

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.: **1**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Meet Karen Walton, New GLTC General Manager**

RECOMMENDATION: No action required.

SUMMARY: The new GLTC General Manager, Karen Walton, will be present to meet Council. Attached is a bio providing some background on Ms. Walton.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455.3990

ATTACHMENT(S): Karen Walton Bio

REVIEWED BY: lkp

076L

Karen Walton bio

Karen Walton was born and raised in New Jersey, but left at the age of 18 to join the Navy. After 12 years of training and handling drug and patrol dogs for the Military Police, she moved to Wasilla, Alaska. She attended the University of Alaska Anchorage and received a BA in Psychology then a Masters in Public Administration. After working as a social worker for numerous years, she was asked to be the Executive Director of a small start-up 501(c)(3) transit system in Wasilla. After 10 years she is still hooked on public transportation. Karen has also held the position of Director of Safety & Security of Sun Metro in El Paso Texas, General Manager of the University of Texas Miner Metro, and General Manager of Sioux Area Metro in Sioux Falls, SD. In July 2012 Karen accepted the position of General Manager of the Greater Lynchburg Transit Company. Karen and her husband Ron, who is a retired Anchorage Police Officer, are happy to be here and are settling in with their stinky dogs Max & Roscoe. They have always been active Rotarians wherever they have lived and are looking forward to getting involved in their new community.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.: **2**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Report on Work to Consolidate Health Benefits Packages of the City and City Schools**

RECOMMENDATION: No action required.

SUMMARY: Human Resources Director Margaret Schmitt and Schools CFO Anthony Beckles will brief Council and the School Board on progress toward a consolidated health benefits package for City and City Schools employees. An overview of the presentation is attached.

Note: The School Board and Superintendent, Dr. Brabrand are expected to be in attendance during this portion of Council's work session.

PRIOR ACTION(S): This effort has been ongoing for a number of years.

FISCAL IMPACT: Potential impact will be reviewed during the presentation.

CONTACT(S): Margaret Schmitt, 455-4208

ATTACHMENT(S): Overview

REVIEWED BY: lkp

Overview of Benefits Consolidation Work

Goal of the collaborating on the City and School's health benefits packages:

1. To combine the City and School's health benefits plans where economically feasible and practical
2. Reduce the rate of growth in health care and related cost for the employer and employee

Status:

1. Working collaboratively and effectively for over a year. Making progress toward benefit consolidation. Small savings anticipated as well as expanded opportunities for service enhancements and future cost containment.
2. All RFPs, except Pharmacy are complete and we are negotiating with the preferred vendor:
 - a. Dental – one contract, one plan. Small savings due to lower administrative fees with new vendor. Contribution strategies will be different as City will continue to pay 100% of employee only coverage and the schools are proposing that the costs will be shared 50/50 between employees and Schools
 - b. Vision – one contract, one plan. Small savings due to lower administrative fees with new vendor. Contribution strategies will be different as City will continue to pay 100% of employee only coverage and the schools are proposing that the costs will be shared 50/50 between employees and Schools
 - c. Medical – one contract, two plan designs. Anticipate small savings in administrative fee for combined contract and overall costs will probably go up a little. The plans have become more dissimilar over the past few years and it would be costly (about \$160,000) to move both organizations to a plan that looked like the City's plan. However, the actions we are taking will position us to move toward full consolidation in the future.
 - d. Pharmacy – RFP specifies one plan design. Expect to see some savings on School side. Hoping to maintain costs of current City plan.
 - e. Health Management Program – working toward consolidation of programs. Plan to extend access to the HMP clinic to school employees around 1/1/13. Previous provider sold our business to Healthstat and we are working through some transition issues.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Annual Report of the Region 2000 Local Government Council**

RECOMMENDATION: No action required.

SUMMARY: Gary Christie, Executive Director of the Region 2000 Local Government Council, and Bryan David, Executive Director of the Economic Development Council, will attend Council's meeting and provide an overview of Region 2000 Partnership activities in support of Lynchburg and other area localities in 2012.

Attached for your review are copies of the annual reports of the Local Government Council and the Region 2000 Partnership.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Local Government Council 2012 Annual Report; Region 2000 Partnership Annual Report

REVIEWED BY: lkp



Local Government Council Annual Report—FY 12

Services on behalf of LYNCHBURG

The LGC provides staff support and procurement coordination to the Region 2000 Radio Board. We helped secure a \$114,000 grant to offset costs of technical advisors.

Lynchburg is included in the Regional Comprehensive Economic Development Strategy which was approved this year by the Federal Economic Development Administration.

1,896 Lynchburg residents accessed the Region 2000 Workforce Investment Board's Career Center services.



Lynchburg City staff participated in regional information sessions on storm water regulations, recreation planning, procurement, agriculture economic development and human resources.

LGC staff facilitated discussions on regional library services with Lynchburg, Bedford and Campbell libraries.

Lynchburg participates in the Region 2000 Services Authority for solid waste disposal. We're keeping disposal fees low and making excess revenue payments to the City. The Services Authority coordinates recycling education and reporting program for Lynchburg.

MPO transportation planning projects for Lynchburg included, with the LGC paying all match requirements:

- Lynchburg Connectivity Study
- Campbell Avenue Access Management and Corridor Plan
- On-Road Bike Facilities Design Manual
- Wayfinding Signage report
- Technical support to GLTC

The LGC will begin a region wide RIDE Solutions services for carpool matching and alternative transportation information in FY 13.

LGC staff coordinated Lynchburg Area Bike Week Activities and served as a collection point for \$5,472 in private contributions for bicycle "Share the Road" signs. Staff also updated the Regional Greenways, Blueways and Trail Plan.

Services list continues on page 8

LOCAL GOVERNMENT COUNCIL

Regional Planning Projects

Since 1972, we are the one organization who thinks long term about the future of Region 2000

Transportation

- o The MPO's Long Range Transportation Plan lists priorities for road and transit improvements through 2035 for Metro Lynchburg.
<http://region2000.org/metropolitan-planning-organization.html>
- o Assisted counties develop priorities for a regional Rural Transportation Plan.
<http://www.region2000.org/2035-rural-long-range-transportation-plan.html>



Economic Development

- o Approved by the Federal Economic Development Administration, this plan was developed by 45 regional leaders to focus and prioritize our economic development program
<http://www.region2000.org/ceds.html>



Workforce Development

- o Private and public stakeholders collaborate to ensure that workforce development efforts are driven by business needs, efficiently and effectively supporting economic vitality and growth in the region.



Source Water

- o Fourteen jurisdictions and utility authorities joined together to develop a 50 year plan for the region's water supply



Solid Waste Management

- o Five jurisdictions save money by sharing a regional solid waste management plan
<http://www.region2000.org/regional-solid-waste-initiative2.html>



Natural Disasters

- o Providing region wide plans to mitigate impact of natural disasters <http://region2000.org/hazard-mitigation-plan-draft-page.html>



Local Government Council:

Focusing on quality-of-life initiatives

2012 Update to the Regional Greenways, Blueways and Trail Plan

- o Working to coordinate local efforts on bike, pedestrian and trails planning and development
- o Focusing on some shorter, more short-term implementable pedestrian/recreational corridors that reflect current priority connections
- o Focusing on expansion of connection sources, such as sidewalks and on-road bicycle facility recommendations
<http://region2000.org/bicycle-plan.html>
- o Assisting in grant writing, stakeholder planning and public/private partnerships in development of regional greenway, trail and bikeway planning



Community Health Action and Response Team (CHART)

LGC staff participates on the Community Health Action and Response Team (CHART), the committee of the Lynchburg Health District that works to identify and address regional health and wellness issues.

Support for a Regional Entrepreneurial Development Efforts

In FY 12, the LGC contributed \$5,000 matched by the Community College and the Workforce Investment Board to develop the Region 2000 Entrepreneurship and Small Business Strategy prepared by Erik Pages of Entrenworks Consulting of Arlington, VA.

How the Local Government Council helps localities improve the quality of life in the region

- Long range planning
- Workforce Development
- Transportation Planning
- Bicycle and greenways planning
- Assistance with downtown redevelopment planning and implementation
- Commuter and Rideshare Services

The LGC also provided grant writing and in-kind match services for the Region 2000 Economic Development Council which developed a successful grant application from the Virginia Department of Housing and Community Development's Building Collaborative Communities program. The grant is paying for facilitation services to bring together local colleges/university and establishing structures to coordinate the teaching and encouragement of entrepreneurship.

We avoid silo, stand alone governmental organizations by providing coordinated staffing services to governmental service organizations

- **Metropolitan Planning Organization**

- Provides transportation planning and project prioritization in Lynchburg and the surrounding urbanized area

- **Transportation Technical Committee of the MPO**

- Provides staff from MPO communities with an in-depth examination of transportation alternatives and policies



- **Workforce Investment Council and Board**

- Creating and sustaining an innovative system that produces a quality workforce committed to life-long learning
- Connecting employers with the region's workforce development system
- Business-led majority board of directors
- Managing an operating budget of \$1.4 million for employment and training services to assist employers, employees and job seekers.



- **Region 2000 Services Authority (Landfill)**

- Manages 230,000 tons of trash per year for five localities
- Opening two new landfill cells at Livestock Road in Rustburg
- Leading recycling education programs in Lynchburg and Campbell County



- **Region 2000 Radio Communications Board**

- Implementing an \$11.7 million upgrade of the radio infrastructure to serve three dispatch centers and over 3,000 emergency services and local government radios
- Managing a network of 11 (growing to 14) towers, microwaves and repeater sites
- Providing 95% mobile coverage for four localities plus the Regional Jail and Regional Landfill



We are a Forum for State and Local Collaboration

We frequently bring local and state officials together to discuss developing issues. Recently these have included:

- Staff meetings with Department of Conservation and Recreation (DCR) on new and potential storm water regulations
- Public meetings with DCR on the update to their statewide recreation plan
- One-on-one conversations with members of the General Assembly
- Regional Water planning meetings with the Department of Environmental Quality
- Community meetings on TMDL development with Department of Conservation and Recreation

We are Driven by Ideas, Innovations.

We are successful because we build partnerships among

- Local Governments
- State Agencies
- Chambers of Commerce
- Downtown organizations
- Non-Profits
- Local businesses

We are Conveners

The following groups meet regularly to exchange information and best practices:

Librarians	Purchasing Agents
Human Resources	Planners
City/County Administrators/Assistants	
Public works and utility officials	
Planning Commission Officials	
Local Government Elected Officials	

Case Study in State-Local Collaboration

In FY 11-12 the Region 2000 Local Government Council applied for and received a \$200,000 Energy Efficiency Conservation Block Grant (EECBG) from the Virginia Department of Mines Minerals and Energy. At the time of application the intended scope was to test two types of energy efficient street lamps coupled with wireless communication control devices, measuring relative performance and energy consumption. The control devices enabled power variations (dimming) and power readings (data). The lamp types were Light Emitting Diode (LED) and Induction.

The Center for Advanced Engineering and Research (CAER) was a partner in the project as well. CAER provided separate funding for test equipment, a laptop computer and for Liberty University students and faculty. The City of Lynchburg also funded part of the project via their entitlement EECBG monies. From the beginning, Innovative Wireless Technologies (IWT) provided guidance and technical advice in the project. IWT tested all equipment from the various vendors prior to the Local Government Council engaging in procurement. Other participants at the outset were American Electric Power Company, Dominion Virginia Power Company and the City of Bedford Public Utility Department.

Three communities – Amherst, Bedford City and Lynchburg City participate in the “Smart Light System” project. It tested how effective a wireless remote monitoring system coupled with LED street lamp technology was in reducing direct energy consumption and indirect energy consumption due to reduced maintenance and the associated costs of each. The stated objective of the program was to accelerate adoption of higher efficiency, “smart” lighting solutions for municipalities which reduce energy usage, improve operational savings for maintaining public lighting assets, while achieving reduction of carbon emissions footprint.

The research results did demonstrate an annual energy cost savings for LED lights. However, the acquisition cost of LED luminaires and the management system is significantly greater than conventional HPS lamps. As a result, energy savings alone is not sufficient to recover the cost difference. Another cost consideration is the LED luminaire service life is 3x the conventional HPS luminaire service life of 5 years. So, when we add the cost of two re-lamps for the HPS, the life cycle cost comparison for LED including energy savings provides a 10% cost savings (no management system, no dimming) with recovery time of approximately 10 years.

If we include the management system and dimming option, the cost savings is 10-20% depending on the number of lights and dimming schedule. This analysis does not include potential cost savings associated with proactive maintenance, improvements to public safety and consumer satisfaction as a result of the management system capability to monitor lights and isolate failure conditions from any location with Internet access.

2012 Project Management in Region 2000

- **Olde Towne Madison Heights CDBG project in Amherst County**

This \$1,222,249 multi-year grant from the Virginia Department of Housing and Community Development will provide housing rehabilitation and infrastructure improvements, to include water, sewer, and road upgrades, to a portion of the Old Madison Heights community.



- **Brookneal Downtown Revitalization in Brookneal**

Downtown Brookneal is undergoing a significant facelift with new streetscapes, utilities and infrastructure, up to 40 storefront makeovers and 8 housing unit improvements. Funds come from the Town, from VDOT Enhancement programs and from CDBG. An additional grant of \$360,000 was approved in 2012.

- **Altavista Downtown Revitalization in Altavista**

Downtown Altavista is undergoing a significant facelift with new streetscapes, utilities and infrastructure, 22 storefront rehabilitations and 9 upper story housing rehabilitations. A focal point called Gateway Park is part of the renovation plans. Funds come from the Town, from VDOT Enhancement programs and from CDBG.



- **Regional Radio System Procurement**

Staff coordinated a \$13.1 million bond issue and an \$11.7 million procurement to upgrade the regional public safety radio system serving four jurisdictions. Working with Radio Board members, we successfully secured \$114,000 in grants for the project's technical consultants.



Professional, dedicated, apolitical, proactive organization

- Local Government grounded experienced staff
- Broad based knowledge about regional and local issues
- 40 years organizational experience serving the region
- Historical and institutional knowledge of the region
- Experienced in public procurement, Freedom of Information Act

FY 2012 Services to Lynchburg, continued

LGC Staff prepared successful grants totaling \$376,796 for Safe Routes to School programs at Perrymont, T.C. Miller and Dearington Elementary Schools

LGC Staff coordinated the update to the Regional Hazard Mitigation Plan which included Lynchburg.

We also participate on the Central Virginia Health Department on the Community Health Action and Response Team (CHART)

FY 12 Transportation Projects

City Lynchburg Connectivity Study

The LGC developed a report that examines how various City of Lynchburg transportation facilities are connected to one another and other activities points in the City, such as schools and parks.

Campbell Avenue – Access Management and Corridor Plan

LGC staff coordinated an access management study and corridor access management plan of Campbell Avenue from Rt. 460 to Memorial Avenue. This involved neighborhood meetings and examining trip generation, access management, and safety.

Region 2000 On-Road Bike Facilities Design Manual

LGC Staff developed a uniform facility manual and decision-tool for implementing on-road bicycle facilities in Region 2000. The document will help establish uniform signage, pavement markings, and other use standards.

Wayfinding Signage

Working with stakeholders in the MPO, LGC staff examined alternatives for a program to address Wayfinding (typically urban only streets) and Tourist Oriented Directional Signage (VDOT maintained roadways).

Support to Greater Lynchburg Transit Corporation

Staff work for GLTC included:

- Updating Protocols for GLTC's Bus Stop Database
- Providing GLTC Bus Routes Geo-Coding Support
- Updating GLTC's para-transit Service Passenger Database
- Providing ongoing maintenance of GLTC's Transit Development Plan



Rural Scenic Corridor Design Guidelines

Staff developed a report for circulation to localities which examines additional road segments within Region 2000 that may be suitable for designation as Scenic Byways or Roads. We also listed existing best practices for the identification and evaluation of road corridors that possess scenic and aesthetic merits, as well as design considerations for future roadway improvements.

FY 12 Transportation Projects

RIDE Solutions providing commuter alternatives



In July 2012 the Local Government Council begins a service to employees and employers to provide information on using a carpool or alternative transportation to get to work.

The Local Government Council will begin marketing RIDE Solution services, www.ridesolutions.org which will provide carpool matching services and information on biking, walking and transit ways to work. The program is being funded by the Virginia Department of Rail and Public Transportation and the Local Government Council using local dues.

RIDE Solutions promotes ridesharing and other transportation alternatives, such as biking, walking, and public transit, to assist individuals, employers, and employees seeking transportation options to access work or other destinations.

Commuter services:

- carpool ride matching
- commuter information
- collaboration with area employers to create alternative transportation program at the worksite
- guaranteed ride home service
- information and support for pedestrian and cyclists
- marketing alternative transportation events.

Safe Routes To Schools in Lynchburg

Local Government Council staff helped secure new grants were of \$396,796 this year which included:

- Construction grants for sidewalks and crosswalks, around Perrymont, T. C. Miller and Dearington Elementary schools
- Educational and outreach activities which included participating in the National Walk to School Day in October, to promote walking and good health for area children.



Regional Problem Solvers...when the status quo is not an option

*We work as regional problem solvers for local governments...
focusing on translating strategies into action*

FY 12 Transportation Projects

Lynchburg Area Bike Week and Clean Commute Challenge May 14 – 18

A total of 146 individuals participated in one or more of the week's events including representatives from 42 different businesses who took the Clean Commute Challenge which brought people to work using alternative transportation.



As part of this activity, LGC staff developed a comprehensive alternative transportation website, www.lynchburgbikeweek.com. The site includes detailed bicycle commuter use, planning and route information.

Dr. John Bell Bicycling Awareness Memorial Fund



The Local Government Council reached out to 31 different business group and individual donors and generated \$5,472 in privately donated funds to support thirty-two new "Share the Road" signs which will go up along 77 miles of local roads in region.

Lynchburg and VDOT installed the signs. Dominion Sign Group Incorporated donated a total of 32 signs that the company produced pro-bono, with a value of approximately \$2,400.

Communication is the Key

- We build communication links among localities to
 - o Present unified legislative positions
 - o Take advantage of economies of scale
 - o Keep jurisdictions informed
 - o Share new ideas
 - o Meet regularly to build friendships/relationships among policy makers
- Presentation of data, concepts and ideas is our lifeblood

Local Government Council's Financial Management Expertise

Results Driven Public Entrepreneurs

- Only 16% of our income comes from local dues (\$162,651 of \$1,025,154)
- The great majority of our operating revenue comes from contracts for services with local, state, and federal agencies
- We emphasize the importance of repeat customers and customer service
- We focus on accountability and quality

We manage over \$11 million annually in accounts for:

- Local Government Council
- Workforce Investment Council and Board
- Economic Development Council
- Services Authority
- Radio Board

Bond Experience

We have managed three bond issues totaling over \$31 million since 2008.

We know money is tight for our local government members...we leverage existing resources and focus on performance driven results

We use local dues to match these FY 13 programs and services:

VDOT MPO	\$184,163
VDOT Rural Planning	\$ 58,000
VD Rail & Public Transportation	\$ 79,059
VDRPT Rideshare	\$ 52,800
EDA – CEDS	\$ 60,000
Total	\$434,022

In FY 2009 we reduced our local dues by 13% to assist localities through the recession.

That reduction continues for FY 13.

COLLABORATION IS THE KEY



Published June, 2012

ANNUAL REPORT | 2011-2012

2,000 square miles of regional collaboration,
economic growth and innovation

www.Region2000.org



CULTIVATING A COLLABORATIVE, REGIONAL ECONOMY

OUR PRIORITIES

Collaboration

To identify and pursue relationships and opportunities that increase business investment.

Regional Services

To enhance the region's quality of life through regional planning, project and grants management for localities, and identifying and solving regional issues that impact residents and businesses.

Workforce Development

To deliver effective programs that assist businesses in the recruitment and retention of a qualified workforce of professionals, college graduates, and employees with 21st century skills, and to deliver career and technical education programs that prepare the region's workforce to fill employer needs.

Innovation

To increase applied research and development, technology transfer, commercialization and related activities, and to strengthen and grow industry-university partnerships.

Recruitment and Retention of Business Investment & Talent

To increase the number and quality of jobs and capital investment.

Marketing/Branding

To be the preferred, strategic location to start a business and advance a career. Virginia's Region 2000 Partnership will continue to be recognized nationally and internationally for its development initiatives.

LEARN MORE at
www.Region2000.org

Virginia's Region 2000 Partnership

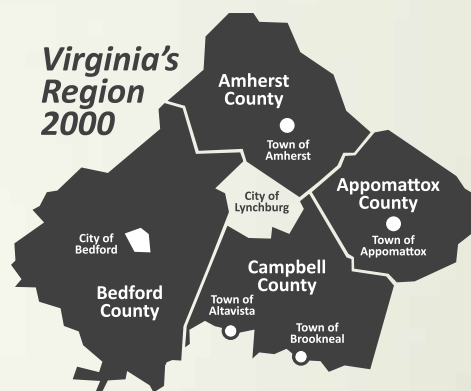
is a collaboration of six organizations that work together to create a supportive environment for the cities, towns, counties and businesses that make up this beautiful region – encompassing more than 2,000 square miles surrounding the City of Lynchburg, Virginia. The Partnership plays a key role in the region's economic development efforts such as job creation, workforce development, regional planning and business assistance. During the past few years, we have seen a tremendous amount of change occur in the region – increased population, growing colleges and universities, new companies and rapidly changing industries, and a general shift in our economic mix toward high growth, high tech jobs. We embrace these changes and anticipate remarkable opportunities to come.

Our Vision

Virginia's Region 2000 Partnership is a nationally recognized leader in advancing the region's economic prosperity and quality of life.

Our Mission

Virginia's Region 2000 Partnership develops and implements regional activities that create jobs, support existing businesses, drive innovation, cultivate a capable workforce, and coordinate the delivery of efficient and cost-effective regional services. The Partnership is a valued resource to local governments, businesses, educational institutions and the non-profit community.



Our Partners



A CLOSER LOOK

Connecting Through Our Shared Economic Growth

Virginia's Region 2000 Partnership is a melting pot of six organizations working toward a shared mission of economic growth and vitality. These partners work together to create a supportive environment for the cities, towns, counties and businesses that make up this beautiful region – encompassing more than 2,000 square miles surrounding and including the cities of Lynchburg and Bedford, the counties of Amherst, Appomattox, Bedford and Campbell; and the towns of Altavista, Amherst, Appomattox and Brookneal.

Unlike traditional economic development, Virginia's Region 2000 Partnership has focused its resources on a growing practice called Technology-Based Economic Development (TBED) in this region which focuses on innovation, high-tech industries and higher education. "The ability to easily transfer and communicate these solutions through a robust network and highly skilled workforce are critical factors to a successful TBED model," writes Alex Henley in Virginia's Commerce Quarterly which recently highlighted Virginia's Region 2000 Partnership in a TBED case study. "(It) has developed its strategy around TBED and has also added to its offerings by developing a "grow from within" strategy, supporting entrepreneurs and innovators in the area as well as launching many K-12 STEM education initiatives."

2012 Economic Study Illuminates the Importance of Regional Collaboration and the Ongoing Effects of the "Great Recession"

In conjunction with the release of Virginia's Region 2000 Partnership Annual Report, the Economic Development Council is also unveiling an updated assessment of the Region 2000 economy. That assessment, produced by Mangum Economic Consulting, presents two important findings.

First, the Mangum study shows that the local economies of the communities that make up Region 2000 are bound to the regional economy in a way that makes them mutually dependent upon one another. This ensures that economic success in one translates into economic success for all. The finding mirrors the long-standing consensus of regional leaders that if a business chooses to locate in one Region 2000 locality, that action positively contributes to the economic health and prosperity of all Region 2000 localities. More specifically, the study shows that:

- Typically only about one-fifth of county residents in Region 2000 who work are actually employed in the county in which they reside, while approximately two-fifths are employed elsewhere in Region 2000.
- This means that two-fifths of county residents are entirely dependent on the economic prosperity of other Region 2000 localities to generate the income that they use to pay taxes, and otherwise participate in the economies of the counties in which they live.
- Wage-related income generated by county residents from jobs elsewhere in Region 2000 is typically two to three times greater than wage-related income generated by jobs within the county.
- In addition, computer models indicate that the economic spillovers that a development project in one locality in Region 2000 creates for the region's other localities can be as large as one-fifth of the economic impact that the project generates in its host locality.

Second, the Mangum study finds that, like the rest of the nation, Region 2000 continues to slowly emerge from the "Great Recession" of 2007-09. Buoyed by the strength of its Professional and Technical Services sector, Region 2000 came into the recession almost a year later than other areas of Virginia. However, both nationally and in Region 2000, the recovery from the 2007-09 recession has been historically slow – the slowest of the post-war period.

In sum, the economic connections between the communities that make up Region 2000 underscore their need to work collaboratively as they continue to recover from the worst recession the country has experienced since the Great Depression. This conclusion further demonstrates the value of Region 2000's unique approach of integrating the efforts of its six member organizations to support a regional vision of economic competitiveness and prosperity that ensures that Region 2000 will continue to be a great place to live, work, and grow.



Businesses, higher education and local governments collaborate on leading-edge business opportunities for the region at the CAER.



PARTNERSHIP NEWS

Virginia's Region 2000 Partnership continues to be recognized for its success in collaboration and innovative practices in economic development and innovation.

Partnership Receives Excellence in Virginia Government Award

On December 8, 2011, Virginia's Region 2000 Partnership received an Excellence in Virginia Government Award (EVGA) from the L. Douglas Wilder School of Government and Public Affairs at Virginia Commonwealth University. Since 2004, the EVGA has recognized outstanding Virginians who lead by example and who inspire others through their model of public service. Virginia's Region 2000 Partnership is the first economic development organization to receive this award.



CAER Grand Opening

The Center for Advanced Engineering & Research (CAER) held its Grand Opening event on August 25, 2011 at its new facility located in Bedford County's New London Business & Technology Center, 1173 Research Way, Forest, Virginia. This research and education facility, underwritten through a \$7.6 million Tobacco Commission grant, is serving as the region's source for industry innovation in nuclear and wireless technologies. The center became fully occupied almost immediately after opening its doors.

Center for Advanced Engineering & Research Featured in Power Engineering Magazine

The Center for Advanced Engineering and Research was featured in Power Engineering magazine's February 2012 issue. The article also highlighted AREVA's human factors testing and B&W's small modular reactor testing facility at CAER. Compared to advertising, the free two-page editorial spread is worth \$18,000.



Forbes ranks Lynchburg MSA in Top 50 Metros Nationally

The Lynchburg Metropolitan Statistical Area (MSA) landed in the top 50 metros in Forbes 2011 Best Places for Business and Careers released June 29, 2011. The list measures a region's cost of doing business, annual job growth and education ranking.

Virginia Named Top State For Business By CNBC

Virginia was named America's "Top State for Business" by CNBC in the summer of 2011. The Commonwealth took the top spot in the extremely competitive yearly study, receiving the highest point total in the history of the rankings. Virginia finished in the top-half of every category ranked.



Region 2000 Ranked In The Top 100 Metros By the Milken Institute

The 2011 Milken Institute Best-Performing Cities Index was released in mid January, 2012 and ranked the Lynchburg Metropolitan Statistical Area (MSA), a.k.a. Virginia's Region 2000, #54. While slightly down from last year's #35 ranking, Region 2000 joined the Northern Virginia MSA (#17) as the only other large Virginia MSA in the top 100. Virginia's Region 2000 also ranked third nationally in five-year relative high tech gross domestic product growth and ninth nationally in job growth percentage for 2010-2011.



Two Region 2000 Organizations Win International Awards

Two Region 2000 organizations, the Center for Advanced Engineering & Research (CAER) and the Region 2000 Technology Council, walked away with Excellence in Economic Development awards from the 2011 International Economic Development Council conference in Charlotte, North Carolina on September 20, 2011. Virginia's Region 2000 Technology Council received an IEDC Excellence in Economic Development Award for its Growing Our Own Workforce in Virginia's Region 2000 in the category of Partnerships with Educational Institutions for communities with populations of 200,000 - 500,000.

The CAER received an IEDC Excellence in Economic Development Award for its Industry-University Collaboration in R&D in the category of Technology-Based Economic Development for communities with populations of 200,000 - 500,000.

New Startups

The region averaged 79 startup firms a quarter during 2011 according to Virginia Employment Commission data documented through Q3 2011. The criteria used to define new startup firms included private ownership, average employment less than 250 and no previous UI Account Number.

(Source: VEC, March 2012)

Employment

After last year's peak of 9.0 percent unemployment rate in January 2010, the Region 2000 number progressively lessened to 7.8% in January 2011 and 6.8% in January 2012. Employers continue to look at new ways to cut costs; however, the announcements of expansions at Tessa Plastics, Forestry Equipment of Virginia and Delta Star were welcome news to the region.

(Source: VEC, March 2012 and News and Advance)

Top 10 Employers

1. Centra Health
2. Liberty University
3. The Babcock & Wilcox Company
4. Lynchburg City Schools
5. Walmart
6. Areva
7. Bedford County Schools
8. City of Lynchburg
9. Campbell County Schools
10. Central Virginia Training Center

(Source: VEC and staff reports, March 2012)

Current Data

Civilian Labor Force: 125,690
Number employed: 117,500
Number unemployed: 8,190 (6.5%)

(Source: VEC, March 2012 data released April 2012)

Housing

"We like to think we'll look back at 2011 as the year things finally began turning around for real estate...we were able to see significant improvements," according to the Virginia Association of Realtors "Pieces of Home" 2011 housing report. Several regional housing markets showed growth, including the Lynchburg market (measured as Roanoke/Lynchburg/Blacksburg) which saw an increase of 5.07% over 2010. The median home sale price was \$149,000, and there were 6,223 sales in 2011.

For more detailed information, go to www.varealtor.com/homesales.

WHY IS REGION 2000 KNOWN FOR ITS COLLABORATION?

Virginia's Region 2000 is known for its collaboration. Leaders realize that when one of us wins, the others win too. "Each day, the Partnership organizations with guidance from the region's business, local government, and higher education leadership become even more synchronized in a common vision of regional development," says Economic Development Council Director Bryan David. "We continue to strive to make our region even stronger, despite recent economic challenges."

That spirit of camaraderie is exemplified throughout the Partnership and the leaders that sit on our boards, as well as outside entities who look objectively at the progress we are making.



"Collaboration is the key, in fact, it is the heart and soul, of every successful community. We are all connected and inter-dependent; our future looks bright and promising because Region 2000 has a long history and tradition of collaborating, of doing what is best for all concerned."

- Michael Bryant, Centra President and CEO



"The efforts of Bryan David and his team at Region 2000 to foster collaboration in Central Virginia are what this region has so badly needed for quite some time. The partnerships forged are creating a more prosperous region while establishing mutually beneficial relationships across governmental boundaries and between commercial and non-profit entities. We believe that both Liberty University and the entire region are stronger as a result of the relationships that have been forged by Region 2000."

- Jerry Falwell, Jr., President & Chancellor, Liberty University

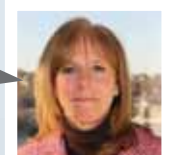
"Collaboration is the hallmark of Region 2000. Whether the cooperation occurs among local governments, business and industry, or educational institutions, collaboration is the key to our successful economic development efforts and the lynchpin of our thriving regional economy."

- John Capps, President, Central Virginia Community College



"Regional collaboration is the agent for the kind of adaptive change necessary for local governments to provide even more efficient and effective services to residents. While we are all fiercely loyal to our individual municipalities - with each of us seeking ways to provide quality services to our citizens with ever fewer financial resources - Region 2000 provides the forum for exploring our convergent interests and provides a sense of scale in addressing common challenges."

- Marjette Upshur, Lynchburg City Director of Economic Development



"In all endeavors, collaboration is the synergy that allows us to achieve more than what is possible as individuals or single groups. The partnership created between government, industry and public and private sector institutions in this region to provide economic development and sustained growth is the direct result of the fostering of the collaborative spirit these entities created by our Region 2000 Team."

- Peyton S. Baker, President, B&W Nuclear Operations Group

PARTNERSHIP COORDINATING COUNCIL

The Region 2000 Partnership Coordinating Council is comprised of two members from each of the partner's boards, as well as the executive directors for each. The council meets quarterly to share information, to evaluate the direction of the Partnership and to make recommendations to each Partnership board.

Local Government Council

Kim Payne
John Sharp

Economic Development Council

Fred Armstrong
David Laurell

Technology Council

Cathie Brown
Greg Sullivan

Workforce Investment Board

Christine Kennedy
George Sherman

Young Professionals of Central Virginia

Josh Keith
Julie Pfeifer

Center for Advanced Engineering & Research

Bill Guzek
Reggie Pugh



ECONOMIC DEVELOPMENT COUNCIL

The Economic Development Council (EDC) not only focuses on bringing new business to our region, but on growing our existing businesses. The EDC joins other Partnership organizations in nurturing job growth and workforce training initiatives that will continue to keep our region strong.

Milestones

- Announced findings of Regional Entrepreneurship Strategy in partnership with Central Virginia Community College, the Local Government Council, and the Workforce Investment Board and launched Region 2000 Entrepreneurship Initiative for Higher Education.
- Promoted region's municipal business parks through marketing on-line materials and aerial photos.
- Facilitated on-going efforts to bridge the "last mile" broadband projects for residents and businesses in unserved areas of the region.
- Coordinated visits of the region's Congressional representatives and staff members along with a number of periodic visits by key members of Governor McDonnell's Cabinet Secretaries and staffs.
- Hosted visits from Virginia Economic Development Partnership project managers and several new business prospects in association with local government economic developers.
- Presented regional information and data as the Region 2000 Partnership organization to local, regional, and state groups.
- Improved communication and placement of the Region 2000 Partnership brand with investors, allied organizations, and media through meetings, monthly newsletters, the annual report, and other similar methods.
- Collaborated with the Local Government Council to manage the region's Comprehensive Economic Development Strategy (CEDS) involving more than 50 business and community leaders.
- Completed a market study and initiated a feasibility study for a proposed civic center in collaboration with Liberty University and representatives from local government and several of the region's leading businesses.
- Promoted regional economic development assets to private and public sector interest groups to recruit new business and research investment.

Focus Areas

- Continue feasibility and market study of proposed regional civic center.
- Implement the Higher Education Entrepreneurship Initiative with collaboration of six partner colleges and universities.
- Continue region's exposure through earned vs. paid media.
- Further promote regional assets to better attract new business investment.
- Assist and support existing businesses with expansions and new investment opportunities.



Bryan David,
Executive Director

"Virginia's Region 2000 Partnership is a unique confluence of people, ideas, and resources. These three come together to create economic growth and opportunity for our region's residents and businesses, and with equal effort to improve the region's quality of life. The people are the region's business, local government, and higher education leadership; the ideas are leading-edge in the economic and community development world; and the resources are from our public and private investors who have a shared commitment to support the success of the Region 2000 Partnership."

EDC STAFF

Catherine Chapman Mosley,
Communications
Officer/Program Manager

Kathy White,
Economic Development
Assistant



Center for Advanced Engineering & Research (CAER) Director Bob Bailey and Economic Development Council Director Bryan David lead Centra's new CEO Michael Bryant on tour of the CAER.

EDC BOARD

Board President - John Doyle, The Pettyjohn Company
Ralph Andrews, Genworth Financial
J. Frederick Armstrong, WileyWilson
Peyton S. Baker, B&W Nuclear Operations Group
Garet K. Bosiger, Appomattox County
Cathie Brown, Chair-Region 2000 Technology Council
Michael Bryant, Centra
Dr. John Capps, Central Virginia Community College
Andy Carroll, Community Representative-Appomattox
J. Waverly Coggsale, III, Altavista Town Manager
William H. Craft, Appomattox Co. Board of Supervisors
Bert Dodson, Jr., Dodson Pest Control

Jerry L. Falwell, Jr., Liberty University
Rodger W. Fauber, Community Representative-Lynchburg
Dr. Scott T. Garrett, Delegate/Physician Representative
Robert H. Gilliam, Jr., Private Sector, Campbell County
Tom Hall, George E. Jones & Sons
Rex K. Hammond, Lynchburg Regional Chamber
Eric Hansen, Private Sector, Bedford County
Jack Hobbs, Amherst Town Manager
Larry Jackson, Appalachia Power
Terry H. Jamerson, News & Advance
Joshua Keith, Chair-Young Professionals of Central Virginia
Ronald G. Kidd, Southern Air

Charles P. Kolakowski, Bedford City Manager
R. David Laurell, Campbell County Administrator
Robert A. Leveque, RR Donnelley
Nat X. Marshall, WIB Chair
James A. Mercadante, Cintas Corporation
Clarence Monday, Amherst County Administrator
Dr. James H. Mundy, Private Sector, Lynchburg City
Dr. Jo Ellen Parker, Sweet Briar College
L. Kimball Payne, Lynchburg City Manager
Reggie Pugh, AREVA
Frank Rogers, Interim Bedford County Administrator

REGION 2000 HIGHER EDUCATION ENTREPRENEURSHIP LAUNCHES WITH EAGER PARTNERS

Program Builds on Region's Strong Opportunities for Growth

The Region 2000 Higher Education Entrepreneurship Initiative kicked off in early February and by the end of the academic year, the Partnership announced four key priorities it is launching over the next academic year. Representatives from CVCC, Liberty University, Lynchburg College, Randolph College, Sweet Briar College and Virginia University of Lynchburg met multiple times to develop specific projects aimed at promoting cross-campus collaboration and growing student interest in entrepreneurship. This is significant because the Lynchburg region is home to six colleges and universities with combined student populations of more than 24,000.

"With the turbulence of the economy during the last few years and changing dynamics in terms of job security, we believe it is important to build the framework for all in the region to look at entrepreneurship as a viable career choice," said Region 2000 Economic Development Council Director Bryan David. "A resurgence of local entrepreneurial activity is needed in order to replace lost jobs in the current recession. Our higher education partners have embraced the collaborative approach we have proposed, and we are looking forward to implementing some exciting programs over the next year."

Action items identified by the working group include a yearly student survey, a Region 2000 Student Entrepreneurship Council, cross-campus collaboration around business consulting services, and a cross-campus entrepreneurship competition.

The seeds of entrepreneurship are budding in Region 2000. Barbara Regester just graduated from Sweet Briar College in May of 2012.

"I wanted to learn how to grow my contracting business, SL Regester," Regester said. "I felt Sweet Briar had the right program in place to show me how to do that."

While at Sweet Briar, Regester also created an innovative home product, a refrigerator shelf liner that will save time and energy in cleaning out refrigerators. "My school has absolutely prepared me to launch my product," she added. "They helped me to gain my provisional patent, write a business plan, figure out my proformas (financial projections) for the next three years and helped me to set goals all along my journey."

Likewise, Virginia Tech and VMI graduates and downtown Lynchburg business owners Mark Sisson and Dennis Hackemeyer have spent the last two years developing a new patent-pending product, called NanoTouch, for the education, healthcare, hospitality and travel



Dr. Erik Pages joins Wes Fugate and President John Klein from Randolph College in listening to fellow college representatives speak about entrepreneurial initiatives on their campuses.

industries. These self-cleaning surfaces come in both a peel-and-stick version and a more durable portable version which use the latest anti-microbial nanotechnology. Standard products include door push pads and handle wraps, bathroom vanity mats and tray table skins. NanoTouch materials constantly trap and kill bacteria, viruses and fungus, and can be custom-branded for use throughout healthcare, hospitality and school facilities (www.nanotouchmaterials.com).

"Region 2000's close proximity to six local colleges and [the] convenient access to Virginia Tech and UVA provide access to research partnerships as well as potential employees," says Sisson. "And being less than three hours from Richmond, Northern Virginia and D.C. not only opens up much larger markets, but provides convenient access to lawmakers, patent, research and regulatory offices."

Eric Hansen's company Innovative Wireless Technologies in Bedford County partnered with local government, Virginia Tech and the Center for Advanced Engineering & Research to bring "smart" lights to the region to save on energy consumption. "The Region has fostered an environment of collaboration between local government, regional businesses and educational centers," says Hansen. "We have a lot of growing businesses in the area who recognize the merits of collaboration and teaming in order to bring a better offering to market."

From seasoned entrepreneurs to college students considering entrepreneurship as a career option, Region 2000 is building a strong infrastructure to make new businesses a reality. Through strong collaboration, coupled with location, support and higher education, we foster opportunities here for those who seek to grow from within."



EDC Director Bryan David joins Salt Block Project Leaders Rachel Kaniss, Brittany Griffith and Laura Mooza. The Salt Block Project is a business department initiative of Sweet Briar College, a student-led program that brings entrepreneurs to campus to collaborate with undergraduates.



LOCAL GOVERNMENT COUNCIL

Milestones

- Managed more than 230,000 tons of solid waste and continued to reduce disposal costs for member jurisdictions (FY 2012 thru April was 191,639; FY 2011 tonnage was 235,686).
- Generated \$7,390,566 in revenue for FY 2011 by Services Authority.
- Increased recycling rate for member jurisdictions to 38.8%.
- Opened the Region 2000 Landfill at Livestock Road in Campbell County to provide a solid waste disposal facility through 2024.
- Received approval for the Region 2000 Comprehensive Economic Development Strategy by the Economic Development Administration.
- Facilitated meetings with Virginia's Department of Environmental Quality and Department of Conservation and Recreation on the impact of Chesapeake Bay stormwater regulations on local governments.
- Coordinated the procurement and financing of the replacement technology equipment for microwaves, repeaters, recorders and radios for the Region 2000 Radio Board serving Amherst, Bedford and Lynchburg public safety and governmental radio communications.
- Completed Public Library Opportunities Analysis.
- Installed connected streetlights in Lynchburg, Amherst and Bedford to evaluate the energy saving potential of "Smart" streetlights.

Focus Areas

- Working with municipalities on updating goals and strategies for proactive hazard mitigation measures.
- Applied for funding from the federal Economic Development Administration for implementation and planning for the Region 2000 Comprehensive Economic Development Strategy.
- Developing tools for the identification and management of rural scenic transportation corridor.
- Implement Madison Heights Community Development Block Grant.
- Develop a Community Development Block Grant application for the Town of Pamplin's Phase Two sewer project.
- Coordinate the installation of the \$12 million radio infrastructure upgrade for the Region 2000 Radio Board.
- Continue planning and design for a MPO wide wayfinding signage program for visitors and tourists.
- Completed initial stormwater management work that relates to all jurisdictions and the Chesapeake Bay – ongoing topic.



Gary Christie,
Executive Director

"Our local governments lead the way in working together for the greater good. We share successes and realize that individual accomplishments are truly a win-win for all of us within Region 2000."

LGC STAFF

Emmie Boley,
Financial Services Professional

Philipp Gabathuler,
Planner/GIS Coordinator

Kelly Hitchcock,
Senior Planner

Rosalie Majerus,
Deputy Director of Finance

Grant Massie,
Senior Planner (Part Time)

Scott Smith,
Senior Planner

Bob White,
Deputy Director of Planning
& Core Services

Community Block Grants Make Revitalizations Possible

The Local Government Council has facilitated two Community Development Block Grants that are helping the towns of Altavista and Brookneal achieve downtown revitalization goals. "Physical improvements such as these are a key part of any community's multi-faceted, comprehensive downtown revitalization strategy," says Region 2000 Local Government Council Senior Planner Scott Smith. Both projects also include marketing activities such as wayfinding signage and website development.

Completed in 2011, the \$2.35 million Altavista project included façade improvements on 24 commercial buildings and created nine upper story apartments. Gateway Park work included a pedestrian plaza, public parking lot, and improvements to the foot bridge over the Norfolk Southern railroad tracks. The Virginia Department of Transportation also provided Transportation Enhancement funds to make streetscape improvements on Broad Street, and the Town of Altavista upgraded aging water and sewer infrastructure in the downtown district.

LGC BOARD

Chairman - John Sharp, Bedford County Board of Supervisors
Waverly Coggsdale, Altavista Town Manager
J. R. Burgess, Mayor, Town of Altavista
Claudia Tucker, Amherst County Board of Supervisors
Clarence Monday, Amherst County
Kenneth Baumgardner, Town of Amherst Council
Jack Hobbs, Amherst Town Manager

Gary Tanner, Appomattox County Board of Supervisors
Aileen Ferguson, Appomattox County Administrator
Mayor Paul Harvey, Town of Appomattox
Bill Gillespie, Appomattox Town Manager
Charles Kolakowski, Bedford City Manager
Steve Rush, City of Bedford
Mayor Phyllis L. Campbell, Town of Brookneal

Russell Thurston, Brookneal Town Manager
Hugh Pendleton, Campbell County Board of Supervisors
R. David Laurell, Campbell County Administrator
L. Kimball Payne, Lynchburg City Manager
Mayor Joan Foster, City of Lynchburg
Bryan David, Region 2000 Economic Development Council
Delegate Scott Garrett, Virginia House of Delegates

The Town of Brookneal's project was also funded by a \$1 million Community Block Grant and is ongoing. The \$1.9 million project includes 35 commercial building façade rehabilitations, streetscape improvements on Main Street, and the rehabilitation of eight housing units. The town is also undertaking a major upgrade of the community's water supply system. Phase II of the streetscape project is currently underway, and will be making improvements to Rush Street.

Town of Pamplin Completes East Pamplin Community Revitalization Project

Through the continuous dedication and leadership from the Honorable Mayor Robert Mitchell and the Pamplin Town Council, the Town of Pamplin completed the East Pamplin Community Revitalization Project. This approximate \$4 million dollar project was funded through financial contributions and in partnership with Virginia Department of Housing and Community Development (DHCD), USDA-Rural Development, and Southeast Rural Community Assistance Program (SERCAP) and consisted of both grant and loan funds.

This comprehensive community revitalization project resulted in:

- The design and installation of a new centralized sanitary sewage system that serves the entire east side of Pamplin and the small downtown area that includes the Pamplin Depot. The majority of this portion of the project was funded through a combination of loans and grants from USDA-Rural Development, with a portion of construction funds contributed by DHCD and SERCAP.
- Housing assistance to twenty families, which comprised a total of 52 persons. Assistance included rehabilitation of existing structures and in seven instances, building of a new home. In total eight families that had been renters prior to the project become homeowners, of these four were stick built homes and four were new mobile homes.
- Removal of twelve dilapidated structures from the project area and considerable debris and land clearing within the east portion of the Town.

Safe Routes To School

In 2011 Region 2000 LGC staff partnered with Lynchburg City Schools (LCS) and Lynchburg City to initiate the Safe Routes to School (SRTS) program. LGC staff efforts and program partnership efforts resulted in the following:

- Six \$2,000 SRTS mini-grants were received from the nonprofit Prevention Connections to host safe walking and biking events and activities at six LCS pilot schools that included Dearington, Linkhorne, Perrymont, R. S. Payne, T. C. Miller and W. M. Bass elementary schools.
- A portion of awarded grant funds were used to participate in International Walk to School Day of October 5th at Perrymont, T. C. Miller, Linkhorne, R.S. Payne and Dearington Elementary. The walk to school day event marked the first step in educational and outreach activities funded through the awarded mini-grants.
- LGC staff assisted Lynchburg City in submitting a VDOT SRTS construction application to increase pedestrian safety around Perrymont, T. C. Miller, and Dearington Elementary schools by installing sidewalks, crosswalks, and signaled pedestrian crossings.

In February, 2012 the City was awarded \$376,796 from the SRTS construction program. The funds will provide these projects:

Perrymont: \$134,982 - Project will install approximately 3,154 feet of new sidewalk, new marked crosswalks, installation of handicap accessible curbs at intersections, and upgraded school zone pavement markings.

Dearington: \$115,920 - Project will install approximately 2,930 feet of new sidewalk, new marked crosswalks around the school and neighborhood, handicap accessible curbs, and new school zone pavement markings.

T C Miller: \$125,944 - Project will install approximately 1,745 feet of new sidewalk, new marked crosswalks, and 8 timed pedestrian signals.

RIDE Solutions

At its January 19 meeting, the LGC approved submitting an application to the Virginia Department of Rail and Public Transit (VDRPT), to partner with Roanoke Valley-Alleghany Regional Commission (RVARC) and the New River Valley Planning District Commission (NRVDC) in extending their RIDE Solutions program to the Region 2000 area. The LGC approved a two-year pilot program committing in the first year \$13,200, to be matched with \$52,800 from DRPT, towards extending the commuter service program.

RIDE Solutions promotes ridesharing and other transportation alternatives, such as biking, walking, and transit, to assist individuals, employers, and employees seeking transportation options to access work or other destinations. Commute services offered include:

- Carpool ride-matching
- Commuter information
- Collaboration with area employers to create alternative transportation programs at the worksite
- Guaranteed ride home service
- Information and support for pedestrian and cyclists
- Host alternative transportation events

The LGC looks forward to the opportunity to expand this valuable commuter transportation service to our region and if VDRPT approves the application anticipate offering the RIDE Solutions services in our region in late summer 2012.



Dearington Elementary School students participate in Walk to School Day.



WORKFORCE INVESTMENT BOARD



Brian Davis,
Executive Director

"Mapping out and linking the various resources that are available to support the workforce needs of employers and citizens is key in this time of increased demand for limited resources. The WIB is well-positioned to ensure that collaboration remains at the forefront of workforce discussions and decisions supporting Region 2000's economic vitality."

The Workforce Investment Board (WIB) is a business majority-led board whose membership also includes representation from education, economic development, organized labor, community based organizations and public sector agencies. This broad-based composition allows the WIB to convene the necessary stakeholders for workforce development discussions and policy decisions.

The WIB has a two-fold mission of strategically ensuring that employer workforce needs are met through a demand-driven system, while also overseeing the administration of federal Workforce Investment Act Title I (WIA) funding that offers employment and training services for adults, dislocated workers, youth and employers. These WIA services are delivered through a "one-stop" delivery environment anchored locally by the Region 2000 Career Center located at the Plaza in Lynchburg. The Career Center serves as an entry point for a variety of programs, services and training options that can assist both job seekers and employers either directly on-site or through coordination and referrals with other partner organizations.

Milestones

- Served approximately 8,000 individuals who received some level of WIA services.
- Placed nearly 80% of those adults and dislocated workers served into employment, with 100% retaining employment six months after placement (average wages of those individuals were approximately \$25,000).
- Served youth through WIA including 88% that received some type of recognized credential or certificate (nearly 60% of youth served were placed into either employment, post-secondary education or the military).
- Received an incentive grant from the Virginia Workforce Council for exemplary performance based upon program outcomes meeting or exceeding seven of nine negotiated rates.

Focus Areas

- Updating the WIB Strategic Plan through an inclusive process involving multiple stakeholder input opportunities to ensure that the end product is comprehensive in nature and reflects the contemporary needs of the region's employers and workforce.
- Developing annual action items and initiatives to advance the goals that are identified, with measureable outcomes that can be tracked following the adoption of the new Strategic Plan.
- Exploring a series of policy revisions with a goal of expanding opportunities for greater access to training services for the region's employers and workers; as well as ways to increase employer awareness and use of the one-stop system and its services.
- Seeking to identify potential new funding sources and grant opportunities that can expand the portfolio of possible workforce services.

WIB STAFF

Susan Cook,
Administrative Assistant



WIB board members discuss current workforce issues during a board meeting.

WIB RECEIVES \$75,000 INCENTIVE GRANT

The Region 2000 WIB received a \$75,000 incentive grant from the Virginia Workforce Council. The Youth Works program, Region 2000 Technology Council and Central Virginia Community College partnered in a grant proposal aimed at assisting the region's youth by creating a "Youth Zone" at the Career Center, educating youth on Science, Technology, Engineering and Math (STEM) and increasing awareness of college opportunities and participation in various class offerings.

WIB BOARD

Board Chairman - Nat X. Marshall, The Babcock & Wilcox Company
Doyle Allen, Hurt & Proffitt, Inc.
Bernard Baldwin, Edmunds & Williams Law
Traci Blido, Bedford County Economic Development
Bradley Bryant, ACE of Central VA
Dr. John Capps, Central Virginia Community College
Allen Cash, Greif Packaging LLC - Riverville
Bryan David, Region 2000 Economic Development Council
J. Michael Davidson, Campbell County Economic Development
Lorenza Davis, Lynchburg Public Warehouse
Oscarlyn Elder, Davidson & Garrard
Ebo Fauber, Fauber Architects
Walter Fore, Jr., Central VA Chapter AFLCIO
Danny Grimes, Old Dominion Job Corps Center

Rex Hammond, Lynchburg Regional Chamber of Commerce
Shawn Hecker, Manpower
Dr. Ruth Hendrick, Central Virginia Community College
Larry Holloway, Holloway Insurance Agency
Biff Johnson, Hurt & Proffitt, Inc.
Joshua Keith, Young Professionals of Central VA
Christine Kennedy, Lynchburg Regional Chamber of Commerce
Walter Krug, CVCC Appomattox Center
Linda LaMona, Goodwill Industries of the Valleys, Inc.
Abe Loper, Young Professionals of Central Virginia
Ronald Lovelace, Lovelace, Norvelle, Mathews, & Crews
Susan Martin, Bedford Area Chamber of Commerce
John Mastroianni, Virginia Job Corps
Kimberly McIvor, Virginia Employment Commission

Dale Moore, Moore's Electric
Jim Mundy, Lynchburg Community Action Group
Hugh Pendleton, Campbell County Board of Supervisors
Shelby Penn, UCITOVA
Tamara Rosser, City of Lynchburg
Roxanne Slaughter, VA Dept. of Rehabilitative Services
John Spencer, Appomattox County
Marjette Upshur, Lynchburg Economic Development
Deborah Weaver, Areva NP Inc.
Jonathan Whitt, Region 2000 Technology Council
Sterling Wilder, Jubilee Family Development Center
Tom Wood, Virginia Department for Visually Handicapped
Glenna Wright, Lynchburg Redevelopment & Housing Authority



YOUNG PROFESSIONALS OF CENTRAL VIRGINIA

The Young Professionals of Central Virginia (YPCV) exists to attract and retain young talent in the area. We are dedicated to finding new ways for young adults to connect with our community, grow personally and professionally, and to live life to its fullest.

Milestones

- Assisted with first statewide YP Summit held in Richmond on September 10th (planning committee led by YPCV leadership).
- Hosted eight community service events that included adopting a section of the Blackwater Creek Trail, serving organizations such as the Miller Home, Daily Bread, Presbyterian Homes and Family Alliance, and taking part in the Day of Caring and Relay for Life.
- Provided YPs the opportunity to meet with successful business mentors including Bob Miller (Owner, The Crown and CityPlace Cigar), Josh Oppenheimer (Owner, Prototype Advertising), Dr. Charles Catalano, and Dr. John Klein (President, Randolph College).
- Planned networking events for YPs to assist them in making connections with new friends and business partners, and to familiarize them with the most-loved local hot-spots, including, Jimmy's on the James, Rivermont Pizza, Gerald's, Benjamins, Market at Main, and Boonsboro Country Club (average attendance was 50 young professionals per event).
- Grew YPCV email list to an excess of 1,000 recipients for the first time.

Focus Areas

- Provide leadership and resources to young entrepreneurs throughout Region 2000.
- Build new partnerships with local employers in order to better serve YPs seeking employment in Region 2000 and in order to better serve HR Directors throughout the region in their efforts to recruit and retain the best young talent.
- Continue to grow professional development and service opportunities for YPs in the region.
- Continue to work with state and local elected officials toward connecting YPs throughout the commonwealth with the resources they need to meet their personal and career goals here in Region 2000.



Abe Loper,
Executive Director

"YPCV maintains its focus on collaboration through its numerous events each month. These events present a consistent message that emphasizes the priorities of business to business connection, community service and involvement, and personal growth through educational partnerships."

YPCV continues to partner with both the Lynchburg Regional Chamber of Commerce and the Lynchburg Retail Merchants Association as a means of collaborating with local business owners to better understand their needs and to help them reach their target YP audience through the use of wireless and social media."

YPCV DIRECTOR ADVOCATES FOR YOUNG PROFESSIONALS

YPCV Director Abe Loper has consulted with the Smith Mountain Lake Chamber of Commerce and the Greater Augusta Chamber of Commerce regarding attraction and retention of young professionals. He also gave the commencement address for National College in May, was asked by Sen. Mark Warner to lead the state's young professional leadership in planning the 2012 Virginia YP Summit, and sat on a panel at the VA State Chamber of Commerce's annual conference to address the topic of YP Organizations for chamber directors from across the commonwealth.



Executive Director Abe Loper at a YP summit planning meeting.



YPCV members enjoy a day of helping out at the urban farm Lynchburg Grows.

YPCV BOARD

Board President - Josh Keith, Genworth
Michael Amendola, Servus Capital Management
Daniel Currie, Century 21
Tanya Fischhoff, Academy of Fine Arts
Julie Pfiefer, Sodexo
Daniel Maddox, Wells Fargo

Kumar Kunal, Azdel
Jasper Hendricks, BRAT-PAC
Hector Takahashi, Alliance Industrial Corp.
Chris Riddick, Innovative Faith Resources
Sage Robertson, Auto Owners Insurance
Jeremy Langett, Lynchburg College



The YPCV has many new fresh faces for its 2012 board of directors.



CENTER FOR ADVANCED ENGINEERING & RESEARCH

The Center for Advanced Engineering & Research is a Region 2000 initiative to develop an industry-focused regional research and development center that drives the development of innovative products and processes by providing local access to university and federal research and inventions. It targets the growth industries specific to the region and puts university innovations into action through practical implementation in industry. The goal is to increase the competitiveness for core, high wage industries and improve the long-term prospects of existing industrial employers by creating a knowledge-based research hub for the region.

CAER's research university partners include Virginia Tech, the University of Virginia, James Madison University and Liberty University. CAER's engineering education university partners are Virginia Tech, UVA, George Mason, Old Dominion University, Virginia Commonwealth University, Liberty University and Sweet Briar College.

Milestones

- Officially opened the CAER research and education facility with a ribbon cutting in August 2011.
- B&W dedicated their mPower Integrated System Test (IST) loop located in the CAER facility in October 2011.
- Initiated a collaborative partnership with VT and Mid-Atlantic Broadband Cooperative to plan and develop a cognitive radio network wireless testbed at the CAER.
- Entered into agreements with B&W, AREVA, Trax International, Blue Ridge Test and Blue Ridge Optics for the utilization of the new research and education facility.
- Awarded an Excellence in Economic Development Award for their Industry-University Collaboration in R&D from the International Economic Development Council (IEDC).
- CAER building designer Wiley|Wilson received an Honor award from the American Council of Engineering Companies (ACEC) for the design of the CAER facility.

Focus Areas

- Completing the equipping, testing and commissioning of the Center for Safe and Secure Nuclear Energy (CSSNE) in the CAER, specifically the "heart" which is the Nuclear Power Plant Reconfigurable Main Control Room Simulator area (~2500 sq. feet) and includes a built-in observation area
- Some of the key features of the CSSNE include:
 - Reconfigurable Modular Consoles.
 - Simulator System Hardware and Capabilities.
 - Integrated Instrumentation and Control Systems.
 - The Human Factors Observation and Monitoring Control Room.
- Establishing a Cognitive Radio (CR) network testbed in the CAER that facilitates the research, development and deployment of low cost broadband and spectrum sharing technologies - the goal is to create a new economic center of activity in southwest and southern Virginia around the emerging area of intelligent spectrum access.
- Continuing to grow professional development opportunities for scientists and engineers in Region 2000.
- Working with our university partners to create and grow an "engineering community" for students in local engineering programs such as Liberty's School of Engineering, Sweet Briar College's engineering students and the UVA. "PRODUCED in Virginia" program.



Bob Bailey,
Executive Director

"CAER was built on a collaborative model. We continue to focus on developing and growing industry-university collaborations between regional companies and universities throughout the state. Our Center for Safe and Secure Nuclear Energy is a collaborative effort between AREVA, B&W, UVA., and Virginia Tech. And finally, the Cognitive Radio Wireless Testbed initiative is a collaborative effort between the CAER, Wireless@VT and Mid-Atlantic Broadband Cooperative."

CAER STAFF

Heather Baum,
CAER Administrative
Coordinator

Nick Soukhanov,
CAER Facilities Manager and
CGEP Lynchburg Receiving Site
Manager



*The Center for Advanced Engineering & Research
opened in August of 2011.*

CAER BOARD

Board Chairman - Bill Guzek, Deloit Consulting LLP
Bryan David, Region 2000 Economic Development Council
Dr. John Capps, Central Virginia Community College
John Doyle, The Pettyjohn Company
Dr. James Groves, University of Virginia

Jeff Halfinger, The Babcock & Wilcox Company
Van Hanson, CommScope
Jim Jogerst, Babcock & Wilcox
John Kenney, TRAX International
Bill Lyon, Flowserve

Keith Mascher, AMTI
Marty Parece, AREVA
Dr. Carl Pettiford, Liberty University
Bill Pfister, The Babcock & Wilcox Company
John Provo, Virginia Tech
Reggie Pugh, AREVA

Chuch Shaughnessy, Harris Corporation
Charles Tally, AREVA
Rick Taylor, Harris Corporation
Jonathan Whitt, Region 2000 Technology Council



TECHNOLOGY COUNCIL

The Region 2000 Technology Council's mission is to foster an environment that stimulates innovation and growth of technology-focused organizations in Virginia's Region 2000.

Milestones

- Celebrated 10th anniversary of the organization with annual Awards Night celebration and a look back at a decade of achievements.
- Held numerous networking and knowledge events such as Wired Wednesday, Tech@ Breakfast, and CIO Roundtables.
- Worked with partner organizations Virginia's CIT, Virginia Business Incubation Association and others to expand programs and services in Region 2000.
- Participation in several high profile events around the Commonwealth that brought visibility and awareness to the region's growing technology community.
- Worked closely with Region 2000 Partners to further the region's Technology Based Economic Development growth plan.
- Expanded membership base and programs aimed at growing the technology community.
- Consulted with more than a dozen high growth technology companies in the region, offering connections to networks, capital access, and marketing assistance.
- Expanded STEM educational and workforce programs through our educational foundation, the Future Focus Foundation.
- STEM program growth across the board in programs such as Jr. FIRST LEGO League, FIRST LEGO League, VEX Robotics with more than 2500 students participating.
- Supported numerous other STEM programs in the region such as Summer Academies, Technology Fair, and Science Fest.
- Worked in conjunction with the Region 2000 WIB to promote their R2 Program, offering new programs to the community's at-risk youth.
- Launched focus on developing a technology based entrepreneurship strategy to expand opportunities for growth in the technology sector.
- Began planning process and discussion with the area's public schools about the creation of a regional Governor's STEM Academy for area high-school juniors and seniors.

Focus Areas

- Promote the development, growth, and recognition of the region's technology-focused organizations.
- Provide a forum in which technology-focused organizations can exchange ideas and information, and capitalize on business opportunities.
- Deliver programs and services that promote the recognition of and provide substantial value to the Council's members.
- Participate in activities to drive visibility and awareness of the Region 2000 Technology Council, its members, and the region to other regions within the state.
- Serve as an advocate for the region on a broad range of technology issues at the local and state level.
- Provide assistance to local economic developers in the recruitment of new technology companies, technology park implementation efforts, and the development of programs that enhance services to existing companies.
- Create an environment and sustainable programs in the region's K-12 schools that enhance Science, Technology, Engineering and Math career choices.
- Facilitate the growth of services within the region that support technology-focused entrepreneurship and create an environment that champions entrepreneurial success.



Jonathan Whitt,
Executive Director

"Over the past decade we've moved ever closer to realizing our vision of seeing Region 2000 recognized as a place where technology-focused organizations thrive, STEM educational programs flourish, and where innovation and technology-based entrepreneurship are championed. It is the strong collaboration with our partner organizations that have made this possible."

R2KTC STAFF

Jason Fowler,
Marketing Technologist

Elizabeth Narehood,
Future Focus Foundation,
Managing Director



The 2012 STEM Educator of the Year was named at the TechEDGE conference in May. Winner David Childress, Director of IT for Amherst Co. Schools (with trophy) is pictured with CVCC President Dr. John Capps, Virginia Director of Education and Workforce Development Elizabeth Creamer and Virginia "Teacher of the Year" Meg Smith.

TECH COUNCIL BOARD

Board President – Cathie Brown, IT Governance Solutions
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Nurturing Innovation in Students and in the Region

A Renewed Focus on the Future

We all want the best for our children and for our communities. And, with 80% of jobs in the next decade requiring science and math skills (figure from The National Science Foundation), the importance of building a STEM ecosystem in Region 2000 is emphasized and underscored.

For quite some time, the United States has been surpassed in terms of student performance. According to U.S. News and World Report, "One assessment of student performance ranks the U.S. 25th in math and 17th in science when compared to other countries. That doesn't make it easy to drive innovation in the U.S." Virginia's Region 2000 Partnership is endeavoring to prepare our youth and region for a bright future. From our Future Focus Foundation K-12 programs, to the "Youth Zone" at the Career Center, to CAER's professional development programs, to STEM programs provided by our partner businesses and schools, the Region 2000 Partnership is striving to create and promote a spectrum of STEM initiatives and to nurture a regional culture that builds the workforce of the future, supporting the region's cluster of high-tech businesses.

The Future Focus Foundation is the educational foundation of the Region 2000 Technology Council. It strives to "make science cool" for students and to inspire that spark of innovation to make them rising stars in their own right. With the hiring of Elizabeth Narehood as the foundation's new Managing Director and the launch of a new visual identity, the Future Focus Foundation seeks to take its programs to a new level.



Elizabeth Narehood was hired as the first full-time Future Focus Foundation Director in October, 2011.

What better way to illustrate the impact of Region 2000's STEM programs in building a solid platform for future sustainability than by hearing from a few students who have experienced the programs and seeing "where they are now."

Epiphany Soward, a freshman at Sweet Briar College majoring in engineering, says she has always enjoyed building since she was a child, but she had never really thought these fun things could evolve into a career until she attended the 'Women in Engineering' camp at CVCC.

"It was only a taste," says Soward, "but it got me excited. It was almost like the things I liked to do as a child had become a possible career choice. I plan on becoming an environmental engineer after graduation from Sweet Briar College. As of now, my goals are to major in both engineering and environmental science... I am interested in pursuing a career in water quality, wetland improvement, or possibly water filtration."



Michael Anderson got an early start in STEM.

Michael Anderson is 16 years old and a sophomore at Liberty Christian Academy. He is considering computer, mechanical or aerospace engineering as his potential career choice.

"I never thought math and science could be used in such an interesting way for a job," says Anderson who has participated in various programs including LEGO Robotics, the CVCC Summer STEM Academies and VEX Robotics. "These programs were a great time, (I) made some new friends and saw some old ones, and (I) learned more about my chosen field of study."

Narehood points out that one of the most important things for students to learn is to be able to associate what they are learning in school with the real world. STEM activities offer practical scenarios for students to develop their "soft skills" such as teamwork, leadership and time management.

robotics work, Anderson adds "We all understood what it meant to be a team and the value of teamwork."
(continued on next page)

Jay Hobbs agrees. The eighteen year old graduated from the Central Virginia Governor's School in May of 2012.

"I participated in LEGO League in sixth and seventh grades," said Hobbs. "It was useful to learn to interact within the group dynamic to get a large number of tasks done, as well to understand the scientific importance of all of the objectives."

Participating in AREVA's Summer Apprenticeship program during the summer of 2011, Hobbs says he learned "more than I ever wanted to know about nuclear. I wasn't entirely sure how to feel about the nuclear field until after the apprenticeship I learned how important, efficient, safe, etc...nuclear technology has become."

AREVA's Summer Apprenticeship program for high schoolers is a partnership with CVCC. Hobbs also credits Central Virginia Governor's School as making him "more interested in science as a whole." Entering The College of William & Mary this fall, he plans to major in either physics or computer science, though he says he doesn't want to fully commit yet.

"I think the STEM activities in the region are growing in a way that is incredibly helpful for middle and high school students, allowing them opportunities that would otherwise be unavailable," adds Hobbs. "If the number of activities continues to increase at this rate, I think that the area has a bright future ahead."

"Our programs are developing and evolving," says Narehood. "The Future Focus Foundation can assist by bringing industry and skill-based learning into the classroom. We are also working with local colleges and universities to help make sure teachers are getting prepared to integrate hands-on learning into the classroom, and we have a new program for high school students that will be announced later this year."

Kids are realizing science is cool, and even the very young are getting engaged early on. The Future Focus Foundation introduced the Junior FIRST LEGO League, a program for 6-9 year olds, to the region in 2009 and 19 teams competed. That number grew to 35 this year.

"I like making the products," says TC Miller second grader Helen Cohen.

"Jr FIRST LEGO is a great thing to do with a lot of building in it. You get to make different things," adds first grader Dakota Sellers. This type of innovation is what the Future Focus Foundation, the Region 2000 Partnership and its regional partners aspire to nurture.



Jay Hobbs will head to The College of William & Mary this fall. (above)



TC Miller Elementary School STEM teacher Mrs. Renee Anderson poses with one of her Jr. LEGO League teams prior to the April 28 competition.

INVESTORS

Abbott Laboratories
Academy of Fine Arts
AECOM
American Hofmann
American National Bank
AMG, Inc.
Amherst County
Advanced Manufacturing Technology Inc.
Appalachian Power
Appomattox County
AREVA
The Babcock & Wilcox Company
Bank of America
Bank of the James
Banker Steel
Bat Masonry Company
Bedford County
Blair Marketing
Blue Ridge Test
BMS Direct
Boxley Materials Company
Brockman, Drinkard & Pennington, PC
Brownstone Properties
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Davenport Energy

Davidson & Garrard
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First Citizens Bank
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Fleet Laboratories
Flippin, Bruce and Porter
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Flowserve Limitorque
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Kyle W. Wheeler, DDS
L&R Precision Tooling
Liberty University
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Lumos Networks
Lynchburg Municipal Employees FCU
Lynchburg Ready Mix Concrete
Lynchburg Wholesale Floral
Market At Main
Master Engineers and Designers
McCarthy Appraisal Service, Inc.
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Minnie & Bernard Lane Foundation
Pathology Consultants
Pepsi Bottling Group
Piedmont Community Health Plan

Randolph College
Robert Sorenson, DDS
RR Donnelley
Schewel Furniture Company
Scott & Stringfellow
Scott Insurance
Shentel
Sonny Merryman
Southern Air
Southern Flavoring Company
Spectrum Stone Designs
StellarOne
Stephen C. Martin, P.C.
Successful Innovations
SunTrust Bank
Sweet Briar College
Sylvan Learning Center
Teva Pharmaceutical Industries
The Farmers Bank of Appomattox
The Greater Lynchburg Community Trust
The News & Advance
The Pettyjohn Company
Thompson Trucking
Tomahawk Warehousing Services
Town Of Altavista
Town of Amherst
Tri Tech Laboratories
Verizon Communications
W. A. Lynch Roofing Co.
W.B.G. Masonry
Watts Petroleum Corp.
Weldex Sales Corporation
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Wells Fargo Bank
Westminster Canterbury of Lynchburg
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Wingate by Wyndham
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Woodall & Lang
WW Associates
XPEDX

ANNUAL REPORT

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LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.: **4**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Solid Waste Management: City Code - Trash Tags and Decal Program and Landfill Transition**

RECOMMENDATION: Approve proposed changes to City Code regarding solid waste management services.

SUMMARY: At the June 12, 2012 and the May 22, 2012 City Council Work Sessions, staff discussed existing issues with the use or lack of use of trash tags and annual decals by some city residents. Staff performed research and presented several options for Council's consideration at the June 12th meeting.

Council directed staff to develop a plan and come back to Council and inform them of proposed changes. Director of Public Works, Dave Owen, will make a brief presentation regarding the planned changes and the necessary revisions to City Code to both implement the changes and to recognize the transition of solid waste disposal activities from the City to the Region 2000 Services Authority.

The following are some talking points:

- Decals and Trash Tags Program

At the June 12, 2012 City Council Work Session – staff presented various options to improve the tag/decal system. These included the following:

1. Eliminate the use of trash bags outside of the trash carts – everyone must use a cart – residents could still use one time tags or annual decals (many other cities use this approach)
2. Partner with local vendors to sell prepaid trash bags with the disposal fee built into the costs for those residents who do not wish to use a cart. Bags would be of a specific color with a logo on them. (City of Poquoson, Littleton, NH & Fort Worth, Texas all use this approach; Worcester, MA uses two sizes of yellow trash bags that residents must buy locally)
3. Charge a flat rate to all residential units in the city (flat fee concept)
4. Add disposal fee to water / sewer bill either based on size of trash cart or a set fee per household
5. Bill monthly disposal costs by size of cart used (Gainesville, FL; San Jose, CA; Portland, Or and Seattle, Washington) – separate fee
6. Special collection fee for untagged / improperly decaled trash or charge a significant fee (i.e. \$25 to \$50) for bags not removed from curb (Norfolk & Wilmington, NC)
7. Leave untagged trash at curb and place a violation notice on it – use Smart phones to assist in follow-up and enforcement – charge additional cost of collection and disposal as well as administrative costs plus a penalty of 25-50% of those costs

City staff has researched many other localities looking for other options to address these issues

Staff still believes the pay-as-you throw system works but a few changes could make it work better with less violations and will generate additional revenue (“everyone pay their fair share”)

- Recommendations

1. Eliminate the use of trash bags outside of the trash carts – except for the use of prepaid trash disposal bags (phase in over this fiscal year)
2. Transition to the use of only 64 gallon trash carts – grandfather in existing 32 gallon trash cart users but all new requests would use a 64 gallon cart
3. Provide free 64 gallon decals to those eligible for - Tax Relief, SNAP and Pleasant Valley / Tyreeanna Neighborhoods.
4. Replacement of trash carts – only upgrades to 64 gallon would be made

- Landfill Transition

1. Regional Services Authority landfill operations moved to Livestock Road Landfill (July 9, 2012)
2. Concord Turnpike Landfill remains open to city residents only (Tuesday – Saturday; 8:30 am – 4:00 pm) – City residents can also use Livestock Road Landfill if more convenient
3. City residents can deliver up to five hundred (500) pounds per month at no charge – multiple trips allowed
4. City residents can also bring in unlimited loads of segregated brush and bulk materials
5. Closure of Concord Turnpike landfill will occur spring / summer of 2013 except for the top 3-4 acres
6. The use of the remaining open portion of the Concord Turnpike landfill will be several years

PRIOR ACTION(S): Discussions with City Council on May 22, 2012 and June 12, 2012

FISCAL IMPACT: Increased revenue should be realized from the use of prepaid trash bags and sixty-four gallon trash carts

CONTACT(S): Dave Owen, 455-4469

ATTACHMENT(S):

- Summary of Significant City Code Changes – Solid Waste Management
- Proposed revisions to City Code

REVIEWED BY: lkp

**Summary of Significant City Code Changes
Solid Waste Management
August 2012**

<u>Section</u>	<u>Topic</u>	<u>Description</u>
Article I. IN GENERAL (Sections 21.2-1 -- 21.2-15)		
21.2-1. Declaration of Policy	Region 2000	Description of Region 2000 Services Authority
21.2-3 Definitions	RSA Facility	Definition of a RSA Facility
21.2-7 Approved waste Containers	Plastic Bags	Description of prepaid trash disposal bags
Article II. SOLID WASTE COLLECTION GENERALLY (Sections 21.2-16 - - 21.2-25)		
21.2-20 Same-bulk waste	Collection	Modified how bulk and white goods are collected to match existing methods
Article III. SOLID WASTE COLLECTION – CITY COLLECTION (Sections 21.2-26 – 21.2-35)		
21.2-31 (a) Disposal Fees	Use of plastic Bags	Eliminates the use of plastic bags displaying an appropriate official city trash tag
21.2-31 (e) Disposal Fees	Use of prepaid Plastic bags	Describes guidelines for prepaid plastic bags
21.2-31 (g) Disposal Fees	Free Decals	Describes modified guidelines for issuance of free annual trash decals
Article VI. SOLID WASTE DISPOSAL – REGION 2000 SERVICES AUTHORITY FACILITY PROVISIONS (Sections 21.2-56 – 21.2-60)		
21.2-56 Administration	RSA	RSA administration of its facilities
21.2-57 Operating Procedures	RSA	RSA adopts rules and policies
21.2-58 Region 2000 RSA Facility	RSA	Describes rules and requirements of facility
21.2-59 Substance regulations	RSA	Describes materials that are acceptable and not acceptable at the RSA Facility located at 2704 Concord Turnpike
21.2-60 RSA Facility Fees	Fees	Describes establishment of fees by RSA Board of Directors. Deletes other unnecessary information.

AN ORDINANCE TO AMEND AND REENACT SECTIONS 21.2-1, 21.2-3, 21.2-4, 21.2-7, 21.2-9, 21.2-11, 21.2-17, 21.2-19, 21.2-20, 21.2-26, 21.2-27, 21.2-30, 21.2-31, 21.2-41, 21.2-46, 21.2-48, 21.2-49, 21.2-50, 21.2-56, 21.2-57, 21.2-58, 21.2-59 AND 21.2-60, OF THE CODE OF THE CITY OF LYNCHBURG, AS AMENDED, THE AMENDED AND REENACTED SECTIONS RELATING TO SOLID WASTE COLLECTION AND DISPOSAL.

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

1. Sections 21.2-1, 21.2-3, 21.2-4, 21.2-7, 21.2-9, 21.2-11, 21.2-17, 21.2-19, 21.2-20, 21.2-26, 21.2-27, 21.2-30, 21.2-31, 21.2-41, 21.2-46, 21.2-48, 21.2-49, 21.2-50, 21.2-56, 21.2-57, 21.2-58, 21.2-59 and 21.2-60, be and the same are hereby amended and reenacted as follows:

Sec. 21.2-1. Declaration of policy.

It is hereby declared to be the policy of the City of Lynchburg to promote public safety, health, welfare, and to promote the recovery of useful resources by establishing rules and regulations relating to solid waste collection and disposal.

The City of Lynchburg is a member of the Region 2000 Services Authority (RSA) which operates a regional landfill for the disposal of solid waste from the city and other member localities. A transfer station for the convenience of city residents is located on Concord Turnpike at the site of the former city landfill. The rules and regulations contained herein are applicable to both facilities.

Sec. 21.2-3. Definitions.

Wherever used in this chapter, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations:

Agricultural waste: All solid waste produced from farming operations, or related commercial preparation of farm products for marketing.

Apartment: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include all multi-family rental units.

Ash: The fly ash or bottom ash residual waste material produced from incineration or burning of solid waste or from any fuel combustion.

Bottom ash: Ash or slag remaining in a combustion unit after combustion.

Boxes: Includes corrugated boxes, paperboard boxes, and cardboard boxes.

Brush: Any yard or debris wastes tree trimmings no larger than (3) inches in diameter and eight (8) feet in length which cannot be placed in containers in accordance with the regulations herein set forth.

Bulk waste: Items of residential waste, such as furniture, large cartons, white goods, or similar materials which cannot be placed in containers in accordance with the regulations herein set forth. Bulk waste does not include tires, household hazardous waste, construction and demolition materials.

Bundles: A number of things bound together for collection (such as brush, broken-down boxes and waste). Brush and yard waste bundles shall meet the requirements of section 21.2-4 for collection. Boxes shall be broken down and tied together. No bundle shall exceed fifty (50) pounds in weight.

Collection: Removal or transportation of solid waste, ashes, recyclable material and yard waste, from its place of storage or collection point to its place of disposal.

Commercial establishment: Any retail or wholesale, restaurant, religious, government or nonresidential establishment at which trash or garbage may be generated.

Commercial waste: All solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

Compost: A stabilized organic product produced by a controlled aerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment. Composted sludge shall be as defined by the Virginia Sewerage Regulations.

Condominium: An apartment house or complex in which the apartments or dwelling units are individually owned.

Construction waste: Solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction wastes include, but not limited to, lumber, wire, sheetrock, broken brick, asphalt, shingles, glass, pipes, concrete, paving materials and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

Debris waste: Wastes resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

Demolition waste: Any solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction waste.

Discard: To abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

Discarded material: A material which is:

(a) Abandoned by being:

(1) Disposed of,

(2) Burned or incinerated; or

(3) Accumulated, stored or treated (but not used, reused, or reclaimed) before or in lieu of being abandoned by being disposed of, burned or incinerated,

(b) Used, reused or reclaimed material as defined in this part, or

(c) Considered as solid waste as defined in section 3.2 of the Virginia Solid Waste Management Regulations (VR 672-72-10).

DEQ: The Virginia Department of Environmental Quality.

Disposal: The act of discharging, depositing, injecting, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters.

Disposal site: All land and structures, other appurtenances, and improvements thereon used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste. All solid waste disposal sites must be approved and/or permitted by the Virginia Department of Environmental Quality.

EPA: The United States Environmental Protection Agency.

Fly ash: Ash particulate collected from air pollution attenuation devices on combustion units.

Garbage: Readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Hazardous waste: A “hazardous waste” as described by the Virginia Hazardous Waste Regulations (VR 672-10-1).

Household hazardous waste (HHW): The following are examples of what residents can bring on HHW collection days to the Region 2000 Services Authority (RSA) facility: acids/bases, aerosols, antifreeze, autostarter, brake fluids, batteries, cleaners/polishes, corrosives, drain openers, flammables, furniture stripper, herbicides, kerosene, lighter fluids, oven cleaners, oxidizers, oil based paints, pesticides, photo/pool chemicals, poisons, solvents/thinners, used motor oil, weed killers and wood preservatives. ~~The city's waste management facility~~ RSA website maintains the current list of the types of waste that are accepted and not accepted.

Household waste: Any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (seepage) which is regulated by state agencies other than DEQ's Division of Waste Management Programs.

Industrial waste: Any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agriculture chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay,

and concrete products; textile manufacturing; transportation equipment; and waste treatment. This term does not include mining waste or oil and gas waste.

Inert waste: Solid waste which is physically, chemically and biologically stable from further degradation and considered to be non-reacting. Inert wastes include rubble, concrete, bricks, and blocks.

Institutional waste: All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities that must be managed as an infectious waste. No medical waste is accepted at the city's RSA landfill facility.

Landfill: A sanitary landfill, an industrial waste landfill or a construction/debris landfill.

Landfill disposal area: The area within the property boundary or permitted for actual burial.

Litter: Any waste as defined in 21.1-2 (Litter Control - Definitions) of this code.

Living units: One or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household.

Medical waste: Any solid waste identified by health care professionals in charge as capable of producing infectious disease in humans. Any solid waste is regulated medical waste if it is one of the following:

- (a) discarded cultures, stocks, specimens, vaccines and associated items likely to have been contaminated by them are regulated medical wastes if they are likely to contain organisms likely to be pathogenic to healthy humans;
- (b) waste consisting of human blood, human blood products and items contaminated by human blood are regulated human wastes;
- (c) all pathological wastes and all wastes that are human tissues, organs, body parts, or body fluids are regulated medical wastes;
- (d) used sharps (needles, syringes, etc.) likely to be contaminated with organisms that are pathogenic to healthy humans and all sharps used in patient care are regulated medical waste;
- (e) any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of any regulated medical waste is itself regulated medical waste; and
- (f) any solid waste contaminated by or mixed with regulated medical waste is itself regulated medical waste.

Motor vehicle: Every device, which is self-propelled or designed for self-propulsion, in, upon, or by which any person or property is or may be transported or drawn upon the highway, except devices moved by human power or used exclusively upon stationary rails or tracks. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space, shall be considered a part of a motor vehicle.

Mover's trash: Solid waste generated due to person or persons moving-in to or moving-out of a residence.

Multi-family unit: A building, or any appurtenances thereof, designed for occupancy or occupied by two (2) or more families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include all, but not limited to apartments, condominiums and duplexes with two (2) or more rental units. The owner(s) of a multi-family unit shall be responsible for ensuring that the residents of a multi-family unit comply with the provisions of this chapter.

Municipal solid waste: That waste which is normally composed of residential, commercial, and institutional solid waste. Medical waste is not accepted at the RSA landfill facility.

Occupant: Any person occupying or residing on any lot, premises or parcel of land in the city and having, at the time, apparent possession or control thereof.

Owner: Any person who, alone or jointly or severally with others:

- (a) Shall have all or part of legal title to any lot, premises or parcel of land in the city, not, at the time, in the actual or apparent possession or control of another, or;
- (b) Shall have all or part of the beneficial ownership and a right to present use and enjoyment of the premises, and the term shall include a mortgagee in possession, or;
- (c) Shall have charge, care or control of any lot, premises or parcel of land in the city, as agent or representative of the owner, or as personal representative, trustee or guardian of the estate of the owner.

Person: Any individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

Putrescible waste: Solid waste which contains organic material capable of being decomposed by micro-organisms and cause odors.

Recyclable material: Any material which retains useful properties that can be reclaimed after the production or consumption process.

Recycling center: A facility designed for the collection, separation and/or recycling of recyclable materials.

Refuse: All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

Regulated medical waste: Solid wastes defined to be infectious by the Virginia Regulated Medical Waste Management Regulations (VR 672-40-01).

Residential waste: Any household waste.

RSA facility: a landfill, transfer station, recycling center or other operation managed by the Region 2000 Services Authority for the purpose of collecting and disposing of solid waste.

Rubbish: Combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term “garbage.”

Scavenging: The unauthorized or uncontrolled collection or removal of waste or recyclable materials from a solid waste management facility, waste that has been placed on the curbside for city collection or recycling center.

Semitrailer: Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Single-family residence: a residential building or structure containing only one dwelling unit, which is arranged, designed, used or intended for use by one family (as defined by the city’s zoning ordinance). The owner(s) of a single-family residence that is being occupied as rental property shall be responsible for ensuring that the occupant(s) of such single-family residence comply with the provisions of this chapter.

Site clearance materials: Any items such as boulders, rocks, tree trunks, stumps, or tree limbs.

Solid waste: Any of those materials defined as 'solid waste' in Part III of the Virginia Solid Waste Management Regulations (VR 672-20-10).

Solid waste management facility: A site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

Special wastes: Solid wastes that are difficult to handle, require special precautions because of hazardous properties or the nature of the waste creates waste management problems in normal operations.

Trailer court: Any lot, parcel or tract of land, together with open spaces, used, designed, maintained or held out to accommodate one (1) or more mobile homes or trailers, including all buildings, structures, tents, vehicles, accessories or appurtenances used or intended as equipment of such mobile home or trailer court. A mobile home court provides for the permanent or long-term location of mobile homes. The owner(s) of the trailer court shall be responsible for ensuring that the residents of the trailer court comply with the provisions of this chapter.

Trash: Combustible and noncombustible discarded materials, and is used interchangeably with the term rubbish.

Waste container: Any approved watertight and covered receptacle used by any person to store solid waste or ashes for collection. This includes approved plastic bags but does not include boxes.

White goods: Any stoves, washers, hot water heaters and other large appliances.

Yard waste: That fraction of municipal solid waste that consists of grass clippings, leaves, brush and tree prunings arising from general landscape maintenance.

Sec. 21.2-4. Preparation of solid waste for curbside collection.

(a) Generally. All solid waste designated for collection by the city is to be completely drained and kept in a covered approved container. Paper must be placed in an approved waste container or kept securely bundled in order to prevent being blown or scattered about the street.

(b) Ashes. Ashes shall be cool and dry before placing in an approved waste container. Ashes shall be kept separate from and not placed in containers with other solid waste.

(c) Sharp objects. Solid waste with sharp edges or points, including but not limited to broken glass and fluorescent tubes, shall be placed in an approved waste container meeting criteria set in section 21.2-6, but not including a plastic bag as described in section 21.2-7. Needles should be placed in a plastic food container with a lid securely fastened with tape.

(d) Recyclable material. In an effort to reduce the flow of solid waste ~~into~~ disposed of at the RSA landfill facility and promote the recovery of useful resources, recyclable material should be taken to the proper recycling centers. Any recyclable material that is accepted pursuant to a city recycling program, whether publicly or privately administered, shall be separated from other solid waste for pickup in accordance with criteria to be established by the city manager or his designee. Such items include, but are not limited to, aluminum and steel cans, newspaper, glass, mixed paper and some plastics. Such recyclable materials should be separated for recycling.

(e) Yard waste. Yard waste collection by the city shall only be furnished to those residences regularly scheduled for the removal of solid waste by the city. All yard waste to be collected with normal residential waste shall be placed in approved containers or tied in bundles no larger than four (4) feet in length, fifteen (15) inches in diameter and fifty (50) pounds in weight. During special yard waste collection, all yard waste will be collected, provided no part is larger than three (3) inches in diameter, and eight (8) feet in length. Tree stumps and tree trunks will not be collected, nor will the waste resulting from topping or removal of a tree. Special yard waste collection is not offered to businesses. Any yard waste that is accepted pursuant to the city composting program shall be separated from other solid waste for pickup.

(f) Paperboard boxes. Paperboard boxes should be taken to recycling centers for recycling or broken down, bundled and securely tied, and tagged with the appropriate refuse disposal tag.

(g) Styrofoam packaging. Styrofoam packaging shall be placed in a securely tied plastic bag and tagged with the appropriate refuse disposal tag.

(h) Litter control bags. Litter control bags will be issued by the city to the neighborhood clean-up groups and individuals involved with adopt-a-street and adopt-a-spot clean-ups. The litter control bags shall be placed in the city right-of-way for collection after the individual(s) or group(s) have completed the clean-ups.

(i) Weight limitations. The total weight of a thirty-two (32) gallon trash cart, including its contents, shall not exceed one hundred (100) pounds in weight. The total weight of a sixty-four (64) gallon trash cart, including its contents, shall not exceed two hundred (200) pounds in weight. The total weight of any plastic bag, including its contents, shall not exceed fifty (50) pounds in weight.

Sec. 21.2-7. Same—plastic bags.

Plastic bags as described herein shall constitute an approved waste container, and when plastic bags are used for the disposal of solid waste, the same shall conform to the following specifications:

(a) Residents may purchase special prepaid bags for occasional extra refuse that does not fit in trash container. Bags can be purchased at various vendor locations approved by the city and will display the City of Lynchburg seal. Fees for prepaid bags will cover all disposal costs.

~~(a)~~ (b) Film thickness: The gauge of the film used shall have an average of no less than one and one-half (1.5) mil with a point-to-point variation not to exceed twenty (20) percent more or less.

~~(b)~~ (c) Bag size: One to thirteen gallon bags shall not be filled to exceed twenty-five (25) pounds in weight. Fourteen (14) and up to thirty-two (32) gallon bags shall not be filled to exceed fifty (50) pounds in weight.

~~(c)~~ (d) Twist ties: The ties used shall have a minimum length of three (3) inches.

~~(d)~~ (e) Securely tied: Plastic bags containing solid waste shall be securely tied when placed outside for collection to prevent refuse from falling out. Plastic bags are for one time use only and will be collected and disposed of by city employees.

Sec. 21.2-9. ~~Nonacceptable~~ Unacceptable containers.

(a) Any container other than the aforementioned approved containers shall not be used for the storage and collection of solid waste for city collection; this includes, but is not limited to, cardboard boxes, and barrels.

(b) Any ~~nonacceptable~~ unacceptable container will be tagged with a warning of violation. Once tagged, these containers will be considered solid waste collected and disposed of by the city. Use of a waste container after it has been tagged with a warning of violation is prohibited.

Sec. 21.2-11. Accumulation of solid waste.

(a) Each residence, small commercial establishment or person having solid waste will be provided with one city approved waste container adequate to contain the solid waste generated at said establishment which accumulates between periods of removal from the premises, and shall place and keep all solid waste therein until disposal. Residents and small commercial establishments requiring more than one trash cart may purchase from the city additional carts at cost. These carts become the property of the resident. Solid waste may not accumulate outside of the cart(s) unless in approved plastic bags. Household waste that a resident is storing to bring to the ~~landfill~~ RSA facility or for other disposal must

be stored in closed containers in such a manner so as to not attract animals, emit offending odors, or be a safety or health risk, and such waste may not be stored for a period of more than one month.

(b) It shall be unlawful for anyone to throw or to cause to accumulate onto the streets, sidewalks or private property any solid waste or any other substance that will render the street or premises unclean or unsightly or unsafe to any person or vehicle using the streets or liable to injuriously affect the health or safety of the community.

Sec. 21.2-17. Substances not collected.

Any substance prohibited from disposal in ~~the an municipal solid waste management~~ RSA facility pursuant to section 21.2-59(b) will not be collected for disposal by the city if identified by the city in the course of collection.

Sec. 21.2-19. Special collections—generally.

Special collections by the city shall only be furnished to residential customers and neighborhood cleanup programs. Special collection services are not offered to businesses. Special collections shall be scheduled by the resident, or neighborhood group in advance of placing the material out for collection.

Special collections shall include bulk waste collection, yard waste (brush and leaf) collection and a one-time mover's trash collection of solid waste. No fee will be charged for the collection of designated waste during special collection. Bagged leaves, yard waste, and appropriately bundled brush will be subject to the disposal fee when put out with refuse at other times in accordance with the provisions of section 21.2-16 through 21.2-18. Brush collection restrictions include tree trimming sizes not exceeding three (3) inches in diameter and eight (8) feet in length. ~~Effective~~ As of July 1, 2003~~2012~~, segregated loads of brush and bulk may be brought to the ~~city's~~ RSA landfill facility at no charge. Residents will be allowed an unlimited number of trips for segregated brush and bulk material.

Sec. 21.2-20. Same—bulk waste and white goods.

The city will remove bulk wastes and white goods which have been placed on the edge of the street. White goods that would normally contain compressors with freon must have the compressor and relating tubing fully in tact unless said white good is accompanied by a certification from an appropriate person stating that all contained freon has been captured and recycled. ~~This service is provided on an on-call basis and residents need to call and schedule a pickup prior to placing the material at the street right-of-way.~~

Sec. 21.2-26. Collection.

(a) The city shall collect refuse from eligible residential and small commercial establishments abutting a public street and certain multi-family units. If solid waste is placed curbside on the day of city waste collection for that property, it is assumed that property desires city waste collection services. Owners or operators of multi-family units (to include, but not limited to apartments, condominiums, duplexes and town homes) and trailer courts with two or more rental units and non-manufacturing businesses accept

the fee-related responsibility for associated disposal charges. Owners of all properties not eligible or desiring of city collection shall be responsible for the proper storage and disposal of all refuse; said refuse may not be placed curbside on the day the city is scheduled to provide collection services. Those properties not eligible for city collection include, but are not limited to: properties of five (5) or more living units and manufacturing businesses and those commercial establishments and multi-family properties with four (4) or less living units ~~who~~ that put out more than four (4) containers per collection.

(b) House trailers shall be treated as single family units only if they front on a public street and reside upon individually platted lots. House trailers which do not front on a public street and reside upon individually platted lots shall be treated as multi-family dwellings.

(c) If the waste containers put out by the occupants of a multi-family unit or trailer court do not display appropriate refuse tags or annual decals, a duly designated officer of the city will give written notice to the owner(s) or operator(s) of the multi-family unit or trailer court. It shall be the responsibility of the owner(s) or operator(s) to take appropriate action to make sure the occupants of the multi-family unit or trailer court place appropriate refuse tags or annual decals on their waste containers. If after giving written notice to the owner(s) or occupant(s) the waste containers of a multi-family unit or trailer court still do not display appropriate refuse tags or annual decals, the city may discontinue refuse collection from such multi-family unit or trailer court and the owner(s) or operator(s) shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by the multi-family unit or trailer court.

(d) If waste containers put out by the occupants of a single-family residence that is being occupied as rental property do not display appropriate refuse tags or annual decals, a duly designated officer of the city will give written notice to the owner(s) or operator(s) of the single-family residence. It shall be the responsibility of the owner(s) or operator(s) to take appropriate action to make sure the occupants of the single-family residence place appropriate refuse tags or annual decals on their waste containers. If after giving written notice to the owner(s) or operator(s), the waste containers still do not display appropriate refuse tags or decals, the city may discontinue refuse collection from such single-family residence and the owner(s) or operator(s) shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by such single-family residence.

(e) If the waste containers put out by the occupants of a multi-family unit, trailer court, or single-family residence being occupied as rental property do not display appropriate refuse tags or annual decals, in order to prevent the waste in the containers from being scattered upon public or private property, the city, at its option, may remove the waste even though the waste containers do not display appropriate refuse tags or annual decals and bill the owner of the multi-family unit, trailer court or single-family residence for the removal costs. In the event the owner of the multi-family unit, trailer court or single-family residence fails to pay the removal costs, the city may discontinue refuse collection from such multi-family unit, trailer court or single-family residence and the owner(s) or operator(s) shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by such multi-family unit, trailer court, single-family residence.

(f) When refuse from commercial establishments exceeds four (4) containers per collection the operator of such business is required to remove and dispose of such excess at the expense of the operator.

(g) When refuse from a multi-family property with four (4) or less living units exceeds four (4) containers per collection the owner or managing agent of such property is required to remove and dispose of such excess at their expense and is not eligible for city trash collection service.

Sec. 21.2-27. Entry on private property.

Municipal vehicles and personnel will not enter private property for the purpose of removing solid waste unless otherwise approved by the city manager or his designee.

Sec. 21.2-30. Collection by other than city personnel.

No person, other than designated city employees, may place solid waste in the city collection vehicles. Subject to the conditions and limitations of this chapter and other applicable regulations, the city or its agents, shall have the sole right to collect solid waste and refuse from single-family residences within the city limits unless otherwise approved by the city.

Sec. 21.2-31. Disposal fees.

(a) Refuse collected pursuant to section 21.2-26 of this code must be contained within (i) ~~a plastic bag displaying an appropriate official city tag~~, (ii) an approved container with an appropriate official city tag on the handle of the approved container or on top of the refuse in the approved container, (iii) an approved container displaying a valid city decal, ~~or~~ (iv) a bundle meeting the specifications in this chapter displaying an appropriate official city tag or (v) prepaid approved trash bags. Official City refuse tags ~~and~~, annual decals and prepaid trash bags shall be available for purchase at those locations designated by the city manager or his designee. A list of the currently designated locations for the purchase of tags, ~~or~~ decals or prepaid bags will be available for review at the city collections division during regular business hours. Decals will be sold at the collection division windows of city hall during regular business hours and through the mail pursuant to a system approved by the city manager or his designee and at such other locations as may be approved by the city manager or his designee.

(b) Tags for ~~plastic bags and~~ approved containers with a volume up to thirty-two (32) gallons or for bundles not to exceed fifty (50) pounds shall cost ninety-five cents (\$0.95) per tag. Tags for trash carts with a volume of sixty-four (64) gallons shall cost one dollar and ninety cents (\$1.90) per tag.

(c) Annual decals for once per week pickup for reusable trash carts with a volume of up to thirty-two (32) gallons shall cost forty dollars (\$40.00) each. Annual decals for once per week pickup for reusable trash carts with a volume of sixty four (64) gallons shall cost eighty dollars (\$80.00) each. Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

Period	Percentage of Full Price
September 1 – October 31	100%
November 1 – November 30	92%
December 1 – December 31	84%
January 1 – January 31	76%
February 1 – February 28	68%
March 1 – March 31	60%
April 1 – April 30	52%
May 1 – May 31	44%
June 1 – June 30	36%
July 1 – July 31	28%
August 1 – August 31	20%

Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container. In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half ($\frac{1}{2}$) of a month shall be counted as a full month and a period of less than one-half ($\frac{1}{2}$) of a month shall not be counted.

(d) In certain areas designated by the city manager or his designee for twice per week pickup, annual decals for twice per week pickup for reusable trash carts with a volume of up to thirty-two (32) gallons shall cost eighty dollars (\$80.00) each. In those same areas, annual decals for twice per week pickup for reusable trash carts with a volume of sixty four (64) gallons shall cost one hundred sixty dollars (\$160.00). Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

Period	Percentage of Full Price
September 1 – October 31	100%
November 1 – November 30	92%
December 1 – December 31	84%
January 1 – January 31	76%
February 1 – February 28	68%
March 1 – March 31	60%
April 1 – April 30	52%
May 1 – May 31	44%
June 1 – June 30	36%
July 1 – July 31	28%
August 1 – August 31	20%

In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half ($\frac{1}{2}$) of a month shall be counted as a full month and a period of less than one-half ($\frac{1}{2}$) of a month shall not be counted. Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container.

(e) Prepaid plastic bags with a volume of up to thirty-two (32) gallons or for bundles not to exceed fifty pounds are acceptable containers for disposal.

(f) ~~(e)~~ The owner or operator of any location designated to sell refuse tags or annual decals shall be compensated for accounting and remitting the fee levied for the purchase of the tags. Such compensation shall be a deduction of three percent (3%) of the amount of the fee from the sale of such tags or decals. The deduction shall be accounted for in the accounting report submitted to the city with the fees from the sale of the tags, provided that the amount due is not delinquent at the time of payment. The city manager or his designee shall establish criteria for the designation of locations and the accounting and payment procedures by the owners and operators of the designated locations. The fees collected from the sale of tags and decals are public funds and shall be held in trust for the city by the person collecting the same. It shall be a criminal offense for the person holding such fees to use them for any purpose whatsoever.

(g) ~~(f)~~ Beginning October 1, ~~2003~~ 2012, the city manager or his designee shall have the authority to issue ~~thirty-two (32)~~ sixty four (64) gallon annual decals at no cost to disadvantaged citizens or families and to elderly or permanently and totally disabled citizens who qualify for the tax relief ~~and to the residents of the Pleasant Valley/Tyreeanna Neighborhood~~, who own and occupy an existing dwelling as of July 1, ~~2003~~ 2012, pursuant to Section 36-175 of the city code upon criteria to be developed by the city manager or his designee. ~~Anyone who is eligible to receive a thirty-two (32) gallon annual decal at no cost shall have the option to use a sixty-four (64) gallon cart by purchasing an annual decal for forty dollars (\$40.00) which is one half (1/2) the standard annual decal fee for such cart. Thirty-two (32) gallon annual decals may also be issued at no cost to other citizens based on criteria developed by city council when council determines by resolution that it is in the public interest for such citizens to receive no cost decals.~~ Disadvantaged citizens or families and elderly or permanently and totally disabled citizens that live in multi-family dwellings and trailer courts that do ~~not~~ utilize the city's refuse collection services shall not be entitled to a free annual decal or refuse tags.

(h) ~~(g)~~ Except as allowed in this chapter, no refunds in whole or in part shall be allowed for tags which are unused, lost, destroyed or stolen. Except as allowed in this chapter, no refuse disposal fees shall be discounted, waived or suspended.

(i) ~~(h)~~ In the event any annual decal issued under this chapter shall be lost, stolen or destroyed, the person to whom the decal was issued may make application to the collections division or public works department and obtain a duplicate decal upon furnishing information of such fact, by affidavit or other

evidence that is satisfactory to the director of finance/director of human services. Any person providing false or intentionally misleading information to the collections division/social services division under this section shall be guilty of a class 3 misdemeanor and the collections division/social services division shall revoke any duplicate decal issued as a result of such false or intentionally misleading information.

(j) ~~(i)~~ The city manager or his designee shall have the authority to provide for refuse collection and disposal on a limited basis at no cost for city sponsored specific community clean-up or litter reduction efforts. The city manager or his designee shall use color-coded plastic bags or approved containers, or other special arrangements which are necessary or appropriate for the administration of such cleanup or litter reduction efforts.

(k) ~~(j)~~ The city manager or his designee shall have the authority to adjust or suspend fees due to natural disasters such as fires, floods and severe storms pursuant to criteria to be developed by the city manager or his designee.

Sec. 21.2-41. Vehicle regulations.

(a) All vehicles used in the collection of solid waste shall be kept and maintained in a clean and sanitary condition, and shall be so constructed and maintained as to prevent spillage of the solid waste to be collected therein.

(b) All vehicles transporting solid waste shall be watertight and completely enclosed.

(c) All vehicles two (2) tons gross in weight (G.P.W.) or more to be used to dispose of solid waste at the ~~city landfill~~ RSA facility shall be equipped with suitable hoisting or ejection equipment.

(d) All vehicles to be used to dispose of solid waste at the ~~city RSA facility landfill~~ shall be rated with their volume capacity.

(e) No vehicle used in the collection of solid waste shall be parked on a city street overnight.

(f) No vehicle shall be parked in violation of the city code relating to parking of trucks and commercial vehicles in a residential district.

(g) All vehicles shall transport solid waste in such a manner as not to create a nuisance or adversely affect public health, nor create any unnecessary noise.

(h) All vehicles used in the collection of solid waste shall meet all federal and state safety requirements for commercial vehicles.

Sec. 21.2-46. Dumping regulations.

(a) It shall be unlawful for any person to dispose of solid waste upon the premises or in the container of another or in any public place or on any public road, street or highway, in any manner, except in approved waste containers provided for such purposes other than in a manner provided by this code.

(b) When a violation of the provisions of this section has been observed by any person, or if the solid waste is dumped or disposed of in the highway, right-of-way, street, road, property adjacent to public way, or private property, and examination of the solid waste reveals material that identifies the generator of the solid waste, the generator shall be presumed to be the person dumping such solid waste; provided, however, that such presumption shall be rebuttable by competent evidence.

Sec. 21.2-48. Solid waste generated outside the city.

It shall be unlawful for any person or business to bring into the city any solid waste accumulated outside the city and deposit the same at a ~~municipal solid waste management~~ RSA facility or at any other place within the city, unless approved by the city manager or his designee.

Sec. 21.2-49. Placing or removing solid waste in or from public containers, or bins or containers for recyclable materials.

(a) It shall be unlawful for any person to dispose of in any public solid waste container, in the city, placed at various locations in the city to prevent littering on the public ways, any solid waste generated incident to the ordinary conduct of a household, place of business or industrial establishment or any other solid waste prohibited from disposal in ~~the a municipal solid waste management~~ RSA facility pursuant to section 21.2-59(b).

(b) It shall be unlawful for any person to deposit any unauthorized solid waste into or around recycling bins or containers which are part of a city recycling program, whether publicly or privately administered, except for such specific recyclable materials for which such bins or containers are designated.

(c) It shall be unlawful for any person to remove any recyclable materials from a recycling bin or container that is part of a city recycling program, once the recyclable materials have been placed in or around the recycling bin or container.

Sec. 21.2-50. Repeated violations of chapter.

Any person who violates this chapter, two (2) or more times during a one (1) year period may be prohibited from future use of ~~the any recycling and municipal solid waste management~~ RSA facility by the city manager or his designee.

Upon request, a hearing shall be held before a designated officer of the city on such prohibition. The hearing shall be an informal administrative proceeding other than a judicial-type of proceeding and the rules of evidence shall not apply. The decision of the designated officer shall be final and not subject to appeal.

**ARTICLE VI. SOLID WASTE DISPOSAL—~~MUNICIPAL SOLID WASTE MANAGEMENT~~ REGION 2000
SERVICES AUTHORITY FACILITY PROVISIONS**

Sec. 21.2-56. Administration.

The ~~city manager or his~~ RSA Board of Directors or their designee is authorized to adopt appropriate rules and regulations and to establish policies to administer the operation of ~~the municipal solid waste management facility~~ RSA facilities and recycling centers. Any rules or regulations adopted or policies established pursuant to this section shall be consistent with the provisions of this chapter. A violation of any rules or regulations adopted pursuant to this chapter shall constitute a violation of this chapter.

Sec. 21.2-57. Operating procedures.

The ~~waste management~~ RSA administrator ~~director~~ may adopt rules and regulations and establish policies for the operating procedures of ~~the any RSA facility and recycling centers~~. Such facility and centers shall be regulated by the ~~waste management administrator~~ RSA director in accordance with such operating procedures and with any rules and regulations adopted and policies established by the ~~RSA manager board of directors or his their designee~~ for the administration of the operation of the facility and centers. Any rules or regulations adopted or policies established pursuant to this section shall be consistent with the provisions of this chapter. A violation of any rules or regulations adopted pursuant to this section shall constitute a violation of this chapter.

Sec. 21.2-58. ~~Municipal solid waste management~~ Region 2000 Services Authority facility.

(a) ~~Only s~~ Solid waste which is generated within the city ~~unless approved by the city manager or his designee~~ may be deposited at the ~~a municipal solid waste management~~ RSA facility and only those persons authorized by the city manager or his designee will be permitted to accept solid waste at such facility. Upon the request of the ~~a RSA landfill scalehouse facility attendant~~ any municipal employee, any person delivering solid waste for disposal at the ~~a municipal solid waste management RSA landfill facility~~ shall provide verification to such employee that the solid waste proposed for disposal was generated in the city.

(b) No scavenging or salvaging at the ~~a municipal solid waste management~~ RSA landfill facility shall be permitted except as may be contracted by the ~~city~~ RSA. No person, except as specifically authorized by the ~~city~~ RSA, shall dispose of any solid waste in the ~~a municipal solid waste management~~ RSA landfill facility, except during the hours of operation as established by the ~~city manager or his designee~~ RSA and posted at the entrance to the facility.

(c) ~~City r~~ Residents are allowed ~~one~~ an unlimited number of free trips ~~of up to two hundred fifty (250) five hundred (500) pounds to the~~ RSA landfill facility per calendar month from the house in which they reside. Residents must show proof of their Lynchburg address to the ~~RSA cashier scalehouse facility attendant in the scalehouse~~ each time they come to the RSA landfill facility. If a resident's driver's license (or I.D. card) does not show their correct and current address, they must also bring a current utility bill showing their address of the origin of the load. If a resident has someone else bring in a load for them, they must give the hauler either a driver's license or a current utility bill from their address. In

addition, the hauler must show their driver's license. If a resident's free trip goes over five hundred (500) two hundred fifty (250) pounds and/or if the resident makes other trips to the RSA landfill facility during the calendar month after utilizing their free trip, the resident must pay by cash or check at the posted tipping fee.

~~As of Effective July 1, 2003~~ 2012, residents are allowed an unlimited number of free trips of segregated brush and bulk materials. These trips do not count towards a ~~residents~~ resident's free monthly trip to the RSA facility landfill. Any mixed loads of brush, bulk and trash will count towards the ~~residents~~ resident's one free trip per month.

Tires are not included as part of a resident's free trip. There is a surcharge for disposal of tires. Tire disposal rates are posted at the RSA facility landfill.

Rental property is considered a business. Landlords, who do not have a charge account with the RSA facility landfill, must pay by cash or check at the posted tipping fee rate when bringing a load from property they own but do not reside in. If a business, church (or other charitable organization) does not have a charge account with the ~~landfill~~ RSA facility, they must also pay by cash or check at the posted tipping fee rate.

Household hazardous waste collection is a service for Lynchburg residents only, businesses are excluded. Household hazardous waste collection days are announced yearly. ~~City R~~ residents must show a picture identification for proof of their Lynchburg address. Following are examples of what residents can bring to the RSA landfill facility on the household hazardous waste collection day: acids/bases, aerosols, antifreeze, autostarter, brake fluids, batteries, cleaners/polishes, corrosives, drain openers, flammables, furniture stripper, herbicides, kerosene, lighter fluids, oven cleaners, oxidizers, oil based paints, pesticides, photo/pool chemicals, poisons, solvents/thinners, used motor oil, weed killers and wood preservatives. For more information, ~~on what types of wastes are accepted, please call the waste management facility~~ guidelines and restrictions are posted on the RSA website.

Sec. 21.2-59. Substance regulations.

(a) Generally. No solid waste of any sort shall be removed from private premises and deposited for disposal within the city at any location other than those approved by the city manager or his designee provided that the materials approved for disposal are consistent with the federal and state regulations for the disposal of such solid waste and this chapter.

(b) Prohibited solid waste. Solid waste prohibited from disposal in the ~~municipal solid waste management~~ RSA's landfill facilities are as follows:

(1) Free liquids.

a. Bulk or non-containerized liquid waste unless the waste is leachate or gas condensate derived from the ~~municipal solid waste management~~ RSA facility itself and the facility is designed with a composite liner and leachate collection system as described in sections 5.1.B.9. and 5.5.B. of the Virginia Solid Waste Management Regulations (VR 672-20-10), or

b. Containers holding liquid waste, unless:

1. The container is a small container similar in size and total quantity to that normally found in household waste;

2. The container is designed to hold liquids for use other than for storage; or

(2) Regulated hazardous wastes.

(3) Solid waste, residue or soil containing dioxins as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-20), and as prohibited by rules or regulations adopted or policies established by the ~~city~~ RSA.

(4) Solid waste, residue or soil containing polychlorinated biphenols (PCBs) as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the ~~city~~ RSA.

(5) Unstabilized sewage sludge or sludges and combustion residue (ash) as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the ~~city~~ RSA.

(6) Pesticide containers that have not been triple rinsed and crushed.

(7) Drums and barrels that are not empty, properly cleaned and opened ~~and~~ with both ends cut out.

(8) Waste oil, with the exception being used motor oil accepted from Lynchburg residents on household hazardous waste collection days.

(9) Contaminated soil as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the ~~city~~ RSA.

(10) Asbestos containing material as prohibited by rules or regulations adopted or policies established by the ~~city~~ RSA.

(11) Regulated infectious wastes.

(12) Large animal carcasses.

(13) Any solid waste otherwise prohibited under this chapter or by rules or regulations adopted or policies established by the ~~city~~ RSA.

(c) Permitted solid waste. Solid waste not listed in section 21.2-59(b) may be accepted for disposal ~~in~~ at the ~~a municipal solid waste management RSA landfill facility~~. Such solid waste that generally will be accepted, ~~and~~ subject to ~~municipal solid waste management RSA~~ facility operating procedures, for disposal in the ~~a municipal solid waste management RSA landfill~~ facility includes, but is not necessarily limited to, the following:

~~(1) Agricultural waste.~~

~~(2) Special wastes such as dusts, powders, sludges, and ash and air pollution control residues that are not classified as hazardous waste when managed as regulated by rules or regulations adopted or policies established by the city.~~

~~(3) Commercial waste.~~

~~(4) Compost.~~

~~(5) Discarded material.~~

(1)~~(6)~~ Garbage.

(2) ~~(7)~~ Household waste.

~~(8) Industrial waste, except where such waste does not meet the criteria in the municipal solid waste management facility operating procedures or this chapter for the disposal of industrial waste.~~

(3) ~~(9)~~ Inert waste.

~~(10) Institutional waste, except anatomical waste from health care facilities or regulated medical waste as specified in the Virginia Medical Waste Management Regulations (VR 672-40-01).~~

~~(11) Municipal solid waste.~~

~~(12) Putrescible waste, including small animal carcasses other than livestock.~~

(4) ~~(13)~~ Refuse.

~~(14) Construction/demolition waste.~~

(5) ~~(15)~~ Rubbish.

~~(16) Scrap metal.~~

~~(17) Wastewater treatment sludges containing no free liquids and stabilized, digested or heat treated wastewater treatment plant sludges containing no free liquids. The amount of sludges accepted for disposal may be limited by the municipal solid waste management facility operating procedures.~~

(6) ~~(18)~~ Debris and yard waste.

(7) ~~(19)~~ White goods.

~~(d) Commercial and industrial waste. Commercial and industrial waste will not be accepted for disposal at the municipal waste management facility unless all recyclable materials, tires, wood and other forms of solid waste as designated in the municipal solid waste facility operating procedures are removed from such commercial or industrial waste prior to delivery to the facility, or separated upon delivery to the facility.~~

~~(e) Special and industrial waste. Only certain types of special and industrial waste as approved by the Virginia Solid Waste Management Regulations (VR 672-20-10) may be disposed of in the municipal solid~~

~~waste management facility. Any such industrial or special waste shall be delivered in a form so as not to include other types of solid waste. Any person desiring to dispose of special or industrial waste in the municipal solid waste management facility shall (i) obtain approval for disposal of the special waste from the city prior to delivery and (ii) deliver to the city a copy of all certifications and results of independent laboratory analysis required by the city.~~

~~(8) (f) Wood, debris and yard waste. Any wood, debris and yard waste delivered to the a municipal solid waste management~~ RSA ~~facility for disposal shall be separated from other solid waste being delivered to the facility.~~

~~(d) (g) Any person who delivers to the a municipal solid waste management~~ RSA ~~facility any solid waste prohibited from disposal in the facility under section 21.2-59(b), shall promptly upon notification from the city~~ RSA ~~remove such prohibited wastes from the facility. Failure to remove such prohibited waste constitutes a violation of this chapter. The city~~ RSA ~~may choose to sample, test, store, transport and haul any such prohibited waste for appropriate disposal and charge the person delivering said waste for all incurred city and contractual costs.~~

~~(e) (h) Any person who delivers to the a municipal solid waste management~~ RSA ~~facility any non-household waste, either entirely or in part, must participate in an inspection of that delivered waste upon request by authorized employees and according to solid waste management facility procedures.~~

Sec. 21.2-60. ~~Solid waste management~~ Region 2000 Services Authority (RSA) facility fees.

~~(a) Fees for solid waste delivered to the a municipal solid waste management~~ RSA landfill ~~facility shall be periodically reviewed and determined by the city council~~ RSA Board of Directors as specified and posted at the solid waste management RSA ~~facility.~~

~~(b) Payments will be collected at the~~ RSA landfill scalehouse ~~facility. in cash or check, except that commercial and industrial users may request monthly billings for solid waste management facility service provided they are licensed to do business in the city. The fees charged such commercial and industrial users shall be due and payable within forty-five (45) days of the billing date of the statement to the user. For all statements remaining unpaid for forty-five (45) days, a penalty in the amount of ten (10) percent or ten dollars (\$10.00), whichever is greater, shall be assessed thereon. Further, for all statements remaining unpaid at the end of a period of sixty (60) days following the date of issue, there shall be assessed thereon interest at the rate of ten (10) percent per annum from the first day following the day such amount is due, and said interest shall be collected upon both the charges and any penalty assessed thereon.~~

~~(c) Any person or business whose check for landfill tipping fees is returned for delinquent funds may be required to pay future landfill tipping fees with cash.~~

~~(d) The city reserves the right to cancel any landfill charge account that is continuously reported on the landfill cut-off list for delinquent payments. All payments thereafter must be made by cash or check each trip.~~

~~(c) A surcharge fee may be assessed by the city for special or industrial waste that requires research, analysis and/or special handling.~~

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

Adopted:

Certified: _____
Clerk of Council

102L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.: **5**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Planning for City Council's Retreat and Joint Meeting with the School Board**

RECOMMENDATION: Determine dates for Council's retreat and joint meeting with the School Board. Provide guidance on agenda items.

SUMMARY: Staff would like to discuss with Council a date for its Fall Retreat and possible topics for examination during the retreat. The Mayor and Vice Mayor have suggested that the afternoon of September 11th, a regular Council meeting day, from 3:00 p.m. to 6:00 p.m., be dedicated to a "mini retreat." After that, Council could share a meal together prior to reconvening at 7:30 p.m.

Possible issues to explore during the retreat include:

- Financial Trend Indicators
- FY 2014 Budget Goals and Priorities
- Addressing Employee Compensation in FY 2014
- 2013 Legislative Agenda
- Council's Strategic Goals and Objectives
- Capital Improvement Planning and Financing
- Other issues of interest to Council (to be identified on August 14th)

In addition, staff would like to identify a date and topics for a joint meeting between Council and the School Board. After consultation with Schools, it appears that Tuesday, October 30th would be a viable date for the joint meeting.

Possible topics for the joint meeting are:

- FY 2014 Budget and CIP
- Compensation & Benefits
- Consolidation & Collaboration
- Heritage High School
- Student Achievement
- Other issues of interest identified by City Council or the School Board

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990; Valeria Chambers, 455-3990

ATTACHMENT(S): None

REVIEWED BY: lkp

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of June, 2012, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Cary, Gillette, Helgeson, Nelson, Perrow, Foster 6

Absent: Johnson 1

// Copies of the minutes of the June 12, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Gillette, Nelson, Perrow, Foster 5

Noes: 0

Abstain: Helgeson 1

Absent: Johnson 1

// In the matter of Schools – Budget, Resolution #R-12-082 amending the FY 2012 Schools Operating Budget and appropriating \$324,800 with resources from the settlement of a class action suit against Beazor East, Inc., regarding the roof at Heritage High School, laid over from the June 12, 2012 meeting, was again presented and read. Several Council Members stated they would not support this item and the funds received from the settlement should be used for Heritage High School only and it is wrong to use the funds for other school repairs as requested.

On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Gillette, Nelson, Perrow, Foster 4

Noes: Cary, Helgeson 2

Absent: Johnson 1

// Mayor Foster presented to Jason Campbell with the Fire Department a certificate from the National Fire Academy for successful completion of the requisite course of study and applied research projects from the Federal Emergency Management Agency.

// City Council Report #4 Academy of Fine Arts was presented. Deputy City Manager Bonnie Svrcek introduced Executive Director David Jenkins with the Academy of Fine Arts. Mr. Jenkins gave an update on the Academy and the First Annual Lynchburg City Schools Youth Art Exhibit and Art Crawl which was held in March 2012 hosted by the Academy of Fine Arts and Main Street Businesses. Mr. Ted Bath, Exhibit Director with the Academy, presented Council with a copy of the catalog displaying artwork from Kindergarten through 12th grade.

// Vice Mayor Johnson arrived at 4:48 p.m.

// In the matter of City Code, City Council Report #5 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-12-083, as presented, amending the City Code relating to the establishment and collection of water accounts:

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

Noes: 0

// In the matter of Parks and Recreation - General, City Council Report #6 was considered. Council Member Helgeson stated he could not support this item due to the fact he thinks it would be inappropriate to hire a person to just process checks. On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-084, as presented, amending the FY 2013 General Fund budget and appropriating \$5,163, fully reimbursable, to support a pilot program at the Lynchburg Community Market:

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

6

Noes: Helgeson

1

// Council Member Gillette asked about gate issues at Peakview Park and City Manager Payne stated that a response had been given to the constituent.

// Council Member Cary stated that he had two items: 1) attended a senior services fair and noticed that there was a four page Parks and Recreation newsletter that was very interesting and had helpful information and asked Kay Frazier to provide each council member with a copy; 2) thanked the City Manager for having the bollard at Polk and 5th Streets, Martin Luther King Boulevard, replaced again.

// Council Member Nelson stated since this was the last meeting of the fiscal year he wanted to thank the staff for their accomplishments and gave his gratitude for the leadership from the Mayor, Vice Mayor and Members of Council who continue to move the City forward.

// Mayor Foster stated that she had participated in the ham radio contest that was held over the weekend and also mentioned the 40th anniversary gala held by the Lynchburg Historical Foundation who has done marvelous work preserving our history.

// Vice Mayor Johnson stated a concern on derelict properties on Jackson and 8th Streets; that students had put artwork in the circle on 5th Street and also thanked the Mayor for attending the Juneteenth Celebration that was held at Hunton Randolph Center on Saturday, June 17, 2012.

// The Honorable Circuit Court Judge Patrick Yeatts presided over the official swearing-in of Lynchburg City Council Members: Michael A. Gillette (Ward I Representative), Ceasor T. Johnson (Ward II Representative), Jeff S. Helegson (Ward III Representative), and Turner Perrow, Jr. (Ward IV Representative).

// On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Youth Services Citizens Board, City Employees Appeal Board, Central Virginia Community College, Zoning Appeals Board, School Board, Dr. Martin Luther King, Jr./Lynchburg Community Council, Economic Development Authority Board, Museum Advisory Board, Historic Preservation Commission and Regional Tourism Board; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

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

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 Gillette, and Council by the following recorded vote adopted the motion:

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

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote re-appointed William H. Cabell, Jacqueline R. Eubanks-Lyons and Susan Landergan, to serve on the Youth Services Citizens Board for terms to expire June 30, 2015:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed Davina L. Hinton-Mosby and Zachary E. Smith to serve on the Youth Services Citizens Board for terms to expire June 30, 2015:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote re-appointed Dianne M. Mills to serve on the City Employees Appeal Board for a term ending June 30, 2015:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed Nathaniel X. Marshall to serve on the Central Virginia Community College Board to fill an unexpired term ending June 30, 2014:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote re-appointed Charles B. White to serve on the Lynchburg School Board for a term ending June 30, 2015:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed Katie Snyder and Thomas Webb to serve on the Lynchburg School Board for terms ending June 30, 2015:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed James W. Cobbs, Jr., Clark K. Jefferson and Wistar M. Withers to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for terms to expire June 30, 2015:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote re-appointed Susan G. Ackley and Gary F. Allen to serve on the Economic Development Authority Board for terms to expire June 30, 2016:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote re-appointed Mary M. Booth, Jane F. Bowden, Lucille W. Deane, Laura B. Munson and Raymond H. Stokes, Sr. to serve on the Museum Advisory Board for terms to expire June 30, 2015:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote re-appointed Travis C. McDonald and Jeffery W. Schneider to serve on the Historic Preservation Commission for terms to expire June 30, 2015:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote appointed Richard C. Morris to serve on the Historic Preservation Commission for a term to expire June 30, 2015:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Vice Mayor Johnson, Council by the following recorded vote re-appointed Margaret Girling, Anna McAlpine Bentson and Barry N. Moore to serve on the Regional Tourism Board for terms to expire June 30, 2015:

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

Noes: 0

// The meeting was adjourned at 6:10 P.M.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from June 26, 2012 was held on the 3rd day of July, 2012, 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: Cary, Gillette, Johnson, Nelson, Perrow, Foster 6

Absent: Helgeson 1

// 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, 2014. Council Member Nelson nominated Council Member Foster. Council Member Foster read a statement to withdraw her name for nomination for President of Council. Council Member Johnson nominated Council Member Gillette. There being no further nominations, Council Member Cary made a motion that the nominations for President be closed. This motion was seconded by Council Member Perrow, and Council by the following recorded vote approved the motion to close the nominations for President:

Ayes: Cary, Foster, Gillette, Johnson, Nelson, Perrow 6

Noes: 0

Absent: Helgeson 1

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

Gillette: Foster, Gillette, Johnson, Nelson 4

Foster: Cary, Perrow 2

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

// Mayor Gillette took the chair and 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, 2014. Council Member Nelson nominated Council Member Johnson. Council Member Cary nominated Council Member Perrow. Council Member Perrow nominated Council Member Foster. There being no further nominations, Council Member Johnson made a motion that the nominations be closed. This motion was seconded by Council Member Nelson, and Council by the following recorded vote approved the motion to close the nominations for Vice President:

Ayes: Cary, Foster, Gillette, Johnson, Nelson, Perrow 6

Noes: 0

Absent: Helgeson 1

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

Johnson: Foster, Gillette, Johnson, Nelson 4

Foster: Cary, Perrow 2

// Mayor Gillette announced that Council Member Johnson has been elected Vice President of Council.

// In the matter of City Council, City Council Report #3 was considered. Mayor Gillette stated that Council received the Rules of Procedure prior to the meeting by electronic means and asked for a motion and on motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted Council's Rules of Procedure and established the times and places for Council meetings from July 1, 2012 through June 30, 2014:

Ayes: Cary, Foster, Gillette, Johnson, Nelson, Perrow 6

Noes: 0

Absent: Helgeson 1

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

// In the matter of City Council, City Council Report #5 was considered. City Manager Kimball Payne presented for consideration adopting a Resolution confirming the Declaration of Emergency on June 29, 2012. On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-12-086, as presented:

Ayes: Cary, Foster, Gillette, Johnson, Nelson, Perrow 6

Noes: 0

Absent: Helgeson 1

// City Manager Kimball Payne provided Storm Emergency Updates.

// The meeting was adjourned at 5:15 P.M.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of July, 2012, at 7:30 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

Absent: 0

// Mayor Gillette and Council Member Cary presented Certificates of Recognition to the "Hill City Classic" Soap Box Derby Race participants.

// In the matter of Central Virginia Community Services (CVCS), City Council Report # 1 was considered. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-12-086, as presented, approving the Central Virginia Community Services FY 2013 Performance Contract:

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

Noes: 0

// In the matter of Commonwealth Attorney, City Council Report #2 was considered. Council Member Nelson, Chair of the Finance Committee (FC), stated this item came before the FC which recommended 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-12-087, as presented, amending the FY 2013 General Fund Budget and appropriating \$17,736, with resources from additional Fines and Fees Collection Revenue to support a new Fines and Fees Collection Division in the Office of the Commonwealth's Attorney:

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

Noes: 0

// In the matter of Water Resources - General, City Council Report # 3 was considered. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this item came before the PDC which recommended approved. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-12-088, as presented, to approve a change order in the amount of \$50,419 to repair concrete on the exterior of the College Hill Treatment Plant:

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

Noes: 0

// In the matter of Human Services - General, City Council Report #4 was considered. Council Member Nelson, Chair of the Finance Committee (FC), stated this item came before the FC which recommended 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-12-089, as presented, amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$50,862 with resources from Centra Health, Inc. for an Out-stationed Benefit Programs Specialist position:

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

Noes: 0

// In the matter of Emergency Communications - General, City Council Report # 5 was considered. Council Member Nelson, Chair of the Finance Committee (FC), stated this item came before the FC which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-12-090, as presented, authorizing the transfer of the fund balance in the amount of \$440,912 for the Central Virginia Radio Communications Board from the City of Lynchburg financial system to the Region 2000 financial system:

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

Noes: 0

// In the matter of Parks and Recreation - General, Resolution #R-12-084 amending the FY 2013 General Fund budget and appropriating \$5,163, fully reimbursable, to support a pilot program at the Lynchburg Community Market laid over from the June 26, 2012 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette 6

Noes: Helgeson 1

// In the matter of City Council, City Council Report # 7 was considered. On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-12-091, as presented, rescinding the June 30, 2012, Declaration of an Emergency by the City Manager:

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

Noes: 0

// In the matter of City Council, City Council Report #8, amending Council's regular scheduled meetings to address two meetings for which there are known conflicts, September 25th and October 9th, was considered. After Council discussion, it was the consensus of Council to move the Finance Committee meeting to September 11 at its regularly-scheduled time and location. It was also the consensus of Council not to change the September 25th or October 9th meetings but on October 9 the City Manager and the Deputy City Manager would be out of town and the City Attorney would be the Acting City Manager and lead staff for this meeting.

// Council Member Helgeson left during roll call.

// Council Member Cary stated he had two items 1) thanked Kay Frazier for providing Fifty Plus newsletters to City Council; 2) commended the City Manager and his staff for the response briefings held at LynCom, but mentioned that citizens had been asking him "Where was Verizon?" Also Mr. Cary stated that if Verizon wants to be a community partner they need to step up to the plate and take a more active role in the future.

// Council Member Foster thanked the Communications Department, all the city staff, citizens and volunteers on the outstanding job on the recovery efforts.

// Council Member Perrow stated that we need to have an alternate way to get messages out to citizens when things are down. Also, the City of Lynchburg has been recognized as a "Tree City USA."

// Council Member Foster received a call from a citizen regarding an idea of organizing citizens and calling them "Aftermath Angels" who would collect money from citizens to help pay the City back for funds used during the storm.

// Mayor Gillette thanked everyone for their outstanding support during the storm. Mayor Gillette stated that former Mayor Foster will continue to be a champ and lead the City in the Live Healthy Lynchburg initiatives which will be launched on Wednesday, July 11, 2012 at 11:30 a.m. in Council Chamber and he encouraged all citizens to stay involved in the Live Healthy Lynchburg initiatives.

// On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e. Region 2000 Local Government Council , Region 2000 Workforce Investment Council and Metropolitan Planning Organization, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette	6
Noes:	0
Absent: Helgeson	1

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

// Vice Mayor Johnson 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: Cary, Foster, Johnson, Nelson, Perrow, Gillette	6
Noes:	0
Absent: Helgeson	1

// In the matter of Appointments, and on nomination of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Joan F. Foster to serve on the Region 2000

July 10, 2012

209

Local Government Council for a term to expire June 30, 2014:

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

6

Noes:

0

Absent: Helgeson

1

On nomination of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Joan F. Foster to serve on the Region 2000 Workforce Investment Council Board for an indefinite term:

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

6

Noes:

0

Absent: Helgeson

1

On nomination of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Joan F. Foster and L. Kimball Payne, III to serve on the Metropolitan Planning Organization for terms ending June 30, 2014:

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

6

Noes:

0

Absent: Helgeson

1

// The meeting was adjourned at 9:02 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.:

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Consideration of a Resolution Approving an Amendment to the Charter of the Central Virginia Community Services Board to Reflect the Agency's New Name**

RECOMMENDATION: Adopt a resolution approving a change of the name of the Central Virginia Community Services Board to "Horizon Behavioral Health."

SUMMARY: The Central Virginia Community Services Board (CVCSB) wishes to change its name to better reflect the services that it provides to the community. The proposed new name is "Horizon Behavioral Health." Changing the name of the agency is achieved through an amendment to the Charter Agreement that the localities approved when the community services board was created. A copy of the Charter Agreement, with previous amendments and the proposed Amendment IV, is attached for reference. Also attached is a resolution approving the name change and authorizing the City Manager to sign the appropriate documentation.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Charter Agreement of the Central Virginia Community Services Board with proposed Amendment IV; Resolution approving the name change

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED THAT the Lynchburg City Council does hereby approve the change of the name of the Central Virginia Community Services Board to "Horizon Behavioral Health," and authorizes the City Manager to sign the appropriate documentation on behalf of the City of Lynchburg to implement the change.

Adopted:

Certified:

Clerk of Council

103L

COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION SERVICES
BOARD OF CENTRAL VIRGINIA

1010 Miller Park Square
Lynchburg, Virginia 24501

CHARTER AGREEMENT

Copy
W/AMENDMENTS
I, II, III, IV

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This Charter Agreement to organize a Mental Health and Mental Retardation Services Board made this 15th day of June, 1970, by and between the undersigned governmental subdivisions in accordance with Chapter 10, Title 37.1 (Sec. 37.1-194 through Sec. 37.1-202 inclusive), Code of Virginia (1968).

ARTICLE I

Name, Location, Authority, Purpose

- Section 1. The name of this organization shall be the Community Mental Health and Mental Retardation Services Board of Central Virginia, hereinafter called the "Board."
- Section 2. The principal office of the Board shall be in Lynchburg, Virginia. The location of the principal office may be changed by the concurrence of three-fourths of the Board members present at a regular meeting, provided that the clerk of the governing body of each member governmental subdivision has been notified of the contemplated relocation in writing at least thirty days before such meeting.
- Section 3. The Board shall be a public body corporate and politic with all the powers and duties granted to it by Chapter 10, Title 37.1, Code of Virginia.
- Section 4. The purpose of the Board shall be to carry out the responsibilities of Chapter 10 to the end that preventive, diagnostic and therapeutic mental health and mental retardation services shall be easily and readily accessible at moderate cost to all citizens of the region.

ARTICLE II

Membership

- Section 1. Twelve Board members shall be appointed by the respective governing bodies of those political subdivisions which are parties to this Charter Agreement.
- Section 2. Each County government which is a party to this Charter Agreement shall appoint two members to the Board. Bedford City, as long as that government remains a member of this Charter Agreement, shall appoint one member to the Board. The City of Lynchburg, as long as that government remains a member of this Charter Agreement, shall appoint three members to the Board.
- Section 3. There shall be, in addition, 3 ex-officio members with seat and voice, selected by the Board itself.
- Section 4. Vacancies on the Board shall be filled for the unexpired term in the same manner as the original appointment was made.
- Section 5. Any member of the Board shall be eligible for reappointment but may be removed for cause by the governing body which appointed him, subject to the dismissal terms of Chapter 10, Title 37.1, Code of Virginia.

ARTICLE III

Terms of Office and Voting Rights

- Section 1. The terms of office of Board members shall be three years each, but of those members appointed at the outset, four shall serve one year, four shall serve two years and four shall serve three years.
- Section 2. Each member of the Board shall have one equal vote in all matters before the Board.

ARTICLE IV

Officers

- Section 1. Officers of the Board shall consist of a Chairman, Vice Chairman, and Secretary-Treasurer (or Secretary and Treasurer) who shall be elected by the membership of the Board.
- Section 2. Board officers shall be elected for terms of two years.

ARTICLE V

Appointment of An Executive Committee and Adoption of By-Laws

- Section 1. The Board may designate an Executive Committee and delegate to it such powers as the Board may determine, provided that these powers are not inconsistent with provisions of Chapter 10, Title 37.1 of the Code of Virginia.
- Section 2. The Board may adopt by-laws and such other rules as it deems necessary to govern its operations.

ARTICLE VI

Meetings

- Section 1. The Board shall hold meetings on a schedule which will be determined by the membership.
- Section 2. Meetings of the Board shall be open to the public; however, the Board may hold executive meetings.

ARTICLE VII

Amendments

- Section 1. This Charter Agreement may be amended, supplemented or superceded only by concurring resolutions from any combination of member governmental subdivisions whose aggregate representation on the Board constitutes a quorum. All proposed amendments shall be submitted to the Board for its review and comment to the member governmental subdivisions.

ARTICLE VIII

Date of Organization

- Section 1. The organization of this Community Mental Health and Mental Retardation Services Board shall be effective the 18th of May, 1969, the date of the agreement which preceded, and which is hereby superceded by, this document.

Witness the following signatures and seals as of the day and
year first above written:

AMHERST COUNTY

By Elmer O. Barchman
Chairman, Board of Supervisors

APPOMATTOX COUNTY

By Otto W. Martin Jr
Chairman, Board of Supervisors

CITY OF BEDFORD

By Albert J. Dancy
City Manager, City of Bedford

BEDFORD COUNTY

By E. L. Saunders
Chairman, Board of Supervisors

CAMPBELL COUNTY

By Belbert Meyer
Chairman, Board of Supervisors

CITY OF LYNCHBURG

By Robert M. Munn
City Manager, City of Lynchburg

COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION SERVICES BOARD OF CENTRAL VIRGINIA

CHARTER AGREEMENT

AMENDMENT I

Effective on the 15th day of November, 1971, the following sections of Article II (Membership) are amended to read as follows:

Section 1. Fifteen Board members shall be appointed by the respective governing bodies of those political subdivisions which are parties to this Charter Agreement.

Section 2. Each County government which is a party to this Charter Agreement shall appoint two members to the Board. Bedford City, as long as that government remains a member of this Charter Agreement, shall appoint one member to this Board. The City of Lynchburg, as long as that government remains a member of this Charter Agreement, shall appoint three members to the Board.

The Lynchburg Area Association for Retarded Children shall recommend one of their members for appointment to the Board. Upon recommendation by the Board, the government of his domicile shall make the appointment, if acceptable.

Two additional members may be recommended for appointment by judgment of the Board, in order to fairly represent special service organizations whom they serve. They shall be appointed by the governments of their domiciles.

<u>11/12/71</u> (Date)	<u>Roy C. Mayo, III</u> (Signature)	<u>Executive Secretary - Amherst County</u> (Title)	<u>Amherst County</u> (Jurisdiction)
<u>12/2/71</u> (Date)	<u>[Signature]</u> (Signature)	<u>Ch. [Signature]</u> (Title)	<u>Bedford County</u> (Jurisdiction)
<u>12/29/71</u> (Date)	<u>D. W. Martin Jr</u> (Signature)	<u>Chairman of Board of Supervisors Appomattox Co.</u> (Title)	<u>Appomattox County</u> (Jurisdiction)
<u>1/4/72</u> (Date)	<u>[Signature]</u> (Signature)	<u>Executive Secretary Campbell County</u> (Title)	<u>Campbell County</u> (Jurisdiction)
<u>1/10/72</u> (Date)	<u>[Signature]</u> (Signature)	<u>CITY MANAGER</u> (Title)	<u>CITY OF BEDFORD</u> (Jurisdiction)
<u> </u> (Date)	<u>[Signature]</u> (Signature)	<u>City Manager</u> (Title)	<u>City of Lynchburg</u> (Jurisdiction)

COMMUNITY MENTAL HEALTH AND MENTAL RETARDATION SERVICES BOARD OF CENTRAL VIRGINIA

CHARTER AGREEMENT

AMENDMENT II

ARTICLE IX

Dissolution

In the event of the dissolution of this Board, or in the event it shall cease to carry out the objects and purposes herein set forth, all the net assets of the Board shall go to and be distributed to the participating local governments and the State on the same basis as the assets were contributed. Government as administered by the Department of Mental Hygiene and Hospitals. Under no circumstances shall any of the property and assets of this Board during the existence and/or upon the dissolution thereof go and be distributed to any officer, member or subsidiary of this Board.

<u>4/30/73</u> (Date)	<u>Roy C. Mayo, III</u> (Signature)	<u>County Administrator</u> (Title)	<u>Amherst County</u> (Jurisdiction)
<u>6/8/73</u> (Date)	<u>D. W. Martin Jr</u> (Signature)	<u>Chairman Board of Supervisors</u> (Title)	<u>Appomattox County</u> (Jurisdiction)
<u>4/10/73</u> (Date)	<u>Albert H. Ramsey</u> (Signature)	<u>City Manager</u> (Title)	<u>Bedford City</u> (Jurisdiction)
<u>5-14-73</u> (Date)	<u>H. L. Cropper</u> (Signature)	<u>Supervisor</u> (Title)	<u>Bedford County</u> (Jurisdiction)
<u>4/20/73</u> (Date)	<u>Walter J. Blaher, Jr.</u> (Signature)	<u>County Administrator</u> (Title)	<u>Campbell County</u> (Jurisdiction)
<u>5-23-73</u> (Date)	<u>Don O'More</u> (Signature)	<u>City Manager</u> (Title)	<u>Lynchburg City</u> (Jurisdiction)

THIS AMENDMENT III TO CHARTER AGREEMENT, by and among AMHERST COUNTY, APPOMATTOX COUNTY, BEDFORD COUNTY, CAMPBELL COUNTY, and the CITY OF BEDFORD and the CITY OF LYNCHBURG, hereinafter together the "Political Subdivisions."

WHEREAS, by Agreement dated April 18, 1969, the Political Subdivision agreed to create a joint community service board named "the Community Mental Health Service Board of Central Virginia," serving the Counties of Amherst, Appomattox, Bedford and Campbell and the Cities of Bedford and Lynchburg (the "April 18, 1969 Agreement");

WHEREAS, the Political Subdivisions, by a Charter Agreement dated June 15, 1970, adopted a Charter for such community service board, which Charter Agreement replaced the April 18, 1969 Agreement in its entirety (the "Charter Agreement");

WHEREAS, Section 1 of Article I of the Charter Agreement named the community services board the "Community Mental Health and Mental Retardation Services Board of Central Virginia";

WHEREAS, the community services board has long since been known as "Central Virginia Community Services Board";

WHEREAS, each Political Subdivision, acting through its respective Boards of Supervisors or City Councils, and at the request of the community services board, in 2001 adopted resolutions agreeing to amend Section 1 of Article I of the Charter Agreement to change the name of the community services board listed in the Charter Agreement to "Central Virginia Community Services Board," and to allow the Central Virginia Community Services Board, its programs and subdivisions, to trade under the names *Central Virginia Community Services* and/or *OneSource CSB*, as determined by its board;

WHEREAS, the Political Subdivisions each execute this Amendment III to the Charter Agreement to so amend the Charter.

THEREFORE, the Charter Agreement, dated June 15, 1970, as previously amended by Amendment I effective November 15, 1971 and Amendment II effective June 8, 1973, is further amended as follows:

Article I, Section 1 is amended in its entirety to provide:

"Section 1. The name of the Organization shall be Central Virginia Community Services Board. Central Virginia Community Services Board, its programs, and its subdivisions may, as determined by its board, trade under the names Central Virginia Community Services and/or OneSource CSB."

All other provisions of the Charter Agreement as previously amended shall remain the same.

This Amendment III to the Charter Agreement can be executed in multiple counterparts, which when taken together shall constitute a single document.

WITNESS the following signatures and seals:

Amherst County, Virginia

Dated: 10/16/06

By: [Signature]
Its: COUNTY ADMINISTRATOR

Appomattox County, Virginia

Dated: 10/23/06

By: [Signature]
Its: COUNTY ADMINISTRATOR

Bedford County, Virginia

Dated: _____

By: [Signature]
Its: County Administrator

Campbell County, Virginia

Dated: 12/9/2006

By: [Signature]
Its: County Administrator

City of Bedford, Virginia

Dated: 1/19/2007

By: [Signature]
Its: City Manager

City of Lynchburg, Virginia

Dated: 2/13/07

By: [Signature]
Its: City Manager

S:\trinstey\lmt02007.wpd

RESOLUTION

CVCS Board of Directors approved Resolution, March 28, 2012.

THIS **AMENDMENT IV TO THE CHARTER AGREEMENT**, by and among AMHERST COUNTY, APPOMATTOX COUNTY, BEDFORD COUNTY, CAMPBELL COUNTY and the CITY OF BEDFORD and the CITY OF LYNCHBURG, hereinafter together the "Political Subdivisions."

WHEREAS, by Agreement dated April 18, 1969, the Political Subdivisions agreed to create a joint community service board named "Community Mental Health Service Board of Central Virginia" serving the Counties of Amherst, Appomattox, Bedford and Campbell and the Cities of Bedford and Lynchburg (the "April 18, 1969 Agreement");

WHEREAS, the Political subdivisions by a Charter Agreement dated June 15, 1970, adopted a charter for such community service board, which Charter Agreement replaced the April 18, 1969 Agreement in its entirety (the "Charter Agreement");

WHEREAS, each Political Subdivision acting through its respective Boards of Supervisors or City Councils, and at the request of the community services board, in 2001 adopted resolutions agreeing to amend Article I, Section 1 of the Charter Agreement to change the name of the community services board listed in the Charter Agreement to "Central Virginia Community Services Board," and to allow the Central Virginia Community Services Board, its programs and subdivisions, to trade under the names *Central Virginia Community Services* and/or *One Source CSB* as determined by its board:

BE IT RESOLVED by the Board of Directors of Central Virginia Community Services Board, that it formally requests the Counties of Amherst, Appomattox, Bedford

and Campbell, and the Cities of Bedford and Lynchburg (the "Governmental Entities") to amend Article I, Section 1 of the Community Services Board's existing Charter Agreement to formally change the name of this Community Services Board to "Horizon Behavioral Health."

BE IT FURTHER RESOLVED that the Community Services Board's chief executive officer be authorized and directed to forward this Resolution, together with a draft of a proposed amendment to the Charter Agreement, to the Governmental Entities for their consideration and adoption.

THEREFORE, the Charter Agreement, dated June 15, 1970, as previously amended by Amendment 1 effective November 15, 1971 and Amendment II effective June 8, 1973 and Amendment III effective February 13, 2007, is further amended as follows:

Article I, Section 1 is amended in it's entirely to provide:

"Section 1. The name of the Organization shall be **Horizon Behavioral Health**. Horizon Behavioral Health, its programs, and its subdivisions may, as determined by its board, trade under the name of **Horizon Health**."

All other provisions of the Charter Agreement as previously amended shall remain the same.

This amendment IV to the Charter Agreement can be executed in multiple counterparts, which when taken together shall constitute a single document.

WITNESS the following signatures and seals:

Amherst County, Virginia

Dated: _____

By: _____

Its: _____

Appomattox County, Virginia

Dated: _____

By: _____

Its: _____

Bedford County, Virginia

Dated: _____

By: _____

Its: _____

Campbell County, Virginia

Dated: _____

By: _____

Its: _____

City of Bedford, Virginia

Dated: _____

By: _____

Its: _____

City of Lynchburg, Virginia

Dated: _____

By: _____

Its: _____

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Conditional Use Permit (CUP) – Jackson Street United Methodist Church Child Care Center – 900 and 906 Jackson Street.

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Jackson Street United Methodist Church is petitioning for a CUP at 900 and 906 Jackson Street to allow the use of an existing building as a child care center for up to twenty (20) children ranging in age from 2 ½ to 5 years in age. The property is zoned R-3, Medium Density, Two-Family Residential District. The Planning Commission recommended approval of the petition because:

- The *Comprehensive Plan 2002-2020* recommends a Traditional Residential use for the property.
- Child care facilities are allowed in residential districts upon approval of a CUP by City Council.

PRIOR ACTION(S):

July 11, 2012: Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval (6-0, 1 absent, Hannon) of the CUP petition.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Resolution
- Planning Commission Report – July 11, 2012
- Planning Commission Minutes – July 11, 2012
- Zoning Map
- Future Land Use Map
- Watershed Map
- Planimetric and Topographic Map
- Concept Plan
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JACKSON STREET UNITED METHODIST CHURCH TO ALLOW A CHILD CARE FACILITY IN AN EXISTING BUILDING IN AN R-3, MEDIUM DENSITY TWO-FAMILY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Jackson Street United Methodist Church for a conditional use permit to allow a child care facility in an existing building at 900 & 906 Jackson Street for up to twenty (20) children ranging in age from 2 ½ to 5 years in an R-3, Medium Density Two-Family Residential District, is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan entitled "Jackson Street United Methodist, Child Care Center".
2. The maximum number of children at the facility shall be limited to twenty (20).

Adopted:

Certified:

Clerk of Council

095L

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

To: Planning Commission
From: Planning Division
Date: July 11, 2012
Re: **Conditional Use Permit (CUP) – Jackson Street United Methodist Church Child Care Center – 900 and 906 Jackson Street**

I. PETITIONER

Jackson Street United Methodist Church, P.O. Box 3374, Lynchburg, VA 24503
Representative: Ms. Maranda Payne, 908 Chowan Avenue, Lynchburg, VA 24502

II. LOCATION

The subject property is a tract of two hundred sixty-four thousandths (0.264) of an acre located at 900 and 906 Jackson Street.

Property Owner: Jackson Street United Methodist Church, P.O. Box 3375, Lynchburg, VA 24503

III. PURPOSE

The purpose of the petition is to allow a child care center for up to twenty (20) children ranging in age from 2 ½ years to 5 years in age.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* recommends Traditional Residential use for this property.
- The petition would facilitate the use of an existing building for a child care center for up to twenty (20) children ranging in age from 2 ½ years to 5 years in age.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Traditional Residential use for the area. Traditional Residential use is applied to the city's older neighborhoods generally built prior to World War II. Large new or expanded public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. (*pg 5.6*)
2. **Zoning.** The subject property was annexed into the City in 1852. The existing R-3, Medium Density, Two-Family Residential District was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On January 11, 1983, Council approved the CUP request of Jackson Street United Methodist Church to allow the construction of a fellowship hall at 900 Jackson Street.

- On April 12, 1988, City Council approved the CUP request of 8th Street Baptist Church to allow the construction of a parking area at 8th and Federal Streets.
 - On September 12, 1989, Council approved the CUP request of the City of Lynchburg to construct the College Hill Recreation Center at 809-811 Jackson Street.
 - On September 10, 1991, Council approved the CUP request of Craddock-Terry, Inc. to allow the construction of a parking area at 1001-1017 Madison Street.
 - On November 11, 1997, Council approved the CUP request of Jenny L. West to operate a bed and breakfast at 1020 Federal Street.
 - On July 11, 2006, Council approved the rezoning request of the Lynchburg Planning Commission to rezone the Federal Hill Historic District from R-3, Medium Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential District.
5. **Site Description.** The subject property is a tract of two hundred sixty-four thousandths (0.264) of an acre located at 900 and 906 Jackson Street. The property is generally flat with a gentle slope towards the intersection of 9th and Jackson Streets. The property contains a one story building consisting of two thousand twenty-two (2622) square feet which was constructed in 1926.
 6. **Proposed Use of Property.** The purpose of this petition is to allow the operation of a child care facility for up to twenty (20) children ranging in age from 2 ½ to 5 years.
 7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the petition to operate a child care facility. Section 35.1-54, Care Centers of the *Zoning Ordinance* requires two (2) parking spaces for each care center plus two (2) parking spaces for each thirty (30) persons enrolled. A total of four (4) parking spaces are required. Seven (7) spaces have been indicated on the submitted site plan.

The area is served by Greater Lynchburg Transit Company (GLTC) Routes 1A and 1B.
 8. **Stormwater Management.** The City's Environmental reviewer is considering the entire site impervious since it is graveled. A stormwater management plan will not be required.
 9. **Emergency Services:** The City Fire Marshal had no comments of concern regarding the petition to operate a child care center at the subject property. The City's Police Department offered suggestions regarding lighting and security which are being considered by the petitioner.
 10. **Impact.** The petitioner is requesting to operate a child care center with children ranging in age from 2 ½ to 5 years. Although the petitioner had indicated that initially there will only be twelve (12) children, it was desired to have the ability to expand up to twenty-eight (28) children. Section 35.1-54, Care Centers of the *Zoning Ordinance* provides for development standards relating to lot size and street frontage for number of persons enrolled. The existing property area of eleven thousand five hundred (11,500) square feet and street frontage of one hundred twenty-four (124) feet would only permit twenty (20) children per the standards of the *Zoning Ordinance*.

The submitted site plan indicates a fenced nine hundred (900)-square feet playground area in the southeast corner of the property. The playground area will be screened from view from

adjacent properties located in the Federal Hill Historic District as required by the *Zoning Ordinance*.

The petitioner has or will meet all state and local requirements for operating the care center, which is expected to fill a need in the College Hill Neighborhood. The center would be staffed by one employee and church volunteers. The center would be operated during daytime hours and is not expected to have a negative impact on the area.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on June 5, 2012. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Jackson Street United Methodist to allow the operation of a care center at 900 and 906 Jackson Street for up to twenty (20) children ranging in age from 2 ½ to 5 years subject to the following conditions:

1. **The property shall be developed in substantial compliance with the site plan entitled “Jackson Street United Methodist, Child Care Center, 900/906 Jackson Street” received on July 3, 2012.**
2. **The maximum number of children at the facility shall be limited to twenty (20).**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Dr. Alexander Duncan, II, Jackson Street United Methodist Church
Ms. Maranda Payne, Jackson Street United Methodist Church

VII. ATTACHMENTS

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

MINUTES FROM THE JULY 11, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of Jackson Street United Methodist Church for a conditional use permit at 900 and 906 Jackson Street to allow a child care center for up to twenty-eight (28) children in an R-3, Medium Density, Two-Family Residential District.

Mr. Henry explained that since the legal notice was published, it has been determined that the center can accommodate twenty (20) children rather than the requested twenty-eight (28) due to zoning and building code requirements. The children will range in age from 2½ to 5 years of age. The petitioner plans to use an existing building at 900 Jackson Street and a vacant lot at 906 Jackson Street.

A Traditional Residential use is recommended for this property. Large, new or expanded public or institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. Since it is an existing building, there will be little new construction on site helping the use to blend into the existing neighborhood. There will be seven additional parking spaces as part of the changes. The petitioner had indicated they may use 903 Federal Street for future parking but that is not part of the petition before them today and cannot be counted toward future parking. There will be an approximately 900 square foot playground installed at 906 Jackson Street. It will be screened from the adjacent Federal Hill historic district.

There were no comments of concern as part of the TRC process and a stormwater management plan is not required. The petitioner has or will meet all local and state requirements. The child care facility is expected to meet a need in the College Hill area. The center will be staffed by one employee and church volunteers. It will be operated during daytime hours and is not expected to have a negative impact on the surrounding neighborhood. Therefore, staff recommends approval of the application.

Dr. Alexander Duncan, Jr., of 907 Jackson Street and the senior pastor of the church came forward to represent the petition. He noted that the church has been able to provide some employment for women in the community and now they would like to fill another need they see, which is for affordable child care in the community. Recently, he has had an infant family member reside in his household and found out how expensive child care is currently. In addition, the other petitioner in this matter, Maranda Malone Payne is the mother of the woman who founded the Headstart program that is housed at Lyncag. She has the same spirit to help children as her mother. She will be the one overseeing the daycare.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition to the petition. No one came forward. She closed the public hearing portion of the petition.

In answer to a question from Commissioner Sale, Dr. Duncan stated that the nearest child care center that he is aware of is at Kemper and 12th Streets. Commissioner Sale asked what they are currently doing with the facility. Dr. Duncan stated that it is used mainly for bible studies and fellowship activities. They have plenty of space available in the church for those activities.

Commissioner Sale mentioned that he had read the historical marker that he found at the church with great interest. He asked about the history of Thaddeus Williams, the person for whom the center is named. Dr. Duncan stated that he was a former pastor of the church and his wife still attends the church.

Commissioner Coleman noted that it is always a joy to see churches that bring a vision and insight to their community and it so encouraging to see what the church would like to do. It would obviously be a very good use of the space.

Commissioner Coleman made the following motion, which was seconded by Commissioner Sale:

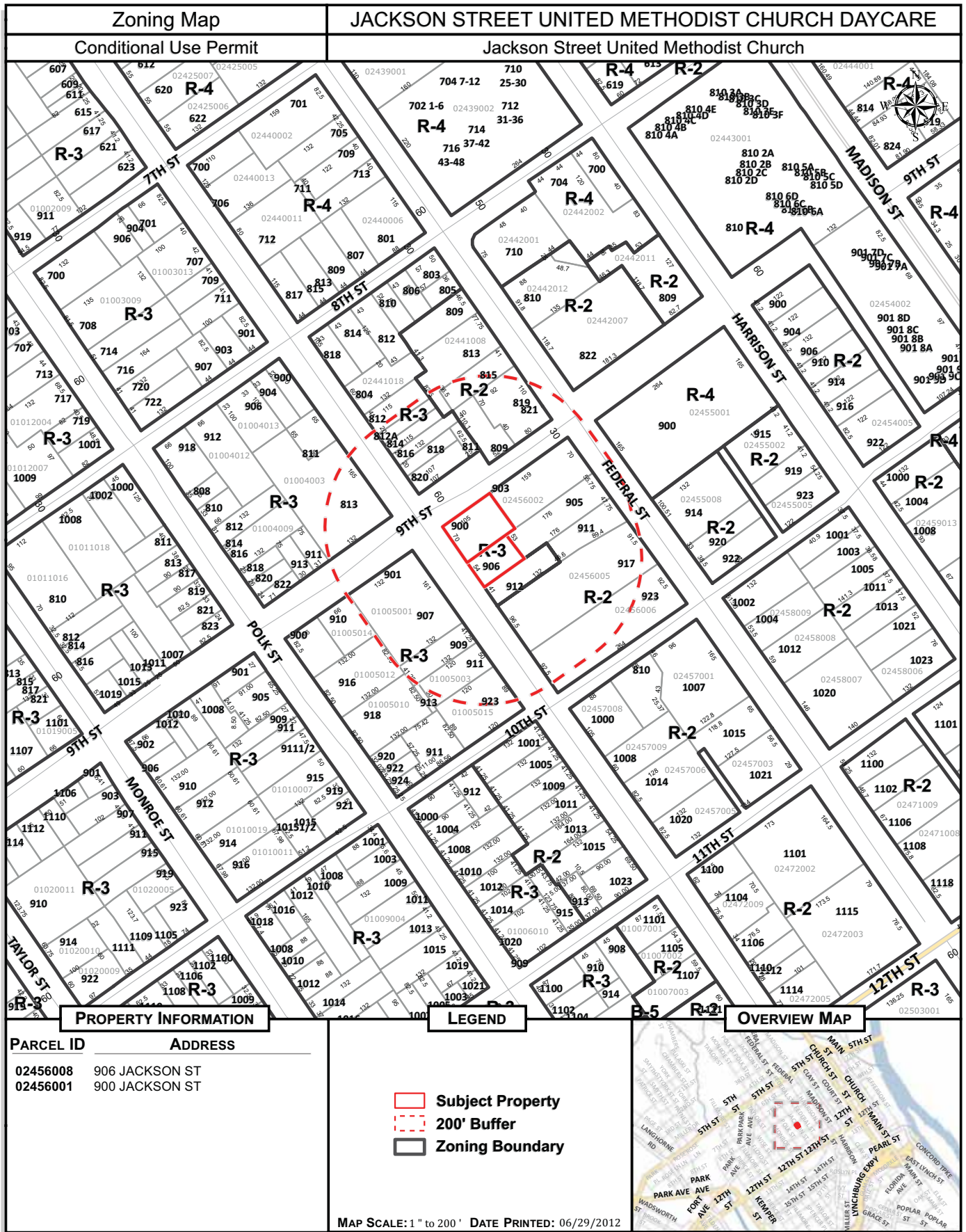
"That the Planning Commission recommends to City Council approval of the petition of Jackson Street United Methodist to allow the operation of a care center at 900 and 906 Jackson Street for up to twenty (20) children ranging in age from 2½ to 5 years subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan entitled "Jackson Street United Methodist, Child Care Center, 900/906 Jackson Street" received on July 3, 2012.**
- 2. The maximum number of children at the facility shall be limited to twenty (20)."**

Commissioner Barnes noted that he was impressed with the long history of the congregation. He wondered if there were any plans to add windows, since the center is almost windowless. Dr. Duncan remarked that there are currently several small windows in the center. There are no short term plans to add windows, but they will add more if it becomes necessary in the future.

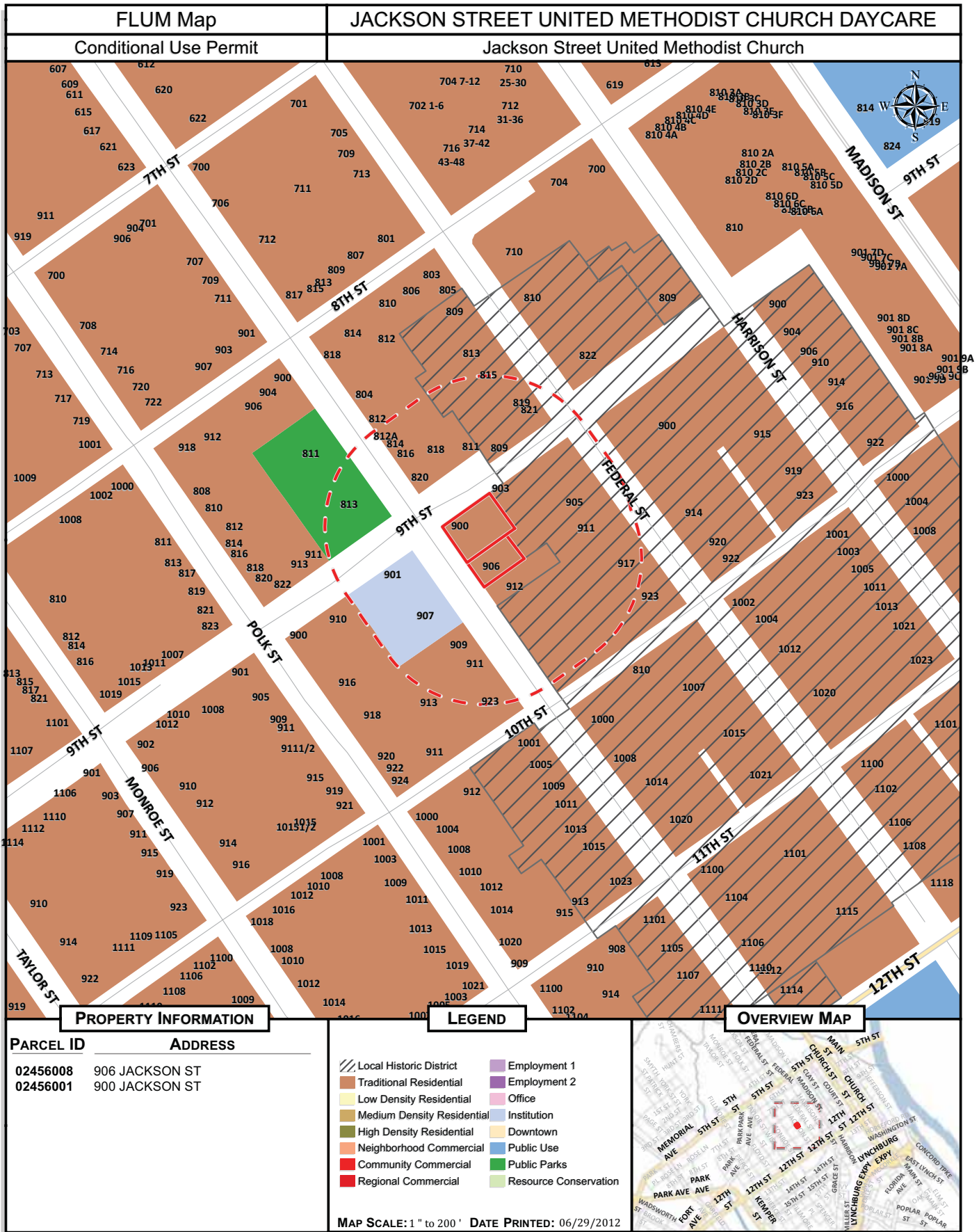
The motion passed by the following vote:

AYES:	Barnes, Coleman, Hamilton, Hooper, Sale and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon	1

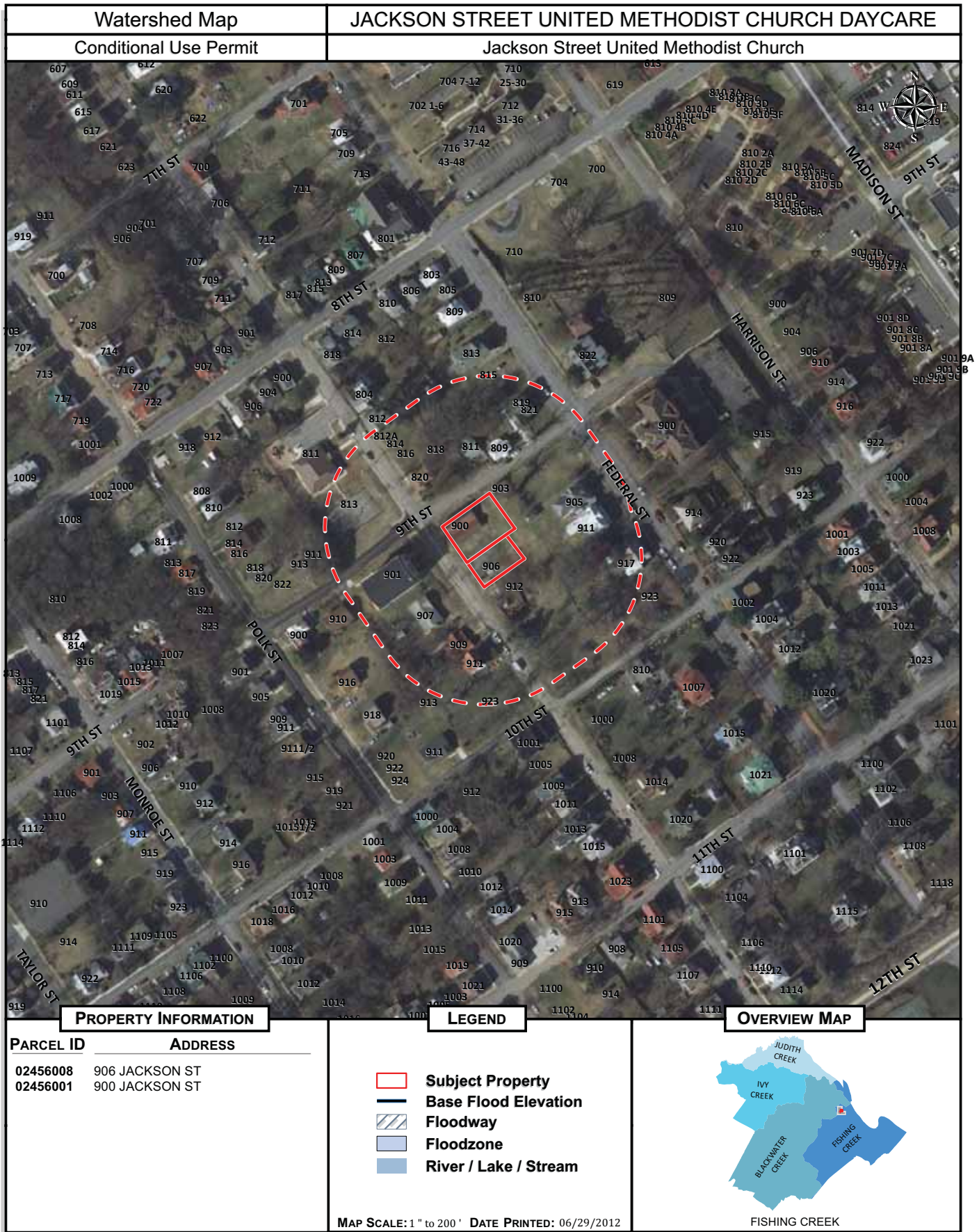


DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

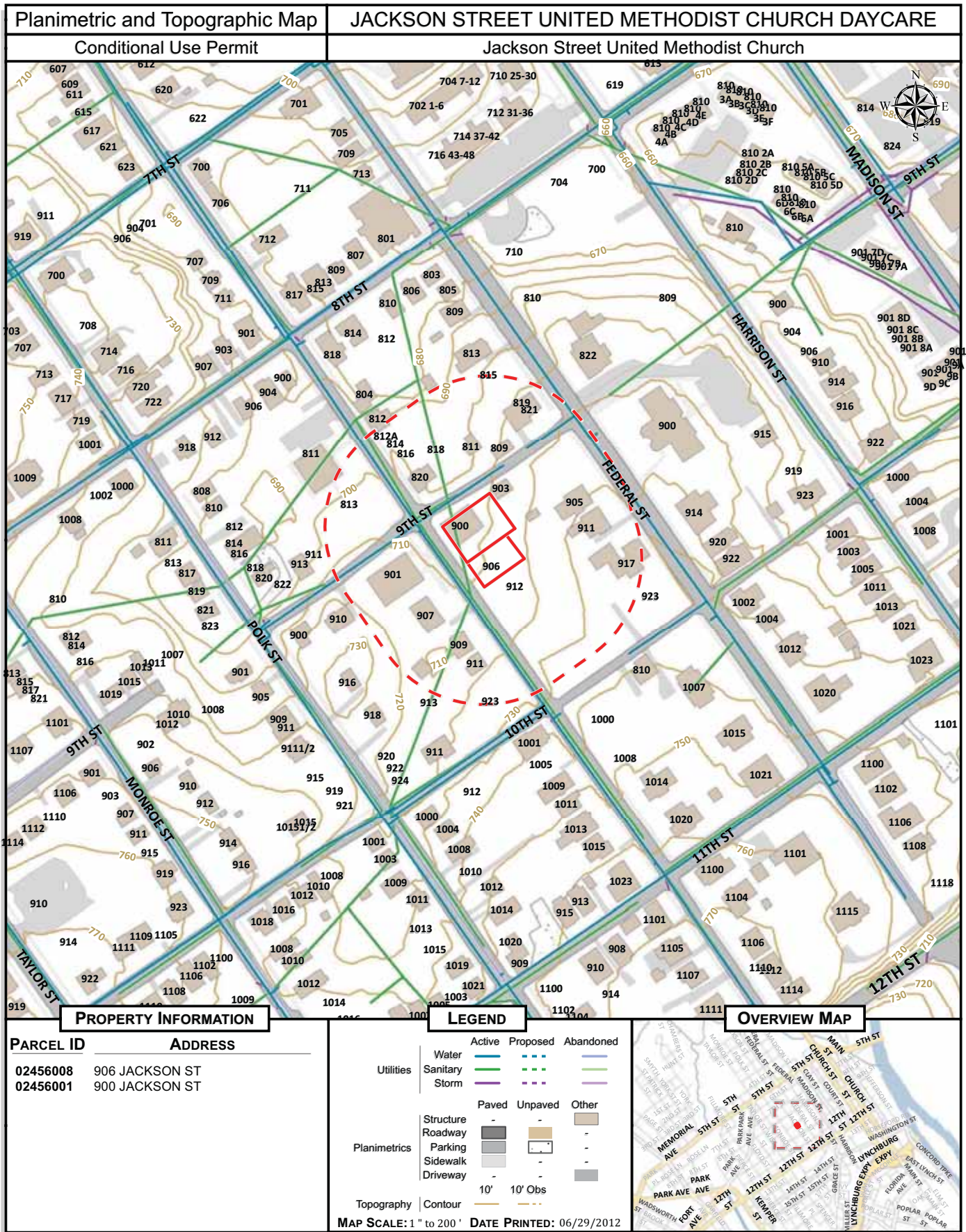
PIN	Local Address	Owner
01005012	916 POLK ST	BARBOUR, MYISHA D
01005014	910 9TH ST	BRADLEY, WESLEY E & MAXINE M
01004003	813 JACKSON ST	CITY OF LYNCHBURG
02441010	819 FEDERAL ST	DURAN, MANUEL & ELSA
02456007	912 JACKSON ST	FRABLE, DALE A & LAURA A
02456004	911 FEDERAL ST	FRABLE, DALE A & LAURA A
02441015	814 JACKSON ST	GREENE, JOYCE
02441016	812 A JACKSON ST	GREENE, JOYCE
02441017	812 JACKSON ST	GREENE, JOYCE A
02441012	820 JACKSON ST	HARRIS, ELEANOR
02456006	923 FEDERAL ST	HUNTER, EMMA K & KLEINBERG, HENRY
02456005	917 FEDERAL ST	HUNTER, EMMA K & KLEINBERG, HENRY
01005001	901 JACKSON ST	JACKSON STREET UNITED METHODIST
02456008	906 JACKSON ST	JACKSON STREET UNITED METHODIST
02456001	900 JACKSON ST	JACKSON STREET UNITED METHODIST
02456002	903 FEDERAL ST	JACKSON STREET UNITED METHODIST
01005015	923 JACKSON ST	KLEINBERG, ALBERT H JR
02441011	811 9TH ST	MILLER, GILES & ELIZABETH A
02441008	813 FEDERAL ST	MITCHELL, SANDRA F
02441009	815 FEDERAL ST	MITCHELL, SANDRA F
02441013	818 JACKSON ST	NOELL, FRED D JR
02441020	809 9TH ST	PETTY, SUSIE C
01005003	911 JACKSON ST	PHILLIPS, ROSAMOND N TRUSTEE
02441014	816 JACKSON ST	PHILLIPS, WAYNE A
01005002	909 JACKSON ST	RUCKER, JAMES E & WATSON, ROBERTA F
02456003	905 FEDERAL ST	THOMAS, SHIRLEY R



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NOTES:

1. Property is zoned R-3, Care Centers permitted by CUP
2. Parking Calculation, 2 per care center + 2 per 30 persons = 4 spaces
7 space provided.
3. Proposed use child care for up to 20 children 2 ½ - 5 years

STORMWATER MANAGEMENT

Virtually the entire existing site is considered impervious and no new impervious area is proposed with this CUP.

The site is fairly flat and stable.

With sheetflow being the primary means of conveyance across this site and no additional new impervious area to be constructed, the existing system is considered adequate for the daycare project.

The project location falls outside of any floodplain or floodway and is located in Floodplain Zone "X."

Since there is no new construction associated with this development, construction limits are not necessary.

LANDSCAPING / SCREENING

1. Site will be landscaped as required by the Landscaping Ordinance.

RECEIVED

JUL 03 2012

COMMUNITY
DEVELOPMENT

JACKSON STREET UNITED METHODIST
CHILD CARE CENTER
900/906 JACKSON STREET



Dr. Alex Duncan Jr.
Pastor

Jackson Street United Methodist Church

901 Jackson Street
Lynchburg, Virginia 24504
(434) 846-5810 (office)
(757) 232-7135 (mobile)

RECEIVED

MAY 22 2012

COMMUNITY
DEVELOPMENT

May 17, 2012

William T. Martin, AICP
City Planner
900 Church Street
Lynchburg, VA 24505

RE: Request for a Conditional Use Permit (CUP) to Operate a Day Care Center at 900 Jackson Street, Lynchburg, VA 24504

Dear Sir

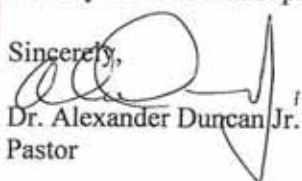
Jackson Street United Methodist Church (JSUMC) wishes to open a Day Care Center. The Center will care for children 2½ to 5 years of age and will serve no more than twelve children at any one time.

The Day Care Center will be housed in the church's Thaddeus William Center located at 900 Jackson Street (directly across the street from the church building). Off-road parking is available and can accommodate 15-20 vehicles (cf. site plan). Entry to the parking lot is on Jackson Street, while patrons can exit the parking lot on 9th Street. In addition to parking at the Thaddeus William Center, the church owns adjacent property at 903 Federal Street (vacant lot) that could be used for parking as need arises.

The Thaddeus William Center has been inspected and meets all safety requirement, Fire and Health Department requirement, Social Service Department requirements to be operated as a Day Care Center. We have received a "Certificate of Occupancy" from the City of Lynchburg and now seek a "Conditional Use Permit" to operate a Day Care on the premises. We would add a fenced in outdoor recreation area at the far east side of 900 Jackson along the property line of 903 Jackson Street (of which JSUMC owns).

Ms. Maranda Payne (a church member) has committed to be the Director of the Day Care. She will be the only paid employee. We have commitments to volunteer at the Day Care from several retired church members. Background checks are pending and all people assisting in the Day Care must first pass background checks.

Sincerely,


Dr. Alexander Duncan Jr.
Pastor

...Building Bridges for God's Glory...



July 11, 2012

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Future Land Use Map (FLUM) Amendment – Institutional to Medium Density Residential, Rezoning – R-3, Medium Density Residential to R-4, Medium-High Density, Multi-Family Residential – Breezewood Drive Apartments – 428 and portion of 512 Breezewood Drive

RECOMMENDATION: Approval of the *FLUM* and Rezoning petitions.

SUMMARY: Mr. Mark Hartless is petitioning to amend the *FLUM* from Institutional to Medium Density Residential and to rezone approximately four (4) acres from R-3, Medium Density, Two-Family Residential to R-4, Medium-High Density Residential on a portion of 428 & 512 Breezewood Drive to allow the construction of a six (6)-building, fifty (50)-unit townhome style apartment development. The Planning Commission recommended approval of the petitions because:

- The proposed FLUM amendment is in keeping with other proposed and existing land uses in the area.
- Apartments are a permitted use within the requested, R-4, Medium-High Density, Multi-Family Residential District.
- There are no definitive plans for the development of the surrounding area which could necessitate the construction of an interchange (a portion of the interchange proffered as part of the Lakeside Centre development would be located on the property proposed for rezoning).

PRIOR ACTION(S):

July 11, 2012: Planning Division recommended approval of the *FLUM* Amendment & Rezoning petitions.
Planning Commission tabled (6-0, 1 absent, Hannon) the *FLUM* Amendment & Rezoning petitions.

August 8, 2012: Planning Commission recommended approval of the *FLUM* Amendment (4-1, with 2 members absent, Hooper, Sale)
Planning Commission recommended approval of the rezoning (3-2, with 2 members absent, Hooper, Sale)

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Resolution
- Ordinance
- Planning Commission Memo and Attachments – August 8, 2012
- Planning Commission Minutes – August 8, 2012
- Planning Commission Report – July 11, 2012
- Planning Commission Minutes – July 11, 2012
- Zoning Map
- Future Land Use Map
- Watershed Map
- Planimetric and Topographic Map
- Concept Plan
- Concept Plan with Future Land Use

- DEQ Letter
- Interchange Options 1-3
- Property Photograph
- Speaker Signup Sheet, July 11, 2012
- Buxton Executive Summary and Site Analysis (moved from August 8th PC memo and attachments)

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP TO CHANGE A PORTION OF THE PROPERTY LOCATED AT 428 & 512 BREEZEWOOD DRIVE FROM INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.__, which section shall read as follows:

Section 35.1-76.__. Amend the Future Land Use Map to change a portion of the property located at 428 & 512 Breezewood Drive from Institutional to Medium Density Residential.

The area embraced within the following boundaries ...

BEGINNING AT A POINT, said point being

thence N 31°08'14" E, 161.18 feet to a point
thence N 71°52'57" E, 117.55 feet to a point
thence N 12°31'03" W, 149.71 feet to a point
thence N 77°34'10" E, 205.41 feet to a point
thence S 13°24'52" E, 31.22 feet to a point
thence S 87°18'55" E, 74.76 feet to a point
thence S 02°51'27" W, 324.78 feet to a point
thence S 00°27'33" E, 95.72 feet to a point
thence S 73°11'44" W, 269.45 feet to a point
thence N 77°35'37" W, 93.01 feet to a point
thence S 87°46'04" W, 146.29 feet to a point

Thence, along a non-tangent curve with a radius of 719.32 feet, a central angle of 04°45'07", the chord of which bears N 08°41'05" E for a distance of 59.64 feet, thence along the arc of said curve for a distance of 59.66 feet to a point;

the **POINT OF BEGINNING**.

CONTAINING: 173965 square feet or 3.99 acres of land, more or less.

Perimeter: 1838.065 feet

...is hereby amended on the Future Land Use Map from Institutional to Medium Density Residential and the Director of Community Development shall forthwith cause the Future Land Use Map referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

105L1

ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 428 & 512 BREEZEWOOD DRIVE FROM R-3, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT TO R-4, MEDIUM-HIGH DENSITY, MULTI-FAMILY RESIDENTIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.__, which shall read as follows:

Section 35.1-76.__. Change of a certain area located at 428 & 512 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District.

The area embraced within the following boundaries...

BEGINNING AT A POINT, said point being

thence N 31°08'14" E, 161.18 feet to a point
thence N 71°52'57" E, 117.55 feet to a point
thence N 12°31'03" W, 149.71 feet to a point
thence N 77°34'10" E, 205.41 feet to a point
thence S 13°24'52" E, 31.22 feet to a point
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thence S 73°11'44" W, 269.45 feet to a point
thence N 77°35'37" W, 93.01 feet to a point
thence S 87°46'04" W, 146.29 feet to a point

Thence, along a non-tangent curve with a radius of 719.32 feet, a central angle of 04°45'07", the chord of which bears N 08°41'05" E for a distance of 59.64 feet, thence along the arc of said curve for a distance of 59.66 feet to a point;

the **POINT OF BEGINNING**.

CONTAINING: 173965 square feet or 3.99 acres of land, more or less.

Perimeter: 1838.065 feet

... is hereby changed from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District.

And the Director of Community Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council



MEMORANDUM

The Department of Community Development

Planning

455-3900

To: Planning Commission
From: Tom Martin, AICP, City Planner
Subj: Rezoning – Breezewood Drive Apartments, 428 & 512 Breezewood Drive
Date: August 8, 2012

At its July 11, 2012 meeting, the Planning Commission conducted a public hearing concerning the request of Mark Hartless to rezone the property located at 428 and 512 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District. The request would facilitate the construction of a fifty (50)-unit townhome style apartment complex.

After the public hearing and discussion, the Planning Commission tabled the petition for thirty (30) days and requested the following:

1. A copy of the letter from English Construction to the Church of God Trustees regarding the decline of its option to purchase the property. (A copy of the letter is attached)
2. A letter from English Construction indicating their interest in the subject property or a representative from English Construction to attend the August 8, Planning Commission meeting. (Mr. Ray Booth will attend the August 8th meeting.)
3. An opinion from the Office of Economic Development regarding a potential interchange in the area. (See attached letter and accompanying information)
4. A letter from the Virginia Department of Transportation (VDOT) regarding the interchange, any future plans or funding for the interchange or a representative from VDOT to attend the August 8, Planning Commission meeting. (Lee Newland, City Engineer has forwarded the request to VDOT and indicated that the subject interchange was never a VDOT project, nor are there future VDOT plans or funding for the interchange. The only involvement of VDOT concerning the subject interchange was a request to the Commonwealth Transportation Board (CTB) to allow a break in the limited access for the proposed interchange. (See attached CTB Resolution)
5. An opinion from the City's Transportation Engineer indicating how the proposed development would affect the interchange. (See attached e-mail correspondence from Don DeBerry, City Transportation Engineer.)

The City of Lynchburg, Virginia
Rezoning – 428 and 512 Breezewood Drive
Page Two

Marjette Upshur, Director of Economic Development, Lee Newland, City Engineer and Don DeBerry, City Transportation Engineer will be in attendance at the August 8th meeting.

Attachments:

- December 17, 2008 letter from English Construction to Lynchburg Church of God
- August 2, 2012 letter from the Office of Economic Development
- Buxton Study Executive Summary and Site Analysis
- 2010 Commercial / Industrial Assessments – Heat Map
- 2010 Residential Assessments – Heat Map
- 2010 Total Taxable Assessments – Heat Map
- 2010 Total Assessments – Heat Map
- January 16, 2008, Resolution of the Commonwealth Transportation Board
- August 1, 2012 e-mail from City Transportation Engineer

Jim



615 CHURCH STREET, LYNCHBURG, VIRGINIA 24504
P. O. BOX P-7000, LYNCHBURG, VIRGINIA 24505
(434) 845-0301 (434) 845-0306 FAX

December 17, 2008

Pastor David Metz
Lynchburg Church of God
512 Breezewood Drive
Lynchburg, VA 24502

Re: Real Estate Option Agreement – 512 Breezewood Drive

Dear Pastor Metz:

I want to personally thank you for your time and consideration that you have provided to English Construction Company under the terms of the referenced Option Agreement for your property.

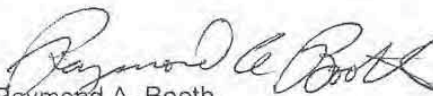
On behalf of English Construction Company and under Section 3 "Terms of Option" of the Option Agreement to purchase your property, I am hereby terminating this Option effective December 31, 2008.

As you are aware, with the state of the economy and retail sales data decreasing daily, the future of the original layout and design for the use of your property in the Lakeside Centre project has had to be delayed at this time. English and Ezon (original owners of the properties) are continuing to try and determine what direction to proceed in order to continue the possible phased development of this project. If anytime in the future, the original infrastructure plans become a viable option, perhaps we can renegotiate a purchase option agreement at that time.

Again, I appreciate all of your time and patience with this project. I hope to see the reality of the project again some day soon.

My best to you during this holiday season and may you have a prosperous New Year.

Sincerely,


Raymond A. Booth
Special Projects Coordinator

RAB/mcw

pc: A. Douglas Dalton, President, English Construction Company, Inc.

Since 1909

To: City of Lynchburg Planning Commissioners
From: Marjette Upshur, Director, Office of Economic Development
Date: August 2, 2012
Subject: Breezewood Drive Apartments

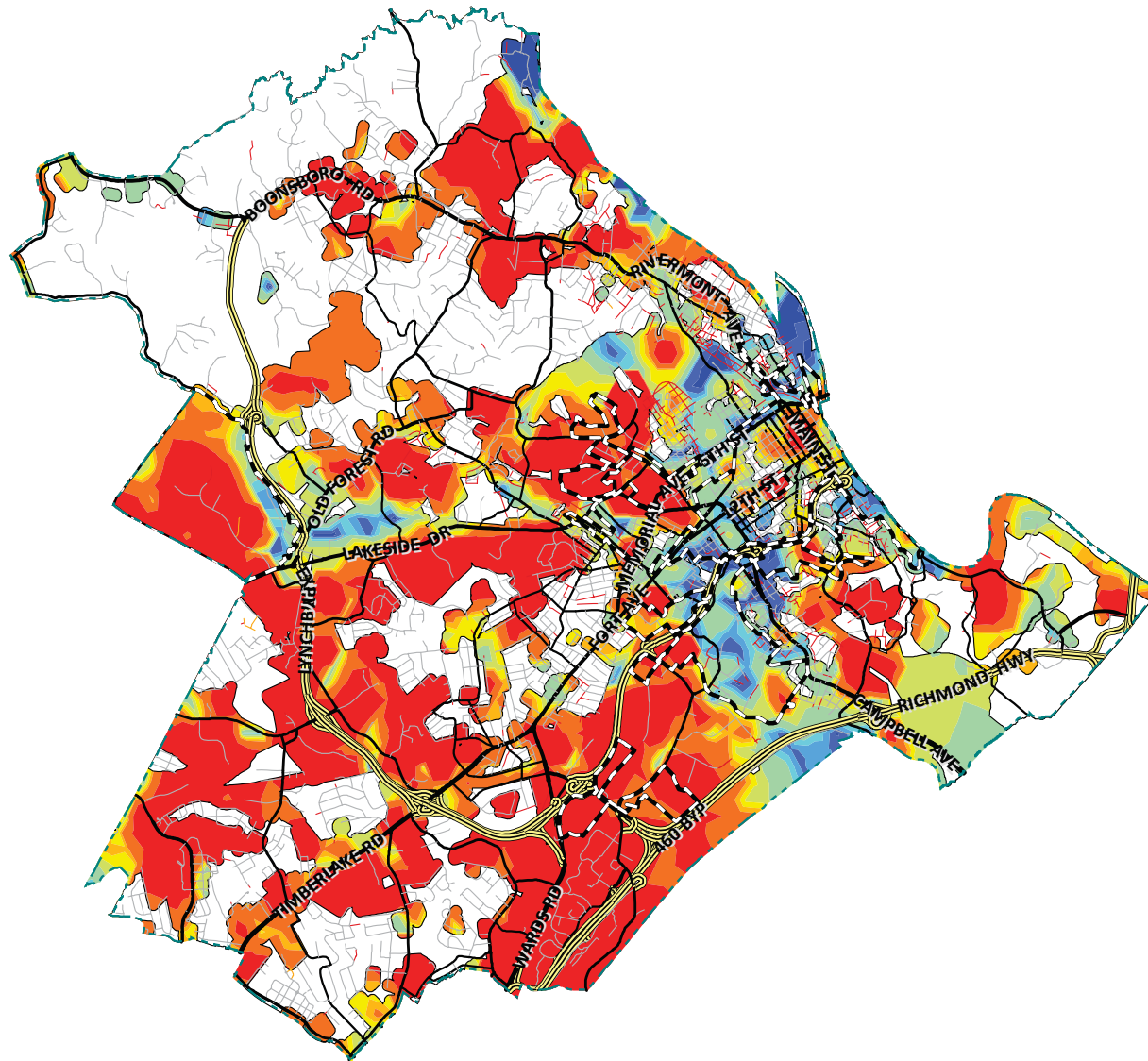
Thank you for requesting the City of Lynchburg Office of Economic Development's thoughts about the potential impacts of the proposed Breezewood Drive Apartments rezoning and the proposed interchange on economic development initiatives within the area. The properties at 428 and 512 Breezewood Drive include almost four acres and are R-3, Medium Density Two Family Residential.

The proposed Lakeside Centre Project in 2007 brought to our attention the need for access to the Lynchburg Expressway to achieve a successful retail development in this area. The Lynchburg Economic Development Authority further explored retail development in the City by commissioning a site analysis study in 2008 by the Buxton Group. Buxton identified the intersection of Lakeside Drive, Old Forest Road, 501 & 221 as having the best development potential out of the four studied (9th & Church, Lakeside & Oakley, 501 & 460) on the merits of traffic count, total demand, actual sales, etc. I have attached a summary of the study for your information. The recent interest (2012) by developer, SJ Collins to purchase and develop 48,000 square feet of retail space in this area further supports the development opportunities within the vicinity of this property. Access to the Lynchburg Expressway will remain a key component for any retail development in this area.

Please let us know if we may be of further assistance in this matter.

To City Council: Please note that due to the length of the Buxton Study, it has been moved to the end of the attachments.

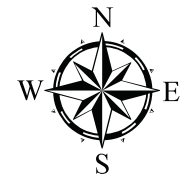
LYNCHBURG 2010 COMMERCIAL AND INDUSTRIAL ASSESSMENTS - HEAT MAP



2010 VALUES

- \$0 - \$24,999
- \$25,000 - \$49,999
- \$50,000 - \$74,999
- \$75,000 - \$99,999
- \$100,000 - \$199,999
- \$200,000 - \$299,999
- \$300,000 - \$399,999
- \$400,000 - \$499,999
- \$500,000 - \$999,999
- \$1,000,000 +
- Enterprise Zone
- Corporate Limit

11/11/2010



City Assessor's Office
900 Church Street
Lynchburg, Virginia 24504

(434) 455-3830
(434) 847-1452 [FAX]

E-Mail: Assessor@LynchburgVa.gov
WEB: www.LynchburgVa.gov/Assessor



LYNCHBURG 2010 RESIDENTIAL ASSESSMENTS - HEAT MAP

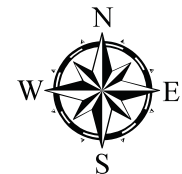


LEGEND

2010 VALUES

- 0 - 25,000
- 25,000 - 50,000
- 50,000 - 75,000
- 75,000 - 100,000
- 100,000 - 200,000
- 200,000 - 300,000
- 300,000 - 400,000
- 400,000 - 500,000
- 500,000 - 1,000,000
- \$1,000,000 +
- Corporate Limit

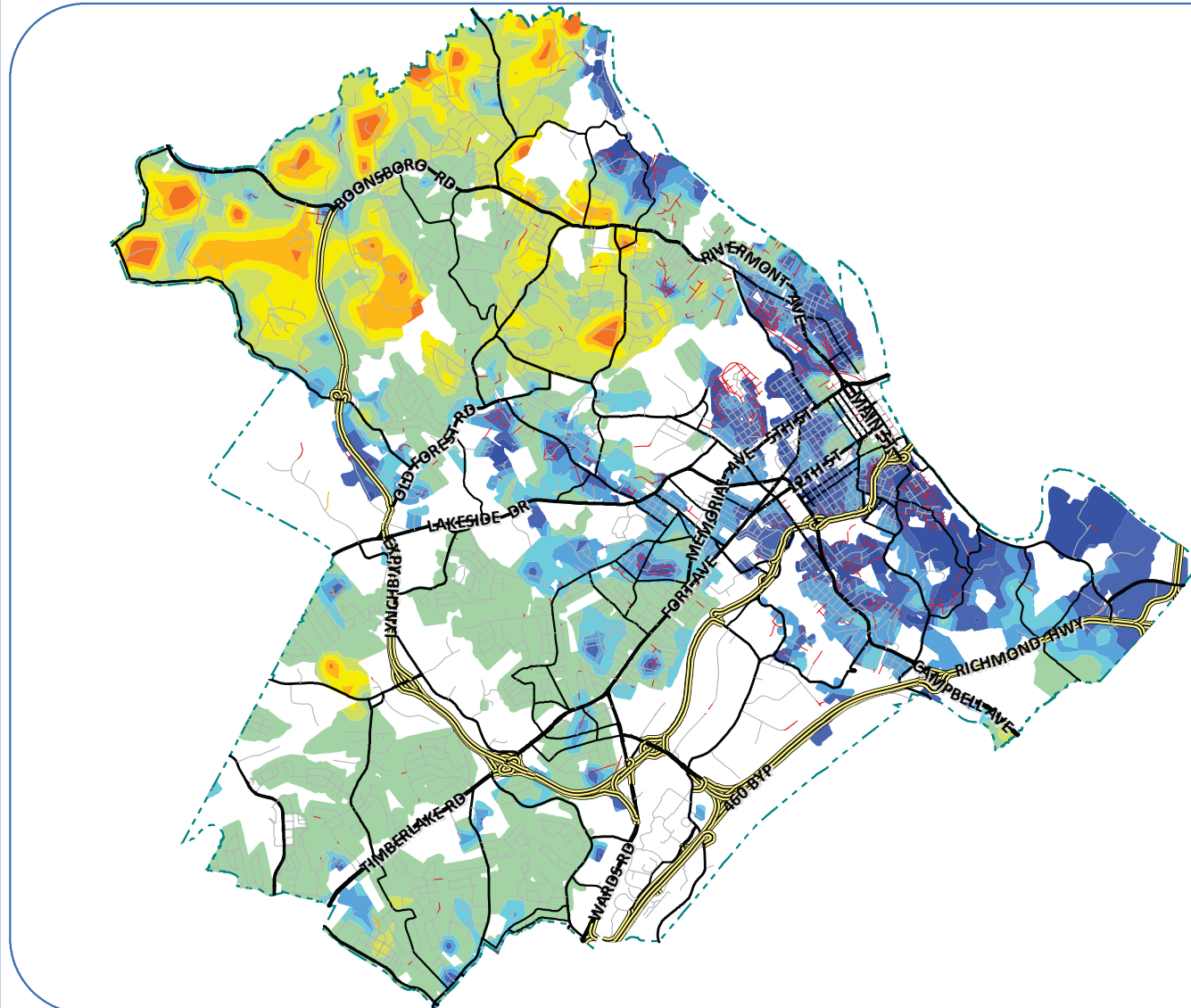
11/15/2010



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LYNCHBURG 2010 TOTAL TAXABLE ASSESSMENTS - HEAT MAP

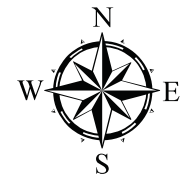


LEGEND

2010 VALUES

- \$0 - \$24,999
- \$25,000 - \$49,999
- \$50,000 - \$74,999
- \$75,000 - \$99,999
- \$100,000 - \$199,999
- \$200,000 - \$299,999
- \$300,000 - \$399,999
- \$400,000 - \$499,999
- \$500,000 - \$999,999
- \$1,000,000 +
- Corporate Limit

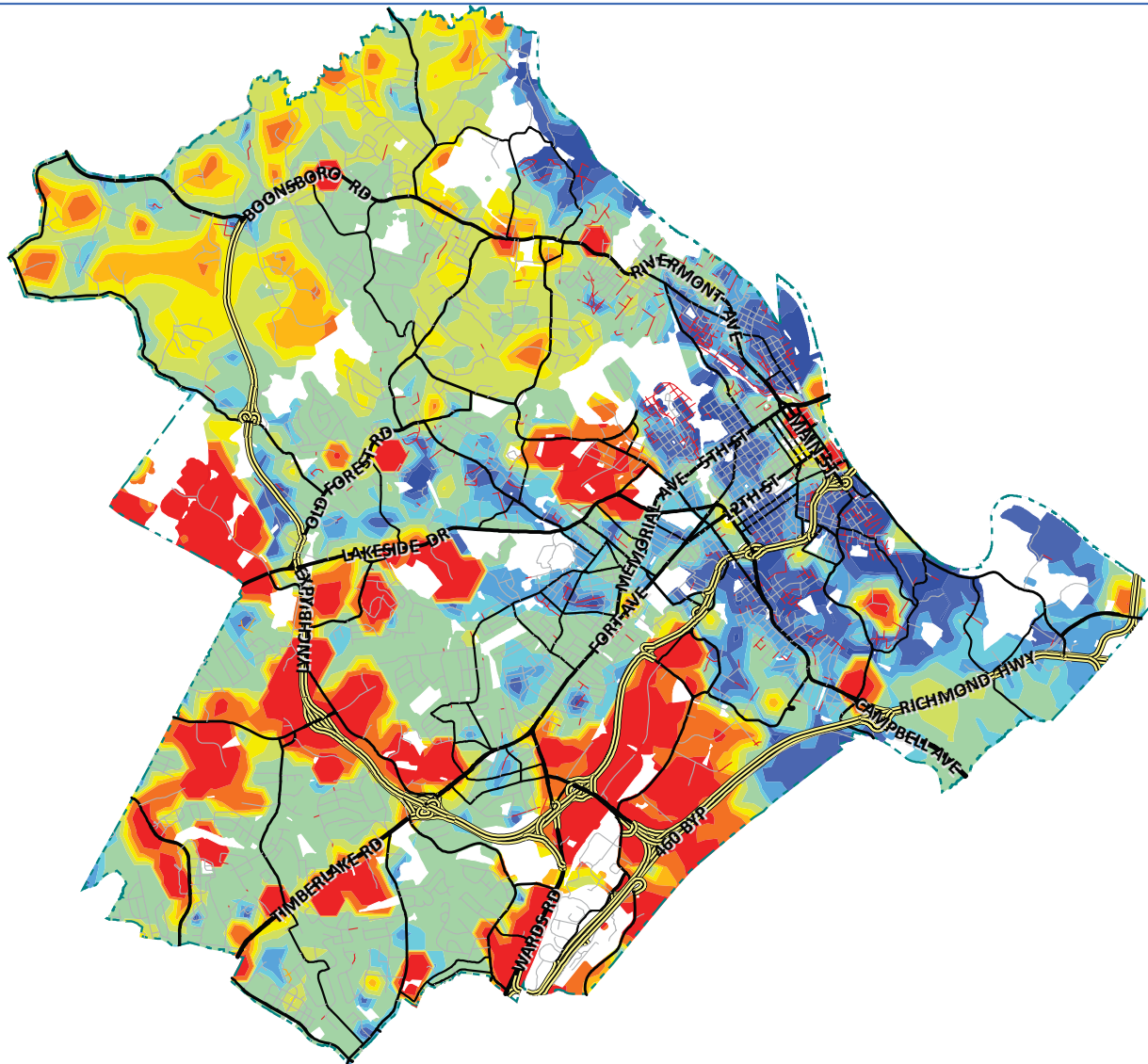
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LYNCHBURG 2010 TOTAL ASSESSMENTS - HEAT MAP

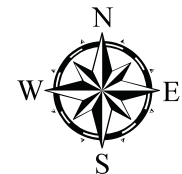


LEGEND

2010 VALUES

- \$0 - \$24,999
- \$25,000 - \$49,999
- \$50,000 - \$74,999
- \$75,000 - \$99,999
- \$100,000 - \$199,999
- \$200,000 - \$299,999
- \$300,000 - \$399,999
- \$400,000 - \$499,999
- \$500,000 - \$999,999
- \$1,000,000 +
- Corporate Limit

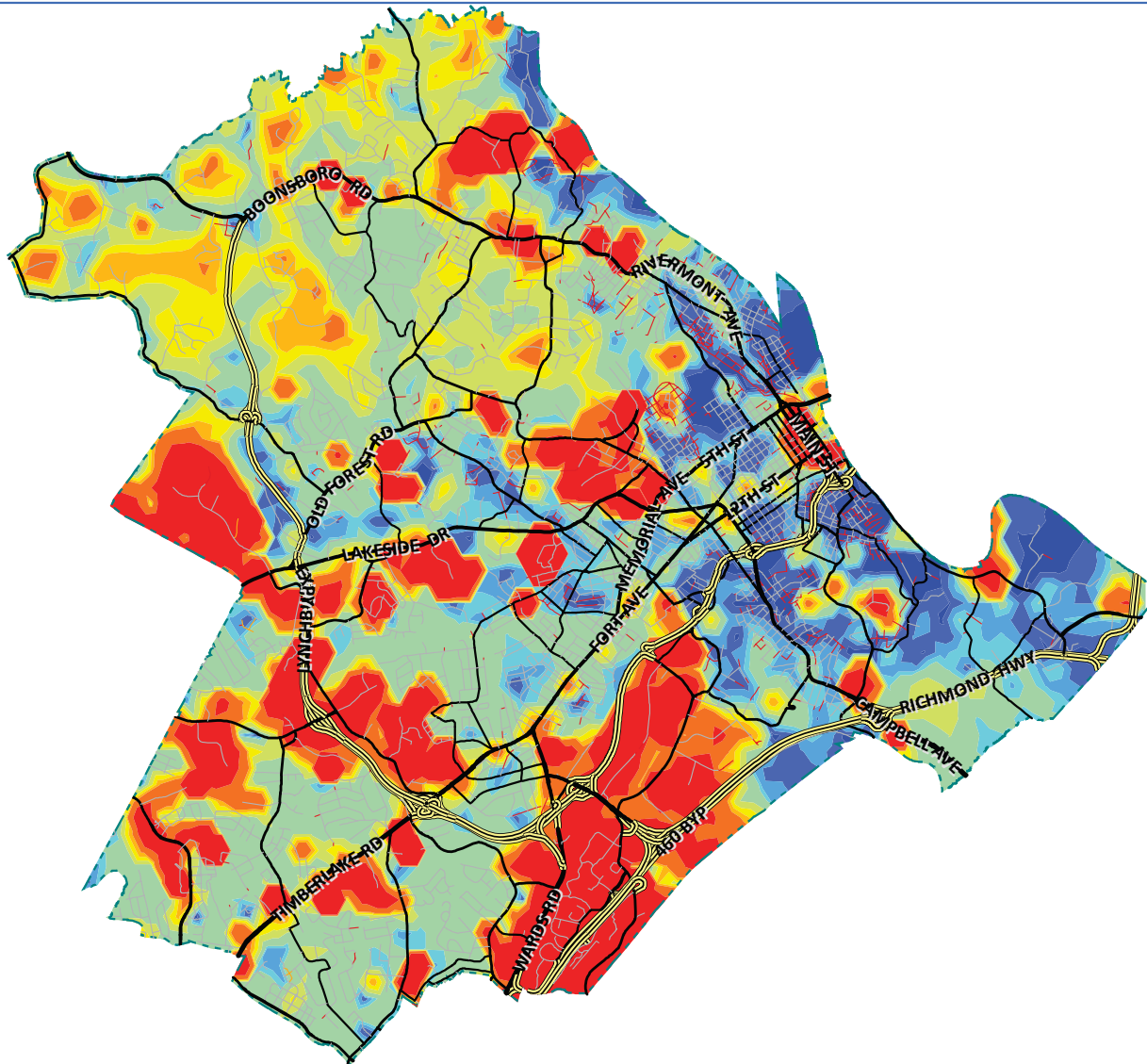
11/15/2010



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COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106
Richmond, Virginia 23219

(804) 786-1830
Fax: (804) 225-4700

Agenda item # 6-C

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

January 16, 2008

MOTION

Made By: Mr. White Seconded By: Mr. Davies
Action Motion Carried, Unanimously

Title: Limited Access Control Changes
Route 291 (Northwest Expressway) renumbered to Route 501
and Lakeside Center Parkway
City of Lynchburg

WHEREAS, Route 291, between Route 297 and Route 460, in Campbell County, was designated as a Limited Access Highway by the State Highway Commission, predecessor to the Commonwealth Transportation Board (CTB), on January 29, 1970; and

WHEREAS, in connection with a section of Route 291, State Highway Project 0291-015-102, RW-201, which is located between the aforesaid locations, the Commonwealth acquired certain lands and limited access easements from various landowners; and

WHEREAS, Route 291 (Northwest Expressway) was subsequently renumbered to Route 501; and

WHEREAS, a portion of Campbell County was annexed by the City of Lynchburg (City), which includes a portion of Route 291 (Northwest Expressway) subsequently renumbered to Route 501; and

Resolution of the Board
Limited Access Control Changes – Route 291 (Northwest Expressway) renumbered to
Route 501 and Lakeside Center Parkway
City of Lynchburg
January 16, 2008
Page Two

WHEREAS, the lands on both the east and west sides of the east and west proposed right of way and limited access lines of the said Route 501, as shown on the plans for State Highway Project 0291-015-102, RW-201, have been identified for a grade separated Single Point Urban Interchange (SPUI) with proposed Lakeside Center Parkway by the City to serve future economic development and enhance the level of service for the said Route 501 corridor; and

WHEREAS, the City has identified and requested limited access control changes on both the east and west sides of the said Route 501 east and west proposed right of way and limited access lines between Station 515+00 (Route 501 westbound lane centerline) and Station 535+00 (Route 501 westbound lane centerline) as shown on said plans for the said SPUI with proposed Lakeside Center Parkway, being a signalized interchange with turn lanes, ramps, taper lanes as required; and

WHEREAS, the City, by resolution dated September 11, 2007, approved that the changes in the said Route 501 limited access controls be requested for the design alignment of said SPUI with proposed Lakeside Center Parkway; and

WHEREAS, VDOT and the City have determined that the said proposed limited access control changes on both the east and west sides of the said Route 501 east and west proposed right of way and limited access lines being between Station 515+00 (Route 501 westbound lane centerline) and Station 535+00 (Route 501 westbound lane centerline) as shown on said plans for the said SPUI with proposed Lakeside Center Parkway, being a signalized interchange with turn lanes, ramps and taper lanes, as required, are appropriate from a design standpoint subject to further review and approval; and

WHEREAS, VDOT and the City have determined that the said proposed Route 501 limited access control changes for the said SPUI with proposed Lakeside Center Parkway are appropriate from a safety and traffic control standpoint subject to further review and approval; and

WHEREAS, all right of way, engineering, construction, and necessary safety improvements shall meet all VDOT standards and requirements; and

WHEREAS, VDOT and the City staff have determined there will be no adverse environmental impacts; and

WHEREAS, all costs for engineering and construction, including all necessary safety improvements, will be borne by the City; and

Resolution of the Board
Limited Access Control Changes – Route 291 (Northwest Expressway) renumbered to
Route 501 and Lakeside Center Parkway
City of Lynchburg
January 16, 2008
Page Three

WHEREAS, no compensation shall be due to the Department in consideration of the proposed limited access control changes; and

WHEREAS, a public notice was posted and closed September 11, 2007, with no adverse comment received; and

WHEREAS, the proposed limited access changes are in compliance with the Commonwealth Transportation Board Policy; and

WHEREAS, upon completion of the proposed SPUI by the City and subsequent acceptance by VDOT, all work, roadway construction, improvements and equipment within the Route 501 right of way and limited access control will become the property of the Commonwealth.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Section 33.1-58 of the *Code of Virginia* (1950), as amended, the CTB hereby approves the said limited access changes for public street purposes as set forth and subject to the above referred to conditions. The Commonwealth Transportation Commissioner is hereby authorized to execute any and all documents needed to comply with this resolution.

###



Breezewood Rezoning
Donald A DeBerry to: Tom Martin
Cc: Lee Newland

08/01/2012 04:27 PM

Tom,

As we discussed yesterday I looked at the location of the proposed interchange for the future commercial project and found that the ramp separation distance back towards Graves Mill is already below the AASHTO minimum for the current proposed location (figure 10-68 in the 2011 Green Book). That would likely preclude relocating the interchange towards Graves Mill. Relocating the interchange towards Lakeside is possible but would likely entail more impact on existing residences and or businesses.

A signalized at grade intersection on the expressway would not be a preferred alternative based on my knowledge of the location. A comparison we discussed to visualize a similar existing ramp interaction was the 460 ramp down onto Wards Rd. Not a situation you would create if you had a choice.

Please let me know if you need further information.

Donald DeBerry, P.E.
City Transportation Engineer
900 Church St.
Lynchburg Va. 24501
434-455-3935
donald.deberry@lynchburgva.gov

MINUTES FROM THE AUGUST 8, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Mr. Martin reminded the commissioners that they had tabled this item from their July 11, 2012 meeting and requested several pieces of information from City staff and others. Mr. Ray Booth of English Construction was available to answer questions about the Lakeside Centre development and the proffered interchange. He explained that originally they had been in partnership with a company in Florida that has since given up on the project. At best, English Construction would see them building only Phase 1 of the project and that would be in 2015 at the earliest.

Mr. Booth explained that at the time they had proffered to construct a portion of the interchange, it seemed economically feasible. Since then, the cost of that proffer was estimated to be over 26 million dollars and it became cost prohibitive. The City went back to VDOT and was told verbally that they would allow the at grade signalized intersection. However, based on what the current predictions are for retail in Lynchburg, English Construction still does not see building even Phase 1 of this development at this time. He explained that there were only three new centers built in the United States last year. Most developers are rehabilitating existing centers. In addition, retailers are doing business with Tier 1 retailers and Lynchburg is considered to draw Tier 3 retailers. It is Mr. Booth's opinion that the interchange will only be needed when all the property on their side is developed for retail as well as all the vacant property on the church's side is developed for retail. He does not see that happening for quite some time, if ever.

Commissioner Swienton asked why a large specialty grocer would be interested in coming to this area. Mr. Booth explained that this is still a valuable intersection. However, the retailers they had interested in locating to the Lakeside Centre were businesses that would be relocating from elsewhere in the City. That would not generate any new tax revenue. They could possibly develop the front of the property for small retail but are not inclined to do so for economic reasons.

Mr. Lee Newland and Mr. Donald DeBerry were called up to answer some questions. Mr. Newland explained that this project was never a VDOT project. It is a City maintained road. When making his comments for the Technical Review Committee, he had simply wanted to point out that the interchange could not be developed, as approved by City Council, if this development were to be built.

Chair Hamilton asked Mr. DeBerry how he sees traffic flow changing if the area is developed piecemeal. Mr. DeBerry said it is difficult to speculate because it would depend on what types of businesses locate there. Many smaller strip centers rely on existing traffic that passes by and do not generate any significant new traffic. There are other types of new businesses that will draw more traffic to this area. If there is not a significant amount of new traffic generated, Mr. DeBerry feels they can handle the traffic flow with the timing of traffic controls. The conditions are not likely to improve but they should stay at their current level.

Commissioner Swienton asked if they feel that area of the City and its traffic problems are a situation that should be brought to VDOT for action. Mr. DeBerry did not feel he could offer an opinion on that because VDOT priorities are based on a lot of factors. Mr. Newland pointed out that the City is responsible for urban construction. VDOT works on primary roads such as Odd Fellows Road and Route 460.

Mr. DeBerry was asked why an at grade signalized intersection is not the best option, in his opinion. He said it is due to the distance between the intersection and the ramps. He gave the example of Wards Road and where the light is located in relation to the entrance to 29/460. That is not the ideal situation.

Marjette Upshur was not available from Economic Development but the commissioners noted that she had given her opinion in the form of a memo. Commissioner Coleman expressed concern that the

environmental issues related by the neighbors at the public hearing need to be considered. Mr. Martin explained that the current state and City codes are very capable of addressing these concerns. Mr. Norm Walton has designed a plan that will handle these concerns. Mr. Martin feels the environmental issues are easily mitigated but the commission and City Council still need to deal with the issue of future development and how it ties in to this entire area.

Mr. Walton of Perkins and Orrison came forward to address the environmental concerns. He reiterated that he and DEQ were on the site and feel very strongly that there is no stream on the property. Even if it was determined that there is a stream, the project would not impact it in such a way that there would have to be any stream mitigation measures. He summarized again his stormwater management plan and reiterated that he believes their plan will meet all state and City codes.

Mr. Mark Hartless came forward to address how this project will be phased. He summarized again how he plans to begin with buildings one and two near Breezewood Drive and have the construction entrance from Hartless Lane. He has not worked out all the fine details but he assured the commission that the construction will be done in a way that will bring the least impact to the neighborhood.

Chair Hamilton commented that she is uncomfortable with the development and making a decision that would impact one of the last prime developable pieces of property left in the City. She would suggest that they rezone only the property that is not affected by the proposed interchange.

Commissioner Swienton clarified that this type of proposal would in no way prohibit the by-right use of the property. Commissioner Coleman asked Mr. Hartless how this would affect the project. Mr. Hartless said it would cause him to abandon the project because it would not be economically feasible. He has done the research and crunched the numbers and this is the number of units that he needs to build in order to make a profit. He actually looked at this area a few years ago when the church had offered to sell approximately 2.5 acres to him and he found that he could not do enough units to make the project economically feasible.

Commissioner Barnes stated that he does not share Chair Hamilton's concern. What he has heard leads him to conclude that the likelihood of building the interchange anytime in the near future is extremely remote. Not rezoning the entire piece of property would render it virtually undevelopable. Commissioner Barnes made the following motion, which was seconded by Commissioner Hannon:

"That the Planning Commission recommends to City Council approval of Mark Hartless to amend the Future Land Use Map from Institutional to Medium Density Residential."

Commissioner Hannon commented that they have to strike a balance between a highly speculative project that might be built sometime in the future and a project that is before them today. He does not see any rational basis for denying this rezoning. If they deny it, based on something that the City might like to do in the future, that comes close to a taking of the property. They are going to have to rezone this property at some point in order for it to be developed and they might as well do it now.

Commissioner Coleman commented that he would have supported Chair Hamilton's suggestion if it were economically feasible for the developer. However, he trusts what Mr. Hartless has stated about it not being economically viable for him to do the project that way. He will support this project because he believes in Mr. Hartless' integrity and believes he will do the project as he has promised.

Commissioner Swienton stated that he can support the *Future Land Use Map* amendment but he cannot support the rezoning because the density will exceed the 12 units allowed by the *FLUM* amendment. As a matter of precedence, he does not think they would support an increase in units in some other type of residential zoning. He pointed out that if the City had wanted this piece of property for the interchange, they should have purchased it by now. It may end up costing the City more to purchase it in the future if

this project is approved and developed, but the issue of dollars and cents is not in the purview. That is a decision for City Council.

The motion to amend the *FLUM* passed by the following vote:

AYES:	Barnes, Coleman, Hannon and Swienton	4
NOES:	Hamilton	1
ABSTENTIONS:		0
ABSENT:	Hooper and Sale	2

Commissioner Barnes made the following motion, which was seconded by Commissioner Hannon:

“That the Planning Commission recommends to City Council approval of Mark Hartless to rezone the property at 428 and 512 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District.

It passed by the following vote:

AYES:	Barnes, Coleman and Hannon	3
NOES:	Hamilton and Swienton	2
ABSTENTIONS:		0
ABSENT:	Hooper and Sale	2

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

To: Planning Commission
From: Planning Division
Date: July 11, 2012
Re: **Future Land Use Map (FLUM) Amendment – Institutional to Medium Density Rezoning – R-3, Medium Density, Two-Family Residential to R-4, Medium-High Density, Multi-Family Residential - Breezewood Drive Apartments – 428 & 512 Breezewood Drive (Portion)**

I. PETITIONER

Mr. Mark Hartless, 316 Breezewood Drive, Lynchburg, VA 24502

Representative: Mr. Norm Walton, P.E., Perkins & Orrison, Inc., 27 Green Hill Drive, Forest, VA 24551

II. LOCATION

The subject property is a portion of 428 and 512 Breezewood Drive comprising approximately four (4) acres.

Property Owner: Church of God Trustees, P.O. Box 4159, Lynchburg, VA 24502

III. PURPOSE

The purpose of the petition is to allow the construction of a fifty (50)-unit apartment complex.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* recommends Resource Conservation, Institutional and Medium Density Residential use for the area.
- The petition would facilitate the construction of a six (6) building, fifty (50)-unit townhome style apartment development.
- Construction of the development would impede the future construction of an interchange serving the Breezewood Drive/McConville Road area.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends Resource Conservation, Institutional and Medium Density Residential uses for the area. Resource Conservation areas encompass lands that make their preservation in open space particularly important to the city's environmental health and includes steep slopes, stream valleys, 100-year flood plains and wetlands. (*pg. 5.2*) Institutional areas include educational and other non profit entities of the city such as churches, cemeteries, private schools, universities, hospitals and service clubs. (*pg 5.3*) Medium Density Residential areas include small-lot single-family housing, duplexes and townhouses at densities up to twelve (12) units per acre. (*pg. 5.6*)

The petition requests to amend the Institutional land use to Medium Density Residential. The area has developed as a mixture of institutions (Church of God and Heritage Baptist Church), apartments (Overlook Apartments and Hartless Apartments) and single-family homes. While

the preliminary site plan proposes slightly higher units per acre (12.5) than is proposed by the Medium Density future land use (12), the proposed use should fit well into the area.

The existing Resource Conservation land use indicated on the *Future Land Use Map (FLUM)* appears to have been intended to follow what is mapped as a stream. A preliminary investigation of the area by the Department of Environmental Quality (DEQ) indicates that there is not a stream located on the property. The official existence of a stream or “jurisdictional waters” will need to be made by the US Army Corps of Engineers. The DEQ investigation indicated that a “bed and bank, or an ordinary high water mark was not observed and no primary or secondary hydrology indicators” were observed. The *FLUM* is not intended to be parcel specific. Land use decisions should incorporate not only what is indicated on the *FLUM*, but also the Plan Framework Map policies contained within the *Comprehensive Plan* and on site observations.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density, Two-Family Residential District was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On February 12, 1980, Council approved the CUP petition of the Church of God to operate a church at 512 Breezewood Drive.
 - On September 8, 1992, Council approved the CUP petition of New Covenant Schools to operate a school for K-8th grade at 512 Breezewood Drive.
 - On October 13, 1992, Council approved the Graves Mill Road/US 221 Area Land Use Study.
 - On October 11, 1994, Council approved the rezoning petition of Blue Ridge Development Corporation, Inc., to rezone 126 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to B-1, Limited Business District (Conditional).
 - On February 9, 1999, Council approved the CUP petition of Richlyn, LLC., for a Planned Unit Development (PUD) at the southern end of Breezewood Drive.
 - On April 25, 2000, Council approved the rezoning petition of Uel Hartless to rezone 310-324 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density Residential District (Conditional).
 - On October 3, 2006, Council approved the rezoning petition of EE, LLC to rezone 129, 305, 317, 415, 509 and 607 McConville Road from R-C, Resource Conservation District, R-3, Medium Density, Two-Family Residential District and R-4, Medium-High Density, Multi-Family Residential District to B-5, General Business District (Conditional).
 - On August 14, 2007, Council approved the rezoning petition of EE, LLC, to rezone 512, 522, 526, 530, 534, 538, 610, 630, 1002 McConville Road, 110 Miles Place and 120 Millstone Road from R-C, Resource Conservation District, R-1, Low Density, Single-Family Residential District, R-3, Medium Density, Two-Family Residential District, I-1, Restricted Industrial District and I-2, Light Industrial District to B-5, General Business District (Conditional).

- On December 14, 2010, Council approved the CUP petition of Heritage Baptist Church for a comprehensive sign plan at 219 Breezewood Drive. (There have been several CUPs approved for Heritage Baptist Church facilities since 1985.)
5. **Site Description.** The subject property is four (4) acre portion of a larger tract located at 428 and 512 Breezewood Drive. The property is wooded with a gentle slope to the south. It is bordered to the north across Hartless Lane by a single-family detached home and apartments, to the east by the Lynchburg Expressway, to the south by an institutional use and vacant land and to the west by a single-family detached home.
 6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a six-(6) building, fifty (50)-unit apartment complex and associated parking.
 7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer did not require a traffic study since the projected trip generation is less than the fifty (50) peak hour trips and five hundred (500) daily trip thresholds.

The City Engineer noted that, if approved, the project would impede the construction of an interchange to serve the Breezewood Drive and McConville Road area. This interchange would serve a commercial shopping center for which a rezoning was approved by Council on October 3, 2006 and August 14, 2007. Proffer number two (2) of Ordinance #O-07-103 approved August 14, 2007 states "Route 501/Lakeside Parkway Interchange: Upon request by the City Council and approval by the Virginia Department of Transportation, the applicant proffers to dedicate right-of-way, engineer, design and construct a grade-separated interchange and related improvements with the design configuration and at the location generally depicted on the Zoning Master Plan prepared by The Cox Company". There have been several iterations of the interchange, all of which would have an effect on the property proposed for rezoning. All versions of the interchange made available by the Engineering Division indicated that at least one (1) and most likely two (2) of the proposed apartment buildings would be impacted by the construction of a future interchange. On September 11, 2007, Council approved Resolution R-07-123 which requested a limited access control change on Route 501 to allow the construction of a single point urban interchange (SPUI). Since that time, plans for the commercial shopping center have been put on hold due to the economic downturn with no anticipated construction date. There is no Capital Improvement Program (CIP) item for the interchange. (See Attachments Breezewood Drive Interchange Option 1-3.)

At question is whether development of the area for apartments should be denied or revisions sought to facilitate the construction of a future interchange, construction of which is questionable. Approving the rezoning would facilitate the construction of an apartment complex of which at least two (2) buildings would be impacted with the future construction of the interchange or which would negate the construction of the interchange. The inability to construct the interchange in this area would most likely result in the construction of a signalized at grade interchange to facilitate the future development of the commercial shopping center. The impacts of a signalized interchange at this location are not known.

Section 35.1-25, Off Street Parking and Loading of the *Zoning Ordinance* requires one (1) space for each unit or a total of fifty (50) parking spaces. The site plan indicates a total of one hundred (100) parking spaces proposed.

8. **Stormwater Management.** A stormwater management plan will be required prior to building permits being issued. A stormwater narrative submitted by the petitioner indicates that parking and rooftop drainage will be collected in an onsite storm system and discharge

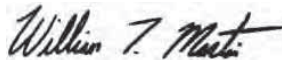
into an above ground bioretention facility to address both quantity and quality of the stormwater.

9. **Emergency Services:** The City Fire Marshal requested that the fire department access road and hydrant locations be identified on the plan. The petitioner had indicated that the twenty-four (24)-foot drive aisle will serve as the fire department access road and at least one (1) and potentially two (2) hydrants will be added on site. The City's Police Department offered suggestions regarding lighting and security which are being considered by the petitioner.
10. **Impact.** The petitioner is requesting to amend the *FLUM* and rezone the property to facilitate the construction of a six (6)-building, fifty (50)-unit apartment complex. While the unit yields per acre are slightly higher (12.5) than what is recommended by the *Comprehensive Plan* (12), the development, as proposed, is in keeping with other development in the area. The largest impact of the development would be on the construction of a future interchange. Since there is no anticipated construction date for the interchange or the shopping center it would serve, it is questionable as to whether the rezoning of the property should be withheld. The property could be developed by right as duplexes at a density of ten and eighty-nine hundredths (10.89) units per acre.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on June 5, 2012. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Mark Hartless to amend the Future Land Use Map from Institutional to Medium Density Residential and to rezone the property at 428 and 512 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density, Multi-Family Residential District.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Mark Hartless, Petitioner
Mr. Norm Walton, Representative

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Concept Plan with Future Land Use**
- 7. DEQ Letter**
- 8. Interchange Options 1-3**
- 9. Property Photograph**

MINUTES FROM THE JULY 11, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

b. Petition of Mark Hartless to amend the Future Land Use Map (FLUM) from Institutional to Medium Density Residential and to rezone approximately three and ninety-nine hundredths (3.99) acres from R-3, Medium Density, Two-Family Residential District to R-4, Medium-High Density Residential District to allow the construction of fifty (50) townhome style apartments at 512 Breezewood Drive.

Mr. Henry had the following comments for the commissioners. The rezoning from R-3 to R-4 would allow for 50 townhouse style apartments housed in six separate buildings. The *FLUM* designates this area as Medium Density Residential, Institutional and Resource Conservation. The *FLUM* amendment proposes to make the entire area Medium Density Residential. The proposed density would be 12.5 units per acre, which is slightly higher than the density allowed in R-3, which is 12 units per acre. Staff feels the proposed density should be compatible with the surrounding area. The Resource Conservation *FLUM* designation seems to have been misappropriated as there are no signs of a stream, creek or environmentally sensitive area on this property. DEQ has visited the property and saw no signs of a creek. The Army Corps of Engineers still needs to make the final determination.

Access to the property would be achieved through Hartless Lane to the north and Breezewood Drive to the west. The City's Traffic Engineer did not require a traffic study as the anticipated trips generated by this development would be below the minimum threshold. The City Engineer noted that this development would impede the development of an interchange on the expressway to serve Breezewood Drive and McConville Road. The interchange was intended to serve a shopping center which was part of a rezoning approved by Council in August 2007. Proffer 2 of that rezoning states that "Route 501/ Lakeside Drive interchange: "Upon request by the City Council, and approved by VDOT, the applicant proffers to dedicate right of way, engineer, design and construct a grade separated interchange and related improvements with the design configuration and at the location generally depicted on the zoning master plan prepared by the Cox Company."

There have been several iterations of the interchange, all of which would have an impact on this proposed rezoning. It is likely to impact one or possibly two of the buildings proposed for this project. On September 11, 2007, City Council requested a limited access control change on 501 to allow a single point urban interchange. Since then plans for the shopping center have been put on hold due to the economic downturn. The interchange is also not in any of the City's CIP plans. The inability to construct the interchange in this area would also likely result in the construction of a signalized at grade interchange to facilitate the future development of the commercial space across the road. The impacts of such an interchange are not known, although it is a significant deviation from something that would not be signalized.

Mr. Henry noted that since there is no proposed date for the construction of the shopping center or the interchange, it is questionable whether a rezoning of the property should be withheld. Because the proposed development fits with the surrounding land uses, staff recommends approval of the *FLUM* amendment and rezoning petitions.

Mr. Norm Walton of Perkins and Orrison and Mr. Mark Hartless were present to represent the petition. Mr. Walton noted that the interchange became a big topic during TRC review. Mr. Walton pointed out that the interchange was proffered for Phase 2 of the shopping center development. All the properties for Phase 1 have been purchased and some of the properties for Phase 2. The option to purchase this property as part of Phase 2 has been allowed to expire. The proffer for the interchange does not affect this property in particular.

Mr. Walton outlined the plans for providing water and sewer to the property. He also mentioned that he went out with DEQ when they investigated the property. The blue line on the aerial photo of the property is a swale rather than a stream.

Ms. Michelle Andrews, a realtor from Dawson Ford Garbee representing the Church of God in the sale of the property came forward to speak in favor of the petition and noted that the pastor of the church will be available to answer questions as well.

Ms. Jan Gray of 122 St. David Drive came forward to speak with concerns about the project. She indicated on the aerial photo where her property is and where Tomahawk Creek is located. Her property has been eroded severely from stormwater from Tomahawk Creek. The Army Corps of Engineers has been there to help address the issues that she feels are caused by Heritage Baptist Church. She feels there will be further erosion caused by the proposed car dealership. She adds that the stormwater from this proposed development will also come down the hill to her property,

Mr. Marty Kirzch expressed concerns about traffic on Breezewood Drive. Mr. Kirzch pointed out that Breezewood Drive is an antiquated two-lane road with only two access points. When entering Lakeside Drive, you can go either way. When entering 501, you can only go one way. There used to be a crossover at 501, which has been removed. He feels the City needs to consider improvements to the road. Mr. Kirsch stated that there are currently 437 families living on Breezewood Drive. With the additional cars from this development, he estimates there will be approximately 700 to 750 cars traveling this road daily.

Ms. Gray stated that people are using Breezewood Drive as a cut through from 221, and the City is there frequently to replace the "Do Not Enter" sign. There is also a problem getting onto 221, especially in the evening. The traffic problems are compounded by the heavy traffic generated by the church and the funeral home. Ms. Gray needed an ambulance for her husband and it had trouble getting past the traffic. She pointed out that there are many people living in the townhomes that are over the age of 50; many are over the age of 80. The conditions on Breezewood Drive make it hazardous driving for them. An additional issue is that people do not observe the 25 mile per zone. Most are going at least 45 miles per hour.

There were two others in attendance in opposition to the petition. Mr. Kirzch noted that he was not necessarily in opposition to the proposal, nor were the others, if the issues they have brought forward are corrected.

Mr. Walton came back to address these concerns. He noted that by state law they are not allowed to release any more stormwater from the site than what is being released currently. They have identified an area on site for stormwater quality and quantity management. He pointed out on the aerial photo where the stormwater from this site will be discharging. It is not in the direction of Ms. Gray's property.

Mr. Walton reiterated that the Traffic Engineer had determined that the anticipated traffic from this project did not warrant a traffic study. Mr. Walton noted that at one point, the City had plans to improve Breezewood Drive in this area but those plans have been put on hold due to budget constraints. Mr. Walton does not think this project will have any additional impact on the connection to 501. Mr. Hartless agreed with the neighbors' concerns about traffic. He thinks it was a terrible mistake by the City to close off the crossover on 501. However, he thinks that is a separate issue. Mr. Hartless mentioned that he has called the police on numerous occasions to ask for increased patrol to address speeding on Breezewood Drive.

Mr. Hartless assured the neighbors that there will be no issues with stormwater runoff. He has developed many properties across the City and is proud of the fact that they are nice looking projects that do not cause any grief for the City. They make it a point to be good neighbors.

Ms. Gray asked how long it has been a policy about stormwater runoff not being allowed to be greater than was originally coming off the site and why has Heritage Baptist Church not abided by that policy. She reiterated the excessive erosion that she has seen since moving into her townhome. It seems to her that any time you create more parking you create more stormwater that cannot be absorbed by the little Tomahawk Creek.

Chair Hamilton closed the public hearing portion of the petition. She asked Mr. Hartless to come up and show them the proposed building elevations for the project. Mr. Hartless showed them some that he had drawn himself, as well as some photos of existing townhomes on Breezewood Drive. He had photos of apartments they had recently done on Logans Lane. He had in mind to do a townhome style apartment but with a more contemporary look with rock on the bottom and different styles of siding in varying colors.

Mr. Jacob Dorman, the Environmental Reviewer, was available to address Ms. Gray's concerns. Mr. Dorman explained that it is a state regulation that post-construction runoff cannot be greater than pre-construction runoff. He further explained that they are normally able to get the post-construction runoff below the pre-construction runoff through best management practices. Commissioner Barnes pointed out that paved areas increase the speed of stormwater runoff. Mr. Dorman agreed but remarked that the rate going to the detention facility is one issue, however, the rate of outflow at the discharge point has to be equal to or less than the pre-construction rate.

Mr. Dorman explained that the City has stormwater management agreements. With the new stormwater utility fee, the City will have greater ability to enforce those agreements through a yearly inspection. In addition, the new regulations proposed for 2014 are substantially more stringent. Chair Hamilton asked him to address Ms. Gray's concern about potential runoff from this project affecting her property further. Mr. Dorman stated that he would have to look at the drainage areas in more detail during the site plan review process and reiterated that post-construction runoff cannot be greater than pre-construction runoff. The City's ordinance does not allow them to require anything more stringent than the state's regulations.

In answer to Ms. Gray's earlier question, Mr. Dorman stated that the state's regulations have been in place for at least ten years and City staff enforces the regulations. Mr. Dorman will make plans to meet with Ms. Gray.

Mr. Walton pointed out on the concept plan where the stormwater detention pond will be located. He stated that they will do additional rain gardens for stormwater quality, if necessary. They are sizing the pond for all anticipated impervious area, as the community center may not be built initially. Commissioner Hooper asked if they will sheet flow to the pond or will it be captured in a storm system. Mr. Walton stated that he is going to try to keep it all on the surface. He would hate to burden this four acre parcel with a lot of underground stormwater facilities.

Commissioner Swienton asked Mr. Dorman if he has the power to inspect a stormwater pond or does he have to rely on an inspection report provided by the landowner. Mr. Dorman stated that staff has the authority to inspect stormwater facilities but the ordinance was written so that the landowner can submit yearly inspection reports. Mr. Dorman stated that a letter is normally sent during the final third of the year to serve as a reminder that an inspection report is needed. Technically, up to that point, staff could do an inspection at any point. Mr. Dorman would estimate that there are approximately 150 maintenance agreements that have to be reviewed. That could be an agreement that has multiple stormwater components to it. Water Resources is currently hiring someone who will oversee some of maintenance agreements. As the stormwater utility fee continues to be a player, the inspection aspect is going to ramp up because you will not get credit toward your fee unless your facility is working properly. Commissioner Swienton asked for further clarification that City staff can inspect a stormwater facility at any time, for example, after a storm and Mr. Dorman said that is correct.

In answer to a question about the overhead utility lines, Mr. Hartless stated that he will work with either AEP or the phone company to reposition those lines and run them underground.

In answer to a question about whether the project would be built all at once, Mr. Hartless stated that he will grade the property all at once and then stabilize it while building the first units. He anticipates a couple of years for total buildout. Commissioner Barnes asked if the buildings that might interfere with an interchange could be done last. Mr. Hartless thought he would start with buildings one and two closest to Breezewood Drive and then go up toward Hartless Lane. He would do that so that the construction entrance could be from Hartless Lane. Mr. Walton pointed out that all the utility access is from Breezewood Drive, so it makes sense to develop from that point.

Commissioner Sale asked Mr. Hartless how he felt about the possibility of the interchange being closed off. Mr. Hartless said he cringes at the thought of this bridge and bringing that kind of traffic onto Breezewood Drive. He thinks it is a horrible idea whether or not he ever does this project. He feels the shopping center should be able to stand on its own in terms of handling traffic and problems have been exacerbated by the closing off of the crossover. We have sort of choked off Breezewood Drive and are now going to feed it with a large amount of traffic from 501.

At this point, the pastor of the church mentioned that he has a letter from English Construction dated about three years ago stating that they are not interested in purchasing the property at this time and have no proposed date when they might be interested in exercising that option. The church has received no compensation from English Construction in the form of a stipend for over three years.

Commissioner Sale clarified that there is no one to speak today for English Construction and asked if anyone from the City contacted them to ask their intent. Mr. Henry did not believe anyone from the City had done so. Chair Hamilton wondered where VDOT was with regard to all of this as well. Mr. Henry was not sure if the Traffic Engineer or City Engineer had contacted VDOT during the TRC review process. Mr. Henry pointed out that the expressway is a City maintained road. Mr. Walton reported that he has contacted Mr. Booth with English Construction. Mr. Booth stated that they own the properties for Phase I. Even Phase I is several years down the road from being constructed. Based on Mr. Booth's input, Mr. Walton feels that the likelihood of Lakeside Center being developed as it was planned five years ago anytime in the near future is pretty remote.

At this point in the discussion, the commissioners were inclined to wait for further input from VDOT and possibly Economic Development as well. Mr. Henry pointed out that the property, even if it is not developed for Lakeside Center, is proposed to be developed as a regional commercial land use. Commissioner Sale noted that this proposed development would preclude the development of the interchange as proposed. That is not to say that another design could not be developed and built with this project in place. Commissioner Sale stated that he is concerned with how their decision on the project today could impact the future development of the property designated for regional commercial use. He pointed out that it is one of the largest green pieces of property designated for commercial use left in the City. He would hate for them to profoundly restrict options that may be available to them for the development of that land without knowing it upfront. Mr. Henry pointed out that the intersection would not necessarily be completely lost because there is the option of a signalized entrance, although that is probably not the favored option.

Chair Hamilton asked Mr. Hartless if the commission were to postpone its decision until they could get more information if that would impact him in a way that is unrecoverable. Mr. Hartless said it would not impact him in a way that is unrecoverable but it would definitely have an effect. Mr. Hartless feels like it is not right for a municipality to hold a person's property at bay while it decides whether it has a better use for it. If English Construction wants to develop this property, they should buy it and do so immediately. Mr. Hartless also pointed out that if he were to develop this property, the City could exercise its right of eminent domain and force him to sell it at fair market value at such time as it wants to put in an interchange. This happened to his family when the City wanted to put the highway through

some of their property. Mr. Hartless also indicated that English Construction could purchase the property from him in the future if it decides to develop Lakeside Center and the interchange as planned.

Mr. Walton reminded them that this property was not mentioned in any of the Lakeside Center rezonings. It is unfortunate that this property is being hindered because of a rezoning on another piece of property.

Commissioner Swienton stated that he agrees with the first part of what Mr. Hartless said, however, they are not denying him any by-right use of his property. Mr. Hartless is asking for a rezoning of the property to a more intensive use. At that point, Commissioner Swienton believes they have the responsibility to look into any issues more thoroughly. Commissioner Swienton further pointed out that they are typically asked to do a rezoning to fit the *Comprehensive Plan*. In this case, they are being asked to first change the *Comprehensive Plan* and then rezone the property. He would like to have more information before proceeding.

Commissioner Hooper agreed with those comments and would like to know first if there are options to modify the plans for the interchange if this project is approved such as moving it further north. However, he is not sure how they can get the type of information they are seeking about the interchange as it requires speculation. Chair Hamilton would like some time to get input from VDOT as to whether or not certain properties are germane to the design of the interchange. For them to speculate one way or the other is probably not the right way to operate, in her opinion.

Commissioner Swienton thinks that the Lakeside Drive/221/501 area is a major chokepoint for the City. Although this decision is only about a few units, many hundreds of units could be affected and he would like to get it right. Commissioner Sale agreed that he would like a comprehensive idea of what is planned for the area, including Breezewood Drive.

Commissioner Barnes would be in favor of postponing their decision if they can get this information quickly. At any rate, they should vote at the August 8th meeting so the petitioner can move his project along. All commissioners agreed that it is unfair for the City or VDOT to keep this property in limbo.

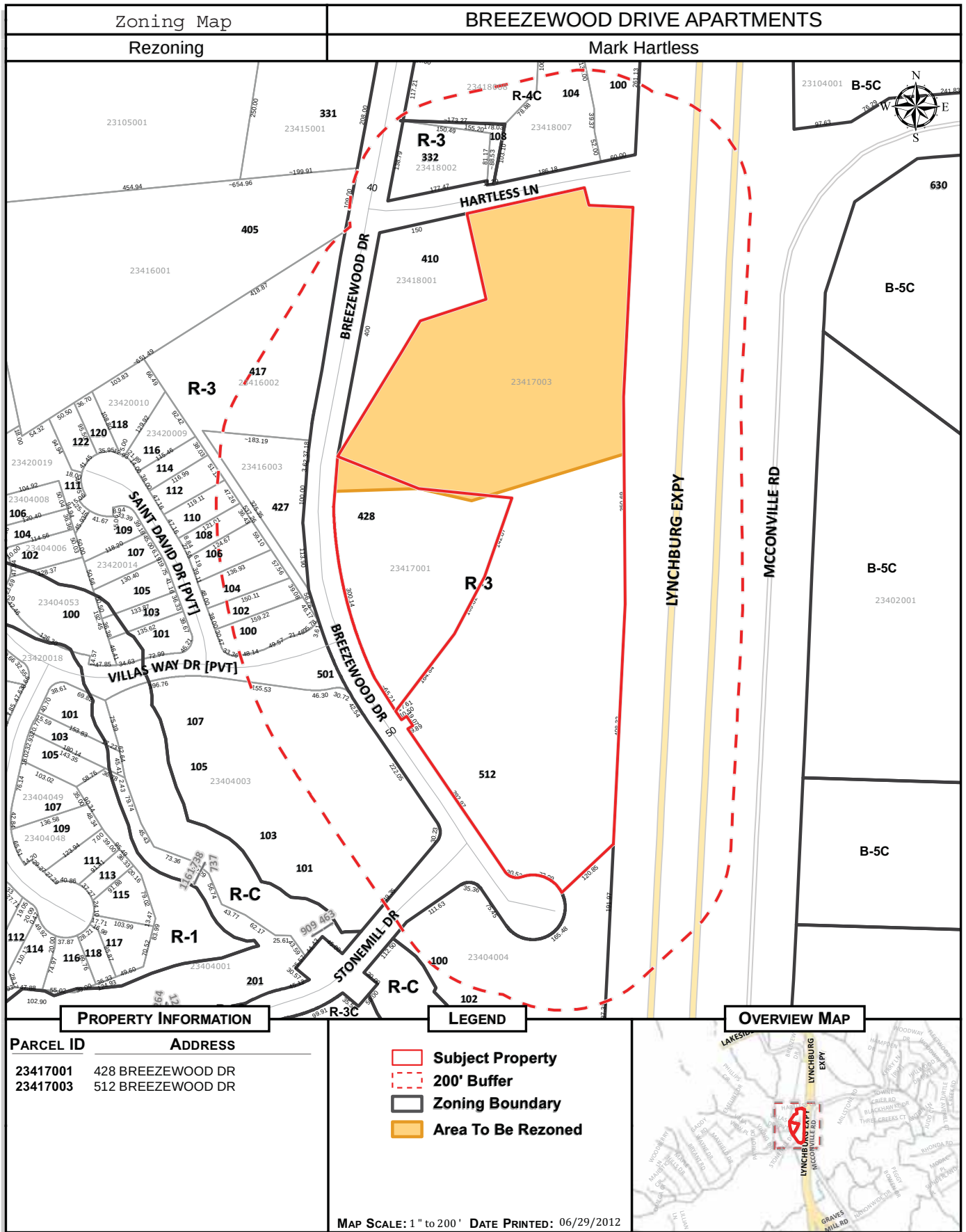
The commissioners requested the following items for their August 8th meeting:

1. Letter from English Construction to the church declining the option to purchase church property;
2. An opinion from Marjette Upshur with Economic Development regarding the interchange;
3. A letter from VDOT regarding the interchange and whether or not they have plans for the interchange or funding set aside.
4. Request City Engineer and Traffic Engineer be at August 8, meeting;
5. A letter to the City from English Construction as to their intent for the Lakeside Center and the proffered interchange.
6. An opinion from the Traffic Engineer as to how this development could affect Lakeside Drive/501 interchange.
7. If not a letter from English Construction, the commissioners request that someone from English Construction attend the meeting;
8. If not a letter from VDOT, the commissioners request that a representative attend the meeting.

Commissioner Coleman agreed with wanting to get additional information for the August 8th meeting. He addressed Mr. Hartless and stated that he believes in his integrity. Commissioner Coleman also trusts in staff's recommendation to them. He is concerned, however, that there seem to be places where a traffic study is not required because the conditions fall under the threshold but Commissioner Coleman would consider the areas to be unsafe. Ms. Craig mentioned to the citizens that the Engineering Division has a program in place to study areas such as Breezewood Drive called the Neighborhood Traffic Management Plan. The citizens would need to get together a petition and if deemed appropriate, the Engineering Division would study the area and determine if traffic calming measures or stiffer speeding fines might help alleviate the situation. She will get them the information about the program. The commissioners indicated to the citizens that this would probably be a good route to go since the plans for improvements to Breezewood Drive are postponed indefinitely due to budget constraints.

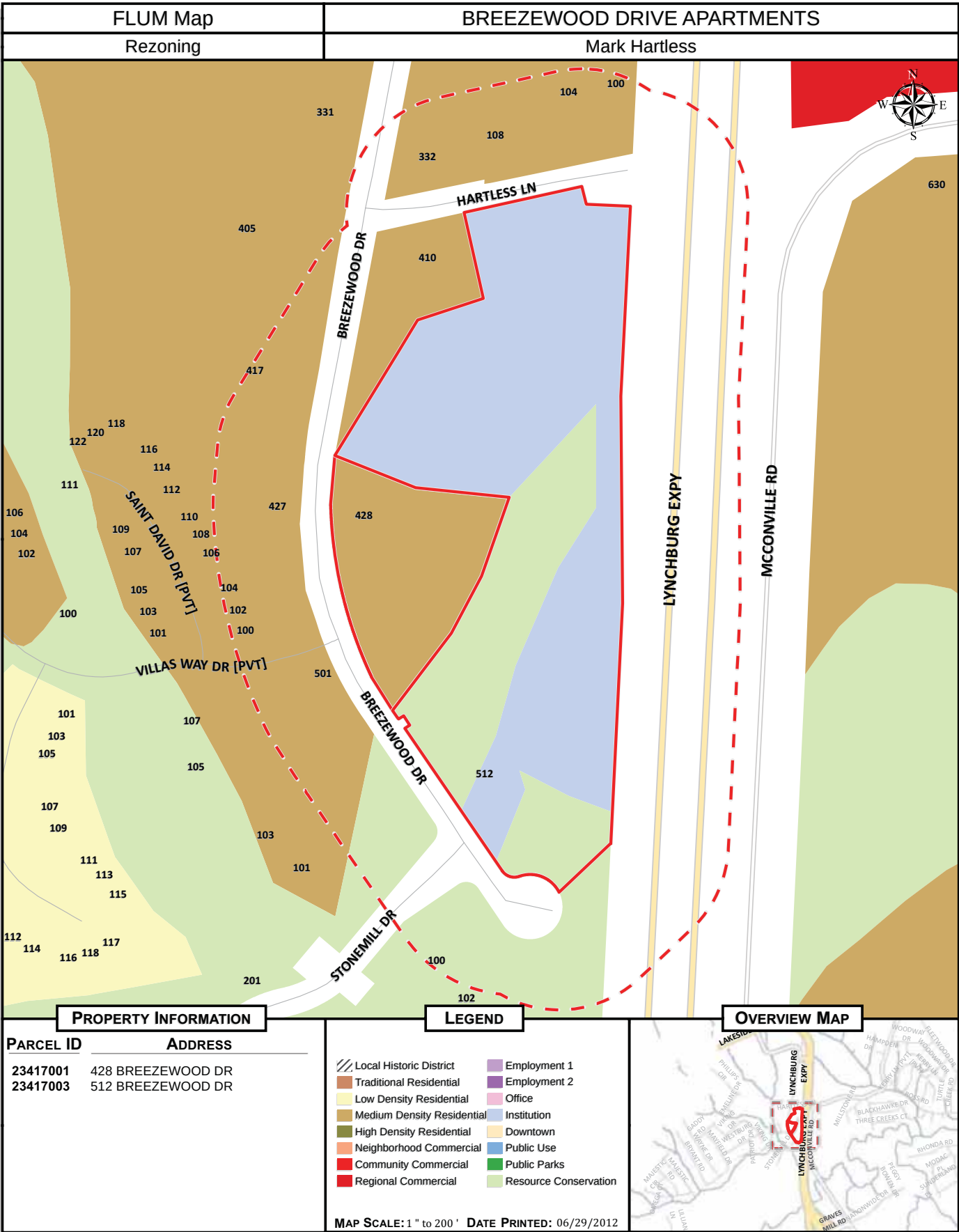
Commissioner Coleman made a motion to table this item to the August 8th meeting and to gather the above items for that meeting. The motion was seconded by Commissioner Sale and it passed by the following vote:

AYES:	Barnes, Coleman, Hamilton, Hooper, Sale and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon	1

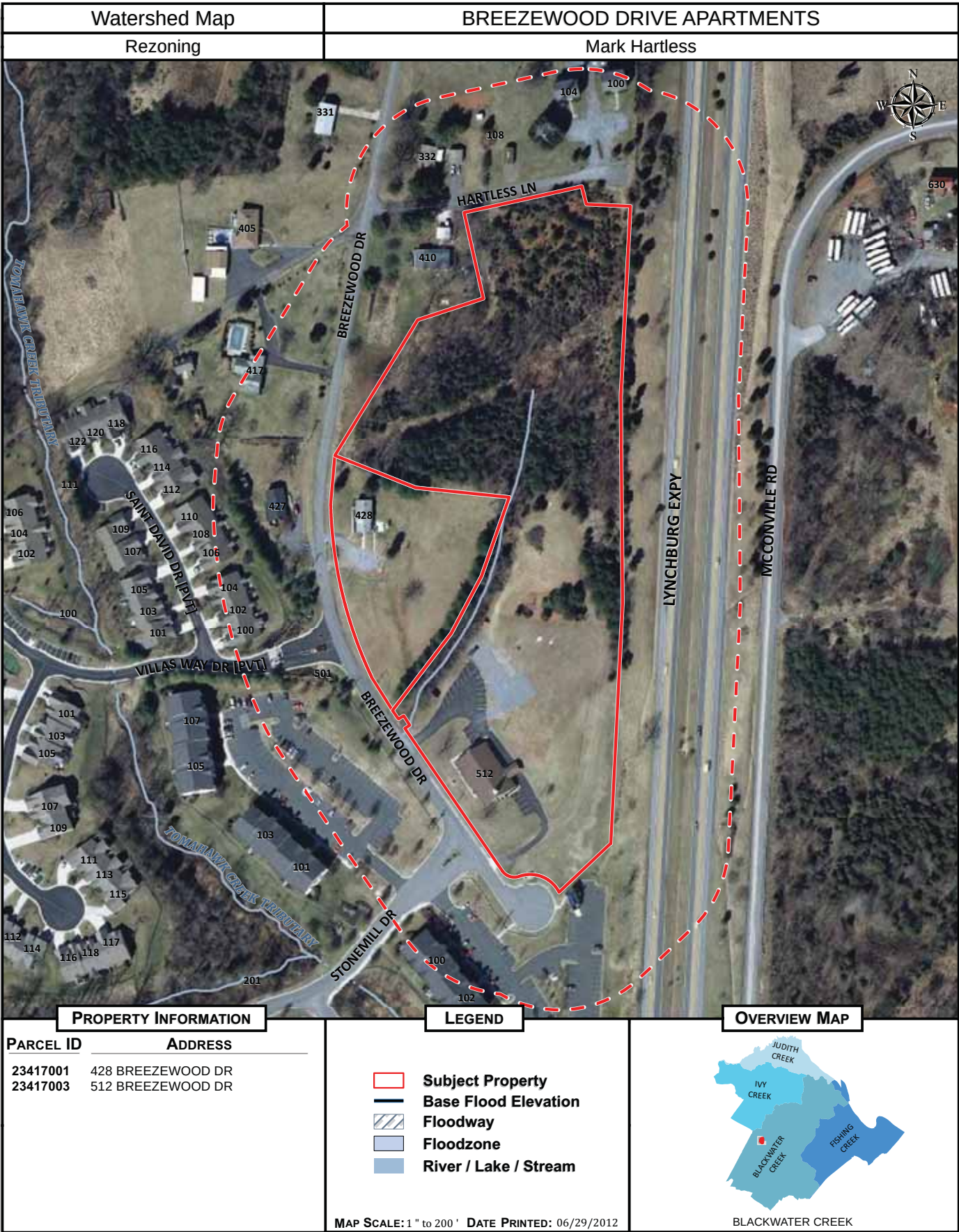


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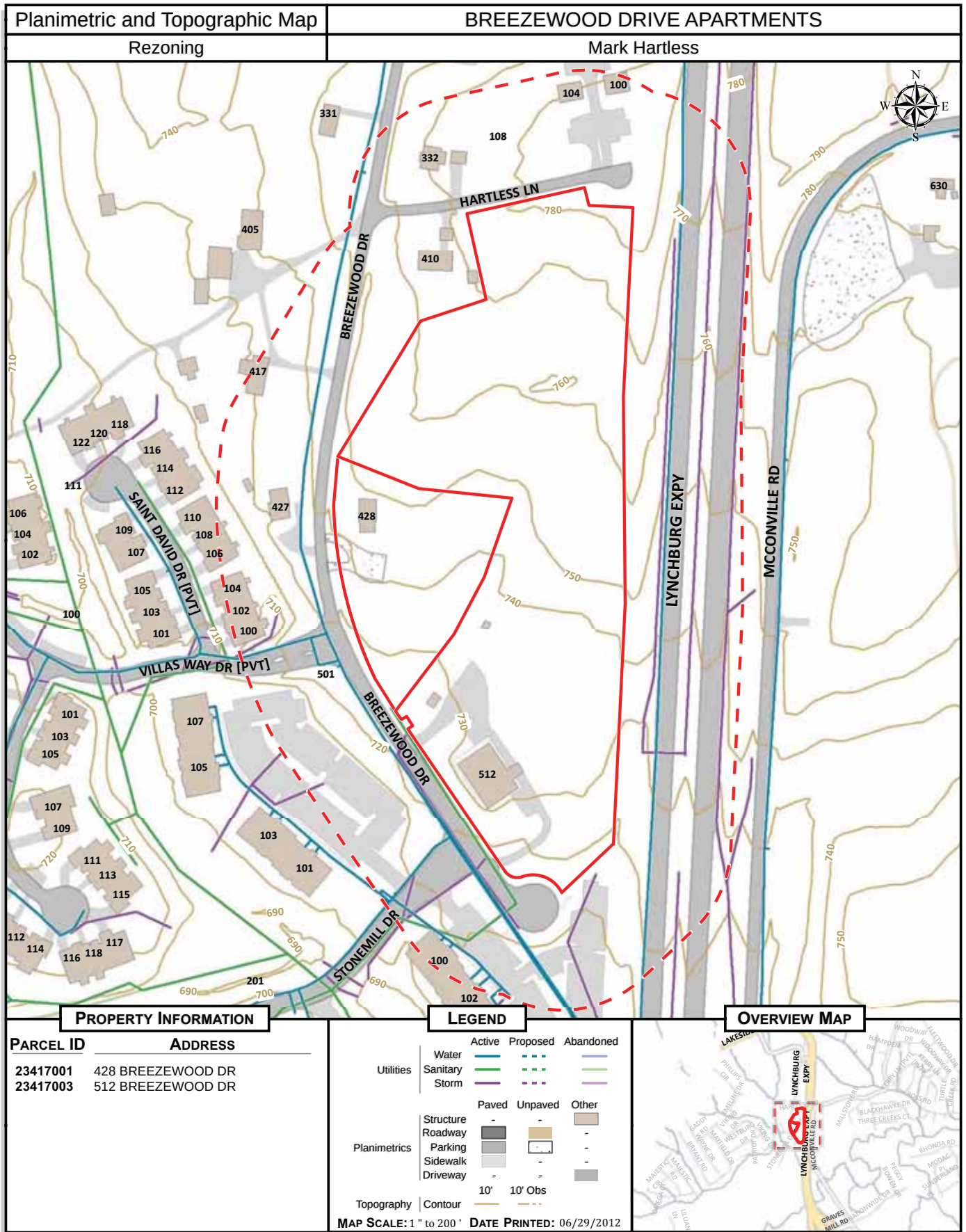
PIN	Local Address	Owner
23416001	405 BREEZEWOOD DR	ANDRUS, DORIS F
23420006	110 SAINT DAVID DR	CAREY, RONALD E & JOAN H
23417003	512 BREEZEWOOD DR	CHURCH OF GOD TRUSTEES
23420005	108 SAINT DAVID DR	COLLERAN, DANIEL P
23416002	417 BREEZEWOOD DR	FISHER, R F & ALMA M
23420001	100 SAINT DAVID DR	FORSLUND, COURTNEY B
23420003	104 SAINT DAVID DR	GARDNER, SANDRA M
23420007	112 SAINT DAVID DR	GOODWIN, FRANK D & EARLENE R
23418001	410 BREEZEWOOD DR	HARRIS, LESTER P & SADIE M
23418007	104 HARTLESS LN	HARTLESS, MARK C & JOYCE H
23418008	324 BREEZEWOOD DR	HARTLESS, MARK C & JOYCE H
23418011	108 HARTLESS LN	HARTLESS, UEL C & HAZEL M
23418006	100 HARTLESS LN	HARTLESS, UEL C & HAZEL M
23420002	102 SAINT DAVID DR	HERMAN, SARAH J
23417001	428 BREEZEWOOD DR	LYNCHBURG CHURCH OF GOD TRS
23420004	106 SAINT DAVID DR	MCKELLIPS, CLARA M & TERRY E
23418002	332 BREEZEWOOD DR	MURPHY, WANDA T
23404004	100 STONEMILL DR	OVERLOOK APARTMENTS LC
23404003	101 STONEMILL DR A	OVERLOOK APARTMENTS LC
23420018	501 BREEZEWOOD DR	VILLAS AT STONEMILL ASSOCIATION
23416003	427 BREEZEWOOD DR	WALDRON, VICTOR SR ESTATE & VERDIE L
Representative	27 Green Hill Drive	Norm Walton/Perkins & Orrison



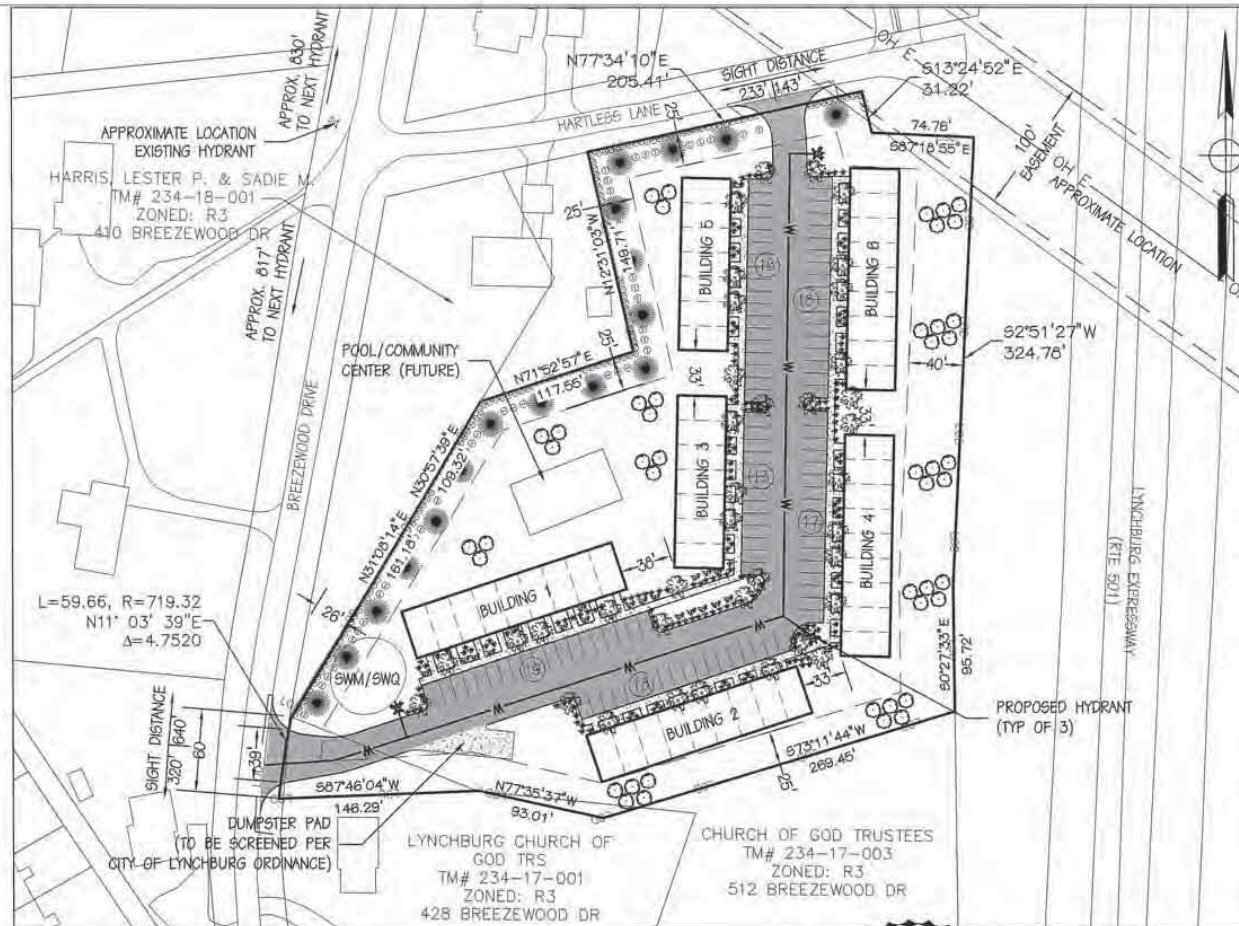
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PROPERTY INFORMATION:

PARCEL ID: 234-17-003
234-17-001

PROPERTY ADDRESS: 512 BREEZEWOOD DRIVE
LYNCHBURG, VA 24502

OWNER/ REZONING APPLICANT: MARK HARTLESS

TOTAL ACREAGE: APPROXIMATELY 0.13 ACRES (234-17-003)
APPROXIMATELY 1.74 ACRES (234-17-001)

TOTAL AREA TO BE REZONED: 4.00 AC
(3.88 TM# 234-17-003)
(0.12 TM# 234-17-001)

CURRENT ZONING: R3 (MEDIUM DENSITY RESIDENTIAL)

PROPOSED ZONING: R4 (MEDIUM-HIGH DENSITY RESIDENTIAL)

CURRENT USE: CHURCH (TM# 234-17-001)
RESIDENTIAL (TM# 234-17-003)

PROPOSED USE: APARTMENTS (TM# 234-17-003)
CHURCH (TM# 234-17-001)

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT FOR THE REZONING PROCESS. THE ACTUAL LAYOUT MAY CHANGE SLIGHTLY WHEN ACTUAL CONSTRUCTION PLANS ARE SUBMITTED TO THE CITY FOR REVIEW, BUT SHALL REMAIN IN GENERAL CONFORMANCE TO THIS PLAN.
2. ANY INCREASE IN IMPERVIOUS AREA WILL BE ATTENUATED VIA THE STORMWATER MANAGEMENT POND PROPOSED ON THIS SITE.
3. THE PROPERTY SHOWN HEREON IS NOT WITHIN A FEMA 100 YEAR FLOOD PLAIN. SEE PANEL# 51009300360, ZONE "X", DATED JUNE 3, 2006.
4. IF EXTERIOR LIGHTING IS TO BE INSTALLED BY THE OWNER, SHIELDING SHALL BE USED TO CONTROL THE LIGHT SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE.
5. TWO ROADWAY ENTRANCES ARE PROPOSED BY THIS PLAN FOR THIS PROPERTY. THE ONE ENTRANCE OFF OF BREEZEWOOD DRIVE AND ONE ENTRANCE OFF OF HARTLESS LANE.
6. LANDSCAPING WILL BE PROPOSED PER THE CITY OF LYNCHBURG'S LANDSCAPE ORDINANCE.
7. EROSION AND SEDIMENT CONTROL MEASURES WILL BE USED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. E48 MEASURES ARE NOT SHOWN ON THIS PLAN, BUT WILL BE INCLUDED WITH THE ACTUAL SITE PLAN WHEN SUBMITTED.
8. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY STATE, FEDERAL, AND LOCAL PERMITS REQUIRED FOR THE DEVELOPMENT OF THIS SITE.
9. THIS SITE IS SERVED BY PUBLIC WATER. A SANITARY SEWER EXTENSION WILL BE DESIGNED TO SERVE THE SITE.
10. DUMPSTER SHALL BE SCREENED IN ACCORDANCE WITH CITY ORDINANCE.
11. THE POOL/COMMUNITY CENTER IS NOT PART OF THIS DEVELOPMENT AND WILL BE DEVELOPED IN THE FUTURE.
12. THE SPEED LIMIT ON BREEZEWOOD DRIVE IS 25MPH.

PARKING CALC:

2 SPACES PER UNIT
50 UNITS * 2 = 100 SPACES REQUIRED

103 SPACES PROVIDED

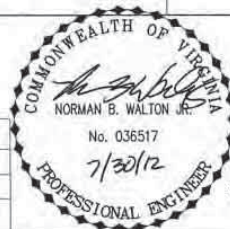


27 GREEN HILL DRIVE, FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5988
EMAIL: pno@perkins-orsion.com

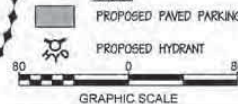
**REZONING PLAN BREEZEWOOD
APARTMENTS**
FOR MARK HARTLESS LYNCHBURG,
VIRGINIA

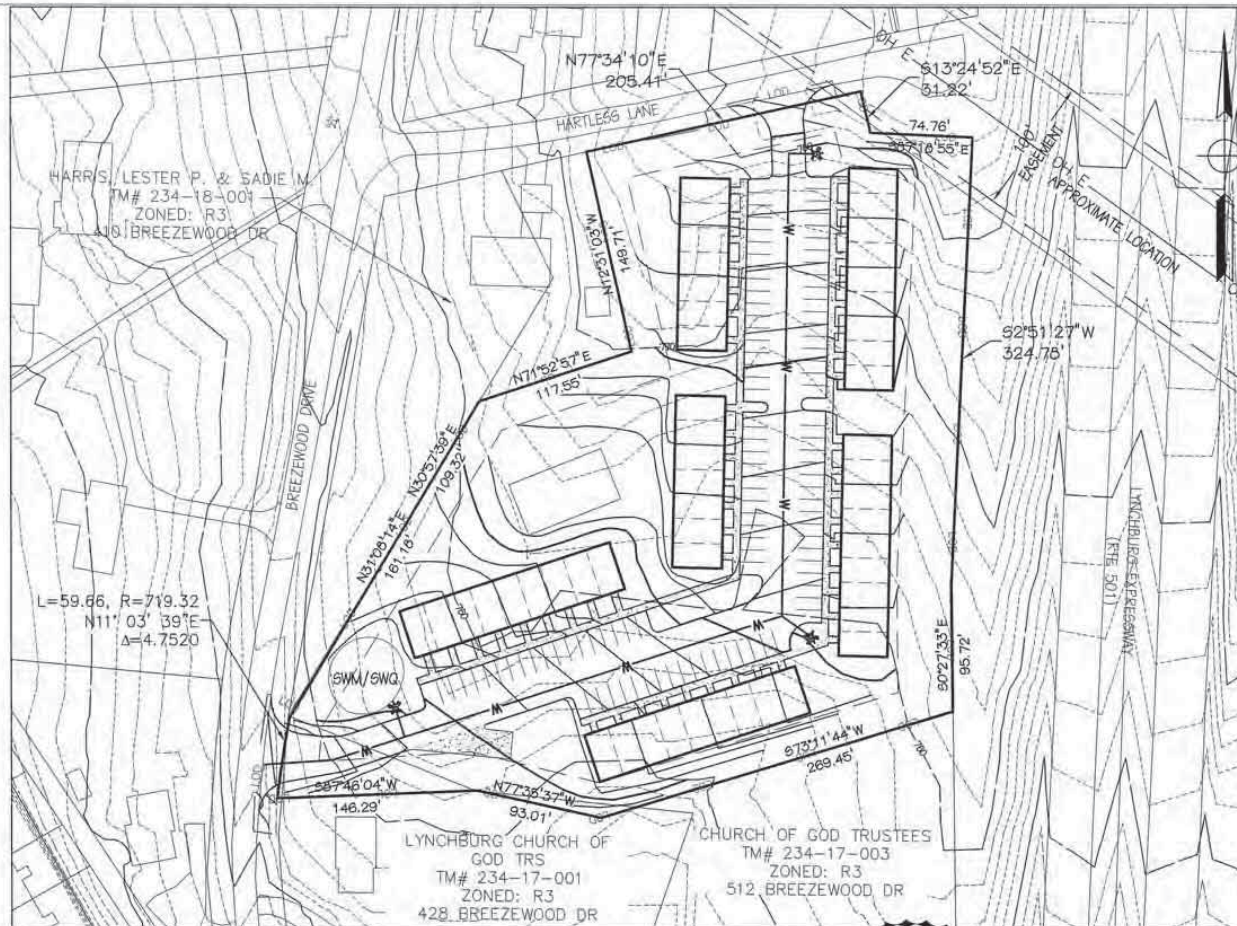
REV: 07/30/2012
REV: 06/22/2012

ISSUE: 5/17/2012
CONTOUR INTERVAL: 2'
DRAWN BY: NBW/MJD
CHECKED BY: NBW



LEGEND





NOTES:

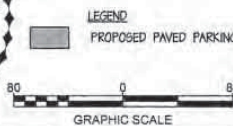
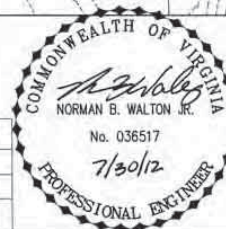
1. BASED UPON THE CONCEPT SITE PLAN AND GRADING PLAN, THIS SITE BALANCES. NO OFFSITE AREAS ARE PLANNED TO BE DISTURBED FOR BENEFIT OF THIS PROJECT.

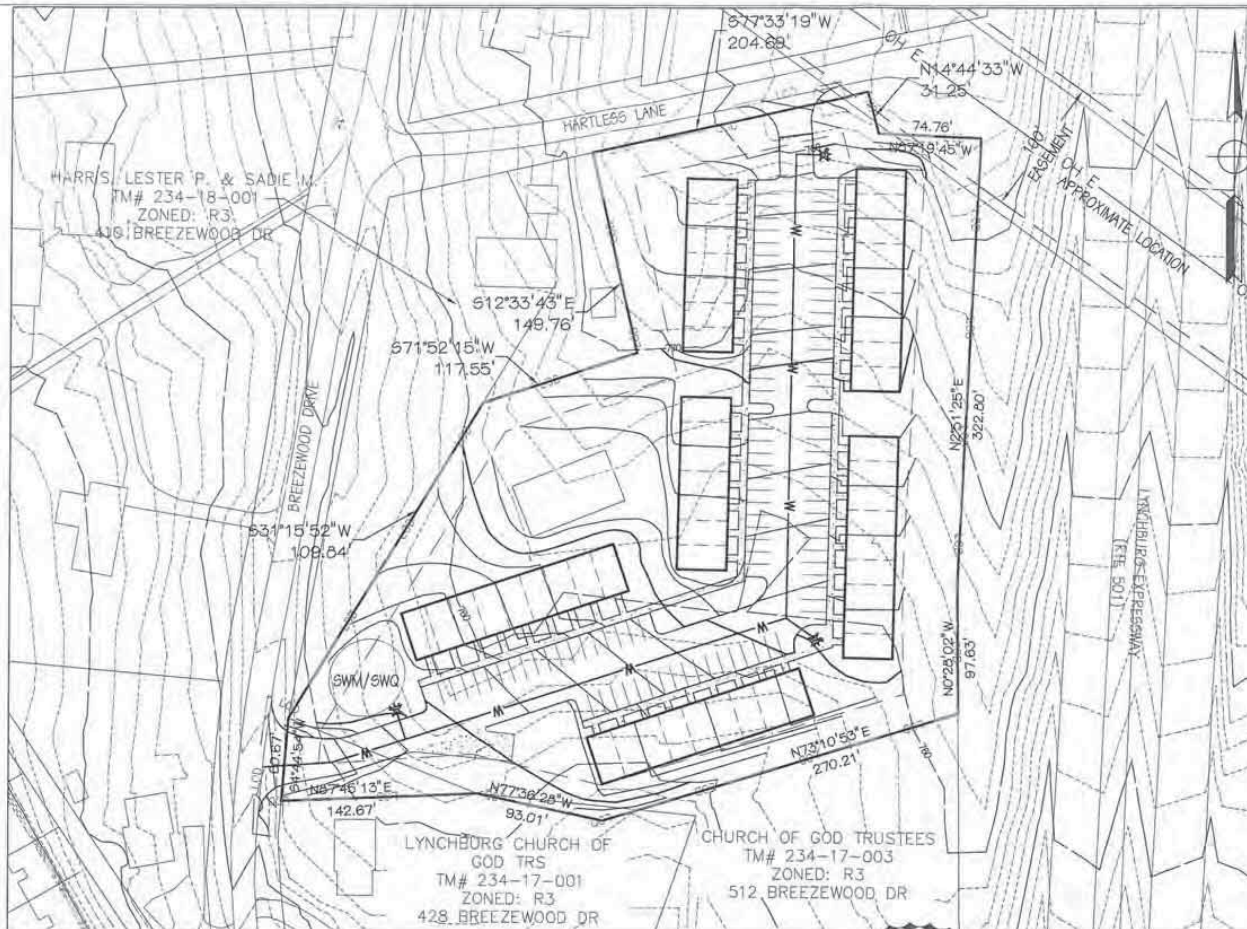


27 GREEN HILL DRIVE, FOREST, VIRGINIA 24551
 PHONE: 434-525-5985 FAX: 434-525-5986
 EMAIL: pno@perkins-orrison.com

REZONING PLAN BREEZEWOOD APARTMENTS
 FOR MARK HARTLESS LYNCHBURG, VIRGINIA

REV: 07/30/2012
 REV: 06/22/2012
 ISSUE: 5/17/2012
 CONTOUR INTERVAL: 2'
 DRAWN BY: NBW/MJD
 CHECKED BY: NBW

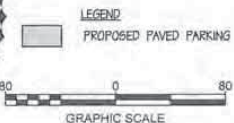
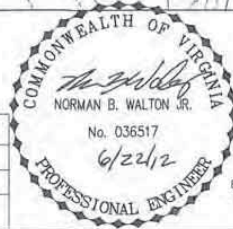


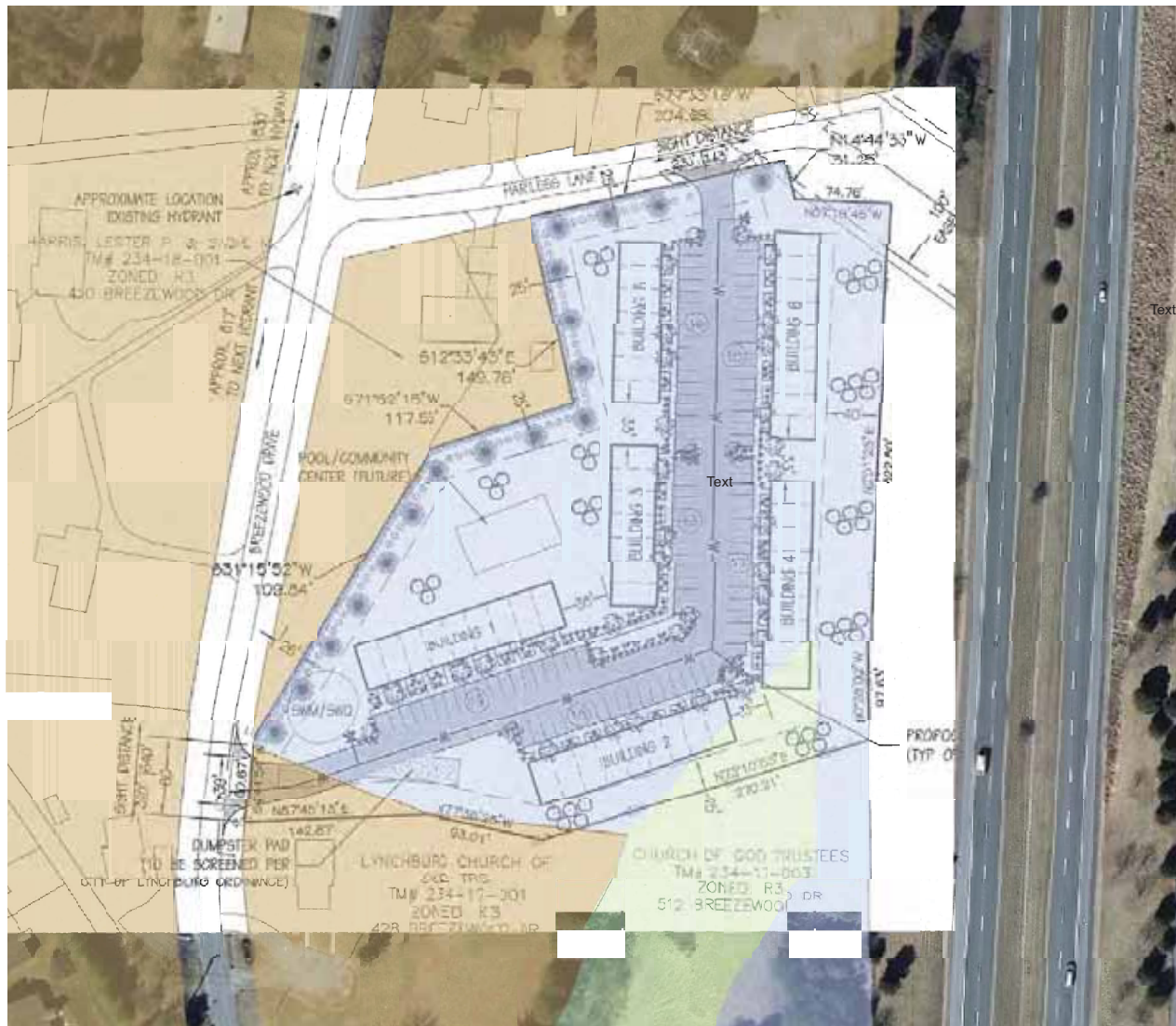


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REZONING PLAN BREEZEWOOD
APARTMENTS
FOR MARK HARTLESS LYNCHBURG,
VIRGINIA

REV: 06/22/2012
ISSUE: 5/17/2012
CONTOUR INTERVAL: 2'
DRAWN BY: NBW/MJD
CHECKED BY: NBW







COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Blue Ridge Regional Office

www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Steven A. Dietrich
Regional Director

Lynchburg Office

7705 Timberlake Road
Lynchburg, Virginia 24502
(434) 582-5120
Fax (434) 582-5125

Roanoke Office

3019 Peters Creek Road
Roanoke, Virginia 24019
(540) 562-6700
Fax (540) 562-6725

June 13, 2012

Norman Walton, PE
Perkins & Orrison, Inc
nwalton@perkins-orrison.com

RE: 6/12/12 Site visit; Possible Stream on property near 512 Breezewood Drive, Lynchburg, Virginia

Dear Norm:

I received your request to look at the above mentioned property on Breezewood Drive in Lynchburg, Virginia on May 31, 2012. As I mentioned in my email on June 11, 2012, in accordance with state regulations it is the US Army Corps of Engineers that must make the determination if there is indeed jurisdictional Waters of the US (WOUS) on the property.

With that regard, on June 12, 2012, I walked the property with you to look at the area in question. I did not observe a bed and bank, or a ordinary high water mark. The area was heavily vegetated and even though we had nearly an inch of rain in the previous 24 hours, I did not observe any primary or secondary hydrology indicators.

I have also looked at the USGS Topo (Lynchburg) for this area, and there is no indication of a stream on that property.

In my opinion, there is no stream in this wooded, depression. Again, in order to get a determination in accordance with state regulations, please call the local USACOE Jeanne Richardson and have her confirm this area.

Please contact me at 434-582-6240 or mfbushing@deq.virginia.gov if you have any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Mark F. Bushing".

Mark F. Bushing
VWP Permit Writer
DEQ BRRO-L

Attachments: Permit Application Fee Form

cc: Jeanne Richardson, U. S. Army Corps of Engineers



Breezewood Drive Interchange Option 1



Breezewood Drive Interchange Option 2



Breezewood Drive Interchange Option 3



July 11, 2012

[illegible]

Buxton

Executive Summary

Buxton was selected to assist the City in developing tools necessary for a successful Retail Recruitment Strategy. Buxton, based in Fort Worth, Texas has assisted over 1,700 retailers and 400 municipalities on one purpose – retail expansion. Buxton's client cities have successfully recruited more than 20 million square feet of development/re-development using the proven Community/D process.

With some variations, the Community/D process is outlined as follows:

Trade Area Delineation – Trade areas are defined, using proprietary drive time software. Factors used to determine the trade area are 1) the type of market the sites are in, 2) where within market are the sites, 3) the existing retail in the area, and 4) the population density around the sites.

Retail Site Assessment – Households within the trade areas are examined: 1) The household segmentation, or psychographic profiles, (this profile forms that basis for the retail matching in the next step), 2) the demographic information of the households in each trade area, and 3) dollar demand of the households to the actual retail sales within the trade areas.

Retail Matching – This step of the project uses the psychographic profile and market type and density of the site to determine which national retailers would be the best fit for a location within the trade area. We compare the market type and density of the site to the locations of over 5,000 retailers within our database to determine which retailers commonly locate in similar markets. We then take each retailer's locations in similar markets and create an average psychographic profile for that retailer. These profiles are then compared to the psychographic profile of the site and only those retailers that pass all of the mathematical filters are considered to be matching retailers. We then go and find the nearest location of each matching retailer to determine whether or not a new location at the proposed site would cannibalize the sales of the existing stores. The Retail Match List is a list of all matching retailers, but broken into two lists: retailers that are far enough away and retailers that are too close.

Retail Recruitment – Once the list of retailers who fit is identified, it is important that the client city then select those that 1) meet their goals for the community, 2) complement existing business, 3) fit in existing sites, 4) and elevate the cities retail efforts. Once those opportunities are finalized, Buxton will prepare the marketing materials to assist in the recruitment efforts. This information is not stand-alone and

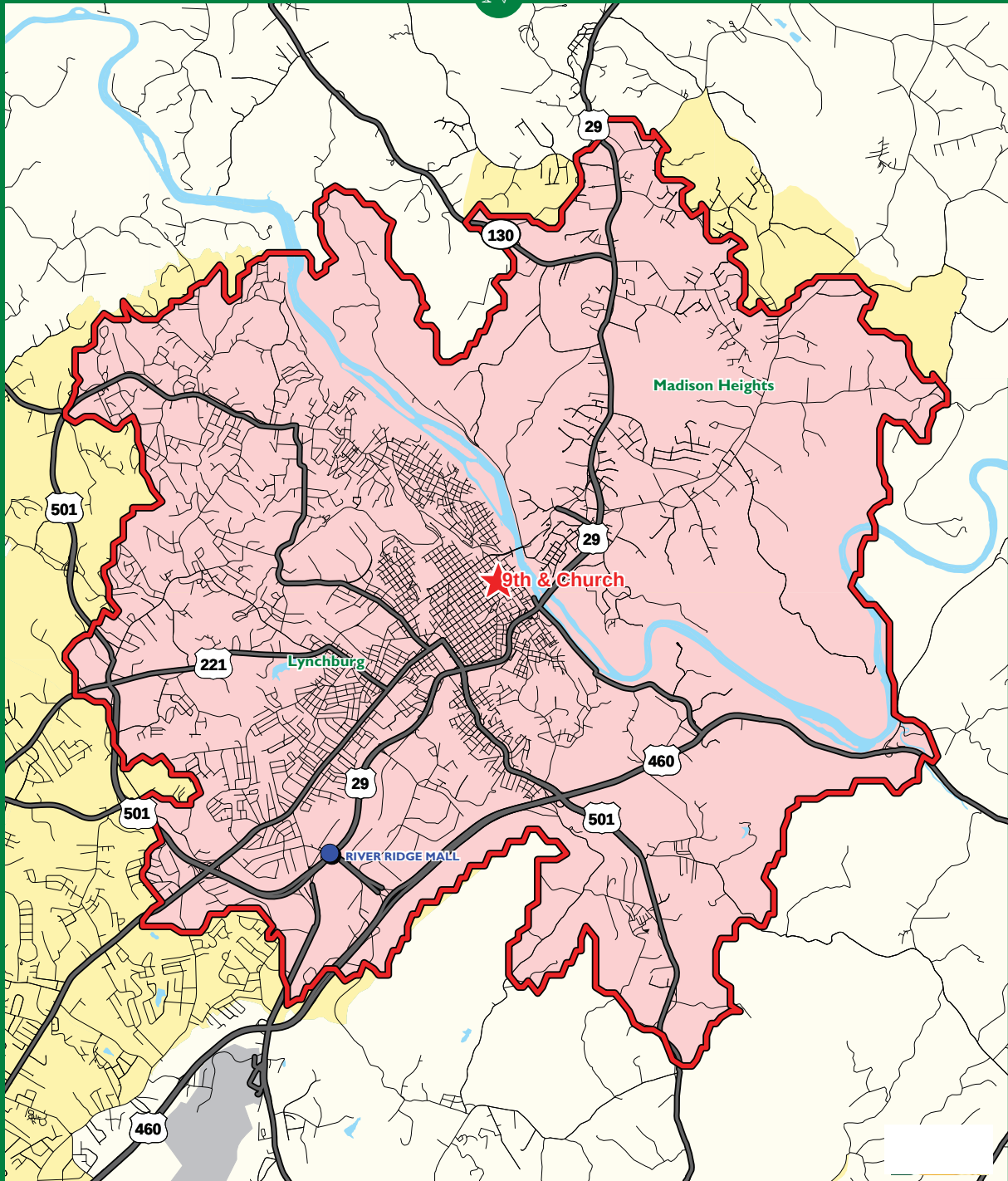
should be included with overall site-specific recruitment materials. Buxton will also contact these retailers on the City's behalf, to assist in opening a dialogue with the targeted retailers/contacts.

Follow On Activities – In this process, Buxton is providing the information necessary for recruitment, but it is only that – information. It is critical that the City implement a long-term process for recruitment of retail and follow on marketing activities must be undertaken. Buxton will assist the City to understand and define this process along with providing other marketing opportunities based on the successful activities other communities have used to meet their retail goals.

Buxton Executive Summary Lynchburg, VA

- About Buxton
 - o Based in Ft. Worth, TX
 - o Specializes in data to assist with retail expansion
 - o Has assisted over 1700 retailers
 - o Has assisted over 400 municipalities
 - o Clients have recruited over 20 million sq. ft. of development/re-development
- Study Process
 - o Trade Area defined using proprietary drive time software
 - Type of market the sites are in
 - Where within the market the sites are located
 - Existing retail in area
 - Population density around sites
 - o Household Assessment for retail site
 - Segmentation or psychographic profiles
 - Demographics
 - Dollar demand to actual retail sales
 - o Best fit retailers
 - Compare market type and site density to 5000 retailers
 - Create average psychographic profile for retailer's locations
 - Compare psychographic profiles to site
 - Mathematically filter to identify matching retailers
 - Identify nearest location of matching retailers
 - Provides Retail Match List
 - Far enough away
 - Too close (cannibalization)
 - o Retail Recruitment
 - Client city's selects retail opportunities
 - Meet community's goals

- Complement existing business
 - Fit in existing sites
 - Elevate city's retail efforts
 - Buxton
 - Contacts retailers on City's behalf
- Follow Up Activities
 - o Buxton provides information necessary for recruitment
 - o City implements long-term process
 - Recruitment
 - Marketing activities 9/17/2008



Lynchburg, Virginia: Trade Area



Shopping Centers

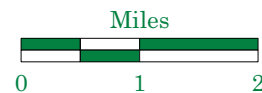
GLA in thousands

● 1000+

● 500 to 1000

□ 12 Minute Drive Time

★ Site I



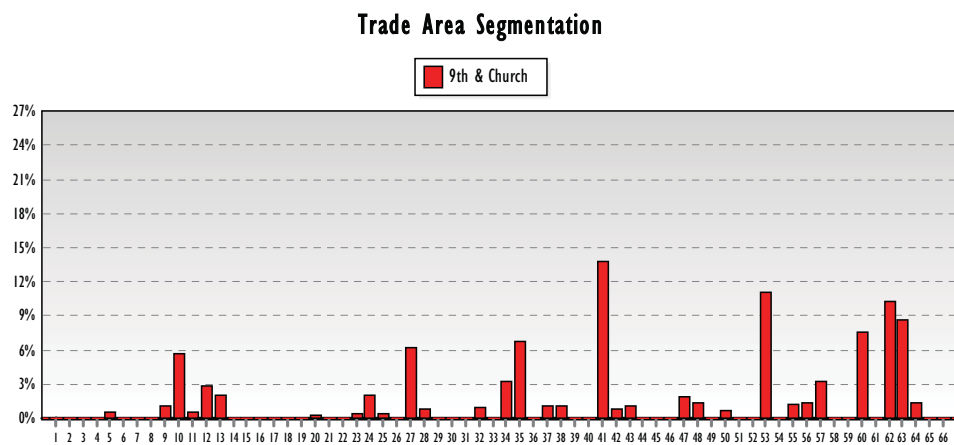
Site I Analysis: 9th & Church

Drive-Time Trade Area

The map on the opposite page depicts the primary trade area for Site I. The primary trade area consists of a twelve-minute polygon, determined by Buxton's proprietary drive-time technology.

Psychographics

The psychographic profile of the households within a twelve-minute drive-time of Site I is presented below.



Source: Claritas, Inc, PRIZM® NE, © 2008

Dominant Segments

A segment that represents at least three percent of a trade area is a dominant segment. Following is a description of the dominant segments for Site I.

Dominant Segments	Description	Households	% of All Households
10	SECOND CITY ELITE	1,357	5.62%
27	MIDDLEBURG MANAGERS	1,512	6.27%
34	WHITE PICKET FENCES	781	3.24%
35	BOOMTOWN SINGLES	1,626	6.74%
41	SUNSET CITY BLUES	3,320	13.76%
53	MOBILITY BLUES	2,664	11.04%
57	OLD MILLTOWNS	772	3.20%
60	PARK BENCH SENIORS	1,813	7.51%
62	HOMETOWN RETIRED	2,486	10.30%
63	FAMILY THRIFTS	2,089	8.66%

Source: Claritas, Inc, PRIZM® NE, © 2008

Site I Analysis (continued)

Leakage Analysis

The following table represents an overview by store type of the leakage or surplus within the studied trade area. This is represented by an index with 1.0 being the baseline. A leakage is reflected by an index less than 1.0 and a surplus is reflected by an index greater than 1.0. Please see Appendix A for detailed demand and actual sales by category.



*GAFO refers to discount retailers that typically include the following departments: general merchandise; clothing and clothing accessories; furniture and home furnishings; electronics and appliances; sporting goods, hobby, books and music; and office supplies

Source: Claritas, Inc, RETAIL MARKET POWER, © 2008

The following table presents the trade potential variables for Site I:

Trade Potential Variables	Site
Estimated Household Count	24,130
Number of Households in Dominant Segments	18,420
Traffic Count	6,200
Total Demand	\$987,568,372
Actual Sales	\$1,888,655,249
Estimated Leakage/Surplus Amount	\$901,086,877

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Household Segmentation – Site One

Brief Descriptions

- 10 SECOND CITY ELITE™ – There's money to be found in the nation's smaller cities, and you're most likely to find it in Second City Elite™. The residents of these satellite cities tend to be prosperous executives who decorate their \$200,000 homes with multiple computers, large-screen TV sets and an impressive collection of wines. With more than half holding college degrees, Second City Elite™ residents enjoy cultural activities—from reading books to attending theater and dance productions.
- 27 MIDDLEBURG MANAGERS™ – Middleburg Managers™ arose when empty-nesters settled in satellite communities which offered a lower cost of living and more relaxed pace. Today segment residents tend to be middle-class and over 55 years old with solid managerial jobs and comfortable retirements. In their older homes, they enjoy reading, playing musical instruments, indoor gardening and refinishing furniture.
- 34 WHITE PICKET FENCES™ – Midpoint on the socioeconomic ladder, residents in White Picket Fences™ look a lot like the stereotypical American household of a generation ago: young, middle-class, married with children. But the current version is characterized by modest homes and ethnic diversity—including a disproportionate number of Hispanics and African-Americans.
- 35 BOOMTOWN SINGLES™ – Affordable housing, abundant entry-level jobs and a thriving singles scene— all have given rise to the Boomtown Singles™ segment in fast-growing satellite cities. Young, single and working-class, these residents pursue active lifestyles amid sprawling apartment complexes, bars, convenience stores and laundromats.
- 41 SUNSET CITY BLUES™ – Scattered throughout the older neighborhoods of small cities, Sunset City Blues™ is a segment of lower-middle-class singles and couples who have retired or are getting close to retirement. These empty-nesters tend to own their homes but have modest educations and incomes. They maintain a low-key lifestyle filled with newspapers and television by day, and family-style restaurants at night.

Household Segmentation

Brief Descriptions

- 53 MOBILITY BLUES™ – Young singles and single parents make their way to Mobility Blues™, a segment of working-class neighborhoods in America's satellite cities. Racially mixed and under 25 years old, these transient Americans tend to have modest lifestyles due to their lower-income blue-collar jobs. Surveys show they excel in going to movies, playing basketball and shooting pool.
- 57 OLD MILLTOWNS™ – America's once-thriving mining and manufacturing towns have aged—as have the residents in Old Milltowns™ communities. Today, the majority of residents are retired singles and couples living on downscale incomes in pre-1960 homes and apartments. For leisure they enjoy gardening, sewing, socializing at veterans clubs or eating out at casual restaurants.
- 60 PARK BENCH SENIORS™ – Park Bench Seniors™ are typically retired singles living in the racially mixed neighborhoods of the nation's satellite cities. With modest educations and incomes, these residents maintain low-key, sedentary lifestyles. Theirs is one of the top-ranked segments for TV viewing, especially daytime soaps and game shows.
- 62 HOMETOWN RETIRED™ – With three-quarters of all residents over 65 years old, Hometown Retired™ is one of the oldest segments. These racially mixed seniors tend to live in aging homes—half were built before 1958—and typically get by on social security and modest pensions. Because most never made it beyond high school and spent their working lives at blue-collar jobs, their retirements are extremely modest.
- 63 FAMILY THRIFTST™ – The small-city cousins of inner-city districts, Family Thrifts™ contain young, ethnically diverse parents who have lots of children and work entry-level service jobs. In these apartment-filled neighborhoods, visitors find the streets jam-packed with babies and toddlers, tricycles and basketball hoops, Daewoos and Hyundais.

Buxton utilizes the Nielsen Claritas® PRIZM® segmentation system in this analysis. PRIZM® is a registered trademark of Nielsen Claritas. PRIZM segment names (Blue Blood Estates™, Big Sky Families™, Country Squires™, etc.) are trademarks of Nielsen Claritas.



Demographics

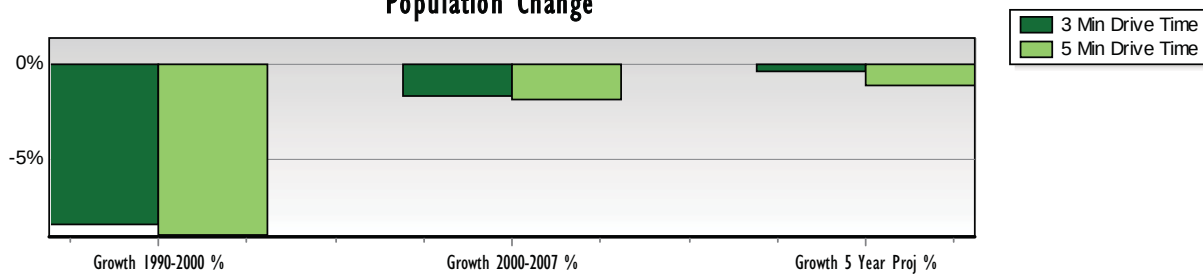
Analysis Geography: 9th & Church
Lynchburg, VA

Date: 2/9/2009

Population Profile

	3 Min Drive Time	5 Min Drive Time
2012 Projection	10,501	20,356
2007 Estimate	10,549	20,603
2000 Census	10,736	21,021
1990 Census	11,745	23,126

Population Change



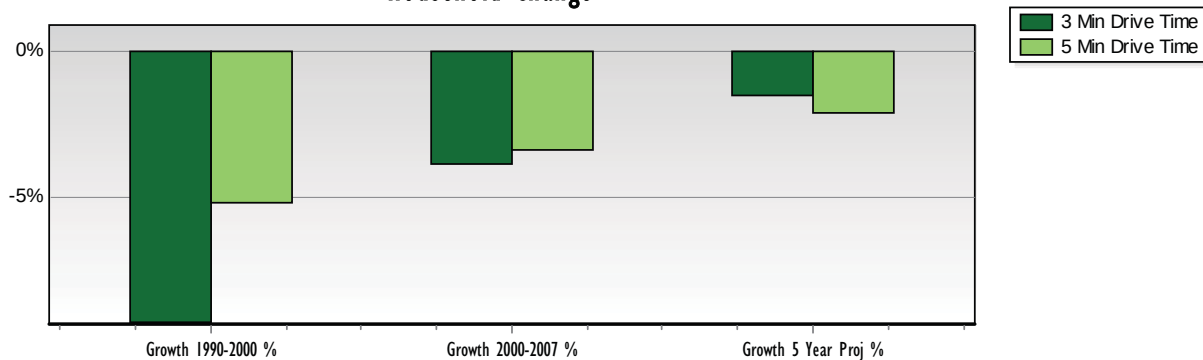
Work Place Population

	3 Min Drive Time	5 Min Drive Time
Total	10,320	27,289

Household Profile

2012 Projection	3,879	7,780
2007 Estimate	3,941	7,951
2000 Census	4,101	8,233
1990 Census	4,521	8,688

Household Change



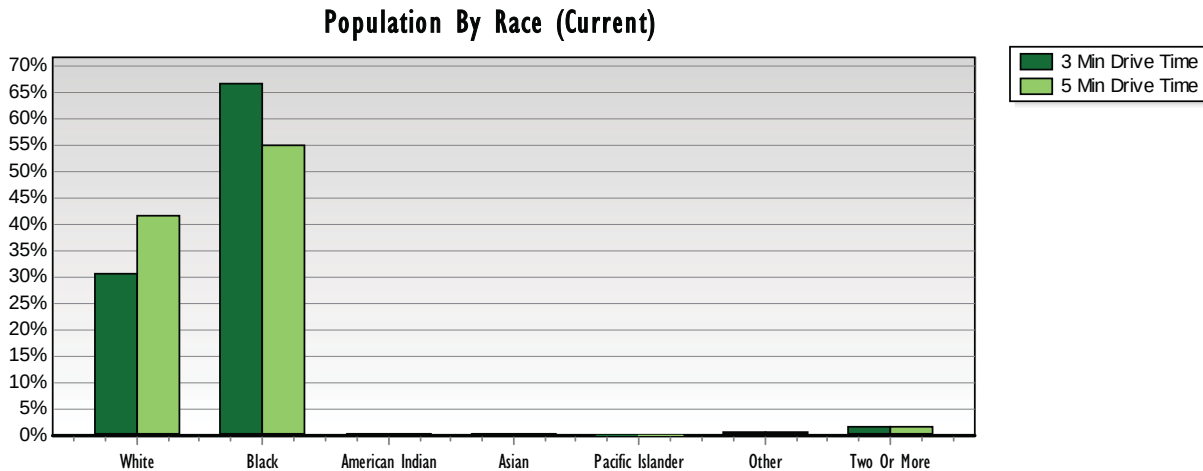


Demographics

Analysis Geography: 9th & Church
Lynchburg, VA

Date: 2/9/2009

Population By Race (Current)	3 Min Drive Time	5 Min Drive Time
White	3,226	8,598
Black	7,031	11,341
American Indian	33	92
Asian	29	99
Pacific Islander	4	4
Other	60	124
Two Or More	166	345
Total Population By Race	10,549	20,603



Population By Hispanic Origin (Current)	3 Min Drive Time	5 Min Drive Time
Hispanic Origin	155	281
Non Hispanic Origin	10,394	20,322



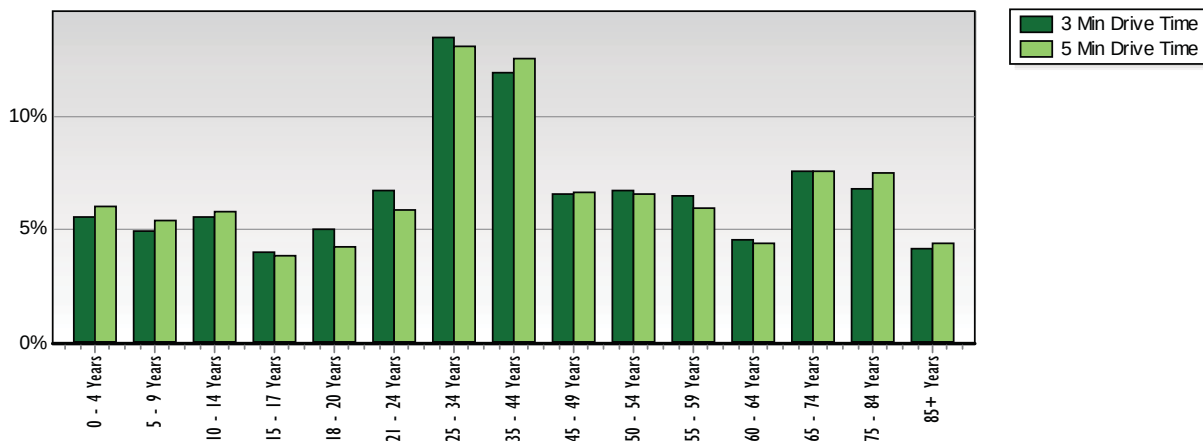
Demographics

Analysis Geography: 9th & Church
Lynchburg, VA

Date: 2/9/2009

Population By Age (Current)	3 Min Drive Time	5 Min Drive Time
0 to 4 years	584	1,243
5 to 9 years	519	1,120
10 to 14 years	584	1,199
15 to 17 years	425	804
18 to 20 years	528	874
21 to 24 years	708	1,208
25 to 34 years	1,420	2,695
35 to 44 years	1,254	2,584
45 to 49 years	697	1,367
50 to 54 years	708	1,349
55 to 59 years	687	1,226
60 to 64 years	482	912
65 to 74 years	798	1,569
75 to 84 years	717	1,542
85+ Years	438	911
Total Population By Age	10,549	20,603
Average Age	40.8	41.1
Median Age	39.8	39.6

Population By Age (Current)



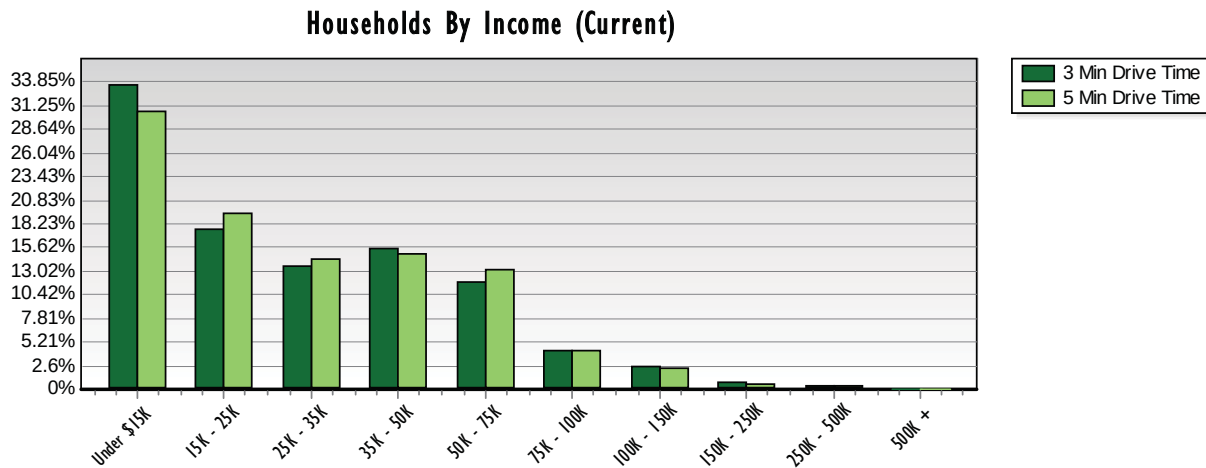


Demographics

Analysis Geography: 9th & Church
Lynchburg, VA

Date: 2/9/2009

Households By Income (Current)	3 Min Drive Time	5 Min Drive Time
Under \$15,000	1,322	2,431
\$15,000 to \$24,999	692	1,542
\$25,000 to \$34,999	532	1,141
\$35,000 to \$49,999	614	1,192
\$50,000 to \$74,999	467	1,046
\$75,000 to \$99,999	165	338
\$100,000 to \$149,999	103	179
\$150,000 to \$249,999	27	49
\$250,000 to \$499,999	17	29
\$500,000 +	2	4
Total Households By Income	3,941	7,951
Average Household Income	\$33,761	\$34,028
Per Capita Income	\$14,429	\$14,980
Median Household Income	\$24,505	\$25,283





Demographics

Analysis Geography: 9th & Church
Lynchburg, VA

Date: 2/9/2009

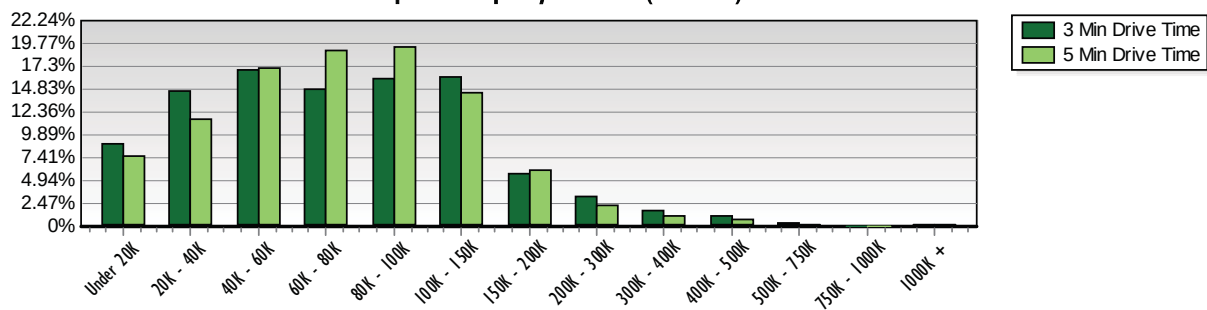
Housing Units By Occupancy (Current)	3 Min Drive Time	5 Min Drive Time
Owner - Occupied	40.3%	41.0%
Renter - Occupied	40.4%	44.3%
Vacant	19.3%	14.7%

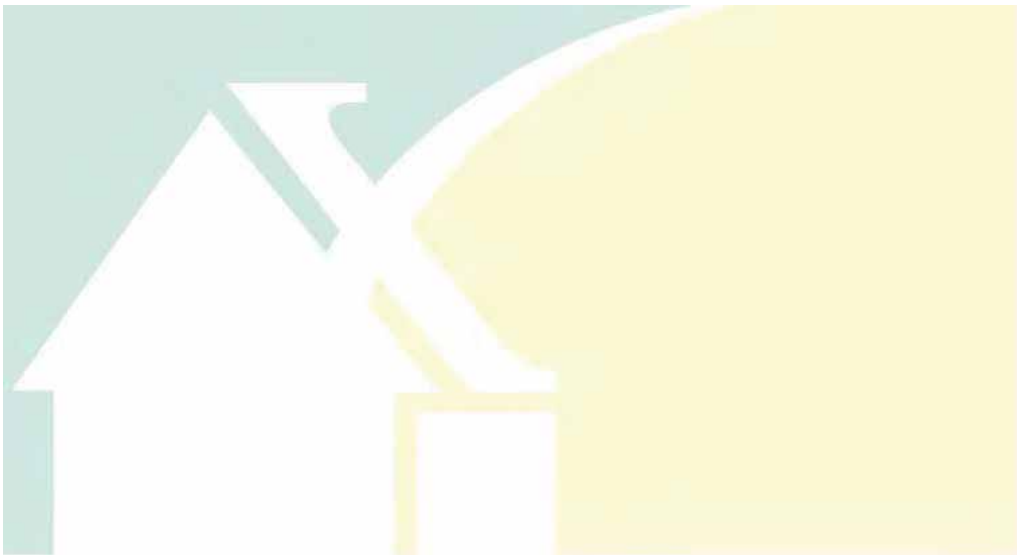
Owner - Occupied Property Values (Current)

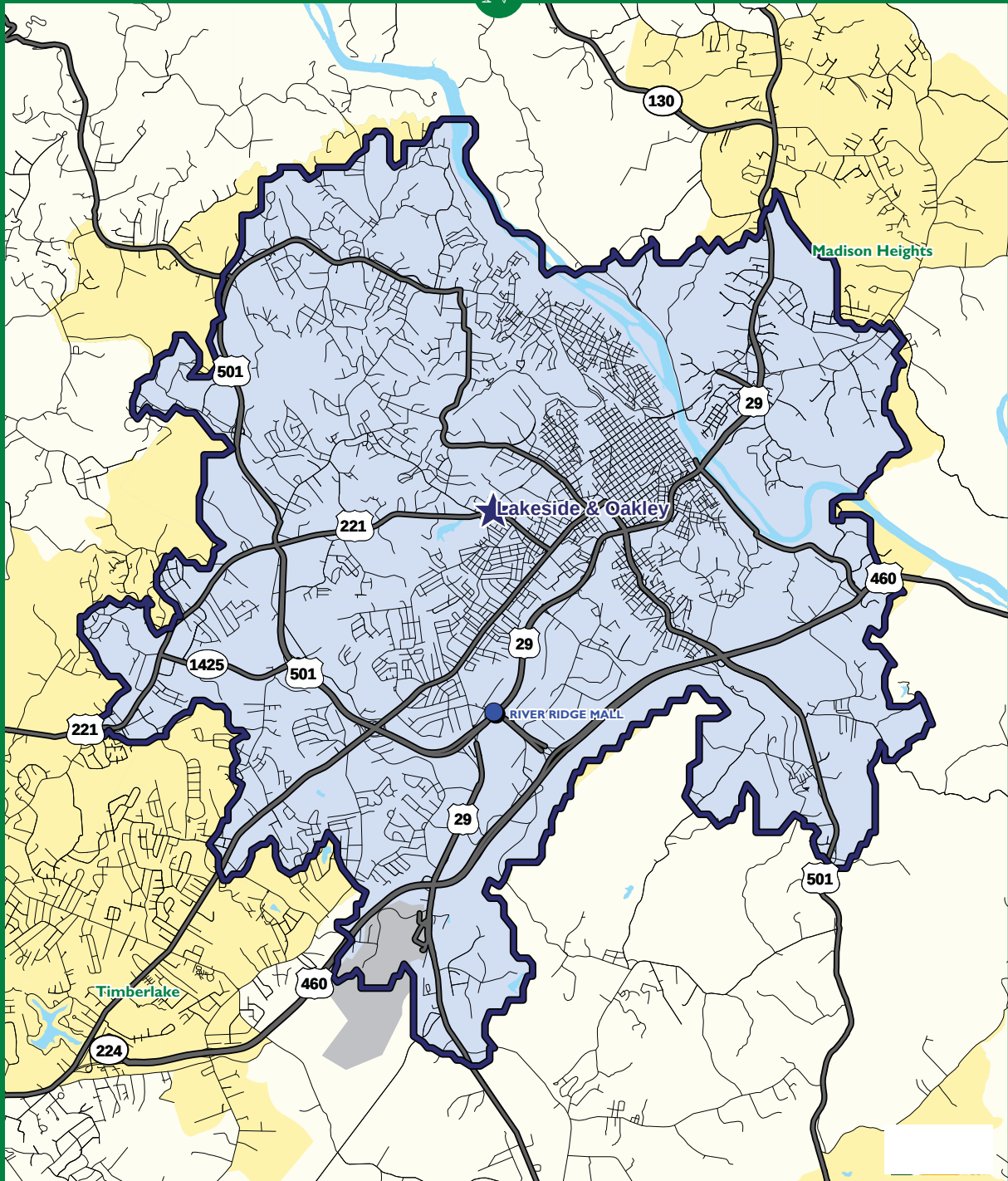
Under \$20,000	176	289
\$20,000 to \$39,999	289	446
\$40,000 to \$59,999	335	655
\$60,000 to \$79,999	293	729
\$80,000 to \$99,999	313	741
\$100,000 to \$149,999	320	554
\$150,000 to \$199,999	113	231
\$200,000 to \$299,999	64	86
\$300,000 to \$399,999	33	42
\$400,000 to \$499,999	22	32
\$500,000 to \$749,999	6	9
\$750,000 to \$999,999	0	2
\$1,000,000 +	5	5

Total Owner - Occupied Property Values	1,969	3,821
Median Property Value	70,815	77,440

Owner - Occupied Property Values (Current)







Lynchburg, Virginia: Trade Area



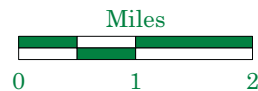
Shopping Centers

GLA in thousands



12 Minute Drive Time

★ Site 2



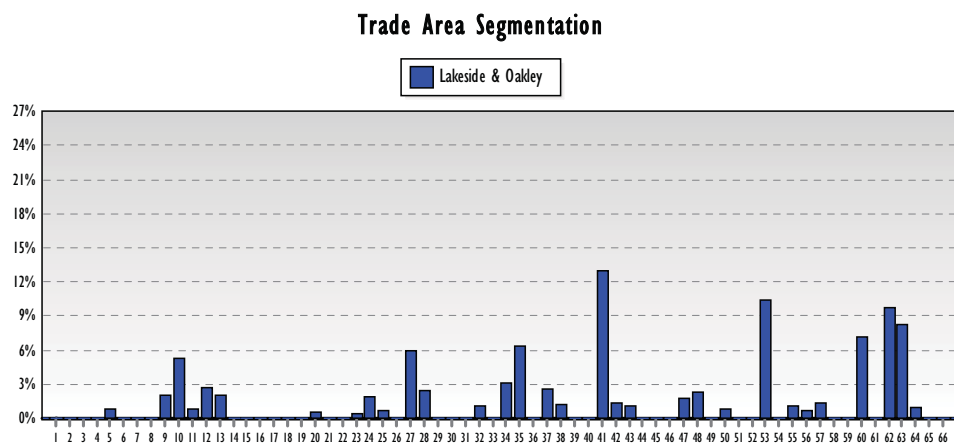
Site 2 Analysis: Lakeside & Oakley

Drive-Time Trade Area

The map on the opposite page depicts the primary trade area for Site 2. The primary trade area consists of a twelve-minute polygon, determined by Buxton's proprietary drive-time technology.

Psychographics

The psychographic profile of the households within a twelve-minute drive-time of Site 2 is presented below.



Source: Claritas, Inc. PRIZM® NE, © 2008

Dominant Segments

A segment that represents at least three percent of a trade area is a dominant segment. Following is a description of the dominant segments for Site 2.

Dominant Segments	Description	Households	% of All Households
10	SECOND CITY ELITE	1,357	5.33%
27	MIDDLEBURG MANAGERS	1,512	5.93%
34	WHITE PICKET FENCES	781	3.07%
35	BOOMTOWN SINGLES	1,626	6.38%
41	SUNSET CITY BLUES	3,320	13.03%
53	MOBILITY BLUES	2,664	10.46%
60	PARK BENCH SENIORS	1,813	7.12%
62	HOMETOWN RETIRED	2,486	9.76%
63	FAMILY THRIFTS	2,089	8.20%

Source: Claritas, Inc. PRIZM® NE, © 2008

Site 2 Analysis (continued)

Leakage Analysis

The following table represents an overview by store type of the leakage or surplus within the studied trade area. This is represented by an index with 1.0 being the baseline. A leakage is reflected by an index less than 1.0 and a surplus is reflected by an index greater than 1.0. Please see Appendix A for detailed demand and actual sales by category.



*GAFO refers to discount retailers that typically include the following departments: general merchandise; clothing and clothing accessories; furniture and home furnishings; electronics and appliances; sporting goods, hobby, books and music; and office supplies

Source: Claritas, Inc, RETAIL MARKET POWER, © 2008

The following table presents the trade potential variables for Site 2:

Trade Potential Variables	Site 2
Estimated Household Count	25,479
Number of Households in Dominant Segments	17,648
Traffic Count	17,000
Total Demand	\$1,096,444,728
Actual Sales	\$1,949,507,788
Estimated Leakage/Surplus Amount	\$853,063,060

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Household Segmentation – Site Two

Brief Descriptions

- 10 SECOND CITY ELITE™ – There's money to be found in the nation's smaller cities, and you're most likely to find it in Second City Elite™. The residents of these satellite cities tend to be prosperous executives who decorate their \$200,000 homes with multiple computers, large-screen TV sets and an impressive collection of wines. With more than half holding college degrees, Second City Elite™ residents enjoy cultural activities—from reading books to attending theater and dance productions.
- 27 MIDDLEBURG MANAGERS™ – Middleburg Managers™ arose when empty-nesters settled in satellite communities which offered a lower cost of living and more relaxed pace. Today segment residents tend to be middle-class and over 55 years old with solid managerial jobs and comfortable retirements. In their older homes, they enjoy reading, playing musical instruments, indoor gardening and refinishing furniture.
- 34 WHITE PICKET FENCES™ – Midpoint on the socioeconomic ladder, residents in White Picket Fences™ look a lot like the stereotypical American household of a generation ago: young, middle-class, married with children. But the current version is characterized by modest homes and ethnic diversity—including a disproportionate number of Hispanics and African-Americans.
- 35 BOOMTOWN SINGLES™ – Affordable housing, abundant entry-level jobs and a thriving singles scene— all have given rise to the Boomtown Singles™ segment in fast-growing satellite cities. Young, single and working-class, these residents pursue active lifestyles amid sprawling apartment complexes, bars, convenience stores and laundromats.
- 41 SUNSET CITY BLUES™ – Scattered throughout the older neighborhoods of small cities, Sunset City Blues™ is a segment of lower-middle-class singles and couples who have retired or are getting close to retirement. These empty-nesters tend to own their homes but have modest educations and incomes. They maintain a low-key lifestyle filled with newspapers and television by day, and family-style restaurants at night.

Household Segmentation

Brief Descriptions

- 53 MOBILITY BLUES™ – Young singles and single parents make their way to Mobility Blues™, a segment of working-class neighborhoods in America's satellite cities. Racially mixed and under 25 years old, these transient Americans tend to have modest lifestyles due to their lower-income blue-collar jobs. Surveys show they excel in going to movies, playing basketball and shooting pool.
- 60 PARK BENCH SENIORS™ – Park Bench Seniors™ are typically retired singles living in the racially mixed neighborhoods of the nation's satellite cities. With modest educations and incomes, these residents maintain low-key, sedentary lifestyles. Theirs is one of the top-ranked segments for TV viewing, especially daytime soaps and game shows.
- 62 HOMETOWN RETIRED™ – With three-quarters of all residents over 65 years old, Hometown Retired™ is one of the oldest segments. These racially mixed seniors tend to live in aging homes—half were built before 1958—and typically get by on social security and modest pensions. Because most never made it beyond high school and spent their working lives at blue-collar jobs, their retirements are extremely modest.
- 63 FAMILY THRIFTS™ – The small-city cousins of inner-city districts, Family Thrifts™ contain young, ethnically diverse parents who have lots of children and work entry-level service jobs. In these apartment-filled neighborhoods, visitors find the streets jam-packed with babies and toddlers, tricycles and basketball hoops, Daewoos and Hyundais.

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Demographics

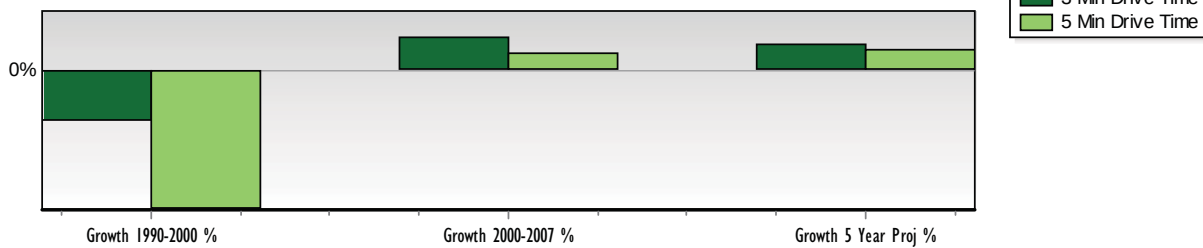
Analysis Geography: Lakeside & Oakley
Lynchburg, VA

Date: 2/9/2009

Population Profile

	3 Min Drive Time	5 Min Drive Time
2012 Projection	12,238	23,634
2007 Estimate	12,143	23,492
2000 Census	12,028	23,375
1990 Census	12,197	24,311

Population Change



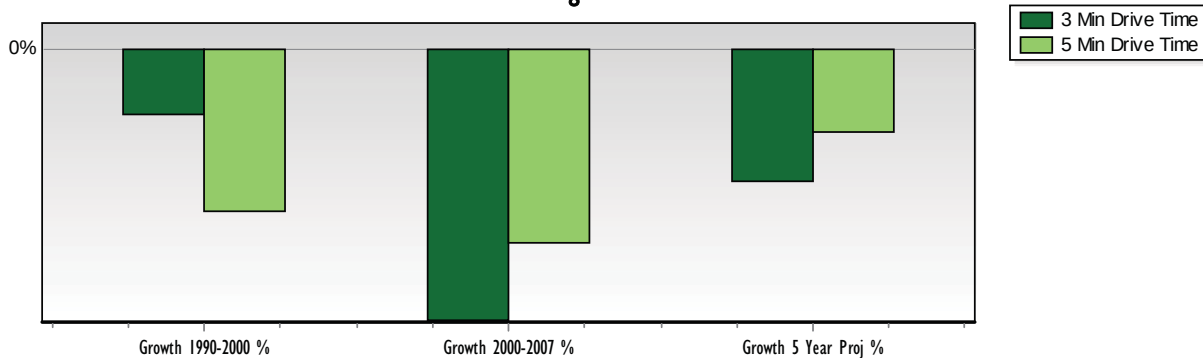
Work Place Population

	3 Min Drive Time	5 Min Drive Time
Total	15,953	20,312

Household Profile

2012 Projection	4,402	8,997
2007 Estimate	4,487	9,105
2000 Census	4,667	9,364
1990 Census	4,712	9,587

Household Change



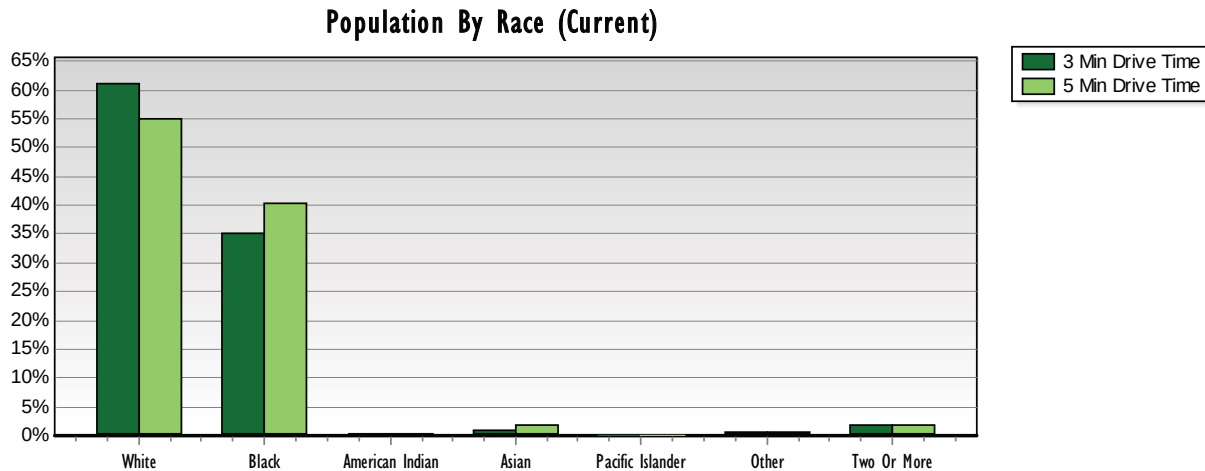


Demographics

Analysis Geography: Lakeside & Oakley
Lynchburg, VA

Date: 2/9/2009

Population By Race (Current)	3 Min Drive Time	5 Min Drive Time
White	7,422	12,956
Black	4,271	9,465
American Indian	34	59
Asian	104	440
Pacific Islander	3	8
Other	70	124
Two Or More	239	440
Total Population By Race	12,143	23,492



Population By Hispanic Origin (Current)	3 Min Drive Time	5 Min Drive Time
Hispanic Origin	168	320
Non Hispanic Origin	11,975	23,172



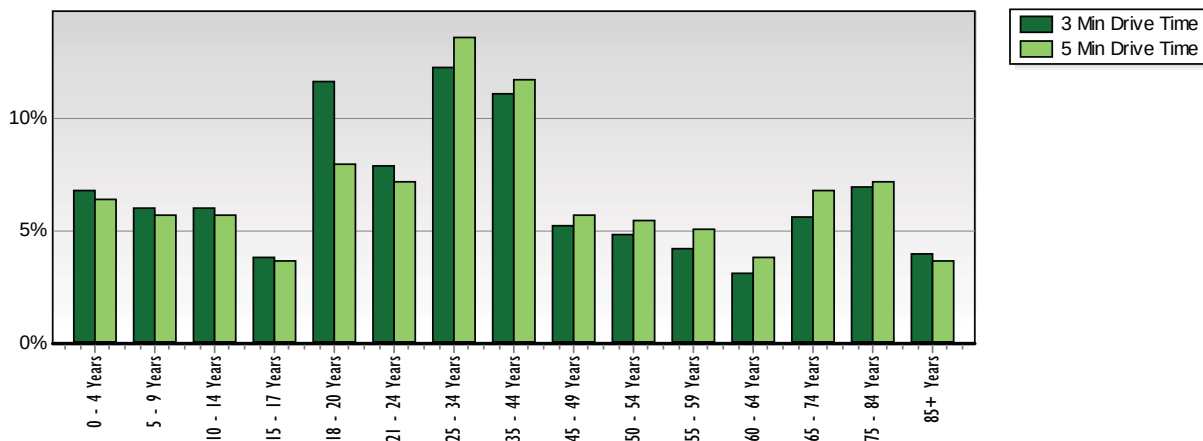
Demographics

Analysis Geography: Lakeside & Oakley
Lynchburg, VA

Date: 2/9/2009

Population By Age (Current)	3 Min Drive Time	5 Min Drive Time
0 to 4 years	827	1,514
5 to 9 years	736	1,350
10 to 14 years	730	1,343
15 to 17 years	469	874
18 to 20 years	1,422	1,871
21 to 24 years	958	1,695
25 to 34 years	1,493	3,202
35 to 44 years	1,354	2,765
45 to 49 years	642	1,336
50 to 54 years	591	1,289
55 to 59 years	517	1,198
60 to 64 years	381	896
65 to 74 years	687	1,605
75 to 84 years	849	1,694
85+ Years	487	860
Total Population By Age	12,143	23,492
Average Age	36.8	38.6
Median Age	34.4	36.7

Population By Age (Current)



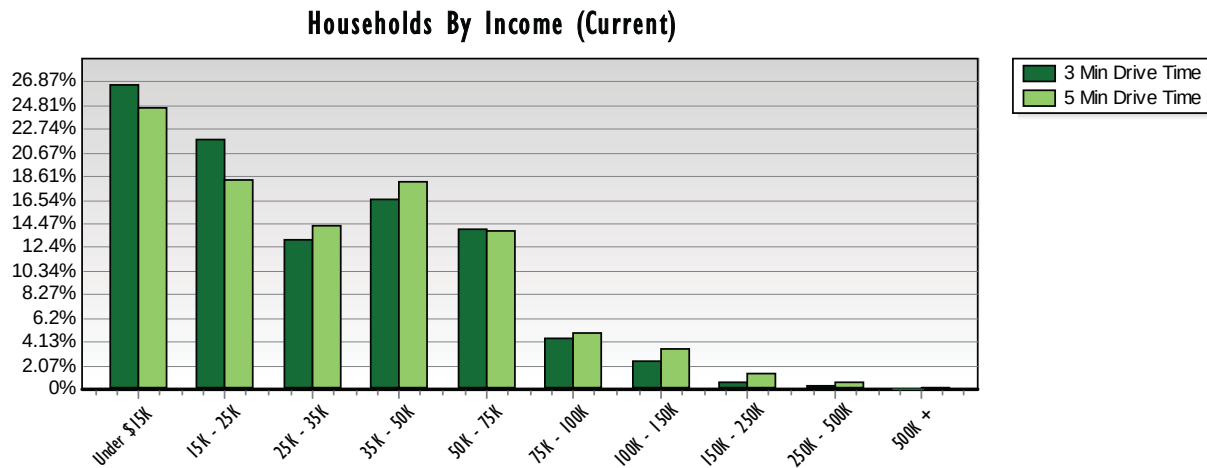


Demographics

Analysis Geography: Lakeside & Oakley
Lynchburg, VA

Date: 2/9/2009

Households By Income (Current)	3 Min Drive Time	5 Min Drive Time
Under \$15,000	1,195	2,239
\$15,000 to \$24,999	978	1,670
\$25,000 to \$34,999	585	1,301
\$35,000 to \$49,999	749	1,651
\$50,000 to \$74,999	626	1,265
\$75,000 to \$99,999	198	448
\$100,000 to \$149,999	113	327
\$150,000 to \$249,999	28	126
\$250,000 to \$499,999	13	59
\$500,000 +	2	19
Total Households By Income	4,487	9,105
Average Household Income	\$35,267	\$40,758
Per Capita Income	\$15,662	\$20,153
Median Household Income	\$27,382	\$30,491





Demographics

Analysis Geography: Lakeside & Oakley
Lynchburg, VA

Date: 2/9/2009

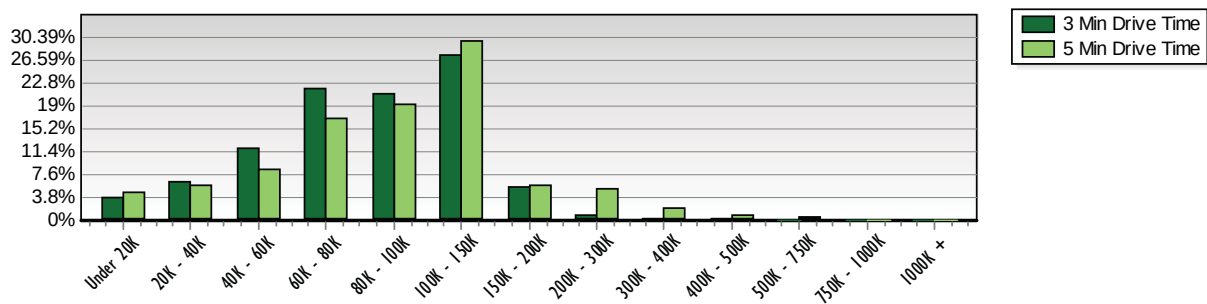
Housing Units By Occupancy (Current)	3 Min Drive Time	5 Min Drive Time
Owner - Occupied	43.3%	44.1%
Renter - Occupied	48.3%	43.8%
Vacant	8.4%	12.1%

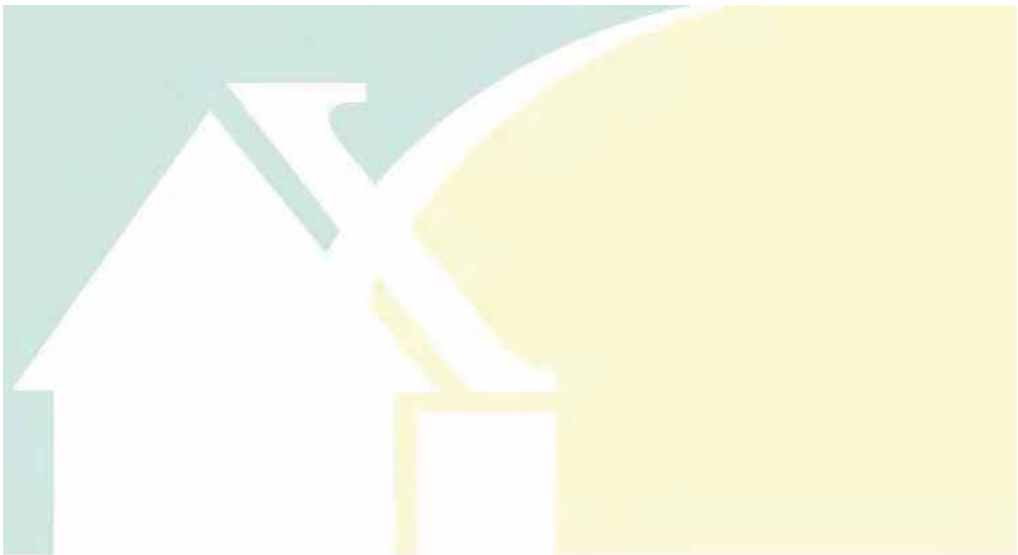
Owner - Occupied Property Values (Current)

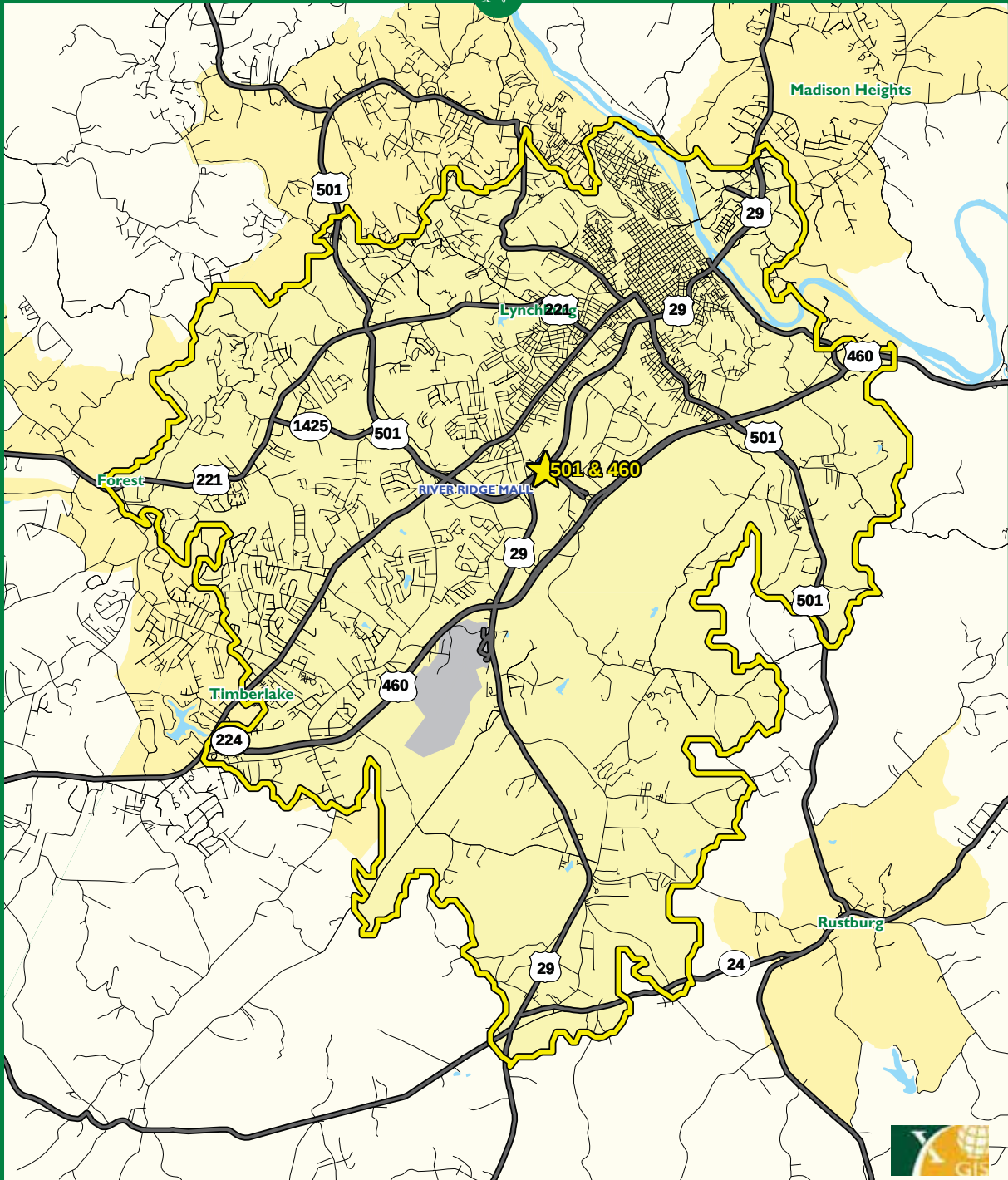
Under \$20,000	78	212
\$20,000 to \$39,999	139	270
\$40,000 to \$59,999	257	385
\$60,000 to \$79,999	467	776
\$80,000 to \$99,999	445	885
\$100,000 to \$149,999	584	1,362
\$150,000 to \$199,999	115	265
\$200,000 to \$299,999	16	245
\$300,000 to \$399,999	7	96
\$400,000 to \$499,999	6	39
\$500,000 to \$749,999	3	27
\$750,000 to \$999,999	2	2
\$1,000,000 +	0	5

Total Owner - Occupied Property Values	2,119	4,569
Median Property Value	87,948	98,673

Owner - Occupied Property Values (Current)







Lynchburg, Virginia: Trade Area

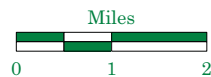
Shopping Centers

GLA in thousands



□ 12 Minute Drive Time

★ Site 3



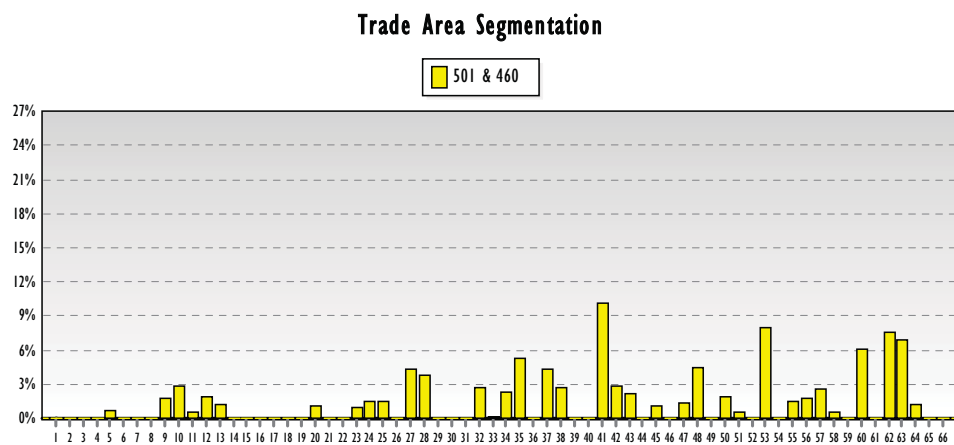
Site 3 Analysis: 501 & 460

Drive-Time Trade Area

The map on the opposite page depicts the primary trade area for Site 3. The primary trade area consists of a twelve-minute polygon, determined by Buxton's proprietary drive-time technology.

Psychographics

The psychographic profile of the households within a twelve-minute drive-time of Site 3 is presented below.



Source: Claritas, Inc. PRIZM® NE, © 2008

Dominant Segments

A segment that represents at least three percent of a trade area is a dominant segment. Following is a description of the dominant segments for Site 3.

Dominant Segments	Description	Households	% of All Households
27	MIDDLEBURG MANAGERS	1,259	4.29%
28	TRADITIONAL TIMES	1,092	3.72%
35	BOOMTOWN SINGLES	1,562	5.32%
37	MAYBERRY-VILLE	1,273	4.33%
41	SUNSET CITY BLUES	2,971	10.11%
48	YOUNG & RUSTIC	1,298	4.42%
53	MOBILITY BLUES	2,350	8.00%
60	PARK BENCH SENIORS	1,770	6.03%
62	HOMETOWN RETIRED	2,241	7.63%
63	FAMILY THRIFTS	2,029	6.91%

Source: Claritas, Inc. PRIZM® NE, © 2008

Site 3 Analysis (continued)

Leakage Analysis

The following table represents an overview by store type of the leakage or surplus within the studied trade area. This is represented by an index with 1.0 being the baseline. A leakage is reflected by an index less than 1.0 and a surplus is reflected by an index greater than 1.0. Please see Appendix A for detailed demand and actual sales by category.



*GAFO refers to discount retailers that typically include the following departments: general merchandise; clothing and clothing accessories; furniture and home furnishings; electronics and appliances; sporting goods, hobby, books and music; and office supplies

Source: Claritas, Inc, RETAIL MARKET POWER, © 2008

The following table presents the trade potential variables for Site 3:

Trade Potential Variables	Site 3
Estimated Household Count	29,374
Number of Households in Dominant Segments	17,845
Traffic Count	43,000
Total Demand	\$1,212,838,382
Actual Sales	\$2,057,239,525
Estimated Leakage/Surplus Amount	\$844,401,143

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Household Segmentation – Site Three

Brief Descriptions

- 27 MIDDLEBURG MANAGERS™ – Middleburg Managers™ arose when empty-nesters settled in satellite communities which offered a lower cost of living and more relaxed pace. Today segment residents tend to be middle-class and over 55 years old with solid managerial jobs and comfortable retirements. In their older homes, they enjoy reading, playing musical instruments, indoor gardening and refinishing furniture.
- 28 TRADITIONAL TIMES™ – Traditional Times™ is the kind of lifestyle where small-town couples nearing retirement are beginning to enjoy their first empty-nest years. Typically in their fifties and sixties, these middle-class Americans pursue a kind of granola-and-grits lifestyle. On their coffee tables are magazines with titles ranging from *Country Living* and *Country Home* to *Gourmet* and *Forbes*. But they're big travelers, especially in recreational vehicles and campers.
- 35 BOOMTOWN SINGLES™ – Affordable housing, abundant entry-level jobs and a thriving singles scene— all have given rise to the Boomtown Singles™ segment in fast-growing satellite cities. Young, single and working-class, these residents pursue active lifestyles amid sprawling apartment complexes, bars, convenience stores and laundromats.
- 37 MAYBERRY-VILLE™ – Like the old Andy Griffith Show set in a quaint picturesque berg, Mayberry-ville™ harks back to an old-fashioned way of life. In these small towns, middle-class couples and families like to fish and hunt during the day, and stay home and watch TV at night. With lucrative blue-collar jobs and moderately priced housing, residents use their discretionary cash to purchase boats, campers, motorcycles and pickup trucks.
- 41 SUNSET CITY BLUES™ – Scattered throughout the older neighborhoods of small cities, Sunset City Blues™ is a segment of lower-middle-class singles and couples who have retired or are getting close to retirement. These empty-nesters tend to own their homes but have modest educations and incomes. They maintain a low-key lifestyle filled with newspapers and television by day, and family-style restaurants at night.

Household Segmentation

Brief Descriptions

- 48 YOUNG & RUSTIC™ – Like the soap opera that inspired its nickname, Young & Rustic™ is composed of young, restless singles. Unlike the glitzy soap denizens, however, these folks tend to be lower income, high school-educated and live in tiny apartments in the nation's exurban towns. With their service industry jobs and modest incomes, these folks still try to fashion fast-paced lifestyles centered on sports, cars and dating.
- 53 MOBILITY BLUES™ – Young singles and single parents make their way to Mobility Blues™, a segment of working-class neighborhoods in America's satellite cities. Racially mixed and under 25 years old, these transient Americans tend to have modest lifestyles due to their lower-income blue-collar jobs. Surveys show they excel in going to movies, playing basketball and shooting pool.
- 60 PARK BENCH SENIORS™ – Park Bench Seniors™ are typically retired singles living in the racially mixed neighborhoods of the nation's satellite cities. With modest educations and incomes, these residents maintain low-key, sedentary lifestyles. Theirs is one of the top-ranked segments for TV viewing, especially daytime soaps and game shows.
- 62 HOMETOWN RETIRED™ – With three-quarters of all residents over 65 years old, Hometown Retired™ is one of the oldest segments. These racially mixed seniors tend to live in aging homes—half were built before 1958—and typically get by on social security and modest pensions. Because most never made it beyond high school and spent their working lives at blue-collar jobs, their retirements are extremely modest.
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Buxton utilizes the Nielsen Claritas® PRIZM® segmentation system in this analysis. PRIZM® is a registered trademark of Nielsen Claritas. PRIZM segment names (Blue Blood Estates™, Big Sky Families™, Country Squires™, etc.) are trademarks of Nielsen Claritas.



Demographics

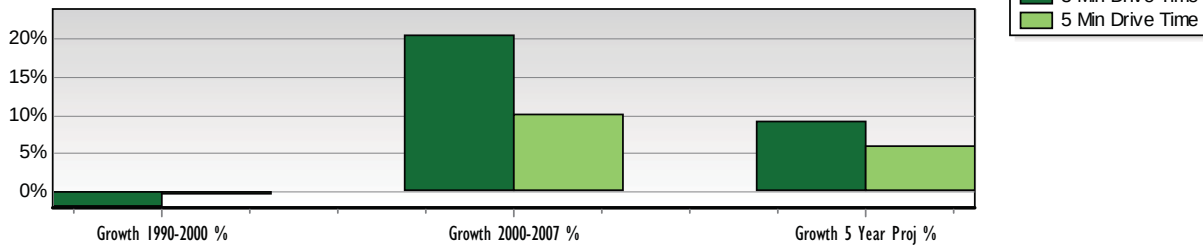
Analysis Geography: 501 & 460
Lynchburg, VA

Date: 2/9/2009

Population Profile

	3 Min Drive Time	5 Min Drive Time
2012 Projection	8,431	15,473
2007 Estimate	7,726	14,603
2000 Census	6,411	13,269
1990 Census	6,549	13,329

Population Change



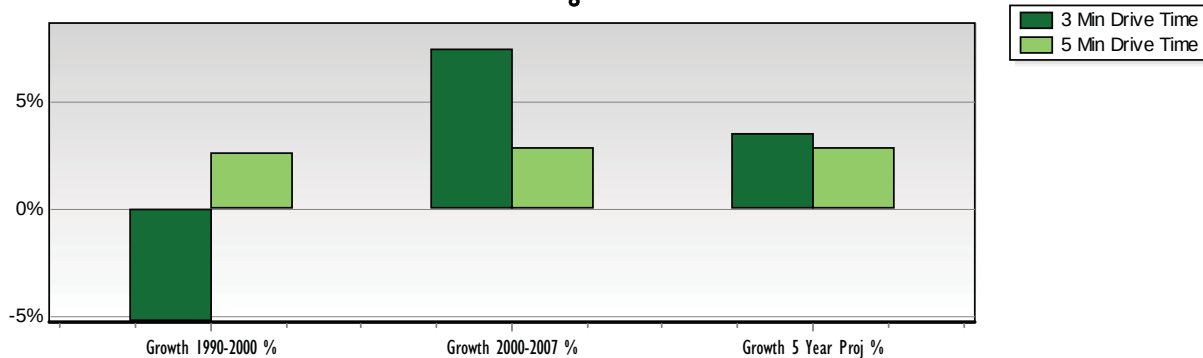
Work Place Population

	3 Min Drive Time	5 Min Drive Time
Total	5,868	13,290

Household Profile

2012 Projection	1,680	4,815
2007 Estimate	1,623	4,683
2000 Census	1,511	4,553
1990 Census	1,594	4,436

Household Change



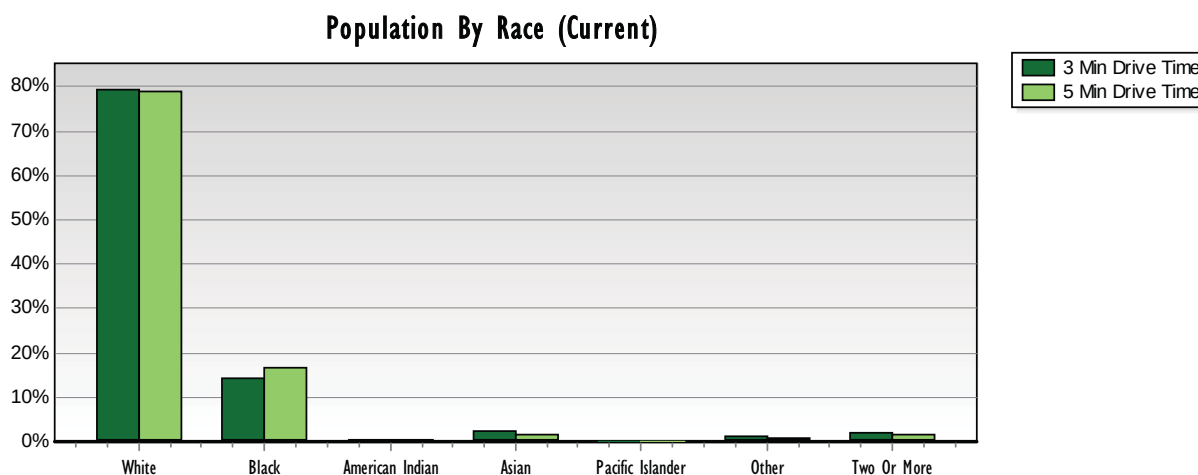


Demographics

Analysis Geography: 501 & 460
Lynchburg, VA

Date: 2/9/2009

Population By Race (Current)	3 Min Drive Time	5 Min Drive Time
White	6,132	11,505
Black	1,118	2,411
American Indian	28	33
Asian	188	246
Pacific Islander	6	15
Other	99	134
Two Or More	155	259
Total Population By Race	7,726	14,603



Population By Hispanic Origin (Current)	3 Min Drive Time	5 Min Drive Time
Hispanic Origin	274	382
Non Hispanic Origin	7,452	14,221

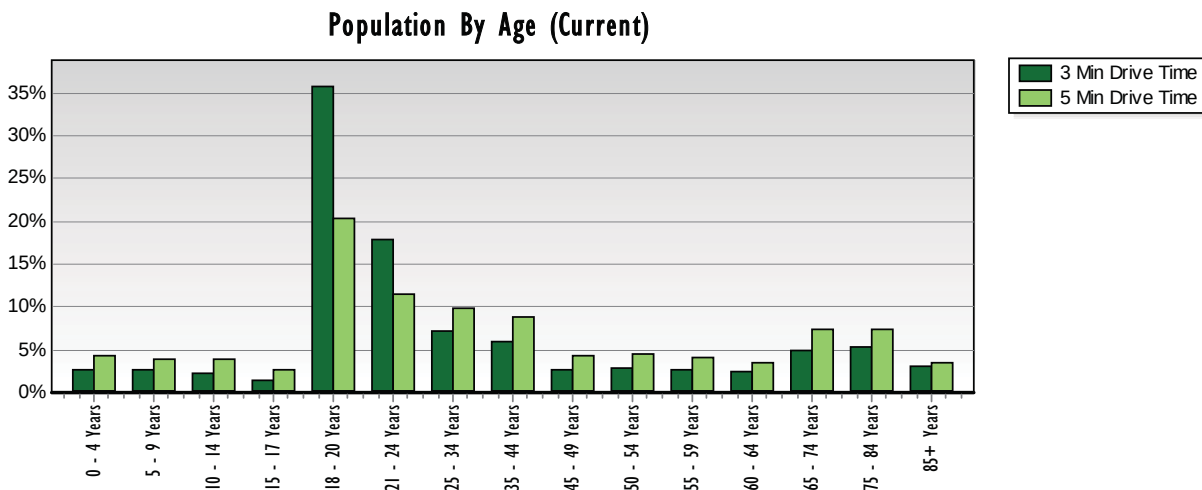


Demographics

Analysis Geography: 501 & 460
Lynchburg, VA

Date: 2/9/2009

Population By Age (Current)	3 Min Drive Time	5 Min Drive Time
0 to 4 years	213	620
5 to 9 years	202	575
10 to 14 years	179	576
15 to 17 years	112	388
18 to 20 years	2,765	2,984
21 to 24 years	1,377	1,696
25 to 34 years	561	1,427
35 to 44 years	461	1,278
45 to 49 years	211	635
50 to 54 years	215	648
55 to 59 years	202	595
60 to 64 years	190	511
65 to 74 years	384	1,077
75 to 84 years	413	1,076
85+ Years	241	517
Total Population By Age	7,726	14,603
Average Age	32.7	37.5
Median Age	30.5	36.3



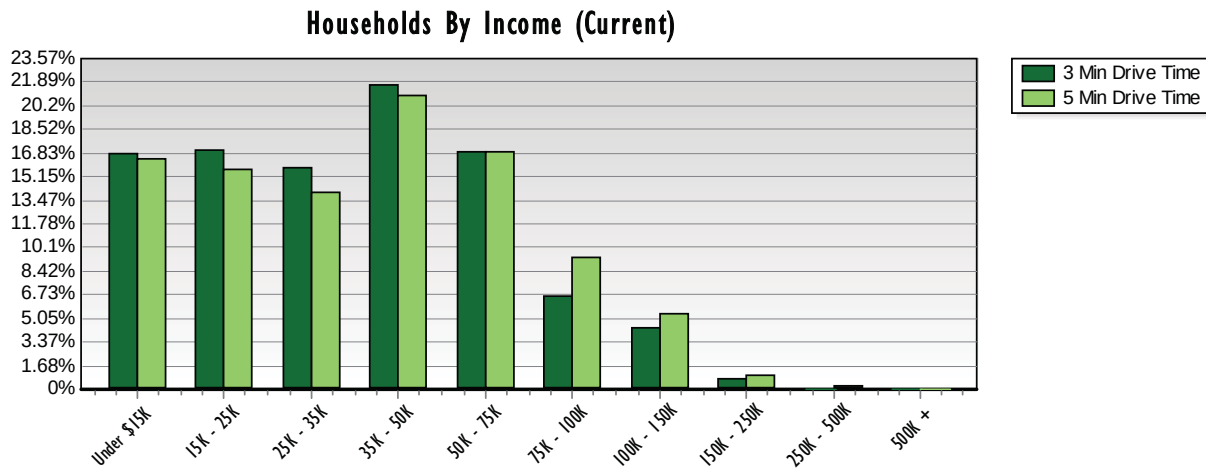


Demographics

Analysis Geography: 501 & 460
Lynchburg, VA

Date: 2/9/2009

Households By Income (Current)	3 Min Drive Time	5 Min Drive Time
Under \$15,000	272	769
\$15,000 to \$24,999	276	732
\$25,000 to \$34,999	257	660
\$35,000 to \$49,999	352	980
\$50,000 to \$74,999	274	793
\$75,000 to \$99,999	107	439
\$100,000 to \$149,999	72	251
\$150,000 to \$249,999	13	45
\$250,000 to \$499,999	0	12
\$500,000 +	0	2
Total Households By Income	1,623	4,683
Average Household Income	\$41,286	\$45,255
Per Capita Income	\$16,202	\$20,103
Median Household Income	\$36,338	\$38,466





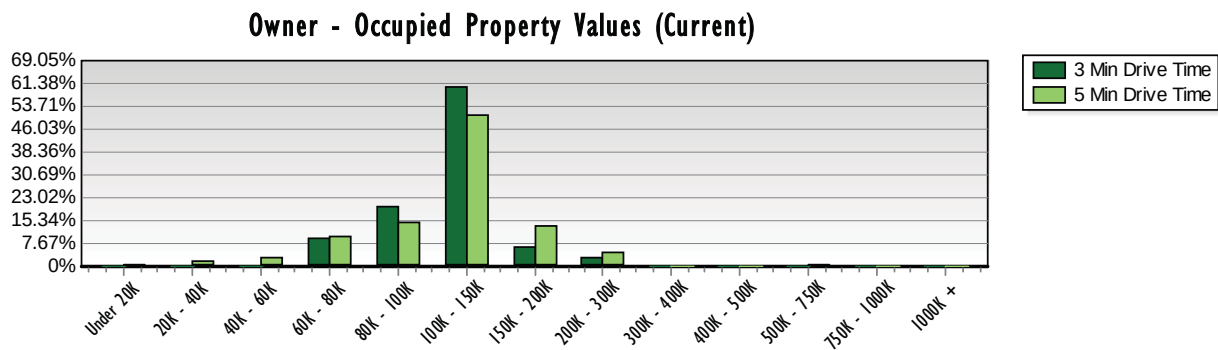
Demographics

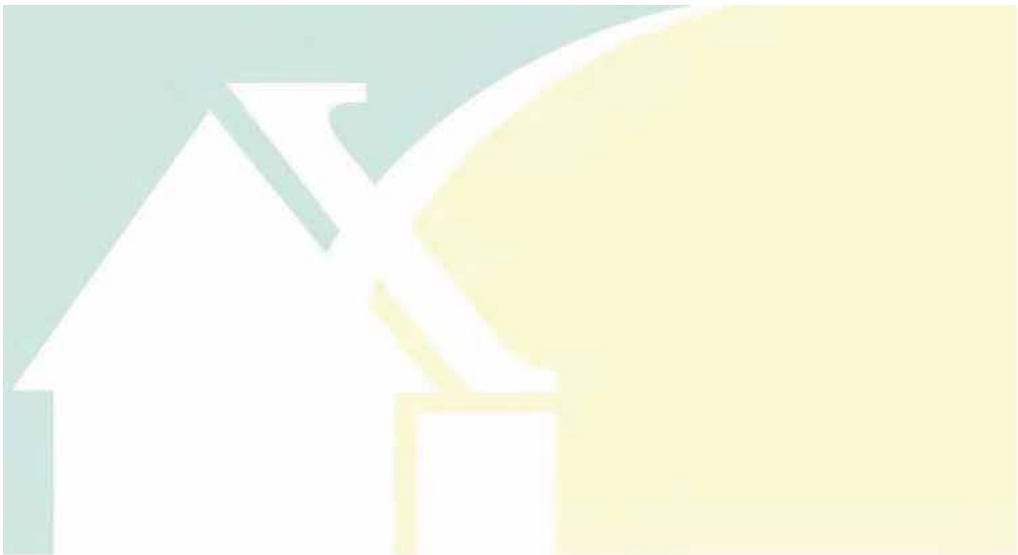
Analysis Geography: 501 & 460
Lynchburg, VA

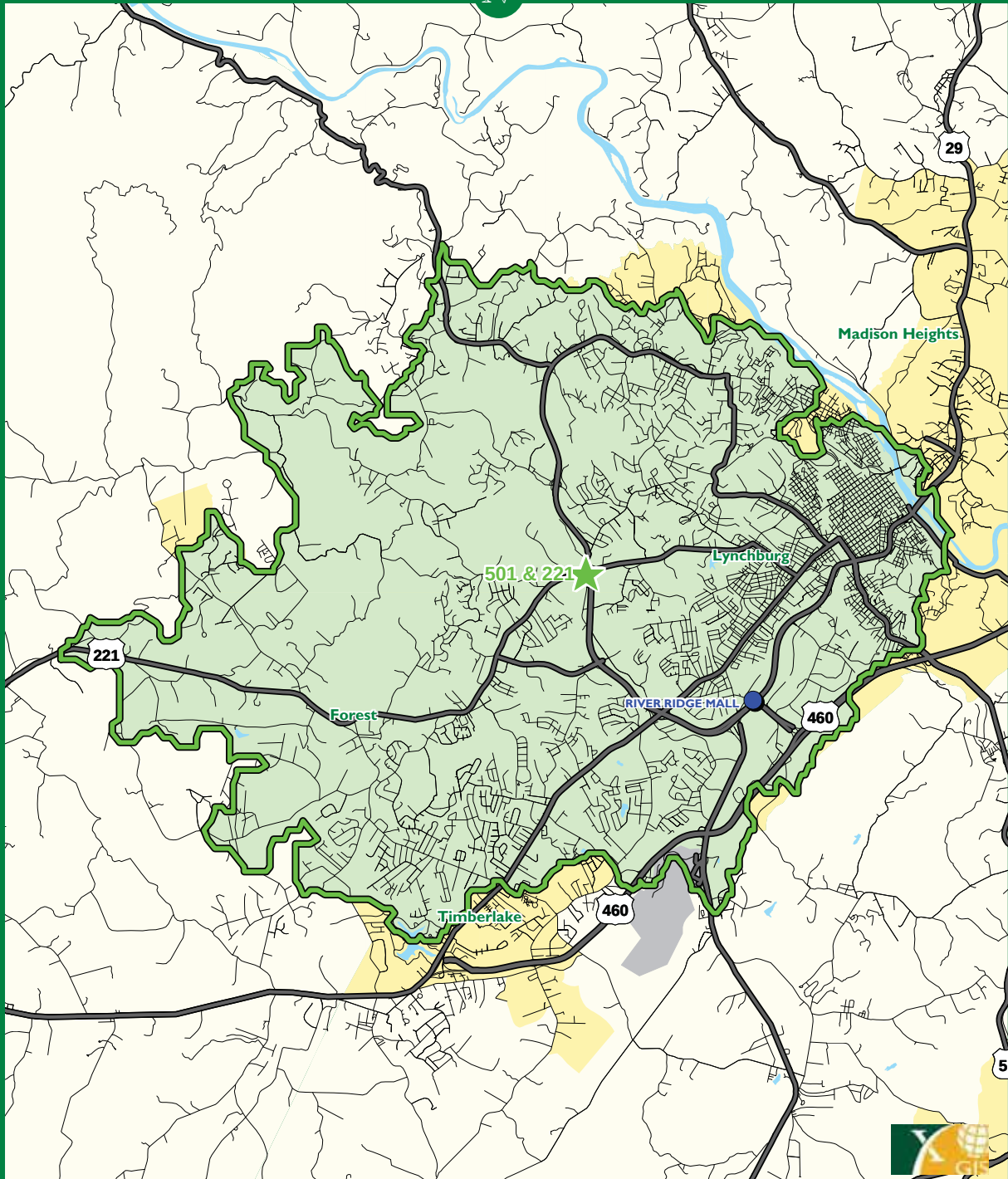
Date: 2/9/2009

Housing Units By Occupancy (Current)	3 Min Drive Time	5 Min Drive Time
Owner - Occupied	64.4%	64.8%
Renter - Occupied	29.5%	28.8%
Vacant	6.1%	6.4%

Owner - Occupied Property Values (Current)	3 Min Drive Time	5 Min Drive Time
Under \$20,000	0	19
\$20,000 to \$39,999	0	62
\$40,000 to \$59,999	3	95
\$60,000 to \$79,999	108	325
\$80,000 to \$99,999	223	484
\$100,000 to \$149,999	670	1,644
\$150,000 to \$199,999	75	437
\$200,000 to \$299,999	34	157
\$300,000 to \$399,999	0	3
\$400,000 to \$499,999	0	5
\$500,000 to \$749,999	0	10
\$750,000 to \$999,999	0	2
\$1,000,000 +	0	0
Total Owner - Occupied Property Values	1,113	3,243
Median Property Value	110,826	114,102







Lynchburg, Virginia: Trade Area

Shopping Centers

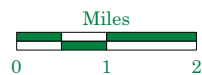
GLA in thousands

1000+

500 to 1000

12 Minute Drive Time

Site 4



Site 4 Analysis: 501 & 221

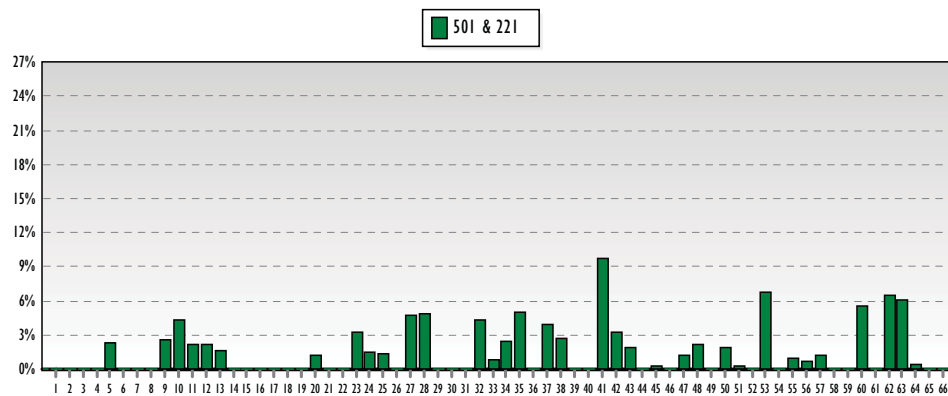
Drive-Time Trade Area

The map on the opposite page depicts the primary trade area for Site 4. The primary trade area consists of a twelve-minute polygon, determined by Buxton's proprietary drive-time technology.

Psychographics

The psychographic profile of the households within a twelve-minute drive-time of Site 4 is presented below.

Trade Area Segmentation



Source: Claritas, Inc. PRIZM® NE, © 2008

Dominant Segments

A segment that represents at least three percent of a trade area is a dominant segment. Following is a description of the dominant segments for Site 4.

Dominant Segments	Description	Households	% of All Households
10	SECOND CITY ELITE	1,350	4.39%
23	GREENBELT SPORTS	979	3.18%
27	MIDDLEBURG MANAGERS	1,451	4.72%
28	TRADITIONAL TIMES	1,502	4.88%
32	NEW HOMESTEADERS	1,340	4.36%
35	BOOMTOWN SINGLES	1,525	4.96%
37	MAYBERRY-VILLE	1,200	3.90%
41	SUNSET CITY BLUES	2,995	9.74%
42	RED, WHITE & BLUES	987	3.21%
53	MOBILITY BLUES	2,079	6.76%
60	PARK BENCH SENIORS	1,692	5.50%
62	HOMETOWN RETIRED	2,008	6.53%
63	FAMILY THRIFTS	1,881	6.12%

Source: Claritas, Inc. PRIZM® NE, © 2008

Site 4 Analysis (continued)

Leakage Analysis

The following table represents an overview by store type of the leakage or surplus within the studied trade area. This is represented by an index with 1.0 being the baseline. A leakage is reflected by an index less than 1.0 and a surplus is reflected by an index greater than 1.0. Please see Appendix A for detailed demand and actual sales by category.



*GAFO refers to discount retailers that typically include the following departments: general merchandise; clothing and clothing accessories; furniture and home furnishings; electronics and appliances; sporting goods, hobby, books and music; and office supplies

Source: Claritas, Inc, RETAIL MARKET POWER, © 2008

The following table presents the trade potential variables for Site 4:

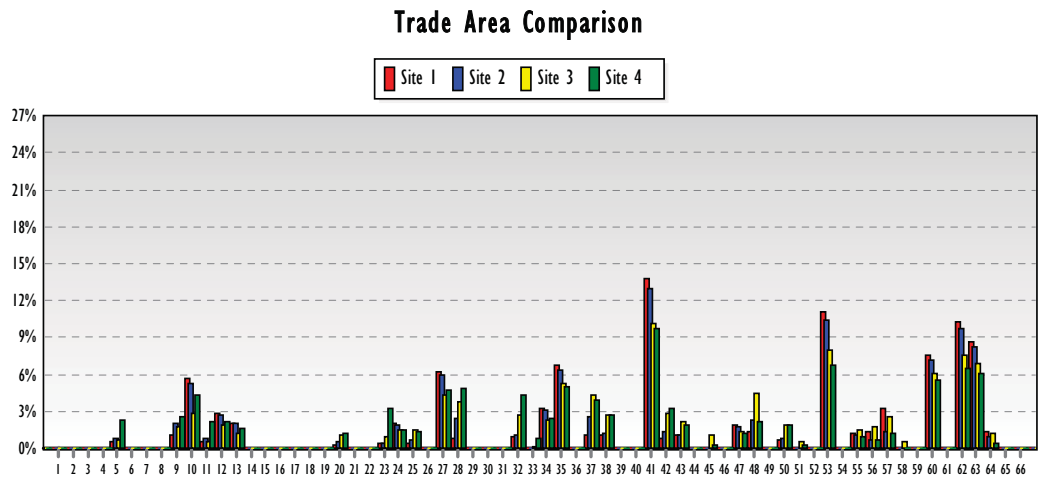
Trade Potential Variables	Site 4
Estimated Household Count	30,754
Number of Households in Dominant Segments	20,989
Traffic Count	23,000
Total Demand	\$1,379,088,004
Actual Sales	\$2,063,297,783
Estimated Leakage/Surplus Amount	\$684,209,779

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Site Comparison

Trade Area Segmentation

This side by side comparison of the four trade areas shows the compositions and characteristics of the households to be very similar. This is not unusual and can be expected in an area with potential sites in close proximity.



12- Minute Trade Area Statistics with Trade Area Rank

Trade Potential Variables	Site	Site 2	Site 3	Site 4
Estimated Household Count	24,130	25,479	29,374	30,754
Number of Households in Dominant Segments	18,420	17,648	17,845	20,989
Traffic Count	6,200	17,000	43,000	23,000
Total Demand	\$987,568,372	\$1,096,444,728	\$1,212,838,382	\$1,379,088,004
Actual Sales	\$1,888,655,249	\$1,949,507,788	\$2,057,239,525	\$2,063,297,783
Estimated Leakage/Surplus Amount	\$901,086,877	\$853,063,060	\$844,401,143	\$684,209,779

Source: Claritas, Inc. RETAIL MARKET POWER, PRIZM® NE, © 2008

Household Segmentation – Site Four

Brief Descriptions

- 10 SECOND CITY ELITE™ – There's money to be found in the nation's smaller cities, and you're most likely to find it in Second City Elite™. The residents of these satellite cities tend to be prosperous executives who decorate their \$200,000 homes with multiple computers, large-screen TV sets and an impressive collection of wines. With more than half holding college degrees, Second City Elite™ residents enjoy cultural activities—from reading books to attending theater and dance productions.
- 23 GREENBELT SPORTS™ – A segment of middle-class exurban couples, Greenbelt Sports™ is known for its active lifestyle. Most of these middle-aged residents are married, college-educated and own new homes; about a third have children. And few segments have higher rates for pursuing outdoor activities such as skiing, canoeing, backpacking, boating and mountain biking.
- 27 MIDDLEBURG MANAGERS™ – Middleburg Managers™ arose when empty-nesters settled in satellite communities which offered a lower cost of living and more relaxed pace. Today segment residents tend to be middle-class and over 55 years old with solid managerial jobs and comfortable retirements. In their older homes, they enjoy reading, playing musical instruments, indoor gardening and refinishing furniture.
- 28 TRADITIONAL TIMES™ – Traditional Times™ is the kind of lifestyle where small-town couples nearing retirement are beginning to enjoy their first empty-nest years. Typically in their fifties and sixties, these middle-class Americans pursue a kind of granola-and-grits lifestyle. On their coffee tables are magazines with titles ranging from *Country Living* and *Country Home* to *Gourmet* and *Forbes*. But they're big travelers, especially in recreational vehicles and campers.
- 32 NEW HOMESTEADERS™ – Young, middle-class families seeking to escape suburban sprawl find refuge in New Homesteaders™, a collection of small rustic townships filled with new ranches and Cape Cods. With decent-paying jobs in white-collar and service industries, these dual-income couples have fashioned comfortable, child-centered lifestyles, their driveways filled with campers and powerboats, their family rooms with PlayStations and Game Boys.

Household Segmentation

Brief Descriptions

- 35 BOOMTOWN SINGLES™ – Affordable housing, abundant entry-level jobs and a thriving singles scene— all have given rise to the Boomtown Singles™ segment in fast-growing satellite cities. Young, single and working-class, these residents pursue active lifestyles amid sprawling apartment complexes, bars, convenience stores and laundromats.
- 37 MAYBERRY-VILLE™ – Like the old Andy Griffith Show set in a quaint picturesque berg, Mayberry-ville™ harks back to an old-fashioned way of life. In these small towns, middle-class couples and families like to fish and hunt during the day, and stay home and watch TV at night. With lucrative blue-collar jobs and moderately priced housing, residents use their discretionary cash to purchase boats, campers, motorcycles and pickup trucks.
- 41 SUNSET CITY BLUES™ – Scattered throughout the older neighborhoods of small cities, Sunset City Blues™ is a segment of lower-middle-class singles and couples who have retired or are getting close to retirement. These empty-nesters tend to own their homes but have modest educations and incomes. They maintain a low-key lifestyle filled with newspapers and television by day, and family-style restaurants at night.
- 42 RED, WHITE & BLUES™ – The residents of Red, White & Blues™ typically live in exurban towns rapidly morphing into bedroom suburbs. Their streets feature new fast-food restaurants, and locals have recently celebrated the arrival of chains like Wal-Mart, Radio Shack and Payless Shoes. Middle-aged, high school educated and lower-middle class, these folks tend to have solid, blue-collar jobs in manufacturing, milling and construction.
- 53 MOBILITY BLUES™ – Young singles and single parents make their way to Mobility Blues™, a segment of working-class neighborhoods in America's satellite cities. Racially mixed and under 25 years old, these transient Americans tend to have modest lifestyles due to their lower-income blue-collar jobs. Surveys show they excel in going to movies, playing basketball and shooting pool.

Household Segmentation

Brief Descriptions

- 60 PARK BENCH SENIORS™ – Park Bench Seniors™ are typically retired singles living in the racially mixed neighborhoods of the nation's satellite cities. With modest educations and incomes, these residents maintain low-key, sedentary lifestyles. Theirs is one of the top-ranked segments for TV viewing, especially daytime soaps and game shows.
- 62 HOMETOWN RETIRED™ – With three-quarters of all residents over 65 years old, Hometown Retired™ is one of the oldest segments. These racially mixed seniors tend to live in aging homes—half were built before 1958—and typically get by on social security and modest pensions. Because most never made it beyond high school and spent their working lives at blue-collar jobs, their retirements are extremely modest.
- 63 FAMILY THRIFTS™ – The small-city cousins of inner-city districts, Family Thrifts™ contain young, ethnically diverse parents who have lots of children and work entry-level service jobs. In these apartment-filled neighborhoods, visitors find the streets jam-packed with babies and toddlers, tricycles and basketball hoops, Daewoos and Hyundais.

Buxton utilizes the Nielsen Claritas® PRIZM® segmentation system in this analysis. PRIZM® is a registered trademark of Nielsen Claritas. PRIZM segment names (Blue Blood Estates™, Big Sky Families™, Country Squires™, etc.) are trademarks of Nielsen Claritas.



Demographics

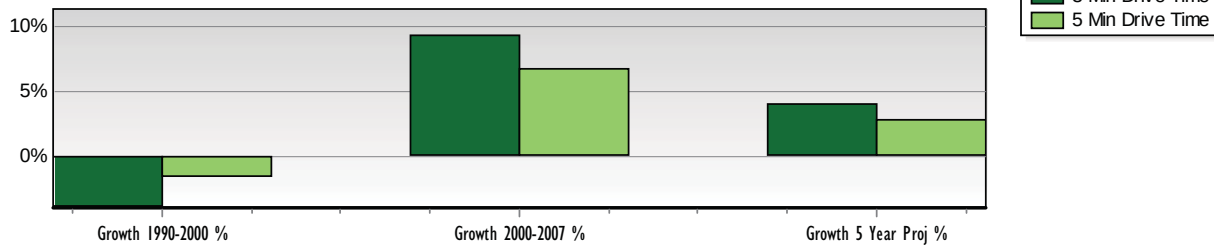
Analysis Geography: 501 & 221
Lynchburg, VA

Date: 2/9/2009

Population Profile

	3 Min Drive Time	5 Min Drive Time
2012 Projection	7,291	9,920
2007 Estimate	7,005	9,640
2000 Census	6,405	9,032
1990 Census	6,669	9,186

Population Change



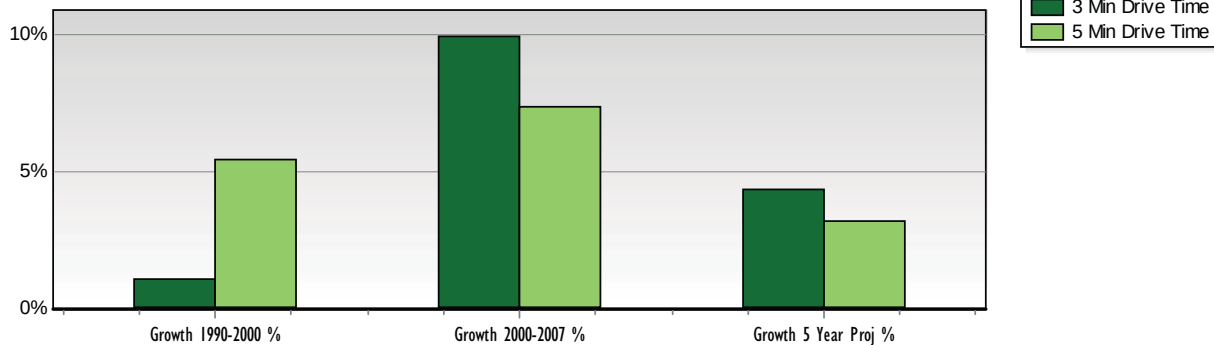
Work Place Population

	3 Min Drive Time	5 Min Drive Time
Total	4,786	5,829

Household Profile

2012 Projection	3,223	4,503
2007 Estimate	3,088	4,362
2000 Census	2,809	4,062
1990 Census	2,778	3,852

Household Change





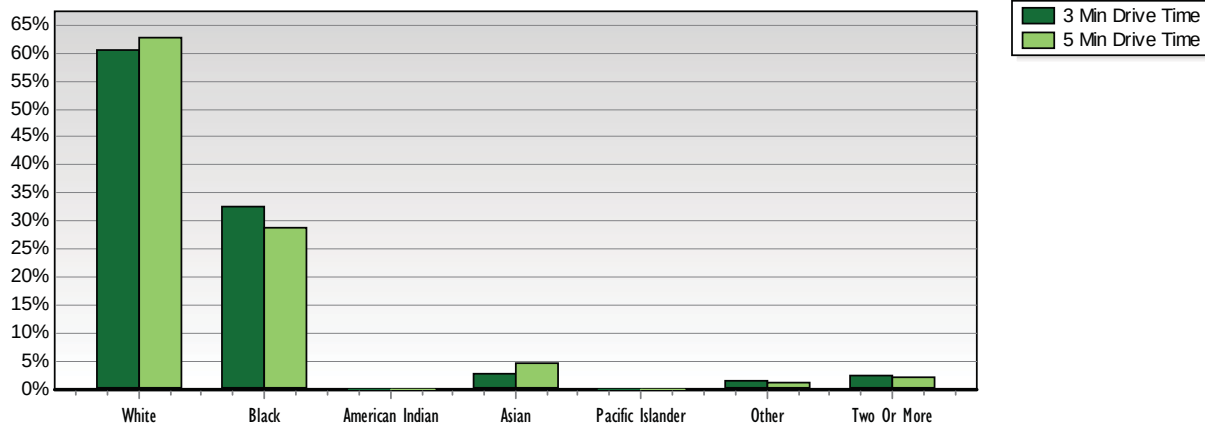
Demographics

Analysis Geography: 501 & 221
Lynchburg, VA

Date: 2/9/2009

Population By Race (Current)	3 Min Drive Time	5 Min Drive Time
White	4,243	6,045
Black	2,285	2,769
American Indian	8	13
Asian	187	465
Pacific Islander	4	4
Other	100	120
Two Or More	178	224
Total Population By Race	7,005	9,640

Population By Race (Current)



Population By Hispanic Origin (Current)	3 Min Drive Time	5 Min Drive Time
Hispanic Origin	150	191
Non Hispanic Origin	6,855	9,449



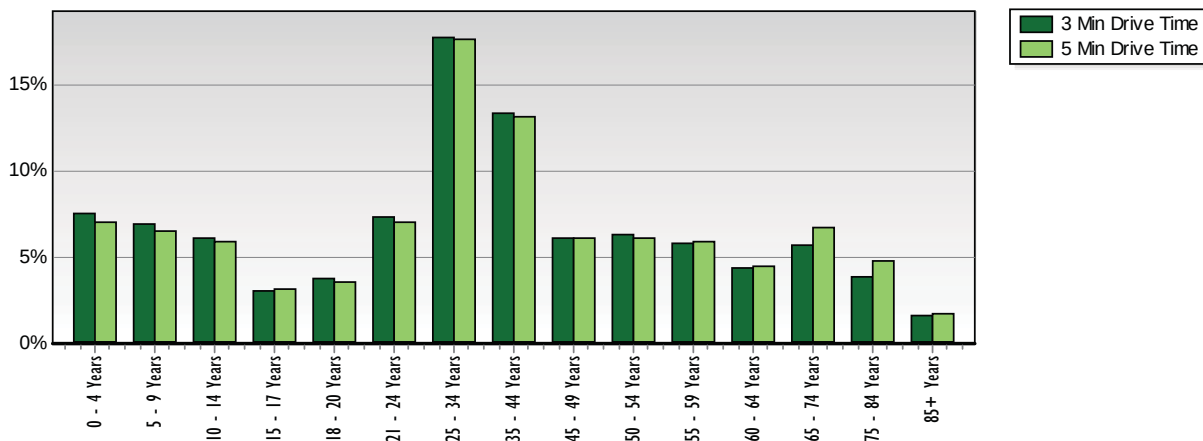
Demographics

Analysis Geography: 501 & 221
Lynchburg, VA

Date: 2/9/2009

Population By Age (Current)	3 Min Drive Time	5 Min Drive Time
0 to 4 years	526	675
5 to 9 years	487	628
10 to 14 years	430	571
15 to 17 years	217	306
18 to 20 years	268	346
21 to 24 years	518	677
25 to 34 years	1,244	1,705
35 to 44 years	938	1,265
45 to 49 years	432	595
50 to 54 years	441	595
55 to 59 years	409	570
60 to 64 years	306	433
65 to 74 years	401	645
75 to 84 years	273	458
85+ Years	115	171
Total Population By Age	7,005	9,640
Average Age	35.9	37.1
Median Age	34.9	36.0

Population By Age (Current)



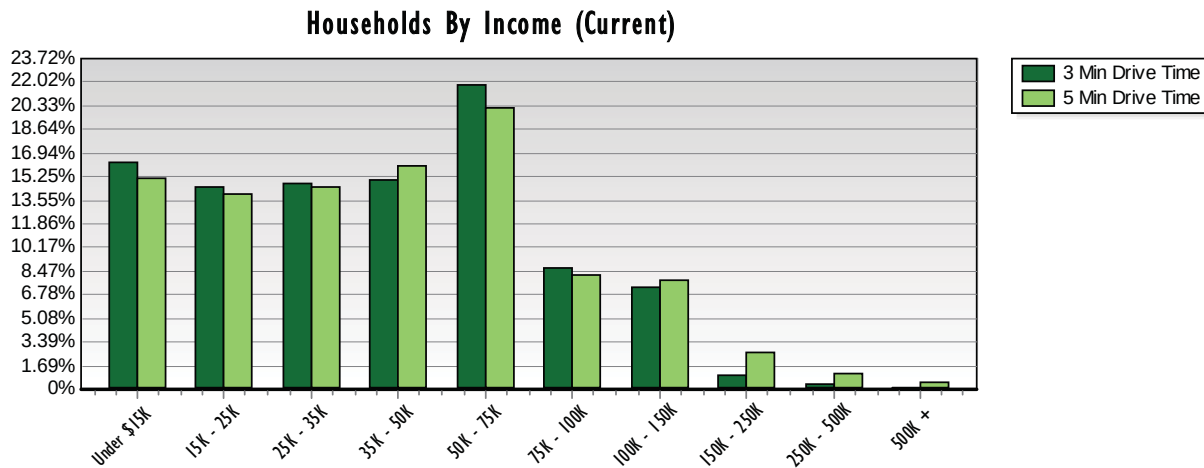


Demographics

Analysis Geography: 501 & 221
Lynchburg, VA

Date: 2/9/2009

Households By Income (Current)	3 Min Drive Time	5 Min Drive Time
Under \$15,000	503	663
\$15,000 to \$24,999	447	612
\$25,000 to \$34,999	456	632
\$35,000 to \$49,999	462	700
\$50,000 to \$74,999	674	878
\$75,000 to \$99,999	270	355
\$100,000 to \$149,999	227	342
\$150,000 to \$249,999	33	113
\$250,000 to \$499,999	12	47
\$500,000 +	4	20
Total Households By Income	3,088	4,362
Average Household Income	\$48,744	\$55,296
Per Capita Income	\$21,993	\$26,985
Median Household Income	\$39,520	\$41,113





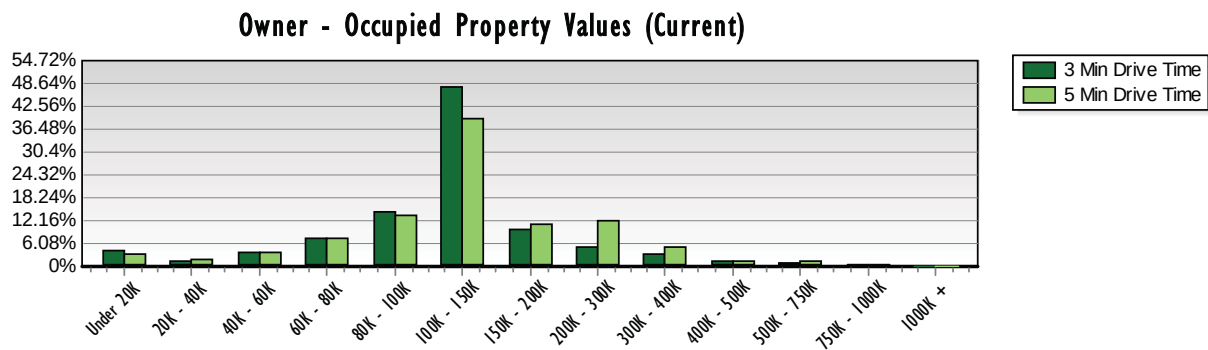
Demographics

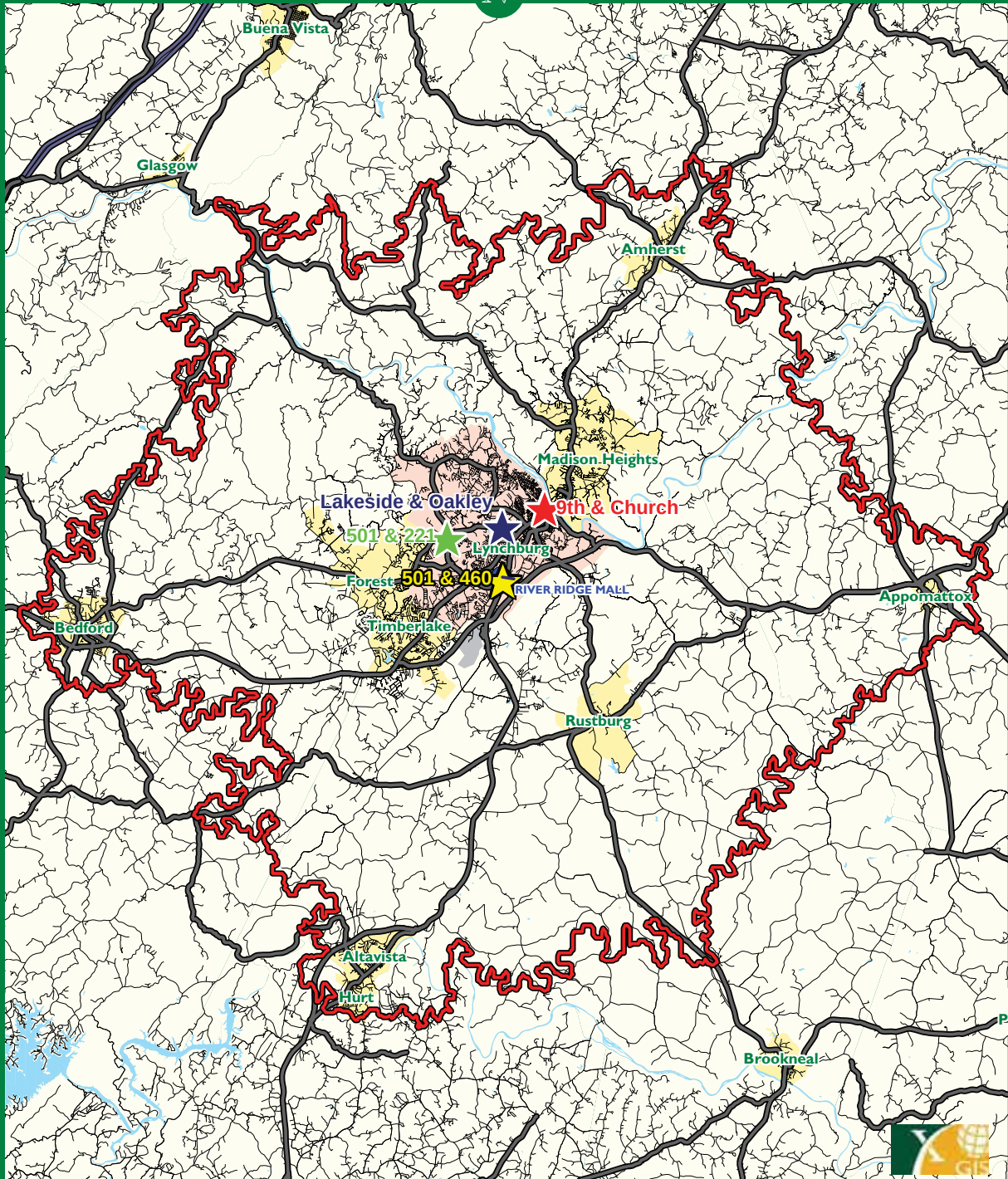
Analysis Geography: 501 & 221
Lynchburg, VA

Date: 2/9/2009

Housing Units By Occupancy (Current)	3 Min Drive Time	5 Min Drive Time
Owner - Occupied	45.5%	43.5%
Renter - Occupied	46.6%	47.8%
Vacant	8.0%	8.7%

Owner - Occupied Property Values (Current)	3 Min Drive Time	5 Min Drive Time
Under \$20,000	64	64
\$20,000 to \$39,999	21	36
\$40,000 to \$59,999	58	74
\$60,000 to \$79,999	116	151
\$80,000 to \$99,999	221	285
\$100,000 to \$149,999	728	816
\$150,000 to \$199,999	153	229
\$200,000 to \$299,999	75	249
\$300,000 to \$399,999	52	108
\$400,000 to \$499,999	19	30
\$500,000 to \$749,999	14	32
\$750,000 to \$999,999	5	5
\$1,000,000 +	0	0
Total Owner - Occupied Property Values	1,526	2,079
Median Property Value	118,670	131,979





CommunityID

Lynchburg, Virginia: Overview

Shopping Centers

GLA in thousands



City Limits

Site 1

Site 2

Site 3

Site 4

Secondary Trade Area



Secondary Trade Area Analysis

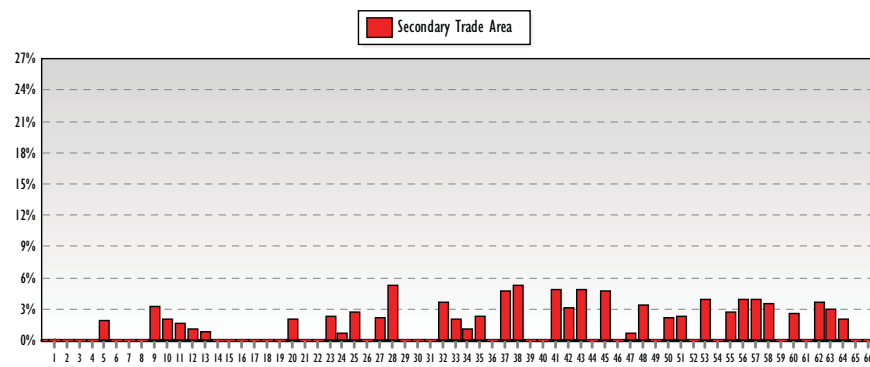
Drive-Time Trade Area

The map on the opposite page depicts the trade area for Lynchburg. The trade area consists of a thirty five-minute polygon, determined by Buxton's proprietary drive-time technology.

Psychographics

The psychographic profile of the households within a thirty-five-minute drive-time of Lynchburg is presented below.

Trade Area Segmentation



Source: Claritas, Inc. PRIZM® NE, © 2008

Dominant Segments

A segment that represents at least three percent of a trade area is a dominant segment. Following is a description of the dominant segments for Lynchburg.

Dominant Segments	Description	Households	% of All Households
9	BIG FISH, SMALL POND	2,233	3.22%
28	TRADITIONAL TIMES	3,681	5.30%
32	NEW HOMESTEADERS	2,540	3.66%
37	MAYBERRY-VILLE	3,331	4.80%
38	SIMPLE PLEASURES	3,625	5.22%
41	SUNSET CITY BLUES	3,339	4.81%
42	RED, WHITE & BLUES	2,152	3.10%
43	HEARTLANDERS	3,343	4.81%
45	BLUE HIGHWAYS	3,266	4.70%
48	YOUNG & RUSTIC	2,375	3.42%
53	MOBILITY BLUES	2,683	3.86%
56	CROSSROADS VILLAGERS	2,713	3.91%
57	OLD MILLTOWNS	2,699	3.89%
58	BACK COUNTRY FOLKS	2,432	3.50%
62	HOMETOWN RETIRED	2,510	3.61%
63	FAMILY THRIFTS	2,111	3.04%

Source: Claritas, Inc. PRIZM® NE, © 2008

Secondary Trade Area Analysis (continued)

Leakage Analysis

The following table represents an overview by store type of the leakage or surplus within the studied trade area. This is represented by an index, with 1.0 being the baseline. A leakage is reflected by an index less than 1.0, and a surplus is reflected by an index greater than 1.0. Please see Appendix A for detailed demand and actual sales by category.



*GAFO refers to discount retailers that typically include the following departments: general merchandise; clothing and clothing accessories; furniture and home furnishings; electronics and appliances; sporting goods, hobby, books and music; and office supplies

Source: Claritas, Inc, RETAIL MARKET POWER, © 2008

The following table presents the trade potential variables for Lynchburg:

Trade Potential Variables	Secondary Trade Area
Estimated Household Count	69,446
Number of Households in Dominant Segments	45,033
Total Demand	\$2,906,351,652
Actual Sales	\$3,105,576,833
Estimated Leakage/Surplus Amount	\$199,225,181

Source: Claritas, Inc, RETAIL MARKET POWER, PRIZM® NE, © 2008

Household Segmentation – Site Four 35 minute drive time

Brief Descriptions

- 9 BIG FISH, SMALL POND™ – Older, upper-class, college-educated professionals, the members of Big Fish, Small Pond™ are often among the leading citizens of their small-town communities. These upscale, empty-nesting couples enjoy the trappings of success, belonging to country clubs, maintaining large investment portfolios and spending freely on computer technology.
- 28 TRADITIONAL TIMES™ – Traditional Times™ is the kind of lifestyle where small-town couples nearing retirement are beginning to enjoy their first empty-nest years. Typically in their fifties and sixties, these middle-class Americans pursue a kind of granola-and-grits lifestyle. On their coffee tables are magazines with titles ranging from *Country Living* and *Country Home* to *Gourmet* and *Forbes*. But they're big travelers, especially in recreational vehicles and campers.
- 32 NEW HOMESTEADERS™ – Young, middle-class families seeking to escape suburban sprawl find refuge in New Homesteaders™, a collection of small rustic townships filled with new ranches and Cape Cods. With decent-paying jobs in white-collar and service industries, these dual-income couples have fashioned comfortable, child-centered lifestyles, their driveways filled with campers and powerboats, their family rooms with PlayStations and Game Boys.
- 37 MAYBERRY-VILLE™ – Like the old Andy Griffith Show set in a quaint picturesque berg, Mayberry-ville™ harks back to an old-fashioned way of life. In these small towns, middle-class couples and families like to fish and hunt during the day, and stay home and watch TV at night. With lucrative blue-collar jobs and moderately priced housing, residents use their discretionary cash to purchase boats, campers, motorcycles and pickup trucks.
- 38 SIMPLE PLEASURES™ – With more than two-thirds of its residents over 65 years old, Simple Pleasures™ is mostly a retirement lifestyle: a neighborhood of lower-middle-class singles and couples living in modestly priced homes. Many are high school-educated seniors who held blue-collar jobs before their retirement, and a disproportionate number served in the military; no segment has more members of veterans clubs.

Household Segmentation

Brief Descriptions

- 41 SUNSET CITY BLUES™ – Scattered throughout the older neighborhoods of small cities, Sunset City Blues™ is a segment of lower-middle-class singles and couples who have retired or are getting close to retirement. These empty-nesters tend to own their homes but have modest educations and incomes. They maintain a low-key lifestyle filled with newspapers and television by day, and family-style restaurants at night.
- 42 RED, WHITE & BLUES™ – The residents of Red, White & Blues™ typically live in exurban towns rapidly morphing into bedroom suburbs. Their streets feature new fast-food restaurants, and locals have recently celebrated the arrival of chains like Wal-Mart, Radio Shack and Payless Shoes. Middle-aged, high school educated and lower-middle class, these folks tend to have solid, blue-collar jobs in manufacturing, milling and construction.
- 43 HEARTLANDERS™ – America was once a land of small middle-class towns, which can still be found today among Heartlanders™. This widespread segment consists of middle-aged couples with working-class jobs living in sturdy, unpretentious homes. In these communities of small families and empty-nesting couples, Heartlanders pursue a rustic lifestyle where hunting and fishing remain prime leisure activities along with cooking, sewing, camping and boating.
- 45 BLUE HIGHWAYS™ – On maps, blue highways are often two-lane roads that wind through remote stretches of the American landscape. Among lifestyles, Blue Highways is the standout for lower-middle-class couples and families who live in isolated towns and farmsteads. Here Boomer men like to hunt and fish; the women enjoy sewing and crafts, and everyone looks forward to going out to a country music concert.
- 48 YOUNG & RUSTIC™ – Like the soap opera that inspired its nickname, Young & Rustic™ is composed of young, restless singles. Unlike the glitzy soap denizens, however, these folks tend to be lower income, high school-educated and live in tiny apartments in the nation's exurban towns. With their service industry jobs and modest incomes, these folks still try to fashion fast-paced lifestyles centered on sports, cars and dating.

Household Segmentation

Brief Descriptions

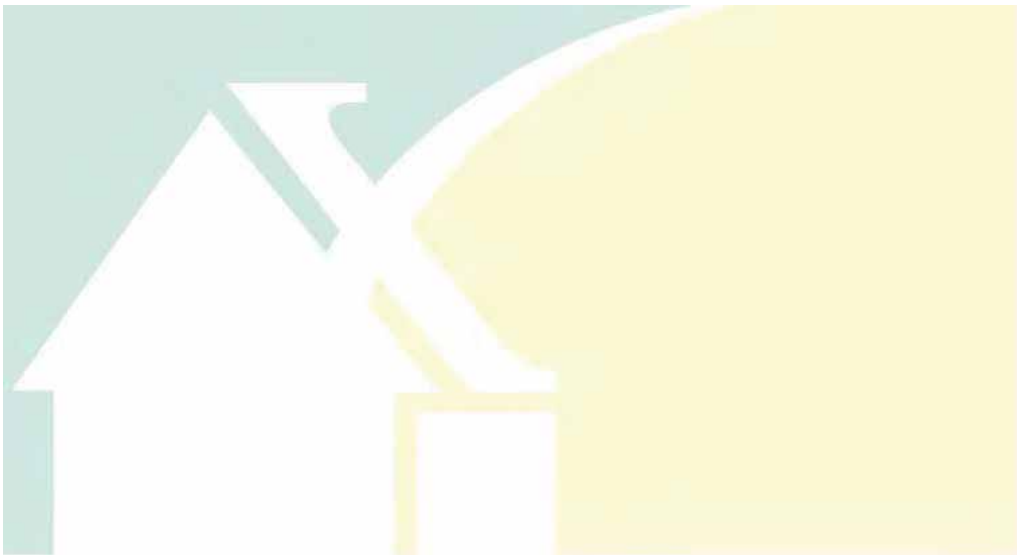
- 53 **MOBILITY BLUES™** – Young singles and single parents make their way to Mobility Blues™, a segment of working-class neighborhoods in America's satellite cities. Racially mixed and under 25 years old, these transient Americans tend to have modest lifestyles due to their lower-income blue-collar jobs. Surveys show they excel in going to movies, playing basketball and shooting pool.
- 56 **CROSSROADS VILLAGERS™** – With a population of middle-aged, blue-collar couples and families, Crossroads Villagers™ is a classic rural lifestyle. Residents are high school-educated with lower-middle incomes and modest housing; one-quarter live in mobile homes. There's an air of self-reliance in these households as Crossroads Villagers™ help put food on the table through fishing, gardening and hunting.
- 57 **OLD MILLTOWNS™** – America's once-thriving mining and manufacturing towns have aged—as have the residents in Old Milltowns™ communities. Today, the majority of residents are retired singles and couples living on downscale incomes in pre-1960 homes and apartments. For leisure they enjoy gardening, sewing, socializing at veterans clubs or eating out at casual restaurants.
- 58 **BACK COUNTRY FOLKS™** – Strewn among remote farm communities across the nation, Back Country Folks™ are a long way away from economic paradise. The residents tend to be poor, over 55 years old and living in older, modest-sized homes and manufactured housing. Typically, life in this segment is a throwback to an earlier era when farming dominated the American landscape.
- 62 **HOMETOWN RETIRED™** – With three-quarters of all residents over 65 years old, Hometown Retired™ is one of the oldest segments. These racially mixed seniors tend to live in aging homes—half were built before 1958—and typically get by on social security and modest pensions. Because most never made it beyond high school and spent their working lives at blue-collar jobs, their retirements are extremely modest.

Household Segmentation

Brief Descriptions

- 63 FAMILY THRIFTS™ – The small-city cousins of inner-city districts, Family Thrifts™ contain young, ethnically diverse parents who have lots of children and work entry-level service jobs. In these apartment-filled neighborhoods, visitors find the streets jam-packed with babies and toddlers, tricycles and basketball hoops, Daewoos and Hyundais.

Buxton utilizes the Nielsen Claritas® PRIZM® segmentation system in this analysis. PRIZM® is a registered trademark of Nielsen Claritas. PRIZM segment names (Blue Blood Estates™, Big Sky Families™, Country Squires™, etc.) are trademarks of Nielsen Claritas.



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Consider Condemnation of an Easement on Property Owned by Sandra A. Schwarz for the Construction of a Storm Sewer Line.**

RECOMMENDATION: After a public hearing, adopt a resolution authorizing the condemnation of an easement owned by Sandra A. Schwarz at 2123 Rivermont Avenue for construction of a storm sewer line for the CSO Separation 1D3.2 Project.

SUMMARY: The proposed CSO Separation 1D3.2 Project requires obtaining a storm sewer easement on property located at 2123 Rivermont Avenue, owned by Sandra A. Schwarz, Tax Map No. 020-07-005. The City had reached an agreement with Mrs. Schwarz for the easement and sent a deed to be signed. Since mid-November of 2011 there has been no contact with Mrs. Schwarz after repeated attempts. An appraisal was completed of the easement needed. The value of the easement is \$2,806.

PRIOR ACTION(S): PDC Meeting – July 10, 2012

FISCAL IMPACT: \$2,808 to be paid from CSO project funds.

CONTACT(S):

Steve Lawson – Real Estate Manager – 455-3945

Lee Newland – City Engineer – 455-3947

David Owen – Public Works Director - 455-4469

ATTACHMENT(S):

Resolution

Aerial of Property

Plat Showing Storm Sewer Line Easement

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS BY THE CITY OF LYNCHBURG TO ACQUIRE A STORM SEWER EASEMENT ACROSS A CERTAIN PARCEL OF LAND IN THE CITY OF LYNCHBURG, DESIGNATED AS TAX MAP NO. 020-07-005: 2123 RIVERMONT AVENUE, FOR THE CONSTRUCTION OF CSO SEPARATION 1D3.2 PROJECT.

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is a matter of public necessity that the City construct a storm sewer easement, through, under and across the property designated as TAX MAP NO. 020-07-005: 2123 Rivermont Avenue, owned by Sandra A. Schwarz, and

WHEREAS, in order to do so, it will necessary to acquire a storm sewer easement across said property;

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

1. That the City Attorney be, and is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-b (2) of Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49) to acquire the right to lay, construct, repair, place, maintain and perpetually operate a storm sewer through, under and across the property designated as TAX MAP NO. 020-07-005: 2123 Rivermont Avenue, in the City of Lynchburg, the said easement being described according a plat made by Wiley Wilson entitled CSO Separation 1D3.2 Storm Sewer Easements On The Property of: Sandra A. Schwarz 2301 Rivermont Avenue; and being designated City Plat File No. B-2128, a copy of which is on file in the City Engineer's office, as follows:

Storm Sewer Easement

Beginning at an iron pin found in the southwestern corner of Tax Map No. 020-07-005, at its intersection with Tax Map No. 020-07-009 and the northeastern right-of-way line of Columbia Avenue, thence S 64° 38' 57" E 13.23 feet to the true point of beginning; thence N 29° 33' 11" E 140.41 feet to a point.

Together with the perpetual right of ingress and egress along the line of said storm sewer easement for the purpose of laying, constructing, enlarging, maintaining, repairing, replacing and perpetually operating and using said storm sewer easement.

The property through and across which the above-described easement is hereinbefore granted and conveyed is the same property conveyed to Eric Joseph Schwarz and Sandra Ann Schwarz, husband and wife, as tenants by the entireties, by a deed dated June 29, 2007 from Rivermont Properties, LLC, a Virginia limited liability company, of record in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, as Instrument No. 070007878. The said Eric Joseph Schwarz died July 30, 2011 and title to the property became vested in Sandra Ann Schwarz pursuant to the survivorship clause in the aforesaid deed.

2. That in the opinion of the City Council, a public necessity exists for the acquisition of said easement.

3. That in order to provide the total estimated necessary funds to compensate the owners of the property for the storm sewer easement to be acquired across same, and for any damages, the sum of which is determined to be \$2,806.00 which has been heretofore appropriated, and the Director of Finance be, and is hereby, authorized and directed when so directed by the City Attorney to present a check for deposit with the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owners of said property upon the compensation to be paid therefore within the limits of the funds provided herein for that purpose; and the Mayor, Vice Mayor, or City Manager is authorized

to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified:

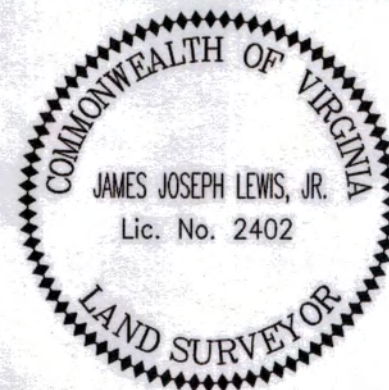
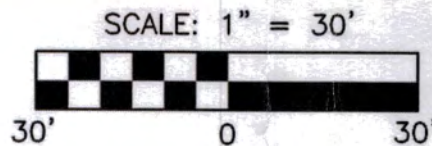
Clerk of Council

096L



NOTES:

1. THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING AN EASEMENT, NO BOUNDARY SURVEY WAS PERFORMED.
2. THE EASEMENT SHOWN HEREON REPRESENTS A PORTION OF THE INTEREST IN PROPERTY DESCRIBED IN INST #070007878, AND KNOWN AS TM 020-07-005.
3. BEARINGS, DISTANCES, AND MONUMENTS SHOWN HEREON MAY OR MAY NOT CONFORM WITH THOSE THAT WOULD BE SHOWN ON AN ACTUAL BOUNDARY SURVEY, AND NO CERTIFICATION IS MADE TO THAT EFFECT.
4. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.



LEGEND

- SAN EXISTING SANITARY SEWER
- SS STORM SEWER ON SUBJECT PROPERTY
- SS STORM SEWER ON ADJOINING PROPERTY
- RE RECORD DOCUMENT PROPERTY LINE
- TAX MAP LINE
- SUBDIVISION LOT LINE
- IP(F) PIPE IRON PIN/PIPE FOUND
- SANITARY/STORM MANHOLE

PLAT ACCEPTED

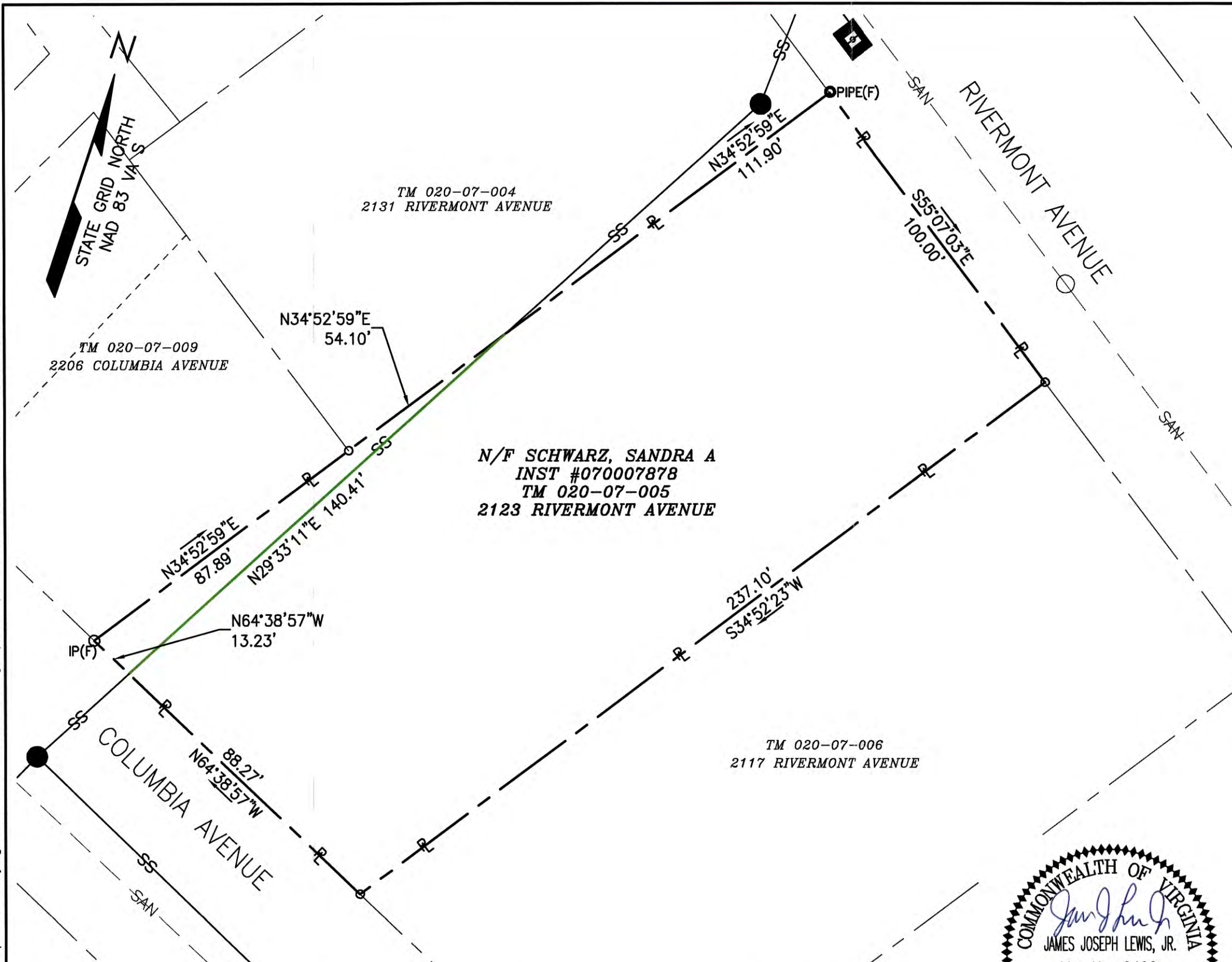
CITY ENGINEER

CSO SEPARATION 1D3.2
STORM SEWER EASEMENT
ON THE PROPERTY OF:
SANDRA A SCHWARZ
2123 RIVERMONT AVENUE



127 Nationwide Drive
Lynchburg, VA 24502
434.947.1901 .phone
434.947.1601 .fax
wileywilson.com

DESIGNED BY: GKT/RDL	DRAWN BY: RDL	CHECKED BY: JJL
SCALE: 1" = 30'	PROJECT NO.: 07078-S	
DATE: September 26, 2011	SHEET: 1 OF 1	



LEGEND

- SAN — EXISTING SANITARY SEWER
- SS — STORM SEWER ON SUBJECT PROPERTY
- SS — STORM SEWER ON ADJOINING PROPERTY
- P — RECORD DOCUMENT PROPERTY LINE
- — TAX MAP LINE
- - - - - SUBDIVISION LOT LINE
- IP(F) ○ PIPE IRON PIN/PIPE FOUND
- SANITARY/STORM MANHOLE

PLAT ACCEPTED

CITY ENGINEER

CSO SEPARATION 1D3.2
STORM SEWER EASEMENT
ON THE PROPERTY OF:
SANDRA A SCHWARZ
2123 RIVERMONT AVENUE



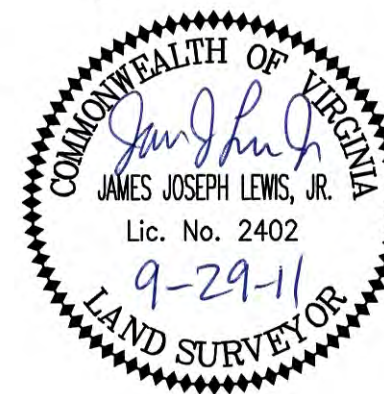
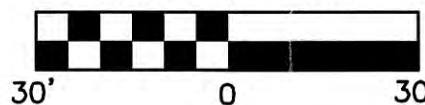
Wiley|Wilson
Constant Progress

127 Nationwide Drive
Lynchburg, VA 24502
434.947.1901 .phone
434.947.1601 .fax
wileywilson.com

NOTES:

- THIS PLAT IS FOR THE SOLE PURPOSE OF SHOWING AN EASEMENT, NO BOUNDARY SURVEY WAS PERFORMED.
- THE EASEMENT SHOWN HEREON REPRESENTS A PORTION OF THE INTEREST IN PROPERTY DESCRIBED IN INST #070007878, AND KNOWN AS TM 020-07-005.
- BEARINGS, DISTANCES, AND MONUMENTS SHOWN HEREON MAY OR MAY NOT CONFORM WITH THOSE THAT WOULD BE SHOWN ON AN ACTUAL BOUNDARY SURVEY, AND NO CERTIFICATION IS MADE TO THAT EFFECT.
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SCALE: 1" = 30'



DESIGNED BY: GKT/RDL	DRAWN BY: RDL	CHECKED BY: JJJ
SCALE: 1" = 30'	PROJECT NO.: 07078-S	
DATE: September 26, 2011	SHEET: 1 OF 1	

File No. B-2128

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 14, 2012**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Byrne/JAG – Crisis Intervention Team Grant (CIT)**

RECOMMENDATION: Adopt a resolution to amend the FY 2013 City/Federal/State Aid Fund budget and appropriate \$70,110, with resources of \$63,099 from the 2012 Byrne/JAG Program and \$7,011 from Central Virginia Community Services, to implement a multi-disciplinary Crisis Intervention Team.

SUMMARY: The Lynchburg Police Department is eligible to receive \$63,099 in federal funding from the Byrne/JAG Program to implement a multi-disciplinary Crisis Intervention Team (CIT) to more effectively handle persons with mental disabilities who come into contact with police and divert them from the criminal justice system. Funding will be used to hire a program manager (contracted, temporary employee) and provide necessary training to police personnel.

The grant period is for one year and requires a 10% match. Central Virginia Community Services has committed to provide the \$7,011 local match. The total program cost is \$70,110.

PRIOR ACTION(S): August 14, 2012 Finance Committee

FISCAL IMPACT: None, the 10% required local match will be provided by Central Virginia Community Services.

CONTACT(S): Police Chief Parks Snead, 455-6104; Captain R.M. Zuidema, Police Department, 455-6052

ATTACHMENT(S): Resolution; Notice of Grant Award and Central Virginia Community Services' Letter of Match Commitment

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2013 City/Federal/State Aid Fund budget is amended and \$70,110 is appropriated, with resources of \$63,099 from the 2012 Byrne/JAG Program and \$7,011 from Central Virginia Community Services, to implement a multi-disciplinary Crisis Intervention Team.

Introduced:

Adopted:

Certified:

Clerk of Council

100L



Aug 14 Finance Comm

COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Garth L. Wheeler
Director

1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
TDD (804) 386-8732

June 26, 2012

Mr. L. Kimball Payne, III

City Manager
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Title: Byrne/JAG - Crisis Intervention Team

Dear Mr. Payne:

I am pleased to advise you that grant number **13-A2618AD11** for the above-referenced grant program has been approved for a total of \$63,099 in Federal Funds and \$7,011 in Matching Funds for a total award of \$70,110.

Enclosed you will find a Statement of Grant Award and a Statement of Grant Award Special Conditions. To indicate your acceptance of the award and conditions, please sign the award acceptance and return it to Janice Waddy, Grants Administrator, at the Department of Criminal Justice Services (DCJS). Please review the conditions carefully; as some require action on your part before we will disburse grant funds.

Also, enclosed are the Post Award Instructions and Reporting Requirements. Please refer to and read this information carefully as it contains details on processing financial and progress reports, as well as requesting awarded funds. ***Remember all financial and progress reports, budget amendment requests and request for funds must be processed through our online Grants Management Information System (GMIS).***

We appreciate your interest in this grant program and will be happy to assist you in any way we can to assure your project's success. If you have any questions, please call Butch Johnstone at (540) 561-6656.

Sincerely,

Garth L. Wheeler

Enclosures

cc: Capt. John Sweeney, Police Captain
Ms. Donna Witt, Finance Director
Mr. Butch Johnstone, DCJS Monitor

Department of Criminal Justice Services

1100 Bank Street, 12th Floor, Richmond, VA 23219

Statement of Grant Award/Acceptance

Subgrantee: Lynchburg City

Date: June 26, 2012

Grant Period:

Grant Number:

From: 07/01/2012

Through: 06/30/2013

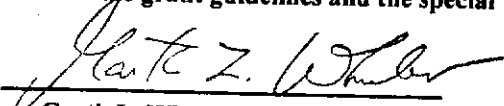
13-A2618AD11

Project Director	Project Administrator	Finance Officer
Capt. John Sweeney Police Captain Lynchburg Police Department 905 Court Street Lynchburg, VA 24504 Phone: (434) 455-6146 Email: john.sweeney@lynchburgva.gov	Mr. L. Kimball Payne, III City Manager City of Lynchburg 900 Church Street Lynchburg, VA 24504 Phone: (434) 455-3990 Email: kpayne@lynchburgva.gov	Ms. Donna Witt Finance Director City of Lynchburg 900 Church Street Lynchburg, VA 24504 Phone: (434) 455-3968 Email: donna.witt@lynchburgva.gov

Grant Award Budget

Budget Categories	DCJS Funds			Local	TOTALS
	Federal	General	Special		
Travel	\$6,552	\$0	\$0	\$728	\$7,280
Supplies/Other	\$17,896	\$0	\$0	\$1,988	\$19,884
Personnel	\$30,326	\$0	\$0	\$3,370	\$33,696
Indirect Cost	\$0	\$0	\$0	\$0	\$0
Equipment	\$3,870	\$0	\$0	\$430	\$4,300
Consultant	\$4,455	\$0	\$0	\$495	\$4,950
Totals	\$63,099	\$0	\$0	\$7,011	\$70,110

This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.


Garth L. Wheeler, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this _____ day of _____, 20____.

Signature: _____

Title: _____

STATEMENT OF GRANT AWARD SPECIAL CONDITIONS

Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

Edward Byrne/Justice Assistance Grant Program - Localities

Subgrantee: Lynchburg City

Grant Number: 13-A2618AD11

Title: Crisis Intervention Team

Federal Catalog Number: 16.738

Date: June 26, 2012

The following conditions are attached to and made a part of this grant award:

1. By signing the Statement of Grant Award/Acceptance, the grant recipient agrees:
 - to use the grant funds to carry out the activities described in the grant application, as modified by the terms and conditions attached to this award or by subsequent amendments approved by DCJS;
 - to adhere to the approved budget contained in this award and amendments made to it in accord with these terms and conditions;
 - and to comply with all terms, conditions and assurances either attached to this award or submitted with the grant application.
2. The subgrantee agrees to submit such reports as requested by DCJS on forms provided by DCJS. Funds from this grant will not be disbursed, if any of the required Financial or Progress reports are overdue by more than 30 days unless you can show good cause for missing the reporting deadline.
3. Grant funds, including state and local match, may be expended and/or obligated during the grant period. All legal obligations must be liquidated no later than 90 days after the end of the grant period. The grant recipient agrees to supply a final grant financial report and return all received and unexpended grant funds (exclusive of local match) to DCJS within 90 days after the end of the grant liquidation period.
4. By accepting this grant, the recipient assures that funds made available through it will not be used to replace state or local funds that would, in the absence of this grant, be made available for the same purposes.
5. Subgrantee may follow their own established travel rates if they have an established travel policy. If a subgrantee does not have an established policy, then they must adhere to state travel policy. The state allows reimbursement for actual reasonable expenses. Please refer to the following IRS website for the most current mileage rate: <http://www.irs.gov/taxpros/article/0,,id=156624,00.html>: Transportation costs for air and rail must be at coach rates.
6. Within 60 days of the starting date of the grant, the subgrantee must initiate the project funded. If not, the subgrantee must report to the DCJS, by letter, the steps taken to initiate the project, the reasons for the delay, and the expected starting date. If the project is not operational within 90 days of the start date, the subgrantee must obtain approval in writing from the DCJS for a new implementation date or the DCJS may cancel and terminate the project and redistribute the funds.
7. No amendment to the approved budget may be made without the prior written approval of DCJS. No more than two (2) budget amendments will be permitted during the grant period. Budget amendments must be requested through Grants Management Information System (GMIS). No budget amendments will be allowed after April 30, 2013.
8. The subgrantee agrees to forward a copy to the DCJS of the scheduled audit of this grant award.
9. All purchases for goods and services must comply with the Virginia Public Procurement Act. Procurement transactions, whether negotiated or advertised and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. An exemption to this regulation requires the prior approval of the DCJS and is only given in unusual circumstances. Any request for exemption must be submitted in writing to the DCJS. Permission to make sole source procurements must be obtained from DCJS in advance.

10. Acceptance of this grant award by the local government applicant constitutes its agreement that it assumes full responsibility for the management of all aspects of the grant and the activities funded by the grant, including assuring proper fiscal management of and accounting for grant funds; assuring that personnel paid with grant funds are hired, supervised and evaluated in accord with the local government's established employment and personnel policies; and assuring that all terms, conditions and assurances—those submitted with the grant application, and those issued with this award—are complied with.
11. Any delegation of responsibility for carrying out grant-funded activities to an office or department not a part of the local government must be pursuant to a written memorandum of understanding by which the implementing office or department agrees to comply with all applicable grant terms, conditions and assurances. Any such delegation notwithstanding, the applicant acknowledges by its acceptance of the award its ultimate responsibility for compliance with all terms, conditions and assurances of the grant award.
12. The subgrantee agrees that it and all its contractors will comply with the following federal civil rights laws as applicable:
 - Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in the delivery of services (42 U.S.C. § 2000d), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;
 - The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;
 - Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
 - Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
 - Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in education programs and activities (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54;
 - The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I; and
 - The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding for inherently religious activities (28 C.F.R. Part 38).
 - The Juvenile Justice and Delinquency Prevention Act of 1974, as amended, which prohibits discrimination in both employment and the delivery of services or benefits based on race, color, national origin, religion, and sex in JJDPA-funded programs or activities (42 U.S.C. § 5672(b)).
 - Section 1407 of the Victims of Crime Act (VOCA), as amended, which prohibits discrimination in both employment and the delivery of services or benefits on the basis of race, color, national origin, religion, sex, and disability in VOCA-funded programs or activities. (42 U.S.C. § 10604).
13. The subgrantee agrees that in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.
14. **PROJECT INCOME:** Any funds generated as a direct result of DCJS grant-funded projects are deemed project income. Project income must be reported on forms provided by DCJS. The following are examples of project income: Service fees; Client fees; Usage or Rental fees; sales of materials; income received from sale of seized and forfeited assets (cash, personal or real property included).
15. Prior to DCJS disbursing funds, the Subgrantee must comply with the following special conditions:
 - a) Submit revised itemized budget that shows reduction of Travel cost associated with National CIT Conference. Grant has been reduced from 6 to 4 personnel participating in conference. Cost allowed for event is Total of \$4,780. Under Section 5. Supplies and Other, reduce CIT coordinators office equipment from \$3,000 to \$2,000. Reduce Office Supplies from \$3,500 to \$2,000. Grant awarded budget adjusted as

follows: Travel \$7,280, Supplies/Other \$19,884 for a total award amount of \$70,110. Submit revised budget by 1 September 2012 to Grant Monitor Shelia Anderson at 1100 Bank St., Richmond, Virginia 23219. She can be contacted at Shelia.anderson@dcjs.virginia.gov or (804) 786-9469 for further clarification.

- b) Provide justification and explanation as to how locality determined overtime hours for security officers assigned to safe location. Justification to be submitted no later than 1 September 2012 to DCJS at 1100 Bank St., Richmond, Virginia 23219.



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

Garth L. Wheeler
Director

1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
TDD (804) 386-8732

NOTICE

To: Grants Project Administrator

From: Janice Waddy, DCJS Grants Administrator

Re: Post Award Instructions and Reporting Requirements
PLEASE READ VERY CAREFULLY.

☐ **GRANT AWARD AND SPECIAL CONDITIONS:**

Please review your Award and Special Conditions very carefully. *Pay attention to the last Special Condition listed. This Special Condition may require additional documentation from you before grant funds can be released.* Sign and date the grant award acceptance and submit any Special Condition documentation to:

Grants Administration
Department of Criminal Justice Services
1100 Bank Street, 12th Floor
Richmond, Virginia 23219

☐ **REPORTING REQUIREMENTS**

By accepting the accompanying grant award, you are agreeing to submit on-line quarterly progress and financial reports for this grant throughout the grant period, as well as final reports to close the grant. **No eligible current recipient of funding will be considered for continuation funding if, as of the continuation application due date, any of the required Financial and Progress reports for the current grant are more than thirty (30) days overdue.** For good cause, submitted in writing by the grant recipient, DCJS may waive this provision.

Financial reports and progress reports are due no later than the close of business on the 12th working day after the end of the quarter (***except Virginia Prisoner Reentry Program (formerly papis) reports which are due by the last working day of the end of the following month.** Reports are required even if no expenditures have occurred during the quarter. **Requests for Funds will not be honored from grant recipients who do not fulfill this reporting obligation.** A schedule of due dates is also attached for your reference.

Criminal Justice Service Board • Committee on Training • Advisory Committee on Juvenile Justice
Advisory Committee to Court Appointed Special Advocate and Children's Justice Act Programs
Private Security Services Advisory Board • Criminal Justice Information Systems Committee

www.dcjs.virginia.gov

☐ **PROGRESS REPORTS**

Refer to our website: <http://www.dcjs.virginia.gov/> for submitting progress reports through the Grants Management Online Information System. In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by DCJS Grants Administration. You are required to use the on-line system to submit your progress reports. **Paper copies of progress reports will no longer be accepted !**

☐ **FINANCIAL REPORTS**

Refer to our website for submitting financial reports through the Grants Management Online Information System. In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by DCJS Grants Administration. The address is <http://www.dcjs.virginia.gov/grantsAdministration/gmis/index.cfm?menuLevel=4>. **Paper copies of the financial reports will no longer be accepted ! You are required to use the online system in reporting your expenditures.**

☐ **REQUESTING GRANT FUNDS**

Refer to our website for requesting funds through the Grants Management Online Information System. In order to use this web-based system, if you have not previously done so, you must obtain a user name and password set up by DCJS Grants Administration. *Please note, you can access this system using the same password assigned for the on-line financial reporting system. The address is:
<http://www.dcjs.virginia.gov/grantsAdministration/gmis/index.cfm?menuLevel=4>.
You are required to use the online system for requesting funds.

☐ **BUDGET AMENDMENTS**

Budgets can be amended in most DCJS grant programs with prior approval. Please review your special conditions carefully to determine the requirements and procedures for amending budgets. Refer to our website for the Grants Management Online Information System. *Please note again that you can access this system using the same password assigned for the on-line financial reporting system. The address is:
<http://www.dcjs.virginia.gov/grantsAdministration/gmis/index.cfm?menuLevel=4>. **Paper copies of the Budget Amendments will no longer be accepted. You are required to use the on-line system for submitting budget amendments.**

If you have any questions, please contact Virginia Sneed (804) 786-5491 or by e-mail at virginia.sneed@dcjs.virginia.gov.

genpgms.

**PROJECTED DUE DATES
FINANCIAL & PROGRESS REPORTS**

*Reports are due by the 12th working day following the close of the quarter covered in the report.
Financial reports are required even if no expenditures have occurred.*

QUARTER ENDING	DUE DATE
9/30/2012	10/17/2012
12/31/2012	1/17/2013
3/31/2013	4/16/2013
6/30/2013	7/17/2013
9/30/2013	10/17/2013
12/31/2013	1/16/2014



CENTRAL VIRGINIA
Community Services

ADMINISTRATION
2241 Langhorne Road • Lynchburg, VA 24501-1114
Office: 434-847-8050 • Fax: 434-847-6099 • www.cvcsb.org

July 9, 2012

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

Dear Mr. Payne:

Central Virginia Community Services (CVCS) is the public provider of Mental Health, Substance Use Disorder, and Intellectual Disability services in Region 2000. We support any evidence based practices that improve the quality of life for the individuals that we serve. Crisis Intervention Team models provide law enforcement officers with training that helps them defuse situations involving mentally ill individuals during misdemeanor crimes.

CVCS is in support of the Byrne grant awarded to the Lynchburg Police Department and will provide the first year 10% match through payment to the City of Lynchburg.

Please contact Felicia Prescott at 434 841-0529 to establish the payment process.

Respectfully,

Nancy Cottingham
CEO

c: Felicia H. Prescott