

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
Tuesday, August 13, 2013
9:00 a.m.**

Information Items

Recent/Pending Contract Awards: None

Update on priority projects – see attached.

General Business

- | | | |
|----|--|---------------|
| 1. | License Agreement- Candler's Mountain Road | Lee Newland |
| 2. | Right-of-way Vacation and Sale – 3540 Young Place | Kent White |
| 3. | Right-of-way Vacation – 2400 Lakeside Drive | Kent White |
| 4. | Roundabout Information and Discussions | Don DeBerry |
| 5. | Odd Fellows Road Public/Private Partnership –
Oral Report | Kimball Payne |
| 6. | Roll Call | |
- Pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance
File

Next Meeting: September 10, 2013

Lynchburg Capital Projects (General Fund)

August 13, 2013

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Design	July 2013	Preliminary Design - Putting Together Options for Review
Wards Road Pedestrian X-ing 2B		Construction	May 2013	Trail Phase 2B - All Easements Acquired - Project Advertised
Midtown Connector		Construction	March 2015	Under Construction - Park Avenue to Open
Greenview Drive Phase 2		R/W	August 2014	Project Schedule is Dependent on Available Funds - Revenue Sharing Funds Awarded - Moving Towards R/W Acquisition
Kemper Street Bridge / Interchange		Design	March 2013	Waiting on Design Exception Request Approval From VDOT - Planned to Bid in Nov.
Signal Improvements - Edgewood/Fort, University/Evans & Oak/Rivermont		Construction	September 2014	Under Construction and Waiting on Steel Pole Delivery
Lower Bluffwalk Phase 2		Construction	October 2014	Underway
Memorial - Park - Lakeside Intersection		R/W	April 2013	Working on Acquiring R/W . Owner Signed Getting Mortgage Releases
Multiple Bridge Maintenance Work		Construction	September 2013	Underway
Holiday Inn Parking Deck Repairs		Closeout	June 2013	Removing Barriers and Opening for Full Usage
Fifth Street Phase 2 Utilities w/ Streetscapes		Construction	October 2013	Working on Final Two Blocks - Two Way Traffic Open to Court Street

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2013 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: License Agreement for installation of Fiber Optic Cable from 3777 Candler Mountain Road to 4000 Candler Mountain Road

RECOMMENDATION:

Hold a public hearing and consider granting Liberty University, Inc. a License Agreement to place fiber optic cable in city owned right-of-way across Candler Mountain Road as seen on the attached map route.

SUMMARY:

Liberty University, Inc., has submitted a request for installation of approximately 60 feet of fiber optic cable in City Right of Way from 3777 Candler Mountain Road (Wingate Hotel) to 4000 Candler Mountain Road (LU intramural fields). This bore will allow Liberty University, Inc. to bring Liberty University fiber optic lines from the Campus East area to future development along their access road to the new 460 Interchange.

PRIOR ACTION(S):

FISCAL IMPACT:

None

CONTACT(S):

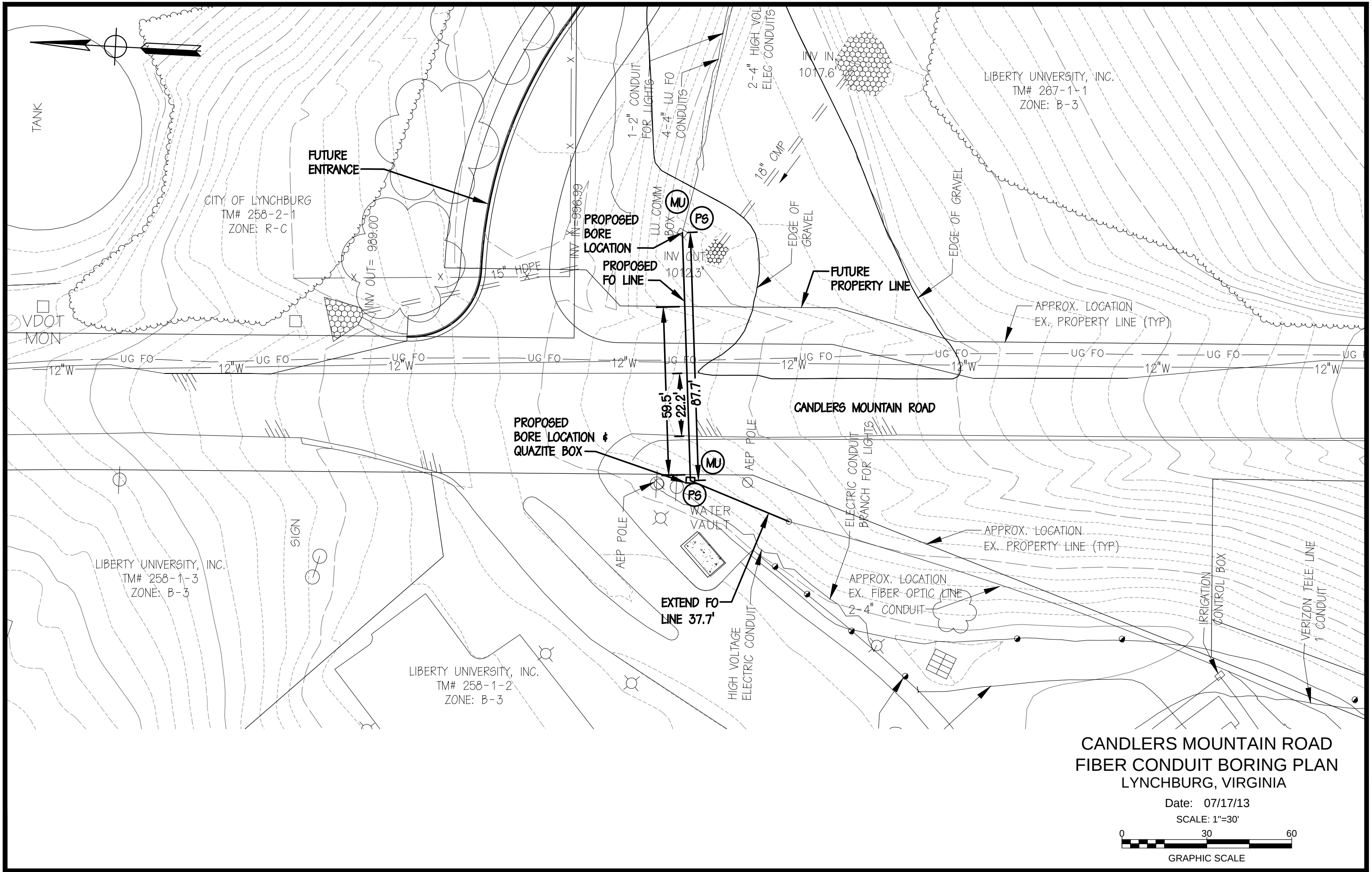
Lee Newland – City Engineer – 455-3947

Gaynelle Hart – Public Works Director - 455-4406

ATTACHMENT(S):

Site Map

REVIEWED BY:



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2013 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Property Sale/Right-of-Way Vacation - Land lying between 3540 Young Place and 4000 Mayflower Drive

RECOMMENDATION: Vacate right-of-way and sell property to Liberty University

SUMMARY: Mr. Paul J. Feinman, Petty, Livingston, Dawson & Richards is representing Liberty University in requesting the City quit claim any interest it has in a strip of land consisting of two hundred and eleven thousandths (0.211) of an acre lying between 3540 Young Place and 4000 Mayflower Drive to the University. The property was conveyed to the City by deed on August 1, 1968 by Mr. and Mrs. Frank A. Young Jr. The deed contained a reversionary clause that if the land was not used as a public street within fifteen (15) years, its ownership would revert back to the Youngs. A small portion of the property was used in the construction of Young Place and the remainder is currently mapped in City records as unopened right-of-way. Since the Youngs or their successors in interest have never taken any action to have ownership of the land revert back, the status of the property is unclear. The property could be considered right-of-way (since a small portion of the original property conveyed was used for the construction of Young Place) or it could be considered a separate parcel (since this portion of the property was not used for the construction of the roadway).

This request was considered by the Physical Development Committee (PDC) on May 14, 2013 at which time the PDC recommended approval of forwarding the right-of-way vacation request to full Council. Since that time, the property has been surveyed and in order to minimize title issues, Mr. Feinman has requested that the City not only vacate any interest the city has in the land as right-of-way but to also sell it to Liberty University. §15.2-953 of the Code of Virginia prohibits localities from gifting property to a nonprofit organization controlled in whole or in part by a church or sectarian society. Greg Daniels, City Assessor has valued the property at \$10,000 per acre (due to topography) which would result in a cost of \$2,110 for the two hundred eleven thousandths (0.211) acre strip.

An eighteen (18)-inch sanitary sewer line is located on the common boundary line between the subject property and 3540 Young Place. In order for the transfer of the property to occur, the City will need to reserve a fifteen (15)-foot easement to the west of the sewer line (within the subject property) and obtain a fifteen (15)-foot easement to the east of the sewer line (3540 Young Place).

PRIOR ACTION(S):

May 14, 2013: The Physical Development Committee (PDC) reviewed the petition to vacate the right-of-way.

FISCAL IMPACT: \$2,110 from property sale

CONTACT(S): Tom Martin, City Planner - 455-3900
Walter Erwin, City Attorney – 455-3973

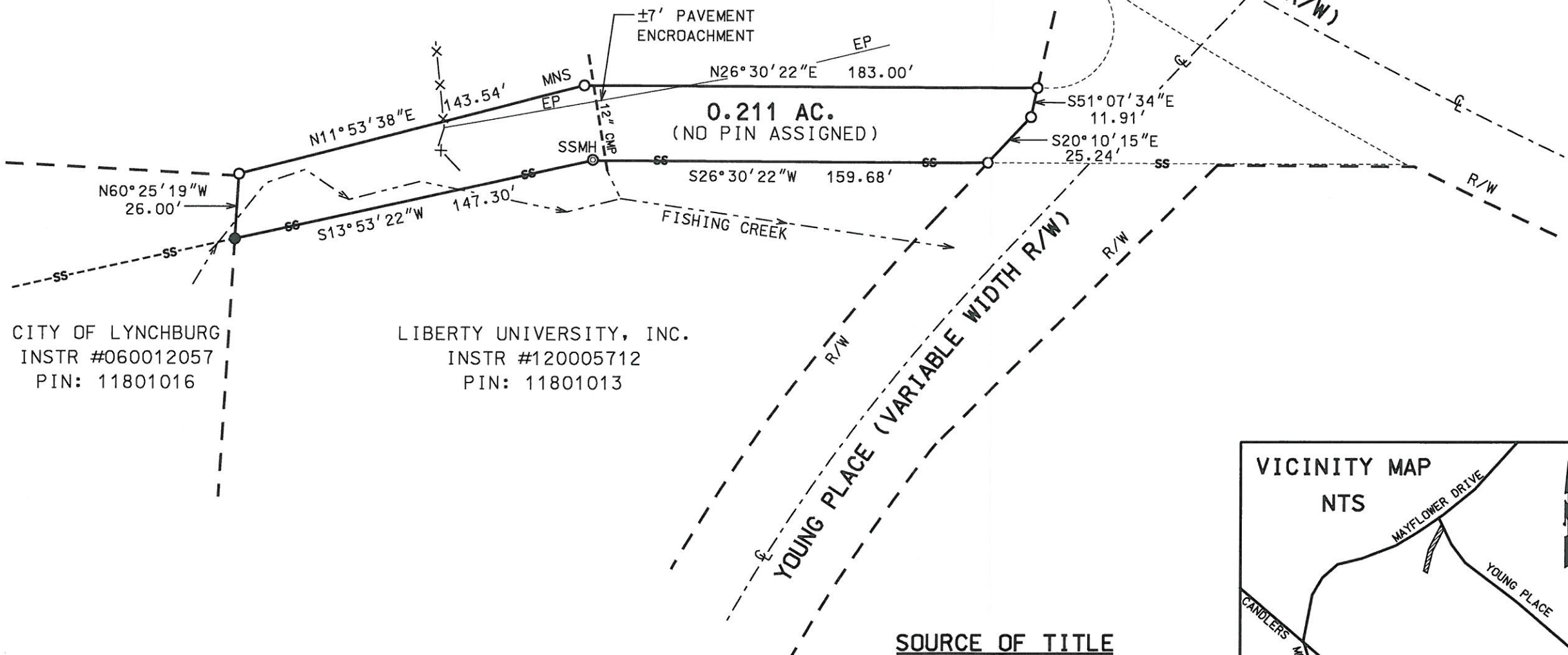
ATTACHMENT(S):

- Plat "Small Strip Belonging to the City of Lynchburg on Young Place"
- May 14, 2013 PDC Agenda Summary
- April 12, 2013 letter from Paul Feinman
- August 1968 Deed
- August 1968 Plat "Mayflower Drive"
- Area Map

REVIEWED BY:

PLAT CAB. 5, SLIDE 150

LIBERTY UNIVERSITY, INC.
INSTR #100001294
PIN: 11701006



- LEGEND
- IRON PIN FOUND
 - IRON PIN SET UNLESS OTHERWISE SHOWN
 - MNS MAGNETIC NAIL SET
 - R/W RIGHT-OF-WAY
 - EP EDGE OF PAVEMENT
 - CMP CORRUGATED METAL PIPE
 - SSMH SANITARY SEWER MANHOLE
 - SS SANITARY SEWER LINE
 - X FENCE

CITY OF LYNCHBURG
INSTR #060012057
PIN: 11801016

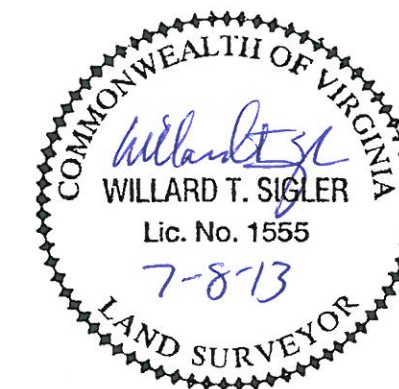
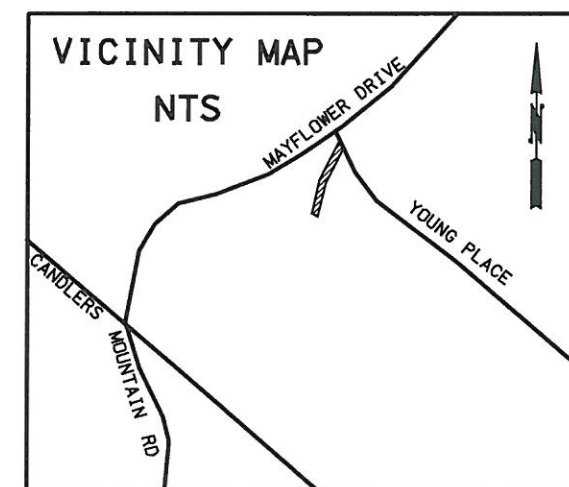
LIBERTY UNIVERSITY, INC.
INSTR #120005712
PIN: 11801013

SOURCE OF TITLE

DEED BOOK 430, PAGE 249
(CITY OF LYNCHBURG)

SURVEYED FOR

LIBERTY UNIVERSITY, INC.



NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A DESIGNATED FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (#5100930106D) DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
4. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE ENCROACHMENTS OR EASEMENTS EXCEPT AS SHOWN.

BERKLEY-HOWELL & ASSOC., P.C.

ENGINEERS - SURVEYORS - PLANNERS

306 ENTERPRISE DRIVE, SUITE C

FOREST, VIRGINIA 24551

PHONE: (434)385-7548 FAX: (434)385-6178

BOUNDARY RESURVEY OF

**SMALL STRIP BELONGING TO
THE CITY OF LYNCHBURG ON YOUNG PLACE**

CITY OF LYNCHBURG, VIRGINIA

SCALE: 1" = 50'

DATE: JULY 8, 2013

COMM. NO. 130101

F.B. REF. 13-1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013 (PDC)**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Vacate unopened right-of-way lying between 3540 Young Place and 4000 Mayflower Drive

RECOMMENDATION: Vacate unopened right-of-way and quitclaim any City interest to Liberty University

SUMMARY: Mr. Paul J. Feinman, Petty, Livingston, Dawson & Richards is representing Liberty University in requesting the City quitclaim any interest it has in a strip of land lying between 3540 Young Place and 4000 Mayflower Drive to the University. The strip of land is approximately three hundred thirty-five (335) feet in length and forty-six (46) feet in width. The property was conveyed to the City by deed on August 1, 1968 by Mr. and Mrs. Frank A. Young, Jr. The deed contained a reversionary clause that if the land was not used as a public street within fifteen (15) years its ownership would revert back to the Youngs. A small portion of the property was used in the construction of Young Place and the remainder is currently mapped as unopened right-of-way. The Youngs or their successors in interest have never taken any action to have ownership of the land revert back. Both 3540 Young Place and 4000 Mayflower Drive are currently owned by Liberty University. The only other property that could be accessed by the unopened right-of-way is located at 3550 Young Place. 3550 Young Place is currently owned by the City, used by the Department of Information Technology and has adequate access from Young Place.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner - 455-3900
Walter Erwin, City Attorney – 455-3973

ATTACHMENT(S):

- April 12, 2013 letter from Paul Feinman
- Deed and Plat
- Area Map

REVIEWED BY

PETTY,
LIVINGSTON,
DAWSON
&
RICHARDS

Individual & Corporate Counsel

PAUL J. FEINMAN
pfeinman@pldrlaw.com
TEL. 434-846-2768
FAX 434-847-8195

www.pldrlaw.com

Mailing Address:
P.O. Box 1080
Lynchburg, VA 24505

Street Address:
725 Church Street
Suite 1200
Lynchburg, VA 24504

April 12, 2013

Kimball Payne, III
City Manager
900 Church Street
Lynchburg, VA 24504



Re: Property Between Intersection of Mayflower Drive and Young Place

Dear Kim:

I am writing on behalf of Liberty University, Inc., to request that the City of Lynchburg quitclaim its interest in an unused strip of land located at the intersection of Mayflower Drive and Young Place, to the University. The strip of land is approximately 46 feet in width, and appears to have a length of from 330 to 335 feet, and is located between 4000 Mayflower Drive and 3540 Young Place. I have enclosed the plat used to convey the strip to the City, and also an aerial view with an overlay of the strip of land where it now lies in relation to Young Place and Mayflower Drive. (Please note that this overlay was not done by a surveyor.)

Mr. and Mrs. Frank A. Young, Jr. conveyed the full ownership of this strip of land to the City by deed dated August 1, 1968, recorded in Deed Book 430, at page 249. That deed contained a reversionary clause, stating that the strip was to be used for the City's public streets, but that if it was not so used within 15 years, its ownership would revert to the Youngs. I have also included a copy of that deed.

Mayflower Drive already existed at the time of the Young deed. It appears that VDOT subsequently put in Young Place, within the 15 year period, and then at some point after that, transferred Young Place to the City. The overlay demonstrates that part of the strip of land was used at the eventual location of the intersection of Young Place and Mayflower Drive. The rest of the strip of land has not been used at all.

Our legal analysis is that the City still owns this strip of land, by virtue of part of the strip having been used for Young Place. Even if it did not receive Young Place from the Commonwealth until after the end of the 15 year period (which is possible), or even if the attempted map overlay done on Parcel 2 were shown to be incorrect by an actual field survey, the Youngs and their successors in interest have not taken any steps to take back

this parcel. Thus, the statute of limitations period regarding their right to enforce their reversionary interest has already run, and they no longer have an interest either (we are asking them for a quitclaim deed too, just to remove any possible cloud on the title).

Liberty University owns the properties on both sides of this strip of land, and has already been in discussion with the folks in the GIS section of the Assessor's Office about its desire to acquire this strip and thereby remove this peninsula between its two surrounding parcels by adding it to one or the other. I have discussed this with Walter Erwin's Office as well, and he is familiar with it.

Please let me know if you have any questions about this, or simply need some more information or documentation, and whether there are other steps I need to take to move this forward in addition to this request.

Thank you very much for your consideration. With kindest regards, I am

Sincerely yours,

A handwritten signature in blue ink that reads "Paul".

Paul J. Feinman

cc: Walter C. Erwin
David M. Corry

1584

THIS DEED, made this 1st day of August, 1968, by and between FRANK A. YOUNG JR. and ETELLE C. YOUNG, husband and wife, respectively, parties of the first part; CITY OF LYNCHBURG, a municipal corporation of the Commonwealth of Virginia, party of the second part; S. THOMAS MARTIN and WILLIAM S. ADAMS, TRUSTEES, as hereinafter shown, parties of the third part; and FIDELITY NATIONAL BANK, of Lynchburg, Virginia, party of the fourth part:

W I T N E S S E T H :

That for and in consideration of the sum of FIVE DOLLARS (\$5.00) cash and other valuable considerations in hand paid and delivered by the party of the second part to the parties of the first part, the receipt of which is hereby acknowledged, and the agreement by and on behalf of the party of the second part, evidenced by its acceptance of the delivery of this deed, that upon the application of the parties of the first part their successors or assigns, the party of the second part agrees to provide at the City's expense a tap to the existing sanitary sewer line as shown on the attached plat and further agrees to extend said tap line across the property hereby conveyed to the new property line hereby created of the parties of the first part; and the further agreement by the party of the second part that, at its sole expense, it will extend, or cause to be extended, a water line in Mayflower Drive shown on said plat to the point where the same will be available for use as an appurtenance to the said adjoining property of the parties of the first part or their successors, the said parties of the first part do hereby grant and convey, with General Warranty of Title, unto the party of the second part, the following described real estate, to-wit:

That certain strip or parcel of land approximately 30 feet wide, situate, lying and being in the City of Lynchburg, Virginia, adjoining and on the southeasterly side of Mayflower Drive in the City of Lynchburg, Virginia and which said strip or parcel of land is outlined in red on a plat prepared by the Department of Public Works of the City of Lynchburg, Virginia, entitled "Mayflower Drive Land To Be Acquired By The City Of Lynchburg From Frank A. Young Jr. and Etelle C. Young--Part Of Carrollton Farm", dated May 25, 1968, designated File A-1706, a copy of which plat is attached hereto and made a part hereof. Said property being more particularly described according to said plat as follows:

Beginning at an iron on the southerly side of Mayflower Drive, which point is corner to the property of the parties of the first part and the property of Lynchburg Area Development Corporation; thence along said dividing line S. $27^{\circ} 16'$ W. 328.96 feet to a point; thence S. $14^{\circ} 39'$ W. 147.30 feet to a point corner of the property owned by the parties of the first part and property owned by the Lynchburg Area Development Corporation and property owned by the Rental Uniform Service of Roanoke, Inc.; thence along the dividing line between the property of the parties of the first part and the property of Rental Uniform Service of Roanoke, Inc. N. $59^{\circ} 30'$ W. 26 feet to a point; thence along a new line N. $12^{\circ} 32'$ E. 143.54 feet to a point; thence N. $27^{\circ} 16'$ E. 189.92 feet to a point; thence along a curved line in a westerly direction with a radius of 25 feet for a distance of 65.23 feet to P. C. on the southerly line of Mayflower Drive, thence along the southerly line of Mayflower Drive on a curved line in an easterly direction with a radius of 1939.86 feet for a distance of 151.50 feet to an iron at the point of beginning; and being part of the same property conveyed to the parties of the first part, by deed from Lynchburg Industrial Enterprises Inc., dated December 7, 1967, recorded in the Lynchburg Clerk's Office in Deed Book 423, at page 491.

TO HAVE AND TO HOLD the above described property unto the party of the second part, its successors and assigns forever, as and for a part of the public streets of the City of Lynchburg, provided, however, that if no such use of said property shall be made within fifteen years from the date of this deed, then said property shall at the expiration of fifteen years from the date of this deed, immediately revert to the parties of the first part or their successors in interest, in fee simple estate.

WHEREAS, by deed of trust dated December 27, 1967, of record in the Clerk's Office of the Corporation Court of the City of Lynchburg, Virginia, in Deed Book 423, page 495, the parties of the first part conveyed to S. Thomas Martin and William S. Adams, Trustees, certain property including the property hereinbefore described and conveyed, in trust to secure the payment of a certain debt more fully described therein; and

WHEREAS, Fidelity National Bank, Lynchburg, Virginia, is the holder of the debt secured by the deed of trust aforesaid; and

WHEREAS, the holder, party of the fourth part hereto, regards the conveyance of the parcel of land here in before described and conveyed as not reducing the security for the debt secured by the deed of trust aforesaid and is willing to release the lien of said deed of trust as to the parcel of land hereinbefore described and conveyed, and has directed the parties of the third part, Trustees, to release the said deed of trust as to the same, as evidenced by the execution of this deed by the said party of the fourth part hereto;

NOW, THEREFORE, THIS DEED FURTHER WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, by the party of the second part to the party of the fourth part, the receipt whereof is hereby acknowledged, the parties of the third part, Trustees, at the direction of the party of the fourth part, do hereby release, with Special Warranty of Title, unto the party of the second part, the parcel of land hereinbefore described and conveyed, free from the lien of said deed of trust, but it is expressly understood and agreed that as to the residue of the property conveyed by the aforesaid deed of trust, the lien thereof shall remain in full force and effect.

WITNESS the following signatures and seals, as of the day and
year first above written.

Frank A. Young Jr. (SEAL)

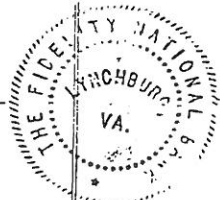
Estelle C. Young (SEAL)

J. C. Young
Trustee

William S. Adams
Trustee

FIDELITY NATIONAL BANK, Lynchburg,
Virginia

By D. D. Bonistead
Its Vice-President



Attest:

W. H. Mason
Its Asst. Cashier

CITY ATTORNEY
LYNCHBURG, VA.

STATE OF VIRGINIA,

CITY OF LYNCHBURG, to-wit:

I, Mary Willie Carson, a Notary Public in
and for the City of Lynchburg, in the State of Virginia, do hereby certify
that FRANK A. YOUNG JR. and ETELLE C. YOUNG, husband and wife,
respectively, whose names are signed to the foregoing writing, bearing
date the 1st day of August, 1968, have acknowledged the same before me
in my City and State aforesaid.

My commission expires the 3rd day of May, 1970.

Given under my hand this 5th day of August, 1968.

Mary Willie Carson
Notary Public

STATE OF VIRGINIA,

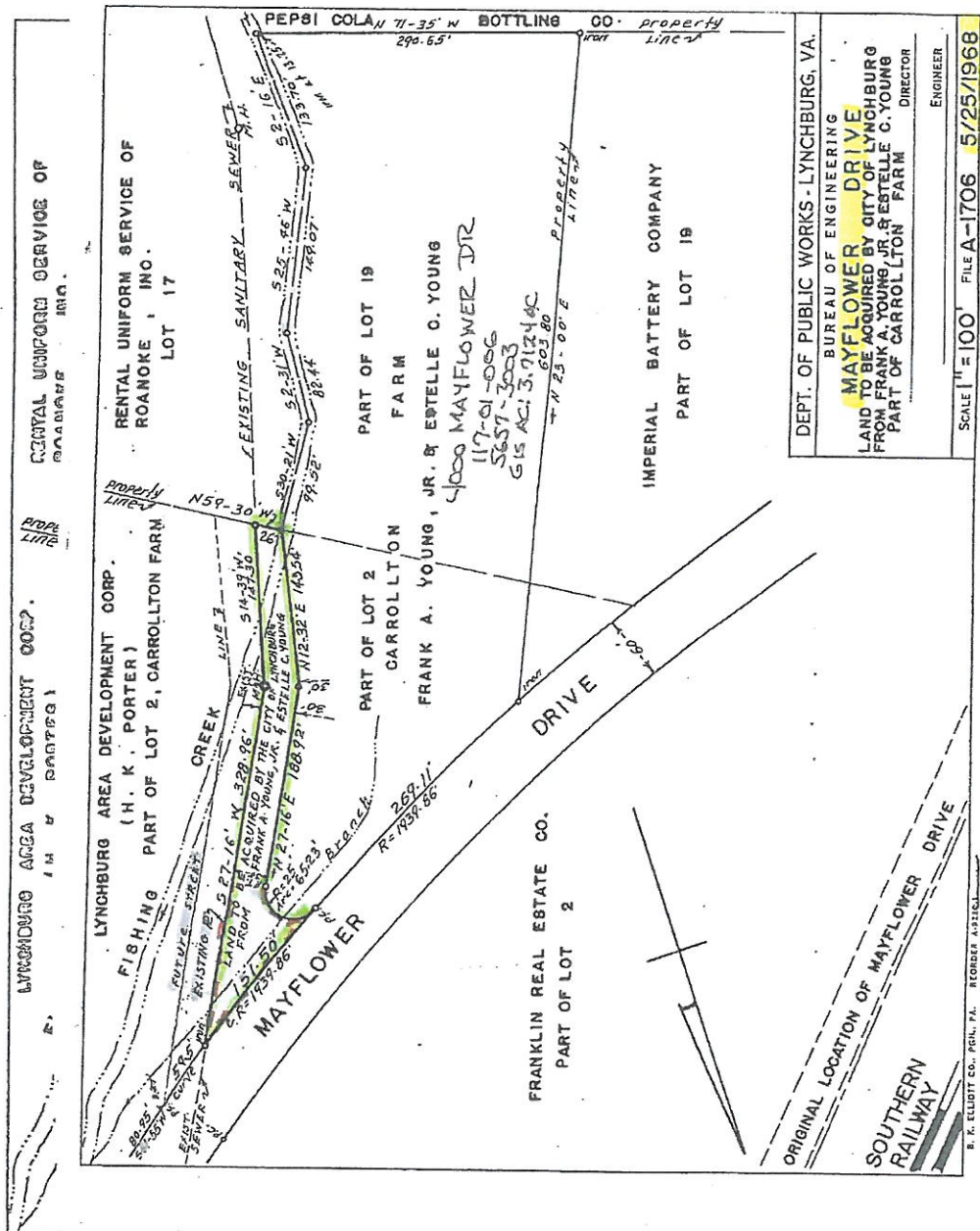
CITY OF LYNCHBURG, to-wit:

I, Mary Willie Carson, a Notary Public in
and for the City of Lynchburg, in the State of Virginia, do hereby certify
that S. THOMAS MARTIN and WILLIAM S. ADAMS, whose names as
Trustees are signed to the foregoing writing, bearing date the 1st day of
August, 1968, have acknowledged the same before me in my City and State
aforesaid.

My commission expires the 3rd day of May, 1970.

Given under my hand this 6th day of August, 1968.

Mary Willie Carson
Notary Public



City Attorney
AUG 19 1968

1	1	F1	2	F1	3	F1	4	F1	5	F1	6
---	---	----	---	----	---	----	---	----	---	----	---

\$.00 Tax
1.00 Frame
8.00 Feet
\$ 9.00 Plate

Virginia: In the clerk's office of the corporation court for the city of Lynchburg on the 7th day of Aug. 1968. This deed was presented and upon the annexed certificate^s of acknowledgment admitted to record at 10:30 o'clock A. M.

Teste: George W. Martin Clerk.

NRHD #: 8109
PIC: DB430/R6254
REC: AUG 7, 1968
DONE:

4000 Mayflower Dr. & 3540 Young Pl.

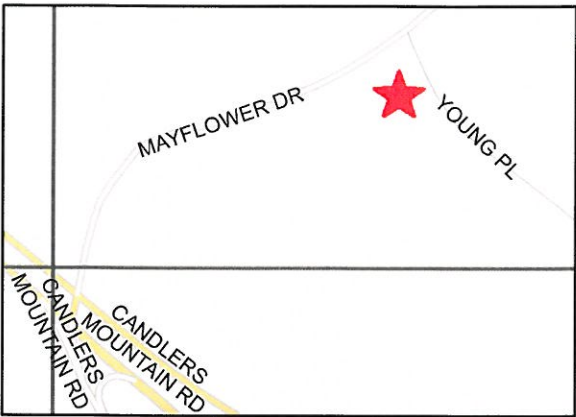
Right-of-Way Vacation



Property



Property adjoining right of way



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2013 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Right-of-Way Vacation - Portion of Lakeside Drive and Whitehall Road**

RECOMMENDATION: Consider recommending approval of the proposed right-of-way vacation.

SUMMARY: The parcel at 2400 Lakeside Drive was created by City Council on November 13, 2012 through the vacation of excess right-of-way. City Council authorized the City Manager to sell the City-owned property consisting of four hundred twelve thousandths (0.412) of an acre to Lakeside Crossing, LLC on February 12, 2013.

In order to finalize the sale of the four hundred twelve thousandths (0.412) of an acre, Lakeside Crossing, LLC has requested the City vacate an additional twenty-six thousandth (0.026) of an acre from portions of the Whitehall Road and Lakeside Drive right-of-way (Attachment A, "Area A"). The net result would be a reconfigured parcel at 2400 Lakeside Drive with a total area of four hundred thirty-four thousandths (0.434) of an acre; the residual four thousandths (0.004) of an acre will remain as City right-of-way.

The reconfigured parcel is adjacent to improvements proposed as part of the 221/501 Intersection Improvement Project which was approved by Council on July 11, 2006. Sufficient land has been reserved to facilitate construction of the intersection project and this parcel is not needed for the proposed improvements.

PRIOR ACTION(S):

February 12, 2013: City Council authorized the City Manager to sell the property totaling four hundred twelve thousandths (0.412) of an acre at 2400 Lakeside Drive to Lakeside Crossing, LLC.

November 13, 2012: City Council created 2400 Lakeside Drive by vacating excess right-of-way.

FISCAL IMPACT: The City will receive \$131,675 for the sale of the reconfigured property (0.434 acres). Since the property was originally acquired with transportation funds, the proceeds from the sale must be used for transportation projects. The City will also receive real property tax revenue from the property which is currently not taxable.

CONTACT(S):

Tom Martin, City Planner - 455-3900

Marjette Upshur, Director Economic Development – 455-4490

ATTACHMENT(S):

- Plat Showing Boundary Line Adjustment for Lot "B"
- Proposed Site Plan (Full)
- Proposed Site Plan (Building F – Zoom View)

REVIEWED BY:

PLAT APPROVED FOR CITY OF LYNCHBURG:

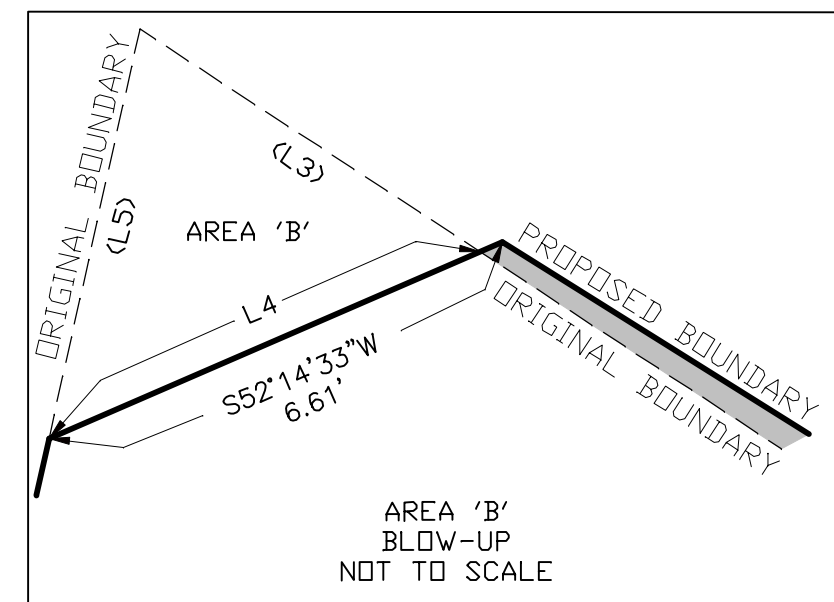
CITY MANAGER, LYNCHBURG, VA

DATE

CITY ENGINEER, LYNCHBURG, VA

DATE

PRELIMINARY FOR REVIEW ONLY
JULY 31, 2013



AREA 'A' - CITY OF LYNCHBURG RIGHT-OF-WAY HEREBY VACATED 0.026 ACRES (1150.782 SQ. FT.)

AREA 'B' - TO RETURN TO CITY OF LYNCHBURG RIGHT-OF-WAY 14.087 SQ. FT.

AREA 'C' - TO RETURN TO CITY OF LYNCHBURG RIGHT-OF-WAY 152.152 SQ. FT.

TM #23101001
CITY OF LYNCHBURG
INSTR. #090003373
DB 790 PG 326
HWPB 2 PG 323

N/F TM #23103001
EE, LLC
INSTR. #070003076
PC 5 SLIDE 15-19

N/F TM #23103002
EE, LLC
INSTR. #070003077

AREA 'B' & 'C'		
LINE TABLE		
LINE	BEARING	DISTANCE
(L1)	S75°40'32"W	18.22'
L2	S52°56'52"E	21.41'
(L3)	S71°08'22"E	5.44'
L4	S52°14'33"W	6.29'
(L5)	N01°48'30"W	5.61'

CURVE	DELTA ANGLE	ARC LENGTH	RADIUS	CHORD	CHORD BEARING
(C3)	0°38'58"	17.42'	1537.18'	17.42'	N01°52'25"E

LEGEND

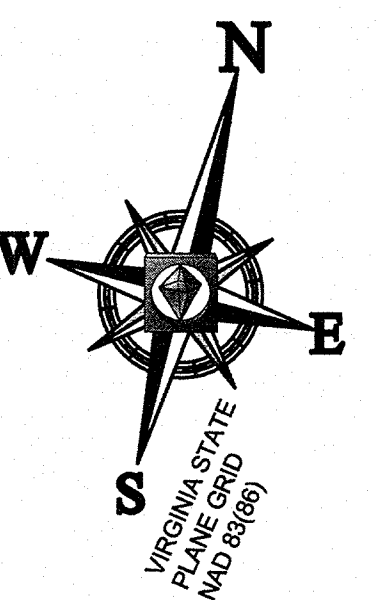
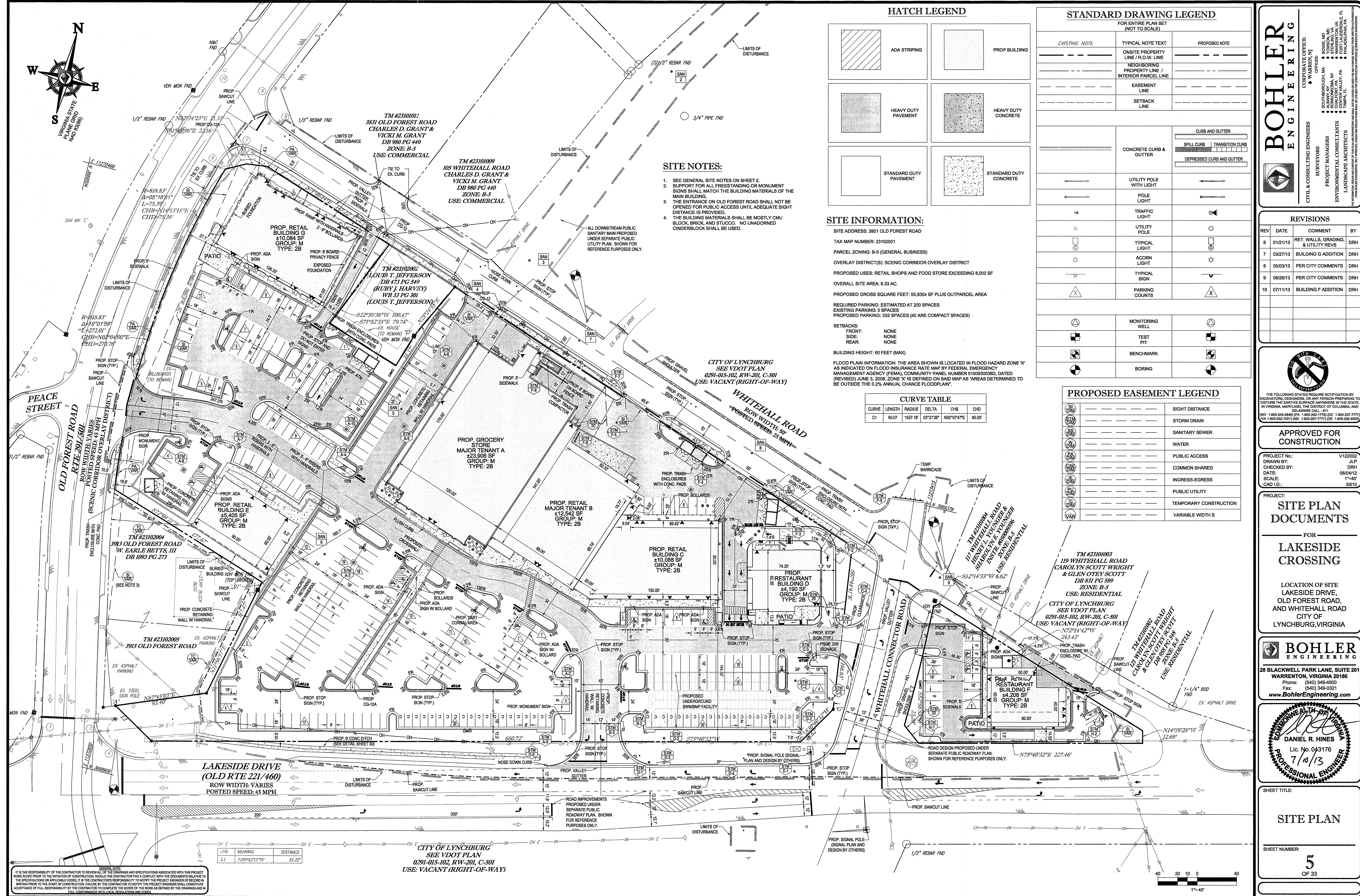
- AREA OF RIGHT-OF-WAY TO BE VACATED
- 1/2" REBAR SET (UNLESS NOTED OTHER)
- MNS
- MAG NAIL SET
- CORNER FOUND AS NOTED
- R/W MONUMENT FOUND STAMPED AS NOTED
- OVERHEAD UTILITY
- UTILITY POLE
- EDGE OF PAVEMENT



PIEDMONT SURVEYORS
3831 OLD FOREST ROAD - SUITE 6
LYNCHBURG, VA 24501
434-426-9510
WWW.PIEDMONTSURVEYORS.COM

PROJECT NO. 2012-427
DRAWING NO. 2012-427-3
DATE 7/15/2013
SCALE 1" = 30'
SHEET 1 OF 1

PLAT SHOWING
BOUNDARY LINE ADJUSTMENT FOR LOT 'B',
CITY OF LYNCHBURG RIGHT-OF-WAY VACATION,
AND CITY OF LYNCHBURG RIGHT-OF-WAY DEDICATION
PROPERTY OF CITY OF LYNCHBURG
LAKESIDE DRIVE & WHITEHALL ROAD
CITY OF LYNCHBURG, VIRGINIA



HATCH LEGEND

	ADA STRIPING		PROP BUILDING
	HEAVY DUTY PAVEMENT		HEAVY DUTY CONCRETE
	STANDARD DUTY PAVEMENT		STANDARD DUTY CONCRETE

STANDARD DRAWING LEGEND

FOR ENTIRE PLAN SET (NOT TO SCALE)		
EXISTING NOTE	TYPICAL NOTE TEXT	PROPOSED NOTE
	ONSITE PROPERTY LINE / R.O.W. LINE	
	NEIGHBORING PROPERTY LINE / INTERIOR PARCEL LINE	
	EASEMENT LINE	
	SETBACK LINE	
CURB AND GUTTER		
	CONCRETE CURB & GUTTER	
	TRANSITION CURB	
	UTILITY POLE WITH LIGHT	
	TRAFFIC LIGHT	
	TYPICAL LIGHT	
	ACORN LIGHT	
	TYPICAL SIGN	
	TEST PIT	
	BORING	

SITE NOTES:

- SEE GENERAL SITE NOTES ON SHEET 2.
- SUPPORT FOR ALL FREESTANDING OR MONUMENT SIGNS SHALL MATCH THE BUILDING MATERIALS OF THE MAIN BUILDING.
- THE ENTRANCE ON OLD FOREST ROAD SHALL NOT BE OPENED FOR PUBLIC ACCESS UNTIL ADEQUATE SIGHT DISTANCE IS PROVIDED.
- THE BUILDING MATERIALS SHALL BE MOSTLY CMU BLOCK, BRICK, AND STUCCO. NO UNADORNED CINDERBLOCK SHALL BE USED.

SITE INFORMATION:

SITE ADDRESS: 3901 OLD FOREST ROAD
TAX MAP NUMBER: 23102001
PARCEL ZONING: B-5 (GENERAL BUSINESS)
OVERLAY DISTRICT(S): SCENIC CORRIDOR OVERLAY DISTRICT
PROPOSED USES: RETAIL SHOPS AND FOOD STORE EXCEEDING 8,000 SF
OVERALL SITE AREA: 6.33 AC.
PROPOSED GROSS SQUARE FEET: 55,930S SF PLUS OUTPARCEL AREA
REQUIRED PARKING: ESTIMATED AT 200 SPACES
EXISTING PARKING: 0 SPACES
PROPOSED PARKING: 322 SPACES (40 ARE COMPACT SPACES)
SETBACKS: FRONT: NONE, SIDE: NONE, REAR: NONE
BUILDING HEIGHT: 60 FEET (MAX)
FLOOD PLAIN INFORMATION: THE AREA SHOWN IS LOCATED IN FLOOD HAZARD ZONE 'X' AS INDICATED ON FLOOD INSURANCE RATE MAP BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). COMMUNITY PANEL NUMBER 51009300380, DATED (REVISED) JUNE 3, 2008. ZONE 'X' IS DEFINED ON SAID MAP AS 'AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN'.

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHB	CHD
C1	90.07	1537.18'	02°21'26"	N00°07'47"E	90.05'

PROPOSED EASEMENT LEGEND

	SIGHT DISTANCE
	STORM DRAIN
	SANITARY SEWER
	WATER
	PUBLIC ACCESS
	COMMON SHARED
	INGRESS-EGRESS
	PUBLIC UTILITY
	TEMPORARY CONSTRUCTION
	VARIABLE WIDTH S

BOHLER ENGINEERING

CORPORATE OFFICE:
WARREN, NJ

REGIONAL OFFICES:
BOSTON, MA
NEW YORK, NY
PHILADELPHIA, PA
PITTSBURGH, PA
RICHMOND, VA
WASHINGTON, DC

CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

REVISIONS

REV	DATE	COMMENT	BY
6	01/21/13	RET. WALLS, GRADING, & UTILITY REVS	DRH
7	03/27/13	BUILDING G ADDITION	DRH
8	05/03/13	PER CITY COMMENTS	DRH
9	08/28/13	PER CITY COMMENTS	DRH
10	07/11/13	BUILDING F ADDITION	DRH

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE OF VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL: 811 (WV 1-800-245-4848) (PA 1-800-245-1776) (DC 1-800-251-7777) (DE 1-800-622-7021) (MD 1-800-251-7777) (NJ 1-800-382-6666)

APPROVED FOR CONSTRUCTION

PROJECT No.: V122002
DRAWN BY: LPL
CHECKED BY: DRH
DATE: 06/04/12
SCALE: 1"=40'
CAD ID.: SS10

SITE PLAN DOCUMENTS

FOR LAKESIDE CROSSING

LOCATION OF SITE
LAKESIDE DRIVE,
OLD FOREST ROAD,
AND WHITEHALL ROAD
CITY OF LYNCHBURG, VIRGINIA

BOHLER ENGINEERING

28 BLACKWELL PARK LANE, SUITE 201
WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
Fax: (540) 349-0321
www.BohlerEngineering.com

DANIEL R. HINES
Lic. No. 043176
7/10/13
PROFESSIONAL ENGINEER

SHEET TITLE: SITE PLAN

SHEET NUMBER: 5 OF 33

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SHOWN PRIOR TO THE BEGINNING OF CONSTRUCTION SHOULD BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE ACCURACY OF THE INFORMATION SHOWN ON THE DRAWINGS AND SPECIFICATIONS OR APPLICABLE CODES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS SHOWN BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

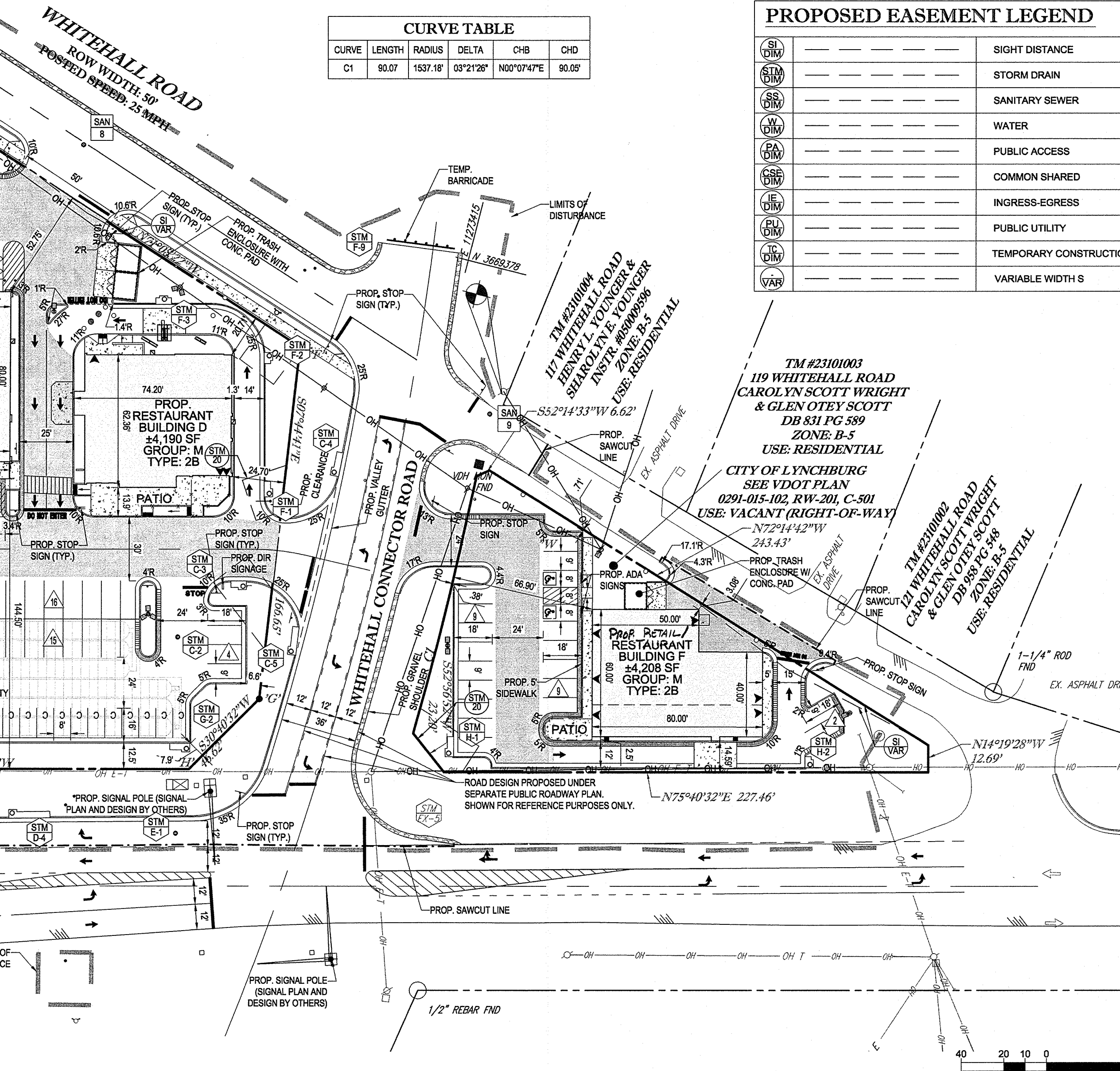
CITY OF LYNCHBURG
SEE VDOT PLAN
0291-015-102, RW-201, C-501
USE: VACANT (RIGHT-OF-WAY)

BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHB	CHD
C1	90.07	1537.18'	03°21'26"	N00°07'47"E	90.05'

CURVE	LENGTH	RADIUS	DELTA	CHB	CHD
C1	90.07	1537.18'	03°21'26"	N00°07'47"E	90.05'

	— — — — —	SIGHT DISTANCE
	— — — — —	STORM DRAIN
	— — — — —	SANITARY SEWER
	— — — — —	WATER
	— — — — —	PUBLIC ACCESS
	— — — — —	COMMON SHARED
	— — — — —	INGRESS-EGRESS
	— — — — —	PUBLIC UTILITY
	— — — — —	TEMPORARY CONSTRUCTION
	— — — — —	VARIABLE WIDTH S



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2013 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Roundabout Q & A**

RECOMMENDATION:

Continue to develop roundabouts as alternatives to traffic signals when traffic conditions are appropriate.

SUMMARY:

Staff is present to discuss the topic and identify Council concerns to be addressed as directed. Attached to this item (link below) is the Kansas DOT video explaining the benefits of, and how to drive, modern roundabouts.

http://www.ksdot.org/burTrafficEng/Roundabouts/Roundabout_Guide/roundabout.wmv

Roundabouts existing, or approved for construction:

5th Street

Midtown Connector at Langhorne and Park

Cornerstone – one major intersection, two minor intersections

Oddfellows Rd. Interchange on US 460

Roundabouts being planned:

Oddfellows Rd. and Mayflower intersection

Oddfellows Rd. and Albert Lankford

Campbell Avenue and Florida Ave.

Campbell Ave at VUL.

Lynchburg College – Lakeside & Old Forest Rd.

Wards Ferry Rd. & Harvard St.

Expressway ramp to Timberlake Rd.

Expressway ramp to Wiggington Rd.

Other existing local roundabouts:

Liberty University

Amherst County

FISCAL IMPACT:

None

CONTACT(S):

Don DeBerry – City Traffic Engineer – 455-3935

Lee Newland – City Engineer – 455-3947

Gaynelle Hart – Public Works Director – 455-4469

ATTACHMENT(S):

KDOT video

REVIEWED BY:

FINANCE COMMITTEE AGENDA
Tuesday, August 13, 2013
Bidder's Room
11:30 a.m.

GENERAL BUSINESS

11:30 a.m.

1. Report on the General Fund Reserve for Contingencies

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

11:35 a.m.

2. Receive a report on the Lower Bluff Walk Project, Phases 2 & 3

Contact: Cheree Taylor, Project Manager 455-4451

OTHER INFORMATION

11:50 a.m.

3. Discussion regarding Heritage High School

11:55 a.m.

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

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

12:00 p.m.

5. Roll Call

The next Finance Committee meeting is Tuesday, September 24, 2013, at 11:30 a.m.

FY 2014 GENERAL FUND RESERVE FOR CONTINGENCIES

	Reserve for Contingencies	City Manager's Discretionary Funding
BEGINNING BALANCE, JULY 1, 2013	\$700,000	\$0
Anticipated carryforward to FY 2014 Reserve for Contingencies - 05/28/13 Council Meeting	450,000	50,000
BALANCE	\$1,150,000	\$50,000
APPROPRIATIONS (Second Reading)		
TOTAL APPROPRIATIONS	\$0	\$0
REMAINING BALANCE	\$1,150,000	\$50,000
ITEMS INTRODUCED		
TOTAL INTRODUCED ITEMS	\$0	\$0
REMAINING BALANCE	\$1,150,000	\$50,000
PENDING ITEMS		
TOTAL PENDING ITEMS	\$0	\$0
PROJECTED BALANCE	\$1,150,000	\$50,000



MEMORANDUM

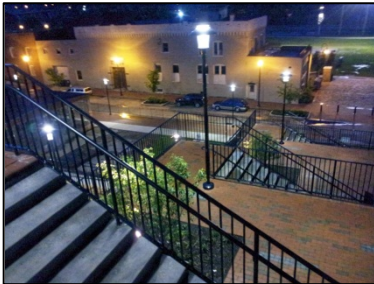
Date: August 13, 2013

To: City of Lynchburg, Finance Committee

From: Cheree Taylor, Public Works

Subject: Status of the Lower Bluff Walk, Phases 2 & 3 Project

Scope of work:



The Lower Bluff Walk Phase 2, project is a proposed pedestrian street located between the buildings that face Jefferson and Commerce Streets. The walkway will create opportunities for an entirely new environment for the existing and proposed buildings along its path. It is envisioned to be a spine for a new, mixed use cultural district with new galleries, shops, cafes, courtyards and overlooks.

The goal is to build the balance of the bluff walk in this project to the extent possible with available funding, focusing on supporting the current momentum of private development and creating links to active public places that provide routes to the riverfront area.

Contract Information:



The low bid of \$5,433,787.00 was submitted by Coleman-Adams Construction Company, Inc.

The contract was awarded with a Notice to Proceed date of February 26, 2013. In accordance with the construction contract, the work shall be completed within 24 months from the above listed date.

Construction is currently progressing ahead of schedule, with our efforts focusing in concert with private sector development schedules.

Funding Source:

The funding sources for the contract amount are distributed between Water Resources, CSO Sewer and Water Distribution funds, and the Downtown Revitalization Capitol Improvement funds as follows:

Total Contract Amount:	\$5,433,787.00
Water Resources Fund:	\$1,156,258.00
Downtown Fund:	\$4,277,529.00

Expenditure Distribution: The anticipated expenditures for the duration for the project are listed in the chart below:

Payment Request Amounts			
Payment #1: \$162,803.00	Payment #7: \$300,000.00	Payment #13: \$300,000.00	Payment #19: \$200,000.00
Payment #2: \$194,760.00	Payment #8: \$300,000.00	Payment #14: \$200,000.00	Payment #20: \$100,000.00
Payment #3: \$322,367.00	Payment #9: \$300,000.00	Payment #15: \$200,000.00	Payment #21: \$100,000.00
Payment #4: \$278,788.00	Payment #10: \$300,000.00	Payment #16: \$200,000.00	Payment #22: \$100,000.00
Payment #5: \$405,733.00	Payment #11: \$300,000.00	Payment #17: \$200,000.00	Payment #23: \$100,000.00
Payment #6: \$300,000.00	Payment #12: \$300,000.00	Payment #18: \$200,000.00	Payment #24: \$69,336.00

FINANCE COMMITTEE

Agenda Item Summary

MEETING DATE: **August 13, 2013**

AGENDA ITEM NO.: **4**

CONSENT:

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Revenue Update**

RECOMMENDATION:

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

SUMMARY:

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

PRIOR ACTION(S):

This information is provided monthly to the Finance Committee.

FISCAL IMPACT:

None

CONTACT(S):

Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):

Comparison of Collections Budget to Actual FY 2012 – FY 2013

REVIEWED BY:

**Comparison of Collections
Budget to Actual FY 2012 - FY 2013**

	Actual FY 2010	Actual FY 2011	Actual FY 2012	Adopted FY 2013	Actual FY 2013	Actual FY 2013 to Adopted FY 2013	Actual FY 2013 to Actual FY 2012
SALES & USE TAX							
<i>ADOPTED FY 2013 BUDGET - \$13,284,506</i>							
JULY	\$980,632	\$979,650	\$1,014,596	\$1,002,827	\$996,646	(\$6,181)	(\$17,950)
AUGUST	984,751	1,022,849	1,079,129	1,066,611	1,145,592	78,981	66,463
SEPTEMBER	1,118,288	1,102,964	1,100,698	1,087,930	1,117,209	29,279	16,511
OCTOBER	1,074,618	1,056,307	1,055,941	1,043,692	1,033,859	(9,833)	(22,082)
NOVEMBER	1,075,789	1,144,056	1,117,090	1,104,132	1,187,008	82,876	69,918
DECEMBER	1,340,449	1,548,053	1,488,926	1,471,654	1,466,715	(\$4,939)	(\$22,211)
JANUARY	905,873	1,018,798	998,052	986,475	1,085,312	\$98,837	\$87,260
FEBRUARY	908,746	1,025,671	1,134,434	1,121,275	1,074,819	(\$46,456)	(\$59,615)
MARCH	1,118,448	1,112,797	1,196,149	1,182,274	1,138,611	(\$43,663)	(\$57,538)
APRIL	1,094,054	1,135,478	1,053,637	1,041,415	1,129,443	\$88,028	\$75,806
MAY	1,045,410	1,068,073	1,078,175	1,065,668	1,089,235	\$23,567	\$11,060
TOTAL	\$11,647,058	\$12,214,696	\$12,316,827	\$12,173,953	\$12,464,449	\$290,496	\$147,622
CONSUMER UTILITY TAX - ELECTRIC							
<i>ADOPTED FY 2013 BUDGET - \$3,757,100</i>							
JULY	\$309,784	\$352,603	\$341,729	\$346,445	\$323,141	(\$23,304)	(\$18,588)
AUGUST	318,714	345,842	345,615	350,384	345,163	(5,221)	(452)
SEPTEMBER	313,468	329,379	325,754	330,249	318,915	(11,334)	(6,839)
OCTOBER	277,528	283,250	280,745	284,619	279,145	(5,474)	(1,600)
NOVEMBER	275,270	262,650	281,842	285,731	282,035	(3,696)	193
DECEMBER	309,087	341,053	325,287	329,776	330,714	938	5,427
JANUARY	412,142	388,100	344,439	349,192	346,399	(2,793)	1,960
FEBRUARY	362,316	350,799	322,546	326,997	342,839	15,842	20,293
MARCH	322,341	299,725	298,405	302,523	326,828	24,305	28,423
APRIL	285,348	284,770	271,034	274,774	320,253	45,479	49,219
MAY	278,200	266,190	266,883	270,566	262,832	(7,734)	(4,051)
TOTAL	\$3,464,198	\$3,504,361	\$3,404,279	\$3,451,258	\$3,478,264	\$27,006	\$73,985
COMMUNICATIONS SALES & USE TAX							
<i>ADOPTED FY 2013 BUDGET - \$3,530,000</i>							
JULY	\$260,565	\$301,373	\$349,339	\$294,166	\$293,358	(\$808)	(\$55,981)
AUGUST	271,686	344,401	294,910	294,167	291,560	(2,607)	(3,350)
SEPTEMBER	293,483	274,076	179,549	294,167	263,295	(30,872)	83,746
OCTOBER	318,835	299,531	309,437	294,166	319,011	24,845	9,574
NOVEMBER	309,705	292,735	284,123	294,167	300,665	6,498	16,542
DECEMBER	300,961	344,423	233,654	294,167	297,855	3,688	64,201
JANUARY	296,884	265,736	337,936	294,166	282,620	(11,546)	(55,316)
FEBRUARY	291,057	288,629	287,492	294,167	287,759	(6,408)	267
MARCH	310,456	300,235	302,278	294,167	299,333	5,166	(2,945)
APRIL	298,840	285,073	292,542	294,166	287,442	(6,724)	(5,100)
MAY	302,657	295,365	287,784	294,167	266,034	(28,133)	(21,750)
TOTAL	\$3,255,129	\$3,291,577	\$3,159,044	\$3,235,833	\$3,188,932	(\$46,901)	\$29,888

Comparison of Collections **Budget to Actual FY 2012 - FY 2013**

	Actual Assessed FY 2011	Actual Collected FY 2011 ²	Actual Assessed FY 2012	Actual Collected FY 2012 ¹	Adopted FY 2013	Actual Assessed FY 2013	Assessed FY 2013 to Adopted FY 2013	Actual Collected FY 2013 ¹	Collected FY 2013 to Adopted FY 2013	Collected FY 2013 to Assessed FY 2013
MEALS TAX										
<i>ADOPTED FY 2013 BUDGET - \$10,830,000</i>										
JULY	\$874,987	\$844,384	\$889,917	\$889,135	\$820,859	\$958,235	\$137,376	\$1,044,556	\$223,697	\$86,321
AUGUST	916,720	872,601	960,082	962,761	884,371	1,042,850	158,479	1,026,544	142,173	(16,306)
SEPTEMBER	909,620	881,239	984,785	998,157	904,581	1,011,701	107,120	1,012,294	107,713	593
OCTOBER	939,119	938,152	999,289	994,851	918,237	1,006,966	88,729	1,003,032	84,795	(3,934)
NOVEMBER	868,677	837,655	916,955	898,157	841,506	964,775	123,269	868,692	27,186	(96,083)
DECEMBER	938,858	892,398	1,028,805	986,078	946,300	1,044,178	97,878	1,083,983	137,683	39,805
JANUARY	856,523	806,405	931,373	950,784	855,624	927,026	71,402	889,358	33,734	(37,668)
FEBRUARY	911,867	967,088	988,981	977,100	910,506	983,390	72,884	995,618	85,112	12,228
MARCH	996,664	976,512	1,079,018	1,073,364	993,892	1,092,759	98,867	1,091,421	97,529	(1,338)
APRIL	977,562	993,046	1,017,193	1,011,594	937,211	1,052,568	115,357	1,067,037	129,826	14,469
MAY ²	945,919	977,118	1,004,820	993,883	920,368	1,058,790	138,422	841,164	(79,204)	(217,626)
TOTAL	\$10,136,516	\$9,986,598	\$10,801,218	\$10,735,864	\$9,933,455	\$11,143,238	\$1,209,783	\$10,923,699	\$990,244	(\$219,539)
LODGING TAX										
<i>ADOPTED FY 2013 BUDGET - \$1,700,000</i>										
JULY	\$161,614	\$159,195	\$180,074	\$168,386	\$140,452	\$180,074	\$39,622	\$197,072	\$56,620	\$16,998
AUGUST ³	170,748	159,316	192,759	200,321	176,240	163,020	(13,220)	275,903	99,663	112,883
SEPTEMBER	148,532	140,207	156,383	159,891	142,957	160,661	17,704	157,680	14,723	(2,981)
OCTOBER	184,513	173,828	185,386	185,530	169,498	183,064	13,566	191,453	21,955	8,389
NOVEMBER	125,640	116,376	131,053	131,431	119,846	131,993	12,147	129,941	10,095	(2,052)
DECEMBER	105,337	90,610	108,029	92,483	98,771	112,277	13,506	113,067	14,296	790
JANUARY	116,099	127,772	122,636	115,790	112,126	134,471	22,345	129,578	17,452	(4,893)
FEBRUARY	122,316	122,155	136,278	130,805	124,599	136,660	12,061	136,660	12,061	0
MARCH	154,963	151,945	154,626	144,654	141,683	158,737	17,054	158,706	17,023	(31)
APRIL	154,731	157,779	146,380	149,258	133,835	161,422	27,587	161,391	27,556	(31)
MAY	176,929	176,893	187,057	177,282	171,026	193,883	22,857	193,290	22,264	(593)
TOTAL	\$1,621,422	\$1,576,076	\$1,700,661	\$1,655,831	\$1,531,033	\$1,716,262	\$185,229	\$1,844,741	\$313,708	\$128,479

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

² Due to year end activities, approximately \$215,000 in collected Meals Tax revenue for May posted in June.

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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2013**

AGENDA ITEM NO.: **1**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Presentation by a Representative of the United States Postal Service re: Fort Hill Station
And the Fort Hill Carrier Annex**

RECOMMENDATION: No action required.

SUMMARY: Mr. Richard Hancock, Real Estate Specialist for the United States Postal Service (USPS) has asked to appear before Council and the public to explain the Postal Service's plans for the Fort Hill Station and the Fort Hill Carrier Annex.

Attached is a letter from Mr. Hancock and a public notice that has been posted.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Letter, Public Notice

REVIEWED BY: lkp

110K



August 1st, 2013

Kimball Payne III
City Manager
900 Church Street
Lynchburg, VA 24504

Re: Lynchburg, VA Fort Hill Station, Fort Hill Carrier Annex USPS Projects

Dear Mr. Payne,

The Postal Service is facing the most critical period in its history. Despite significant cost reductions, the Postal Service continues to experience a net loss. Economic downturn and changes in customer behavior indicate the ongoing migration towards electronic communication; our mail volume continues to decline and is not expected to return to previous peak levels.

As a self-supporting government agency that receives no tax dollars for its operating expenses, the Postal Service must rely on the sale of postage, products and services to generate revenue. In the face of unsustainable deficits the Postal Service must seek ways to cut costs and reduce the size of its infrastructure.

In an effort to control and cut costs, an optimization study has been recently initiated to "right size" our current Fort Hill Station operation to a smaller building that will continue to provide retail services to the community of Lynchburg. The new retail operation will be located as close as possible to the current Fort Hill Post Office. The proposed new retail facility will offer the community with an upgraded, modern facility that will provide the level of service expected by our customers. The current Fort Hill Station building will be placed on the market for sale. In addition the Fort Hill Carrier Annex lease will be terminated and the carriers relocated to another Postal facility.

Our operations and requirements analysts have determined that we need a retail facility with, ideally, approximately 1,600 sq. ft. of interior space with suitable support, parking and maneuvering areas.

The Postal Service wishes to work closely with your community and has scheduled a project presentation at the Lynchburg City Council public meeting on Tuesday August 13th at 4:00 p.m. The meeting will be held at the Lynchburg Municipal Building at 900 Church Street. Your comments and suggestions are greatly appreciated.

Enclosed is a notice to be posted at the Municipal Building for public consumption. Additional copies can be made available to all interested parties. I would appreciate the notice to be communicated to all interested members of Council for their review.

Thank you again for your assistance in this matter.

Please contact me with any questions or concerns at the address listed below.

Richard Hancock, Real Estate Specialist
USPS Eastern Facilities Service Office
PO Box 27497 Greensboro, NC 27498-1103
Phone: (336) 665-2848
richard.a.hancock@usps.gov

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Hancock", written over a light blue horizontal line.

Richard Hancock



YOU ARE INVITED TO ATTEND A

PUBLIC MEETING

AUGUST 13TH, 2013

FROM 4:00 PM

AT THE

LYNCHBURG MUNICIPAL BUILDING

900 CHURCH STREET

LYNCHBURG, VA 24504

AT WHICH TIME REPRESENTATIVES OF THE UNITED
STATES POSTAL SERVICE WILL DISCUSS PLANS FOR

THE

LYNCHBURG FORT HILL STATION POST OFFICE

AND THE

LYNCHBURG FORT HILL CARRIER ANNEX

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2013**

AGENDA ITEM NO.: 2

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Parks and Recreation Resource Request**

RECOMMENDATION: Approve funding for additional resources to increase staffing levels and service delivery in the Parks and Recreation Department's Parks Services division to provide for an increased staff presence in the parks and on trails; and to improve park safety, maintenance, customer satisfaction and the visitor experience.

SUMMARY: In the aftermath of the Memorial Day incident that occurred in Miller Park staff was encouraged to take steps to reduce the likelihood of a recurrence of a similar event. A number of steps have been taken, including additional Parks & Recreation staff in the parks, an increased Police presence, community outreach, and encouraging volunteer activities in the parks. Unfortunately, these actions have often required overtime, have taken staff away from other responsibilities, and have strained already limited resources. In short, while successful this summer, the actions that have been taken are not sustainable. Furthermore, while the incident in Miller Park was of a scale and timing that garnered a lot of attention, throughout the year there are numerous, although less serious, incidents that occur in City parks. Many of the incidents could have been dealt with immediately and without escalation if staff had been present to intercede and resolve the matter. It should not be the responsibility of the Police Department to deal with issues that could be handled by other staff before getting out of hand.

In order to address the systemic issues related to parks management staff from the several stakeholder departments have met to discuss a long term approach that will be more in keeping with best management practices. Director of Parks & Recreation Kay Frazier will present a proposal to City Council requesting resources to strengthen the Parks Services Division in the Parks and Recreation Department. The funding, which is proposed to be phased in, will result in additional staffing in the parks and on the trails with the goal of improving park safety, maintenance, customer satisfaction and the visitor experience.

PRIOR ACTION(S): The Parks and Recreation Department has restructured and its budget has been reduced in prior fiscal years.

FISCAL IMPACT:

Fiscal Year 2014	\$ 302,200	(phased approach, \$119,350 for FY 14)
Fiscal Year 2015	<u>42,730</u>	
Total ongoing	\$ 344,930	

CONTACT(S): Kay Frazier, 455-5868

ATTACHMENT(S): Presentation

REVIEWED BY: lkp

109K

Lynchburg Parks and Recreation

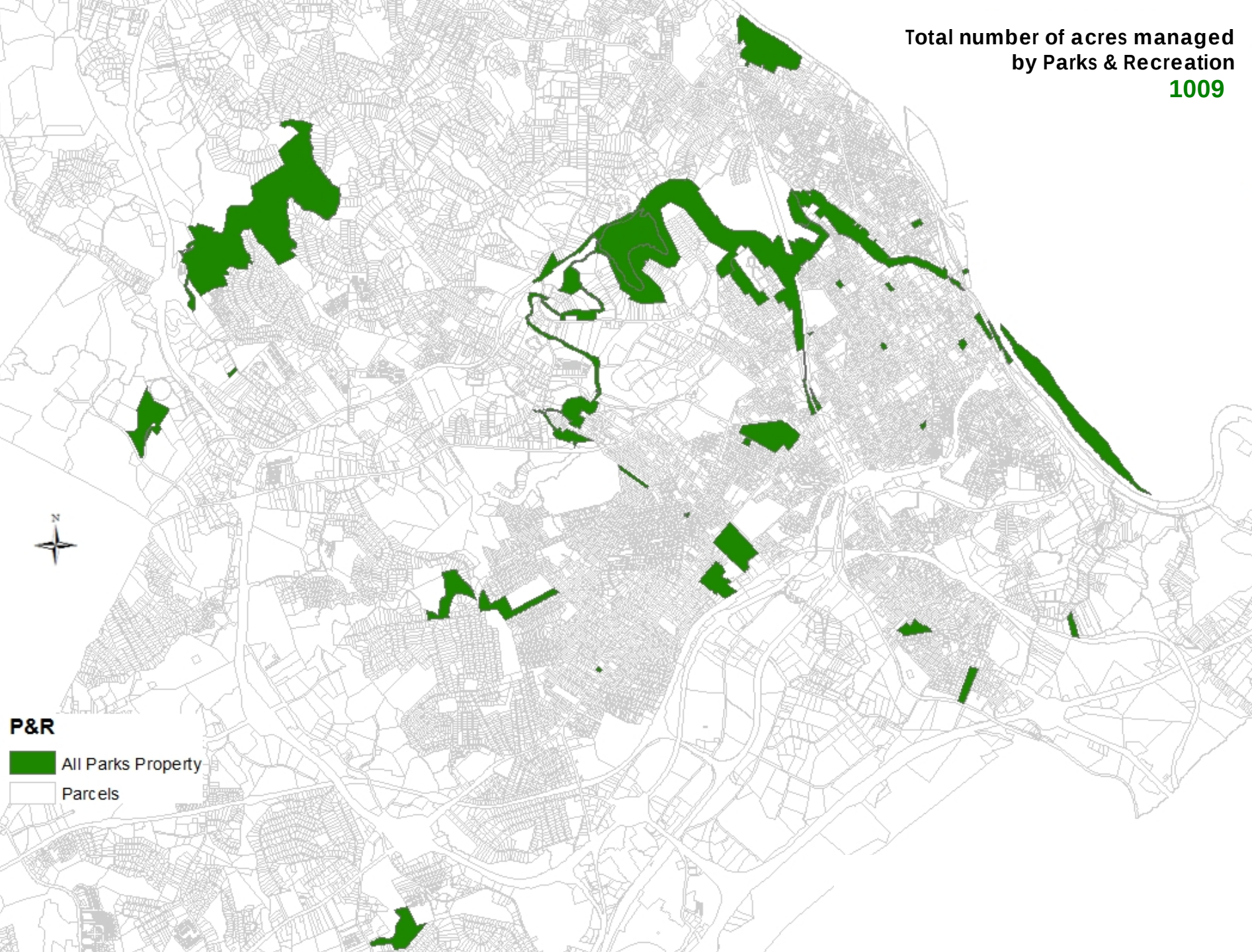
Parks Services Division Resource Request

Lynchburg City Council
August 13, 2013

Presentation

- Overview of Parks System
- Current Resources
- Statistics
- Challenges
- Short Term Solutions
- Resources Needs
- Phased Approach

Total number of acres managed
by Parks & Recreation
1009



P&R

 All Parks Property

 Parcels

Total number of acres managed
by Parks & Recreation
1009

Undeveloped acres
50

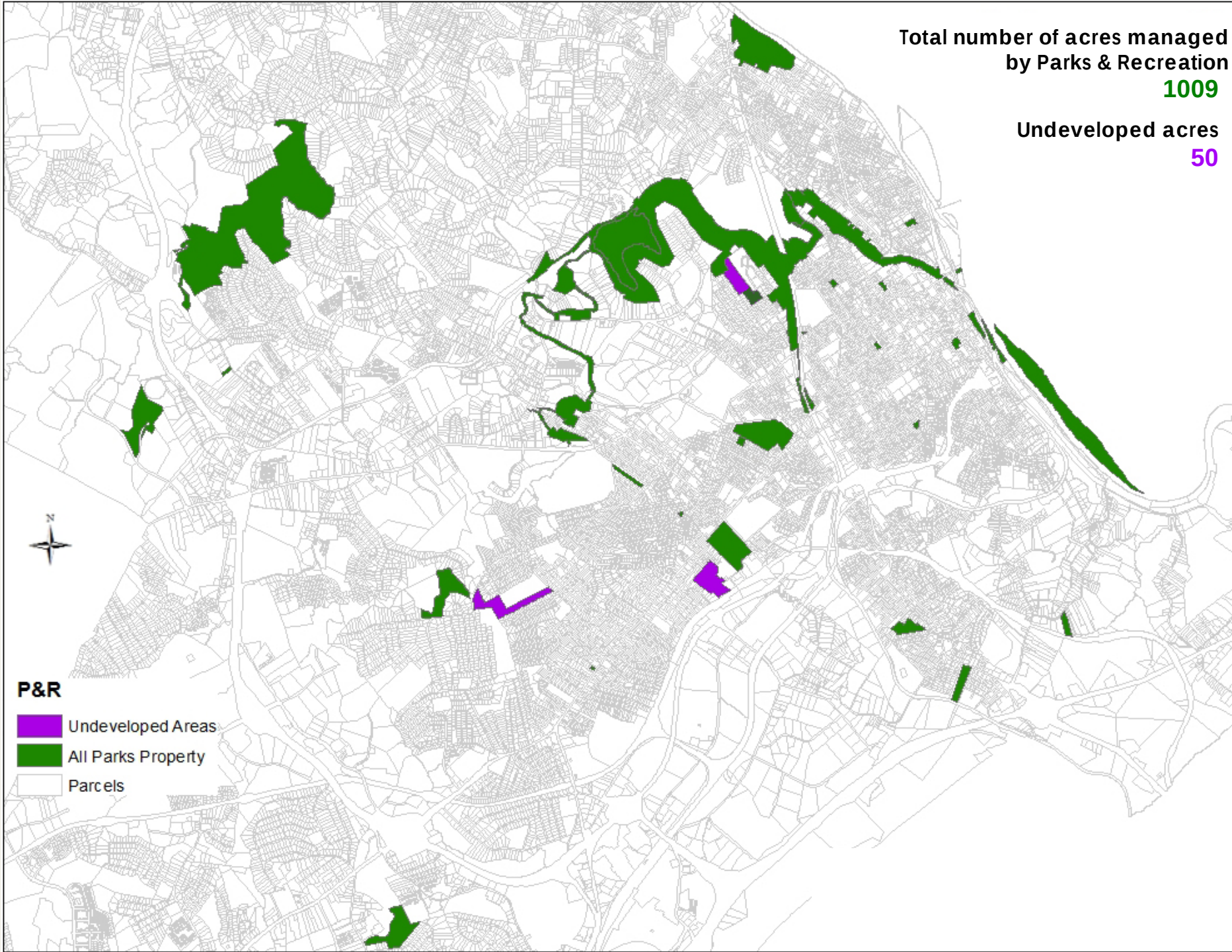


P&R

 Undeveloped Areas

 All Parks Property

 Parcels



Total number of acres managed
by Parks & Recreation
1009 acres

Undeveloped acres
50 acres

Neighborhood Parks,
Stadium, Market, Centers
61 acres

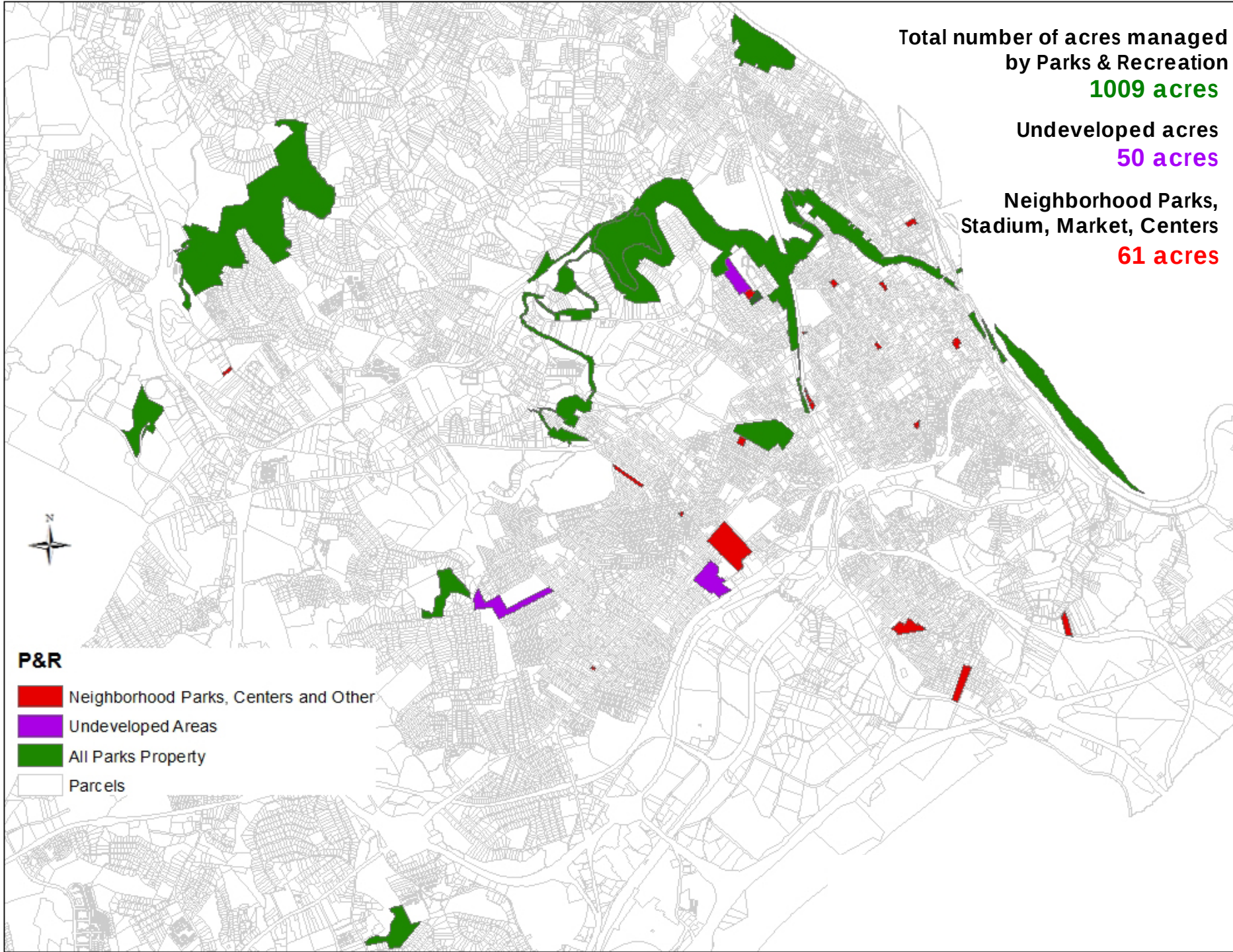
P&R

 Neighborhood Parks, Centers and Other

 Undeveloped Areas

 All Parks Property

 Parcels



Total number of acres managed
by Parks & Recreation
1009 acres

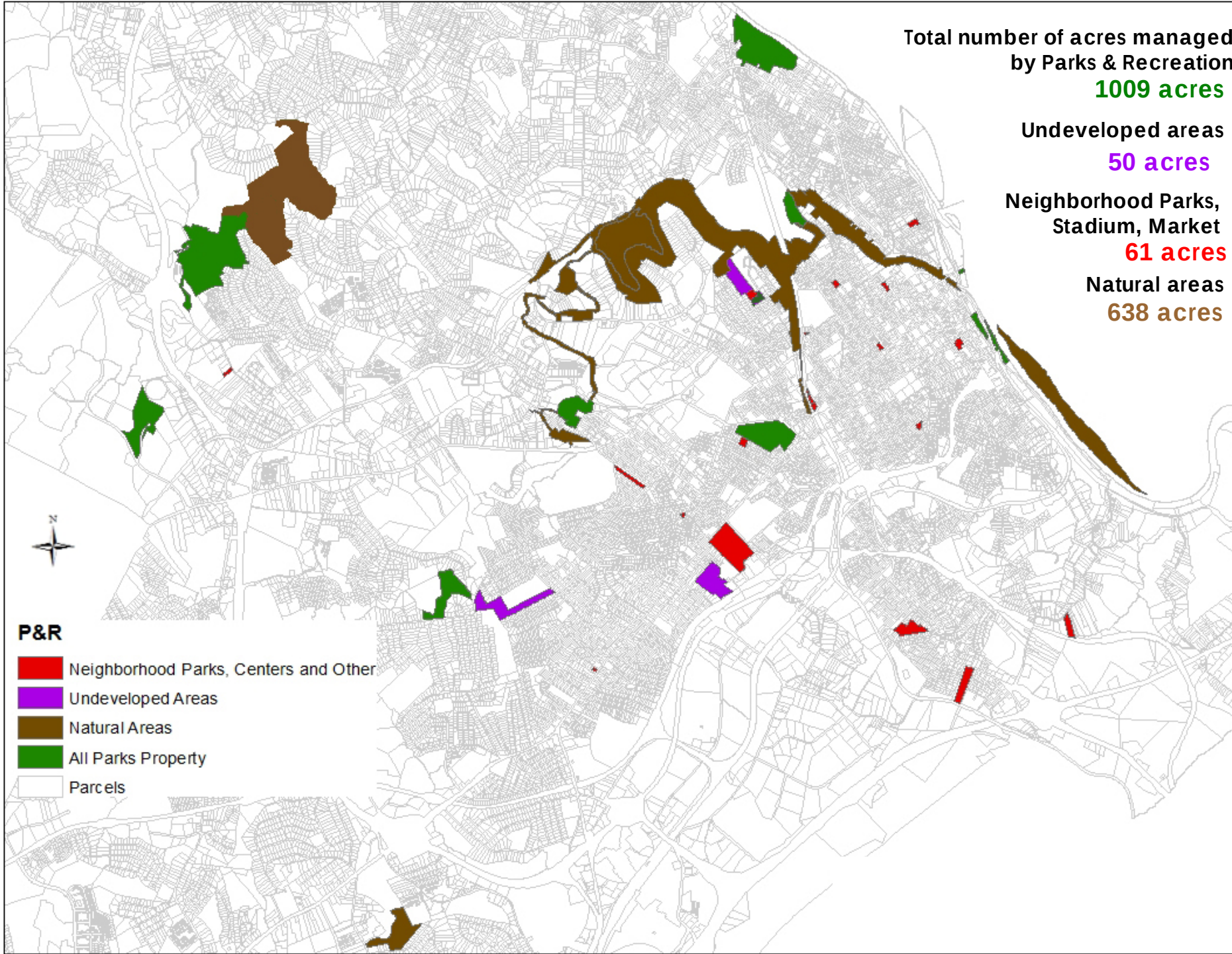
Undeveloped areas
50 acres

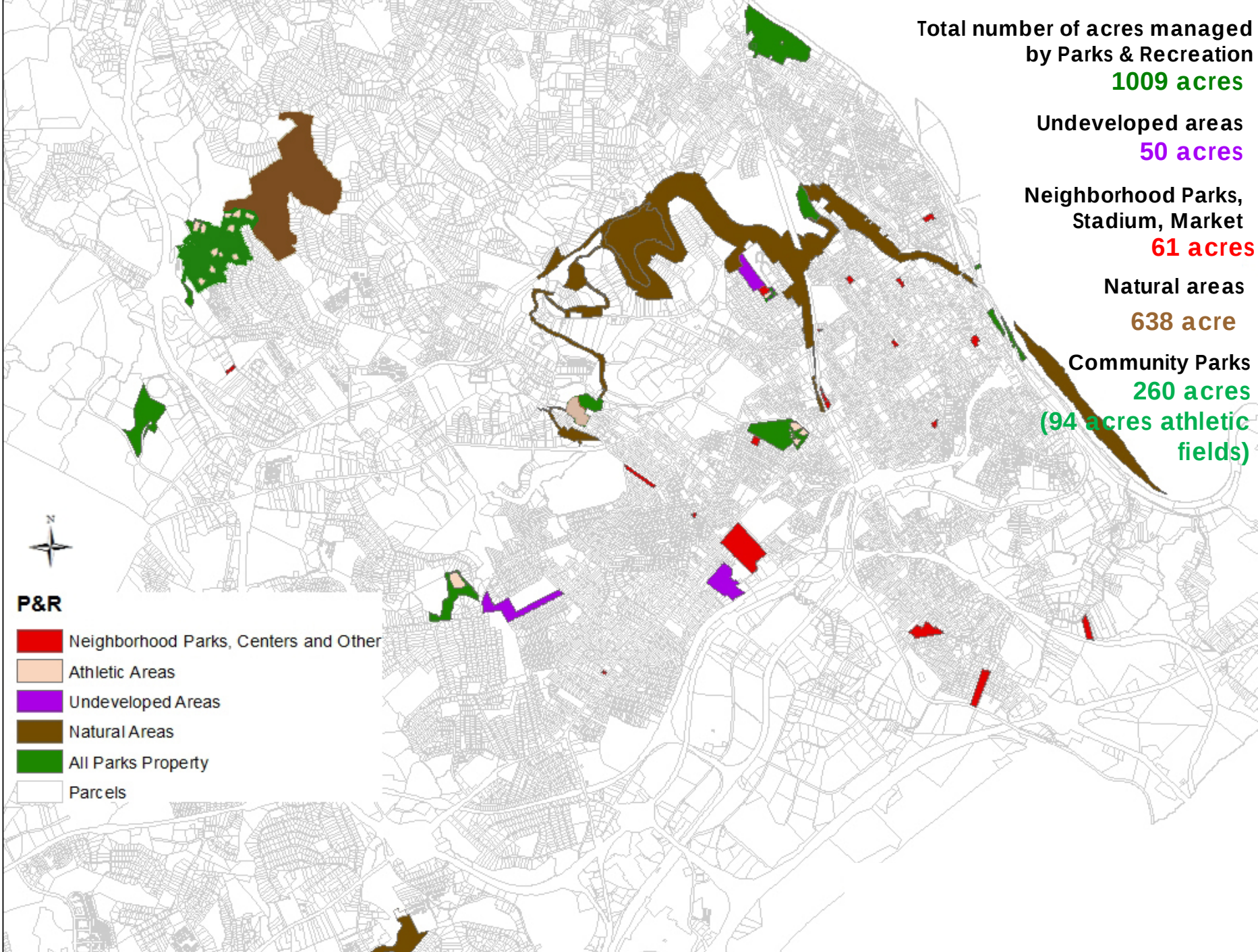
Neighborhood Parks,
Stadium, Market
61 acres

Natural areas
638 acres

P&R

-  Neighborhood Parks, Centers and Other
-  Undeveloped Areas
-  Natural Areas
-  All Parks Property
-  Parcels







MILLER PARK





Athletics – 641 Participants

MILLER PARK



An aerial photograph of Miller Park, a large green space in a residential neighborhood. The park is outlined in red. Inside the park, there are two areas outlined in green with diagonal hatching: a rectangular area in the center-left containing a building, and a larger area on the right containing a baseball field. Text labels are overlaid on the image.

Miller Park Pool
11,650 visits annually
164 visits daily

Athletics – 641 Participants

MILLER PARK





Miller Park Pool
11,650 visits annually
164 visits daily

Shelters – 70 rentals
4,000 visits

Athletics – 641
Participants

MILLER PARK





Miller Park Pool
11,650 visits annually
164 visits daily

Shelters – 70 rentals
4,000 visits

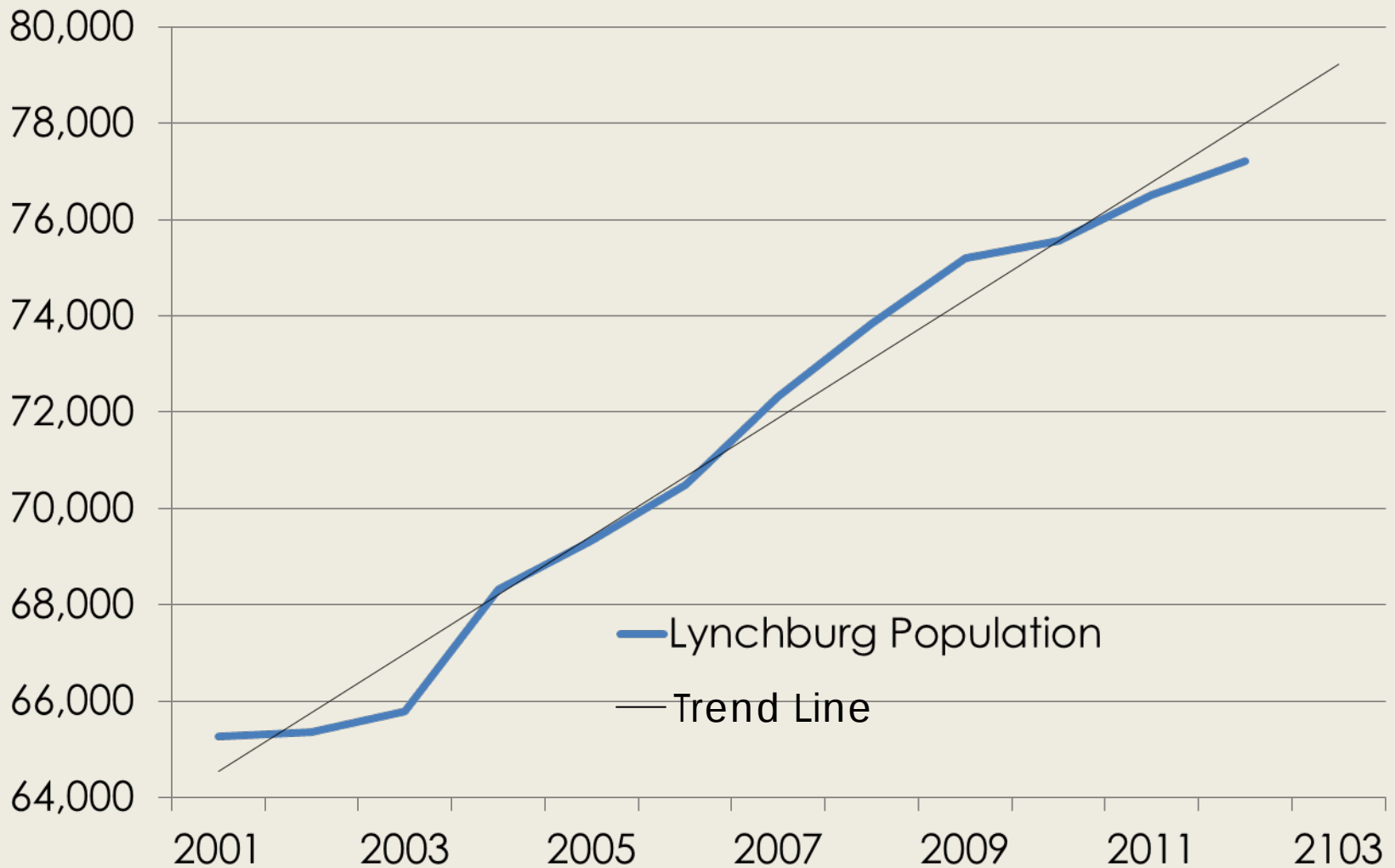
Athletics – 641
Participants

Aviary – 106 rentals
12,000 visits

MILLER PARK



LYNCHBURG POPULATION



THE NUMBERS

86% Lynchburg residents surveyed in 2013
who reported visiting a neighborhood
or city park

Estimated population that visited
a Lynchburg park in 2013. **74,414**

516 Special event, rental permits issued in
2012

THE NUMBERS

69%

Lynchburg residents surveyed in 2013
who reported City parks as excellent
or good

Number of acres of developed
parkland added in last ten years

31

46%

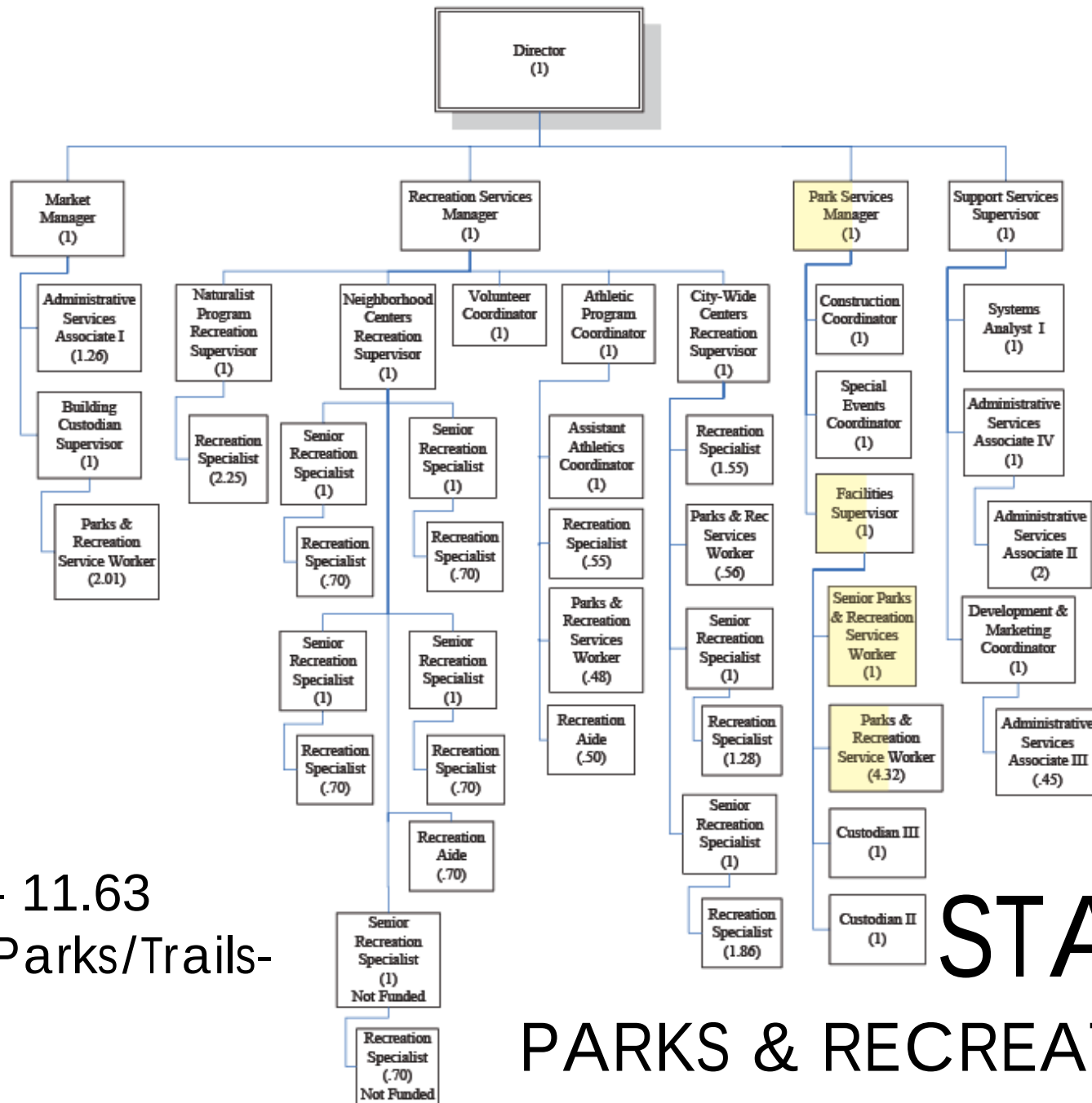
Lynchburg residents surveyed in 2013
who reported recreational
opportunities as excellent or good

CHALLENGES

- Staffing shortage, leading to lack of staff in the parks and trails at highest customer demand
- No City employee in charge of parks during events and high demand times
- Interdepartmental communication & coordination

CHALLENGES

- Increased demand on the parks and trails, with no additional funding
- Community/Regional Park use is exceeding the park carrying capacity
- Reactive vs. proactive
- Current solutions are unsustainable



FTEs

Current - 11.63

Staffing Parks/Trails-
5.06

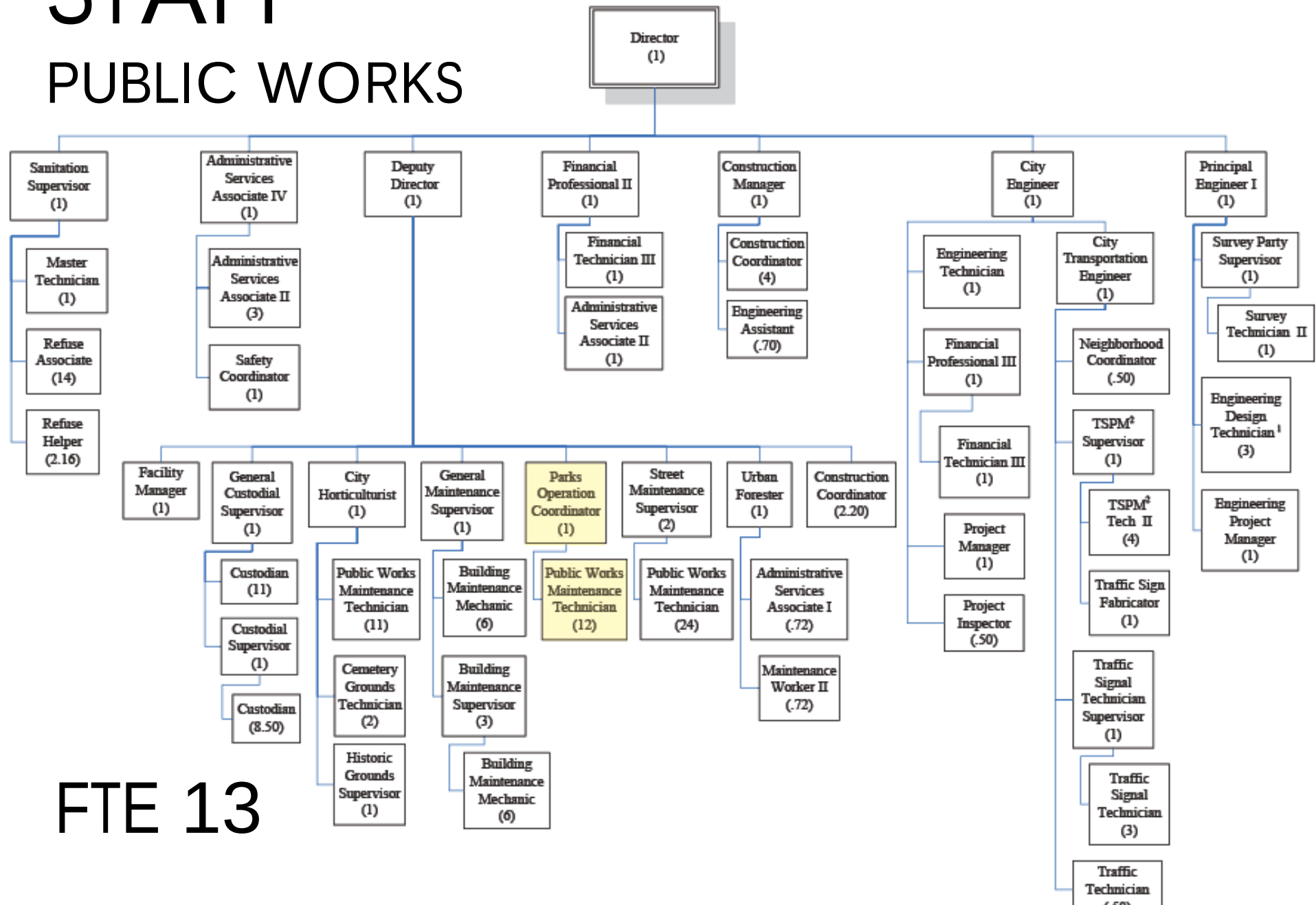
STAFF
PARKS & RECREATION

Current Major Functions

- Facility Management
- Facility Rentals
- Facility Custodial Services
- Special Event Permitting
- Coordination of Special Events Committee
- Capital Budget
- Capital Project Management
- Park Planning
- Coordination of maintenance with Public Works
- Athletic Field Grooming and Preparation
- Trail Maintenance – primarily earthen trails
- Department Fleet Management
- Event Support Services
- Snow Removal Services- Recreation facilities

STAFF

PUBLIC WORKS

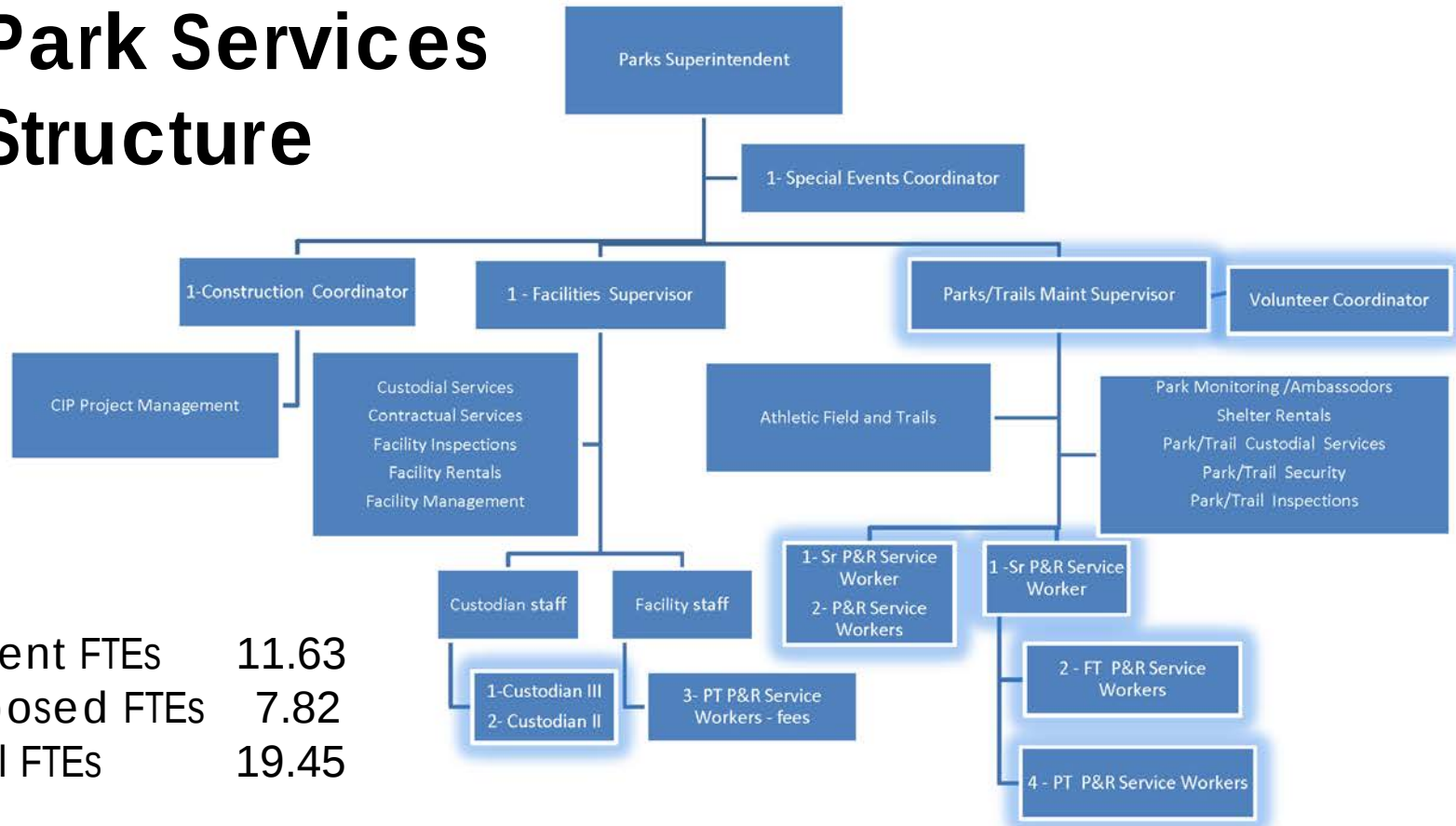


FTE 13

SHORT-TERM EFFORTS

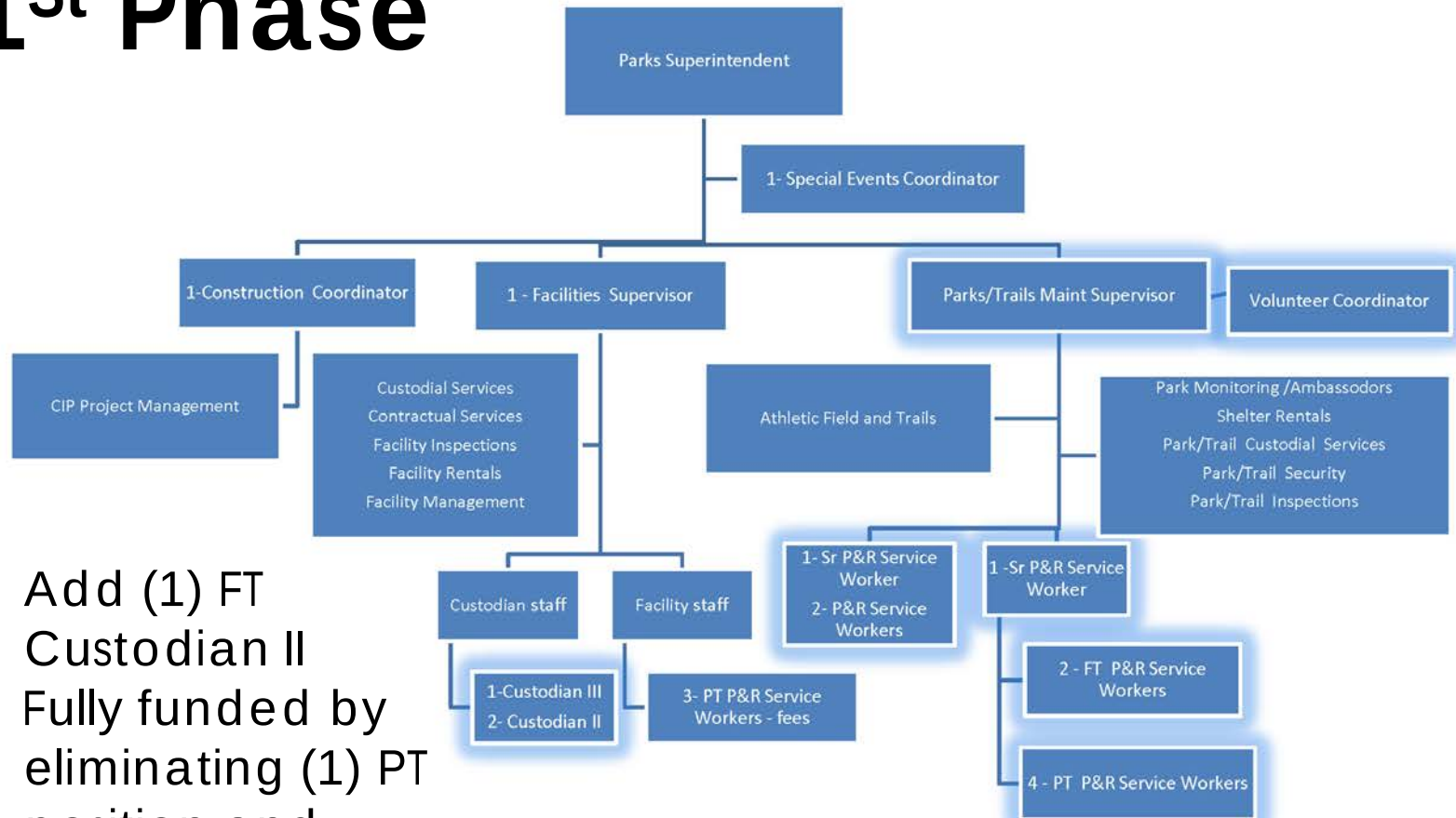
- “Share the Parks” campaign – a citizen’s group organizing to support the positive use parks
- Increased police presence in Miller Park
- Increase in Public Works staff on weekends in Miller Park, overtime basis
- Shifted Parks & Recreation staff to more weekend hours
- P&R is staffing the sprayground in Riverside Park on weekends - not budgeted

Proposed Park Services Structure



Current FTEs 11.63
Proposed FTEs 7.82
Total FTEs 19.45

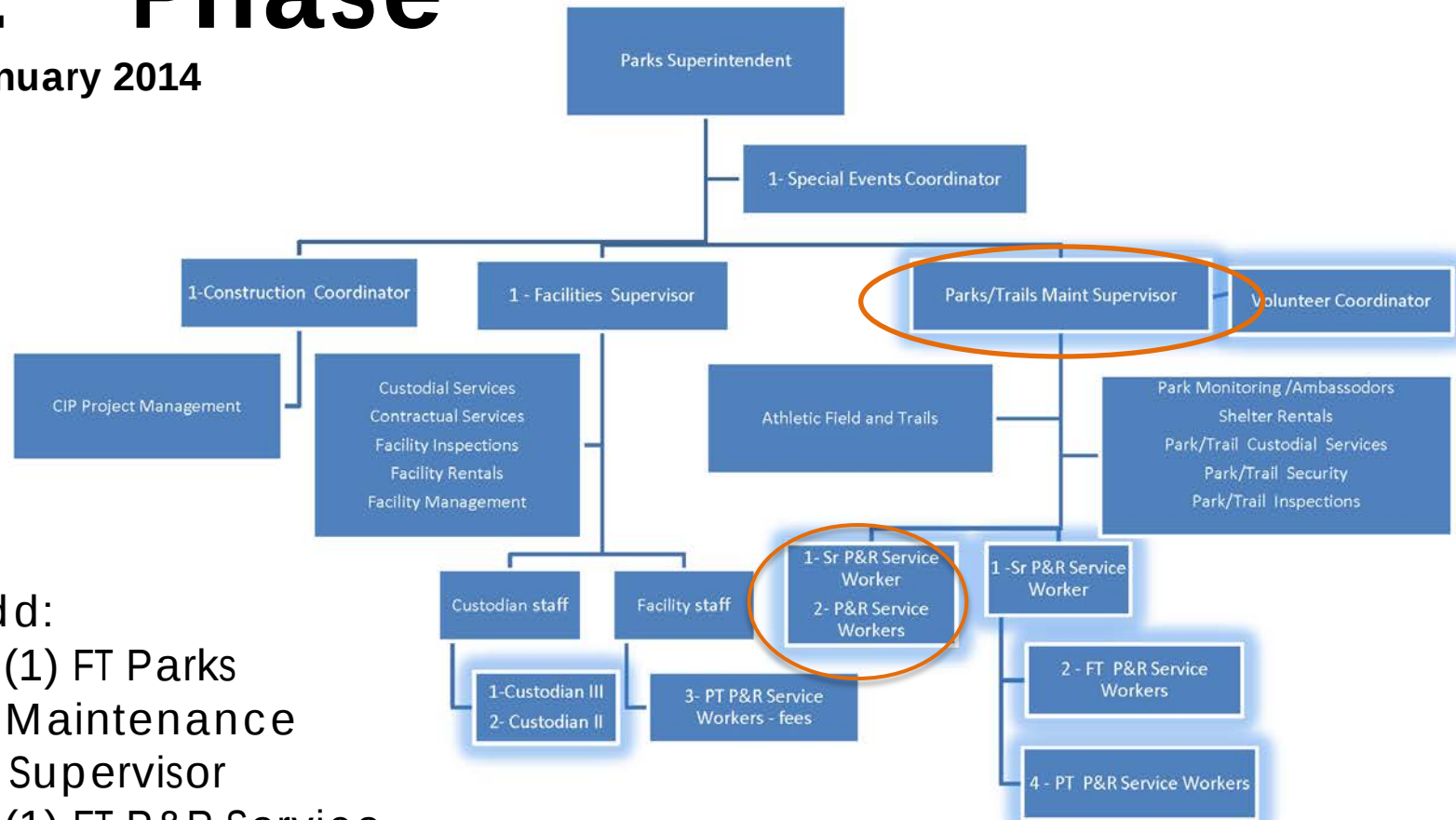
1st Phase



- Add (1) FT Custodian II
- Fully funded by eliminating (1) PT position and reducing hours in other positions

2nd Phase

January 2014



Add:

- (1) FT Parks Maintenance Supervisor
- (1) FT P&R Service Worker

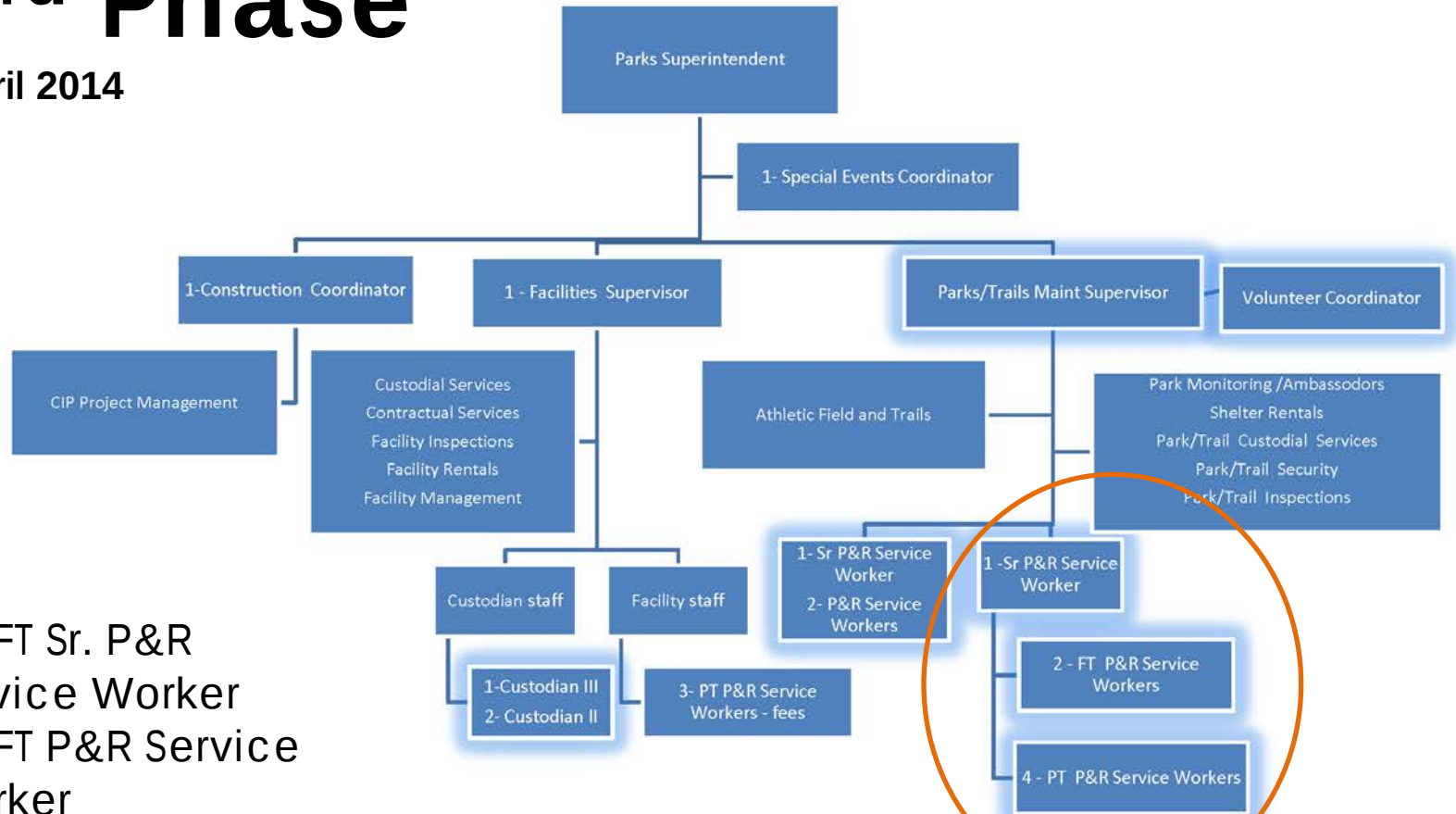
Partially funded by eliminating other positions

Budget: \$56,100
27,000
5,000
Total \$88,100

Personal Costs
Capital Outlay
Other

3rd Phase

April 2014



Add:

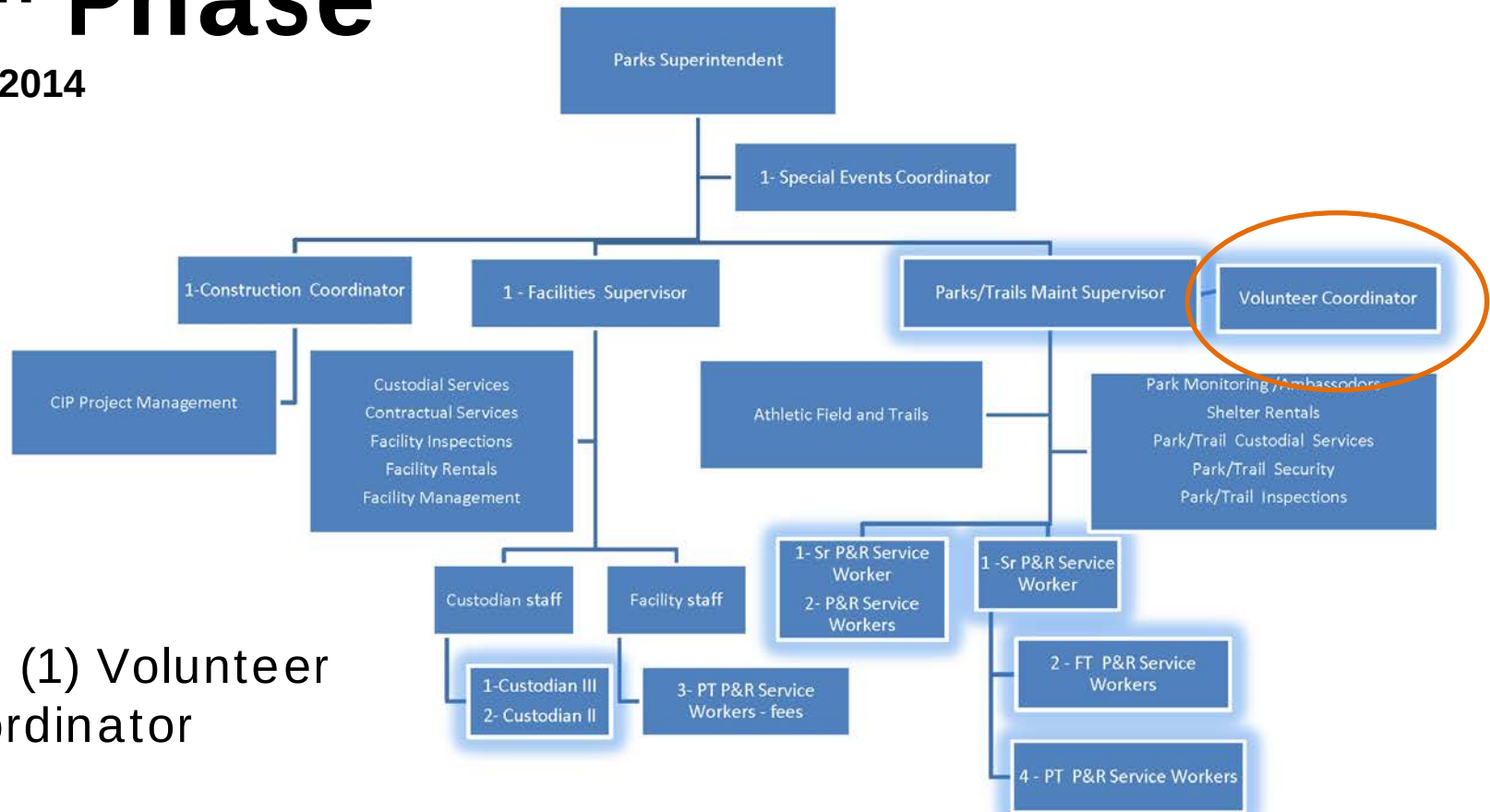
- (1) FT Sr. P&R Service Worker
- (2) FT P&R Service Worker
- (4) PT P&R Service Workers

Budget: \$193,750
11,000
9,350
Total \$214,100

Personal Costs
Capital Outlay
Other

4Th Phase

July 2014



Add (1) Volunteer Coordinator

Budget \$40,730 Personal Cost
2,000 Other
Total \$42,730

Phasing Summary

Phase 1	Now	Improved Center Custodial Services	\$ 0
Phase 2	January 2014	Park/Trails Supervision Improved Athletic Field and Trail Maintenance	\$ 88,100
Phase 3	April 2014	Park Monitoring Park Custodial Services Shelter Rentals Park/Trail Inspections Park/Trail Ambassadors Event Support Minor Park/Trail Maint	\$214,100
Phase 4	July 2014	Volunteer Project Coordination Adopt-a-Park Program	\$ 42,730
Total			\$344,930

Outcomes

- Increased staff presence- improved park and trail visitor experience
- Improved customer service for facility users and rentals
- Safer parks and trails
- Improved communication between city departments

Outcomes

- Improved support for community efforts
- Improved custodial services
- Improved park and trail maintenance
- Maximizing use of recreational assets
- A better experience for everyone

Parks are great places to share!

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of July, 2013, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

7

Absent:

0

// Human Resources Director Margaret Schmitt provided information concerning the Virginia Retirement System (VRS). The three issues for discussion included:

- Upcoming changes in VRS
- Retiree medical coverage policies and practices
- Part-time employment policies and practices

Ms. Schmitt stated in 2012 the General Assembly actions were: 1) to establish VRS Hybrid Pension Plan for non-sworn employees hired on or after 1/1/14 and required local Disability program for all Hybrid Plan Hybrid Plan members. Ms. Schmitt explained the following plans:

- VRS Hybrid Pension Plan
- Defined Benefit – DB
- Defined Contribution – DC
- VA Local Disability Program (VLDP)
- Short Term Disability
- Long Term Disability

Ms. Schmitt went on to explain the impact which is: the City will manage/communicate 3 retirement programs; City will manage/budget two different VRS rates, if opted into VRS Disability Program; expect VRS rates will be more volatile due to flexibility allowed in DC contributions; create different income protection based on date of hire; and paid time off program must be evaluated and modified, at least for Hybrid Plan members. The decision needed includes an irrevocable decision to opt-in or opt-out of VRS program by August 31, 2013; City and Schools may make different decisions; City and School staff are seeking options to the VRS program hoping to make a joint decision and VRS program cost is .91% of salary (.39% for teachers) for Hybrid Plan members. After Council discussion on VRS, it was the consensus of Council to present a Resolution at the August 13th Council meeting to opt-out of the Virginia Retirement System. Due to time constraints the Retiree Benefits will be discussed at Council's Retreat on September 3, 2013.

// During roll call Council Member Foster stated that the bushes near Villa Maria have not been trimmed back, which causes potential danger for runners, walkers and bike riders.

// Council Member Cary stated there was a problem on the Luken's property with overgrown grass.

// Mayor Gillette announced the Trinbridge Neighborhood Summit will be held July 20, 2013 from 10:00 a.m. to 2:00 p.m. at the Yoder Community Center, 109 Jackson Street.

// City Council recessed the meeting at 5:01 p.m.

// City Council attended the Economic Development Authority Strategic Plan presentation at the Academy of Fine Arts. Consultant Jay Garner, president of Atlanta-based site selection firm Garner Economics,

and Mike Tveidt, a research economist for the company, presented suggestions for a new strategic plan for the Economic Development Authority.

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

The following Members were present:

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

Absent: 0

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

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

// Copies of the minutes of the June 11, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the June 18, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the June 25, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Community Development – Historic Review Board, Resolution #R-13-081 amending the FY 2014 City Federal State Aid Fund budget and appropriating \$8,950 from the Virginia Department of Historic Resources and \$2,550 transferred from the General Fund Community Development budget to prepare a State/National Historic District nomination for historically significant structures within and adjacent to the Pierce Street Renaissance District, laid over from the June 25, 2013 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development – General, Resolution #R-13-083 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$108,358, with resources of \$98,358 from the U.S. Department of Housing and Urban Development (HUD) to provide 10 units of tenant-based rental assistance; and \$10,000 from the Division of Social Services for associated supportive services, laid over

from the June 25, 2013 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Schools – General, Resolution #R-13-084 amending the FY 2014 Schools Capital Project Fund budget and appropriating \$1,185,000, with resources from the General Fund Heritage High School Committed Fund Balance for activities related to the Heritage High School Construction Project, laid over from the June 25, 2013 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #9 outlining the petition of Dominion Sports Center, LLC to rezone approximately one (1) acre at 1350 Florida Avenue from B-5C, General Business District Conditional to B-5C, General Business District Conditional with amended proffers to allow the use of the existing building as a paint shop and mechanical services use. Community Development Director Kent White provided a summary of the request and stated that the Planning Commission recommended approval of the rezoning petition. Representative Trent Warner, with Warner White Engineering Partners, spoke to this item and asked for Council approval for the rezoning petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-13-085, as presented, granting the petition of Dominion Sports Center, LLC to rezone approximately one (1) acre at 1350 Florida Avenue from B-5C, General Business District Conditional to B-5C, General Business District Conditional with amended proffers to allow the use of the existing building as a paint shop and mechanical services use:

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

Noes: 0

// In the matter of Community Development – Zoning Amendments, a public hearing was held regarding City Council Report #10 amending the Future Land Use Map (FLUM) from Traditional Residential to Downtown. Outlining the petition of Cabell Street Land Trust to rezone approximately one and one tenth (1.1) acres at 41, 57, & 59 Cabell Street from B-5, General Business District and R-C, Resource Conservation District to B-6, Riverfront Business District and R-C, Resource Conservation District to allow the use of the existing building as mixed use residential and retail and the construction of new parking. Community Development Director Kent White gave a summary of the request and stated the Planning Commission recommended approval of the FLUM and the rezoning petition. Ms. Ty Mosby, Berkley-Howell & Associates, representative, spoke to this item and asked for Council approval for the FLUM and

the rezoning. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #O-13-086, as presented, amending the Future Land Use Map from Traditional Residential to Downtown:

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

Noes: 0

On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #O-13-087, as presented, granting the petition of Cabell Street Land Trust to rezone approximately one and one tenth (1.1) acres at 41, 57, & 59 Cabell Street from B-5, General Business District and R-C, Resource Conservation District to B-6, Riverfront Business District and R-C, Resource Conservation District to allow the use of the existing building as mixed use residential and retail and the construction of new parking :

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

Noes: 0

// In the matter of Library – General, City Council Report #11 was considered. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-088, as presented, authorizing participation in a Phase II Operational Analysis for a Regional Library System and authorizing the use of up to \$22,000 in funds carried over from the FY 2013 budget to fund Lynchburg's portion of the analysis:

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

Noes: 0

// On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members about a specific legal matter, the operation of the fuel farm at the Lynchburg Regional Airport, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950, as amended:

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

Noes: 0

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

// Council Member Helgeson made the following motion:

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification

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

The Motion was seconded by Vice Mayor Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette	7
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Noes:	0
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// The meeting was adjourned at 8:51 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2013**

AGENDA ITEM NO.: 6

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): Milestone Communications – 409 and 459 Perrymont Avenue**

RECOMMENDATION: Hold a public hearing and consider approval of the CUP petition.

SUMMARY: Milestone Communications is petitioning for a CUP to allow the construction of a one hundred thirty-five (135)-foot “monopine” (a communications tower designed to look like a pine tree) and associated equipment cabinets at 409 and 459 Perrymont Avenue. The property is zoned R-2, Low-Medium Density, Single-Family Residential District and contains approximately thirty-three and one half (33.5) acres. The Lynchburg City School Board reviewed the proposal on May 21, 2013 and approved it by unanimous vote. The Planning Commission recommended approval of the CUP because:

- The *Zoning Ordinance* permits telecommunications towers and associated facilities in R-2, Low-Medium Density, Single-Family Residential districts upon approval of a CUP by Council.
- The *Comprehensive Plan 2002-2020's Future Land Use Map* (FLUM) recommends Institutional and Public Park uses for the property.
- The proposed telecommunication facility will be designed to blend into the natural landscape.

PRIOR ACTION(S):

July 10, 2013: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval unanimously (5-0 with two absent; Hannon and Barnes).

FISCAL IMPACT: City Council is scheduled to consider a franchise agreement with Milestone Communications in September. Terms of the agreement are under development; it is anticipated that the City will receive a one-time fee for locating the tower on City property, a one-time fee for each carrier that co-locates on the tower, and a portion of the monthly revenue that is received by Milestone for leasing to carriers.

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

ATTACHMENT(S):

- Resolution
- Planning Commission Report – July 10, 2013
- Planning Commission Minutes – July 10, 2013
- Vicinity Zoning Pattern Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Concept Plan
- Photo Simulations
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO MILESTONE COMMUNICATIONS TO ALLOW A ONE HUNDRED THIRTY-FIVE (135) FOOT MONOPINE AND ASSOCIATED EQUIPMENT CABINETS AT 409 AND 459 PERRYMONTE AVENUE IN AN R-2. LOW-MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Milestone Communications for a conditional use permit to allow the construction of a one hundred thirty-five (135)-foot monopine and associated cabinets is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan.
2. All lighting shall be glared shielded and non-directional to prevent illumination beyond the property line.
3. The tower shall be constructed as a "monopine" as indicated in the submitted photo simulations.
4. Future collocations on the tower shall be permitted provided the "monopine" construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan.

Adopted:

Certified:

Clerk of Council

106K

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

To: Planning Commission
From: Planning Division
Date: July 10, 2013
Re: **Conditional Use Permit (CUP) – Milestone Communications – 409 and 459 Perrymont Avenue**

I. PETITIONER

Milestone Communications, 12110 Sunset Hills Road, Suite 100, Reston, Virginia 20190

Representative: Mr. Herschel Keller, Petty Livingston, Dawson & Richards, P.C., P.O. Box 1080, Lynchburg, Virginia 24505

II. LOCATION

The subject property is a tract of approximately thirty-three and one half (33.5) acres located at 409 and 459 Perrymont Avenue.

Property Owner: City of Lynchburg, 900 Church Street, Lynchburg, Virginia 24504

III. PURPOSE

The purpose of the petition is to allow the construction of a one hundred thirty-five (135)-foot monopine (cell tower designed to look like a pine tree) and associated equipment cabinets.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* recommends Institutional and Public Park uses for the property.
- Telecommunication facilities are permitted within R-2, Low-Medium Density, Single-Family Residential Districts upon approval of a CUP by Council.
- The proposed telecommunication facility will be of a stealth design and should blend into the natural landscape.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends an Institutional and Public Park use for the property. Institutional uses include religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (*pg. 5.3*) Public Park uses include lands owned by the City of Lynchburg or other governmental agencies and are intended to be open for public recreational use. (*pg. 5.2*)
2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-2, Low-Medium Density, Single-Family Residential District was established in 1978 upon adoption of the *Zoning Ordinance*.
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 August 9, 1983, Council denied the CUP petition of Old Time Gospel Hour to allow classrooms at 311, 312 & 320 Biltmore Avenue.
 - On May 12, 1987, Council approved the CUP petition of Memorial Christian Church to allow a parking expansion at 615 Perrymont Avenue.
 - On September 11, 1990, Council approved the CUP petition of Lynchburg City Schools to allow the installation of three (3) modular classrooms at 409 Perrymont Avenue.
 - On October 8, 1991, Council approved the CUP petition of Lynchburg City Schools to allow the continued use of three (3) modular classrooms at 409 Perrymont Avenue.
 - On February 9, 1993, Council approved the CUP petition of Lynchburg City Schools to allow the construction of a three story school addition at 409 Perrymont Avenue.
 - On April 10, 2001, Council approved the CUP petition of Memorial Christian Church to allow a child care facility at 615 Perrymont Avenue.
5. **Site Description.** The subject property is a tract of approximately thirty-three and one-half (33.5) acres located at 409 and 459 Perrymont Avenue. The property contains Perrymont Elementary School, which was constructed in 1955 and other associated athletic fields and parking areas. Over three-quarters of the property are wooded. The property is boarded to the north, east and south by residential uses and to the west by vacant land.
6. **Proposed Use of Property.** The purpose of the petition is to allow the construction of a one hundred thirty-five (135)-foot monopine (cell tower designed to look like a pine tree) and associated equipment cabinets.
7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the proposed telecommunications facility.
8. **Stormwater Management.** A stormwater management plan will not be required due to the limited scope of the proposed project. As indicated on the submitted site plan and narrative, the petitioner will address erosion issues associated with the existing gravel access road.
9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the proposal.
10. **Impact.** The telecommunications facility would be located behind the backstop of the existing baseball field. The fenced compound will be screened with evergreen trees and will be located two hundred seventy (270) feet from the northern property line, four hundred sixty (460) feet from the southern property line and seven hundred (700) feet from the western property line. Appearance of telecommunication facilities would normally be the primary concern when proposed in residential areas. The petitioner has proposed constructing the tower as a "monopine" as shown in the submitted photo simulations, which should blend into the existing tree line. As indicated by the petitioner, the proposed telecommunications facility is needed to improve internet and voice connectivity within the area. The petitioner created a web page for informational purposes at www.perrymontwirelesspole.com.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on June 18, 2013. 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 Milestone Communications to allow the installation of a one hundred thirty-five (135)-foot telecommunications tower and associated equipment at 409 and 459 Perrymont Avenue subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan.**
- 2. All lighting shall be glared shielded and non-directional to prevent illumination beyond the property line.**
- 3. The tower shall be constructed as a “monopine” as indicated in the submitted photo simulations.**
- 4. Future collocations on the tower shall be permitted provided the “monopine” construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan.**

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 Kozarow, 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. Herschel Keller, Petty, Livingston, Dawson & Richards, P.C.
Mr. Leonard Forkas, Milestone Communications

VII. ATTACHMENTS

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

MINUTES FROM THE JULY 10, 2013 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO MEETING ON JULY 24, 2013):

Petition of Milestone Tower Limited Partnership for a Conditional Use Permit at 409 and 459 Perrymont Avenue to allow the construction of a one hundred thirty-five (135)-foot telecommunications tower and associated equipment cabinets that will exceed seventy-two (72) cubic feet in an R-2, Low-Medium Density, Single-Family Residential District:

Mr. Martin explained that this cell tower is an innovative design called a “monopine” that will look like a pine tree and blend in with the existing tree line. The *Future Land Use Map* recommends Institutional and Public Park uses for the property. The property is owned by the City and there will be a lease agreement between the City and Milestone Communications. Mr. Martin explained that the cell tower will be located quite a distance from the school, 275 feet from the side property line and approximately 400 feet from the rear property line. The photo renderings provided by the petitioner indicate how the monopole will look from different views.

Mr. Martin explained that the petitioner set up a website for the public to be able to view the plans and renderings and leave comments. They also held a community meeting. Mr. Martin pointed out that the conditional use permit, if approved, would permit future collocations on the tower provided the “monopine” construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan. The Planning Division recommends approval of the conditional use permit petition.

Mr. Hershel Keller came forward to represent the petition. Mr. Keller explained that Milestone Communications partners with public owners to erect cell towers on public properties and then enter into revenue sharing agreements with the public owners. This project has been unanimously approved by the Lynchburg City School Board and an agreement is currently being negotiated. There will be a master marketing agreement with the City to market all the City properties for cell tower communications. They will have to enter into a franchise agreement with City Council that will be approved in parallel with this petition. When potential sites are identified and approved by City staff, the City will enter into 40-year lease agreements with Milestone Communications for each site. The City will receive an upfront fee and then receive 40 percent of the revenue from the tower.

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

Commissioner Swienton asked if there was any language in the ordinance regarding a required “fall zone” from the baseball fields or the playground or is that mainly for structures. Mr. Martin stated that the “fall zone” is mainly for structures. Mr. Keller explained that the cell towers are designed so that in the event that they do fall, that they collapse into themselves.

Commissioner Hooper asked if the access to the facility will be through the existing gravel road. Mr. Keller explained that the road will be minimally enlarged and improved for stormwater purposes.

Commissioner Hooper asked if the tower and equipment will be enclosed in order to keep children from climbing it or retrieving balls that might accidentally end up in the area. Mr. Keller indicated that there will be an eight-foot fence as well as heavy landscaping. Mr. Keller also mentioned that the structure is low voltage and emits very low levels of radiation, less than a standard wireless router for your home.

Chair Sale asked how many more cell towers they might be doing in the near future. Mr. Keller said there is the possibility for three to six more towers by the middle of next year. The specifics of how the revenue will be shared will be determined by City Council and the City Manager.

Commissioner Swienton asked what it means to collocate and Mr. Keller explained that it is adding antennas to an existing tower. He mentioned that the City's ordinance requires that communication companies attempt to collocate on an existing tower before erecting a new one.

Commissioner Coleman made the following motion, which was seconded by Commissioner Swienton and passed by the following vote:

“That the Planning Commission recommends to City Council approval of the petition of Milestone Communications to allow the installation of a one hundred thirty-five (135)-foot telecommunications tower and associated equipment at 409 and 459 Perrymont Avenue subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the site plan.**
- 2. All lighting shall be glared shielded and non-directional to prevent illumination beyond the property line.**
- 3. The tower shall be constructed as a “monopine” as indicated in the submitted photo simulations.**
- 4. Future collocations on the tower shall be permitted provided the “monopine” construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan.”**

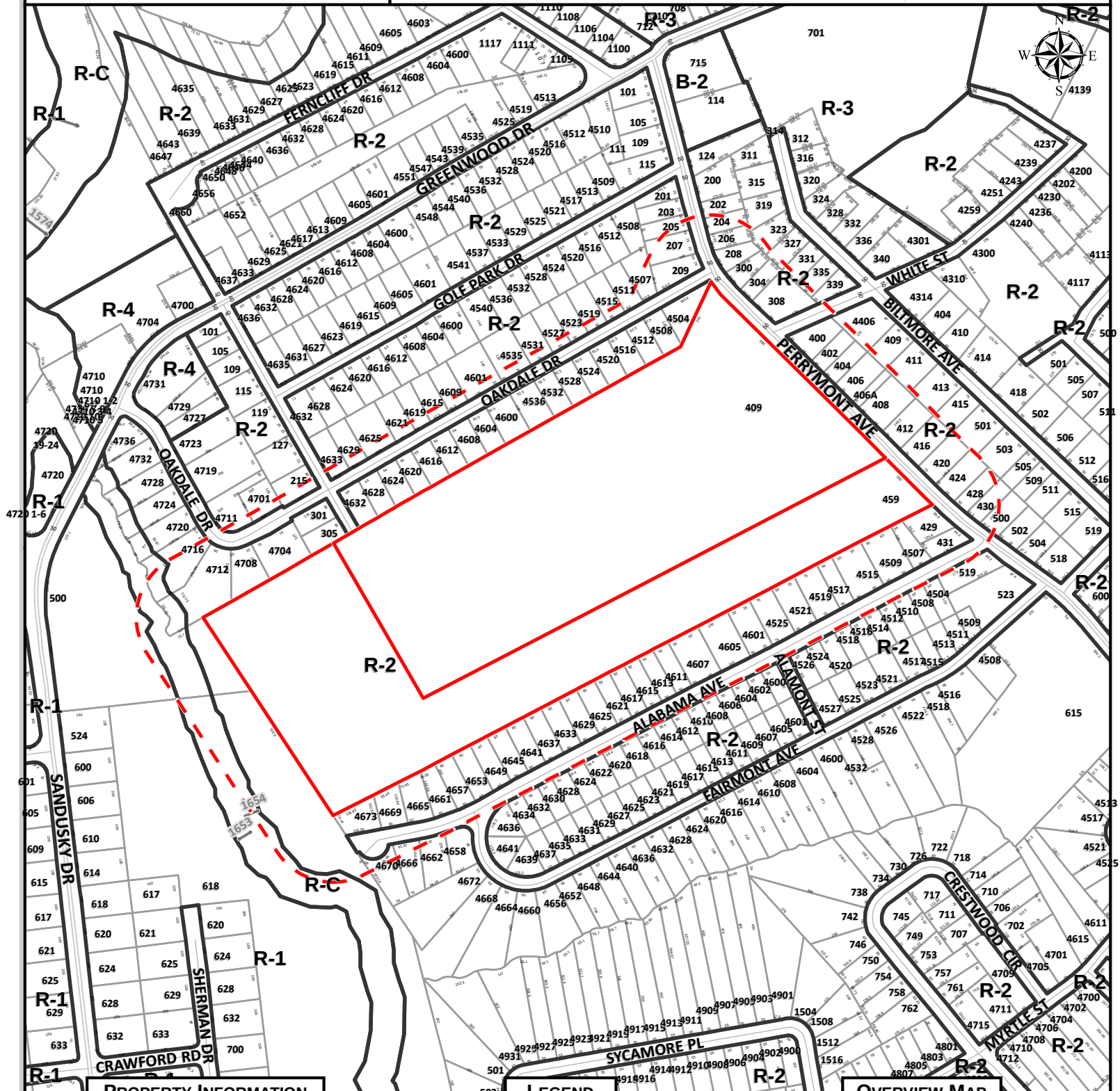
AYES:	Coleman, Hooper, Johnston, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes and Hannon	2

Zoning Map

MILESTONE COMMUNICATIONS CELL TOWER

Conditional Use Permit

Milestone Tower Limited Partnership



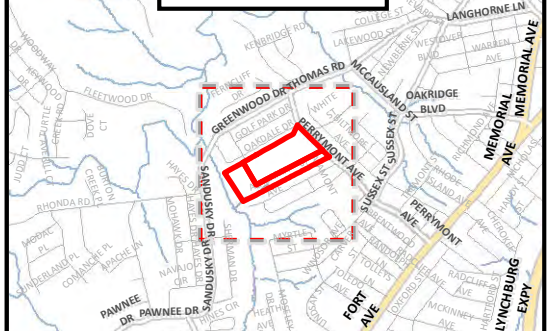
PROPERTY INFORMATION

PARCEL ID	ADDRESS
05613001	459 PERRYMONT AVE
05613002	409 PERRYMONT AVE

LEGEND

- Subject Property
- 200' Buffer
- Zoning Boundary

OVERVIEW MAP



MAP SCALE: 1" to 400' DATE PRINTED: 06/28/2013

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.

Parcel ID	Local Address	Owner
05613026	4633 ALABAMA AVE	UNROE, CHRISTY G
15811019	618 SHERMAN DR	CITY OF LYNCHBURG
05613025	4629 ALABAMA AVE	BRIDGETT, RUTH L
05613036	4673 ALABAMA AVE	YEATTS, SAMUEL W & KIMBERLY C
05611022	4670 ALABAMA AVE	HELM, RYAN L & JILL L
05611023	4666 ALABAMA AVE	BEASLEY, LAWRENCE E & DEBORAH
05611024	4662 ALABAMA AVE	ARTHUR, BRANDON S
05611086	4658 ALABAMA AVE	BYARD, JUSTIN N &
05613035	4669 ALABAMA AVE	LYNCH, DANIELA A
05613034	4665 ALABAMA AVE	JOYNER, ROGER L & TARSHA M
05613033	4661 ALABAMA AVE	POLLARD, STACY R
05613032	4657 ALABAMA AVE	EWERS, JEFFREY W & RACHEL B
05613031	4653 ALABAMA AVE	BAUER, BRIAN E
05613030	4649 ALABAMA AVE	IRBY, DONALD W
05613029	4645 ALABAMA AVE	JOHNSEN, JAMES R & CLAUDIA J
05613028	4641 ALABAMA AVE	BERMUDEZ, CECILIA T
05613027	4637 ALABAMA AVE	BROWN, CHRISTOPHER D & TONA M
05613024	4625 ALABAMA AVE	PROCO, DAVID J & DOROTHY W
05613023	4621 ALABAMA AVE	COLLINS, EARL B & HEATHER R
05613022	4617 ALABAMA AVE	JOHNSON, JACQUELINE S
05613021	4615 ALABAMA AVE	ARAGON, REBECCA L
05613020	4613 ALABAMA AVE	S & J INVESTMENTS LLC
05613019	4611 ALABAMA AVE	S & J INVESTMENTS LLC
05613009	4517 ALABAMA AVE	JOHNSEN, JAMES R & CLAUDIA J
05613017	4607 ALABAMA AVE	HOFF, DENZIL W III & HEATHER L
05613016	4605 ALABAMA AVE	MEADOWS, LAURA L
05613014	4601 ALABAMA AVE	WILLIAMS, GARY K & WILLIAMS, GLENN E
05612060	4510 ALABAMA AVE	KOLB, RACHEL L
05613013	4525 ALABAMA AVE	SUTTON, CASSANDRA N
05612061	4508 ALABAMA AVE	JUPIN, RICHARD M
05612062	4504 ALABAMA AVE	JUPIN, RICHARD M
05613011	4521 ALABAMA AVE	LOVE, SAMUEL G & JAMEY E
05613010	4519 ALABAMA AVE	LANDOLFI, PAUL D & LANDOLFI, PATRICK
05612001	519 PERRYMONT AVE	HEDRICK, JOHN W & JANIS M
05718008	4708 OAKDALE DR	ASHWORTH, TERRY L & MARILYN S
05718007	4712 OAKDALE DR	WALKER, BOYD J & JUDITH M
05613007	4515 ALABAMA AVE	CALDWELL, DOROTHY
05710025	4604 OAKDALE DR	ROBINSON PROPERTIES INC
05711027	4531 OAKDALE DR	KEE, PAUL L & SYLVIA R
05710002	4508 OAKDALE DR	LANGLEY, WENDY F & FREMD, HARRY L &
05613004	431 PERRYMONT AVE	HAMILTON, CURTIS H & JOANN B
05718006	4716 OAKDALE DR	CASH, RONNIE M & WENDY A
05613005	4509 ALABAMA AVE	HIENTKLE, RONALD L & BETH B
05718009	4704 OAKDALE DR	CALLOWAY, MARCUS L III & EVA C
05613037	4507 ALABAMA AVE	VAN DUYNE, MARY E

05714027	305 MEADOW VIEW DR	ALBERTSON, ELMER A & DORIS
05613003	429 PERRYMONT AVE	GOODEN, JACQUELINE V
05714024	301 MEADOW VIEW DR	B & R PROPERTIES INC
05607022	500 PERRYMONT AVE	JOHNSON, WAYNE L & MARY L
05710043	4632 OAKDALE DR	MAWYER, DAVID W
05607023	430 PERRYMONT AVE	RUMSMOKE, DALE C & JACQUELINE J
15811018	500 SANDUSKY DR	CITY OF LYNCHBURG
05717007	4701 OAKDALE DR	BURGE, JEFFERY D & TANYA B
05717006	4711 OAKDALE DR	BURGE, JEFFERY D & TANYA B
05710040	4628 OAKDALE DR	SLOAN, WILLIAM M
05607024	428 PERRYMONT AVE	STALLING, JOHN B & JONES, LAURA E
05714021	215 MEADOW VIEW DR	HOLMES, VALERIE R
05710037	4624 OAKDALE DR	DAILEY, TIANA C
05613001	459 PERRYMONT AVE	CITY OF LYNCHBURG
05607025	424 PERRYMONT AVE	KLACYNSKI, CHAD & MILDRED
05710035	4620 OAKDALE DR	JONES, GWENDOLYN L M
05710032	4616 OAKDALE DR	WRIGHT, LAWTON B & SHARON B
05607027	420 PERRYMONT AVE	CLARK, SHAUN K SR & VENITA J
05710030	4612 OAKDALE DR	MEGGINSON, DAVID L SR LIFE
05715022	4633 OAKDALE DR	HUSTON, WENDY J
05607008	503 BILTMORE AVE	VAN DER STELT, TAMMY S
05710007	4516 OAKDALE DR	ROARK, R R & ANCY T
05711030	4535 OAKDALE DR	LEWIS, DOROTHY H
05607041	409 BILTMORE AVE	WATSON, APRIL L
05715020	4629 OAKDALE DR	HOWARD, CHRISTOPHER P
05710027	4608 OAKDALE DR	CHAMBERS, TRISTIN D & EMILEE E
05607028	416 PERRYMONT AVE	FORTUNE, LAYARD T JR & GLORIA
05711025	4527 OAKDALE DR	ELAM, WILLIAM E & MILDRED C
05607039	4406 WHITE ST	DAVIS, IRVIN N & RUBY L H
05607006	501 BILTMORE AVE	CANDLER, JENNIFER C & RONALD J
05715016	4625 OAKDALE DR	LOGAN, RONNIE D
05607030	412 PERRYMONT AVE	LEON, LAUREL G
05710022	4600 OAKDALE DR	MARTIN, JOHN S SR & KATHLEEN B
05715013	4621 OAKDALE DR	ACKERMAN, OLIVE B TRS
05607005	415 BILTMORE AVE	FLORES, CARLITO L
05715011	4619 OAKDALE DR	ROSE, JOSHUA K & LINDSEY D
05710020	4536 OAKDALE DR	SATTTLER, BENJAMIN M & ABIGAIL R
05607031	408 PERRYMONT AVE	MILLER, BOBBY L JR & ADANIVIIA
05715008	4615 OAKDALE DR	GIFFORD, JOSIAH D & SARAH R
05710017	4532 OAKDALE DR	TOLER, M WAYNE
05607033	406 A PERRYMONT AVE	TILLER, THOMAS C JR & MARY F
05607003	413 BILTMORE AVE	STOLVOORT, JASON
05715006	4609 OAKDALE DR	SEAL, RALPH W & LISA M
05710015	4528 OAKDALE DR	BIS PROPERTIES LLC
05607034	406 PERRYMONT AVE	TILLER, THOMAS C JR & MARY F
05710012	4524 OAKDALE DR	MCVEY, JOSEPH W & SHEILA P

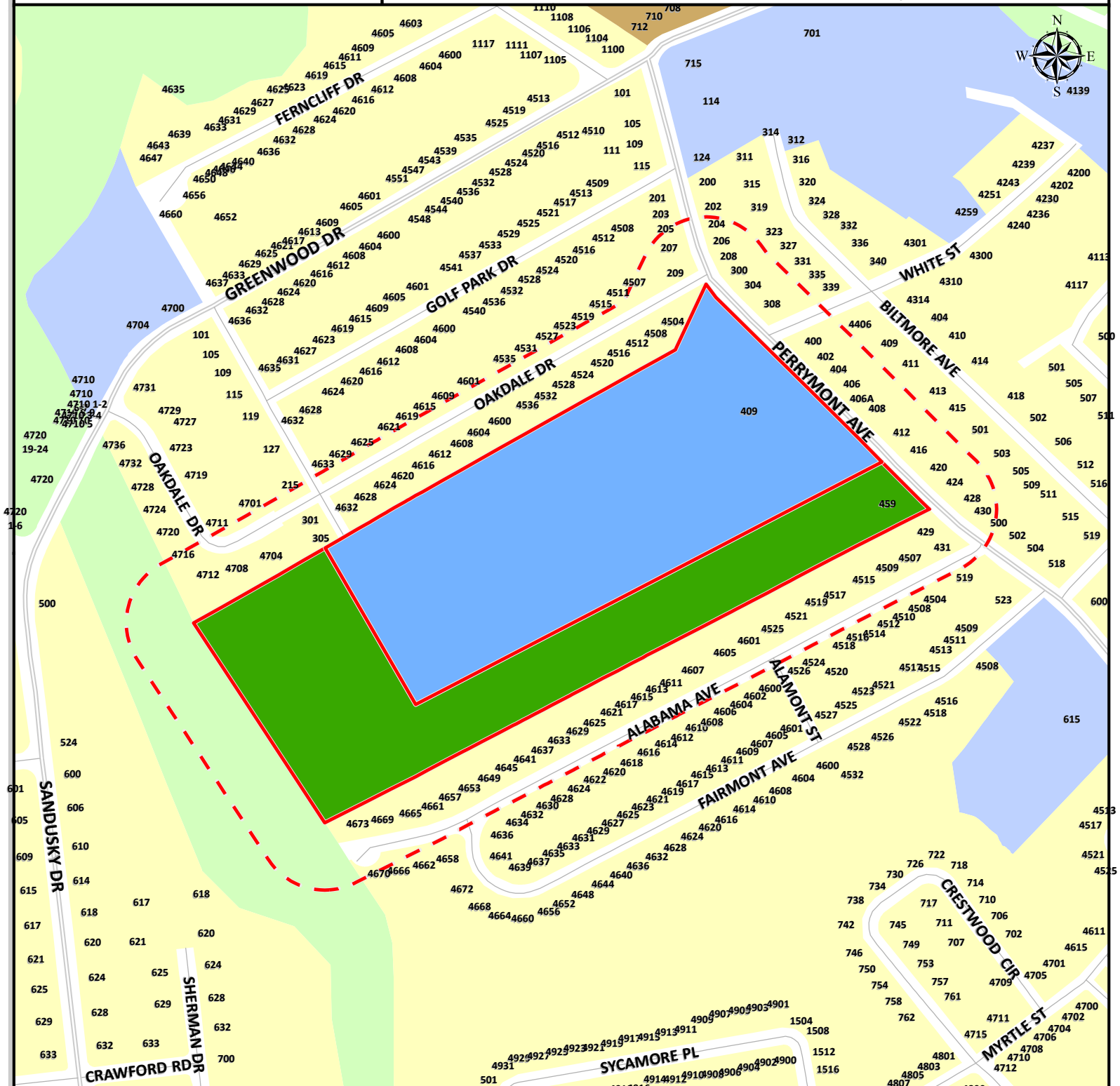
05715002	4601 OAKDALE DR	ACKERMAN, OLIVE B TRS
05607035	404 PERRYMONT AVE	ASBURY, MILDRED P
05607001	411 BILTMORE AVE	MATTHEWS, BRETT T & POORE, JENNIFER
05710010	4520 OAKDALE DR	KINNEY, DEREK A & TAMMY M
05607036	402 PERRYMONT AVE	REEVES, BERNARD A
05710004	4512 OAKDALE DR	THOMPSON, L E & DORIS W
05607037	400 PERRYMONT AVE	PICKERING, TAMMIE C
05711022	4523 OAKDALE DR	JENKINS, BERTA M
05613002	409 PERRYMONT AVE	CITY OF LYNCHBURG
05711019	4519 OAKDALE DR	WEIGERT, LAURA L
05710001	4504 OAKDALE DR	SIMPSON, KEVIN SCOTT
05711017	4515 OAKDALE DR	COLEMAN, ROYAL M & CLEO R
05711014	4511 OAKDALE DR	BURRIS, RICHARD M
05711010	209 PERRYMONT AVE	TALBERT, MICHAEL B
05711012	4507 OAKDALE DR	DANTAS, TIMOTEO B & TALITA C
05711007	207 PERRYMONT AVE	MELTON, DWAYNE K & REBEKAH B
05711005	205 PERRYMONT AVE	WALTON, NELSON J & DIANA L TRS
05708016	339 BILTMORE AVE	ELLENFIELD, CRAIG F
05708017	335 BILTMORE AVE	MENG, AARON P & BRITTANY A
05708019	331 BILTMORE AVE	HURSTON, BARBARA J &
05708020	327 BILTMORE AVE	JONES, STEVEN F
05708021	323 BILTMORE AVE	MUKHERJEE, UDAY & TIMBY A
05708023	319 BILTMORE AVE	STINSON, RALPH G JR & DONNA R
05708030	206 PERRYMONT AVE	HOGAN, JESSICA C
05708029	204 PERRYMONT AVE	DOC JOHNSON PROPERTIES LLC
05708028	202 PERRYMONT AVE	TUCK, RICKY E & LYNITA F
05708033	304 PERRYMONT AVE	COLE, ELISE N
05708034	308 PERRYMONT AVE	CAITHNESS, GARY & ALISSA M
05708032	300 PERRYMONT AVE	EMERY, BENJAMIN R & CORNELIA G
05708031	208 PERRYMONT AVE	ROSCELLEY, SAMUEL K & JANIS B

FLUM Map

MILESTONE COMMUNICATIONS CELL TOWER

Conditional Use Permit

Milestone Tower Limited Partnership



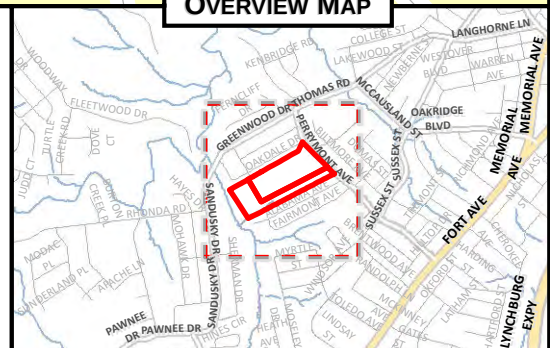
PROPERTY INFORMATION

PARCEL ID	ADDRESS
05613001	459 PERRYMONT AVE
05613002	409 PERRYMONT AVE

LEGEND

Local Historic District	Employment 1
Traditional Residential	Employment 2
Low Density Residential	Office
Medium Density Residential	Institution
High Density Residential	Downtown
Neighborhood Commercial	Public Use
Community Commercial	Public Parks
Regional Commercial	Resource Conservation

OVERVIEW MAP



MAP SCALE: 1" to 400' DATE PRINTED: 06/28/2013

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Watershed Map

MILESTONE COMMUNICATIONS CELL TOWER

Conditional Use Permit

Milestone Tower Limited Partnership



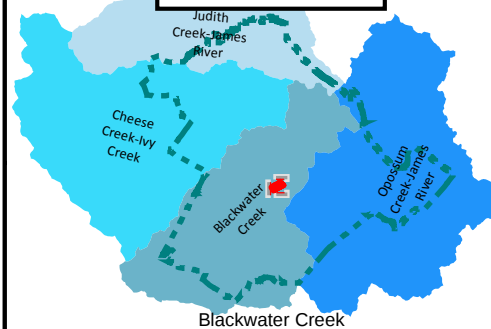
PROPERTY INFORMATION

PARCEL ID	ADDRESS
05613001	459 PERRYMONT AVE
05613002	409 PERRYMONT AVE

LEGEND

- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 400' DATE PRINTED: 06/28/2013

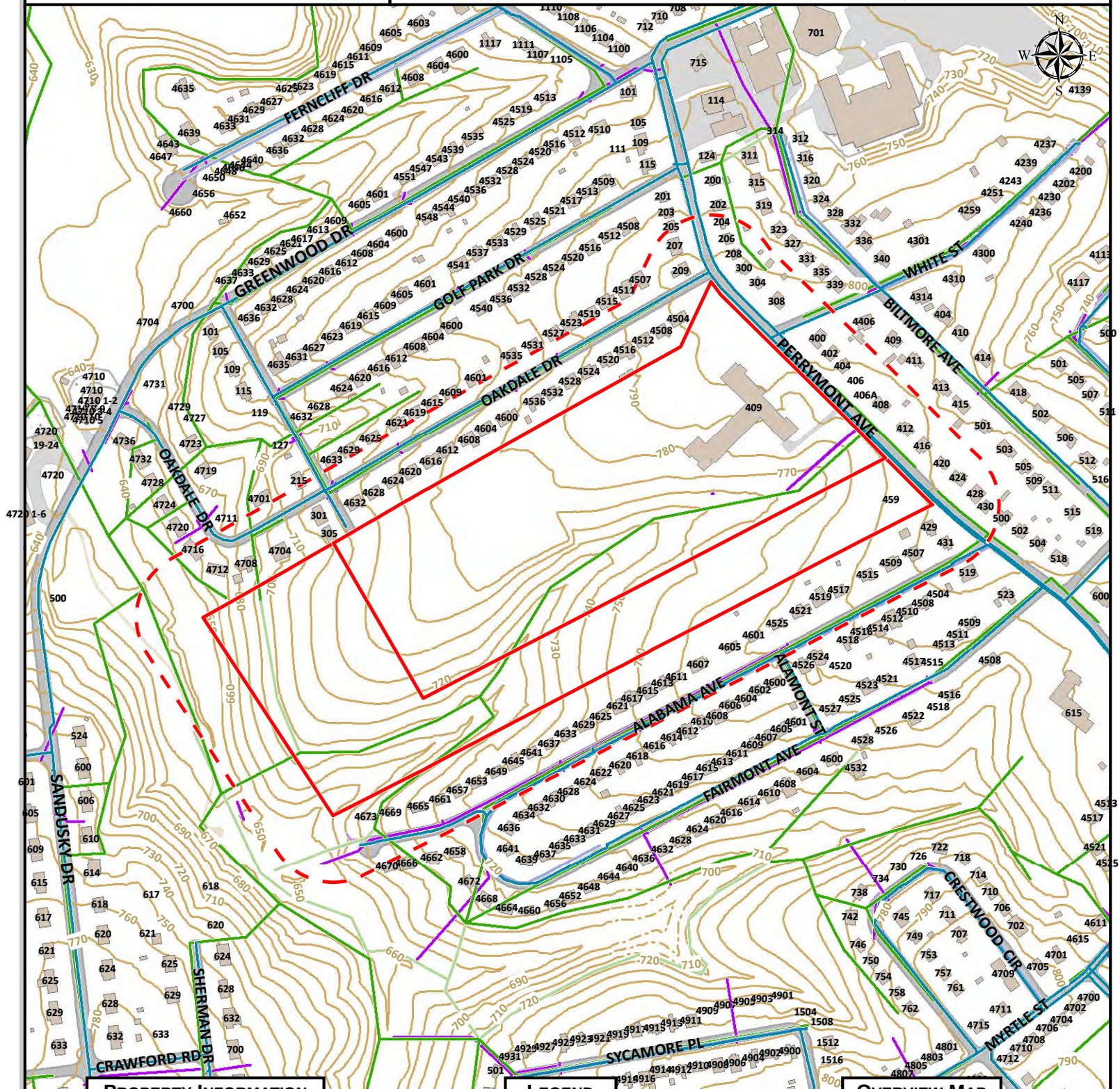
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Planimetric and Topographic Map

MILESTONE COMMUNICATIONS CELL TOWER

Conditional Use Permit

Milestone Tower Limited Partnership



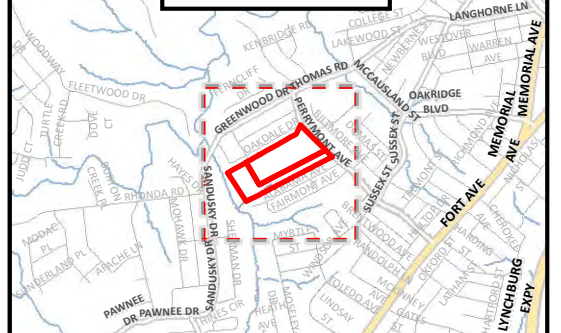
PROPERTY INFORMATION

PARCEL ID	ADDRESS
05613001	459 PERRYMONT AVE
05613002	409 PERRYMONT AVE

LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			

OVERVIEW MAP



MAP SCALE: 1" = 400' DATE PRINTED: 06/28/2013

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**SITE NAME: PERRYMONT PARK
409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502**



Know what's below.
Call before you dig.

SITE INFORMATION

SCOPE OF WORK: MILESTONE COMMUNICATIONS PROPOSED TO BUILD A TELECOMMUNICATIONS FACILITY ON THE PROPERTY LISTED BELOW. THE FACILITY CONSISTS OF A 135' MONOPINE AND SPACE FOR MULTIPLE CARRIERS IN A FENCED-IN COMPOUND.

SITE ADDRESS: 409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502

PROPERTY OWNER:
ADDRESS: CITY OF LYNCHBURG
900 CHURCH STREET
LYNCHBURG, VA 24504

PARCEL ID: 05613001 & 05613002
PARCEL AREA: 33.5± ACRES

LATITUDE (NAD 83): 37.388056°
LONGITUDE (NAD 83): -79.191194°

JURISDICTION: CITY OF LYNCHBURG

ZONING: R2 (RESIDENTIAL)

PROPOSED USE: TELECOMMUNICATIONS FACILITY

GROUND ELEVATION: 760.0' (AMSL)

STRUCTURE TYPE: MONOPINE

STRUCTURE HEIGHT: 135.0' (AGL)

HANDICAP REQUIREMENTS: FACILITY IS UN-MANNED AND NOT FOR HUMAN HABITATION.
DISABLED ACCESS NOT REQUIRED

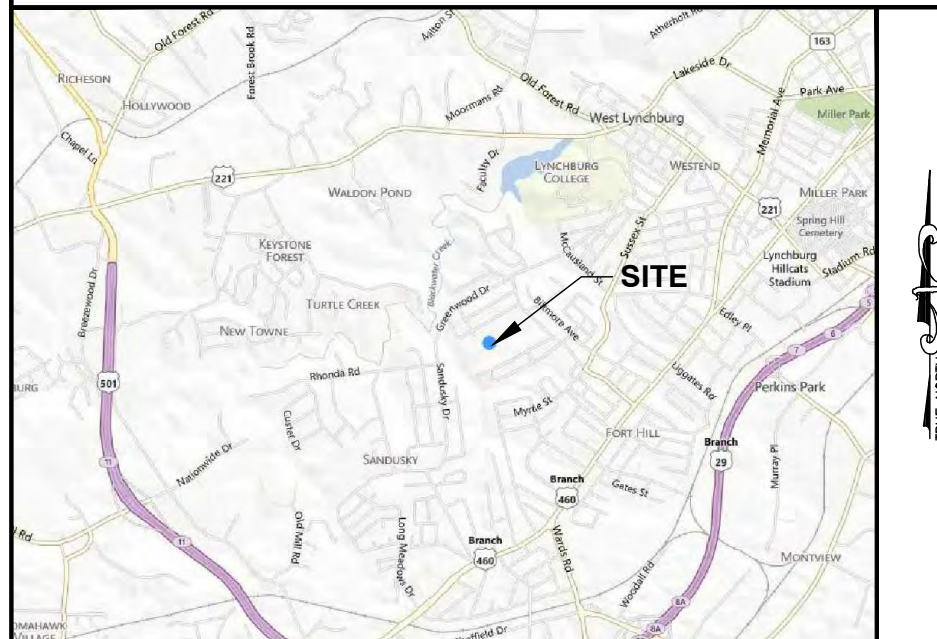
PROJECT TEAM

APPLICANT: MILESTONE COMMUNICATIONS
12110 SUNSET HILLS ROAD, SUITE 100
RESTON, VA 20190
(703) 620-2555

PROJECT MANAGEMENT FIRM: NETWORK BUILDING & CONSULTING, LLC.
7380 COCA COLA DRIVE, SUITE 106
HANOVER, MD 21076
(410) 712-7092

ENGINEERING FIRM: NB&C ENGINEERING SERVICES, LLC.
7380 COCA COLA DRIVE, SUITE 106
HANOVER, MD 21076
(410) 712-7092

VICINITY MAP



DIRECTIONS

FROM MILESTONE OFFICE:
TAKE VA-267 W (PARTIAL TOLL ROAD). TAKE EXIT 9A FOR VA-28 S TOWARD CENTREVILLE/MANASSAS (TOLL ROAD). MERGE ONTO VIRGINIA 28 S/SULLY RD. TAKE THE INTERSTATE 66 W RAMP TO FRONT ROYAL. MERGE ONTO I-66 W. TAKE EXIT 43A TO MERGE ONTO US-29 S. CONTINUE STRAIGHT ONTO US-15 S/US-29 S (SIGNS FOR U.S. 17 S/CULPEPER/FREDERICKSBURG). CONTINUE TO FOLLOW US-29 S. MERGE ONTO US-250 W/US-29 S VIA THE RAMP TO I-64/LYNCHBURG/STAUNTON/RICHMOND. CONTINUE TO FOLLOW US-29 S. TAKE THE EXIT TOWARD US-29 S/US-460 W/LYNCHBURG/DANVILLE. MERGE ONTO US-29 S/US-460 W. TAKE THE U.S. 501 N/CANDLERS MOUNTAIN ROAD EXIT TOWARD BUENA VISTA. MERGE ONTO US-501 N/CANDLERS MOUNTAIN RD. TURN RIGHT ONTO WARDS RD. SLIGHT RIGHT ONTO FORT AVE. TURN LEFT ONTO PERRYMONT AVE. SITE IS LOCATED ON THE LEFT.

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

- 2009 INTERNATIONAL BUILDING CODE
- 2008 NATIONAL ELECTRICAL CODE
- 2009 NFPA 101, LIFE SAFETY CODE
- 2009 IFC
- AMERICAN CONCRETE INSTITUTE
- AMERICAN INSTITUTE OF STEEL CONSTRUCTION
- MANUAL OF STEEL CONSTRUCTION 13TH EDITION
- ANSI/TIA-222-G
- TIA 607
- INSTITUTE FOR ELECTRICAL & ELECTRONICS ENGINEER 81
- IEEE C2 NATIONAL ELECTRIC SAFETY CODE LATEST EDITION
- TELECORDIA GR-1275
- ANSI/T 311

DRAWING INDEX

T-1 TITLE SHEET
Z-1 SITE PLAN
Z-2 ABUTTER INFO
Z-3 ABUTTER INFO
A-1 COMPOUND PLAN

DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE FORMATTED TO BE FULL-SIZE AT 24"X36". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

SIGNATURE BLOCK

PROJECT MANAGER _____ DATE _____

LEASING _____ DATE _____

ZONING _____ DATE _____

CONSTRUCTION _____ DATE _____

UTILITIES _____ DATE _____

NET OPS _____ DATE _____

LANDLORD _____ DATE _____

RF ENGINEER _____ DATE _____

ENGINEER



APPLICANT



12110 SUNSET HILLS ROAD, SUITE 100
RESTON, VA 20190
TEL. (703) 620-2555
FAX. (703) 620-8889

SITE INFORMATION

PERRYMONT PARK
409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502

REVISIONS

REV	DATE	DESCRIPTION	BY
E	06/25/13	REVISED PER TRC COMMENTS	DRG
D	05/24/13	SITE PLAN REVISED	DRG
C	05/22/13	COMPOUND REVISED	DRG
B	04/30/13	REVISED PER COMMENTS	DRG
A	04/23/13	CONCEPTUAL PLAN	DRG

DESIGN RECORD

PROFESSIONAL STAMP

ENGINEER

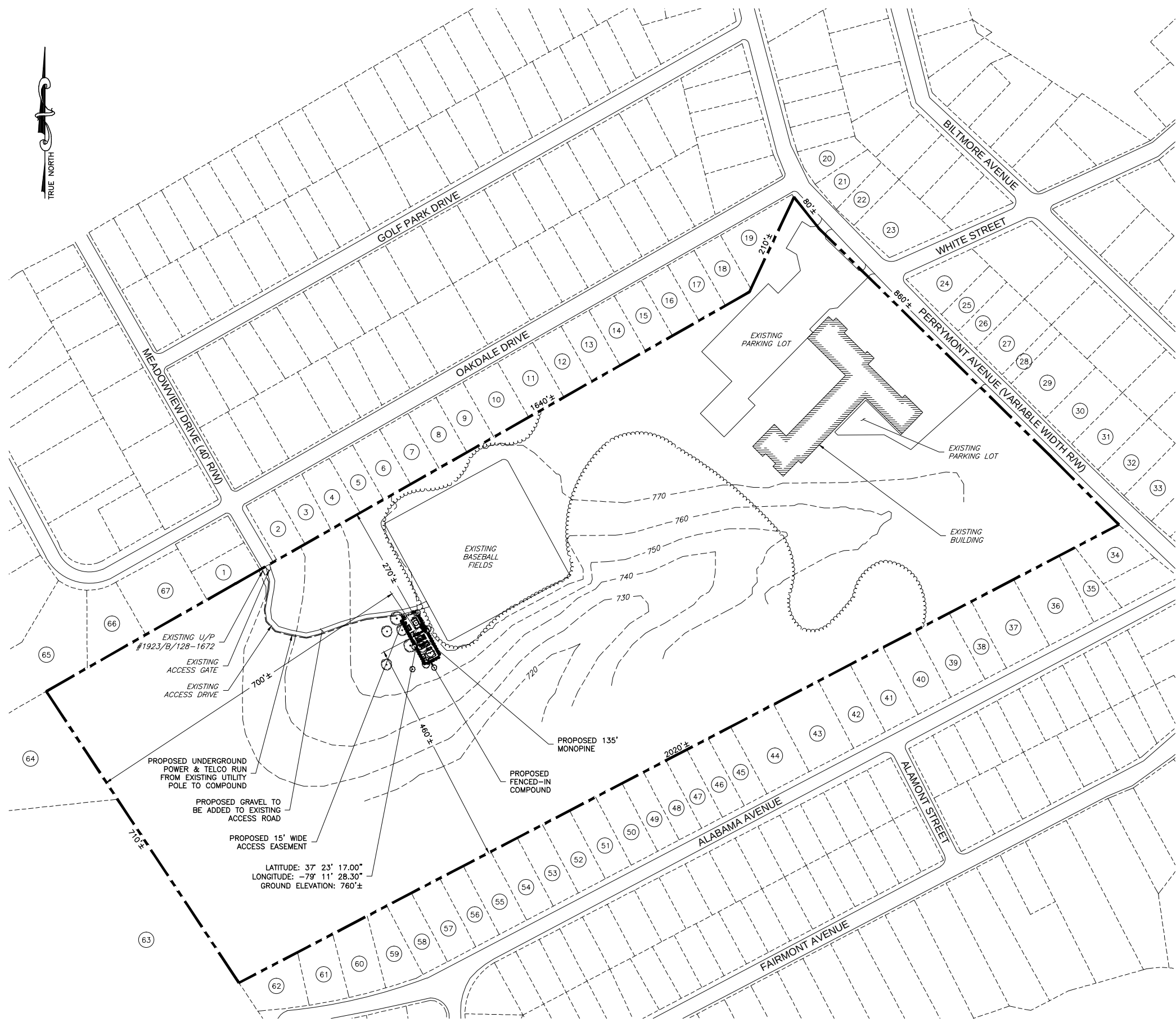
PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

SHEET TITLE

TITLE SHEET

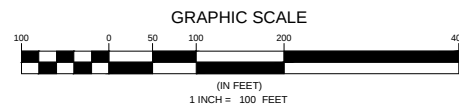
SHEET NUMBER

T-1



LATITUDE: 37° 23' 17.00"
LONGITUDE: -79° 11' 28.30"
GROUND ELEVATION: 760'±

1 SITE PLAN
Z-1 SCALE: 1" = 100'



ZONING INFORMATION

JURISDICTION: CITY OF LYNCHBURG		
ZONING: R2 (RESIDENTIAL)		
DIMENSION	REQUIRED	PROPOSED ±
FRONT YARD SETBACK:	40'	270'
SIDE YARD SETBACK:	8'	700'
REAR YARD SETBACK:	35'	460'
LOT AREA: 33.5± ACRES		
(ALL MEASUREMENTS ARE IN FEET ± UNLESS OTHERWISE NOTED)		
NOTES:		
1. SITE PLAN IS NOT THE RESULT OF A SURVEY. IT IS BASED ON FIELD MEASUREMENTS AND SCALED ASSESSORS MAPS AVAILABLE. ALL INFORMATION SHOWN IS APPROXIMATE ONLY AND SUBJECT TO ANY CONDITION THAT A SURVEY MAY REVEAL.		
2. ALL SETBACKS SHOWN ARE FROM PROPOSED TOWER TO EXISTING PROPERTY LINES.		
3. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A DESIGNATED SPECIAL FLOOD HAZARD AREA) AS SHOWN ON THE FEMA MAP (6510993039D) FOR THE CITY OF LYNCHBURG, VIRGINIA, DATED JUNE 3, 2008. NO FIELD SURVEYING HAS BEEN PERFORMED TO MAKE THIS DETERMINATION.		

LEGEND

	PROPERTY LINE - SUBJECT PARCEL
	PROPERTY LINE - ABUTTERS
	CONTOUR LINE
	EXISTING ROAD
	EXISTING TREE LINE
	EXISTING BUILDING

SUBJECT PARCEL INFORMATION
CITY OF LYNCHBURG
900 CHURCH STREET
LYNCHBURG, VA 24504
PARCEL ID: 05613001 & 05613002
ZONING: R2 (RESIDENTIAL)
AREA: 33.5± ACRES
DEED BOOK/PAGE: 258/583

ENGINEER

APPLICANT

SITE INFORMATION

DESIGN RECORD

PROFESSIONAL STAMP

ENGINEER

SHEET TITLE

SHEET NUMBER

**NB&C**
ENGINEERING
SERVICES, LLC.
7380 COCA COLA DRIVE, SUITE 106
HANOVER, MD 21076

**Milestone**
COMMUNICATIONS

12110 SUNSET HILLS ROAD, SUITE 100
RESTON, VA 20190
TEL. (703) 620-2555
FAX. (703) 620-8889

PERRYMONT PARK
409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502

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A	04/23/13	CONCEPTUAL PLAN	DRG

PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

SITE PLAN

Z-1

1	ALBERTSON, ELMER A & DORIS 305 MEADOWVIEW DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05714027 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 030011880	9	ROBINSON PROPERTIES INC 16045 PENDIO DRIVE MONTVERDE, FL 34756 PARCEL ID: 05710025 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 120002698	17	THOMPSON, L E & DORIS W 4512 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710004 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 298/326	25	REEVES, BERNARD A 402 PERRYMONT AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05607036 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 030002543	33	KLACYNSKI, CHAD & MILDRED 263 GADDY ROAD LYNCHBURG, VA 24502 PARCEL ID: 05607025 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DEED BOOK/PAGE: 661/302	41	SUTTON, CASSANDRA N 4525 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613013 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DOCUMENT NO.: 120002867
2	MAWYER, DAVID W 70 WHITE OAK DRIVE PALMYRA, VA 22963 PARCEL ID: 05710043 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 100008300	10	MARTIN, JOHN S SR & KATHLEEN B 4600 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710022 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 100007531	18	LANGLEY, WENDY F & FREMD, HARRY L & DOROTHY C 4508 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710002 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 080003662	26	ASBURY, MILDRED P 207 SUNNYMEADE ROAD RUSTBURG, VA 24588 PARCEL ID: 05607035 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 526/102	34	GOODEN, JACQUELINE V 429 PERRYMONT AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613003 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 130001968	42	WILLIAMS, GARY K & WILLIAMS, GLENN E 4601 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613014 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DEED BOOK/PAGE: 1084/457
3	SLOAN, WILLIAM M 4628 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710040 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 120001765	11	SATTLER, BENJAMIN M & ABIGAIL R 4536 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710020 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 060010261	19	SIMPSON, KEVIN SCOTT 4504 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710001 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DOCUMENT NO.: 100000196	27	TILLER, THOMAS C JR & MARY F 1614 BELFIELD PLACE LYNCHBURG, VA 24503 PARCEL ID: 05607034 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 995/300	35	VAN DUYN, MARY E 4507 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613037 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 020005682	43	MEADOWS, LAURA L 4605 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613016 ZONING: R2 (RESIDENTIAL) AREA: 0.4± ACRES DOCUMENT NO.: 130002734
4	DAILEY, TIANA C 4624 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710037 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 060007015	12	TOLER, M WAYNE 4532 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710017 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 050003764	20	ROSKELLEY, SAMUEL K & JANIS B 3604 SHERWOOD PLACE LYNCHBURG, VA 24503 PARCEL ID: 05708031 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 120003027	28	TILLER, THOMAS C JR & MARY F 1614 BELFIELD PLACE LYNCHBURG, VA 24503 PARCEL ID: 05607033 ZONING: R2 (RESIDENTIAL) AREA: 0.1± ACRES DEED BOOK/PAGE: 995/300	36	HIENKLE, RONALD L & BETH B 4509 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613005 ZONING: R2 (RESIDENTIAL) AREA: 0.4± ACRES DOCUMENT NO.: 060004354	44	HOFF, DENZIL W III & HEATHER L 4607 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613017 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DOCUMENT NO.: 060007853
5	JONES, GWENDOLYN L M 4620 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710035 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 010009555	13	BIS PROPERTIES LLC 1031 GARDEN CIRCLE FOREST, VA 24551 PARCEL ID: 05710015 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 120008093	21	EMERY, BENJAMIN R & CORNELIA G 5704 KANAWHA ROAD LYNCHBURG, VA 24502 PARCEL ID: 05708032 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 050012335	29	MILLER, BOBBY L JR & ADANIVIA 408 PERRYMONT AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05607030 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DEED BOOK/PAGE: 781/87	37	CALDWELL, DOROTHY 4515 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613007 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DOCUMENT NO.: 050002843	45	S & J INVESTMENTS LLC 501 LAKE VISTA DRIVE FOREST, VA 24551 PARCEL ID: 05613019 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 1135/177
6	WRIGHT, LAWTON B & SHARON B 4616 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710032 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 529/468	14	MCVEY, JOSEPH W & SHEILA P 7 DILTON COURT RICHMOND, VA 23238 PARCEL ID: 05710012 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 110003835	22	COLE, ELISE N 304 PERRYMONT AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05708033 ZONING: R2 (RESIDENTIAL) AREA: 0.1± ACRES DOCUMENT NO.: 120002468	30	LEON, LAUREL G 412 PERRYMONT AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05607030 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 130001409	38	JOHNSEN, JAMES R & CLAUDIA J 8147 DURHAM CIRCLE JOHNSON, IA 50131 PARCEL ID: 05607030 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 020007362	46	S & J INVESTMENTS LLC 501 LAKE VISTA DRIVE FOREST, VA 24551 PARCEL ID: 05613020 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 010002975
7	MEGGINSON, DAVID L SR LIFE REMAINDERMAN: ETALS 4612 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710030 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 090005057	15	KINNEY, DEREK A & TAMMY M 4520 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710010 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 1067/760	23	CAITHNESS, GARY & ALISSA M 308 PERRYMONT AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05708034 ZONING: R2 (RESIDENTIAL) AREA: 0.4± ACRES DOCUMENT NO.: 010002803	31	FORTUNE, LAYARD T JR & GLORIA 416 PERRYMONT AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05607028 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 435/670	39	LANDOLFI, PAUL D & LANDOLFI, PATRICK 4519 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613010 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DOCUMENT NO.: 070005699	47	ARAGON, REBECCA L 4615 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613021 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 070010959
8	CHAMBERS, TRISTIN D & EMILEE E 4608 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05710027 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 110001252	16	ROARK, R R & ANCY T C/O CYNTHIA ALLEN 1253 OLD FARM ROAD LYNCHBURG, VA 24503 PARCEL ID: 05710007 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 299/139	24	PICKERING, TAMMIE C C/O STONEGATE PROPERTIES PO BOX 32 GRAYSON, GA 30017 PARCEL ID: 05607037 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 080008980	32	CLARK, SHAUN K SR & VENITA J 420 PERRYMONT AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05607027 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DOCUMENT NO.: 080009259	40	LOVE, SAMUEL G & JAMEY E 4521 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613011 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DOCUMENT NO.: 010007247	48	JOHNSON, JACQUELINE S 4617 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613022 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 834/224

ENGINEER

APPLICANT

SITE INFORMATION

DESIGN RECORD

PROFESSIONAL STAMP

ENGINEER

SHEET TITLE

SHEET NUMBER



12110 SUNSET HILLS ROAD, SUITE 100
RESTON, VA 20190
TEL. (703) 620-2555
FAX. (703) 620-8889

PERRYMONT PARK
409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502

REVISIONS

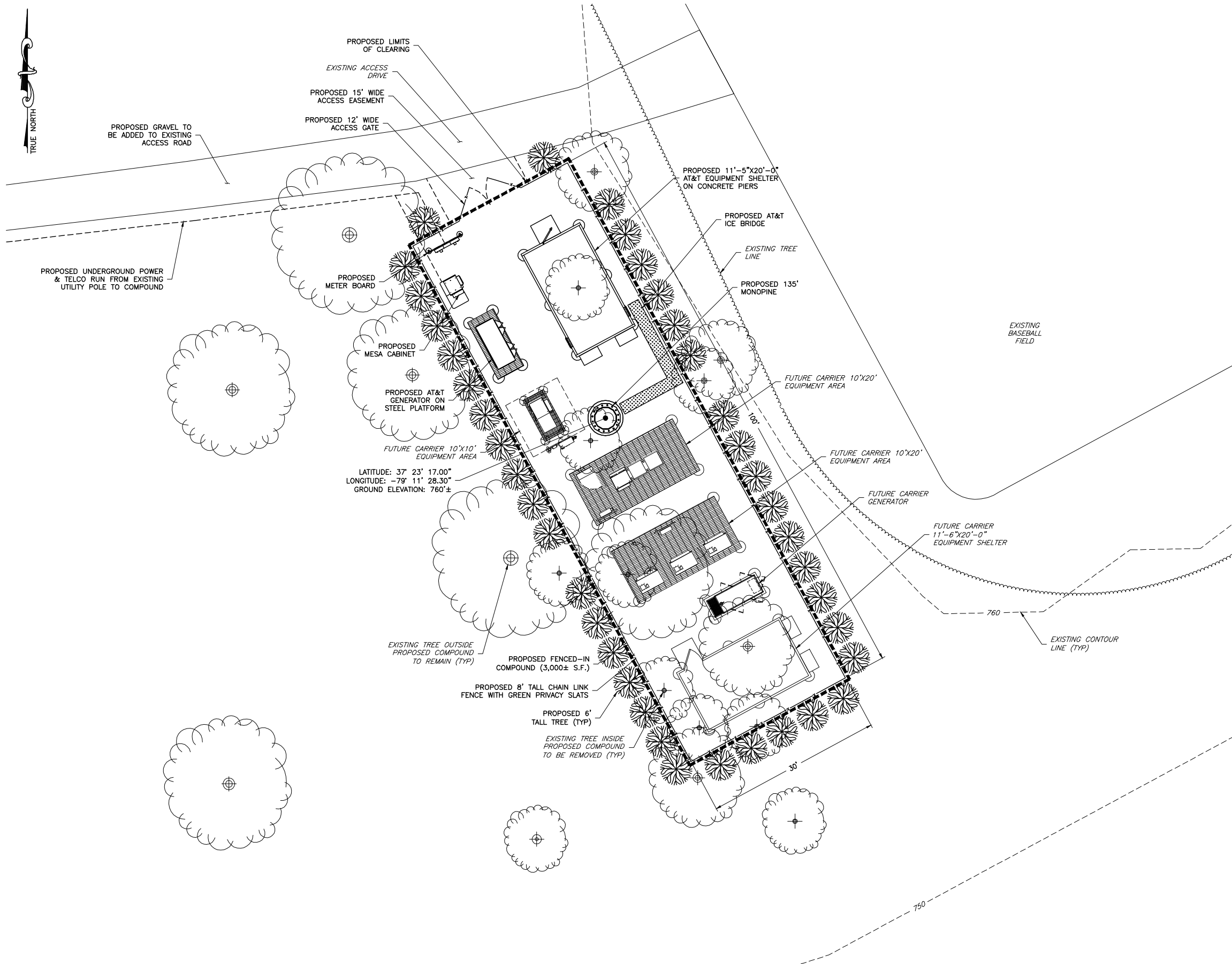
REV	DATE	DESCRIPTION	BY
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PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

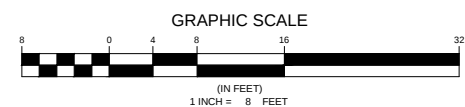
ABUTTER INFO

Z-2

49 COLLINS, EARL B & HEATHER R 1675 FARMINGTON DRIVE FOREST, VA 24551 PARCEL ID: 05613023 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 060002728	57 BAUER, BRIAN E 4653 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613031 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 120005289	65 WALKER, BOYD J & JUDITH M 4712 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05718007 ZONING: R2/RC (RESIDENTIAL/CONSERVATION) AREA: 0.7± ACRES DEED BOOK/PAGE: 480/539	ENGINEER	NB&C ENGINEERING SERVICES, LLC. 7380 COCA COLA DRIVE, SUITE 106 HANOVER, MD 21076																																				
50 PROCO, DAVID J & DOROTHY W 4625 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613024 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 370/258	58 EWERS, JEFFREY W & RACHEL B 4657 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613032 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 936/650	66 ASHWORTH, TERRY L & MARILYN S 4708 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05718008 ZONING: R2 (RESIDENTIAL) AREA: 0.3± ACRES DEED BOOK/PAGE: 830/695	APPLICANT	Milestone COMMUNICATIONS 12110 SUNSET HILLS ROAD, SUITE 100 RESTON, VA 20190 TEL. (703) 620-2555 FAX. (703) 620-8889																																				
51 BRIDGETT, RUTH L 4629 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613025 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 477/381	59 POLLARD, STACY R 4661 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613033 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 030006469	67 CALLOWAY, MARCUS L III & EVA C 4704 OAKDALE DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05718009 ZONING: R2 (RESIDENTIAL) AREA: 0.4± ACRES DOCUMENT NO.: 100005810	SITE INFORMATION	PERRYMONT PARK 409 & 459 PERRYMONT AVENUE LYNCHBURG, VA 24502																																				
52 UNROE, CHRISTY G 304 PENINSULAR STREET LYNCHBURG, VA 24501 PARCEL ID: 05613026 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 120002660	60 JOYNER, ROGER L & TARSHA M 4665 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613034 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 1009/260		DESIGN RECORD	REVISIONS <table><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td><td></td></tr><tr><td>E</td><td>06/25/13</td><td>REVISED PER TRC COMMENTS</td><td>DRG</td></tr><tr><td>D</td><td>05/24/13</td><td>SITE PLAN REVISED</td><td>DRG</td></tr><tr><td>C</td><td>05/22/13</td><td>COMPOUND REVISED</td><td>DRG</td></tr><tr><td>B</td><td>04/30/13</td><td>REVISED PER COMMENTS</td><td>DRG</td></tr><tr><td>A</td><td>04/23/13</td><td>CONCEPTUAL PLAN</td><td>DRG</td></tr><tr><td>REV</td><td>DATE</td><td>DESCRIPTION</td><td>BY</td></tr></table>													E	06/25/13	REVISED PER TRC COMMENTS	DRG	D	05/24/13	SITE PLAN REVISED	DRG	C	05/22/13	COMPOUND REVISED	DRG	B	04/30/13	REVISED PER COMMENTS	DRG	A	04/23/13	CONCEPTUAL PLAN	DRG	REV	DATE	DESCRIPTION	BY
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53 BROWN, CHRISTOPHER D & TONA M 4637 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613027 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 1068/640	61 LYNCH, DANIELA A 825 GEORGE STREET LYNCHBURG, VA 24502 PARCEL ID: 05613035 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 050009264		PROFESSIONAL STAMP																																					
54 BERMUDEZ, CECILIA T 643 SAVORY PLACE LAKE MARY, FL 32746 PARCEL ID: 05613028 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 060010507	62 YEATTS, SAMUEL W & KIMBERLY C 4673 ALABAMA AVENUE LYNCHBURG, VA 24502 PARCEL ID: 05613036 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DEED BOOK/PAGE: 911/6		ENGINEER	PHILIP BURTNER, P.E. VA PROFESSIONAL ENGINEER LIC. #022023																																				
55 JOHNSEN, JAMES R & CLAUDIA J 8147 DURHAM CIRCLE JOHNSTON, IA 50131 PARCEL ID: 05613029 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 040005470	63 CITY OF LYNCHBURG CITY MANAGER'S OFFICE 900 CHURCH STREET LYNCHBURG, VA 24504 PARCEL ID: 15811019 ZONING: R1/R2/RC (RESIDENTIAL/CONSERVATION) AREA: 26.2± ACRES DEED BOOK/PAGE: 1054/673		SHEET TITLE	ABUTTER INFO																																				
56 IRBY, DONALD W 52 FNB DRIVE LYNCHBURG, VA 24502 PARCEL ID: 05613030 ZONING: R2 (RESIDENTIAL) AREA: 0.2± ACRES DOCUMENT NO.: 050012715	64 CITY OF LYNCHBURG CITY MANAGER'S OFFICE 900 CHURCH STREET LYNCHBURG, VA 24504 PARCEL ID: 15811018 ZONING: R1/R2/RC (RESIDENTIAL/CONSERVATION) AREA: 4.8± ACRES DOCUMENT NO.: 010008443		SHEET NUMBER	Z-3																																				



1
A-1
COMPOUND PLAN
SCALE: 1/8" = 1'-0"



ENGINEER



APPLICANT



12110 SUNSET HILLS ROAD, SUITE 100
RESTON, VA 20190
TEL. (703) 620-2555
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SITE INFORMATION

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PROFESSIONAL STAMP

ENGINEER

PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

SHEET TITLE

COMPOUND PLAN

SHEET NUMBER

A-1

Photo 1: view from Golf Park Drive



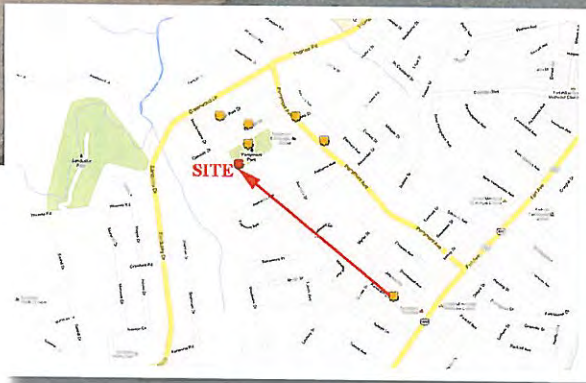
PERRYMONT PARK
PROPOSED MONOPINE

Photo 2: view from Oakdale Drive



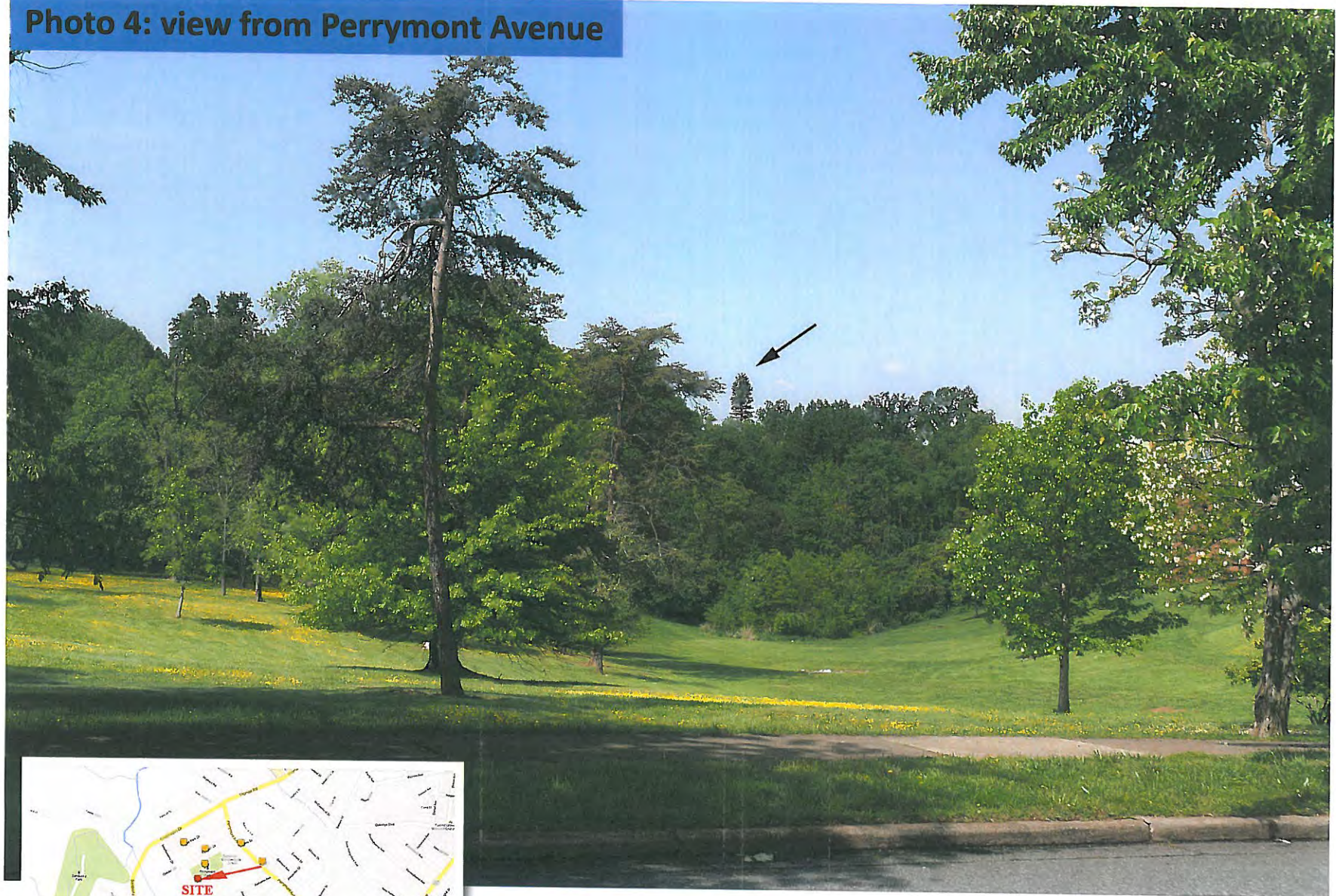
PERRYMONT PARK
PROPOSED MONOPINE

Photo 3: view from Randolph Lane



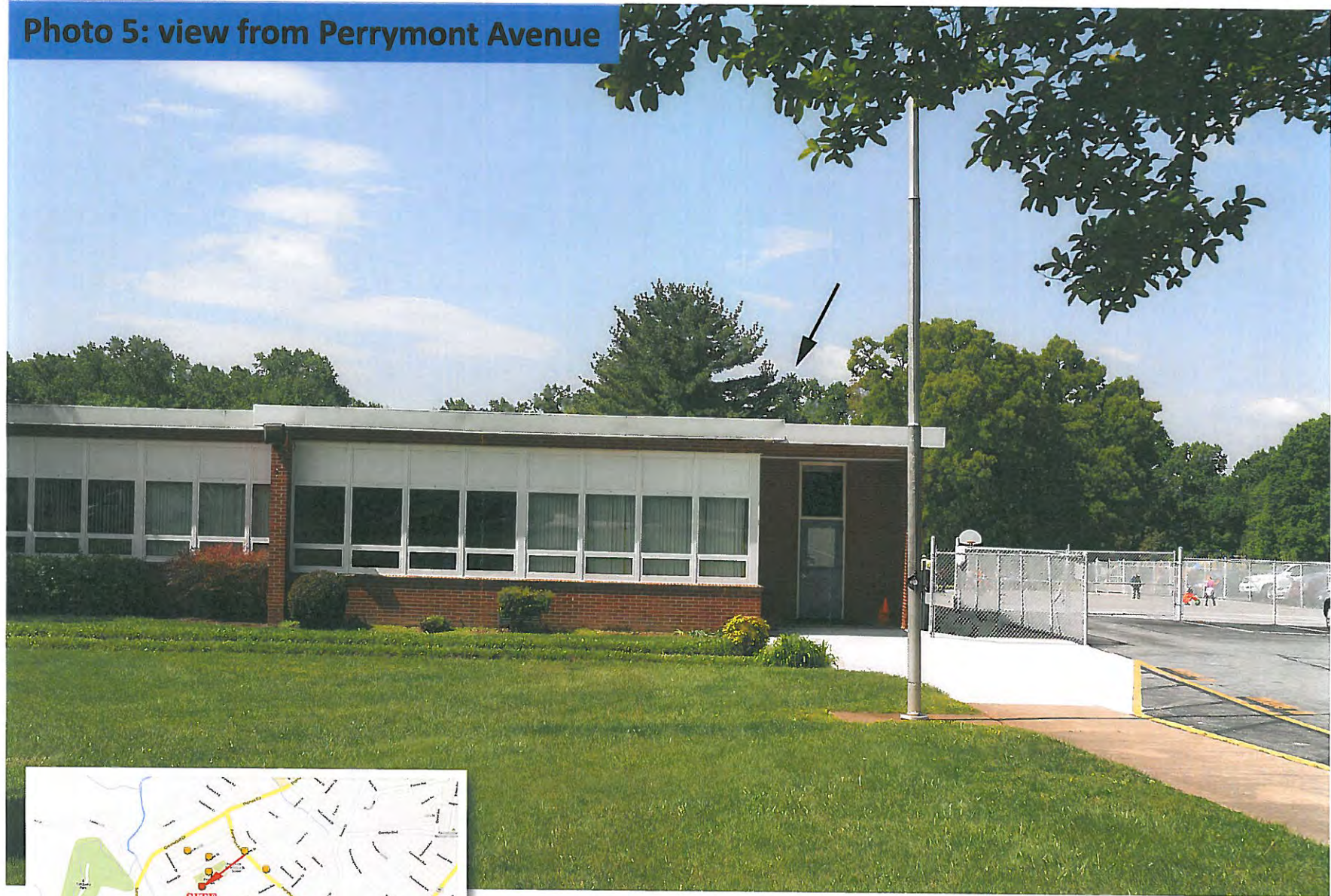
PERRYMONT PARK
PROPOSED MONOPINE

Photo 4: view from Perrymont Avenue



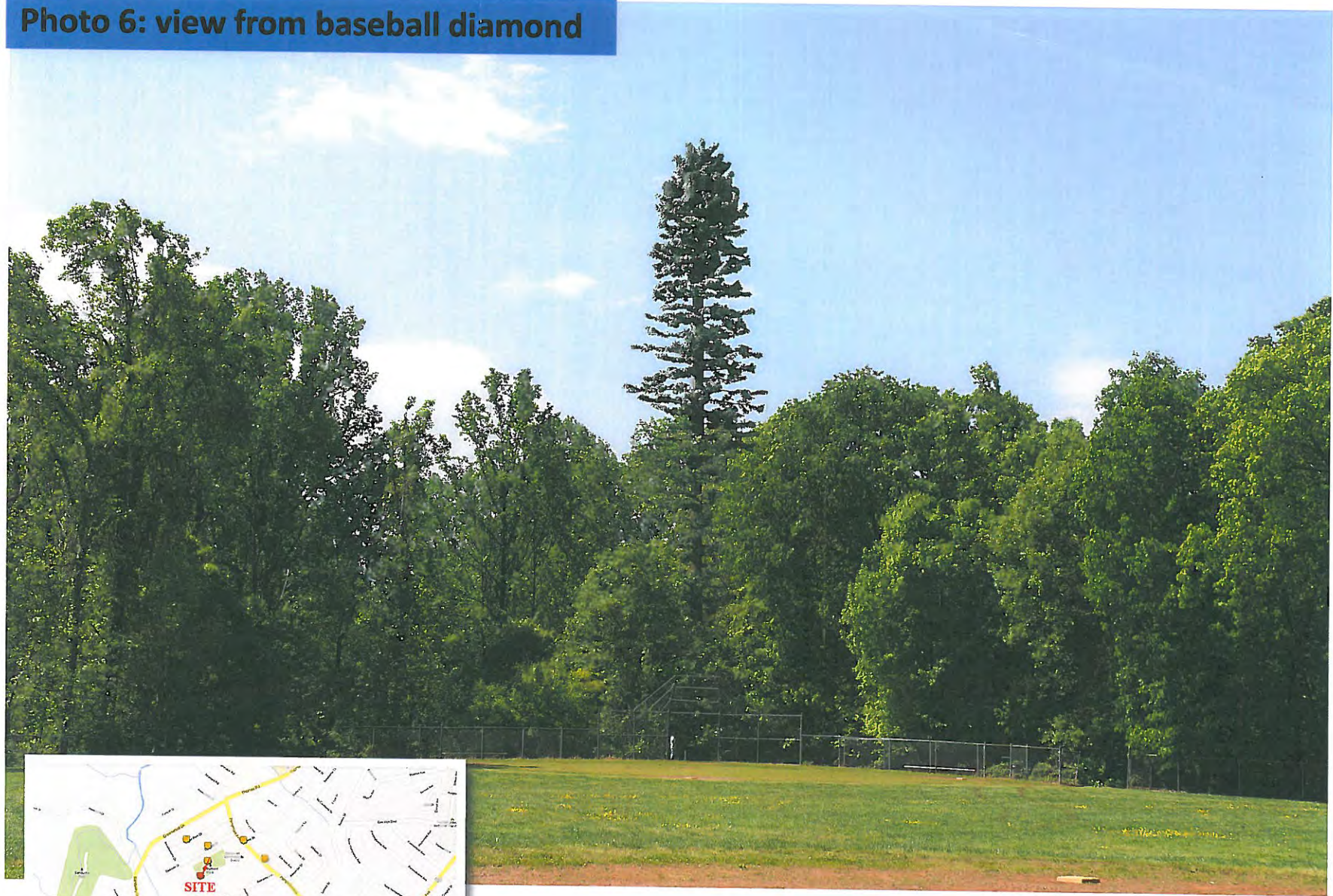
PERRYMONT PARK
PROPOSED MONOPINE

Photo 5: view from Perrymont Avenue



PERRYMONT PARK
PROPOSED MONOPINE

Photo 6: view from baseball diamond



**PERRYMONT PARK
PROPOSED MONOPINE**



409 Perrymont Avenue

**409 and 459 Perrymont Avenue
Conditional Use Permit
July 10, 2013**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2013**

AGENDA ITEM NO.: 7

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: ADDITIONAL ALLOCATION OF FISCAL YEAR (FY 2014) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM FUNDS

RECOMMENDATION: Allocate additional Program Year 2013, Fiscal Year (FY) 2014 Community Development Block Grant (CDBG) and HOME Program entitlement funds to eligible program activities. The FY 2014 final allocation is \$838,132 in Community Development Block Grant (CDBG) and \$319,971 in HOME Program funds.

SUMMARY: The U.S. Department of Housing and Urban Development (HUD) funds the CDBG and HOME Programs. City staff has received from HUD final allocations for these FY 2014 entitlement programs. The City received an additional \$48,253 in CDBG funds and \$27,956 in HOME Program funds above those received in FY 2013. This represents an 8% increase in CDBG and 10% in HOME Program funds.

In addition, early indications from HUD staff in Richmond were that FY 2014 allocations would be reduced by the Federal government. City staff reduced, for the Community Development Advisory Committee (CDAC) and Council allocation process, the FY 2013 CDBG and HOME Program entitlement amount by 5%; respectively, and incorporated these reductions into the estimated FY 2014 allocations. With the increase in the actual amount of entitlement funds and the anticipated reduction that was taken for the initial allocation process there is now a total of \$80,216 in CDBG and \$42,148 in HOME Program funds to be allocated.

CDBG AVAILABLE FUNDING/SOURCE	FY 2013 ACTUAL ALLOCATIONS	FY 2014 ESTIMATED FUNDS AVAILABLE (3/26/13)	FY 2014 ACTUAL FUNDS AVAILABLE	CHANGE IN ESTIMATED VS. ACTUAL FY 2014	CHANGE IN ACTUAL FY 2013 VS. FY 2014	% CHANGE FY 2013 VS. FY 2014
HUD Entitlement	\$ 639,243.00	\$ 607,280.00	\$ 687,496.00	\$ 80,216.00	\$ 48,253.00	7.6%
Reprogrammed Funds	385,462.81	148,605.89	148,605.89	(236,856.92)	(236,856.92)	(61.5%)
Program Income	\$2,030.00	\$2,030.00	\$2,030.00	0	0	0
Total CDBG Funding Available	\$ 1,026,735.81	\$ 757,915.89	\$ 838,131.89	\$ 80,216.00	(\$ 188,603.92)	(18.4%)

HOME AVAILABLE FUNDING/SOURCE	FY 2013 ACTUAL ALLOCATIONS	FY 2014 ESTIMATED FUNDS AVAILABLE (3/26/13)	FY 2014 ACTUAL FUNDS AVAILABLE	CHANGE IN ESTIMATED VS. ACTUAL FY 2014	CHANGE IN ACTUAL FY 2013 VS. FY 2014	% CHANGE FY 2013 vs. FY 2014
HUD Entitlement	\$ 283,839.00	\$ 269,647.00	\$ 311,795.00	\$ 42,148.00	\$ 27,956.00	9.8%
Reprogrammed Funds	46,160.60	8,176.00	8,176.00			(82.3%)

Total HOME Funding Available	\$ 329,999.60	277,823.00	\$319,971.00	\$ 42,148.00	(\$ 10,028.60)	(3.0%)

At the Work Session on March 26, City Council allocated the estimated HUD entitlement amounts to the CDBG and HOME Program funds based on the recommendations from the Community Development Advisory Committee (CDAC).

According to the Citizen Participation Plan for the CDBG and HOME Program, whenever costs increase by the greater of \$25,000 or 25% of the project's budget (in this case entitlement amount), a public participation process is required. Therefore, based on the percentage of change this matter requires neither a presentation to CDAC for a recommendation nor another public hearing conducted by City Council.

With the final entitlement amounts received from HUD, City staff recommends the following allocations of the additional funds:

CDBG

\$30,000 – Division of Social Services (DSS) – Intake Social Worker - Continuum of Care – Coordinated Assessment/ Centralized Intake for homeless persons

One of the requirements of The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, is that the Continuum of Care (CoC) Program homeless providers/agencies establish and operate a centralized or coordinated assessment system that provides an initial comprehensive assessment of the needs of individuals and families for housing and services. As a result of the HEARTH Act, in July 2012 HUD published the CoC Interim Rule that included the requirements for the establishment of a centralized or coordinated assessment system.

Agencies within the Continuum of Care Homeless and Housing Coalition of Central Virginia have been in the development stages of a coordinated assessment/centralized intake location for the homeless population in Lynchburg. As recipients of the CDBG entitlement funds, the City is highly encouraged to provide support to the Coalition agencies and to further HUD's objective of ending homelessness. City staff has been in conversations with the various member organizations regarding the benefits of a centralized intake location for homeless persons and the staffing required for this service.

Lynchburg's Division of Social Services (DSS) is currently rendering services to a large percentage of the homeless population. From January 1, 2012 to December 31, 2012 Lynchburg's homeless assistance programs served 132 families. Of these 132 families, 94 or 71% were receiving benefits administered by the DSS to include TANF, SNAP, and Medicaid. For this same period, Lynchburg's homeless assistance programs served 360 homeless single persons. Of these 360 single persons, 153 or 43% were receiving benefits administered by DSS. (Note: Statistics are from the Homeless Management Information System (HMIS) and percentages do not include The Gateway clients who typically do not receive benefits until after entering the program.)

The DSS has agreed to provide the necessary office space for the physical location of a centralized intake for homeless persons. Funding of this part-time position would provide the staff person to conduct the assessment/intake of homeless persons and coordinate the referrals to the appropriate homeless providers/agencies. Each homeless provider/agency is currently completing the assessment/intake process on-site; this is neither efficient nor cost effective.

\$50,215 – Relocation of Miller Park Basketball Court – Continue implementation of the Miller Park Master Plan

A Master Plan was completed for Miller Park in 2007. Since finishing the Plan work completed in the park includes improvements to the bathhouse and pump house at Miller Park Pool, installation of a new slide at Miller Park Pool, and installation of new playgrounds. Work will continue in FY 2014 to include construction of a parking area on the Grove Street side of the park, and design work to improve the athletic field complex. An allocation of CDBG funds will allow for additional work in the park during FY 2014 to construct a new

basketball court in a location more conducive to play. The current basketball court needs repair and, because of its location, contributes to park user group disputes. The new court will provide a much improved playing environment, will be located closer to Park Avenue and the main parking lot, and offers opportunity for the addition of site amenities, including benches, a bike rack and trash cans.

HOME Program

\$5,947- Lynchburg Community Action Group (Lyn-CAG) – Community Housing Development Organization (CHDO) – There is a requirement that 15% (\$46,770) of the HOME Program entitlement funds be allocated to a CHDO organization for the development/rehabilitation of a housing unit(s). The allocation of these additional funds to Lyn-CAG serves to meet this requirement and will increase the previously-allocated amount of CHDO funding for Lyn-CAG for the acquisition and rehabilitation of a housing unit.

\$36,201 - Lyn-CAG Substantial Rehabilitation Program - The allocation of these additional funds to Lyn-CAG, along with the previously-allocated funds, will allow for the rehabilitation of an additional owner-occupied housing unit. Lyn-CAG staff has indicated there are presently approximately 30 homeowners on their waiting list for rehabilitation assistance.

The final City Council allocations will be incorporated into the Program Year 2013 (FY 2014) Annual Action Plan and submitted to HUD.

PRIOR ACTION(S): None

FISCAL IMPACT: FY 2014 increase in CDBG and HOME funding based on actual entitlement award from HUD.

CONTACT(S): Bonnie Svrcek, Deputy City Manager, 455-3987
Melva Walker, Grants Manager, 455-3916

ATTACHMENT(S): Resolution
City Council Funding Recommendations Worksheet

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program FY 2014 funding appropriations be increased by \$80,216 for CDBG and \$42,148 for the HOME Program with resources from the U. S. Department of Housing and Urban Development and the FY 2014 Operating Budget and Annual Action Plan are amended to reflect the increased appropriations.

Adopted:

Certified: _____

107K

CDBG and HOME Allocations Worksheet 2013-2014 updated with REVISED HUD Allocations									
CDBG	Total CDBG Available	\$ 838,131.89			HOME Amount Available \$ 319,971.00	CHDO Requirement		\$ 46,769.25	
Prior Year			City Council	City Council		Prior Year		City Council	City Council
12/13	Amount Requested	Original Amount Awarded	Revised Amount Awarded	NAME	Award	Amount Requested	Original Amount Awarded	Revised Amount Awarded	
Bluffwalk Section 108	\$ 290,084.00	\$ 284,048.00	\$ 284,048.00	\$ 284,048.00	City Administration*	\$ -	\$ 22,000.00	\$ 22,000.00	\$ 22,000.00
City Administration*	25,000.00	88,100.00	88,100.00	88,100.00	Rush Homes (CHDO)	175,000.00	0.00	0.00	0.00
Analysis of Impediments to Fair Housing	30,000.00	0.00	0.00	0.00	Habitat for Humanity	0.00	60,000.00	60,000.00	60,000.00
5th Street CDC Phase III - City	115,830.81	250,000.00	175,490.89	175,490.89	LNDF Homeownership Fund	14,999.60	50,000.00	30,000.00	30,000.00
Tinbridge Hill Neighborhood	125,000.00	143,500.00	45,000.00	45,000.00	Housing 2000 Dev/LNDF	65,000.00	0.00	0.00	0.00
Riverside Park Improvements	125,000.00	0.00	0.00	0.00	Lyn-CAG Substantial Rehab	75,000.00	75,000.00	75,000.00	75,000.00
Demo of Substandard Structures - City	12,000.00	0.00	0.00	0.00	Lyn-CAG Homebuyer (CHDO)	0.00	50,000.00	40,823.00	40,823.00
LRHA Admin & Delivery Costs ***	148,821.00	135,277.00	135,277.00	135,277.00	LNDF Single Family Dev.	0.00	70,000.00	50,000.00	50,000.00
LRHA Rental Rehabilitation	30,000.00	30,000.00	30,000.00	30,000.00					
LRHA Spot Blight Abatement ***	125,000.00	125,000.00	0.00	0.00					
Total CDBG	\$ 1,026,735.81	\$ 1,055,925.00	\$ 757,915.89	\$ 757,915.89	Total HOME	\$ 329,999.60	\$ 327,000.00	\$ 277,823.00	\$ 277,823.00
Remaining Amount to Award			\$ 80,216.00	\$ 80,216.00	Remaining Amount to Award			\$ 42,148.00	\$ 42,148.00
						FY 2013	FY 2014	Difference	%
					CDBG				
*Due to reduced HUD allocations and the availability of prior year Administration allocations for CDBG and HOME, the City was able to reduce the amount of the CDBG administration request and eliminate the HOME administration request. However for FY 2014 the administration amounts requested will return to normal levels as the balances from prior years will have been expended.					Entitlement** REVISED	\$639,243.00	\$687,496.00	\$48,253.00	7.6%
					Reprogrammed Funds	385,462.81	148,605.89	(236,856.92)	61.5%
**In anticipation of HUD reductions to CDBG and HOME entitlements, the estimated entitlement amount for FY 2014 has been reduced by 5% from the prior year entitlement amount.					Program Income	2,030.00	2,030.00	0.00	0.0%
					TOTAL	<u>\$1,026,735.81</u>	<u>\$838,131.89</u>	<u>(\$188,603.92)</u>	<u>-18.4%</u>
					Administration CAP	\$127,848.60	\$137,499.20	\$9,650.60	7.5%
					Public Service CAP	\$101,100.25	\$103,124.40	\$2,024.15	2.0%
***LRHA will submit to the City a breakdown of Admin/Delivery and Spot Blight Abatement costs.					HOME				
					Entitlement**	\$283,839.00	\$311,795.00	\$27,956.00	9.8%
					Reprogrammed Funds	46,160.60	8,176.00	(37,984.60)	-82.3%
					Program Income	0.00	0.00	0.00	
					TOTAL	<u>\$329,999.60</u>	<u>\$319,971.00</u>	<u>(\$10,028.60)</u>	<u>-3.0%</u>
					Administration CAP	\$28,383.90	\$31,179.50	\$2,795.60	9.8%
					CHDO Required	\$42,575.85	\$46,769.25	\$4,193.40	9.8%

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2013**

AGENDA ITEM NO.: **8**

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: **Virginia Local Disability Program Opt-Out**

RECOMMENDATION: Adopt the attached resolution opting out of the Virginia Local Disability Program administered by the Virginia Retirement System (VRS).

SUMMARY: 2012 General Assembly action requires that localities provide a Local Disability Program for those employees hired on or after January 1, 2014, except for sworn public safety employees. Each governing body may choose to provide this mandated benefit through a VRS program or a comparable program funded by the locality. Council indicated a preference to provide a comparable program funded by the City. VRS requires an approved Resolution, as attached, which formalizes the City's irrevocable decision to opt-out of the VRS program and fund a comparable program locally.

PRIOR ACTION(S): July 9, 2013 Work Session

FISCAL IMPACT: Undetermined.

CONTACT(S): Margaret Schmitt 455-4208

ATTACHMENT(S): VRS Opt-out Resolution

REVIEWED BY: lkp

RESOLUTION

Irrevocable Election Not to Participate in Virginia Local Disability Program

WHEREAS, by enacting Chapter 11.1 of Title 51.1 of the *Code of Virginia*, the Virginia General Assembly has established the Virginia Local Disability Program ("VLDP") for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

WHEREAS, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013, requesting that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the *Code of Virginia*, with the exception of long term care coverage, by January 1, 2014; and

WHEREAS, it is the intent of the City of Lynchburg, 5-5210, to make this irrevocable election to request that its eligible employees not participate in VLDP;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of Lynchburg irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

RESOLVED that, as an integral part of making this irrevocable election, the City of Lynchburg certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

Adopted in the City of Lynchburg, Virginia this 13th day of August, 2013.

Certified: _____
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 13, 2013**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Proposed Amendment to the City Code re Dog Licenses Fees**

RECOMMENDATION: Adopt the proposed amendment to the City Code regarding the fee for dog licenses.

SUMMARY: The Code of Virginia (excerpt attached) requires a license tax for dogs and allows localities to establish different rates, between \$1 and \$10, based on gender and fertility. The City has established a lower rate (\$5) for infertile, spayed or neutered dogs.

The City Code, in compliance with the State Code, requires a license for dogs four (4) months old or older. It has been brought to our attention that veterinarians will not spay or neuter dogs until they have reached the age of 6 months to a year. As a result, a dog owner must pay the higher license tax fee of \$10 the first year that he or she owns a puppy. This higher fee may be a disincentive for the owner purchasing the required license.

To address this issue, it is proposed that the City Code be amended to provide for the lower fee of \$5 for dogs less than one (1) year of age or that have been spayed or neutered or are infertile. The proposed change is attached for Council's consideration.

PRIOR ACTION(S): None

FISCAL IMPACT: Minimal. The City only collects about \$17,000 a year from dog licenses. This change may encourage some owners to get the license.

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Excerpt from the State Code; Proposed Change to the City Code.

REVIEWED BY: lkp

Excerpt from the Code of Virginia

§ 3.2-6524. Unlicensed dogs prohibited; ordinances for licensing cats.

A. It shall be unlawful for any person other than a releasing agency that has registered as such annually with local animal control to own a dog four months old or older in the Commonwealth unless such dog is licensed, as required by the provisions of this article.

B. The governing body of any locality may, by ordinance, prohibit any person other than a releasing agency that has registered as such annually with local animal control from owning a cat four months old or older within such locality unless such cat is licensed as provided by this article.

(1984, c. 492, § 29-213.55; 1987, c. 488, § 3.1-796.85; 1988, c. 538; 1993, c. 817; 2007, c. [640](#); 2008, c. [860](#).)

§ 3.2-6528. Amount of license tax.

The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § [3.2-6524](#) shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be less than \$1 and not more than \$10 for each year. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for a license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed \$50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility-impaired person.

As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(1984, cc. 248, 492, § 29-213.57; 1986, c. 169; 1987, c. 488, § 3.1-796.87; 1993, c. 817; 1994, c. [108](#); 2006, c. [836](#); 2008, c. [860](#).)

AN ORDINANCE TO AMEND AND REENACT SECTION 7-49 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED, THE AMENDED SECTION RELATING TO THE AMOUNT OF THE LICENSE TAX ON DOGS

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

1. That Section 7-49 of the Code of the City of Lynchburg, 1981, is hereby amended and reenacted as follows:

Sec. 7-49. Amount of tax.

The following license tax shall be the only license tax on dogs in the city:

(a) Fertile females, <u>one (1) year old or older</u>	\$10.00
<u>Females less than one (1) year old and</u> infertile or spayed females	5.00
Fertile males, <u>one (1) year old or older</u>	10.00
<u>Males less than one (1) year old and</u> infertile or neutered males	5.00

Any person who applies for a license tag for a neutered or infertile dog shall present at the time of application certification from a licensed veterinarian attesting to the neutering or infertility of the dog. If such certification is not so presented, the dog shall be taxed the fee levied on fertile dogs.

Adopted:

Certified:

Clerk of Council

108K