deemed appropriate for placement in a conservation/open space easement, the property should be designated as Resource Conservation of the Future Land Use Map.

Finally, the City itself could become actively involved in natural resource protection and management. When the City constructs a building, a parking lot, a road, or a park, for example, it should strive to protect wooded areas, steep slopes, and floodplains to the extent feasible. The City should use green building techniques and demonstrate well-landscaped stormwater management facilities that not only serve as best management practices, but also provide visually pleasing amenities. The construction of Heritage High School and the Juvenile Detention Group Home will continue the standard of City buildings that are built with sustainable guidelines. Citizens in public meetings voiced a great deal of support for City establishment of a greenway program to expand the James River Heritage Trail and the Blackwater Creek Natural Area and to establish similar areas along other City streams. The greenway program should promote the purchase and accept donations of open space for resource protection along streams. The City could also use environmental performance standards to obtain the dedication of stream valley open space for the greenway program in developing and redeveloping areas.

A Regional Approach

Since nature does not respect political boundaries, regional cooperation is essential in addressing environmental problems and managing natural systems. The expansion of existing partnerships should be

encouraged to address regional environmental issues such as stormwater (in progress), greenways, scenic resources, water and air quality, and invasive species. Collaboration between state agencies, local and regional environmental groups, and colleges and universities may prove more effective in addressing resource protection and management. The regional stormwater management effort is a good example of environmental planning that extends across jurisdictions and utilizes grant funds from the Virginia Department of Conservation and Recreation. The City should continue to pursue other funding opportunities to monitor and manage environmental resources.

Information about the health of the natural systems in the City and region is dispersed among various groups, and data collection is currently a cooperative effort. There is no local repository for information. Information-sharing responsibilities and data collection protocols should be established between the various groups so that an annual report on the state of the City's and region's natural systems and environmental health can be produced.

Adopted:

Certified: _____
Clerk of Council

121K

Chapter 10: Natural Systems

Chapter Overview

Lynchburg residents attach a high value to preserving and enhancing their natural and environmental resources. For many residents, the beauty of the City is an essential part of their quality of life. The City is known for its hills and steep ravines that harbor rich woodlands, wildlife, and rare plants. The James River, Lynchburg's most prominent natural feature, provided the City's early reason for being—a source of water power and a transportation vehicle. Now the James River is becoming the focus for downtown revitalization

**James River:
Pedestrian
bridge to
Percival's Island
nature trail**



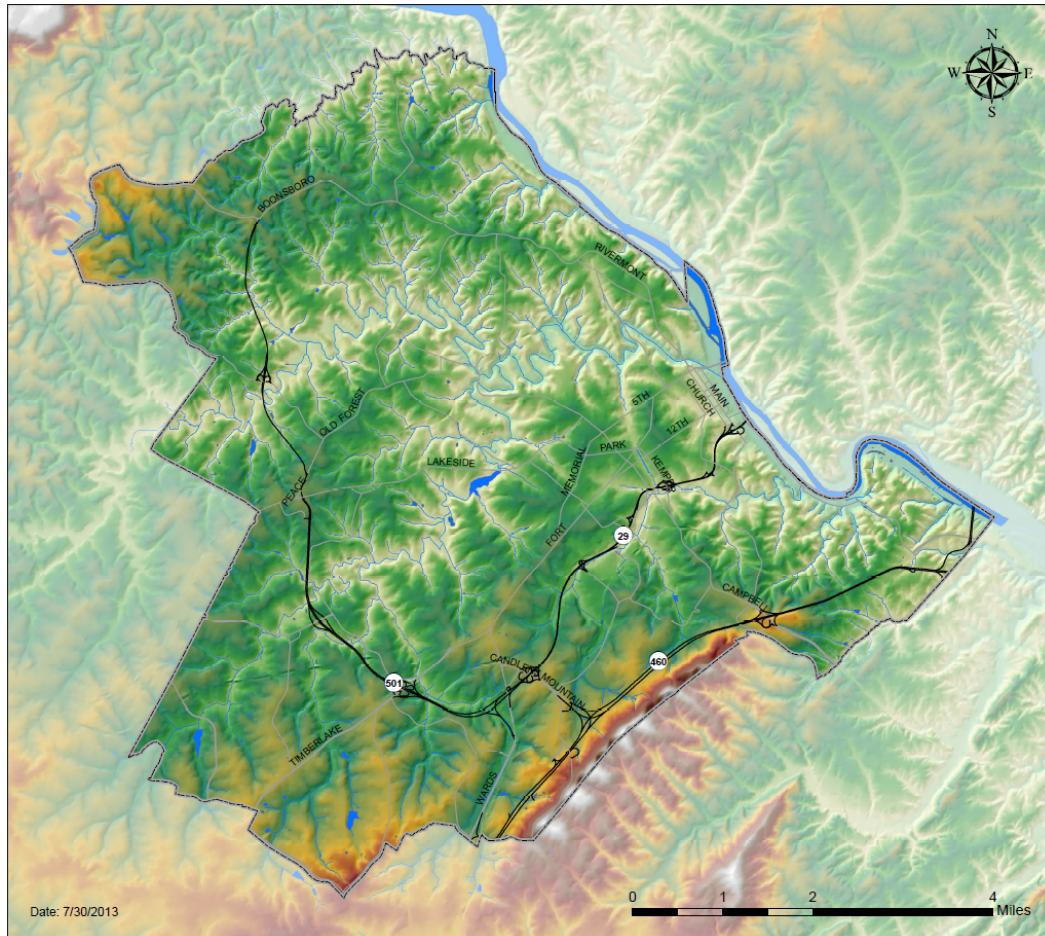
As the City has developed, pressures have increased to build on sensitive natural lands. Citizens have expressed a desire to increase efforts to protect natural and environmental resources and to move towards a more sustainable community. Lynchburg embraces sustainability and recognizes that elements such as environmental stewardship, financial responsibility, economic development and social impact must serve as a filter for the City's decision making and development of policy. Only through appropriate consideration of these principles will Lynchburg provide its residents with the opportunity to meet the needs of the present without compromising the ability of future generations to meet their needs. This Plan strives to lead Lynchburg towards a more sustainable future by protecting, and promoting and restoring the City's outstanding natural resources.

Geology, Topography and Soils

The natural features of Lynchburg, including the geology, topography, and soils, have a significant impact on the suitability of the land for development. The variable rock types underlying the City have formed the hills and steep ravines of the central city, the

imposing Candler's Mountain along the City's southern border, and the foothills of the Blue Ridge Mountains that begin in the Reusens area along the northwest border. Those areas of the City that feature a highly dissected landscape of narrow ridges and steep-sided valleys present a challenge to developers, especially for large retail and industrial buildings needing large areas for parking. Clearing and grading of steep slopes can result in significant soil erosion and sedimentation of streams, though to accomplish much additional development in Lynchburg, some steep areas will likely need to be graded. Exhibit 10-1 illustrates the topography of the City.

Exhibit 10-1: Topography



Some areas of the City are so steep that they remain wooded and relatively natural today. Many steep-sided stream valleys harbor a rich diversity of plant and animal life. The amount and extent of forested areas is quite unusual for a city of Lynchburg's size and age. Large areas of woodland remain on Candler's Mountain, in the Tyreeanna area, in the vicinity of the Blackwater Creek Natural Area and Peaks View Park, and in the Cheese Creek and Judith Creek watersheds. These areas have the potential to be connected to create a natural greenways system that builds on the success of the Blackwater Creek Natural Area.

**Steep slopes
such as these
are challenging
to develop**



Water Resources

Lynchburg is drained by eleven streams. Judith, Pigeon, Blackwater, Fishing, and Opossum Creeks all drain directly to the James River, while Ivy, Cheese, Tomahawk, Burton, and Dreaming Creeks are tributaries of Blackwater Creek. By far, Blackwater Creek has the largest watershed area affecting the City and extending into neighboring Bedford and Campbell counties.

Both the frequency of bank overflow and flood elevations have risen in these streams. The increased impact of floods appears to be due to increased urbanization of stream watersheds, not only in the City, but also in neighboring counties. This resulted in an update of the City's floodplain mapping with new FEMA 100-year floodplain maps being adopted by the City, effective June 3, 2008. While the City has permitted development to occur in the 100-year floodplain in the past, it should limit new development in the floodplain in the future and seek to protect existing development that may be affected by flooding. As required by dam safety regulations, the City also should monitor and update dam break inundation zones shown in Exhibit 10-1. Due to the potential impacts to downstream properties this map should be updated regularly as new information becomes available for public and private regulated dams.

**Blackwater Creek:
One of eleven creeks
in Lynchburg.**



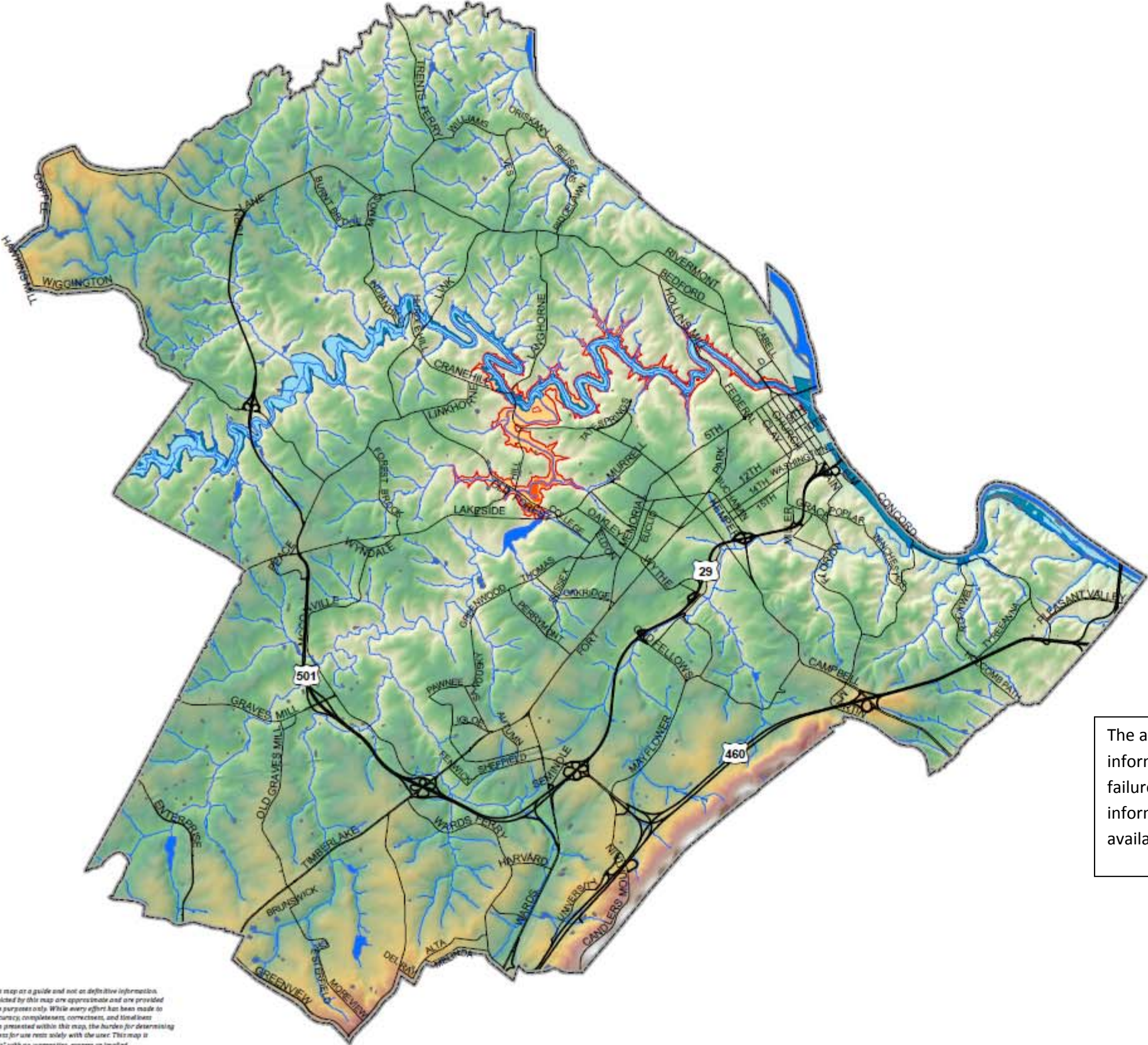
The water quality of several streams, including Blackwater, Burton, Fishing, Ivy, Judith and Tomahawk Creeks and the James River, has been found to violate the state and federal water quality standard for bacteria, specifically *Escherichia coli* (*E. coli*), a type of fecal coliform, which indicates contamination from human or animal wastes. The bacteria levels in these streams exceed those allowed by Virginia's Water Quality Standards. As a result, the Virginia Department of Environmental Quality (DEQ) has placed these streams on the priority list of impaired waters pursuant to Section 303(d) (1) of the Federal Clean Water Act. The DEQ, in cooperation with local stakeholders performed a study called Total Maximum Daily Load (TMDL) to determine the total amount of a pollutant from point and non-point sources that the streams can handle daily and still meet water quality standards for their designated uses. The study, "Bacteria TMDL for the James River Basin" dated August 2007 identifies Lynchburg's Combined Sewer Overflows as a major point source contributor to the *E. coli* impairment. The study also states that the majority of the impairment originates from non-point sources, which primarily include: agriculture, residential and forested areas. Non-agriculture anthropogenic non-point sources include loadings from straight pipes, leaking sanitary sewers, failing septic systems and pet waste.

The bacteria TMDL has not yet finalized due to pending revisions to the CSO Long Term Control Plan (LTCP). If the revised LTCP is approved, the completion of the CSO Program will greatly be accelerated, potentially saving the citizens of Lynchburg over \$200 million. The revised LTCP would dramatically change the direction of the CSO Program. The current plan includes completely separating the storm and sanitary sewer systems with the goal of eliminating the combined sewer overflows. The proposed plan would capture and convey most of the remaining combined stormwater and wastewater flow to the Lynchburg Regional Wastewater Treatment Plant (LRWWTP). While some overflows would still occur through permitted overflow points, water quality standards would still be met in part due to capturing much of the stormwater in the combined area and treating it at the LRWWTP.

Exhibit 10-2: Dam Inundation Zones

Exhibit 10-2 Dam Inundation Zones

September 2013



- Ivy Lake SD
- Ivy Lake PMFnb
- Ivy Lake PMFbr
- Sunny Day Breach
- PMF No Breach
- PMF Breach

Elevation

- Height Feet
- High : 834
 - Low : 132

- Highway
- Major Arterial
- Minor Arterial
- Collector
- Water

The areas shown on this map include currently available information on areas subject to inundation from dam failures. This map should be supplemented with information from other dams as soon as it becomes available.

Prepared by:
Department of Community Development
Planning Works

Please use this map as a guide and not as definitive information. The areas depicted by this map are approximate and are provided for illustrative purposes only. While every effort has been made to ensure the accuracy, completeness, correctness, and timeliness of information presented within this map, the burden for determining appropriateness for use rests solely with the user. This map is provided "as is" with no warranties, express or implied.

In conjunction with the revisions to the LTCP, the Bacteria TMDL is also being revised in order to accurately reflect the changes in the CSO Program. Upon completion of the TMDL an Implementation Plan (IP) , which develops bacteria load reduction goals from each contributing sector in each watershed, will then be developed through collaboration with DEQ and other stakeholders.

The EPA, DEQ and DCR are implementing various regulations and requirements related to reducing nutrient (phosphorus and nitrogen) and sediment pollution as part of the Chesapeake Bay TMDL. Through the Watershed Implementation Plan (WIP) various sectors including regulated and unregulated sectors, have specific pollution reduction requirements. The regulated goals are incorporated into the City's Virginia Pollution Discharge Elimination System (VPDES) permits including the Regional Wastewater Treatment Plant's Nutrient General Permit and the Small Municipal Separate Storm Sewer System (MS4) Phase II General Permit. Additionally, the unregulated urban areas of the City also have specific reduction goals. All of which must meet certain timelines established by the permit cycles or the Bay target dates of 2017 and 2025. One significant outstanding issue is the ongoing study of the James River Chlorophyll-A standard. The outcome this study may result in significant additional nutrient reductions especially in the stormwater and wastewater sectors and could require a major capital investment in the LRWWTP. Lynchburg will continue working to meet its regulatory obligations and water quality goals.

As a result of these water quality challenges, the City has initiated the development of a strategic plan. The plan will be the foundation for decisions to cost effectively meet the goals of the Bacteria and Chesapeake Bay TMDLs, various other water quality regulations and permit requirements.

Air Quality

Lynchburg continues to maintain excellent air quality and DEQ monitoring confirms Lynchburg is compliance with federal ambient air quality standards. In addition, the American Lung Association releases the "State of the Air" report every three years which uses measurements taken by the U.S. Environmental Protection Agency's Air Quality System. In 2013, Lynchburg received an A rating for 24-hour particulate pollution and exceeded the standard for annual particulate pollution – which can include emissions from factories, vehicle exhaust and the like. The City's efforts to improve its mass transit, bicycle and pedestrian systems, implement various "anti-idling" transportation features such as roundabouts and reduce energy consumption through building design, energy audits and efficiency efforts have been key. Land use patterns that promote redevelopment, connectivity and an appropriate mix of uses also reduce emissions while providing for more efficient service delivery and cost savings.

Understanding the Value of Natural Systems

There is a keen interest among citizens in improving the environmental quality of Lynchburg and protecting its natural resources. The first step in protecting these

resources is to understand their value in providing a healthy environment. Monitoring and managing the environmental resources within the City can require a significant amount of resources. Many cities and counties across Virginia are developing environmental databases in their GIS systems to help them plan environmentally sensitive communities. Most cities map topography, soils, water bodies, floodplains and parks.

City officials and citizens could benefit from more comprehensive information about effective environmental protection techniques. City staff from a variety of departments should be kept abreast of environmental trends and practices through training, conferences, workshops, and other educational forums. The City has also established a panel of local experts to serve on a Natural Resources Advisory Committee and/or a Stormwater Advisory Committee to evaluate and comment on natural resource-related policies.

Resource Management & Protection

The City desires to improve the protection and management of its natural systems in order to create a truly sustainable community. There are a number of approaches that the City may choose to pursue, including environmental performance standards, incentives for private actions, conservation/open space easements, education and awards programs, and direct City actions.

Poorly landscaped (left) and well-landscaped (right) stormwater management facilities



As described above, it is important for the City to consider environmental performance standards for new development and redevelopment, not only to ensure compliance with state and federal standards, but also to address the protection and management of important natural resources. Through the application of reasonable standards limiting the development of floodplains, wetlands and streamside steep slopes, these important resources could be preserved. Standards for the construction and maintenance of stormwater management facilities would ensure that flooding levels are kept in check and that the water quality of stormwater discharges is addressed. A major concern raised by citizens is the design, quality, and upkeep of stormwater management facilities. During the Community Character Survey, poorly functioning stormwater management facilities received some of the lowest rankings. Maintenance and upkeep

of such facilities are directly linked to their effectiveness in managing stormwater. The City should adequately enforce post construction maintenance agreements on private stormwater best management practices to ensure that they are performing as designed.

Incentives, rather than codified standards, may be more appropriate for other efforts to achieve sustainable development. For example, the City should continue to promote the recycling and re-use of existing buildings and offer incentives for the cleanup and redevelopment of brownfield sites, including tax abatement, density/intensity increases, and contributions to infrastructure and public amenities. Density increases or other incentives for private developers should be available in a variety of zoning districts, not just the Traditional Neighborhood Development and Planned Unit Development zones, in exchange for the preservation of significant wooded open space, unique species areas or critical habitats, and for green building design. The City should also continue to work with property owners desiring to participate in the stormwater credit program.

The City should also employ softer techniques for natural resource protection such as educational programs and programs to recognize private environmental initiatives. The City supports a variety of environmental education efforts including interpretive signage, programming and design workshops. A number of communities in Virginia also use awards programs to promote green development. These programs could be used to highlight a variety of topics including the eradication of invasive plant species, development that incorporates green building techniques, water conservation initiatives and various efforts to protect stream valleys and woodlands.

Conservation/Open-Space easements are legal documents made between a landowner and a public body such as a land trust or government agency. The most common entities that serve as easement holders include the Virginia Outdoors Foundation, the Virginia Department of Forestry and the Department of Historic Resources; however, the city could also consider being a holder of the easement. The public body holding the easement serves as the enforcement agent for any violations of the terms of the easement. The easements allow land to be continually held in private ownership, but generally restrict the development rights of the property. Certain traditional uses such as a single-family dwelling, farm, forest, open space and/or natural area would be allowed. The easement is legally recorded and bound to the deed of the property permanently.

While the city generally supports conservation/open space easements, careful consideration is needed when determining location, size and number within the city limits. The city has limited available land resources. A careful balance between conservation/open space easements providing a true public benefit and future development needs of the city must be established.

When considering whether to support or hold a conservation/open space easement, the city should consider the following criteria:

- **Proximity to other conservation/open space easements;**
- **Viewshed protection;**

- Presence of wetlands;
- Groundwater protection;
- Forest cover;
- Absence of city water/sewer availability;
- Floodplain;
- Slopes of 25% or greater;
- Stream protection;
- Soil type;
- Rock outcroppings;
- Protection of wildlife habitat;
- Historical significance;
- Current participation in the city land use deferral program;
- Currently zoned R-C, Conservation District;
- Currently designated as Resource Conservation on Future Land Use Map.

If deemed appropriate for placement in a conservation/open space easement, the property should be designated as Resource Conservation of the Future Land Use Map.

Finally, the City itself could become actively involved in natural resource protection and management. When the City constructs a building, a parking lot, a road, or a park, for example, it should strive to protect wooded areas, steep slopes, and floodplains to the extent feasible. The City should use green building techniques and demonstrate well-landscaped stormwater management facilities that not only serve as best management practices, but also provide visually pleasing amenities. The construction of Heritage High School and the Juvenile Detention Group Home will continue the standard of City buildings that are built with sustainable guidelines. Citizens in public meetings voiced a great deal of support for City establishment of a greenway program to expand the James River Heritage Trail and the Blackwater Creek Natural Area and to establish similar areas along other City streams. The greenway program should promote the purchase and accept donations of open space for resource protection along streams. The City could also use environmental performance standards to obtain the dedication of stream valley open space for the greenway program in developing and redeveloping areas.

A Regional Approach

Since nature does not respect political boundaries, regional cooperation is essential in addressing environmental problems and managing natural systems. The expansion of existing partnerships should be encouraged to address regional environmental issues such as stormwater (in progress), greenways, scenic resources, water and air quality, and invasive species. Collaboration between state agencies, local and regional environmental groups, and colleges and universities may prove more effective in addressing resource protection and management. The regional stormwater management effort is a good example of environmental planning that extends across jurisdictions and utilizes grant funds from the Virginia Department of Conservation and

Recreation. The City should continue to pursue other funding opportunities to monitor and manage environmental resources.

Information about the health of the natural systems in the City and region is dispersed among various groups, and data collection is currently a cooperative effort. There is no local repository for information. Information-sharing responsibilities and data collection protocols should be established between the various groups so that an annual report on the state of the City's and region's natural systems and environmental health can be produced.



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

CC: File

Date: August 13, 2014

Re: Conservation Easements

On February 12, 2014, the Planning Commission appointed a committee to draft guidelines of what factors should be considered when the city is asked to hold or support a conservation easement designation for property. The committee consisted of Commissioners, Cham Light and Dave Perault, Wendy Kendrick, Central Virginia Land Conservancy and City Planner, Tom Martin. Commissioners Gerry Swienton and Alex Johnston served in an ex-officio capacity.

The committee met on April 9 & July 9, 2014 to discuss the importance of conservation easements and what criteria should be considered when property owners request the city to hold or support conservation easement designation. After discussion, the committee developed consensus on criteria and recommended that Chapter 10: Natural Systems of the *Comprehensive Plan 2013-2030* be revised to reflect those criteria.

The amendment to the Comprehensive Plan 2013-2030 has been advertised for public hearing. A copy of the proposed amendment is attached for your review and consideration.

If you have questions, please contact me at (434) 455-3909 or tom.martin@lynchburgva.gov.

MINUTES OF THE AUGUST 13, 2014 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Consideration of amending Chapter 10, Natural Systems of the *Comprehensive Plan 2013-2030* by adding criteria that should be considered when the city is requested to support or hold a conservation easement and clarifying that if a property is deemed appropriate to be placed in a conservation easement that the property should be designated as Resource Conservation on the *Future Land Use Map*.

Mr. Tom Martin explained that periodically the City has been approached to support or give consent to people to place their property in a conservation easement. Conservation easements are legal documents between the owner and a land trust or other government entity. Essentially, the development rights of that property are given over to the land trust to be held in a natural state. Obviously, when you do that, the development potential of that property is gone except for some very minor things, such as a single-family home, forestry or agricultural purposes. Long term, since the City has limited land resources, it is something the City should look at very closely.

In the past, when we have received these conservation easement requests, there were really no set criteria for evaluating them to determine whether or not they were appropriate. In February 2014 the Planning Commission appointed a committee, which consisted of several of the Planning Commissioners and Wendy Kendrick of the Central Virginia Land Conservancy. The committee recommended that Chapter 10, Natural Systems, of the *Comprehensive Plan* should be amended and include a set of criteria to consider when supporting or holding (if the City decides to do so one day) a conservation easement or open space easement. The Planning Division recommends approval of the plan amendments.

Chair Swienton asked if there was anyone present who wished to speak in favor of the amendments. No one came forward. He asked if there was anyone present who wished to speak in opposition of the amendments. No one came forward. He closed the public hearing portion of the petition.

Commissioner Johnston thanked City staff and Ms. Kendrick for their hard work. She thinks it was necessary and she thinks they have come away with a good policy and some good guidance. Commissioner Marion agreed with Commissioner Johnston's comments. She found some minor typographical corrections she would like to suggest. She said she would go over these with Mr. Martin after the meeting. Commissioner Swienton thought they had a good mix of backgrounds on the subcommittee. We have something we did not have before and he thinks that is excellent.

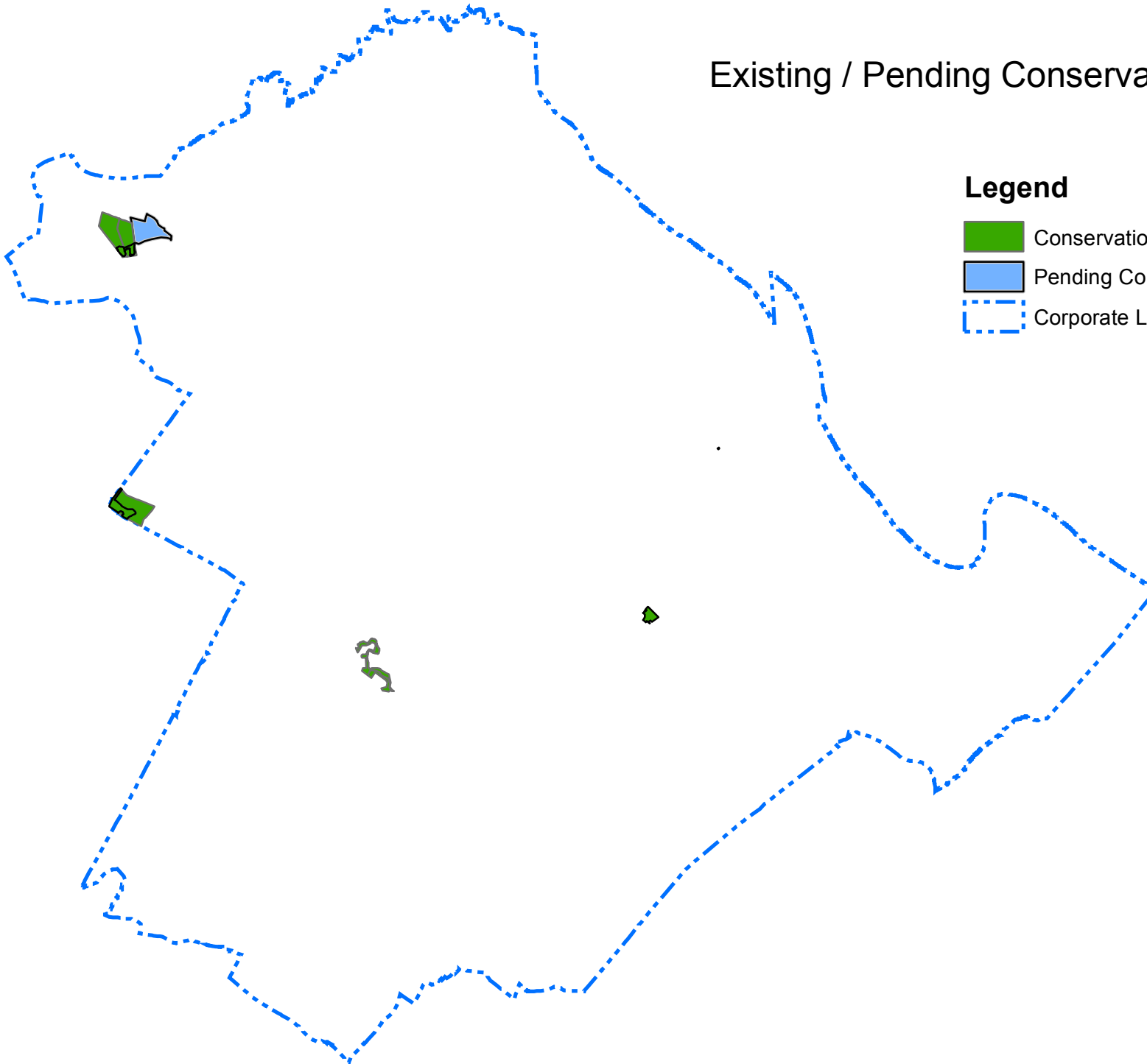
Commissioner Johnston made a motion, which was seconded by Commissioner Marion, to recommend to City Council approval of the amendments to Chapter 10, Natural Systems, of the *Comprehensive Plan*. The motion passed by the following vote:

AYES:	Johnston, Marion and Swienton	3
NOES:		0
ABSTENTIONS:		0
ABSENT:	Light and Perault	2
VACANCIES:		2

Existing / Pending Conservation Easements

Legend

-  Conservation Easement
-  Pending Conservation Easement
-  Corporate Limit



N



August 21, 2014



Agenda Item #13

From: DONALD ROBERTS
To: valeria.chambers@lynchburgva.gov
Date: 08/28/2014 10:23 PM
Subject: Council agenda for 9/9/2014

Ms. Chambers ,

I am writing to request to be placed on the agenda to address city council on September 9 , 2014. The purpose of this request is to address the impact the anti-panhandling ordinance has had on the efforts of the Lynchburg Fire fighters to collect donations for M.D.A. with council.

I intend to be brief, courteous and to the point with supporting data. As a past chairman of the Campbell county school board I am mindful of time limitations that may be in place by policy and request in advance the amount of time I might be allotted, the approximate time to begin and any other particulars you may deem necessary to advise me of that my presentation may be in keeping with councils customs and expectations. I also will present a copy of my presentation for

all council members.

Respectfully,

Donald T. Roberts

122K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: 14

CONSENT:
SESSION:

REGULAR: **X**

WORK SESSION:

CLOSED

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Resolution Authorizing the Issuance of Bonds for Virginia Episcopal School**

RECOMMENDATION: Adopt the attached resolution authorizing the issuance of up to \$10,000,000.00 in bonds through the Lynchburg Economic Development Authority (LEDA) for the benefit of Virginia Episcopal School (VES).

SUMMARY: Founded in 1916, VES is a college preparatory, coeducational, independent boarding and day school for students in grades 9-12. The campus is approximately 157 acres and has an estimated value of \$13,750,300 in land and buildings. VES is a tax exempt institution. The school employs approximately 87 people at an average annual salary of \$40,300. VES has 230 students and approximately 22% are international students.

The attached information provided by Ted Craddock, counsel to the Lynchburg Economic Development Authority explains the proposed issuance in detail. Virginia Episcopal School proposes to finance three projects on their campus located at 400 Virginia Episcopal School Road; conversion of an existing gym built in 1949 to a Fine Arts Center, renovation of an existing athletic facility to include weight/training rooms, athletic offices, restrooms and, construction of a parking lot.

The Lynchburg Economic Development Authority, in accordance with Federal and State law, serves as a conduit for the bonds and assumes no financial responsibility or costs.

The Lynchburg Economic Development Authority has conducted the requisite public hearing and adopted a resolution recommending that City Council authorize the bonds.

The issuance of the bonds through the Lynchburg Economic Development Authority places no obligation on the City.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990, Ted Craddock, 846-2731, Marjette Upshur, 455-4492

ATTACHMENT(S): Resolution; Letter from Ted Craddock

REVIEWED BY: lkp

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA
WITH RESPECT TO ECONOMIC DEVELOPMENT AUTHORITY FINANCING FOR
VIRGINIA EPISCOPAL SCHOOL**

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia (the “Authority”) has considered the application of Virginia Episcopal School (the “Borrower”), a corporation which is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (“Code”), requesting the issuance of the Authority’s revenue bonds in an amount not to exceed \$10,000,000 (the “Bonds”) to assist the Borrower in (a) financing or refinancing certain of the costs of construction, renovation and equipping of an approximately 14,636 square foot performing and fine arts facility and an approximately 29,016 square foot athletic facility, together with related parking facilities, located on the Borrower’s campus at 400 VES Road, Lynchburg, Virginia (the “Campus”), (b) refinancing certain debt of the Borrower originally incurred to finance capital improvements to a dormitory, cafeteria and library located on the Campus and (c) financing bond issuance costs and other eligible expenditures (collectively, the “Project”) and has held a public hearing in connection therewith on August 21, 2014;

WHEREAS, Section 147(f) of the Code provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of such bonds;

WHEREAS, the Authority issues its bonds on behalf of the City of Lynchburg, Virginia (the “City”); the facilities of the Borrower described above are located in the City and the City Council of the City (the “Council”) constitutes the highest elected governmental unit of the City;

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and

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

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

1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the “Virginia Code”), to permit the Authority to assist in the financing of the Project.

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

3. The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City of Lynchburg, Virginia, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of the Bonds. Neither the City of

Lynchburg, Virginia nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and money pledged therefor.

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

Adopted by the City Council of the City of Lynchburg, Virginia this 9th day of September, 2014.

Clerk, City Council
City of Lynchburg, Virginia

[SEAL]

At a regular meeting of the City Council of the City of Lynchburg, Virginia, held on the 9th day of September, 2014, the following members of the City Council were recorded as present:

PRESENT:

On motion by _____, seconded by _____, the foregoing Resolution was adopted by a majority of the members of the City Council, the votes being recorded as follows:

MEMBER

VOTE

Dated: September 9, 2014

Clerk, City Council
City of Lynchburg, Virginia

119K

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

900 CHURCH STREET, 2ND FLOOR
LYNCHBURG, VA 24504

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

August 25, 2014

DELIVERED BY HAND

Honorable Mayor and Members of the
Council of the City of Lynchburg
c/o L. Kimball Payne, City Manager
900 Church Street
Lynchburg, VA 24504

**Re: Economic Development Authority of the City of Lynchburg, Virginia,
proposed Financing for the benefit of Virginia Episcopal School**

Dear Mr. Mayor and Members of Council:

Virginia Episcopal School (the "Borrower"), a Virginia nonstock, nonprofit corporation and a corporation described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), has requested that the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") recommend approval by the City Council of the City of Lynchburg, Virginia (the "City Council") of the issuance of the Authority's revenue bonds, in one or more series, (the "Bonds") in an amount not to exceed \$10,000,000, to assist the Borrower in: (a) financing or refinancing certain of the costs of construction, renovation and equipping of an approximately 14,636 square foot performing and fine arts facility and an approximately 29,016 square foot athletic facility, together with related parking facilities, located on the Borrower's campus at 400 VES Road, Lynchburg, Virginia (the "Campus"), (b) refinancing certain debt of the Borrower originally incurred to finance capital improvements to a dormitory, cafeteria and library located on the Campus, and (c) financing bond issuance costs and other eligible expenditures (collectively, the "Project").

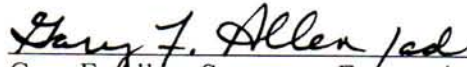
As set forth in the Resolution of the Authority attached hereto, the Authority has agreed to issue the Bonds as requested. The Authority has conducted a public hearing on the proposed financing of the Project and has recommended that you approve the issuance of the Bonds as required by Section 147(f)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

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

Honorable Mayor and Members of the
Council of the City of Lynchburg
August 25, 2014
Page 2

It is requested that consideration of the proposed Council Resolution be placed on the Council agenda for the meeting scheduled for Tuesday, September 9, 2014. A representative of the Authority will be present at the meeting.

Respectfully submitted,



Gary F. Allen, Secretary, Economic Development
Authority of the City of Lynchburg, Virginia

GFA/ahd

Enclosure

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

Marjette G. Upshur, Director
Office of Economic Development
City of Lynchburg

Wm. Tracey Shaw, Esquire
Edmunds & Williams, P.C.
Counsel to Virginia Episcopal School

Michael W. Graff, Jr., Esquire
McGuireWoods LLP
Bond Counsel

APPLICATION FOR AUTHORITY FINANCING

Information Concerning Applicant

1. Legal Name(s) of Applicant(s): Virginia Episcopal School
- Mailing Address: 400 VES Road
Lynchburg, VA 24503
- Applicant's Tax I.D. No.: 54-0506431
2. Name of applicant's representative to be contacted for additional information:
- Name: G. Thomas Battle, Jr.
- Mailing Address If Different from Applicant's:
- Telephone No. (434) 385-3606
- Telefax No. (434) 385-3612
3. Type of business presently conducted by applicant, if any: Education, secondary.
4. Present location of applicant's principal place of business, if any: See #1, 400 VES Road, Lynchburg, VA 24503.
5. In what year was business started? 1916
6. If a corporation, give state of incorporation: Virginia
7. If a subsidiary of another corporation, give name, state of incorporation and mailing address of parent corporation: N/A
8. If applicant is a partnership, give (a) name of state under whose laws it is organized: _____; and (b) City or County in which its principal office is located: _____
N/A
9. If a partnership, state whether general or limited: N/A

10. If a partnership, give names and residence addresses of all present partners and indicate whether general or limited: N/A

11. If applicant is a joint venture or other business entity (other than a corporation or partnership), describe and give names and residence addresses of all principals: N/A

12. If applicant proposes to undertake the facility sought to be financed through a subsidiary corporation, a new corporation or other entity to be formed by applicant, give details: N/A

13. If applicant intends to lease the facility to some other corporation or entity or if some other entity is to otherwise occupy and use the facility, so state and give the full proper name of such entity, its principal place of business and if a corporation, the state of incorporation: N/A

Lessee's Tax I.D. No.: _____

Section 2

Information Concerning Facility Sought To Be Financed

1. Type of facility: (a) industrial ____; (b) facility for commercial enterprise ____; (c) parking facility X; (d) pollution control facility ____; (e) multi-state, regional or national headquarters or operations center ____; (f) facility for the residence and care of the aged ____; (g) facility for private accredited and non-profit institutions of collegiate education X; (h) other if so, describe _____.

2. Indicate whether facility sought to be financed is a (a) new facility ____; (b) existing facility ____; or (c) addition to or modification of existing facility X.

3. Type of business or activity to be conducted and purpose of facility sought to be financed. Explain proposed use of facility by applicant and/or others and, if a manufacturing plant, the type of products to be manufactured.

Renovation of an old gym to a Fine Arts Center;

Renovations to an existing athletic field house to include weight room, athletic training rooms, athletic offices;

Parking lot addition on existing property, adjacent to an athletic field (Moore field)

4. Specific site location, including street number, if available and approximate acreage or size of site: 400 VES Road, Lynchburg, VA 24503 - 157 acres ±

5. General description of proposed facility (describe type of construction, square footage, amount for each operation such as manufacturing, storage, office, etc.):

1) convert an existing gym (1949), 14,636 square feet, to a Fine Arts Center; 2) renovate existing athletic facility (29,016 square feet) to include weight/training rooms, athletic offices, restrooms;

and 3) parking lot on existing property – adjacent to Moore field

6. Name and address of architect, if retained:

Architectural Partners
10 Ninth Street
Lynchburg, VA 24504

Telephone No. (434) 846-8456

7. Give name of present owners (s) of site: Virginia Episcopal School

8. If an existing facility (a) what is its present use? 1) old gym – occasional sports events, practice – inclement weather; 2) athletic field house – sports events, practice – indoor sports – inclement weather.

(b) number of regular employees presently employed on year round basis 87, and (c) average annual salary per such employee \$40,300.00.

9. If applicant is not the present owner of the site, state what, if anything, has been done concerning the location and acquisition of a site by or on behalf of the applicant. N/A

10. State the present zoning classification of the site under the Zoning Ordinance of the City of Lynchburg: R-1

11. Is a zoning change required? YES ____ NO X. If yes, state the zoning classification required: a conditional use permit is required by the City for the new parking lot construction (approved 6/25/14).

12. Estimated number of regular employees to be employed on year round basis after acquisition or completion of facility: 87.

13. Average annual salary per such employee: \$40,300.00

14. If application is approved by the Authority, when would applicant anticipate issuance of bonds and work on the facility started? September 2014

Section 3

Cost of Facility and Financing

1. Estimated total cost of proposed facility: \$9,423,500
2. Maximum amount of financing sought through the Authority: \$10 million
3. Items of cost to be paid from Authority financing (i.e., land, building, equipment, legal, etc.); renovation/construction

4. If financing is approved, does applicant expect the Authority bonds to be sold by (a) private placement X; or (b) public offering _____

5. If by private placement, has applicant received a commitment or other assurance from a bank or others with respect to the sale of the bonds? YES X NO _____. Elaborate: Wells Fargo Bank, N.A. has committed to purchase bonds.

6. If by public offering, name and address of underwriter(s) desired: N/A

Name

Mailing Address

Telephone No. () _____

7. Name and address of bond counsel desired:

Name

Mailing Address

Michael W. Graff, Jr.
McGuire Woods LLP

1750 Tysons Blvd., Ste 1800
Tysons Corner, VA 22102-4215

Telephone No. (703) 712-5110

Section 4

Tax Information

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

Land \$ 253,000

Improvements \$ 13,497,300

TOTAL \$ 13,750,300

2. Current yearly real property tax on the proposed site: \$ N/A - exempt

3. Estimated taxable value of the facility's real property (buildings and "improvements) to be constructed: \$13,750,300

4. Estimated real property tax per year with respect to the facility when completed (buildings and improvements) using present City of Lynchburg tax rates: \$ N/A - exempt

5. Estimated personal property tax per year with respect to the facility when completed, using present City of Lynchburg tax rates: \$ N/A - exempt
6. Estimated merchants' capital tax per year with respect to the facility when completed, using present tax rates; \$ N/A - exempt
7. Estimated business license tax per year with respect to the facility when completed and in use, using present City of Lynchburg license tax rates: \$137.00
8. Estimated dollar value per year of goods and services that will be purchased locally by applicant or other users of the facility: \$3 million

Section 5

Inducement

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

Enhancement to our campus and student educational experience.

It is understood and agreed by the Applicant, as evidenced by the execution and filing hereof, that Applicant (a) will, upon the filing of this application, pay to the Authority non-refundable fees and advances in the total amount of \$650.00, which includes (i) \$250.00 application fee, (ii) \$150.00 advance against costs of advertisement of public hearing, copying and other incidental costs, and (iii) a \$250.00 advance against the Authority's Counsel fees and, in addition, (b) will pay, when billed, all other costs and expenses of the Authority, including the reasonable fees of its counsel, with respect to this application and any Authority or Lynchburg City Council meetings held in connection therewith.

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

The Applicant understands that the approval or disapproval of this application is within the discretion of the Authority and that if approved by the Authority the requested financing will also have to be approved by the City Council of the City of Lynchburg and a proper allocation (bond issuing authority) made to the Authority for the issuance of such bonds or notes under the state limit for the issuance of such bonds or notes as provided in Section 103 of the Internal

Revenue Code of 1954, as amended, and the regulations issued thereunder, and as provided by any applicable state legislation, executive order, administrative rules or regulations; that the Authority and/or City Council may require additional financial and other information from the Applicant; that the Authority reserves the right to approve or disapprove bond counsel with respect to each issue; that if this application is approved and Authority bonds or notes are thereafter issued all financing documents shall be in form and substance satisfactory to the Authority, its counsel and bond counsel for the issue, and shall include provisions satisfactory to the Authority and its counsel with respect to indemnifying the Authority and payment by Applicant to the Authority of an annual payment to be applied to the Authority's general operating and audit expense while such bonds or notes are outstanding; and that if the Authority adopts an inducement resolution and/or enters into an inducement contract with respect to the issuance of bonds or notes on behalf of Applicant and thereafter before the issuance of its bonds or notes determines (1) that any material information furnished the Authority or the City Council by or on behalf of the Applicant is false or misleading, or (2) if after the adoption of such resolution the proposed financing is not thereafter approved by the City Council of the City of Lynchburg or a proper allocation of bond issuing authority is not made, or (3) if approved by the Authority and the City Council and a proper allocation of bond issuing authority is made, Applicant has not, within the calendar year or other period of time with respect to which the bond issuing authority is made applicable, made all necessary arrangements required of it with respect to the issuance and sale of the bonds or notes and the undertaking of the facility to be financed thereby, or if for any other reason the bonds or notes have not been issued within any such applicable time period, the Authority, in any such event, reserves and shall have the right in its sole discretion to revoke or rescind such inducement resolution and/or inducement contract which the Authority has entered into with the Applicant, after not less than ten (10) days written notice of the Authority's intention so to do, addressed and mailed to the Applicant at its address given in this Application.

Respectfully submitted this 3rd day of August, 2014.

Virginia Episcopal School

By J. Thomas Battle

Its Headmaster

**FISCAL IMPACT STATEMENT
FOR PROPOSED BOND FINANCING**

Date: August 21, 2014

Name of Applicant: Virginia Episcopal School
Facility: 400 VES Road
Lynchburg, VA 24503

- | | |
|--|---------------------|
| 1. Maximum amount of financing sought | <u>\$10,000,000</u> |
| 2. Estimated taxable value of the facility's real property to be constructed in the municipality | <u>\$ N/A</u> |
| 3. Estimated real property tax per year using present tax rates | <u>\$ N/A</u> |
| 4. Estimated personal property tax per year using present tax rates | <u>\$ N/A</u> |
| 5. Estimated merchants' capital tax per year using present tax rates | <u>N/A</u> |
| 6. (a) Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality | <u>\$ 852,829</u> |
| (b) Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality | <u>\$ 1,875,215</u> |
| (c) Estimated dollar value per year of services that will be purchased from Virginia companies within the locality | <u>\$ 2,070,000</u> |
| (d) Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality | <u>\$ 73,000</u> |
| 7. Estimated number of regular employees on year round basis | <u>87</u> |
| 8. Average annual salary per employee | <u>\$ 40,300</u> |



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

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

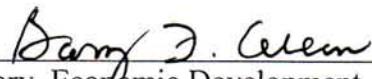
CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on August 21, 2014, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect on this date.

WITNESS the following signature and seal of the Authority, this 21st day of August, 2014.



[SEAL]


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

CERTIFICATE

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

1. A meeting of the Authority was duly called and held on August 21, 2014 at 8:30 a.m. in the Economic Development Office on the second floor of City Hall, located at 900 Church Street, Lynchburg, Virginia, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

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

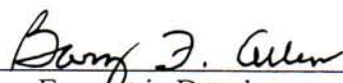
3. A summary of the statements made at the public hearing is attached as Exhibit B.

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

WITNESS my hand and the seal of the Authority, this 21st day of August, 2014.



[SEAL]



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

Exhibits:

- A - Copy of Certified Notice from Newspaper
- B - Summary of Statements
- C - Inducement Resolution

The News & Advance

Advertising Affidavit

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

Account Number

3644365

Date

August 14, 2014

MC GUIRE WOODS LLP
1750 TYSONS BOULEVARD
SUITE 1800
MC LEAN, VA 22102-4235

Date	Category	Description	Ad Size	Total Cost
08/14/2014	Legal Notices	NOTICE OF PUBLIC HEARING ON PROPOSED R	1 x 5 1/2	705.00

**NOTICE OF PUBLIC HEARING
ON PROPOSED
REVENUE BOND FINANCING
BY THE ECONOMIC DEVELOPMENT
AUTHORITY OF
THE CITY OF LYNCHBURG, VIRGINIA
FOR THE BENEFIT OF
VIRGINIA EPISCOPAL SCHOOL**

Notice is hereby given that the Economic Development Authority of the City of Lynchburg, Virginia, whose address is 900 Church Street, Lynchburg, Virginia 24504, will hold a public hearing on the application of Virginia Episcopal School (the "Borrower"), a Virginia nonstock, nonprofit corporation which is described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and whose address is 400 VES Road, Lynchburg, Virginia 24503, for the issuance by the Authority of up to \$10,000,000 of its revenue bonds at one time or from time to time in one or more series to assist the Borrower in (a) financing or refinancing certain of the costs of construction, renovation and equipping of an approximately 14,636 square foot performing and fine arts facility and an approximately 29,016 square foot athletic facility, together with related parking facilities, located on the Borrower's campus at 400 VES Road, Lynchburg, Virginia (the "Campus"), (b) refinancing certain debt of the Borrower originally incurred to finance capital improvements to a dormitory, cafeteria and library located on the Campus and (c) financing bond insurance costs and other eligible expenditures (collectively, the "Project").

The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia, the City of Lynchburg, Virginia or any other political subdivision of the Commonwealth of Virginia, including the Authority, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of such bonds.

The public hearing, which may be continued or adjourned, will be held at 8:30 o'clock a.m., or as soon thereafter as the matter may be heard, on Thursday, August 21, 2014, before the Authority, in the Economic Development Office on the second floor of City Hall, located at 900 Church Street, Lynchburg, Virginia.

**Publisher of the
News and Advance**

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

08/07 08/14/2014

The First insertion being given ... 08/07/2014

Newspaper reference: 0003314307

Given under my hand on

the 15th day of August

Heidi Callahan
Classified Manager

EXHIBIT

A

A BILL. PLEASE PAY FROM INVOICE. THANK YOU

EXHIBIT B TO CERTIFICATE

Summary of Statements

The Chairman declared the public hearing open. Mr. Craddock reminded the Directors that the application for financing had been received from Virginia Episcopal School, a 501(c)(3) Virginia corporation, and that the notice of this public hearing had been advertised as required by law. The Chairman asked if anyone was present who wished to speak in favor of the application. Mr. G. Thomas ("Tommy") Battle, Jr., Headmaster of Virginia Episcopal School addressed the Authority. He reviewed plans with the Directors of the proposed conversion of the William King Field House into a performing arts auditorium and center. He explained that the bonds would also allow refinancing of a girls' dormitory debt and a loan for the dining hall and library renovations which had been completed. The refinancing will allow a substantial reduction in the school's interest expense. He stated the school has currently enrolled 230 students and that he felt that a long-term goal for the school was 240 students. The construction period was expected to be approximately 15 months.

Mr. Michael Graff, with McGuireWoods, Bond Counsel for the Authority was also present.

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

The Chairman declared the public hearing closed.



**RESOLUTION OF THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY
OF LYNCHBURG, VIRGINIA AUTHORIZING THE ISSUANCE OF UP TO \$10,000,000
REVENUE BONDS FOR THE BENEFIT OF VIRGINIA EPISCOPAL SCHOOL**

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia, a political subdivision of the Commonwealth of Virginia (the "Authority"), is empowered by the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), to issue its revenue bonds to protect and promote the commerce, safety, health, welfare, convenience or prosperity of citizens of the Commonwealth of Virginia (the "Commonwealth") by assisting in the acquisition, construction, equipping, expansion, enlargement, improvement, financing and refinancing of facilities for use by organizations (other than institutions organized and operated exclusively for religious purposes) which are described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), and which are exempt from federal income taxation pursuant to Section 501(a) of the Code;

WHEREAS, the Authority has received a request from Virginia Episcopal School (the "Borrower"), a corporation which is described in Section 501(c)(3) of the Code, requesting that the Authority issue its revenue bonds, in one or more series, to assist the Borrower in (a) financing or refinancing certain of the costs of construction, renovation and equipping of an approximately 14,636 square foot performing and fine arts facility and an approximately 29,016 square foot athletic facility, together with related parking facilities (collectively, the "Facilities"), located on the Borrower's campus at 400 VES Road, Lynchburg, Virginia (the "Campus"), (b) refinancing certain debt of the Borrower originally incurred to finance capital improvements to a dormitory, cafeteria and library located on the Campus and (c) financing bond issuance costs and other eligible expenditures (collectively, the "Project");

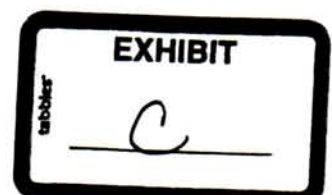
WHEREAS, such assistance will induce the Borrower to remain in the Commonwealth and benefit the inhabitants of the City of Lynchburg, Virginia and the Commonwealth, either through the increase of their commerce or through the promotion of their safety, health, welfare, convenience or prosperity;

WHEREAS, preliminary plans for the Project have been described to the Authority and a public hearing has been held as required by Section 147(f) of the Code and Section 15.2-4906 of the Act;

WHEREAS, the Borrower has represented that the estimated cost of the Project and all expenses of issue will require one or more issues of revenue bonds in the aggregate principal amount not to exceed \$10,000,000 (the "Bonds");

WHEREAS, the issuance of the Bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth or the City of Lynchburg, Virginia, and neither the faith and credit nor the taxing power of the Commonwealth or any political subdivision thereof will be pledged to the payment of the Bonds;

WHEREAS, the Bonds will be issued pursuant to a Bond Purchase and Loan Agreement to be dated as of a date on or prior to the date of issuance of the Bonds (the "Agreement") among



the Authority, the Borrower and Wells Fargo Bank, National Association (the "Bond Purchaser").

WHEREAS, the foregoing arrangements will be reflected in the following documents (the "Financing Documents") which the Authority proposes to execute to carry out in connection with the undertaking of the Project and the issuance and sale of the Bonds, substantially in the forms presented to this meeting, with such changes, insertions and deletions as may be approved by the Authority:

- (a) the Agreement and all exhibits thereto;
- (b) the Bonds, substantially in the forms attached as exhibits to the Agreement, bearing interest and payable as provided therein and in the Agreement; and
- (c) the Borrower's promissory notes (including the Authority's endorsements thereof), substantially in the forms attached as exhibits to the Agreement;

WHEREAS, (a) no member of the Board of Directors of the Authority is an officer or employee of the City of Lynchburg, Virginia, (b) each member has, before entering upon his or her duties during his or her present term of office, taken and subscribed to the oath prescribed by Section 49-1 of the Code of Virginia of 1950, as amended, and (c) at the time of their appointments and at all times thereafter, including the date hereof, all of the members of the Board of Directors of the Authority have satisfied the residency requirements of the Act; and

WHEREAS, no member of the Board of Directors of the Authority has any personal interest or business interest in the Borrower or the proposed revenue bonds or has otherwise engaged in conduct prohibited under the State and Local Government Conflict of Interests Act, Chapter 31, Title 2.2 of the Code of Virginia of 1950, as amended, in connection with this resolution or any other official action of the Authority in connection therewith.

After careful consideration and in furtherance of the public purposes for which the Authority was created, **NOW, THEREFORE, BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA:**

1. It is hereby found and determined that the financing and refinancing of the Project will be in the public interest and will promote the commerce, safety, health, welfare, convenience or prosperity of the Commonwealth, the City of Lynchburg, Virginia and their citizens.
2. To induce the Borrower to remain in the Commonwealth, and particularly in the City of Lynchburg, Virginia, the Authority hereby agrees to assist the Borrower in financing and refinancing the Project by undertaking the issuance of the Bonds, and authorizes and approves the issuance of the Bonds in an aggregate amount not to exceed \$10,000,000. The Bonds shall be substantially in the forms attached as exhibits to the Agreement.
3. It having been represented to the Authority that it is necessary to proceed immediately with the financing and refinancing of the construction, renovation and equipping of the Facilities, and the planning therefor, the Authority agrees that the Borrower may proceed with plans for the financing and refinancing of the construction, renovation and equipping of the

Facilities, enter into contracts for construction, materials, equipment and services for the construction, renovation and equipping of the Facilities, and take such other steps as it may deem appropriate in connection with the construction, renovation and equipping of the Facilities, provided, however, that nothing in this resolution shall be deemed to authorize the Borrower to obligate the Authority without its consent in each instance to the payment of any moneys or the performance of any acts in connection with the Project or any portion thereof. The Authority agrees that the Borrower may be reimbursed from the proceeds of the Bonds for all expenditures and costs so incurred by it, provided such expenditures and costs are properly reimbursable under the Act and applicable federal laws.

4. The Bonds and the Financing Documents are approved in substantially the forms on file with the Authority, with such changes, insertions or omissions (including, without limitation, changes of the dates thereof and the captions of the Bonds) as do not adversely affect the interests of the Authority as may be approved by the Chairman or the Vice Chairman of the Authority, whose approval will be evidenced conclusively by the execution and delivery of the Bonds and the Financing Documents; provided, however, that (a) the aggregate principal amount of the Bonds shall not exceed \$10,000,000, (b) the final maturity date of the Bonds shall be no later than twenty (20) years from their date of issuance and (c) the Bonds shall bear interest at fixed rates not to exceed four percent (4%) per annum.

5. The execution, delivery and performance by the Authority of the Financing Documents to which it is a party are hereby authorized. The execution of the Bonds, their delivery against payment therefor, and the amount of such payment to be disbursed in accordance with the terms of the Agreement, are hereby authorized.

6. The Chairman and the Vice Chairman of the Authority, either of whom may act, are hereby each authorized to execute and deliver, on behalf of the Authority, the Bonds and the Financing Documents to which the Authority is a party, and the Secretary and any Assistant Secretary of the Authority is hereby authorized to affix the seal of the Authority to the Bonds and, if required, the Financing Documents and to attest such seal. The signatures of the Chairman, the Vice Chairman, the Secretary and the Assistant Secretary and the seal of the Authority may be by facsimile. Each officer of the Authority is authorized to execute and deliver on behalf of the Authority such instruments, documents or certificates, and to do and perform such things and acts, as such officer deems necessary or appropriate to carry out the transactions authorized by this resolution or contemplated by the Bonds, the Financing Documents or such other instruments, documents or certificates, and all of the foregoing, previously done or performed by such officers of the Authority, are in all respects hereby approved, ratified and confirmed.

7. At the request of the Borrower, the Authority approves McGuireWoods LLP, Tysons Corner, Virginia, as Bond Counsel in connection with the issuance of the Bonds.

8. The Borrower will agree in the Agreement to indemnify the Authority and pay the Authority's administrative fees. All fees, costs and expenses in connection with the Project, including the Authority's administrative fees and the fees, costs and expenses of Bond Counsel, counsel to the Authority and counsel to the Bond Purchaser, shall be paid by the Borrower or, to the extent permitted by applicable law, from the proceeds of the Bonds. If for any reason the

Bonds are not issued, it is understood that all such costs and expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.

9. In adopting this resolution the Authority intends to take "official action" toward the issuance of the Bonds and to evidence its "official intent" to reimburse from the proceeds of the Bonds any expenditures paid by the Borrower to finance or refinance the construction, renovation and equipping of the Facilities before the issuance of the Bonds, all within the meaning of regulations issued by the Internal Revenue Service pursuant to Sections 103 and 141 through 150 and related sections of the Code.

10. The Authority recommends that the City Council of the City of Lynchburg, Virginia approve the issuance of the Bonds.

11. No bonds may be issued pursuant to this resolution until such time as the issuance of the Bonds has been approved by the City Council of the City of Lynchburg, Virginia, and this resolution is made expressly contingent upon such approval.

12. Neither the Directors of the Authority nor any person executing the Bonds shall be liable personally on the Bonds by reason of the issuance thereof. No director, member, officer, employee or agent of the Authority shall incur any personal liability with respect to any other action taken by such person pursuant to the Bonds, the Financing Documents or the Act or any of the transactions contemplated thereby.

13. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of the Project or the Borrower. The issuance of revenue bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth or the City of Lynchburg, Virginia and neither the faith and credit nor the taxing power of the Commonwealth or any political subdivision of the Commonwealth will be pledged to the payment of the Bonds. Neither the City of Lynchburg, Virginia nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from revenues and money pledged therefor.

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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Approval of Continued Participation in the Regional Investigative Squad by the Police Department**

RECOMMENDATION: Adopt a resolution approving the continued participation in the Regional Investigative Squad by the Lynchburg Police Department.

SUMMARY: The Regional Investigative Squad (RIS) is a multi-jurisdictional law enforcement body that is activated by a member agency when dealing with major criminal cases requiring resources greater than the agency is capable of providing alone. When activated, member agencies share investigative resources in order to adequately address the scope of the crime in the most efficient manner. The attached memorandum of understanding (MOU) is an updated version of the previous MOU (2009) that details member agency responsibilities and operational procedures. Noteworthy changes include the removal of the Virginia Department of Game and Inland Fisheries as a member agency due to statutory limitations and enhanced language limiting member agency liability pertaining to legal claims or lawsuits.

PRIOR ACTION(S): The Police Department has been a member of the Regional Investigative Squad through a 2004 and 2009 MOU.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3090
Colonel Parks Snead, 455-6045
Captain Ryan Zuidema, 455-6171

ATTACHMENT(S): Resolution; Regional Investigative Squad MOU

REVIEWED BY: lkp

RESOLUTION

WHEREAS, for a number of years the cities, counties and towns in Central Virginia and their law enforcement agencies have participated in mutual aid agreements; and,

WHEREAS, these mutual aid agreements have (a) helped promote regional cooperation among law enforcement agencies (b) helped participating jurisdictions provide law enforcement services and (c) helped enhance the overall quality of law enforcement services in Central Virginia; and,

WHEREAS, on July 17, 1974, the City of Lynchburg to enter into a mutual aid agreement with Amherst County, Appomattox County, Bedford County, Campbell County, the City of Bedford, the Town of Altavista, the Town of Amherst, the Town of Appomattox, and the Town of Brookneal, for the establishment of a Regional Investigation Squad to assist the participating localities in investigating major criminal offenses in the Central Virginia area; and,

WHEREAS, the Regional Investigation Squad mutual aid agreement needs to be updated to reflect amendments to the Virginia Code, to reflect the City of Bedford's reversion to a Town, to allow Nelson County, Pittsylvania County, the Town of Bedford, and the Virginia Department of State Police to participate in the Regional Investigation Squad mutual aid agreement, and to reflect the fact that law enforcement services in the Town of Appomattox are provided by the Appomattox County Sheriff's Department; and,

NOW, THEREFORE, BE IT RESOLVED that the Lynchburg City Council hereby authorizes the City to enter into a written mutual aid agreement for the establishment of a Regional Investigation Squad with Amherst County, Appomattox County, Bedford County, Campbell County, Nelson County, Pittsylvania County, the Town of Altavista, the Town of Amherst, the Town of Bedford, the Town of Brookneal, the Virginia Department of State Police, and their respective law enforcement agencies, and hereby authorizes the City Manager to execute the Regional Investigation Squad mutual aid agreement on behalf of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

123K



The Regional Investigative Squad

**BY-LAWS and AGENCY AGREEMENT
August 2014**

BY-LAWS
REGIONAL INVESTIGATION SQUAD

Purpose:

The Regional Investigation Squad was created to establish a partnership between the law enforcement agencies in Central Virginia in order to assist them in meeting the challenges of investigating major criminal offenses. The purpose of the Regional Investigation Squad shall be to provide the member jurisdictions of Central Virginia with an effective and efficient solution to solving major cases. The operation of the Squad shall provide many related benefits ranging from the exchanges of information to actual professional investigating capabilities. The Squad shall provide greater law enforcement resources for all the member jurisdictions.

Mission:

The Mission of the Regional Investigative Squad is to work collaboratively in order to solve major cases within the member jurisdictions.

Values:

The Regional Investigative Squad will work toward the accomplishment of our mission by exemplifying our Values.

Respect * Integrity * Service

ADVISORY COMMITTEE

To oversee the Area Regional Investigation Squad an Advisory Committee will be established. It will consist of one member from each of the member jurisdictions. Once selected, the Regional Investigation Squad Advisory Committee will select from among its members a Chairman and a Vice-Chairman, each of who shall serve one year terms or until a successor is elected. Elections for these officers will be conducted prior to the commencement of each calendar year.

MEMBERSHIP

The Regional Investigative Squad is made up of law enforcement agencies in the City of Lynchburg, County of Amherst, County of Appomattox, County of Bedford, County of Campbell, County of Nelson, County of Pittsylvania, Town of Altavista, Town of Amherst, Town of Bedford, Town of Brookneal and the Virginia State Police.

Personnel assigned to the Regional Investigative Squad will possess knowledge of investigative techniques, ability to secure citizen cooperation, skill in report writing and willingness to function as a team member. The selected member must accept the assignments as given, follow prescribed procedures, and be able to offer loyalty, energy and enthusiasm to their supervisor in no less degree than would be afforded the home agency. Members of the Squad will be adequately trained so that each will be able to handle major case investigations.

PROCEDURES FOR ACTIVATION OF SQUAD

1. If the crime comes within purview of the Regional Investigative Squad's purposes, and circumstances indicate outside help is needed, the agency head, or designee, in the jurisdiction in which the crime has occurred has the authority to activate the squad.
2. The requesting agency head or designee should make contact with member jurisdictions to request assistance. All member jurisdictions should be made aware of the activation of the Squad whether or not assistance is requested.
3. The requesting agency should provide the following information:
 - a. Location where the Squad is to convene;
 - b. Type of crime, time of the crime and time discovered;
 - c. A resume of the facts including type of terrain, equipment needed, evidence known and other helpful data; and
 - d. The number of investigators the agency feels would be desirable to handle this investigation.
4. Regional investigations should not extend beyond seven days, except where unusual circumstances warrant an extension. Such extensions will be determined on a case by case basis.

ADMINISTRATION AND ORGANIZATION

The overall supervision of the Squad is vested in the Committee herein before named. This group will determine major policy, establish necessary operating principles for the Squad, and shall have authority for assignment or withdrawal of Squad personnel from any case or area of a participating agency.

The requesting agency will be in full charge of any investigation arising from its jurisdiction.

APPOINTMENT OF STAFF OFFICERS

The Chief/Sheriff in charge of the investigation may appoint such supervisory personnel as is deemed necessary for proper handling of the investigation, to include the investigative process and the handling of all media inquiries.

INVESTIGATIVE SUPERVISOR

1. Must be an experienced officer, skilled in the actual direction of a criminal investigation, in supervision of personnel and in reading comprehension, retention and logic.
2. Reviews all reports, including those considered non-productive, to make certain that no leads are overlooked.
3. Upon discovery of leads, prepares lead cards / sheets, assigns leads for investigation and follow-up on the results obtained.

4. Ensures that prospective witnesses not located or interviewed initially are rescheduled for interviews.
5. Keeps the Agency Head and Commonwealth's Attorney or designees fully informed as to progress of the investigation.
6. Controls activities of all investigative personnel, ensuring that they report their progress in assigned tasks before following any new line of inquiry.
7. If a Squad member from an agency other than the requesting agency is appointed the Investigative Supervisor, it must be done in writing and with the approval of that Squad member's Chief or Sheriff.

THIS REGIONAL INVESTIGATION SQUAD (RIS) AGREEMENT, made and entered into this 18th day of August, 2014, by and between the CITY OF LYNCHBURG, Virginia, party of the first part; the COUNTY OF AMHERST, Virginia, party of the second part; the COUNTY OF APPOMATTOX, Virginia, party of the third part; the COUNTY OF BEDFORD, Virginia, party of the fourth part; the COUNTY OF CAMPBELL, Virginia, party of the fifth part; the COUNTY OF NELSON, Virginia, party of the sixth part; the COUNTY OF PITTSYLVANIA, Virginia, party of the seventh part; the TOWN OF ALTAVISTA, Virginia, party of the eighth part; the TOWN OF AMHERST, Virginia, party of the ninth part; the TOWN OF BEDFORD, Virginia, party of the tenth part; the TOWN OF BROOKNEAL, Virginia, party of the eleventh part; the VIRGINIA DEPARTMENT OF STATE POLICE, party of the twelfth part;

WITNESSETH:

WHEREAS, Section 15.2-1726 of the Code of Virginia of 1950, as amended, authorizes the governing body of any county, city, or town, in its discretion, to enter into a reciprocal agreement with any other county, city, town, or combination thereof, for such periods and under such conditions as the contracting parties deem advisable for the cooperation in the furnishing of police services; and subject to the conditions of said agreement, all policemen, officers, agents and other employees of such cooperating law enforcement agencies shall have the same powers, rights, benefits, privileges and immunities in every jurisdiction subscribing to said agreement, including the authority to make arrests in every such jurisdiction subscribing to said agreement; and

WHEREAS, the respective City Council of the City of Lynchburg; the Boards of Supervisors of the Counties of Amherst, Appomattox, Bedford, Campbell, Nelson and Pittsylvania; and the Town Councils of the Towns of Altavista, Amherst, Bedford and Brookneal have adopted resolutions authorizing the execution of this reciprocal agreement, certified copies of the said resolutions being hereto attached:

NOW, THEREFORE, THIS AGREEMENT FURTHER WITNESSETH:

That for and in consideration of the premises and of the mutual benefits to be derived hereunder, the parties do hereby reciprocally agree as follows; the CITY OF LYNCHBURG, Virginia, party of the first part; the COUNTY OF AMHERST, Virginia, party of the second part; the COUNTY OF APPOMATTOX, Virginia, party of the third part; the COUNTY OF BEDFORD, Virginia, party of the fourth part; the COUNTY OF CAMPBELL, Virginia, party of the fifth part; the COUNTY OF NELSON, Virginia, party of the sixth part; the COUNTY OF PITTSYLVANIA, Virginia, party of the seventh part; the TOWN OF ALTAVISTA, Virginia, party of the eighth part; the TOWN OF AMHERST, Virginia, party of the ninth part; the TOWN OF BEDFORD, Virginia, party of the tenth part; the TOWN OF BROOKNEAL, Virginia, party of the eleventh part; the VIRGINIA DEPARTMENT OF STATE POLICE, party of the twelfth part; do hereby reciprocally agree as follows:

1. JURISDICTIONS INCLUDED

All of the jurisdictions which are a party to this agreement shall through their local law enforcement agencies participate in the formation and operation of the Squad.

2. DAMAGE AND LIABILITY

The requesting jurisdiction shall be responsible for replacing any expended consumable supplies borrowed from another jurisdiction and will repair any damage occurring to borrowed equipment as a result of its use. The Squad member however, will be jointly responsible with his own agency for maintenance of his personal equipment and of any government vehicle or additional government items brought for his own use while serving his assignment. Requesting jurisdictions will not be responsible for damage to vehicles on loan where the accident was clearly

the fault of the driver of such vehicle from the same department. However, the requesting jurisdiction assumes only such liability for duty actions of the Squad member as may be determined under general law for damages to property or person committed while performing his duty in a reasonable and prudent manner in accordance with orders or directions given him by the proper authority of the requesting jurisdiction.

In the event any claims or lawsuits are filed against any party to this agreement or against the individual employees of any party to this agreement for acts performed pursuant to this agreement, each party will be responsible for providing legal representation for itself and its employees. Each party to this agreement hereby waives all claims against the other parties for compensation and for any loss, damages, injury or death occurring as a consequence of the performance of this agreement. This agreement shall not be construed to impair or affect any sovereign or governmental immunity or official immunity from liability that be enjoyed by the parties to this agreement or by any of their officers, agents or employees. Any services performed under this agreement shall be deemed for public and governmental purposes.

3. RETIREMENT, DISABILITY, INSURANCE, WORKERS' COMPENSATION

Each agency will continue to provide its personnel on assignment in another jurisdiction with the same employment benefits they are furnished when on duty at home (Virginia Code 15.2-1726). The requesting agency will not be required to assume or reimburse the cost of insurance on law enforcement personnel from other jurisdictions assigned to the Squad or on any necessary equipment those personnel might bring to their assignment. It is the responsibility of each jurisdiction to have liability insurance on its law enforcement employees, and shall maintain that coverage when its officers are called to another territory included in this Agreement.

4. JURISDICTIONAL WITHDRAWAL CLAUSE

Any one of the parties hereto may withdraw from this agreement by the adoption of a resolution providing for such withdrawal and this agreement shall remain in full force and effect between the remaining parties to this agreement until all parties hereto have withdrawn and terminated this agreement by the adoption of appropriate resolutions.

5. DURATION OF AGREEMENT

The terms of this agreement shall be unlimited except for withdrawal of any one of the parties hereto as indicated in Paragraph 4 above.

6. SEVERABILITY CLAUSE

If at any time any provision, paragraph, clause, or word shall be held invalid, the remainder of the provisions, paragraphs, clauses, or words, other than that which has been held invalid, shall not be affected thereby.

7. CHANGES TO THE AGREEMENT

Should it become necessary to modify any part of this Agreement, such modification shall be incorporated in written amendments to this agreement after they are mutually agreed upon unanimously by the participating members.

IN WITNESS HEREOF, the parties hereto have executed this agreement.

ATTEST:

City of Lynchburg, City Manager

City of Lynchburg, Chief of Police

By: _____

L. Kimball Payne, III

By: _____

Parks H. Snead, III

Date: _____

Date: _____

County of Amherst, Sheriff

By: _____

L.J Ayers, III

Date: _____

County of Appomattox, Sheriff

By: _____

Barry E. Letterman

Date: _____

County of Bedford, Sheriff

By: _____

Michael J. Brown

Date: _____

County of Campbell, Sheriff

By: _____

Steve A. Hutcherson

Date: _____

County of Nelson, Sheriff

By: _____

David Brooks

Date: _____

County of Pittsylvania, Sheriff

By: _____

Michael W. Taylor

Date: _____

Town of Altavista, Town Manager

Town of Altavista, Chief of Police

By: _____

J. Waverly Coggsdale, III

By: _____

Kenneth I. Walsh, Jr.

Date: _____

Date: _____

Town of Amherst, Town Manager

Town of Amherst, Acting Chief of Police

By: _____

Jack Hobbs

By: _____

Gregory T. Harler

Date: _____

Date: _____

Town of Bedford, Town Manager

Town of Bedford, Chief of Police

By: _____

Charles Kolakowski

By: _____

James E. Day

Date: _____

Date: _____

Town of Brookneal, Town Manager

Town of Brookneal, Chief of Police

By: _____

Russell B. Thurston

By: _____

Richard W. Baldwin

Date: _____

Date: _____

Virginia Department of State Police, Superintendent

By: _____

W. Steven Flaherty

Date: _____

REVISED
LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.:

CONSENT: REGULAR: X

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: **Appropriation of Funds; Closure Costs for the Concord Turnpike Landfill**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 General Fund budget and appropriate ~~\$1,839,215~~ \$1,863,653 with resources of ~~\$1,234,931~~ \$1,259,369 from the FY 2014 General Fund Assigned Fund Balance and \$604,284 from the FY 2014 General Fund Committed Fund Balance to fund closure costs for the Concord Turnpike Landfill.

SUMMARY: The Region 2000 Services Authority (Authority) acquired the remaining airspace from the City of Lynchburg (City) Concord Turnpike Landfill in July 2008 and has operated the landfill as part of a regional solid waste management program since then. The landfill is now at capacity and waste is no longer being placed there. It is now necessary to close the landfill in accordance with State and Federal regulations. Under the terms of the agreement establishing the Authority, the City and the Authority share financial responsibility for both the closure of the landfill and for post-closure maintenance and monitoring. That responsibility is proportional based on the percentage of waste in the landfill deposited by the City and the percentage deposited by the Authority. Estimated closure costs have been recalculated a number of times since 2008 and have been considered for financial planning. Council may recall that a significant adjustment to the estimated percentages was made in 2010 when it was determined that an error had been made in the original landfill airspace calculations.

On June 4, 2014 bids were opened for the final closure construction for the Concord Turnpike Landfill which included 26 acres of landfill cap, stormwater/sediment controls and a perimeter leachate collection system.

The City liability for closure costs is determined to be ~~\$3,501,954~~ \$3,526,392. The attached memorandum provides extensive background information on how this liability was determined.

The City pre-paid closure costs of \$1,662,739 with the transfer of the landfill to the Authority. Since then, the City has designated the profit sharing funds from the Authority and other funds in the amount of ~~\$1,839,215~~ \$1,863,653 to fully fund closure costs.

In preparing for the FY 2014 audit, it was determined closure costs should be recognized in FY 2014 since the bids were opened before year end and closure will be completed within nine months of the contract. In order to do this, the committed and assigned fund balances need to be appropriated to fully fund the closure costs. The actual payment will be made in FY 2015.

PRIOR ACTION(S): None

FISCAL IMPACT: Use of Assigned Fund Balance ~~\$1,234,931~~ \$1,259,369, Use of Committed Fund Balance \$604,284

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

ATTACHMENT(S): Resolution; Lynchburg Landfill Closure Liability Memo

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2014 General Fund budget is amended and ~~\$1,839,215~~ \$1,863,653 is appropriated with resources of ~~\$1,234,931~~ \$1,259,369 from the FY 2014 General Fund Assigned Fund Balance and \$604,284 from the FY 2014 General Fund Committed Fund Balance to fund closure costs for the Concord Turnpike Landfill.

Introduced:

Adopted:

Certified:

Clerk of Council

118K