

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
Tuesday, August 12, 2014
9:00 a.m.**

Information Items

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

Update on priority projects – see attached report.

General Business

- | | | |
|----|--|-------------|
| 1. | Appalachian Power Company request for an easement on city-owned property (New Heritage High School) at 3020 Wards Ferry Road | Lee Newland |
| 2. | Verizon request for an easement on city-owned property (New Heritage High School) at 3020 Wards Ferry Road | Lee Newland |
| 3. | PEG Bandwidth License Agreement to Install Fiber Optic Cable from 5067 Boonsboro Road to 182 Irvington Springs Road | Lee Newland |
| 4. | PEG Bandwidth Blanket Agreement to install fiber optic cable in city right-of-way in various locations of the City | Lee Newland |
| 5. | Citizen Request Hillview Street / 3004 Winchester | Lee Newland |
| 6. | City Reimbursement to Developers Procedures | Lee Newland |

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

Next Meeting: September 9, 2014

Lynchburg Capital Projects (General Fund)

August 12, 2014

Projects of Interest		Status		Notes
Timberlake / Logan's Lane Intersection		Design	November 2014	Preliminary Design - Interchange Modification Report Submitted to VDOT - Addressing VDOT Comments Rnd. 2
Wards Road Pedestrian X-ing 2B		Construction	September 2014	Trail Phase 2B - Notice to Proceed Given May 5, 2014 - 120 Day Project - Approximately 2 months behind
Midtown Connector		Construction	August 2015	Under Construction - Working on Langhorne 60% complete & Kemper Underway -
Greenview Drive Phase 2		R/W	August 2014	Project to be Included in P3 RFP with VDOT - Revenue Sharing Funds Awarded
Kemper Street Bridge / Interchange		Design	August 2014	Reviewing 100% Re-Design Plans ReBid in Late August
One Way Pairs @ 501/221		Preliminary	August 2014	Preliminary Design being Completed to Determine Available R/W for Development
Lower Bluffwalk Phase 2		Construction	October 2014	Underway
Memorial - Park - Lakeside Intersection		Utilities	November 2014	Project Underway to Install City Utilites separate from Project then ReBid
Miller Center Renovations		Construction	August 2014	Construction on Building Approximately 3 Months Behind Schedule.
Odd Fellows Road - P3		Advertising	May 2014	VDOT Issuing RFP in December-
Lakeside Drive Improvements @ L.C.		Design	September 2014	Design Underway - VDOT Performing SERP.
Harvard Road Improvements at Tunnel		Construction	October 2014	Adding Turn Lanes and Utilities
Old Forest Road Sidewalk		Construction	October 2014	Under Construction

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

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

RECOMMENDATION:

Forward to Council for a public hearing to grant Appalachian Power Company an easement to relocate overhead power lines on city property.

SUMMARY:

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

PRIOR ACTION(S):

Technical Review Committee (TRC) – June 2014

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer – 455-3947

Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S):

Easement Map

REVIEWED BY:

TAX PARCEL No. 24703020 and 24807001

GRW 252-OVHD – VA CORP

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

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

WITNESSETH:

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

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

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

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

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

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

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

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

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

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

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

By: _____
Walter C. Erwin, III
City Attorney

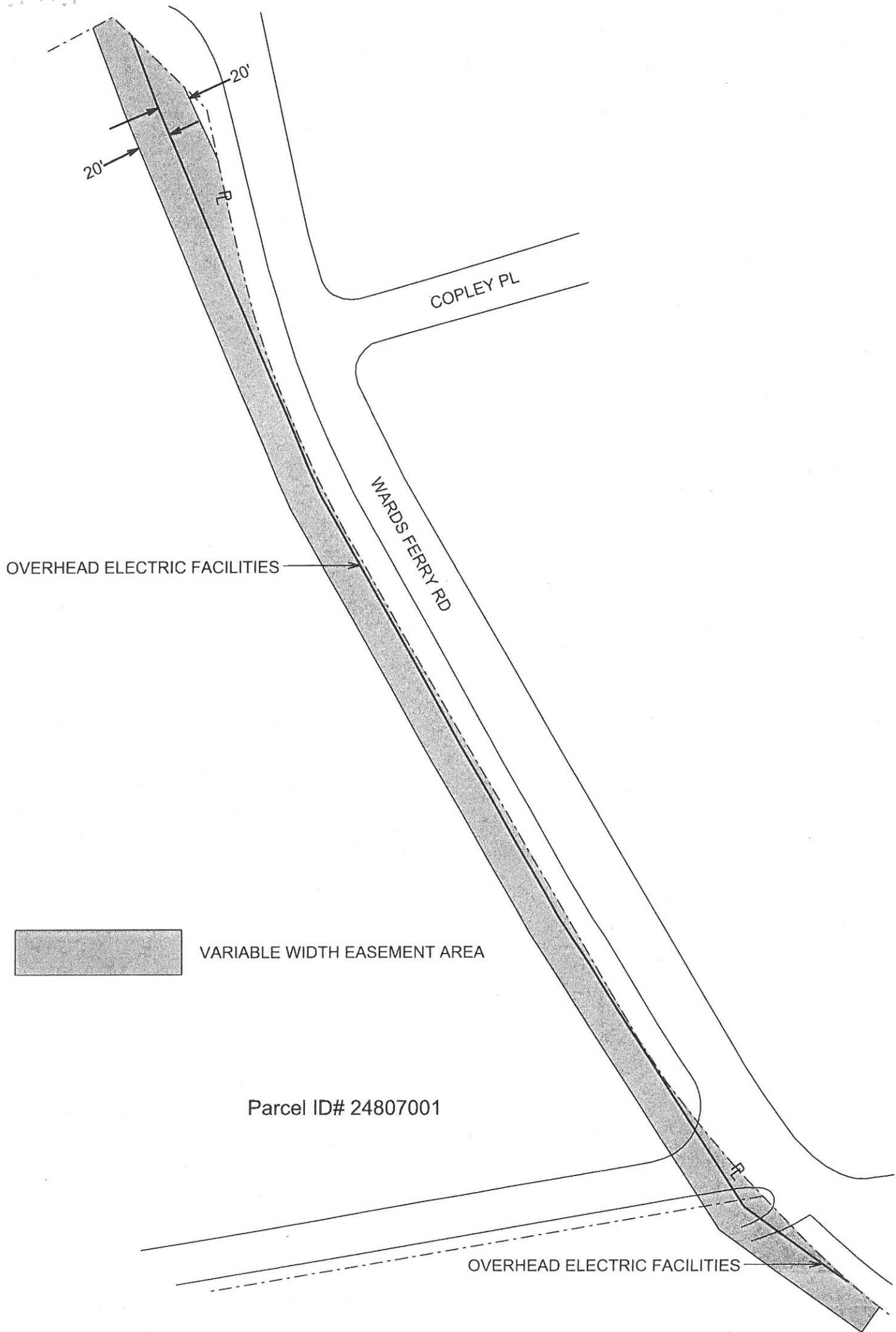
By: _____
L. Kimball Payne, III
City Manager

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

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

Notary Public/Commissioner

My Commission expires:



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

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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

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

RECOMMENDATION:

Forward to Council to hold a public hearing to grant Verizon an easement to relocate overhead power lines on city property.

SUMMARY:

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

PRIOR ACTION(S):

Technical Review Committee (TRC) – June 2014

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer – 455-3947

Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S):

Easement Map

REVIEWED BY:

Aerial, Buried Cable and Conduit



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

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

TAX MAP PARCEL I.D. NO:
24807001

DEED OF EASEMENT

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

WITNESSETH:

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

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

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

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

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

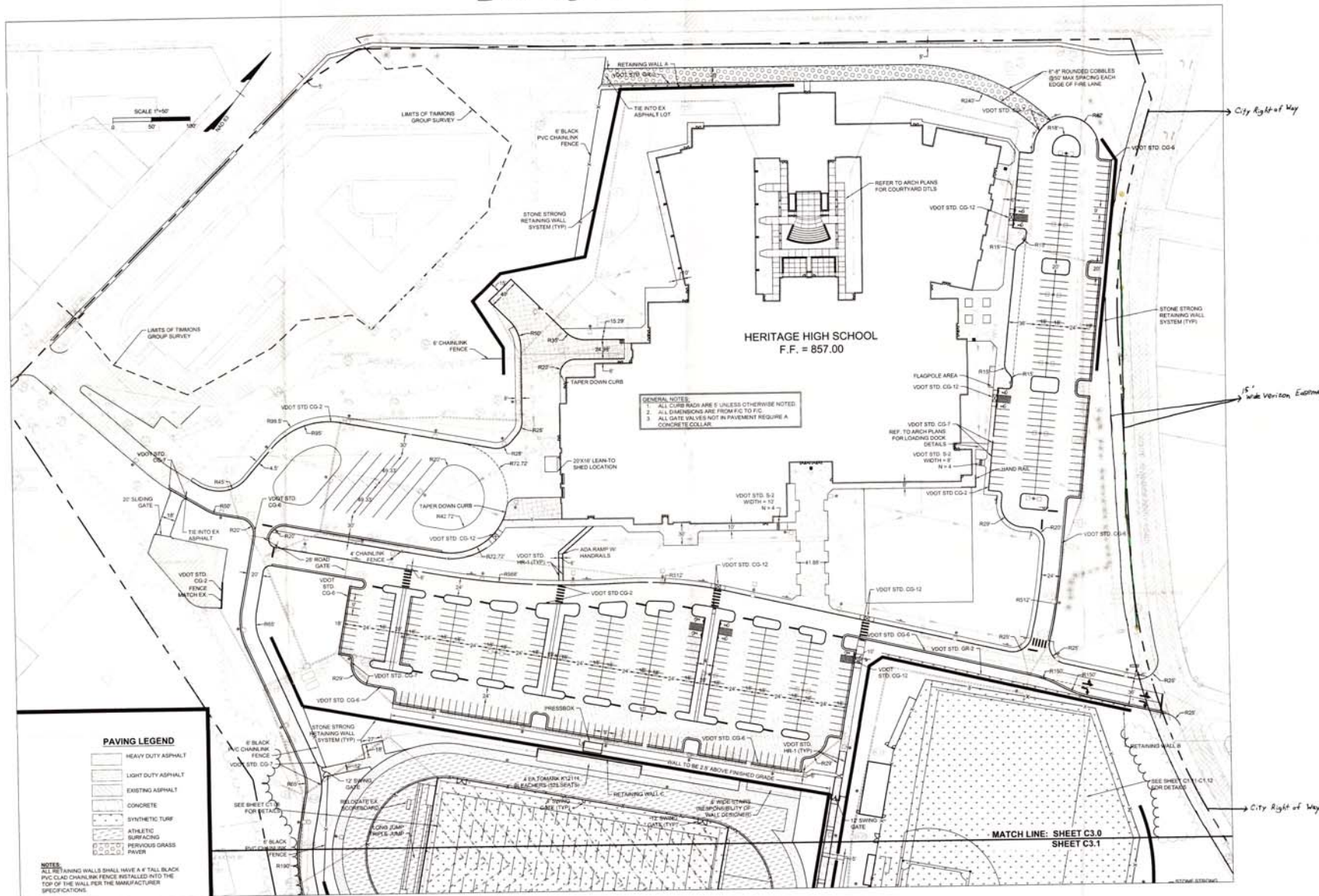
COMMONWEALTH OF VIRGINIA:
County/City of _____; to wit:

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

My Commission expires: _____

Notary Public

"Exhibit A"



MOSELEYARCHITECTS



HERITAGE HIGH SCHOOL

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

PROJECT NO.	DATE
1501	FEBRUARY 5, 2014
DATE	DESCRIPTION

LAYOUT PLAN

C3.1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

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

RECOMMENDATION:

Forward to Council for a public hearing to grant Peg Bandwidth a License Agreement to place fiber optic cable in city owned right-of-way from 5067 Boonsboro Rd to 182 Irvington Springs Road as indicated on the attached route map.

SUMMARY:

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

PRIOR ACTION(S):

Technical Review Committee (TRC) – July 1, 2014

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer – 455-3947

Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S):

Route Map

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Blanket license agreement to install fiber optic cable in city right-of-way in various locations of the city**

RECOMMENDATION:

Forward to Council for a public hearing to grant Peg Bandwidth a blanket License Agreement to place fiber optic cable in various locations of the city.

SUMMARY:

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

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland, City Engineer – 455-3947

Gaynelle Hart, Director of Public Works – 455-4406

ATTACHMENT(S):

Route Map

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Citizen Request Hillview Street / 3004 Winchester**

RECOMMENDATION:

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

SUMMARY:

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

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

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

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

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

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

(1) The lot fronts on a cul-de-sac, in which case the minimum street frontage shall be thirty (30) feet; or

(2) The lot is a flag lot meeting the requirements of Section 24.1-28.1 Flat lots.

(3) The lot is an existing lot of record on September 12, 1989 and has a perpetual unobstructed easement of access at least thirty (30) feet wide to such a street to serve one (1) building.

(4) The lot is an existing lot of record on July 11, 2011, in which case the lot shall provide access on at least one (1) dedicated, improved street extending a minimum of twenty-five (25) feet past the driveway accessing the lot.

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

FISCAL IMPACT:

None

CONTACT(S):

Lee Newland – City Engineer – 455-3947

Gaynelle Hart – Public Works Director – 455-4469

ATTACHMENT(S):

Letter and information from Mr. Gil Quick

REVIEWED BY:

To the Physical Development Committee, my name is Gil Quick and I have owned a piece of property in the City of Lynchburg since January 5, 1997. My request is simple; PLEASE allow me to use the land I own in your city. There is an ugly and lengthy story attached to this issue, but for the sake of time and with the hopes of putting all this behind me, I will try to stick to the point with as few adjectives as possible. During the time I've had to wait, for whatever reason, modular homes have tripled in price.

1. I am a tax paying citizen in the city of Lynchburg and have been for the past 17 years.
2. For approximately 10 years I have been denied the ability to develop my property due to the unrealistic demands of the City Engineer's office.
3. There is no way to access the property at 3004 Winchester from the road at all. The hills are greater than a 33 degree angle with embedded rock in the soil, which makes it impossible to even dig out the road. (Attached are 7 photos that show this is not possible.)
4. Hillview Street dead ends into the top of the property at 3001, which is the last physical address on that street.
5. There are greater than 20 paper roads on the map for the City of Lynchburg, none of which have a Cul-de-sac or a Hammer Head turn around that were paid for by its citizens. After making a request to put a gravel road at the end of Hillview, I received an e-mail from the City Engineer reflecting that this is the standard for everyone that has asked prior to myself, when in fact, this is false. (Attached is the actual email and the specs for this outrageous demand, five pages. Note the cost is \$18,000 to \$24,000 for the road alone. The curb and gutters are NOT in this figure.)
6. In addition to the detailed plans that include four layers of gravel, asphalt, street curb and gutters that, when all installed, span twenty-five to thirty-feet in width.
7. Hillview is only eighteen feet with no curb and gutters at present. There is no way to attach these two roads and the City Engineers office is aware of all the information that I am presenting to you. (Attached are two actual photos, one being the end of Hillview Street and the other just beyond the end of the street.)
8. The Engineers office claims that a fire truck needs to have the ability to turn around at the end of Hillview. This has not been present for at least the past 70 years or greater on any of the paper roads in the city.
9. Why would the person in charge of engineering make such unrealistic demands and expose the fact that the citizens of Lynchburg are without these standards by there own correspondents. In addition to admitting that the citizens of Lynchburg who reside on the end of paper streets are in danger currently of not having access to fire truck turn around.
10. The standard for a fire truck turn around is forty- eight in length, thirty-two feet in width, and at least eight feet in height. (Jim Mimms, 2012)
11. Also enclosed is a drawing that allows eighty-one feet by sixty feet of turn around at the end of Hillview. The ground has little to no slope in that area that is my property. The entire area will be enclosed by railroad ties with rebar pins to hold them in place. A standard gravel will be used for the turn around area and the private road. (This alone will come with a serious price tag.)
12. An aerial photo is also included to show the entire property and gain perspective.
13. All photos that have been sent to you have been greatly enlarged (20 by 30") for the presentation before the PDC committee. The original documents and e-mails will also be circulated @ the presentation.

In closing I hope we can move forward with this request and I can have the opportunity to pursue my dreams. Please contact me with a date to present my request to the PDC. (Wish me luck.)

804-774-5353 cell, 804-556-5409 office, 804-556-5403 fax, gilqck@yahoo.com,
gquick@co.goochland.va.us , please contact.

RECEIVED

JUL 21 2014

COMMUNITY DEVELOPMENT

LAW OFFICES
1004 COURT STREET
P. O. BOX 1276
LYNCHBURG, VIRGINIA 24505

THIS DEED made this 5th day of January, 1997, by and between KERRY SCRUGGS and DORIS SCRUGGS, husband and wife, parties of the first part, Grantors, and GILBERT W. QUICK, JR. and STEPHANIE QUICK, husband and wife, parties of the second part, Grantees;

W I T N E S S E T H:

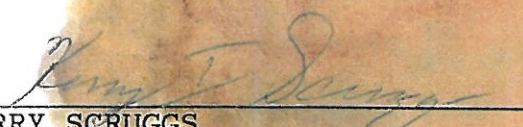
That for and in consideration of the sum of Twenty-Five (\$25.00) Dollars, cash in hand paid, and other good and valuable considerations, receipt of all of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell and convey with Special Warranty of Title, unto the party of the second part, as tenants by the entireties, not as tenants in common, with the full right of survivorship as at common law the following described real estate, to-wit:

All that certain lot, piece or parcel of land with any improvements thereon, lying in and being in the City of Lynchburg, Virginia, Winchester and Hillview St. Early Lane #5, 6, Map; #107-1-3,4, 3-2-32.

It being the same property granted to the Grantors by Governor's Grant from the Commonwealth of Virginia dated July 17, 1984, recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia in Deed Book 654, at page 259.

The property hereby conveyed is conveyed subject to all valid and existing conditions, easements, reservations, and restrictions heretofore imposed upon said property by recorded deed or plat and now binding thereon.

WITNESS the following signatures and seals:

 (SEAL)
KERRY SCRUGGS

 (SEAL)
DORIS SCRUGGS



Start here I

3v



2

4v

(7 total)

3 photos





5



6

72

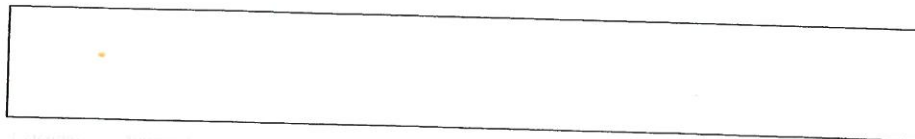


After 30-40'
It starts to
have less of
an incline

These are
photos for
#3

Lee.Newland@lynchburgva.gov

Search Web



Check Mail New

Mail Search

Delete Reply Forward Spam Move...

HTML View

"Lee.Newland@lynchburgva.gov" <Lee.Newland@lynchburgva.gov>
pblack@ywhoo.com
L.F.R. (414960)

Tuesday, April 12, 2011 1:07 PM

No virus threat detected File: CCF04122011_00000.pdf

Norton
AntiVirus

Available

Mr. Quick,

My Folders [New Folder]

I have gotten your message, but have been out of the office and in meetings the past two days.

The normal City Standard for a road is 25' or 31' wide asphalt with curb and gutter. I understand the location of your extension and the fact that the unopened right of way ends at the railroad.

Due to these facts, I have also consulted with the Director of Public Works, to get his take on the situation.

We are in agreement that this road may be extended with a modified section to include a turn around at the end.

The road will need to be 6" of VDOT 21A stone base, and 2" of VDOT SM12.5A asphalt. It will be required to be 20' wide with proper drainage. It also shall have a Hammerhead (T type) turn around that is 22' long along the legs.

I have included these details in attachments. The attachments show curb and gutter since they are the standard.

(See attached file: CCF04122011_00000.pdf)

Lee Newland, PE
City Engineer
455-3947

Delete Reply Forward Spam Move...

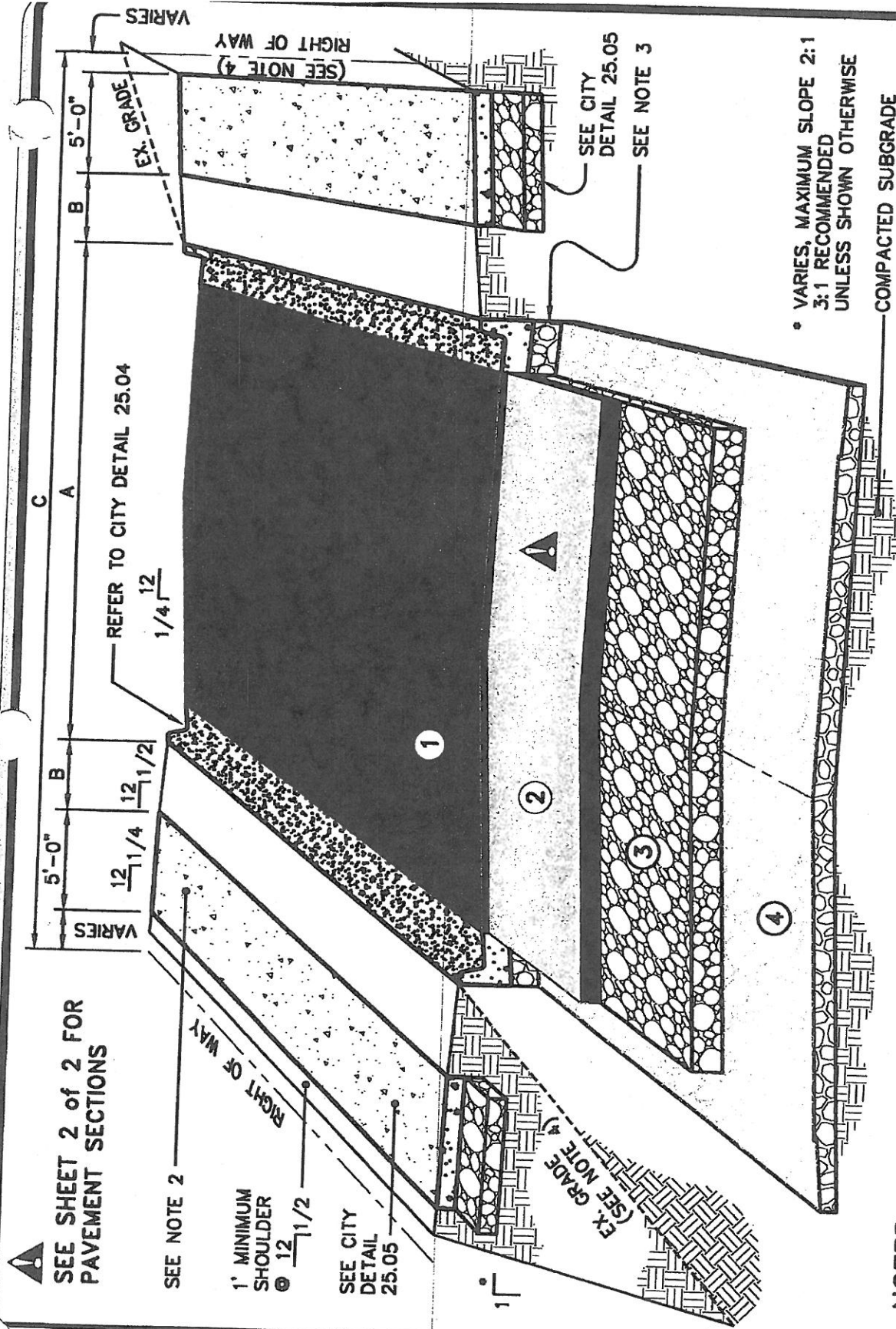
Select Message Encoding

Check Mail New

Mail Search

J Reynolds @ Adams
Parking
1 Cam

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NOTICE: We collect personal information on this site.
To learn more about how we use your information, see our...



NOTES:

1. PAVEMENT WIDTH AND STREET RIGHT OF WAY SHALL BE AS SHOWN UNLESS OTHERWISE SPECIFIED.
2. FACEDOWN SIDEWALK (CITY STANDARD DETAIL 25.06) MAY BE SUBSTITUTED FOR STANDARD CURB AND GUTTER AND SIDEWALK IF APPROVED BY CITY ENGINEER.
3. PLACE 6" OF 21 or 21A COMPACTED AGGREGATE UNDER PAVEMENT AND STANDARD CURB AND GUTTER.
4. REFER TO PLAN CROSS-SECTIONS FOR SLOPE TIE-INS.



THE CITY OF LYNCHBURG

TYPICAL CURB and GUTTER STREET SECTION

USE WITH THE CITY OF LYNCHBURG STANDARD SPECIFICATIONS ONLY

SCALE:
NOT TO SCALE

REVISION DATE:
11-10-2007

DETAIL #
25.01

SHEET #
1 OF 2



THE CITY OF LYNCHBURG

TYPICAL CURB and GUTTER STREET SECTION

USE WITH THE CITY OF LYNCHBURG STANDARD SPECIFICATIONS ONLY

SCALE:
NOT TO SCALE

REVISION DATE:
11-10-2007

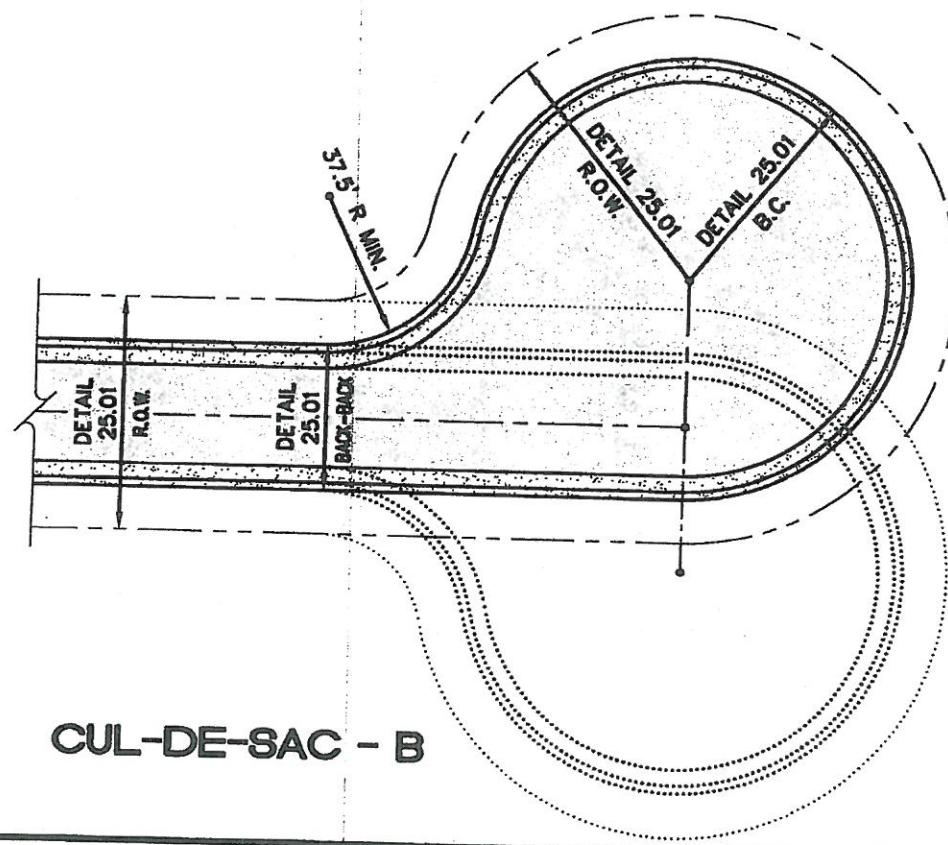
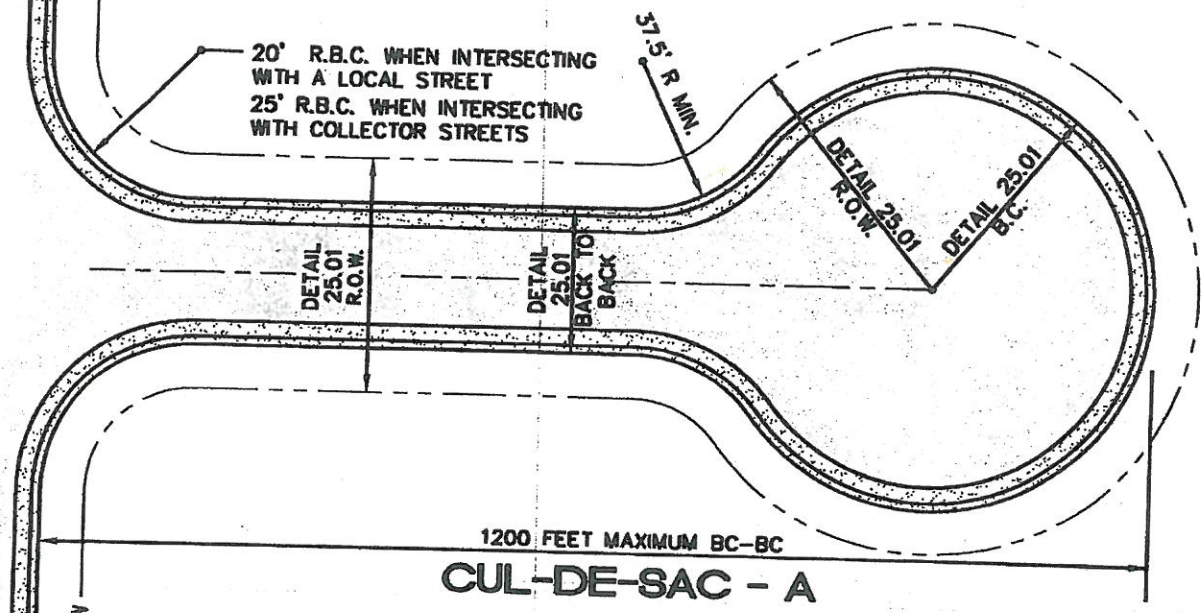
DETAIL #
25.01

SHEET #
2 OF 2

Classification	Pavement Section				Right-of-Way Widths (feet)					Cul-De-Sacs (feet)	
	Riding Surface 1	Base 2	Aggregate Base (see note 1) 3	Sub Base 4	Total Width	Back of Curb to Back of Curb (minimum)	Back of Curb to Front of Sidewalk (minimum)	Sidewalk Width (max.)	Behind Sidewalk (max.)	ROW Radius	Back of Curb Radius
Residential ADT < 401	2" SM 12.5A	N/A	6" NO. 21 or 21A	N/A	50	25	5	5	2' 6"	60	50
Residential ADT > 401	2" SM 12.5A	N/A	6" NO. 21 or 21A	N/A	50	31	3' 6"	5	1	60	50
Collector	2" 12.5D	4" BM 25.0	6" NO. 21 or 21A	N/A	60	31	3' 6"	5	6	60	50
Industrial	2" IM19.0A	5" BM 25.1	6" Cement Treated Stabilized Aggregate Base	4" No. 21 or 21A	50	31	3' 6"	5	1	70	60

NOTES:

1. FOR ALL STREET CLASSIFICATIONS:
AGGREGATE BASE SHALL BE SEALED WITH LIQUID BITUMINOUS MATERIAL CRS-2 AT THE RATE OF 0.3 GALLONS PER SQUARE YARD AND COVERED WITH NO. 78 STONE AT THE RATE OF 15 POUNDS PER SQUARE YARD. THIS IS NOT REQUIRED IF BASE ASPHALT OF 4" OR GREATER IS INSTALLED.
2. THE DESIGN DEPTHS SHOWN ABOVE ARE MINIMUM REQUIREMENTS. ACTUAL DEPTHS SHALL BE DETERMINED THROUGH CBR TESTING AND ANALYSIS.



THE CITY OF LYNCHBURG

CUL-DE-SAC DIMENSIONS

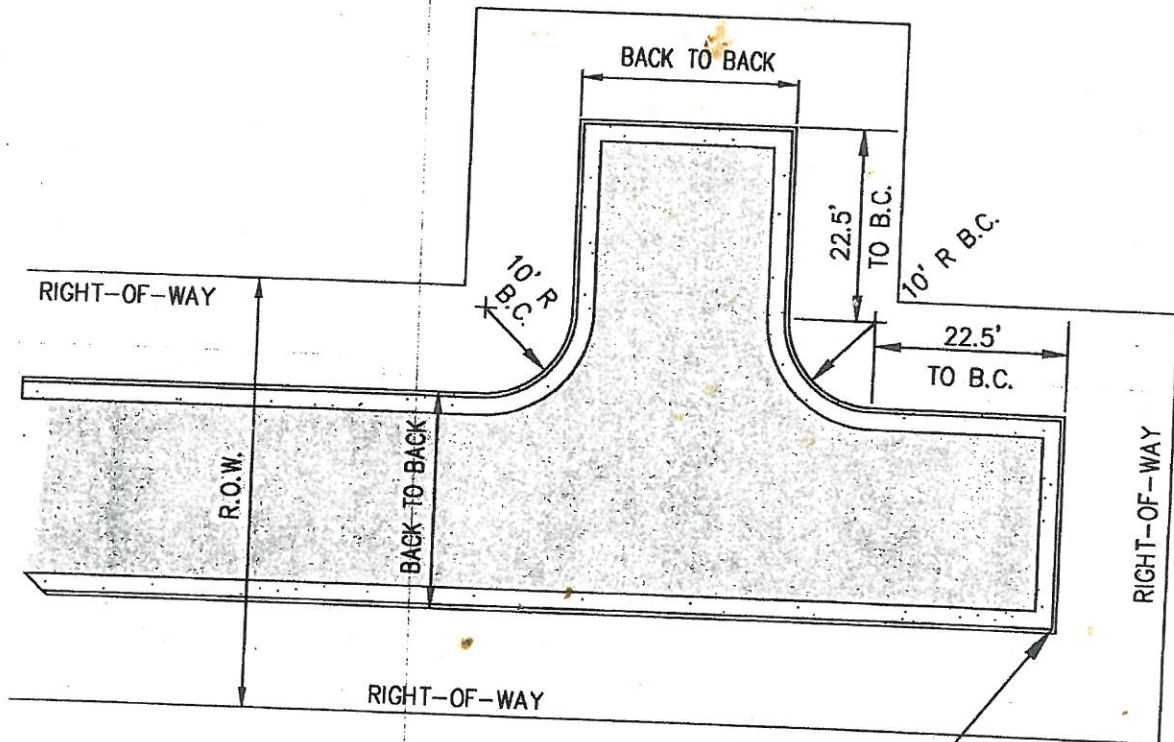
USE WITH THE CITY OF LYNCHBURG STANDARD SPECIFICATIONS ONLY

SCALE:
NOT TO SCALE

REVISION DATE:
11-10-2007

DETAIL #
25.02

SHEET #:
1 OF 2



REFER TO CITY
DETAIL 25.04

*HAMMER HEAD

- * USE SHALL BE LIMITED TO THE WIDENING OF AN EXISTING ROAD DEAD END WITH <400 ADT WIDTH 40' ROW AND 20' PAVEMENT. USE ONLY WHEN ROW CONDITIONS WILL NOT ALLOW INSTALLATION OF ADEQUATE CUL-DE-SAC A OR B LAYOUT AND ONLY WITH THE APPROVAL OF THE CITY ENGINEER.



THE CITY OF LYNCHBURG

CUL-DE-SAC
DIMENSIONS

USE WITH THE CITY OF LYNCHBURG STANDARD SPECIFICATIONS ONLY

SCALE:
NOT TO SCALE

REVISION DATE:
11-10-2007

DETAIL #
25.02

SHEET #
2 OF 2

7. photos

End of Hillview →
18' across



Just Beyond Road →
End / Past
Goes back a
long ~~at~~ run

18' across
NO curb & gutter
@ all edges
are in disarray

(# 11 point)

Starting here on both sides Rail ties put in place with rebar pins to hold in place

- ① # Gravel USED for future project
- ② Growth inhibitor sprayed on prior to start

Rope Road That continues back approx. 4.5 inches straight back to rail road tracks

This section DOES NOT Exist

side of
out door

House

Porch

Property Stake

Property Line

60'

This is where the Turn around will begin

All will be enclosed with Rail Road Timbers & rebar spikes to hold in place

All will be maintained By Quick family
Then here's,

New Gravel Road 25' wide

Standards for fire Truck turn around
48' Length
32' width
8' Height
(Jim Mimm)

This Road will extend to end of Property

106' total

Rail Road timbers with rebar spikes

60'

81'

94'

Across from property stake

Google

(#12)
point

To see all the details that are visible on the screen, use the "Print" link next to the map.



The Dream is still Alive

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **City Reimbursements to Developers**

RECOMMENDATION:

Discussion of changes to delete from City Code and Policies reimbursements to Developers for public infrastructure installed with developments.

Staff recommends the attached language deleting reimbursements.

SUMMARY:

There are two main areas of reimbursements, residential and commercial, which can be general fund items like curb & gutter and sidewalks, or water and sewer fund items for water and sewer extensions and service connections. The residential reimbursements can sometimes be for individual homeowners or for subdivision developers.

Public Works/Engineering takes the lead in reimbursements which is a carryover from when Utilities was a part of Public Works. Decisions are made for reimbursements from City Code, Chapters 24, 34 & 39, the City of Lynchburg, Manual of Specifications and Standard Details, and the Engineering Policies/Practices for the Extension of Public Improvements. The latter was created after Council Action on January 13, 1976 and revised on August 17, 2001.

Currently, the City reimburses for:

- 50% of cost for Curb and Gutter installed on City residential streets. Can be from individual homeowner or developer of new subdivision. No reimbursement for commercial. **Recommended to change to only allowed for individual homeowners.**
- 50% of cost of sidewalks installed on any City street to promote complete and sustainable streets. **Recommended to delete.**
- 100% of cost of sewer or water mains to get to boundary of new subdivision at rate of 100' per new lot and if economically feasible. **Recommended to delete.**
- 100% of sewer and water service connections within a new subdivision. **Recommended to delete.**
- 50% of sewer and water mains for commercial properties if feasible. **Recommended to delete.**

PRIOR ACTION(S):

April 8, 2014 PDC

FISCAL IMPACT:

Spent on reimbursements from FY 2006 to current: \$1.04M Water, \$1.4M Sewer, and \$2.53M General Fund

CONTACT(S):

Lee Newland – City Engineer – 455-3947

Gaynelle Hart – Public Works Director - 455-4469

Jim Talian – Water Resources Engineer – 455-3953

Greg Poff – Assistant Water Resources Director - 455-4249

ATTACHMENT(S):

City Code recommended changes

REVIEWED BY:

City Contributions to New Infrastructure

Roadway Improvements City Code Subdivision Ordinance

Sec. 24.1-30. Streets.

k) Curbs, gutters and sidewalks: Curbs and gutters are required in accordance with regulations established by the City of Lynchburg, Manual of Specifications and Standard Details. Except where pedestrian traffic is explicitly prohibited, sidewalks are required (i) on at least one (1) side of all streets, (ii) on both sides of streets with a post-development traffic count of greater than six thousand (6,000) vehicles per day. The cost of said curbs, gutters and sidewalks shall be borne ~~fifty (50) percent by the city and fifty (50) percent~~ by the subdivider. ~~Reimbursements shall be in accordance with regulations established by the City of Lynchburg, Manual of Specifications and Standard Details, per the year of origination of the subdivision.~~

City of Lynchburg, Manual of Specifications and Standard Details

3.0 PROCEDURES – ENGINEERING – DESIGN AND CONSTRUCTION

~~3.1 REIMBURSEMENT TO DEVELOPER PROCEDURE~~

~~A. Purpose~~

~~The City provides incentives to developers to offset additional costs associated with developing inside the City. The Engineering Division determines the amount of reimbursement owed to a developer upon completion of the project in accordance with City Code and other applicable policies and agreements.~~

~~B. General Requirements~~

~~Reimbursement Process~~

~~1. Following submittal of proposed development plans (road, water, and sewer (RWS) plans) by the Owner for review and approval by City staff, the City Engineering Division will notify the developer, by letter of the City's incentive program.~~

~~2. The City Engineering Division will estimate reimbursements quantities based on final approved plans and will add the appropriate City costs (Engineering/Inspection/Testing) and present the petition to City Council's Physical Development Committee (PDC) for the approval and authorization of the necessary funds.~~

~~3. Upon completion of the development and acceptance of the petitioned items, the developer shall submit a formal written "Request for Reimbursement" for the accepted items to the City Engineer. The "Request" will include an itemized list or table of each petitioned item, its proposed quantity, and its actual, installed quantity. The Developer must also submit Affidavit of Release of Liens.~~

~~4. The City Engineering Division and City Construction Coordinator will review the "Request" for accuracy. If approved, the "Request" will be processed for payment in accordance with the City Ordinances. No payment will be issued until adequate as-built drawings are received.~~

~~Items of Reimbursement:~~

~~Curb and Gutter at 50% of the construction cost (up to the City current Annual Services Contract price)
Concrete Sidewalk at 50% of the construction cost (up to the City current Annual Services Contract price)
Water Service Connections at 100% of the construction cost (up to the City current Annual Services Contract price)
Sewer Service Connections at 100% of the construction cost (up to the City current Annual Services Contract price)
Sewer Line to the Boundary of the Subdivision
Water Line to the Boundary of the Subdivision~~

Water & Sewer City Code Subdivision Ordinance

Sec. 24.1-31. Public water supply and sanitary sewer system required.

Subdivisions of more than five (5) lots shall be served by the city ("public") water and sewer systems.

(a) Sewer and/or water available: Where a public water supply and/or a public sanitary sewer system are (reasonably accessible as defined in Section 24.1-31(c)) the said water supply and/or sanitary sewer system shall be designed and extended to adequately serve all lots within the subdivision, according to the design standards issued by the city. All plans are to be approved by the city.

The cost of installing the sanitary sewer and water system including all appurtenances, ~~except connections and meters,~~ within the subdivision boundaries shall be paid one hundred (100) per cent by the subdivider for the size mains needed to serve the subdivision. The minimum size main shall be as determined by the city. If larger mains are required by the city to serve other areas, then the difference in cost, based on the city's annual bid prices, shall be paid by the city. ~~The city will extend and pay one hundred (100) percent of the cost to provide water and/or sewer lines to the subdivision boundary according to Section 24.1-31(e).~~

Service connections for both water and/or sanitary sewer shall be constructed to each lot within the subdivision. ~~Reimbursements shall be in accordance with regulations established by the City of Lynchburg, Manual of Specifications and Standard Details, per the year of origination of the subdivision. The subdivision plat will contain a notation to the effect that appropriate sewer/water connection and availability fees will be charged by the city at the time of connection to the system.~~

(b) Sewer and/or water not available: Where a public water supply and/or a public sanitary sewer system are not reasonably accessible as defined in Section 24.1-31(c), the extension of these systems by the subdivider will not be required; ~~however, where the subdivider desires the extension of such systems which exceeds the ratio stated in Section 24.1-31(e) and agrees to pay the additional cost of the extension to the subdivision boundary, then the city shall extend the lines in accordance with Section 24.1-31(a).~~

(c) Water/sewer lines availability defined: Reasonably available water and/or sewer lines are defined as those lines which are economically feasible to extend from water and sewer lines mandated by the 1976 annexation decree and/or other lines previously constructed.

To be economically feasible in a residential subdivision, there must be at least one (1) lot for each one hundred (100) feet of utility line construction. The following are examples of feasibility ratios:

Feet of water/sewer line construction	Required number of Lots
5,000	50
3,000	30
1,000	10
500	5

For extensions to multi-family subdivisions the feasibility ratio would require two (2) dwelling units per one hundred (100) feet of extension. Thus:

Feet of water/sewer line construction	Required number of dwelling units
5,000	100
3,000	60
1,000	20
500	10

(d) Lots in cluster developments including townhouses and condominium: Public water and sewer systems shall serve each individual lot in all cluster developments including townhouses and condominiums. The public system shall be brought to an appropriate location(s) on the property line of the development adjacent to a public right-of-way or through a public easement.

(e) In cases where an obstacle (such as a stream, railroad, or highway crossing, etc.) increases the construction cost beyond twenty (20) percent of the normal distance to dollar ratios, based on the city's annual contract pricing, the subdivider may be required to pay a larger share of the sewer and water facility construction costs as determined by the city's physical development committee. (Ord.

Sewer Code changes, similar in Water Code

Sec. 34-4. General terms, conditions, and provisions applicable to sewer mains extended or installed with city approval.

(a) Title to any sewer main extensions or service connections within the public right-of-way or requested easements shall vest in the city upon the completion of construction regardless of method of financing.

(b) Where public sewer systems are already installed, replacement or enlargement of the sewer pipes, when deemed necessary by the city, shall be made at the sole cost and expense of the city.

(c) Whenever any person owning property along the line of any sewer main in the city which has been extended, installed or purchased by the city in the preservation of the health and general welfare of the public, or by petition, but without the participation of him or a previous owner of this property, shall desire the sewer service from said main to his premises, he shall be required to do the following:

(1) Fulfill the criteria as outlined under subsection (g) hereof, involving sewer main connections;

(2) Make an additional payment of an availability charge, the purpose of which is to defray in part the cost of providing outfall lines, pumping stations and waste treatment facilities. The availability charges are as follows:

a. Single-family residence:

~~(i) Where fifty (50) to fifty nine (59) per cent of the potential customers of the project as determined by the city engineer sign petitions requesting such project, the charge shall be~~ nineteen hundred and fifty dollars (\$1,950.00) per connection, ~~for each such petitioner.~~

~~(ii) Where sixty (60) to sixty nine (69) per cent of said customers sign such petitions, the charge shall be eighteen hundred fifty dollars (\$1,850.00) per connection, for each such petitioner.~~

~~(iii) Where seventy (70) to seventy nine (79) per cent of said customers sign such petitions, the charge shall be seventeen hundred fifty dollars (\$1,750.00) per connection, for each such petitioner.~~

~~(iv) Where eighty (80) to eighty nine (89) per cent of said customers sign such petitions, the charge shall be sixteen hundred and seventy five dollars (\$1,675.00) per connection, for each such petitioner.~~

~~(v) Where ninety (90) to ninety four (94) per cent of said customers sign such petitions, the charge shall be fifteen hundred and fifty dollars (\$1,550.00) per connection, for each such petitioner.~~

~~(vi) Where ninety five (95) to one hundred (100) per cent of said customers sign such petitions, the charge shall be fourteen hundred and fifty dollars (\$1,450.00) per connection, for each such petitioner.~~

b. Multifamily structures and mobile home parks where a single connection is made:

(i) For the first five (5) units, nine hundred and eighty dollars (\$980.00) each.

(ii) For the second five (5) units, seven hundred and thirty dollars (\$730.00) each.

(iii) For all additional units, four hundred and ninety dollars (\$490.00) each.

Separate individual connections to each unit of a multifamily structure or mobile home park will require the same availability charge for each unit as a single-family residential unit. Separate connections serving more than one unit will require the availability charge as specified above in Section 34-4(c)(2)b.

c. Commercial service: Up to two thousand (2,000) square feet of floor space, or if a maximum four (4) inch diameter building sewer is used, the charge shall be nineteen hundred and fifty dollars

(\$1,950.00). If a connection sewer in excess of four (4) inches in diameter is required, the following charges shall apply:

Availability
Charge:

Floor Space

\$1,950.00	0 to 2,000 square feet
\$2,440.00	2,001 to 10,000 square feet
\$3,640.00	10,001 to 20,000 square feet
\$6,110.00	20,001 to 35,000 square feet
\$9,650.00	35,001 to 99,999 square feet
As determined by city council	100,000 square feet or greater

All availability charges for institutional service shall be as determined by city council on a case-by-case basis.

d. Just prior to the conclusion of each fiscal year, the city manager or his designee shall review all availability charges and connection fees, and recommend to council appropriate charges.

e. All extension agreements and service requests not included in original petitions shall be subject to the maximum prevailing availability charges and connection fees which are in effect at the time such agreement or request is approved by council, irrespective of the number of original petitioners.

(d) Whenever any property abutting a street is without a city sewer main, the owner desiring city sewer service shall be required to sign a petition for extension of sewer mains.

(1) Single-family and multifamily structures and mobile home parks: Upon receipt of said petition signed by at least fifty (50) per cent of the owners representing properties to be served by the sewer main extension, the city shall prepare an estimate for the installation of a sewer main.

Such estimate shall be prepared on the basis that the location, character and size of the extension, and the plans and specifications for the extension, and the materials used in the installation, replacement, maintenance and repair of the extension shall be as specified by the city.

(2) Commercial service: Where the council has determined the petitioned project to be economically feasible to the city, the availability charges set forth in Section 34-4(c)(2)c. shall be applicable.

Where the council has determined that the petitioned project is not economically feasible to the city, the cost of the project will ~~be apportioned by council between the city and the benefitted property owners. The entire non-city portion shall be apportioned by council between the petitioning property owners as their availability charge. Any nonsigning property owner later petitioning for service shall pay the same proportioned share for each connection as the original signers be the responsibility of the property owner or developer.~~

(e) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines prior to the extension of the line, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.

(2) The availability and connection charges and interest must be paid in full within one year.

(3) Interest at the rate of five (5) percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.

(4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.

(5) The unpaid balance of the availability and connection charges may be paid in full at any time

without any prepayment penalty.

(6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.

(7) If the owners or occupants fail to make payments in accordance with the water and sewer service availability fee installment agreement, the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.

(8) As provided in section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the sewer line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupants of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings or to commercial and institutional facilities, or similar housing units.

(f) Sewer main extensions involving industrial development, residential subdivision development of three (3) or more dwelling units per lot, and/or any other planned unit or special development are excepted from this section.

(g) In addition to the previous applicable requirements, whenever any person owning property along the line of any sewer main in the city shall desire sewer service into his premises, he shall execute an agreement known as an "Application for Sewer." In addition thereto, the licensed plumber employed by him shall make written application therefore to the city on forms prescribed for that purpose.

Unless the building sewer, or connection, has been previously installed, the plumber or building contractor shall clearly indicate at the premises by a stake or otherwise the exact location of the building sewer. An applicant for any new connection must make an estimate of the size building sewer needed for all lines greater than four (4) inches in diameter for the particular building in order that the proper size building sewer may be installed to satisfy the demand. Upon approval of the application, payment of certain fixed sewer connection fees must be made as follows:

(1) Four (4) inch diameter house building sewer—one thousand two hundred and ten dollars (\$1,210.00).

(2) Larger than four (4) inch diameter building sewer - cost plus 15%; minimum charge—one thousand three hundred and twenty dollars (\$1,320.00).

~~Provided, that when any property owner grants to the city free of cost the right to construct and maintain a sewer across said property owner's property, that property owner shall be granted a credit of one hundred dollars (\$100.00) to be applied against the appropriate connection charge for one (1) connection.~~

The city will then install a building sewer leading from the main in the street to the property line, or install a sewer saddle. This requirement also applies to houses formerly occupied by one (1) family, but which are converted into two (2) or more apartments, with a separate sewer connection for each apartment unit. When these requirements are complied with, the city will thereupon issue a permit for the plumber named in the application to make connection with the city's sewer. All such connections and all plumbing work shall conform in all respects to the provisions of the plumbing code of the city.

(h) Residential subdivisions of no more than two (2) dwelling units per lot. For all subdivisions located within the city containing no more than two (2) dwelling units per lot, in addition to the construction of the system within the boundaries of the subdivision by the subdivider pursuant to Section 24.1-31(a) of the city's subdivision ordinance, there shall be paid by the property owner to the city at the time of connection to the system a connection fee (without an easement credit) as required by subsection (g) for each connection, and an availability charge, the purpose of which is to defray in part the cost of providing extension lines, pumping stations and waste treatment facilities, the sum of four hundred dollars (\$400.00) per lot; provided, however, that if in any subdivision development any lot is served by a connection directly to lines installed by the city, the availability charges as listed in Section 34-4(c)(2)a, will be paid by the property owner, except, however, that where he or a previous owner of this property participated in the cost of such lines, no availability charge shall be

payable.

(i) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines at the time it was constructed, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.

(2) The availability and connection charges and interest must be paid in full within one year.

(3) Interest at the rate of five (5) percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.

(4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.

(5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.

(6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.

(7) If the owners or occupants fail to make payments in accordance with the water and sewer service availability fee installment agreement, the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.

(8) As provided in Section 15.2-104 of the Code of Virginia, or any succeeding section, the city will place a lien against the property that is served by the sewer line to secure the payment of the unpaid availability and connection charges.

The installment plan offered by this paragraph is for the benefit of the owners or occupants of single-family dwellings and two-family dwellings and is not available to developers or builders of residential subdivisions, apartments, boarding houses, lodging houses, rooming houses or other multi-family dwellings or to commercial and institutional facilities, or similar types of housing units. (Code 1959, § 29-6.3; Ord. of 6-14-77; Ord. of 8-8-78; Ord. of 5-22-79; Ord. No. O-81-153; § 1, 6-23-81; Ord. No. O-83-145, § 1, 6-28-83; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88; Ord. No. O-89-280, § 1, 10-10-89, eff. 1-1-90; Ord. No. O-00-017, 1-25-00; Ord. No. O-01-182, 9-25-01; Ord. No. O-02-186, 10-8-02; eff. 2-3-03; Ord. No. O-03-051, 3-11-03, eff. 1-1-04; Ord. No. O-04-030, 3-9-04, eff. 1-1-05; Ord. No. O-06-036, 4-11-06, eff. 7-1-06; Ord. No. O-06-103, 8-8-06; Ord. No. O-07-046, 4-10-07, eff. 7-1-07; Ord. No. O-08-046, 4-8-08, eff. 7-1-08; Ord. No. O-13-039, 3-26-13)

Sec. 34-4.1. Availability charge for city sewer service.

Those business firms which may be designated a "qualified business firm" pursuant to the provisions of Chapter 22, Title 59.1, of the Code of Virginia, 1950, as amended, (the Urban Enterprise Zone Act,) shall be allowed to pay the availability charge imposed by Section 39-26 as follows:

Commencing with the second anniversary date of the submission of the city's registered bill in the amount of the availability charge, twenty-five (25) per cent thereof will be due and annually thereafter on such anniversary date an additional twenty-five (25) per cent will be due until the charge is paid in full. (Ord. No. O-84-172, § 1, 6-26-84, eff. 7-1-84)

FINANCE COMMITTEE AGENDA
Tuesday, August 12, 2014
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. Consider a request to adopt a resolution to amend the FY 2015 City/Federal/State Aid Fund budget and appropriate \$39,418 with resources of \$18,684 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) grant and \$20,734 transferred from the FY 2015 General Fund Fire Department budget to purchase one (1) Physio LifePak 15 cardiac monitor/defibrillator and four (4) sets of Tactical EMS gear for the Fire Department.

Contact: Fire Chief Brad Ferguson

455-6340

11:40 a.m.

3. Consider a request to adopt a resolution to amend the FY 2015 Parks and Recreation General Fund budget and appropriate \$139,720 with resources from the FY 2015 General Fund Reserve for Contingencies to continue the operation and management of two neighborhood community centers and to install Wi-Fi in the centers.

Contact: Kay Frazier, Director of Parks and Recreation

455-5868

11:55 a.m.

4. Consider a request to adopt a resolution to amend the FY 2015 City/Federal/State Aid Fund budget and appropriate \$65,334 with resources of \$32,667 from the 2014 Byrne/JAG Crisis Intervention Team Grant, \$10,000 from Horizon Behavioral Health, \$1,742 from a citizen, \$4,592 from the Office of the Attorney General, and \$16,333 from the FY 2015 General Fund Reserve for Contingencies to continue the implementation of the Crisis Intervention program.

Contact: Police Chief Parks Snead

455-6104

12:10 p.m.

5. Review Finance Committee Guidelines.

Contact: Donna Witt, Director of Financial Services

455-3968

12:20 p.m.

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

Contact: Donna Witt, Director of Financial Services

455-3968

12:25 p.m.

7. Roll Call

The next Finance Committee meeting is Tuesday, September 23, 2014, at 11:30 a.m.

FY 2015 GENERAL FUND RESERVE FOR CONTINGENCIES

	<u>Reserve for Contingencies</u>	<u>City Manager's Discretionary Funding</u>
BEGINNING BALANCE, JULY 1, 2014	\$550,000	\$50,000
Anticipated carryforward to FY 2015 Reserve for Contingencies - 05/13/14 Council Meeting	600,000	
BALANCE	<u>\$1,150,000</u>	<u>\$50,000</u>
 APPROPRIATIONS (Second Reading)		
Police Department Tasers - 06/24/14 Council Meeting	\$115,713	
School Resource Officer Grant local match and additional costs - 06/24/14 Council Meeting	83,765	
TOTAL APPROPRIATIONS	<u>\$199,478</u>	<u>\$0</u>
 REMAINING BALANCE	<u>\$950,522</u>	<u>\$50,000</u>
 ITEMS INTRODUCED		
Police Department Crisis Intervention Team Grant match - 08/12/14 Finance Committee	\$16,333	
Two Community Centers - 08/12/14 Finance Committee	139,720	
 TOTAL INTRODUCED ITEMS	<u>\$156,053</u>	<u>\$0</u>
 REMAINING BALANCE	<u>\$794,469</u>	<u>\$50,000</u>
 PENDING ITEMS		
 TOTAL PENDING ITEMS	<u>\$0</u>	<u>\$0</u>
 PROJECTED BALANCE	<u>\$794,469</u>	<u>\$50,000</u>

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **September 9, 2014**

AGENDA ITEM NO.: **2**

CONSENT:

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

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

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

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

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

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

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

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

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

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

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

ATTACHMENT(S):
Resolution

REVIEWED BY:

RESOLUTION:

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

Introduced:

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: **3**

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

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

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

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

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

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

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

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

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

The approval of funding will provide resources to establish and maintain consistent programming, develop and nurture relationship with partners and community groups, provide community access to civic buildings, and contribute in positive ways to the health of the neighborhoods.

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

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

FISCAL IMPACT: \$135,720 to staff the centers and \$4,000 for Wi-Fi access, for a total of \$139,720 from the FY 2015 General Fund Reserve for Contingencies

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

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2015 Parks and Recreation General Fund budget is amended and \$139,720 is appropriated with resources of \$139,720 from the FY 2015 General Fund Reserve for Contingencies to continue operation and management of two neighborhood community centers and to provide Wi-Fi access in the centers.

Introduced: _____

Adopted: _____

Certified: _____
Clerk of Council

FINANCE COMMITTEE

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: **4**

CONSENT:

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION:

ITEM TITLE: **Byrne/JAG – Crisis Intervention Team (CIT) Grant**

RECOMMENDATION:

Adopt a resolution to amend the FY 2015 City/Federal/State Aid Fund budget and appropriate \$65,334 with resources of \$32,667 from the 2014 Byrne/JAG Crisis Intervention Team Grant, \$10,000 from Horizon Behavioral Health, \$1,742 from a citizen, \$4,592 from the Office of the Attorney General, and \$16,333 from the FY 2015 General Fund Reserve for Contingencies to continue the implementation of the Crisis Intervention program.

SUMMARY:

The Lynchburg Police Department is eligible to receive for \$65,334 from the Byrne/JAG grant program. This grant requires a 50% local match in the amount of \$32,667. Funding will be utilized to continue the third year implementation of the Police Department's Crisis Intervention Program. This will include expanding the program through continuing to employ a program manager (contracted, temporary employee) and provide necessary training to police personnel.

PRIOR ACTION(S):

Finance Committee March 25, 2014

FISCAL IMPACT:

\$32,667 (50% match) – The Lynchburg Police Department will provide \$16,334 of the match with assistance from Horizon Behavioral Health (\$10,000), a donation from a citizen (\$1,742) and use of the OAG Treasury Funds (\$4,592) and is requesting that the City provide the remaining \$16,333.

CONTACT(S):

Police Chief Parks Snead, 455-6104

Captain K.R. Edwards, Police Department, 455-6119

ATTACHMENT(S):

REVIEWED BY:

Finance Committee Guidelines
(Staff Recommendations, August 12, 2014)

General Purpose Statement

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

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

I. Items considered as General Business

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

II. Items Considered as Other Information

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

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

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

IV. Roll Call Items

FINANCE COMMITTEE

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: **6**

CONSENT:

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Revenue Update**

RECOMMENDATION:

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

SUMMARY:

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

PRIOR ACTION(S):

This information is provided monthly to the Finance Committee.

FISCAL IMPACT:

None

CONTACT(S):

Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S):

Comparison of Collections Budget to Actual FY 2013 – FY 2014

REVIEWED BY:

**Comparison of Collections
Budget to Actual FY 2013 - FY 2014**

	Actual FY 2011	Actual FY 2012	Actual FY 2013	Adopted FY 2014	Actual FY 2014	Actual FY 2014 to Adopted FY 2014	Actual FY 2014 to Actual FY 2013
SALES & USE TAX							
<i>ADOPTED FY 2014 BUDGET - \$13,440,973</i>							
JULY	\$979,650	\$1,014,596	\$996,646	\$985,733	\$1,075,816	\$90,083	\$79,170
AUGUST	1,022,849	1,079,129	1,145,592	1,133,048	1,098,342	(34,706)	(47,250)
SEPTEMBER	1,102,964	1,100,698	1,117,209	1,104,976	1,083,199	(21,777)	(34,010)
OCTOBER	1,056,307	1,055,941	1,033,859	1,022,538	1,161,965	139,427	128,106
NOVEMBER	1,144,056	1,117,090	1,187,008	1,174,010	1,155,729	(18,281)	(31,279)
DECEMBER	1,548,053	1,488,926	1,466,715	1,450,654	1,316,419	(134,236)	(150,296)
JANUARY	1,018,798	998,052	1,085,312	1,073,428	1,103,175	29,747	17,863
FEBRUARY	1,025,671	1,134,434	1,074,819	1,063,050	1,172,252	109,202	97,433
MARCH	1,112,797	1,196,149	1,138,611	1,126,143	1,217,930	91,787	79,319
APRIL	1,135,478	1,053,637	1,129,443	1,117,076	1,183,748	66,672	54,305
MAY	1,068,073	1,078,175	1,089,235	1,077,308	1,112,579	35,271	23,344
TOTAL	\$12,214,696	\$12,316,827	\$12,464,449	\$12,327,963	\$12,681,154	\$353,190	\$216,705
CONSUMER UTILITY TAX - ELECTRIC							
<i>ADOPTED FY 2014 BUDGET - \$3,650,000</i>							
JULY	\$352,603	\$341,729	\$323,141	\$312,574	\$325,815	\$13,241	\$2,674
AUGUST	345,842	345,615	345,163	333,876	318,738	(15,138)	(26,425)
SEPTEMBER	329,379	325,754	318,915	308,486	317,324	8,838	(1,591)
OCTOBER	283,250	280,745	279,145	270,017	273,646	3,629	(5,499)
NOVEMBER	262,650	281,842	282,035	272,812	280,945	8,133	(1,090)
DECEMBER	341,053	325,287	330,714	319,900	348,750	28,850	18,036
JANUARY	388,100	344,439	346,399	335,072	374,541	39,469	28,142
FEBRUARY	350,799	322,546	342,839	331,628	372,254	40,626	29,415
MARCH	299,725	298,405	326,828	316,141	334,289	18,148	7,461
APRIL	284,770	271,034	320,253	309,781	306,485	(3,296)	(13,768)
MAY	266,190	266,883	262,832	254,237	272,343	18,106	9,511
TOTAL	\$3,504,361	\$3,404,279	\$3,478,264	\$3,364,525	\$3,525,130	\$160,605	\$46,866
COMMUNICATIONS SALES & USE TAX							
<i>ADOPTED FY 2014 BUDGET - \$3,462,621</i>							
JULY	\$301,373	\$349,339	\$293,358	\$288,552	\$286,999	(\$1,553)	(\$6,359)
AUGUST	344,401	294,910	291,560	288,552	284,691	(3,861)	(6,869)
SEPTEMBER	274,076	179,549	263,295	288,551	284,249	(4,302)	20,954
OCTOBER	299,531	309,437	319,011	288,552	288,830	278	(30,181)
NOVEMBER	292,735	284,123	300,665	288,552	284,176	(4,376)	(16,489)
DECEMBER	344,423	233,654	297,855	288,551	289,726	1,175	(8,129)
JANUARY	265,736	337,936	282,620	288,552	264,960	(23,592)	(17,660)
FEBRUARY	288,629	287,492	287,759	288,552	280,480	(8,072)	(7,279)
MARCH	300,235	302,278	299,333	288,551	288,500	(51)	(10,833)
APRIL	285,073	292,542	287,442	288,552	285,052	(3,500)	(2,390)
MAY	295,365	287,784	266,034	288,552	286,178	(2,374)	20,144
TOTAL	\$3,291,577	\$3,159,044	\$3,188,932	\$3,174,069	\$3,123,841	(\$50,228)	(\$65,091)

Comparison of Collections **Budget to Actual FY 2013 - FY 2014**

	Actual Assessed FY 2012	Actual Collected FY 2012 ¹	Actual Assessed FY 2013	Actual Collected FY 2013 ¹	Adopted FY 2014	Actual Assessed FY 2014	Actual Assessed FY 2014 to Adopted FY	Actual Collected FY 2014	Actual Collected FY 2014 to Adopted FY	Collected FY 2014 to Assessed FY 2014
MEALS TAX										
<i>ADOPTED FY 2014 BUDGET - \$11,785,000</i>										
JULY ²	\$889,917	\$889,135	\$943,431	\$1,044,556	\$917,109	\$950,875	\$33,766	\$1,159,786	\$242,677	\$208,911
AUGUST	960,082	962,761	1,042,850	1,026,544	1,013,754	1,062,943	49,189	1,024,718	10,964	(38,225)
SEPTEMBER	984,785	998,157	1,011,701	1,012,294	983,475	1,038,949	55,474	1,052,079	68,604	13,130
OCTOBER	999,289	994,851	1,006,966	1,003,032	978,872	1,026,731	47,859	958,359	(20,513)	(68,372)
NOVEMBER	916,955	898,157	964,775	868,692	937,858	1,000,780	62,922	1,064,385	126,527	63,605
DECEMBER	1,028,805	986,078	1,044,178	1,083,983	1,015,045	1,067,250	52,205	1,035,379	20,334	(31,871)
JANUARY	931,373	950,784	927,026	889,358	901,162	977,119	75,957	971,677	70,515	(5,442)
FEBRUARY	988,981	977,100	983,390	995,618	955,953	994,179	38,226	957,979	2,026	(36,200)
MARCH	1,079,018	1,073,364	1,092,759	1,091,421	1,062,271	1,131,402	69,131	1,142,746	80,475	11,344
APRIL	1,017,193	1,011,594	1,052,568	1,067,037	1,023,201	1,094,031	70,830	1,034,811	11,610	(59,220)
MAY ²	1,004,820	993,883	1,058,790	841,164	1,029,250	1,106,031	76,781	1,100,601	71,351	(5,430)
TOTAL	\$10,801,218	\$10,735,864	\$11,128,434	\$10,923,699	\$10,817,951	\$11,450,290	\$632,339	\$11,502,520	\$684,569	\$52,230
LODGING TAX										
<i>ADOPTED FY 2014 BUDGET - \$1,700,000</i>										
JULY ²	\$180,074	\$168,386	\$180,074	\$197,072	\$160,554	\$174,789	\$14,235	\$223,419	\$62,865	\$48,630
AUGUST ³	192,759	200,321	163,020	275,903	145,349	185,677	40,328	185,340	39,991	(337)
SEPTEMBER	156,383	159,891	160,661	157,680	143,245	181,706	38,461	204,758	61,513	23,052
OCTOBER	185,386	185,530	183,064	191,453	163,220	184,209	20,989	185,014	21,794	805
NOVEMBER	131,053	131,431	131,993	129,941	117,685	153,449	35,764	148,082	30,397	(5,367)
DECEMBER	108,029	92,483	112,277	113,067	100,106	123,501	23,395	126,077	25,971	2,576
JANUARY	122,636	115,790	134,471	129,578	119,894	132,869	12,975	125,716	5,822	(7,153)
FEBRUARY	136,278	130,805	136,660	136,660	121,846	136,497	14,651	139,851	18,005	3,354
MARCH	154,626	144,654	158,737	158,706	141,530	176,151	34,621	172,029	30,499	(4,122)
APRIL	146,380	149,258	161,422	161,391	143,924	170,566	26,642	171,590	27,666	1,024
MAY	187,057	177,282	193,883	193,290	172,866	226,865	53,999	225,048	52,182	(1,817)
TOTAL	\$1,700,661	\$1,655,831	\$1,716,262	\$1,844,741	\$1,530,219	\$1,846,279	\$316,060	\$1,906,924	\$376,705	\$60,645

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

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

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



July 3, 2014

Ms. Stephanie B. Suter, CPPO, CPPB
Procurement Manager
City of Lynchburg
900 Church St
Lynchburg, VA 24504-0000

Dear Stephanie:

On behalf of the Universal Public Procurement Certification Council (UPPCC), it is my privilege and honor to publicly name the City of Lynchburg as a 2014 recipient of the UPPCC Agency Certification Award in the Small Agency category. Together with the National Association of State Procurement Officials (NASPO) and NIGP: The Institute of Public Procurement we applaud your efforts. Congratulations!

As you may know, this award was created to formally recognize an agency's commitment to the value of certification in the public sector. Your organization is a fine example of what is becoming a strong indicator of success within state and local governments. This accomplishment speaks volumes of your agency's commitment and dedication to the profession and the skills and expertise that you bring to the public procurement industry.

The enclosed framed certificate should be displayed with pride as such an achievement brings increased credibility and recognition to your entity – an accomplishment that should be highly regarded by your elected officials and the citizenry that you serve.

The UPPCC now offers an even greater distinction for agencies like yours committed to professionalism in public purchasing. The "Sterling Agency Award" recognizes agencies that not only achieve The UPPCC Agency Certification Award status, but maintain it for three consecutive years. The "UPPCC Sterling Agency Award" is automatically issued to an agency once they reach their third year of Agency Certification Award status. Don't forget that the UPPCC Agency Certification Award is an annual award that you must apply for each year. For more information, please visit our website at www.uppcc.org.

Again, my sincere congratulations to the City of Lynchburg and the entire Procurement Division team for a job well done.

Sincerely,

David Gagan, CPPO
Chair, UPPCC Governing Board

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 2

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Introduction of New Executive Director of the James River Council on the Arts and Humanities and Director of Tourism**

RECOMMENDATION: Hear brief comments and welcome the new Executive Director of the James River Council on the Arts and Humanities and the City's new Director of Tourism.

SUMMARY: Cameo Hoyle, Executive Director of the James River Council on the Arts and Humanities began her part-time position in early July. Sergei Troubetzkoy, Director of Tourism began his work with the City on July 2nd.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Bonnie Svrcek, Deputy City Manager, 455-3987

ATTACHMENT(S): None

REVIEWED BY: bms

111K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Virginia First Cities Presentation**

RECOMMENDATION: No action required.

SUMMARY: Kelly Harris-Braxton, Executive Director of Virginia First Cities, and Jim Regimbal, of Fiscal Analytics, Ltd., will be present on Tuesday to discuss the work of Virginia First Cities and the financial state of the Commonwealth. Attached for background information is the 2014 Virginia First Cities Annual Report recently presented to the Board of Directors.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): 2014 VFC Annual Report to the Board

REVIEWED BY: lkp

105K



The State of Our Cities FY 2014
Report to the Board of Directors
June 2014

Executive Summary

- The Virginia First Cities Coalition (VFC) continues to provide studied solutions to city-specific problems and inequitable state policies and funding levels. While the Virginia First Cities Coalition has been successful in changing the debate and directing additional funds from limited state resources to priority programs -- such as at-risk student education funding, city street maintenance, and public transportation funding -- much more needs to be done.
- Across the country, city revitalization is occurring at a fast pace because the economic value and efficiency of cities is being re-discovered. Yet, in the Commonwealth, the higher demand for services in cities and lower relative state aid explains why tax rates are higher in the central cities than the surrounding counties. This places cities at a competitive disadvantage for economic development. Virginia First Cities localities continue to have significantly lower median household incomes, lower average owner-occupied property values, lower average levels of educational attainment, and significantly higher levels of fiscal stress than statewide averages.
- Ongoing VFC priorities include:
 - ✓ Helping remove barriers to city growth and economic vitality;
 - ✓ Closing the achievement gap for at-risk students;
 - ✓ Reducing the fiscal and service burden on cities from inadequate state aid given their demographics realities.
- In 2014, VFC was successful in continuing the recent momentum in several areas, including transportation, at-risk education, public safety and economic development policy.
- **Transportation.** Our efforts in transportation policy will benefit cities particularly by:
 - Ensuring a fair public transportation allocation policy (transit TSDAC funds) was adopted for new state operating and capital funds.
 - Successfully proposing legislation to the 2014 General Assembly to allow primary road *extensions* in cities to be eligible for new transportation funding. A VDOT application process is now available for cities to apply for primary extension rehabilitation.
- **At Risk Education Funding.** The Coalition should be given much credit for the increase in state at-risk education funds over the last 10 years – even through the recession when almost all other state aid programs to localities were cut.
 - In 2014, VFC built on its 2013 success in giving school divisions the option of extending their school year to target schools with an achievement gap. VFC successfully pushed for

\$2.4 million per year in new funding to help schools implement extended school year plans.

- As in prior years, VFC continues to champion the Virginia Pre-school Initiative (VPI) by working for reasonable eligibility rules and adequate per pupil payments from the state. During the 2014-16 budget development, new eligibility rule changes could mean fewer slots than were actually used in the previous year. VFC is working with its partners in pre-k policy to adopt a formula change that would ensure a school division receives no fewer VPI slots than were actually filled in the previous year.
- **Public Safety.** Coalition localities receive about 36 percent of state Aid to Police funding, or about \$62 million in FY 2014. VFC, along with the Virginia Municipal League, has worked to restore the statutory increases in funding due the program which have been suspended since FY 2008. Virginia First Cities also worked to ensure that the re-starting of the formula did not negatively impact our localities. In the original introduced 2014-16 budget, seven VFC localities would have had a reduction in funding despite the \$7.1 million increase in overall new revenue. This was due to updated crime and population statistics that would have reduced the VFC locality share of the total payment. Virginia First Cities was able to convince policymakers to apply the new formula only to the added funding; thereby ensuring every locality received an increase.
- Policy changes often do not occur immediately, but require continuing efforts. Over time, however, policy direction can and does change in our favor. Other funding initiatives sponsored by the VFC during the 2014 Session, but not adopted included:
 - **Education.** Increasing funding for reading/math specialists in all 485 schools (not just the 26 without accreditation) required to implement plans to narrow achievement gaps under Virginia's No Child Left Behind waiver.
 - **Juvenile Justice.** Increasing the amount of funding available for the Virginia Juvenile Community Crime Control Act (VJCCCA) by \$2.0 million per year. State funding has been reduced from \$30 million per year in FY 2002 to \$10.3 million. Adequate funding for VJCCCA is a critical component for reducing juvenile crime in Virginia and is a much cheaper alternative than institutional detention.
 - **Economic Development.** Provide \$1 million for Brownfield Restoration and Economic Development Assistance Fund. This Fund was last provided \$1 million GF in fiscal year 2012. That funding successfully jumpstarted 22 re-development projects across the state.

Introduction

The Virginia First Cities Coalition (VFC) is a group of sister cities that focuses on mutual policy concerns and advocates for the unique needs of core cities by concentrating on issues with a disproportionate impact on cities. The Coalition is proactive in providing studied solutions to city-specific problems, inequitable state policies, and funding levels. The role of the Coalition is to convince Virginia that it is in the best interests of the Commonwealth to implement policies that support and encourage urban health and revitalization.

With the beginning of the McAuliffe administration, new opportunities are appearing for Virginia First Cities. More people are realizing that the nascent trend towards city revitalization is occurring because the economic value and efficiency of cities is being re-discovered. To further this trend, there is common interest with the new administration and VFC Coalition in concentrating economic development efforts in cities; reducing the achievement gap for at-risk students and improving workforce training; providing better regional transportation links to central cities; improving health outcomes for low-income populations; and continuing to lower crime rates and improve public safety.

In their role as cultural and job centers, cities must maintain complex infrastructure and provide attractive public amenities, necessitating high levels of expenditures beyond the specific needs of their residents. Core cities are also where housing, health and welfare services, and public transportation are brought together to meet the needs of lower income families and the disadvantaged. Thus, a large number of people needing these services live in cities, resulting in higher levels of poverty and a weaker tax base than surrounding suburbs.

Even prior to the recession, Virginia cities received relatively little state aid in serving this dual role of economic engine and service provider for the poor. Since the recession, state aid has become scarcer for all localities. Most state programs supporting locally provided services are still lower than before the recession. The largest program – K-12 support – is only at the per pupil level of 2007, unadjusted for inflation. Furthermore, K-12 education state aid to localities is based on per student formulas and most core cities have been losing students. Other local budget needs that are critical to cities -- law enforcement, health and welfare, and public infrastructure -- receive relatively little state assistance and have also been reduced. This requires our central cities to have to rely on local “own-source” revenues in excess of surrounding jurisdictions despite the fact the tax base of the cities is narrow and weak. The higher demand for services and lower relative state aid explains why tax rates are higher in the central cities than the surrounding counties, placing cities at a competitive disadvantage for economic development.

% VFC Budget From State Funding	33.6%
VFC Avg Real Property Tax Rate	1.13
% Surrounding Counties Budget From State Funding	38.2%
Surrounding Counties Avg Real Property Tax Rate	0.72

(See footnote for list of surrounding counties¹)

While the Virginia First Cities Coalition has been very successful in changing the debate and directing additional funds from limited state resources to priority programs such as at-risk student education funding, city street maintenance, and public transportation funding, much more needs to be done. Virginia's education, transportation and economic development policies continue to favor suburban growth at the expense of urban redevelopment. The state's education aid formula and local ability-to-pay index (local composite index) are weighted towards localities that have high numbers of students relative to the overall population, and do not account for cities' high revenue effort and municipal spending burdens, or the difficulty of teaching concentrations of low-income students. Only six percent of state K-12 education aid is specifically devoted to at-risk student funding.

State transportation policy is also weighted toward suburbanizing development. VDOT reserves its highest priority for building and maintaining a commuter highway system. On the other hand, the cities are largely responsible for their own roads and for the public transportation systems necessary to serve their population. State aid formulas for city street maintenance assistance do not take into account the age, complexity and usage levels of older cities' streets. State aid for public transportation is insufficient, requiring significant local funding to operate, and provides little money for expansion. The same cities that are already squeezed for revenue are required to maintain a viable public transportation system.

Local land-use and state tax policies also encourage low-income housing concentrations in cities. Instead of state policies that encourage urban rehabilitation and middle class housing in cities, state policies encourage development trends in suburbs. The result is expensive new suburban infrastructure demands, ever-increasing vehicle-miles traveled, and state and local budget pressures in education and transportation. It is clear that the economic and fiscal health of our state is intertwined with the economic and fiscal health of our cities and urban areas. State policies must be modernized if Virginia is going to remain an attractive place to live and work.

¹ Surrounding counties include Albemarle, Augusta, Bedford, Campbell, Chesterfield, Frederick, Henrico, Henry, James City, Prince George, Roanoke, York

Economic and Financial Condition of VFC Localities

The most recent comparative financial information from the U.S. Census Bureau and Commission on Local Government Fiscal Stress Index reveal VFC localities with significantly lower median household incomes, lower average owner-occupied property values, lower average levels of educational attainment, and significantly higher levels of fiscal stress than statewide averages.

	2012 Median Household Income	Median Owner- Occupied House Value	Bachelor's Degree or Higher	FY 12 CLG Fiscal Stress Rank
CHARLOTTESVILLE	\$41,031	\$286,400	48.1%	39
HAMPTON	\$47,206	\$197,300	22.6%	19
HOPEWELL	\$39,315	\$141,600	10.1%	14
LYNCHBURG	\$37,402	\$147,100	30.7%	5
MARTINSVILLE	\$29,550	\$88,300	17.9%	4
NEWPORT NEWS	\$46,794	\$205,800	23.9%	16
NORFOLK	\$41,880	\$210,100	25.4%	12
PETERSBURG	\$33,280	\$120,700	14.3%	3
PORTSMOUTH	\$41,699	\$183,600	19.0%	11
RICHMOND CITY	\$37,933	\$198,500	33.8%	21
ROANOKE CITY	\$37,800	\$134,300	22.9%	15
STAUNTON	\$40,379	\$171,900	29.8%	24
WINCHESTER	<u>\$42,305</u>	<u>\$241,900</u>	<u>29.5%</u>	<u>36</u>
VFC Average	\$39,736	\$179,038	25.2%	17
State	\$63,636	\$249,700	34.7%	

Source: U.S. Census Bureau, State and County Quick Facts

Over the last year, Virginia First Cities' economic growth has trailed the anemic growth of the Commonwealth as a whole. Employment, wages, and taxable sales growth have been less than statewide growth over the past year. Unemployment rates remain 1.2 percent above the statewide average. These economic statistics reveal the continuing necessity of VFC efforts to convince state policymakers to place a much higher priority on core urban revitalization efforts.

March 2014	<u>VFC</u>	<u>State</u>
Annualized Employment Growth	-0.1%	0.5%
Unemployment Rate	6.5%	5.3%
Annualized Wage Growth	1.4%	1.6%
Taxable Sales Growth (2013)	1.0%	1.4%

Source: Virginia Employment Commission, VA Tax Department

Ongoing VFC Priorities

Help Remove Barriers to City Growth and Economic Vitality: Cities often have to make significant expenditures before economic development can take place. Blighted land, old infrastructure and environmental issues need to be addressed. Lack of developable land and site assembly for larger projects can be difficult. Job opportunities for city residents are often in the surrounding suburbs. What should the state do? Expand the Brownfield Revitalization program to include site assessment and clean-up assistance. Adequately fund the Derelict Structures program. Entice more qualified businesses to locate in cities using the Governor's Opportunity Fund. Use Virginia Housing Development Authority and other Virginia Economic Development Partnership programs to strengthen housing and economic development efforts in cities. Fully fund the business incentives in the Enterprise Zone program to realize the full power of the program to renew urban areas in need of revitalization. Ensure public transportation can reach all major regional employment centers. Meaningfully extend affordable housing beyond the city boundary to help reduce concentrated poverty in cities.

Close the Achievement Gap for At-Risk Students: The Standards of Quality and the local composite index ability-to-pay measure do not explicitly recognize the additional costs of educating at-risk students. At-risk student education funding comprises only about 6 percent of total state public education aid. Virginia First Cities' localities have 56 percent of their students free or reduced lunch qualified, or 30 percent of the statewide total. Research consistently shows a direct link between SOL test scores and poverty and confirms that it takes significantly more funding to adequately educate at-risk students. Additional state support is needed to prepare at-risk four-year olds for school, attract and retain quality teachers in central cities, reduce class sizes, and fund remediation, mentoring, and adult education efforts.

	<u>VFC Number</u>	<u>Share of State</u>
Population	1,216,768	14.9%
K-12 ADM	154,732	12.6%
Free Lunch Program	96,714	23.4%

Reduce the Fiscal and Service Burden on Cities: State aid to cities is inadequate given their demographics realities. This includes disproportionately low state aid for public safety to cities even though violent crime rates and other public safety issues are much greater than suburban and rural localities. Cities and counties with police departments receive 10 percent of their total public safety budgets from the state mainly through HB 599 funding, while counties without police departments receive about 30 percent of their total public safety budgets from the state mainly through Compensation Board payments for sheriffs. Other examples of inadequate state aid include cities having to provide local funds to operate necessary public transportation services. In FY 2013, over 30 percent of total public transportation operating funds (\$260 mil.) had to be supplied from local general fund sources. Significant local funding is also necessary to maintain city streets and infrastructure. Virginia First Cities consistently provide about 30 percent of the total funding to maintain their local roads. Local match funding for human services, such as CSA and Auxiliary Grant beds, also fall disproportionately on cities.

Virginia First Cities taxpayers also have a greater percentage of their income tax returns in lower tax brackets than the statewide average (See Appendix). Despite a few small changes in 2004, Virginia's income tax deductions, exemptions and bracket levels have changed little over the last 30 years. Virginia should continue to strengthen its low-income tax credit and help ensure all Virginians who qualify receive their federal Earned Income Tax Credits.

Percentage of State Aid Programs Received by VFC Localities

	<u>VFC Amount</u>	<u>VFC % of State</u>
Total K-12 State Aid	\$929,356,842	15.5%
Major K-12 At-Risk Programs	\$92,822,548	33.0%
Street Maintenance Payments	\$132,510,000	39.7%
HB 599 Aid to Police	\$62,201,545	36.1%
CSA Non-Medicaid State Pool Fund	\$32,693,618	23.8%
Juvenile Justice VJCCCA	\$3,157,244	30.4%

2014 General Assembly Session Issues

In any given year, VFC focuses on issues that have the greatest chance of success to further our long-term goals. We also present policies that are important to our membership that may require additional time, strategic partnerships and advocacy to make them more viable to a majority of legislators.

Virginia First Cities Transportation Efforts a Success

In 2014, VFC worked hard and was successful in continuing the recent momentum in transportation policy. With enactment of new transportation revenues in HB 2313 during the 2013 Session, transportation funding *allocation* policy was a major theme during this year. The Coalition was very involved in ensuring a fair public transportation allocation policy was put in place through deliberations and recommendations of the Transit Service Delivery Advisory Committee in 2013. We helped ensure a fair allocation of new state operating and capital funds were adopted by the Commonwealth Transportation Board (CTB).

Virginia First Cities also discovered that a new CTB allocation formula intending to help reconstruct deficient primary roads excluded eligibility for primary road *extensions* in cities. While this may have been an inadvertent oversight when drafting the new formula, it is important that primary extensions be eligible for this new funding. Primary extensions carry 27 percent of the state primary road traffic with only 11 percent of the lane miles. The Coalition proposed successful legislation to the 2014 General Assembly through its sponsors Delegate Thomas Rust and Senator Frank Wagner to correct this error. VDOT has now proposed an application process to the Commonwealth Transportation Board for cities to apply for primary extension rehabilitation funding. This fix will provide over \$70 million dollars in the transportation six-year plan in additional resources for maintaining city primary extensions.

Virginia First Cities also continues to focus on other city street maintenance funding and issues. With the influx of new transportation revenues resulting from HB 2313 beginning in FY 2014, The Coalition continues to stress to state policymakers that the state's highest priority is to maintain existing infrastructure – including city streets. The Coalition was successful in the early 2000's in ensuring street maintenance payments are at least at the level of growth in VDOT road maintenance budgets. These benefits continue today due to the Coalition's commitment and advocacy. However, cities still must spend about 30 percent more on basic street maintenance activities than funding received from the state. Cities also have to put significant dollars into road construction and public transportation. This transportation spending is a heavy burden on already stressed local budgets. The Coalition believes it is making headway with the new administration to provide additional state assistance for local roads and public transportation.

Virginia First Cities Advocates to Close the Education Achievement Gap

Finding policies to help close the achievement gap for at-risk students is always high on the Virginia First Cities priority list. The Coalition should be given a great deal of credit for the increase in state at-risk funds over the last 10 years – even through the recession when almost all other state aid programs to localities were cut.

	FY 2009-14 % Growth in Funding	VFC Share of State Funding
VPI (Pre-School)	17.3%	40.3%
At-Risk Add-on	17.6%	34.3%
K-3 Class Size Reduction	16.1%	32.7%
Early Reading Initiative	12.5%	19.6%

This year VFC wanted to build on its success in giving school divisions the option of extending their school year as recommended by a JLARC study in 2012. In the 2013 Session, VFC helped initiate planning grants for schools that wanted to investigate whether to establish extended school year schedules. In the 2014 Session, VFC successfully pushed for \$2.4 million per year in new funding to help schools implement extended school year plans.

In prior years, VFC has championed the Virginia Pre-school Initiative (VPI) by working for reasonable eligibility rules and adequate per pupil payments from the state. For example, VPI state per pupil payments were increased over the last decade from \$5,400 to \$6,000. This is still well below the \$7,900 per pupil paid for the federal Head Start program. The number of eligible slots per school division was modified in the 2012-14 biennium by using public school kindergarten counts as a proxy for 4-year olds. Since this change dramatically reduced the number of eligible slots in some divisions, an initial hold harmless on eligible slots was put in place for the 2012-14 biennium. During the 2014-16 budget development, the hold harmless was removed. VFC is working to adopt a formula change that would ensure a school division receives no fewer VPI slots than were actually filled in the previous year. At the time of this writing, the Senate and McAuliffe administration have adopted this position.

Aid to Localities With Police Departments Benefit From VFC Efforts

VFC localities receive about 36 percent of state Aid to Police funding, or about \$62 million in FY 2014. VFC, along with the Virginia Municipal League, has worked to restore the statutory increases in funding due the program which have been suspended since FY 2008. Even though the budget has not been formally adopted for the 2014-16 biennium as of the date of this

document, it appears all parties are now in agreement to increase total funding by \$7.1 million the first year and \$14.2 million the second year. In addition, VFC worked to ensure that the re-starting of the formula did not negatively impact our localities. In the original introduced budget seven VFC localities would have had a reduction in funding despite the \$7.1 million increase in overall new revenue. This was due to updated crime and population statistics that would have reduced the VFC locality share of the total payment. VFC was able to convince policymakers to apply the new formula only to the new added funding.

Other 2014 Session Efforts

Virginia First Cities advocates for policies that affect our members. Every effort for a policy change is not immediately successful. Over time however, policy direction can and does change in our favor. Other budget amendments that were submitted by the Coalition during the 2014 Session, but were not adopted included:

- An amendment to increase the amount of funding available for the reading specialist initiative by \$1.0 million per year. Eligibility for the funding is available to any school with a pass rate of under 80 percent on the 3rd grade reading SOL. The introduced budget provided \$1.48 million each year for a reading specialist at schools with a 3rd grade pass rate of less than 75 percent on the reading SOL test. The Virginia Board of Education has recommended a Standard of Quality of one reading specialist for every 1,000 students in K-12. The state cost of this recommendation is \$51 million per year. This recommendation has gone unfunded by the General Assembly. The Joint Legislative Audit and Review Committee (JLARC) completed a study in September 2011 on “Strategies to Promote Third Grade Reading Performance in Virginia”. JLARC found that student pass rates on the third grade reading Standards of Learning test fall short of the State's aspirational goal of a 95 percent statewide pass rate. Socioeconomic factors such as economic status, disability, and race have a considerable impact on pass rates. Key strategies to improve scores include literacy coaches, reading specialists, and additional staff to assist in the classroom.
- An amendment to increase the amount of funding available for the instructional specialist initiative by \$32.4 million per year. This amendment would provide state support for a reading/math specialist in all 485 schools required to implement plans to narrow achievement gaps under the Virginia NCLB waiver. The introduced budget provides \$1.83 million each year for a reading or math specialists at 26 chronically underperforming schools denied accreditation or accredited with warning for the third consecutive year.
- An amendment to increase the amount of funding available for the Virginia Juvenile Community Crime Control Act (VJCCCA) by \$2.0 million per year. State funding has been reduced from \$30 million per year in FY 2002 to \$10.3 million currently. These reductions

have put a tremendous strain on local resources to continue a very successful program. In 1995, the Virginia General Assembly passed the Virginia Juvenile Community Crime Control Act (VJCCCA) "to establish a community-based system of progressive intensive sanctions and services that correspond to the severity of offense and treatment needs." The purpose of the VJCCCA is "to deter crime by providing immediate, effective punishment that emphasizes accountability of the juvenile offender for his actions as well as reduces the pattern of repeat offending". Adequate funding for VJCCCA is a critical component for reducing juvenile crime in Virginia and is a much cheaper alternative than institutional detention. VJCCCA is meant to:

- Be a community-based system that allows local autonomy and flexibility in addressing juvenile crime;
 - Correspond with the severity of the offense and treatment needs; encourage communities to develop, implement, operate and evaluate programs and services responsive to juvenile offender needs and crime trends in their community;
 - Provide an adequate level of services available to every Juvenile and Domestic Relations District Court and give judges additional alternative sentencing options;
 - Encourage public and private partnership in the design and delivery of services;
 - Emphasize parental responsibility, through services that hold juveniles and families accountable for their behavior.
- An amendment to provide \$1 million in the first year for Brownfield Restoration and Economic Development Assistance Fund. This Fund was last provided \$1 million GF in fiscal year 2012. That funding successfully jumpstarted 22 re-development projects across the state. There is strong interest by developers in additional monies to leverage new brownfield cleanup projects. For a relatively small sum of additional public money, there would be millions of dollars of private sector capital reinvestment in locations that already have the utilities and infrastructure in place, thus reducing sprawl, and contributing to a better environment. This is just the type of smart growth Virginia needs to encourage.

Virginia First Cities Leadership

Virginia First Cities' board of directors consists of the city manager and an elected city official from each City Council. We are 13 cities strong and growing. For the past two years, George Wallace, mayor of the City of Hampton, has served as chair for our coalition and we thank him for his leadership, dedication and support. George Wallace was a founding member of VFC and played an important role in its creation.



George Wallace, VFC Chair

Vice Chairman Bruce Elder, city councilman for the City of Staunton has also been a stalwart for the Coalition. He will not run for City Council in Staunton and will be ineligible to serve. We wish Bruce Elder the best as he recovers from a serious illness.

Other members of the Executive Committee include:

The Honorable Ellen F. Robertson, Vice President of Council, City of Richmond

The Honorable Kristin Szakos, Vice Mayor, City of Charlottesville

Mr. Kimball Payne, City Manager, City of Lynchburg

Mr. William E. Johnson III, City Manager, City of Petersburg

Mr. Chris Morrill, City Manager, City of Roanoke

VFC Long- Time Legislative Director Retires

Virginia First Cities will lose an important team member as Linda McMinimy, long-time legislative director for the Coalition, retires. Ms. McMinimy has been a strong advocate for cities in this role and others for many years. Her insight, dedication and effective advocacy will be missed.



(From left to right: Jim Regimbal, Fiscal Analytics; Jamie Crawford, Program Coordinator; Linda McMinimy, Legislative Director; Kelly Harris-Braxton, Executive Director)

New Membership Opportunities for VFC

VFC welcomes new members consistent with the underlying demographics of its charter. The following is a list of cities that have at least some of the characteristics of existing VFC members.

	Population	% Free Lunch	2012 Median Household Income	FY 12 CLG Fiscal Stress Rank
Alexandria	151,218	49.1%	\$80,942	125
Bristol City	17,728	57.7%	\$31,973	9
Buena Vista	6,836	42.0%	\$36,289	7
Covington	6,259	45.9%	\$36,566	3
Danville*	42,912	70.1%	\$30,588	10
Emporia	6,170	63.7%	\$32,225	2
Franklin City	8,655	70.1%	\$36,078	8
Fredericksburg*	27,945	49.0%	\$47,297	46
Galax	7,052	58.3%	\$33,191	6
Harrisonburg*	52,127	64.2%	\$35,489	17
Norton	4,057	52.5%	\$33,234	18
Radford	17,139	38.7%	\$37,440	13
Salem	25,274	25.5%	\$47,760	25
Suffolk	87,831	38.7%	\$61,778	59
Waynesboro	21,015	<u>49.7%</u>	<u>\$43,883</u>	<u>33</u>
VFC average		59.6%	\$39,736	17
State Avg		34.5%	\$63,636	

*Former VFC members

Appendices

A. VFC Employment and Job Growth

(Growth in employment and wages has been slower in VFC localities over the past year than the state as a whole)

	3rd Q 2013 Employment	3rd Q 2013 Wages	3rd Q 2012 Employment	3rd Q 2012 Wages		% Growth Employ	% Growth Wages
C'VILLE	36,000	400,783,722	35,475	384,087,607		1.5%	4.3%
HAMPTON	53,959	575,422,063	55,293	595,392,123		-2.4%	-3.4%
HOPEWELL	7,937	93,433,535	7,780	94,731,093		2.0%	-1.4%
LYNCHBURG	50,397	504,710,578	50,639	497,308,704		-0.5%	1.5%
MARTINSVILLE	10,291	75,367,278	11,276	80,789,912		-8.7%	-6.7%
NEWPORT NEWS	97,005	1,142,195,823	95,662	1,083,307,842		1.4%	5.4%
NORFOLK	136,187	1,602,959,984	136,919	1,614,630,162		-0.5%	-0.7%
PETERSBURG	13,057	124,941,369	13,567	122,839,593		-3.8%	1.7%
PORTSMOUTH	44,186	529,261,184	43,196	523,176,949		2.3%	1.2%
RICHMOND CITY	147,817	1,962,324,097	148,228	1,925,771,760		-0.3%	1.9%
ROANOKE CITY	66,865	687,416,083	65,903	663,905,194		1.5%	3.5%
STAUNTON	11,070	86,336,689	11,290	86,843,438		-1.9%	-0.6%
WINCHESTER	<u>24,624</u>	<u>269,158,000</u>	<u>25,125</u>	<u>267,918,198</u>		-2.0%	0.5%
Total VFC	699,395	8,054,310,405	700,353	7,940,702,575		-0.1%	1.4%
Total State	3,640,716	45,943,010,430	3,622,077	45,206,410,729		0.5%	1.6%
VFC % of State	19.2%	17.5%	19.3%	17.6%			

B. VFC Individual State Income Taxes

TY 2011 Percent of State Individual Income Taxes

(VFC localities have a smaller share of total income and income tax liability and a much smaller share of the state's high income earners than their share of population)

	2013 Est. Population	Over \$100,000 Adj. Gross Inc.	Total Adj. Gross Inc.	Total Income Tax Liability
Charlottesville	0.56%	0.54%	0.52%	0.55%
Hampton	1.68%	0.53%	0.99%	0.87%
Hopewell	0.27%	0.04%	0.14%	0.11%
Lynchburg	0.94%	0.40%	0.56%	0.52%
Martinsville	0.17%	0.06%	0.09%	0.08%
Newport News	2.22%	0.73%	1.33%	1.19%
Norfolk	2.98%	1.03%	1.56%	1.41%
Petersburg	0.40%	0.05%	0.18%	0.14%
Portsmouth	1.17%	0.30%	0.67%	0.58%
Richmond	2.56%	1.87%	2.02%	2.03%
Roanoke	1.20%	0.46%	0.75%	0.69%
Staunton	0.30%	0.10%	0.20%	0.17%
Winchester	0.33%	<u>0.21%</u>	<u>0.26%</u>	<u>0.25%</u>
Virginia First Cities	14.78%	6.33%	9.28%	8.60%
All Cities	30.74%	19.38%	23.65%	22.66%
Counties	69.26%	78.26%	74.01%	74.74%
Unassigned		2.36%	2.34%	2.60%

C. Taxable Sales

(VFC localities have a slightly higher share of taxable sales than their share of population)

	2013 Taxable Sales	2012 Taxable Sales	% Growth Sales
C'VILLE	910,847,462	888,479,815	2.5%
HAMPTON	1,341,696,078	1,310,456,652	2.4%
HOPEWELL	168,620,446	170,041,643	-0.8%
LYNCHBURG	1,240,113,906	1,217,552,914	1.9%
MARTINSVILLE	148,068,391	150,672,854	-1.7%
NEWPORT NEWS	2,061,726,939	1,992,553,878	3.5%
NORFOLK	2,635,223,970	2,646,234,819	-0.4%
PETERSBURG	285,860,538	298,201,261	-4.1%
PORTSMOUTH	603,127,114	594,918,146	1.4%
RICHMOND CITY	2,357,213,207	2,401,304,200	-1.8%
ROANOKE CITY	1,746,710,461	1,732,017,118	0.8%
STAUNTON	338,455,500	330,992,440	2.3%
WINCHESTER	<u>767,114,146</u>	<u>733,372,023</u>	4.6%
Total VFC	14,604,778,158	14,466,797,763	1.0%
Total State	94,597,893,918	93,335,660,137	1.4%
VFC % of State	15.4%	15.5%	

D. Growth in FY 2013 VFC Local Tax Revenues

	<u>Total</u>	<u>Real</u> <u>Property</u>	<u>Personal</u> <u>Property</u>	<u>Local</u> <u>Sales</u>	<u>BPOL</u>	<u>M&T</u>	<u>Meals</u>	<u>All Other</u>
CHARLOTTESVILLE	-0.6%	-0.8%	10.2%	-0.9%	6.0%	18612.9%	9.8%	-5.5%
HAMPTON	0.5%	-2.8%	4.3%	2.0%	-2.3%	2.8%	14.5%	1.6%
HOPEWELL	10.8%	5.4%	12.3%	3.5%	10.9%	38.0%	1.6%	9.7%
LYNCHBURG	7.4%	7.3%	8.2%	1.1%	3.2%	-6.4%	2.2%	11.8%
MARTINSVILLE	0.1%	1.5%	1.9%	-0.3%	2.9%	-3.0%	8.2%	-2.9%
NEWPORT NEWS	1.2%	-4.7%	10.2%	4.1%	0.6%	3.1%	17.2%	3.5%
NORFOLK	-1.4%	-2.5%	-4.4%	7.6%	2.2%	2.9%	1.8%	-2.1%
PETERSBURG	3.6%	2.9%	-4.7%	-0.5%	-1.9%	-2.1%	41.9%	6.5%
PORTSMOUTH	-3.2%	-1.5%	3.6%	4.9%	6.2%	-3.7%	3.9%	-10.4%
RICHMOND CITY	not available at time of publication							
ROANOKE CITY	-1.1%	-1.2%	-2.3%	1.5%	2.6%	3.2%	-25.2%	5.0%
STAUNTON	1.5%	2.7%	36.5%	3.9%	4.0%	70.8%	5.1%	-10.0%
WINCHESTER	3.8%	5.3%	-1.6%	2.7%	0.8%	4.8%	3.0%	6.7%

E. VFC Real Property Tax Rates

Real Property Tax Rates				
	<u>CY 2006</u>	<u>CY 11/FY 12</u>	<u>CY 12/FY 13</u>	<u>CY 13/FY 14</u>
CHARLOTTESVILLE	0.99	0.95	0.95	0.95
HAMPTON	1.20	1.04	1.04	1.24
HOPEWELL	1.20	0.99	1.02	1.08
LYNCHBURG	1.11	1.05	1.11	1.11
MARTINSVILLE	1.08	1.02	1.02	1.06
NEWPORT NEWS	1.20	1.10	1.10	1.22
NORFOLK	1.27	1.11	1.11	1.11
PETERSBURG	1.38	1.35	1.35	1.35
PORTSMOUTH	1.44	1.24	1.24	1.24
RICHMOND CITY	1.29	1.20	1.20	1.20
ROANOKE CITY	1.21	1.19	1.19	1.19
STAUNTON	0.96	0.90	0.90	0.95
WINCHESTER	0.69	0.86	0.95	0.95

F. VFC Local Composite Index (LCI) - State Education Factor for Funding

Change in the 2014-16 Local Composite Index for School Divisions

	<u>Actual 2014-16</u>	<u>Actual 2012-14</u>	<u>Change</u>
CHARLOTTESVILLE	0.6680	.6861	(0.0181)
HAMPTON	0.2949	.2912	0.0037
HOPEWELL	0.2298	.2376	(0.0078)
LYNCHBURG	0.3679	.3727	(0.0048)
MARTINSVILLE	0.2221	.2175	0.0046
NEWPORT NEWS	0.2907	.2934	(0.0027)
NORFOLK	0.3122	.3102	0.0020
PETERSBURG	0.2473	.2516	(0.0043)
PORTSMOUTH	0.2677	.2755	(0.0078)
RICHMOND CITY	0.4635	.4779	(0.0144)
ROANOKE CITY	0.3591	.3728	(0.0137)
STAUNTON	0.3922	.3987	(0.0065)
WINCHESTER	0.4374	.4645	(0.0271)

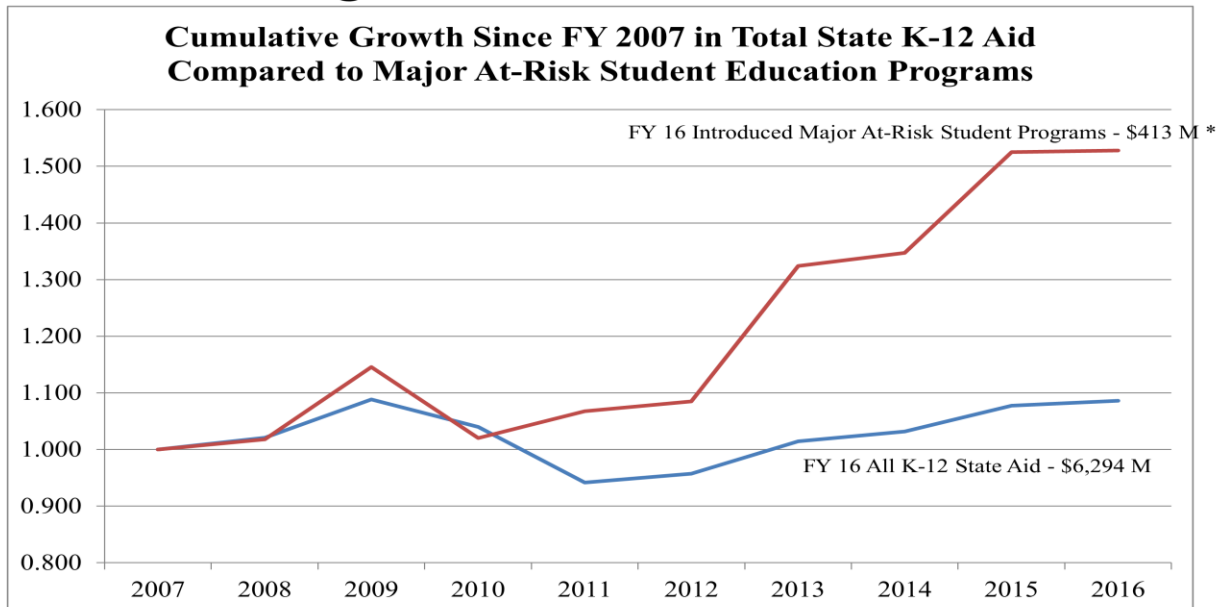
G. FY 2014 K-12 Education Funding

(VFC localities have a smaller share of K-12 students, but due to a much higher share of state at-risk student funding and relatively low local composite indexes, receive a larger proportion of state aid to K-12)

	<u>ADM</u>	<u>Total K-12 State Aid</u>	<u>Major K-12 At-Risk Programs*</u>	<u>At-Risk % of Total</u>
C'VILLE	3,946	16,963,653	1,130,387	6.66%
HAMPTON	20,221	123,832,445	8,569,756	6.92%
HOPEWELL	3,808	24,559,858	2,988,966	12.17%
LYNCHBURG	8,113	45,479,945	4,309,200	9.47%
MARTINSVILLE	2,111	13,862,152	1,622,310	11.70%
NEWPORT NEWS	27,292	166,445,203	14,691,862	8.83%
NORFOLK	29,821	185,931,162	21,522,371	11.58%
PETERSBURG	4,001	28,263,828	3,903,994	13.81%
PORTSMOUTH	14,253	89,510,066	9,073,578	10.14%
RICHMOND CITY	21,796	124,261,636	14,135,196	11.38%
ROANOKE CITY	12,623	72,939,141	7,994,523	10.96%
STAUNTON	2,530	16,684,992	1,041,509	6.24%
WINCHESTER	<u>4,217</u>	<u>20,622,761</u>	<u>1,658,339</u>	<u>8.04%</u>
Total VFC	154,732	929,356,842	92,641,991	9.97%
Total State	1,228,510	\$5,982,235,385	\$281,306,864	4.70%
VFC % of State	12.60%	15.54%	32.93%	
* Includes: At Risk Add-on, Va Pre-school, K-3 Class Size, SOL Algebra, Early Reading				

H. At- Risk Education Funding Growing Faster than Overall Aid

State At-Risk Student Education Aid Growing Faster Than Overall Aid

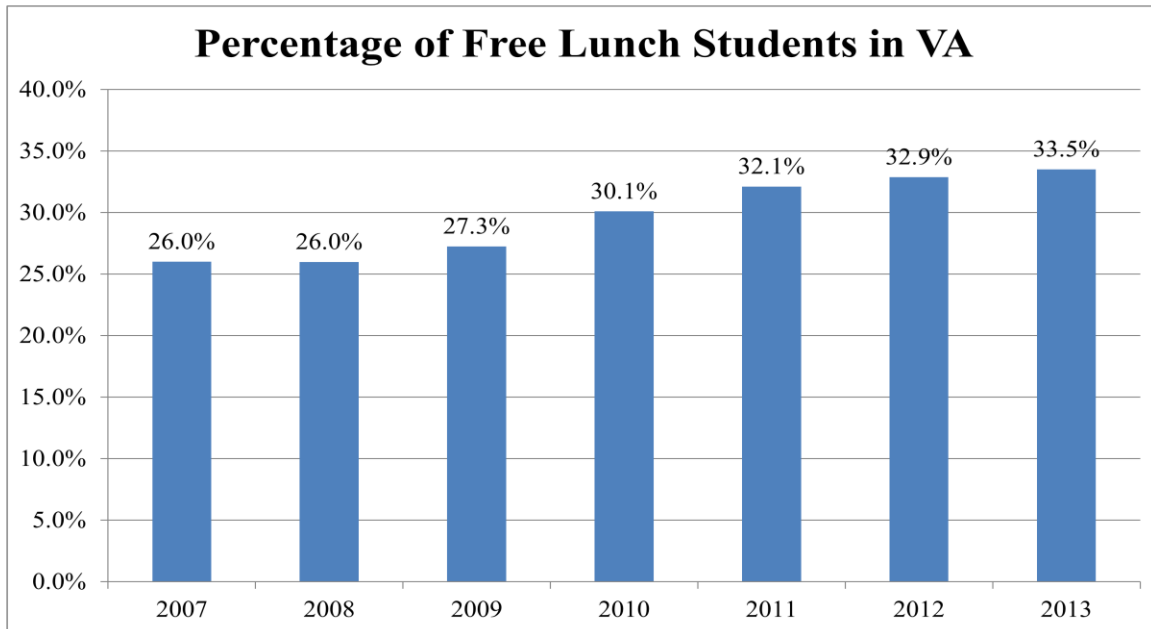


*Includes state funds for SOQ Prevention, Intervention, Remediation, and Lottery-funded At-Risk, K-3 Class Size, VPI, Algebra Readiness, Early Reading programs

22

I. At-Risk Students have Increased Statewide

...Partly as a Result of Increases
in At-Risk Students



23

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **City Council Fall Strategic Planning Session**

RECOMMENDATION: Provide feedback on a date for a fall Strategic Planning Session (a.k.a. retreat) and topics of interest.

SUMMARY: This is the time to plan for Council's annual strategic planning session, which has been typically held in the September/October timeframe. After a discussion with the Mayor and Vice Mayor, the date of Monday, September 29th, from noon until 5:00 p.m. has been suggested. Alternate dates, also in the afternoon, are Friday, September 19th, Monday, September 22nd, or Thursday, October 2nd.

There are a number of topics that could be addressed during the planning session including: the twelve strategic pillars and related activities, the Capital Improvement Plan, a preliminary view of the FY 2016 Budget environment, team building, and senior staff succession. Council members may have additional topics for consideration.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990; Bonnie Svrcek, 455-3990

ATTACHMENT(S): None

REVIEWED BY: lkp

109K

Agenda Item #7

056

June 10, 2014

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of June, 2014, 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

// Director of Financial Services Donna Witt gave an overview of the Bond Sale. Ms. Witt stated that the Bond sale was very successful. The City sold \$115.2 million of Bonds at a premium of 3.44%. Ms. Witt further stated that the Bond Sale would close on July 10, 2014.

// During roll call Council Member Nelson mentioned he had received several complaints regarding the trash can decals and the new blue trash bags.

// Council Member Cary mentioned the same, concerning the trash can decals and the new blue trash bags. He also mentioned the grass at 2544 Hawthorne Road has been cut. He announced the Volunteer Night at the Lynchburg City Stadium was very well attended.

// Council Member Foster also mentioned she had heard from several constituents regarding the trash can decals and the new blue trash bags.

// Council Member Helgeson stated that the welcome event held for the Veterans celebrating the 70th Anniversary of D-Day at Normandy was well attended and the Veterans truly enjoyed the welcome celebration.

// Vice Mayor Johnson mentioned that the grass still has not been cut on the vacant lot on Jackson Street next door to Mr. John Hughes, III. He also mentioned the new exhibit at the Lynchburg Museum – Experience the James is an outstanding exhibit and encouraged everyone to visit the museum.

// Mayor Gillette stated he has challenged Roanoke City Mayor David Bowers in the Rachel Ray Challenge to save 1,000 animals this summer. If Roanoke Mayor Bowers loses then he will publicly congratulate Lynchburg at a council meeting and vice versa. The Humane Society will be eligible to win between \$5,000 and \$100,000, Mayor Gillette challenged the citizens of Lynchburg to adopt a pet from the Humane Society this summer.

// On motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., to choose which candidates to interview from among those interested in serving on the Lynchburg School Board, pursuant to Section 2.2-3711(A)(1) 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 Council Member Cary, and Council by the following recorded vote adopted the motion:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette	7
Noes:	0

// City Council recessed the meeting at 5:47 p.m.

// 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 Perrow gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Gillette presented a Certificate of Recognition on the 100th Anniversary of the Virginia Cooperative Extension.

// Mayor Gillette and City Manager Kimball Payne recognized Bonnie Svrcek, Deputy City Manager, for 15 years of service with the City of Lynchburg.

// Copies of the minutes of the May 13, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Foster, 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 May 27, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Foster, 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 - Zoning Amendments, a public hearing was held regarding City Council Report #6 outlining the petition of Robert Crocker to rezone approximately three and twenty-four hundredths (3.24) acres at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces. Kevin Henry, Planner II, gave a summary of the request on this item. Acorn Hill representative Mr. Robert D. Crocker asked Council to approve the rezoning petition. One individual spoke in opposition to this rezoning petition. There was no one else present who wished to speak to this

item, and the public hearing was closed. After Council discussion on this item several concerns were raised, it would be directly in the neighborhood, and the traffic would be a problem in this area. Council had several options to consider: table the item, send it back to the Planning Committee or deny the petition. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote denied the Ordinance:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette	7
Noes:	0

The motion was denied but can come back in less than a year.

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #7 on the petition of Pinnacle Properties to vacate a portion of right-of-way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park. The area is approximately two hundred seventy-four thousandths (0.274) of an acre and runs six hundred nineteen and a half (619.5) feet along Tomahawk Industrial Park. Kevin Henry, Planner II, gave a summary of the petition of Pinnacle Properties to vacate a portion of right-of-way. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before the PDC and they recommended forwarding this item to Council. This motion does not require a second, and Council by the following recorded vote adopted Ordinance #O-14-067, as presented, vacating a portion of right-of-way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette	7
Noes:	0

// In the matter of Economic Development – General, a public hearing was held regarding City Council Report #8 on the incentive amendments to Virginia Enterprise Zone #2 and #46. Director of Economic Development Marjette Upshur gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-14-068, as presented, for incentive amendments to Virginia Enterprise Zones #2 and #46:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette	7
Noes:	0

On motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #O-14-069, as presented, to amend and reenact Section 36-126.19 of the City Code, relating to incentives for the City's Enterprise and Technology Zones:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette	7
Noes:	0

// In the matter of City Code, a public hearing was held regarding City Council Report #9 on the consideration of amending the definitions, scope, permit requirements, technical criteria, plan requirements, plan approvals, facility maintenance, enforcement and appeals provisions and establish fees for the Stormwater Management Ordinance (Chapter 16.2) to comply with mandates of the Virginia

Stormwater Management Act. Director of Community Development Kent White gave a summary of the Virginia Stormwater Management Act. There was no one else present who wished to speak to this item, and the public hearing was closed. After Council discussion, Council Member Helgeson stated the mandates would be a heavy burden on the taxpayers and he would not be voting to approve the Virginia Stormwater Management Act. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #O-14-070, as presented, amending the definitions, scope, permit requirements, technical criteria, plan requirements, plan approvals, facility maintenance, enforcement and appeals provisions and establish fees for the Stormwater Management Ordinance (Chapter 16.2) to comply with mandates of the Virginia Stormwater Management Act:

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

Noes: Helgeson 1

// In the matter of Community Development – Zoning, City Council Report #10 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-14-071, as presented, denying the Conditional Use Permit (CUP) to AT&T to allow a one hundred thirty-five (135) foot monopine and associated equipment cabinets at 1721 Langhorne Road in an R-1, Low Density, Single Family Residential District:

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

Noes: Helgeson 1

// In the matter of Human Services – General, City Council Report #11 was considered. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-072, as presented, amending the FY 2014 City/Federal/State Aid Fund budget and appropriating \$139,332 with resources from the Virginia Commonwealth University (VCU) Strategic Prevention Framework State Incentive Grant (SPF-SIG) to help reduce the number of alcohol-related vehicle crashes involving drivers who are between 15 and 24 years of age:

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

Noes: 0

// In the matter of Human Services – General, City Council Report #12 was considered. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-073, as presented, amending the FY 2014 City/Federal/State Aid Fund budget and appropriating \$15,000 with resources from the State Department of Social Services to address the backlog of Medicaid applications:

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

Noes: 0

// In the matter of Police – Emergency Services, – City Council Report #13 was considered. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-074, as presented, amending the FY 2014 City/Federal/State Aid Fund budget and appropriating \$77,876 with resources of \$20,938 reimbursable from the Virginia Department of Emergency Management FY 2013 Emergency Management Performance Grant and \$56,938 from the Capital Improvement Projects Miscellaneous Radio Replacement Fund, to purchase, install, configure and oversee operation of the WebEOC Professional incident management system:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7
Noes: 0

// In the matter of Police – Emergency Services, City Council Report #14 was considered. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-075, as presented, amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$22,000 with resources from the Virginia Wireless E-911 Services Board FY 2015 Grant Program to replace the CAD workstations located in the Department of Emergency Services Emergency Communications Center:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7
Noes: 0

// In the matter of Police – General, City Council Report #15 was considered. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second. Council Member Perrow stated he would not be supporting this item due to the fact that funds would be coming from the Reserve for Contingencies and he does not think it would be a good idea at this time to use those funds. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-076, as presented, amending the FY 2015 General Fund budget and appropriating \$115,713 with resources from the FY 2015 General Fund Reserve for Contingencies to purchase 170 tasers, accessories, and the first year of Taser Assurance Plan coverage:

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

// In the matter of Police – General, City Council Report #16 was considered. Several Council Members stated they would not support this item because at the present time there is no State Budget. It would not be very prudent to go into next year's budget and use funds from the Reserve for Contingencies. On motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-077, as presented, amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$227,860 with resources of \$94,095 from the 2014/2015 School Resource Officer Department of Criminal Justice Services Grant

June 10, 2014

061

Program, \$50,000 from Lynchburg City Schools annually and \$83,765 from the FY 2015 General Fund Reserve for Contingencies to create three School Resource Officer positions and provide vehicles, training, and equipment associated with these positions:

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

Noes: Helgeson, Perrow 2

// In the matter of Human Resources – Benefits, City Council Report #17 was considered. On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-14-078, as presented, to formally elect a 20.80% Virginia Retirement System (VRS) contribution rate for the FY 2015-2016 biennium:

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

Noes: 0

// The meeting was adjourned at 10:20 P.M.

Clerk of Council

Agenda Item #8

062

June 24, 2014

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 24th day of June, 2014, at 1:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The purpose of the meeting was to interview candidates interested in serving on the Lynchburg School Board.

The following Members were present:

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

Absent: Helgeson 1

// On motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., interview candidates interested in serving on the Lynchburg School Board, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

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

Absent: Helgeson 1

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

// Council Member Perrow made the following motion:

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

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

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

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

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

Absent: Helgeson 1

// The meeting was adjourned at 3:30 P.M.

Clerk of Council

June 24, 2014

063

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of June, 2014, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

Absent: Helgeson 1

// Financial Services Director Donna Witt reported that the FY 2015 State Budget impacts are as follows:

- Local Law Enforcement Funding (HB 599) reduced back to FY 2014 Funding Level – Loss of \$124,000.
- Virginia Retirement System (VRS) Life Insurance rate reduced to FY 2014 rate – Savings of \$58,000.
- Net Loss to the General Fund - \$66,000.
- City Schools project a loss of about \$150,000 in Pre-School funding which will be absorbed in the budget.
- The School Board adopted the Budget with no changes.

// During roll call Council Member Nelson stated that he had enjoyed Council Member Cary as a colleague and a friend over the last four years and thanked him for his service, time and energy to his community while on Council.

// Council Member Foster also thanked Council Member Cary for his service and dedication, he will be greatly missed. She mentioned that she had received calls from neighborhoods regarding removal of bulk pick up. City Manager Kimball Payne stated that the Public Works crews are about three weeks out with bulk pick up.

// Council Member Perrow also thanked Council Member Cary for his dedicated service on Council and appreciated “the great work you have done, you are part of the Council family and always will be”.

// Vice Mayor Johnson also gave remarks to Council Member Cary on his great service on Council. He also mentioned concerns about the new trash system. He asked if this could be added onto the water bill, as an option, or to prorate the bags.

// Mayor Gillette made the following announcements:

- Swearing in Ceremony July 1 at 1:00 P.M. in Council Chamber.
- Organizational Meeting was scheduled to immediately follow the Swearing in Ceremony but could be postponed to a later date due to fact that Council Member Helgeson was still out of town.
- Change in Agenda for the 7:30 p.m. meeting possibly to go into closed session regarding the Freedom Aviation and Virginia Aviation, if Council so desired.

// On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Equalization Board, Youth Services Citizens Board, City Employees Appeal Board, Central Virginia Community College, Zoning Appeals Board, School Board, Dr. Martin Luther King, Jr./Lynchburg Community Council, Economic Development Authority Board, Museum Advisory Board,

Planning Commission, Horizon Behavioral Health, and Historic Preservation Commission pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

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

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

// Council Member Perrow made the following motion:

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

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

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

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

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

// In the matter of Appointments, and on nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Teresa Billingsley and Clark K. Jefferson to serve another term on the Youth Services Citizens Board for terms to expire June 30, 2017:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed Tyeast Blanding to serve on the Youth Services Citizens Board for a term to expire June 30, 2017:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Mylas A. Jackson to serve on the City Employees Appeal Board for a term to expire June 30, 2017:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Nathaniel X. Marshall to serve another term on the Central Virginia Community College Board for a term to expire June 30, 2018:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Mark Smith to serve on the Zoning Appeals Board for a term to expire June 30, 2019:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Regina Dolan-Sewell and Jennifer Poore to serve on the School Board for terms to expire June 30, 2017:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed James E. Coleman to serve on the School Board for a term to expire June 30, 2017:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Veronica W. Callaham and Michael D. Moore to serve another term on the Dr. Martin Luther King, Jr./Lynchburg Community Council for terms to expire June 30, 2017:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Mark Stronsnider to serve on the Economic Development Authority for a term to expire June 30, 2018:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed William T. Lovern to serve on the Economic Development Authority for a term to expire June 30, 2018:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed John B. Arnold, Laura B. Crumbley, Elizabeth D. Hutter and Marvin Edward Tinsley to serve on the Museum Advisory Board for terms to expire June 30, 2017:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed Patricia Meyer to serve on the Museum Advisory Board for a term to expire June 30, 2017:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

// On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote appointed Joshua Moore to serve on the Museum Advisory Board to fill an unexpired term ending June 30, 2015:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

On nomination of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote re-appointed Kay Butterfield to serve another term on the Historic Preservation Commission for a term to expire June 30, 2017:

Ayes: Cary, Foster, Johnson, Nelson, Gillette	5
Noes:	0
Absent: Helgeson	1
Abstention: Perrow	1

// City Council recessed the meeting at 6:35 p.m.

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

The following Members were present:

Present: Cary, Foster, Johnson, Nelson, Perrow, Gillette	6
Absent: Helgeson	1

Vice Mayor Johnson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Gillette read a letter from Retired Col. USA Ronnie M. Davidson expressing his deepest thank you to the City of Lynchburg for the warm and memorable reception, which was held on June 5, 2014 for the comrades of the Southeastern D-Day Honor flight.

// Mayor Gillette and Council gave a special recognition to Council Member "H" Cary.

// Council Member Cary made remarks about being on Council and how he enjoyed his time and hopes he has done some good things while on Council.

// In the matter of Human Services – General, Resolution #R-14-072 amending the FY 2014

City/Federal/State Aid Fund budget and appropriating \$139,332 with resources from the Virginia Commonwealth University (VCU) Strategic Prevention Framework State Incentive Grant (SPF-SIG) to help reduce the number of alcohol-related vehicle crashes involving drivers who are between 15 and 24 years of age, laid over from the June 10, 2014 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Human Services – General, Resolution #R-14-073 amending the FY 2014 City/Federal/State Aid Fund budget and appropriating \$15,000 with resources from the State Department of Social Services to address the backlog of Medicaid applications, laid over from the June 10, 2014 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – Emergency Services, Resolution #R-14-074 amending the FY 2014 City/Federal/State Aid Fund budget and appropriating \$77,876 with resources of \$20,938 reimbursable from the Virginia Department of Emergency Management FY 2013 Emergency Management Performance Grant and \$56,938 from the Capital Improvement Projects Miscellaneous Radio Replacement Fund, to purchase, install, configure and oversee operation of the WebEOC Professional incident management system, laid over from the June 10, 2014 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – Emergency Services, Resolution #R-14-075 amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$22,000 with resources from the Virginia Wireless E-911 Services Board FY 2015 Grant Program to replace the CAD workstations located in the Department of Emergency Services Emergency Communications Center, laid over from the June 10, 2014 meeting, was again presented and read, and on motion of Council Member Cary seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – General, Resolution #R-14-076 amending the FY 2015 General Fund budget and appropriating \$115,713 with resources from the FY 2015 General Fund Reserve for Contingencies to purchase 170 tasers, accessories, and the first year of Taser Assurance Plan coverage, laid over from the June 10, 2014 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – General, Resolution #R-14-077 amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$227,860 with resources of \$94,095 from the 2014/2015 School Resource

Officer Department of Criminal Justice Services Grant Program, \$50,000 from Lynchburg City Schools annually and \$83,765 from the FY 2015 General Fund Reserve for Contingencies to create three School Resource Officer positions and provide vehicles, training, and equipment associated with these positions, laid over from the June 10, 2014 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Airport – General, a public hearing was held regarding City Council Report #10 discussing a joint request by Freedom Aviation and Virginia Aviation. Airport Director Mark Courtney provided a summary of the joint request and City Manager Kimball Payne made several remarks regarding the joint request by Freedom Aviation and Virginia Aviation.

Council Member Perrow made the following statement, “while Freedom Aviation is associated with Liberty University, it is in fact a separate and distinct legal entity from Liberty University. Because Freedom Aviation is a separate and distinct entity from Liberty University, I do not have a conflict of interest that prevents me from participating in this matter. I am able to participate in this matter fairly, objectively and in the public interest. Therefore, I will participate in the discussion of and vote on Freedom Aviation’s request”.

There were five individuals that spoke to this item. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion, Council Member Perrow made a motion, seconded by Vice Mayor Johnson to delay action for further discussion on this item. Council Member Cary stated that he would be voting against delaying action on this item because he felt the sale is a great opportunity for Freedom Aviation, Virginia Aviation and the City. Council by the following recorded vote agreed to delay action on this item:

Ayes: Foster, Johnson, Nelson, Perrow, Gillette	5
Noes: Cary	1
Absent: Helgeson	1

// In the matter of Community Development – General, a Resolution amending the FY 2015 City/Federal/State Aid Fund budget and appropriating \$98,298 with resources of \$88,298 from the U.S. Department of Housing and Urban Development (HUD) and \$10,000 transferred from the FY 2015 General Fund Division of Social Services budget to provide at least 10 units of tenant-based rental assistance and associated case management services. Council Member Cary, Chair of the Finance Committee (FC) stated that this matter came before the FC and they recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to

a later meeting for final action Resolution #R-14-079 as presented, to provide at least 10 units of tenant-based rental assistance and associated case management services:

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

// In the matter of Police – General, City Council Report #12 was considered. On motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-14-080, as presented, approving amendments to the Charter Agreement of the Central Virginia Criminal Justice Academy:

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

// In the matter of Schools, City Council Report #13 was considered. On motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-14-081, as presented, to concur with the School Board's election of an 8.86% Virginia Retirement System (VRS) contribution rate for the FY 2015-2016 biennium:

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

// On motion of Council Member Cary, seconded by Council Member Foster, 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 terms and conditions of the proposed assignment of Virginia Aviation's lease at the Lynchburg Regional Airport to Freedom Information, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950, as amended:

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

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

// Council Member Cary 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

June 24, 2014

071

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

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

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

6

Noes:

0

Absent: Helgeson

1

// The meeting was adjourned at 10:00 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 10

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Change in Location of the Ward III, Precinct 4 Voting Location**

RECOMMENDATION: After a public hearing, adopt an ordinance amending Section 14-34 of the City Code moving the voting location for Ward III, Precinct 4 from Heritage Elementary School, 501 Leesville Road, to First Church of the Nazarene, 1737 Wards Ferry Road.

SUMMARY: The installation of security doors in the entrance lobby (where voting takes place) at Heritage Elementary has created a situation where voting equipment and activities have to be spread out into separate areas thus making it hard to oversee the voting operations. Also, in the occasional elections that are held while school is in session, the students are not able to be dropped off and picked up at the front doors as usual, but are directed to a side entrance resulting in confusion for them and concerns for their safety.

Council has considered First Church of the Nazarene previously as a polling location. Parking availability is excellent, the facility is well-equipped for accessibility, and the interior voting space is flexible in accommodating low or high turnout elections.

PRIOR ACTION(S): N/A

FISCAL IMPACT: Cost of printing and mailing new voter cards to approximately 2000 voters.

CONTACT(S): Electoral Board: Pat Bower, Chair; Joan Jones, Vice-Chair, John Cobbs, Secretary; Carolyn Sherayko, General Registrar

ATTACHMENT(S): Proposed Ordinance; Presentation on Polling Place Relocation

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 14-34 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE PRECINCTS AND VOTING PLACES WITHIN THE CITY'S THIRD WARD.

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

1. That Section 14-34 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 14-34. Third ward.

The third ward shall be divided into five (5) election precincts, the boundaries of which shall be as follows.

(1) First precinct. All that portion of the third ward beginning at a point, said point being the intersection of the centerline of Rockbridge Avenue and the centerline of Lakeside Drive, thence proceeding in a northeasterly direction along the centerline of Lakeside Drive to its point of intersection with the centerline of Memorial Avenue, thence proceeding in a southwesterly direction along the centerline of Memorial Avenue to its point of intersection with the centerline of Wadsworth Street, thence proceeding in a southeasterly direction along the centerline of Wadsworth Street to its point of intersection with the centerline of Fort Avenue, thence proceeding in a southwesterly direction along the centerline of Fort Avenue to its point of intersection with the centerline of Lancaster Street, thence proceeding in a southeasterly direction along the centerline of Lancaster Street to its point of intersection with the centerline of Rives Street, thence proceeding in a southwesterly direction along the centerline of Rives Street to its point of intersection with the centerline of Gordon Street, thence proceeding in a southeasterly direction along the centerline of Gordon Street to its point of intersection with the centerline of Stadium Road, thence proceeding in an easterly direction along the centerline of Stadium Road to its point of intersection with the centerline of the southbound lane of the Lynchburg Expressway, thence proceeding in a southerly direction along the centerline of the southbound lane of the Lynchburg Expressway to its point of intersection with the centerline of the Norfolk and Southern Railroad, thence proceeding in a southwesterly direction along the centerline of the Norfolk and Southern Railroad to its point of intersection with the centerline of Edley Place extended, thence proceeding in a northwesterly direction ninety-seven (97) feet to the terminus of the centerline of Edley Place, thence proceeding in a northwesterly direction along the centerline of Edley Place to its point of intersection with Fort Avenue, thence proceeding in a northeasterly direction along the centerline of Fort Avenue to its point of intersection with the centerline of Oakridge Boulevard, thence proceeding in a northwesterly direction along the centerline of Oakridge Boulevard to its point of intersection with the centerline of Sussex Street, thence proceeding in a northeasterly direction along the centerline of Sussex Street to its point of intersection with the centerline of Richmond Street, thence proceeding in a northeasterly direction along the centerline of Richmond Street to its point of intersection with the centerline of Rockbridge Avenue, thence proceeding in a northwesterly direction along the centerline of Rockbridge Avenue to the point of beginning. The voting place in said first precinct of the third ward shall be located at the Lynchburg Public Library, 2315 Memorial Avenue.

(2) Second precinct. All that portion of the third ward beginning at a point, said point being the intersection of the Corporate Limits of the City of Lynchburg and the centerline of Candler's Mountain Road, thence proceeding in a northerly direction along the centerline of Candler's Mountain Road to its point of intersection with the centerline of the Norfolk and Southern Railroad, thence proceeding in a southwesterly direction along the centerline of the Norfolk and Southern Railroad to its point of intersection with the Corporate Limits of the City of Lynchburg, thence proceeding in a northeasterly direction along the Corporate Limits of the City of Lynchburg to the point of beginning. The voting place of said second precinct of the third ward shall be located at the Vines Center 2001 University Boulevard.

(3) Third precinct. All that portion of the third ward beginning at a point, said point being the intersection of the Corporate Limits of the City of Lynchburg and the centerline of Candler's Mountain Road, thence proceeding in a northerly direction along the centerline of Candler's Mountain Road to its point of intersection with the centerline of the Norfolk and Southern Railroad, thence proceeding in a southwesterly direction two thousand fifty-five (2055) feet along the centerline of the Norfolk and Southern Railroad to a point, thence proceeding in a

northwesterly direction four hundred twenty-five (425) feet to a point, said point being on the centerline of the perimeter road of River Ridge Mall, thence proceeding in a northwesterly direction along the centerline of the perimeter road of River Ridge Mall to its point of intersection with the centerline of Glass Avenue, thence proceeding in a westerly direction along the centerline of Glass Avenue to its terminus, thence proceeding two hundred twenty-three (223) feet along the centerline of Glass Avenue extended to its point of intersection with the centerline of Rock Castle Creek, thence proceeding in a northwesterly direction along the centerline of Rock Castle Creek to its point of intersection with the centerline of Burton Creek, thence proceeding in a northwesterly direction along the centerline of Burton Creek to its point of intersection with the centerline of the westbound lane of Fort Avenue, thence proceeding in a northeasterly direction along the westbound lane of Fort Avenue to its point of intersection with the centerline of Edley Place, thence proceeding in a southeasterly direction along the centerline of Edley Place to its terminus, thence proceeding ninety-seven (97) feet along the centerline of Edley Place extended to its point of intersection with the centerline of the Norfolk and Southern Railroad, thence proceeding in a northeasterly direction along the centerline of the Norfolk and Southern Railroad to its point of intersection with the centerline of Rutherford Street extended, thence proceeding in a southerly direction fifty-five (55) feet along the centerline of Rutherford Street extended to its point of intersection with the centerline of the Norfolk and Southern Railroad, thence proceeding in an easterly direction along the centerline of the Norfolk and Southern Railroad to its point of intersection with the centerline of Carroll Avenue, thence proceeding in a southwesterly direction along the centerline of Carroll Avenue to its point of intersection with the centerline of Albert Lankford Drive, thence proceeding in a southwesterly direction along the centerline of Albert Lankford Drive to its point of intersection with the centerline of Odd Fellows Road, thence proceeding in a southeasterly direction along the centerline of Odd Fellows Road to its point of intersection with the centerline of Perkins Street, thence proceeding in a northerly direction along the centerline of Perkins Street to its point of intersection with the centerline of Mayflower Drive, thence proceeding in an easterly direction along the centerline of Mayflower Drive to its point of intersection with the centerline of the Norfolk and Southern Railroad, thence proceeding in an easterly direction along the centerline of the Norfolk and Southern Railroad to its point of intersection with the centerline of the eastbound lane of Richmond Highway, thence proceeding in an easterly direction along the centerline of the eastbound lane of Richmond Highway to its point of intersection with the centerline of Martin Street, thence proceeding in a southeasterly direction along the centerline of Martin Street to its point of intersection with the Corporate Limits of the City of Lynchburg, thence proceeding in an southwesterly direction along the Corporate Limits of the City of Lynchburg to the point of beginning. The voting place in said third precinct of the third ward shall be located at Sheffield School, 115 Kenwood Place.

(4) Fourth precinct. All that portion of the third ward beginning at a point, said point being the intersection of the Corporate Limits of the City of Lynchburg and the centerline of the Norfolk and Southern Railroad, thence proceeding in a northerly direction eight thousand eighty-four (8084) feet along the centerline of the Norfolk and Southern Railroad to a point, thence proceeding in a northwesterly direction four hundred twenty-five (425) feet to a point, said point being on the centerline of the perimeter road of River Ridge Mall, thence proceeding in a northwesterly direction along the centerline of the perimeter road of River Ridge Mall to its point of intersection with the centerline of Glass Avenue, thence proceeding in a westerly direction along the centerline of Glass Avenue to its terminus, thence proceeding two hundred twenty-three (223) feet along the centerline of Glass Avenue extended to its point of intersection with the centerline of Rock Castle Creek, thence proceeding in a northwesterly direction along the centerline of Rock Castle Creek to its point of intersection with the centerline of Burton Creek, thence proceeding in a northwesterly direction along the centerline of Burton Creek to its point of intersection with the centerline of the westbound lane of Fort Avenue / Timberlake Road, thence proceeding in a southwesterly direction along the centerline of the westbound lane of Timberlake Road to its point of intersection with the centerline of Leesville Road, thence proceeding in a southwesterly direction along the centerline of Leesville Road to its point of intersection with the centerline of Del Ray Circle, thence proceeding in a southeasterly direction along the centerline of Del Ray Circle to its point of intersection with the Corporate Limits of the City of Lynchburg, thence proceeding in a northeasterly direction along the Corporate Limits of the City of Lynchburg to the point of beginning. The voting place in said fourth precinct of the third ward shall be located at Heritage Elementary School, 501 Leesville Road the First Church of the Nazarene, 1737 Wards Ferry Road.

(5) Fifth precinct. All that portion of the third ward beginning at a point, said point being the intersection of the centerline of the westbound lane of Timberlake Road and Leesville Road thence proceeding in a southwesterly direction along the centerline of Leesville Road to its point of intersection with the centerline of Del Ray Circle,

thence proceeding in a southeasterly direction along the centerline of Del Ray Circle to its point of intersection with the Corporate Limits of the City of Lynchburg, thence proceeding in a southwesterly direction along the centerline of the Corporate Limits of the City of Lynchburg to its point of intersection with the centerline of the westbound lane of Timberlake Road, thence proceeding in a northeasterly direction along the centerline of the westbound Lane of Timberlake Road to the point of beginning. The voting place of said fifth precinct of the third ward shall be located at Heritage United Methodist Church, 582 Leesville Road.

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

Adopted:

Certified:

Clerk of Council

100K

Relocation of Ward III, Precinct 4 Polling Location

August 12, 2014

Voters & Voter Turnout in III-4

Registered voters as of 7/1/2014: 1,893 (1,622 active; 271 inactive)

Voter turnout:

Mar. 2012	113 (6.08%)
May 2012	62 (3.33%)
June 2012	120 (6.42%)
Nov. 2012	1,239 (63.02%)
June 2013	13 (0.67%)
Nov. 2013	699 (36.9%)
May 2014	257 (13.6%)

(LU Students moved to Ward III, Precinct 2 (Vines Center) after the November 2011 general election)



Reason for Relocation

The addition of security doors in the lobby of Heritage Elementary school made arrangement of voting equipment less than optimal and required students to enter and exit the school through a different door than normal on the side of the building.

Also, even on non-school day Election Days, parking is limited for voters.



Photos of Heritage Elementary

Doors were
propped open

Marking booths and touch
screen equipment were
placed in this part of the
lobby behind the doors

Voter pollbook table
(furniture had to be
moved for election
day)

Security Desk (had to
place optical scan
equipment & Chief's
work table in this area)



Photos of Heritage Elementary



Front entrance & sidewalk to side entrance (left)



Sidewalk to side entrance



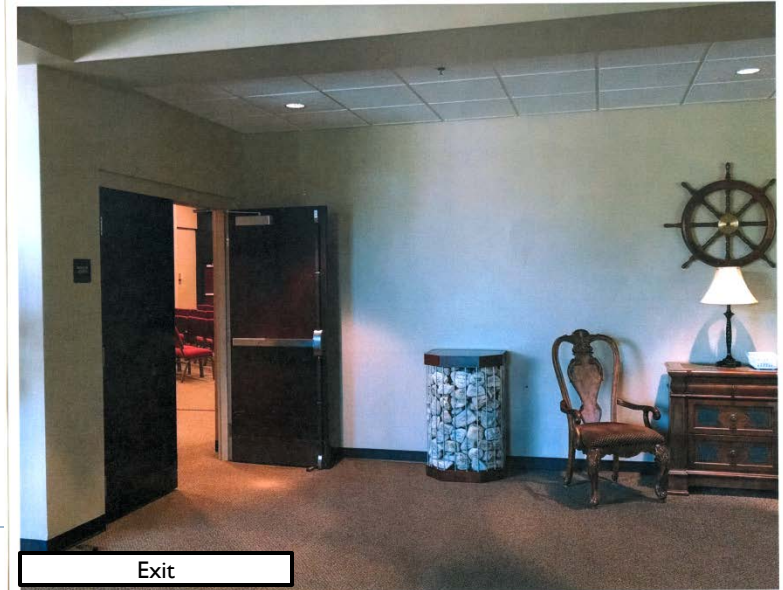
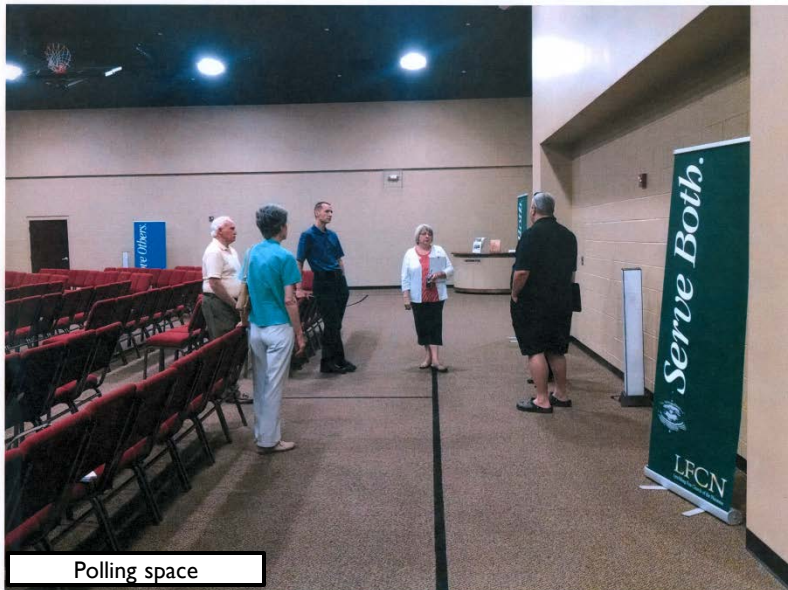
Side entrance

Recommended New Polling Location

- ▶ First Church of the Nazarene (1737 Wards Ferry Road)
- ▶ No other activities are scheduled in the facility on Tuesdays
- ▶ 190 parking spaces available
- ▶ Accessible space
- ▶ Flexible and logical flow for voters and voting equipment



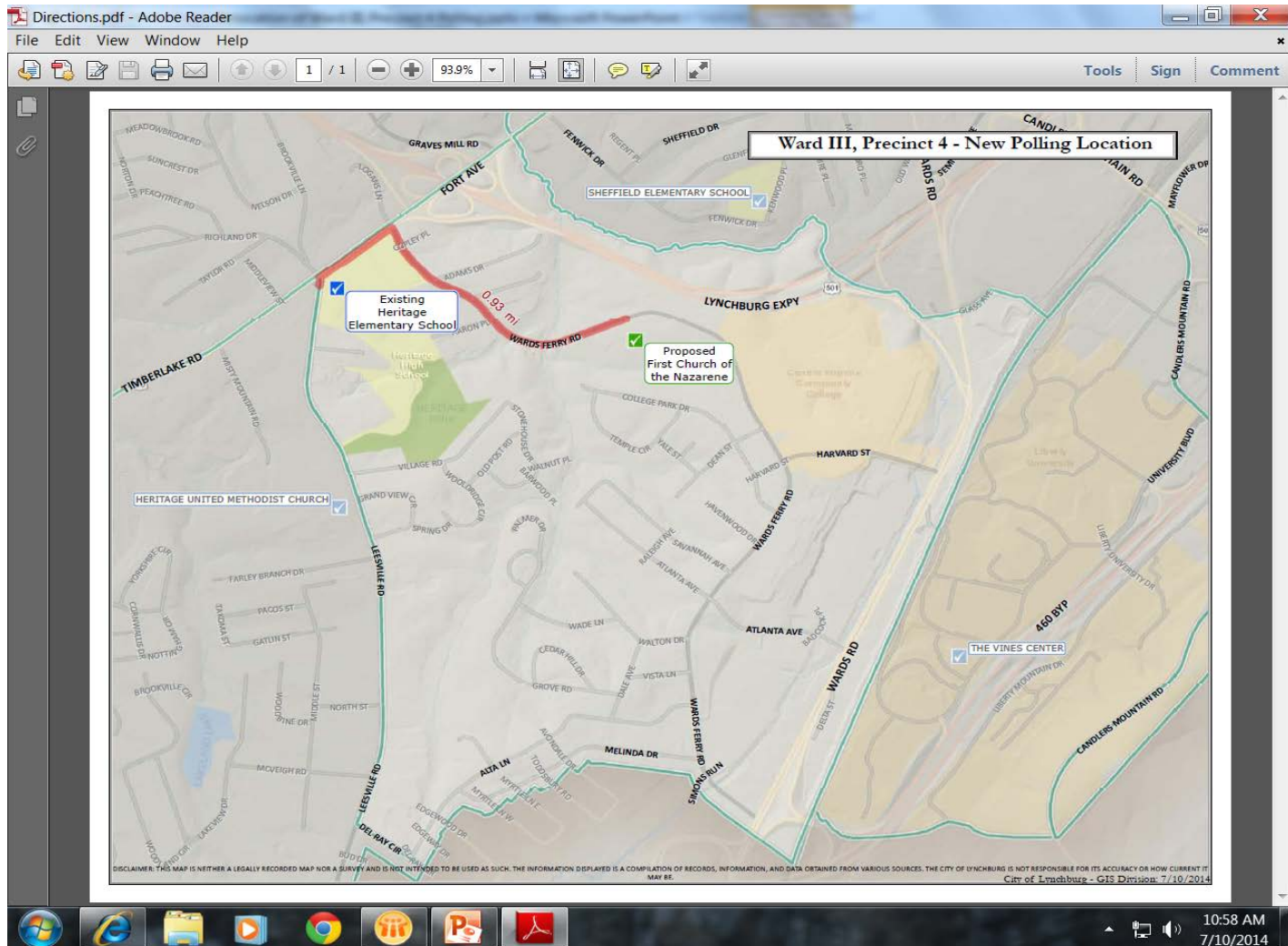
Photos of First Church of the Nazarene



Photos of First Church of the Nazarene



Directions between Locations



Estimated Costs

Printing new voter cards	\$80.00
Envelopes for mailing	\$227.00
Postage	\$909.12
Total	\$1,216.12



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 11

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Operation of Zion City Daycare Center at 3100 Hill Street**

RECOMMENDATION: Approve a Conditional Use Permit (CUP) to allow the continued operation of Zion City Daycare at Prayer of Faith Temple Church.

SUMMARY: Prayer of Faith Temple Church of God In Christ is petitioning to allow the operation of a child daycare center for up to fifty (50) children between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The church is located at 3100 Hill Street on approximately three and sixty-five hundredths (3.65) acres and the *Comprehensive Plan 2013 – 2030* recommends an Institutional use for the property. The plan provides that churches and accessory uses are compatible in these areas and the R-2 residential zoning allows for daycare with the approval of a CUP.

The daycare has been operating for approximately one (1) year and the Inspections Division has confirmed the facility meets Building Code requirements. However, following a recent inspection the petitioner discovered a CUP is required to comply with the City's Zoning Ordinance and is petitioning to continue this use.

PRIOR ACTION(S):

June 11, 2014: The Planning Division recommended approval of the CUP petition.

 The Planning Commission recommended approval (5-0, with 1 member absent, Swienton) of the CUP petition.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Resolution
- Planning Commission Report & Minutes – June 11, 2014
- Vicinity Zoning Pattern Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Concept Plan and Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO PRAYER OF FAITH TEMPLE CHURCH OF GOD IN CHRIST TO ALLOW THE OPERATION OF A DAYCARE FACILITY AT 3100 HILL STREET 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 Prayer of Faith Temple Church of God In Christ for a conditional use permit to allow the operation of a daycare facility at 3100 Hill Street is hereby approved subject to the following conditions:

1. The maximum number of children at the daycare facility shall be fifty (50).
2. The hours of operation for the daycare facility shall be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

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: June 11, 2014
Re: **Conditional Use Permit (CUP) – Zion City Daycare Center – 3100 Hill Street**

I. PETITIONER

Prayer of Faith Temple Church of God In Christ, 3100 Hill Street, Lynchburg, VA 24501
Representative: Felicia Willis, Prayer of Faith Temple Church of God In Christ, Lynchburg, VA 24501

II. LOCATION

The subject property is a tract of approximately three and sixty-five hundredths (3.65) acres located at 3100 Hill Street.

Property Owner: Prayer of Faith Temple Inc., 3100 Hill Street, Lynchburg, Virginia 24501

III. PURPOSE

The purpose of the petition is to allow the operation of a child daycare center for up to fifty (50) children between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday at 3100 Hill Street.

IV. SUMMARY

- The daycare center is currently in operation. Staff has notified the petitioner a CUP is required for compliance with the City's Zoning Ordinance to allow the continued operation of the facility.
- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends an Institutional use for the property.
- Daycare centers are a permitted use in an R-2, Low-Medium Density, Single-Family Residential District upon approval of a CUP by Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends an Institutional use for the property. Institutional uses include religious, educational and other nonprofit entities within the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (pg. 76)
2. **Zoning.** The subject property was annexed into the City in 1958. The existing R-2, Low-Medium Density, Single-Family Residential District was established in 1978 upon adoption of the *Zoning Ordinance*. The church facility currently operates under a CUP that was issued in 1998.
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 Council approval in the immediate area:

 - On October 14, 1980, Council approved the petition of Lloyd G. Flint to rezone approximately one (1) acre from B-2, Neighborhood Business District to B-3C, Community Business District (Conditional) to allow the construction of a convenience store and gasoline sales at 2023 Langhorne Road.
 - On January 12, 1982, Council approved the CUP petition of Agudath Sholom Synagogue to allow for a care center at 2055 Langhorne Road.
 - On September 8, 1992, Council approved the petition of Patsy P. Heald to rezone two and eight tenths (2.8) acres from R-2, Low-Medium Density, Single-Family Residential District and B-3, Community Business District to B-3C, Community Business District (Conditional) allow for construction of a retail garden center at 3201 Hill Street.
 - On August 13, 1996, Council approved the CUP petition of Robert Crocker to allow the operation of a bed and breakfast for up to four (4) guests at 2121 Maher Street.
 - On March 8, 1998, Council approved the petition Wanda E. Brooks-Crocker to rezone approximately three (3) acres from R-2, Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a building addition for use as a massage clinic at 2134 Old Forest Road and 2121 Maher Street.
 - On June 9, 1998, Council approved the CUP petition of Prayer of Faith Temple to allow the construction of a church and parking area at 3100 Hill Street.
 - On May 28, 2002, Council approved the petition of William H. Burrus, Jr. to rezone fifty (50) acres from R-4, Medium-High Density, Multi-Family Residential District to B-1C, Limited Business District (Conditional), to allow the development of the site as an office park at 2400 Atherholt Drive.
 - On March 9, 2004, Council approved the petition of Robert D. Crocker & Wanda E. Brooks-Crocker to rezone two and nine tenths (2.9) acres from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the existing proffers and allow the use of the property as an eight (8)-room lodging house in addition to the spa and salon uses at 2134 Old Forest Road.
 - On February 8, 2011, Council approved the petition of Robert D. Crocker to rezone three and twenty-four hundredths (3.24) acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the existing spa, restaurant, banquet hall, and lodging uses at 2134 Old Forest Road.
- 5. Site Description.** The subject property is a tract of approximately three and sixty-five hundredths (3.65) acres located at 3100 Hill Street. The majority of the site is consumed by a church facility and associated parking.
- 6. Proposed Use of Property.** The purpose of the petition is to allow the operation of a child daycare center for up to fifty (50) children between the hours of 7:00 a.m. and 6:00 p.m. with no new construction. The daycare has been operating for approximately one (1) year. Following a facility inspection by the Virginia Department of Social Services, the applicant contacted the Department of Community Development for a copy of the Certificate of Occupancy. Although the Inspections Division has confirmed the facility meets Building Code requirements, a CUP is

required to comply with the City's Zoning Ordinance. The continued operation of the day care is contingent upon approval of the CUP by City Council.

7. **Transportation & Parking.** The City's Transportation Engineer had no comments of concern regarding the proposed daycare facility. Section 35.1-54, Care Centers require a minimum of two (2) off-street parking spaces per center, plus two (2) additional parking spaces for each thirty (30) persons enrolled. A minimum of six (6) off-street parking spaces would be required and ample parking is available in the existing church parking lots.
8. **Stormwater Management.** A stormwater management plan will not be required as there are no new impervious areas associated with the proposal.
9. **Emergency Services:** The City Fire Marshal had no comments of concern with the petition. The City's Police Department offered general safety comments related to site and building security for consideration by the petitioner.
10. **Impact.** The subject property is recommended for an Institutional use on the City's *Future Land Use Map* and contains a church which was constructed in 2000. Daycare facilities are typically associated with church uses. The petitioner has submitted a petition to operate a daycare facility for up to fifty (50) children ranging in age from six (6) months old to five (5) years old between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday. In addition to the daycare facilities, the petitioner may wish to provide a summer camp program for elementary and middle school children between the hours of 7:00 a.m. and 6:00 p.m. The maximum number of children at the facility would be fifty (50). The playground is located on the southern side of the church facility.

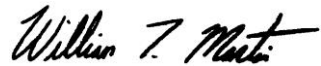
The impact of the daycare facility should be minimal since there is no new construction proposed nor will there be a significant increase upon traffic in the vicinity.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on May 20, 2014 and all comments have been addressed by the petitioner.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Prayer of Faith Temple Church of God In Christ for a conditional use permit at 3100 Hill Street to allow the operation of a daycare facility subject to the following conditions:

1. **The maximum number of children at the daycare facility shall be fifty (50).**
2. **The hours of operation for the daycare facility shall be between the hours of 7:00 A.M. and 6:00 P.M., Monday through Friday.**

This matter is respectfully offered for your consideration.

A handwritten signature in black ink that reads "William T. Martin". The signature is written in a cursive, flowing style.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Ms. Felicia Willis, Zion City Daycare

VII. ATTACHMENTS

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

MINUTES OF THE JUNE 11, 2014 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of Prayer of Faith Temple Church of God In Christ for a conditional use permit to allow a day care with a maximum of fifty (50) children within an existing church facility at 3100 Hill Street in an R-2, Low-Medium Density Single-Family Residential District.

Mr. Henry noted that the existing church has been there since approximately the year 2000. It is located in an R-2 district with an Institutional use designated on the *Future Land Use Map*. The existing zoning on the property was designated in 1978. The existing conditional use permit for the church was established on the property in 1998. The daycare use has been in operation on the property for about a year. The Virginia Department of Social Services in conducting an inspection realized that the facility was not certified for day care use. That is how they came before us for authorization to have a day care use. The Planning staff is holding off on issuing any zoning violation notice. We do not anticipate any traffic impact and there is plenty of parking. There have been hours of operation stipulated within the conditional use permit application. There is no new construction associated with the facility. The Planning Division does recommend approval of the conditional use permit application.

Ms. Dashia Womack came forward to represent the petition. She, along with the pastor and the director of the daycare, would like to request approval of the approval of the petition for the daycare center. She came forward to staff last year to request permission to have a summer day care center. She would like to apologize for not going through the proper process last year but would like to request permission for the day care center, as well as the summer group program, as they have found their programs to benefit the community.

Commissioner Coleman made the following motion, which was seconded by Commissioner Marion, that the Planning Commission recommends to City Council approval of the petition of Prayer of Faith Temple Church of God In Christ for a conditional use permit at 3100 Hill Street to allow the operation of a daycare facility subject to the following conditions:

(1) The maximum children at the daycare facility shall be fifty (50).

(2) The hours of operation for the daycare facility shall be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday.

The motion passed by the following vote:

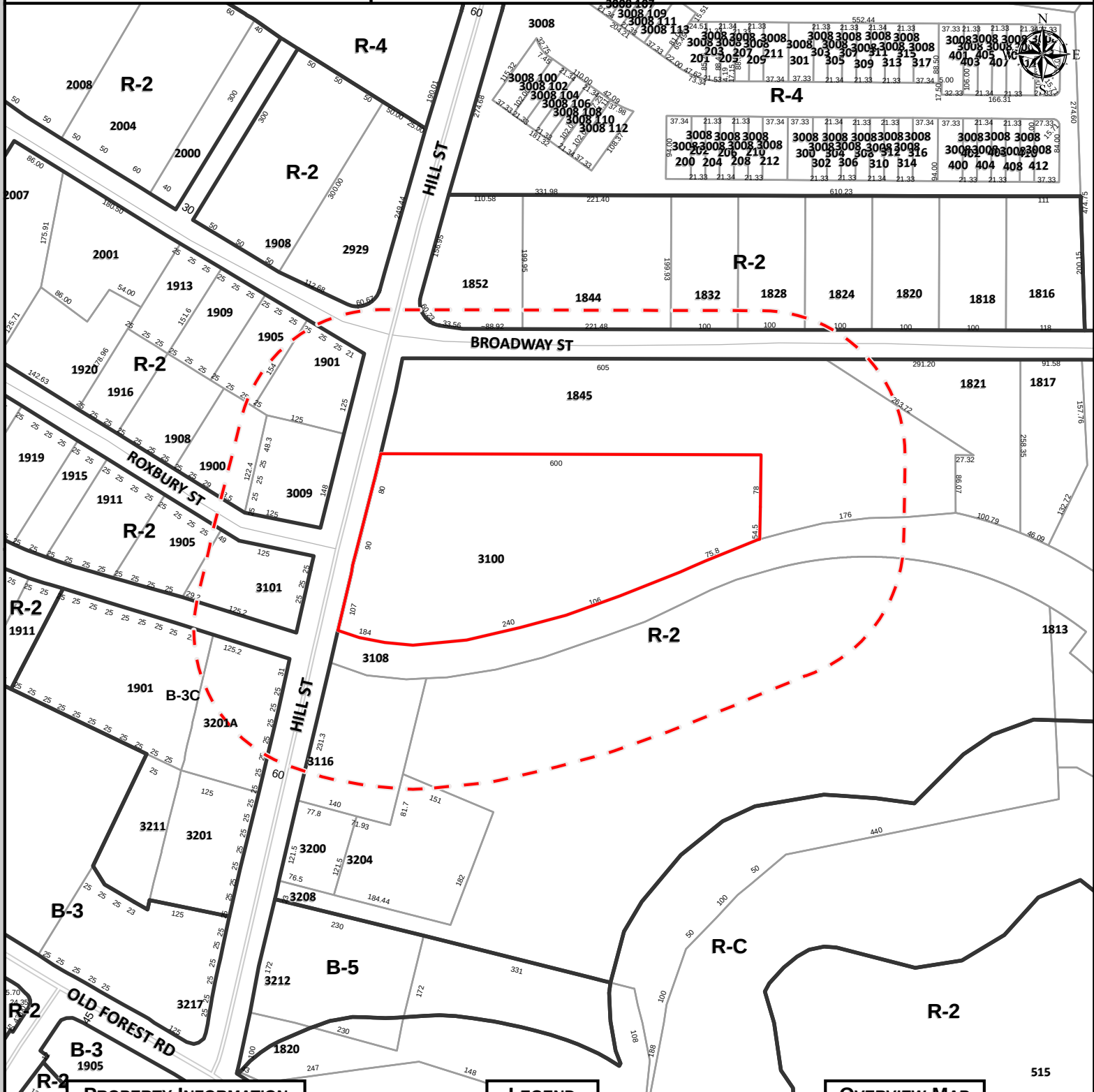
AYES:	Coleman, Johnston, Light, Marion, and Perault	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Swienton	1
VACANCIES:		1

Zoning Map

ZION CITY DAYCARE CENTER

Conditional Use Permit Request

Prayer of Faith Temple of God in Christ



PROPERTY INFORMATION

PARCEL ID	ADDRESS
01505010	3100 HILL ST

LEGEND

- Subject Property
- 215' Buffer
- Zoning Boundary

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/4/2014

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.

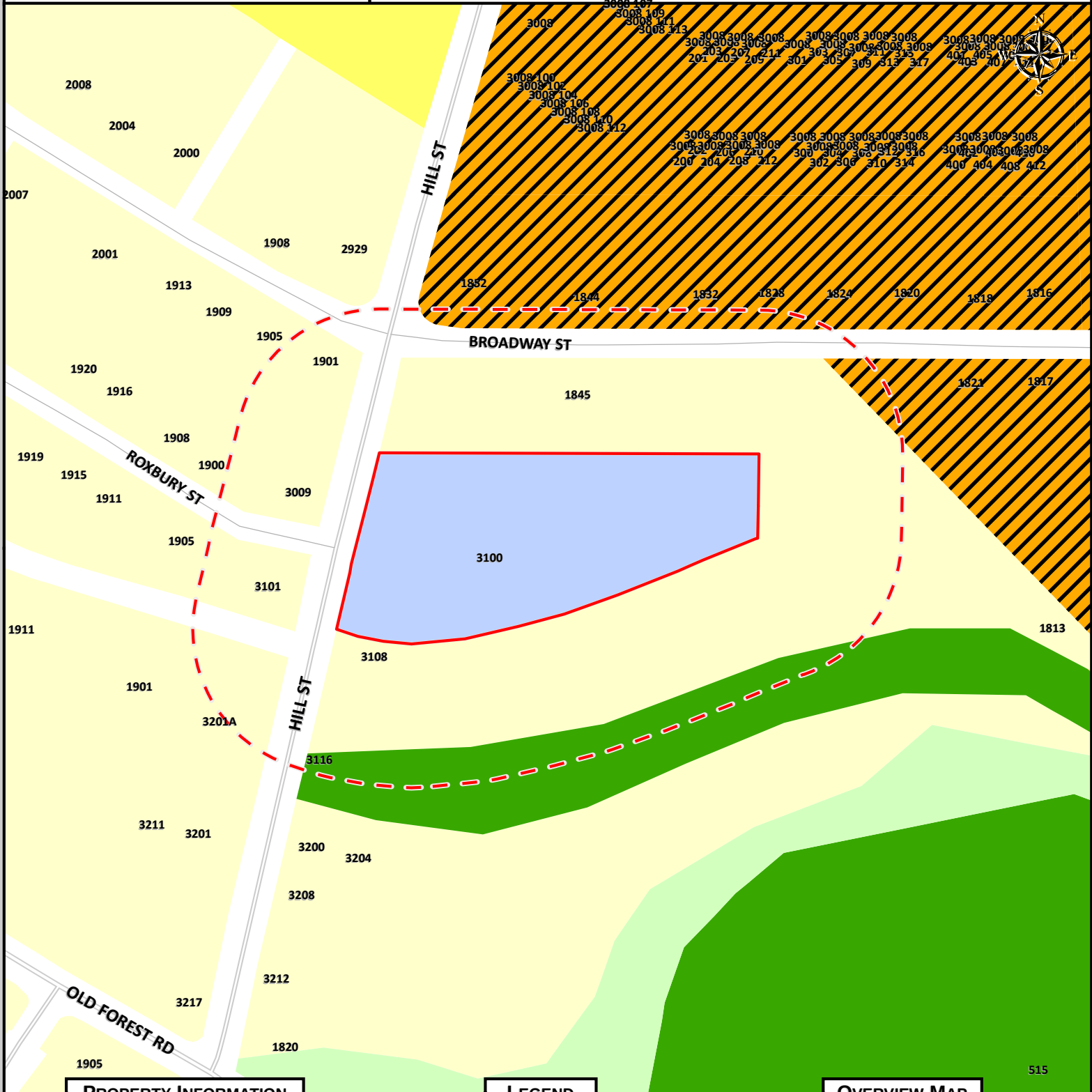
Parcel ID	Address	Owner
01505001	1845 BROADWAY ST	ABBOTT, WILLIAM T D & BARBARA S
01505009	3116 HILL ST	ALDRIDGE INVESTMENTS INC
01506030	1832 BROADWAY ST	BENLOHR LLC
01506026	1852 BROADWAY ST	CAMPBELL, JAMES L & NANCY A W
01506028	1844 BROADWAY ST	CAMPBELL, JAMES L & NANCY W
01505013	3108 HILL ST	CITY OF LYNCHBURG
01507009	3009 HILL ST	GRANT, RICKY L
01507008	1901 BROADWAY ST	GREEVER, CHARLES H & FRANCES C
01508007	1905 ROXBURY ST	HAMLETTE, RONALD O & PHYLLIS M
01505015	1821 BROADWAY ST	HATFIELD, ANN A
01507007	1905 BROADWAY ST	MORSE, MICHAEL A
01505014	3204 HILL ST	OGBURN, LLOYD A & MARY E
01505005	3208 HILL ST	OGBURN, LLOYD A & MARY E
01506032	1824 BROADWAY ST	PHILLIPS, SCOTT & PHILLIPS, CYNTHIA
01505010	3100 HILL ST	PRAYER OF FAITH TEMPLE INC
01507010	1900 ROXBURY ST	RAYMOND A JAEGER LTD PC
01509011	3201 A HILL ST	ROTH, ULRIKE F
01509008	1901 MAHER ST	ROTH, ULRIKE F
01508008	3101 HILL ST	SPINNER, MAURICE R & BARBARA E
01506031	1828 BROADWAY ST	STILL, BRENT H

FLUM Map

ZION CITY DAYCARE CENTER

Conditional Use Permit Request

Prayer of Faith Temple of God in Christ



PROPERTY INFORMATION

PARCEL ID	ADDRESS
01505010	3100 HILL ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/4/2014

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Watershed Map

ZION CITY DAYCARE CENTER

Conditional Use Permit Request

Prayer of Faith Temple of God in Christ



PROPERTY INFORMATION

PARCEL ID	ADDRESS
01505010	3100 HILL ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/4/2014

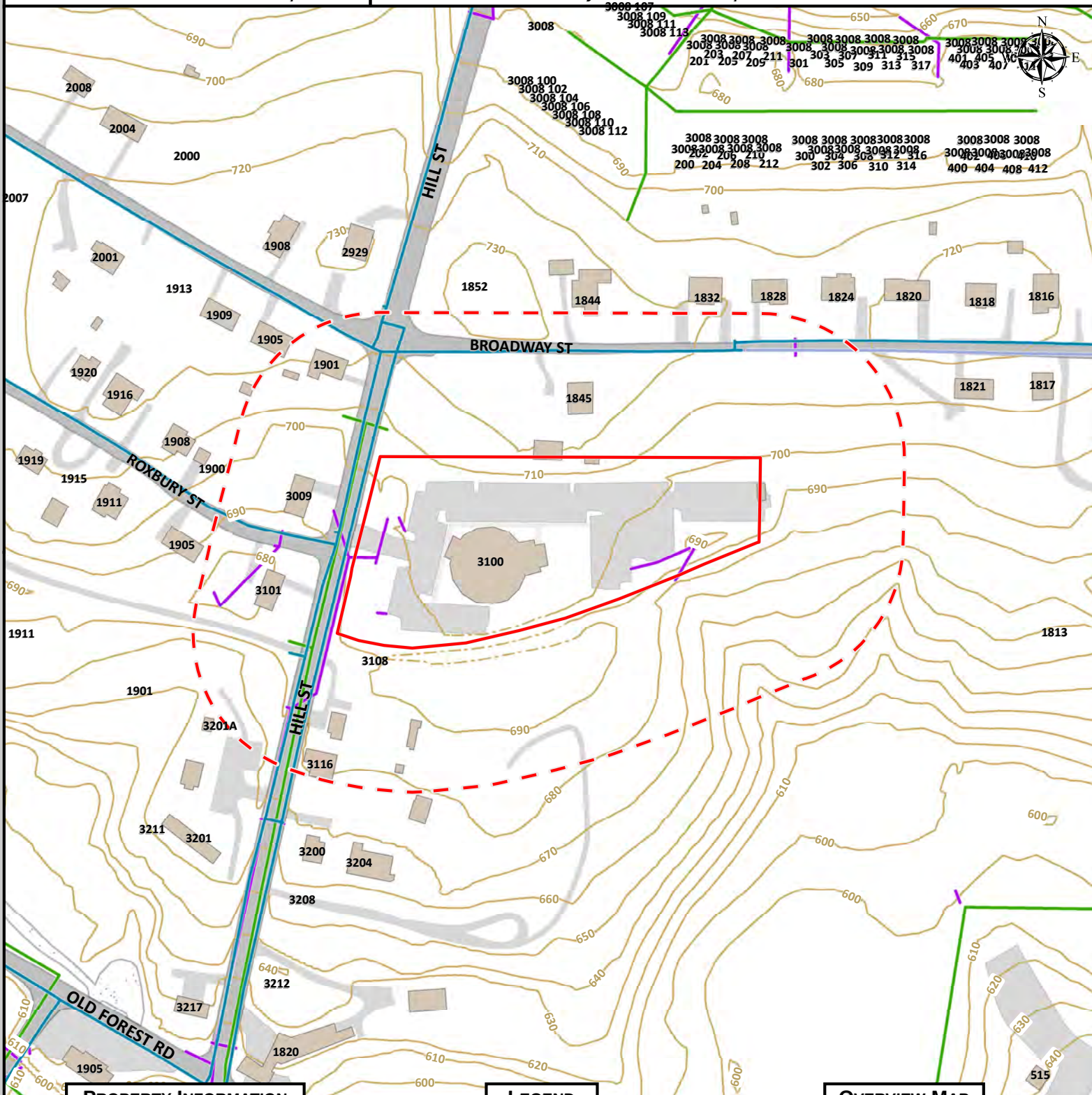
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Planimetric and Topographic Map

ZION CITY DAYCARE CENTER

Conditional Use Permit Request

Prayer of Faith Temple of God in Christ



PROPERTY INFORMATION

PARCEL ID	ADDRESS
01505010	3100 HILL ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 6/4/2014

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The City of Lynchburg, VA

Legend

- Streets
- Addresses
- Legal Lot Lines
- Parcels
- Owner Unknown
- Survey Gap

RECEIVED

MAY 06 2014

COMMUNITY
DEVELOPMENT

Feet

0 20 40 60 80
1:1,200 / 1"=100 Feet



3.65 AC

4/29/2014

DISCLAIMER: This drawing 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, and the City of Lynchburg is not responsible for its accuracy or how current it may be.



RECEIVED

MAY 06 2014

COMMUNITY
DEVELOPMENT

Prayer of Faith Temple, Zion City Daycare

The mission of Prayer of Faith Temple, Zion City Day Care is to provide a safe, supportive, environment where we foster spiritual, social and physical development; through diverse activities and programs in an atmosphere where kids can be kids, explore, learn and grow. Prayer of Faith Temple, Zion City specializes in serving children between the ages of 6 months to 5 years old. All staff of Zion City Daycare are trained under the leadership of the Program Director, Mrs. Felicia Willis and we meet the Religiously Exempt child day center licensing standards as outlined by the Virginia Department of Social Services. Prayer of Faith Temple, Zion City Daycare operates from 7AM – 6PM. Currently, we have 20 daycare children, however our maximum number for the duration of our program would not exceed 50 children.

Zion City daycare implements procedures for appropriate supervision of all children in care, including daily intake and dismissal procedures to ensure the safety of children. "Appropriate supervision" means compliance with the staff/child ratios, staffing and supervision requirements outlined in the Code and development and implementation of procedures to ensure the safety of children. Supervision includes training and oversight of staff to ensure that children are protected and that the center's procedures for oversight and supervision are carried out. The staff to child ratio for ages 6 months to 24 months is 1 staff for every 4 children, 2 years to 6 years old is 1 staff for every 10 children and 6 years and over is 1 staff for every 25 children. We have a staff of 15 including 5 full time daycare staff, 5 workforce development interns, and several dependable church volunteers. However, at no time we will have a total of 100 maximum, in our daycare and/or summer camp program that is offered through Zion City.

We believe in making sure all children who are enrolled in Zion City Daycare will be supervised in a safe, stable and structured environment. Upon entering the daycare property parents are able to enter the designated side door entrance marked "Zion City Outreach Center" all visitors must sign their child in daily at the registration table. Upon entering the building after the child is signed in, the adult that is sitting at the registration table will then take the child to the designated area. The door locks at 10AM, any parent dropping their child off after this time must ring the doorbell in order to gain access to the daycare. This is to maintain the safety of children and staff already inside of the building. When parents arrive to pick up their children at the end of the day, they are required to sign their child out. If someone other than those listed on the application will be picking up the child, a note from the parent has to be submitted. At no time will we release a child if this procedure is not followed. All persons removing the child from the Zion City daycare must have photo identification.

An overview of our daily schedule consists of arrival from 7AM – 9AM children are entering the center. Parents are signing them in, and the children are directed to quiet either an audiovisual device, or a coloring activity. Breakfast begins at 9AM and ends at 9:30AM. Immediately after breakfast the kids are escorted to their designated classroom. From 9:45AM – 10:30AM the 2 to 5 year olds are learning (numbers, shapes, the days of the week, months of the year, singing songs, etc.) At 10:45AM this age group participates in centers, which consists of Library, Color Pages, Puzzles, Blocks and/or crafts. Any child under 2 years old goes into the nursery with the designated staff members. They have many different toys, blocks to keep them occupied. Weather permitting we will go outside from 11:30AM – 12PM, if the weather is unendurable we will stay inside for free play. Lunch is served for everyone at 12PM. Free play takes place after lunch from

12:50PM-1:30PM. From approximately 2-3:30PM all of the children will have naptime. The children have snack time at 3:45PM. After snack time from 4:20-5:00PM the daily activity will alternate between books, free play, table work review or center choices. Pick-up time is from 5-6:00PM. During pick-up time they are able to watch a movie, have free play or do an inside game.



**Planning Commission Public Hearing
Zion City Daycare Center
June 11, 2014**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Appeal of the Historic Preservation Commission's (HPC) approval of windows at 323 Harrison Street

OPTIONS: (a) Reverse the HPC decision, which would require the owner to remove the windows and install wooden sash windows;

(b) Uphold the HPC decision, which would allow the windows to remain with the condition placed by the HPC (wooden rot resistant muntin bars would be installed on the exterior of the windows);

(c) Modify the HPC decision. Examples of possible modifications include (1) requiring windows on the front façade or facing both streets to be removed and replaced with wooden sash windows matching the previous window design or (2) allowing the windows as presently installed and not requiring the installation of an exterior muntin bar.

SUMMARY: A petition has been submitted to appeal the HPC's approval a Certificate of Appropriateness (COA) for new windows on the house at 323 Harrison Street in the Garland Hill Historic District. The previous windows were wood sash and the newly installed windows are aluminum clad sash. The petitioners have indicated that the windows that were approved by the HPC are inappropriate and modern.

In December 2013 staff notified the property owner, Robert Mouzayck, the installation of windows on his house without a COA was in violation of the City's zoning ordinance. The letter required that he submit an application to the HPC within fifteen (15) days. When the owner failed to comply the matter was taken to General District Court. After several continuations of the case, the owner submitted the HPC application and received an "after-the-fact" approval, meaning that the windows were installed prior to receiving HPC approval. In granting the COA, the HPC required that the owner, install "dense, rot-resistant muntins wider than those on the existing windows ..." to mask the bars embedded within the new windows. The General District Court dismissed this case on June 20, 2014 once the HPC had approved the COA. This is the owner's second "after-the-fact" COA approval.

The City's Zoning Ordinance provides that opponents have the right to appeal a COA issued by the HPC to City Council, provided it is filed with the Clerk of Council within fifteen (15) days after the decision and signed by at least 25 registered voters of the city. A petition signed by twenty-seven (27) registered City voters was submitted within the required timeframe. Many of the signers of the petition are residents of the Garland Hill Neighborhood.

PRIOR ACTION(S):

May 19, 2014: The HPC tabled the COA (7-0) in order to receive more information about the windows.

June 16, 2014: The HPC approved the COA (3-1, Butterfield dissenting; with 3 members absent, Bohnert, Morris, Roskelley).

FISCAL IMPACT: N/A

CONTACT(S):

Kevin Henry, Planner II – 455-3900

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Resolution “A” reversing the decision of the HPC
- Resolution “B” upholding the decision of the HPC
- COA approval letter, June 16, 2014
- COA application materials- #HPC1405-0007
- HPC Minutes – May 19, 2014 and June 16, 2014
- Notice of Violation- December 6, 2013
- Petition
- Residential Design Review Guidelines for Windows

REVIEWED BY: lkp

RESOLUTION "A"

A RESOLUTION TO REVERSE THE DECISION OF THE HISTORIC PRESERVATION COMMISSION

BE IT RESOLVED That the Council of the City of Lynchburg hereby reverses the decision of the Historic Preservation Commission to approve the Certificate of Appropriateness by Robert Mouzayck concerning property at 323 Harrison Street.

BE IT FURTHER RESOLVED THAT Robert Mouzayck shall remove the aluminum clad sash windows from the building located at 323 Harrison Street within six months of the adoption of this resolution and shall replace the aluminum clad sash windows with wooden sash windows of a design and type that have been approved by the Historic Preservation Commission.

Adopted:

Certified:

Clerk of Council

107K-A

RESOLUTION "B"

A RESOLUTION TO UPHOLD THE DECISION OF THE HISTORIC PRESERVATION COMMISSION

BE IT RESOLVED That the Council of the City of Lynchburg hereby upholds the decision of the Historic Preservation Commission to approve the Certificate of Appropriateness by Robert Mouzayck concerning property at 323 Harrison Street.

Adopted:

Certified:

Clerk of Council

107K-B



THE CITY OF LYNCHBURG, VIRGINIA

Historic Preservation Commission

Notice of Approval

CERTIFICATE OF APPROPRIATENESS (COA)

COA Number: HPC1405-0007

Historic District/Property: Garland Hill

Applicant: Robert Mouzayck

Date of Application: 05/13/2014

Location: 323 HARRISON ST

ACTION REQUESTED:

Install new windows

Pursuant to Section 35.1-44.1 et seq, of the Code of the City of Lynchburg, the Historic Preservation Commission (HPC) has received an application for review of the foregoing requested action which affects the external appearance of a landmark, building, or structure, or part thereof, in a designated historic district. This is to certify that the HPC has considered said application together with the accompanying pertinent materials, and does hereby **Approve** such proposed action as being appropriate and architecturally compatible with the historic landmark, building or structure, or such historic district so affected.

This COA shall expire of its own limitation six (6) months from the date of issuance, if work authorized hereby is not commenced within that time, and shall also expire and become void if such authorized work is suspended or abandoned for a period of **ninety (90) days**. The work authorized by the COA shall be completed **within twelve (12) months** of the date of issuance unless, for good cause shown, the HPC determined that a longer period is warranted. The HPC and the Zoning Official shall be notified of completion of the requested action.

Opponents to the granting of this COA shall have the right to appeal and to be heard before the City Council, provided there is filed with the Clerk of the City Council within fifteen (15) days after the decision by vote of the HPC, a written petition signed by at least twenty-five (25) registered voters of the City, indicating their intention to appeal. The Applicant may commence work at his/her own risk during this fifteen (15) day appeal period.

COA Specifics:

MOTION: "That the HPC hereby approves the request of Robert Mouzayck to install new aluminum clad windows "after-the-fact" at 323 Harrison Street with the caveat that the applicant install dense rot resistant muntins wider than those on the existing windows and that they be installed on the exterior of the window."

AYES: McDonald, Schneider and Smith
NOES: Butterfield
ABSTENTIONS:
ABSENT: Bohnert, Morris and Roskelley

3
1
0
3

Date Approved: 06/16/14

Neil Bohnert, Chair

Copy: Applicant
Zoning Official

Kevin T. Henry, Secretary

ISSUANCE OF THIS COA IS STRICTLY IN CONSIDERATION OF THE APPROPRIATENESS OF ALTERATIONS MADE TO A HISTORICALLY DESIGNATED PROPERTY AND DOES NOT RELEASE THE APPLICANT FROM OTHER CITY CODES THAT MAY APPLY.

HPC1405-0007

Please check with a Zoning Officer (434-455-3900) and/or the Inspections Division (434-455-3910) **before** the HPC meeting to ensure that your project meets the applicable zoning regulations.

APPLICATION FOR **CERTIFICATE OF APPROPRIATENESS (COA)**

[If your property is a locally-designated (by Ordinance) historic site]

Historic Preservation Commission (HPC)

Department of Community Development
City Hall, 900 Church Street
Lynchburg, Virginia 24504
Phone: 434-455-3915 FAX: 434-845-7630

Location of property to be altered (street address):

323 HARRISON ST

Applicant:

Robert James Muzalek

(If the Applicant is not the property owner, he/she must be authorized by the owner to request these alterations).

Are you the: Owner? ☒ Potential Owner? ☐ Representative? ☐

Applicant Address: 323 HARRISON ST Zip: 24504

Telephone: 303 591 9985 E-Mail: Bobby Pipes@gmail.com

Property Owner's Name:

Robert James Muzalek

Property Owner's Address: 323 HARRISON ST Zip: 24504

Telephone: 303 591 9985 E-mail: Bobby Pipes@gmail.com

Nature of Request (Check one in Category A & one in Category B):

A. 1. Alteration: ☒ 2. Demolition: ☐ 3. New Construction: ☐

B. 1. Building: ☐ 2. Object - Specify: ☐

Please give a detailed description and justification for the alteration, demolition, or new construction: (This form must be accompanied by the necessary drawings, material samples, photographs, plans, and other materials deemed appropriate to the request.)

Due to years of neglect the windows
from panes to frames were in various stages of rot
The Aluminum siding had drawn water into the
original siding + windows. Also my home was
broken into 2 times + 4 windows were damaged due

(OVER)

to forced entry. I would to Milwaukee and
had to secure my home for an indefinite matter
of time. Thus I felt no choice but to effectively
fix + secure my home

What materials have been provided?

_____ Building Plans _____ Site Plans _____ Material Samples
_____ Photographs _____ Paint Samples _____ Others: city has

taken photos Please send me for more photos if need be

The work authorized by the Certificate of Appropriateness shall be completed within twelve (12) months of the date of issuance of the Certificate of Appropriateness, unless, for good cause shown, the HPC determines that a longer period is warranted.

Do you foresee a problem with completing the work within twelve (12) months? _____

If yes, please explain. NO

Is there any application relevant to this property before the City Planning Commission, City Council, Building Inspector, Board of Zoning Appeals, or any Regulatory or Administrative Authority (VDHR or the Secretary of the Interior):

If So, Please Specify: _____

Who will represent the property owner(s) before the HPC? (This person should have the authority to commit property owner(s) to make changes that may be suggested by the HPC.)

Name: Robert James MONTANA

Address: 373 HARRISON ST.

Telephone: 703 591 9965 E-mail: R.j.montana@gmail.com

Signature of Owner: [Signature] Date: 5-9-14

The above signed owner authorizes the entry onto his/her property by the Historic Preservation Commission Members and/or Planning Division Staff during the normal discharge of their duties in regard to the above application.

Signature of Applicant: [Signature] Date: 5-9-14

(This application and all supporting documentation must be submitted to the Secretary of the HPC (see address on the first page) at least fourteen (14) days prior to the HPC meetings held on every 3rd Monday of the calendar month, at 3:45 p.m. in City Hall, second floor Meeting Room.)

323 Harrison Street

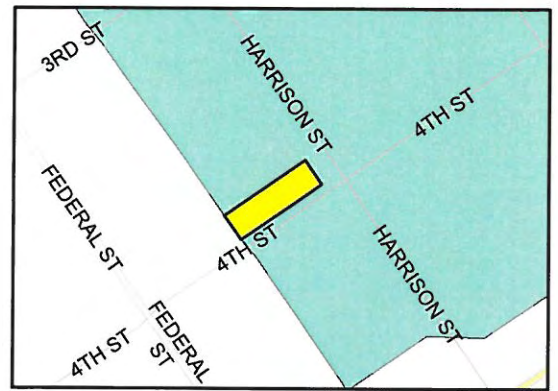
Garland Hill District



Property



Historic District



323 Harrison Street

Garland Hill District



Property



Historic District

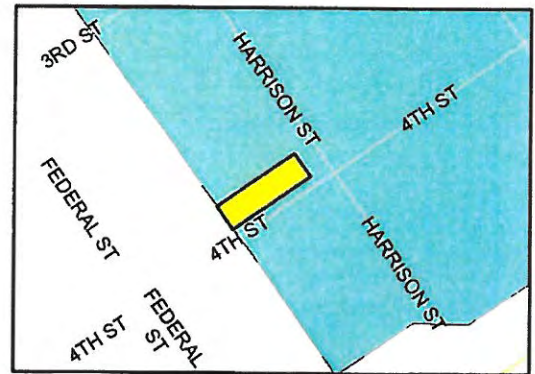




Photo taken after window
installation



Photo taken after
window installation



Photo taken after
window installation



Photo taken after
window installation



Photo taken after window installation



Photo taken after
window installation



Photo taken after
window installation



Photo taken after
window installation

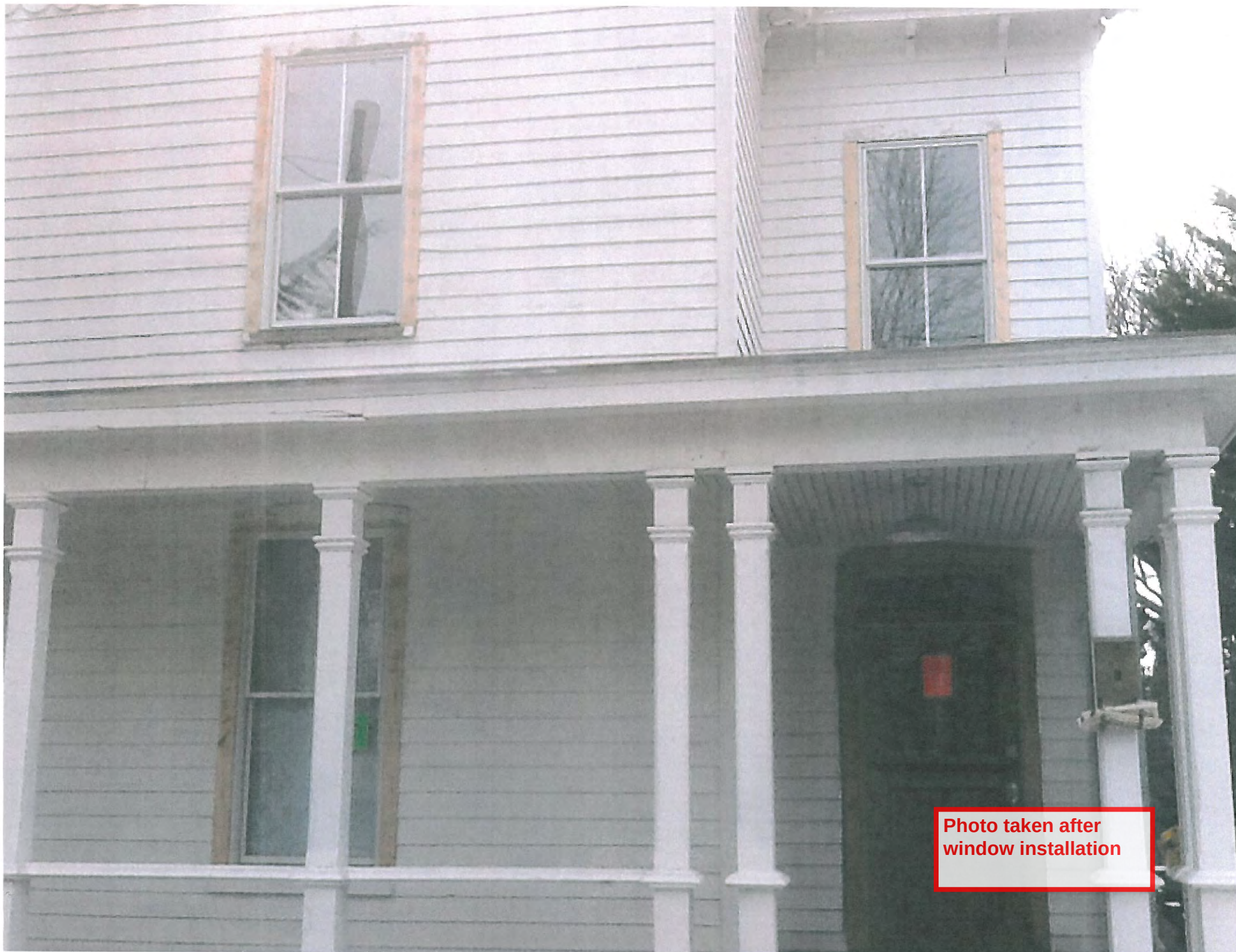


Photo taken after
window installation

MINUTES OF MAY 19, 2014 HISTORIC PRESERVATION COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

(6) ACTION: Request of Robert Mouzayck for an "after-the-fact" COA to install replacement windows at 323 Harrison Street.

Mr. Robert Mouzayck, the applicant, was present to represent the application. Chairman Bohnert called the applicant forward to explain the proposal. Mr. Mouzayck explained that he replaced the windows with aluminum clad windows and was not aware that this was an issue since so many of the windows were damaged.

Chairman Bohnert asked the applications committee if they had discussed the proposal. Commissioner Schneider stated that there seems to be a discrepancy with the material used for the window. He continued by saying that the applicant states that they are aluminum, while staff says they are vinyl. Mr. Mouzayck insisted that the windows are aluminum.

Commissioner McDonald was concerned that the muntins had been placed within the window. Mr. Mouzayck stated he could cover up the muntins on the outside of the window. Commissioner Smith stated that if they are clad in aluminum that they can be made to place a muntin on the outside of the window, but he's not sure how that can be accomplished after the fact.

Chairman Bohnert noted that a concerned citizen was present wishing to address the HPC. Ms. Frances Calhoun, resident of Garland Hill, stated that the material of the window must be determined. She stated that regardless of the material, the neighborhood was against this COA because it sets a bad precedent.

Mr. Mouzayck said that he is at risk for foreclosure and then the house will become a blighted mess.

Commissioner Smith asked the applicant what brand windows he used. Mr. Mouzayck stated that he used Pella. Chairman Bohnert asked if he could produce a purchase order of the windows to determine the material.

Commissioner Morris asked the applicant if there were any sashes left over from the previous windows. Mr. Mouzayck replied that there were no sashes left because they were all rotted.

Commissioner Smith doesn't want to give the applicant a false impression of approval if it's found out that the windows are aluminum clad because based upon the pictures he saw, it still seems inappropriate.

Commissioner Smith made a motion to table the COA. Commissioner Schneider seconded the motion.

Chairman Bohnert asked if there was further discussion. There being no further discussion on the matter, Chairman Bohnert called for the vote and it passed in the following manner:

AYES:	Bohnert, Butterfield, McDonald, Morris, Roskelley, Schneider and Smith	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

**MINUTES OF THE JUNE 16, 2014 HISTORIC PRESERVATION COMMISSION MEETING
(MINUTES HAVE NOT BEEN APPROVED.)**

(1) ACTION: Request of Robert Mouzayck for an “after-the-fact” COA to install replacement windows at 323 Harrison Street.

Vice-Chairman Schneider noted that the applicant had arrived for the meeting and called him forward.

Vice-Chairman Schneider stated that this item had previously been reviewed by the Commission and was tabled to allow for additional information to be presented to the Commission that was not readily available at the last meeting.

Therefore, Vice-Chairman Schneider asked Commissioner Smith, who volunteered at the last meeting to inspect the windows, to provide his assessment. Commissioner Smith stated that the current windows are simulated divided light and clad in aluminum. He continued by saying that the neighborhood representative at the last meeting claimed that the width of the window sash is different from the previous window, but he believes that not to be true after comparing the windows on a similar neighboring house.

Commissioner McDonald suggested that exterior muntins could be applied to the exterior of the window to give it the appearance of a true divided light. Mr. Mouzayck agreed to this suggestion and explained how he could apply the muntin bar to the window. Commissioner Smith stated that the muntins need to be wider than the current simulated muntin so that it is hidden by the exterior bar.

Commissioner Smith made a motion to approve the COA with the caveat that a wood, rot resistant muntin bar go on the exterior of the windows and be wider than the simulated muntin bar. Commissioner McDonald seconded the motion.

Vice-Chairman Schneider asked if there was further discussion. There being no further discussion on the matter, Vice-Chairman Schneider called for the vote and it passed in the following manner:

AYES:	McDonald, Schneider and Smith	3
NOES:	Butterfield	1
ABSTENTIONS:		0
ABSENT:	Bohnert, Morris and Roskelley	3



THE CITY OF LYNCHBURG, VIRGINIA

Planning Division

City Hall, 900 Church Street
Lynchburg, Virginia 24504 • (434) 455-3894
FAX • (434) 845-7630

December 6, 2013

ROBERT MOUZAYCK
323 HARRISON ST.
LYNCHBURG, VA 24504

RE: 323 Harrison Street Window Replacement

Dear Mr. Mouzayck:

This office has received a complaint regarding the modification of windows without City approval at the above referenced property. The property is located within the Garland Hill Local Historic District. Any exterior changes/alterations to the building must first be reviewed and approved by the Historic Preservation Commission (HPC) or by me, Kevin Henry, the Secretary of the HPC. The modifications that you have made have not been reviewed or approved by the HPC or Secretary for a Certificate of Appropriateness (COA).

The modifications that have been made are a violation of Section 35.1-44.1(g) of the City of Lynchburg Zoning Ordinance pertaining to Historic Districts and an application must be made to obtain a COA from the HPC. No additional work or changes to the exterior of the property should be made until the COA has been issued. You were emailed a COA application shortly after our phone conversation today, but should you need a hard copy please contact me at 434-455-3915, or pick one up at City Hall.

Please submit a COA application within fifteen (15) days of receipt of this letter to prevent this office from taking additional action to have the violation corrected.

Please do not hesitate to contact me should you have any questions regarding this matter at the phone number listed above.

Sincerely,

Kevin T. Henry, AICP
Planner II & Secretary to the HPC

PETITION TO APPEAL DECISION OF THE HISTORIC PRESERVATION COMMISSION'S
(HPC) POST APPROVAL OF INAPPROPRIATE ALTERATIONS AT 323 HARRISON ST.

We the undersigned registered voters of the Commonwealth of Virginia hereby appeal the decision of the HPC to grant approval after-the-fact to the replacement of original windows with inappropriate modern windows in the house at 323 Harrison St. which is in the Garland Hill Historic District.

<u>Name</u>	<u>Address</u> (Lynchburg Va 24504 unless otherwise shown)
Kathy Bedsworth <i>yes</i>	404 Cabell St.
Michael Bedsworth <i>yes</i>	404 Cabell St.
Hamilton Brown <i>no cannot identify as city resident</i>	601 Pearl St.
Robert E. Brown <i>yes</i>	1411 Madison St.
Frances B. Calhoun <i>yes</i>	400 Madison St.
Herman H. Calhoun <i>yes</i>	400 Madison St.
James J. Carrington <i>yes</i>	1411 Madison St.
Marc Corbett <i>no cannot identify as city resident</i>	305 Cabell St.
Michael Creed <i>yes</i>	2128 Broadway St., 24502
Katherine W. Cyphert <i>yes</i>	1015 Rivermont Ave., 24503
Troy Deacon <i>yes</i>	311 Cabell St. 301
Chris Hamilton <i>yes</i>	201 F. St.
Bruce Little <i>yes</i>	322 Harrison St.
Marilyn K. Martin <i>yes</i>	47 Columbia Ave., 24503
Dan N. Murphy <i>yes</i>	413 Madison St.
Karen Murphy <i>cannot identify as city resident</i>	413 Madison St.
Susan E. Murray <i>yes</i>	204 Harrison St.

Page 2, Petition on 323 Harrison St.

Claude ^V . Neighbors	yes	602 Washington St.
Julianna Neighbors	yes	602 Washington St.
Pamela Neisch	yes	300 Harrison St.
Dave Preston	yes	123 Harrison St.
Christine Priller	No can not identify as city resident	214 Cabell St.
Jim Scow		305 Cabell St. 210
Jeannine F. Sobotka	not reg in Lynn	122 Harrison St.
Patrick A. Smith	Not Reg in Lynn	608 Washington St.
Susan Stoner	yes	211 Cabell St.
Wayne Stoner	yes	211 Cabell St.
Glenn Sullivan	yes	320 Madison St.
Jill Waugh	yes	208 F. St.
Brian Wooley	yes	201 Harrison St.
Carla Parks Wooley	yes	201 Harrison St.
Ian Wright	yes	202 Harrison St.
Mark Wright	yes	202 Harrison St.

PETITION TO APPEAL DECISION OF THE HISTORIC PRESERVATION COMMISSION'S
(HPC) POST APPROVAL OF INAPPROPRIATE ALTERATIONS AT 323 HARRISON ST.

We, the undersigned registered voters of the Commonwealth of Virginia, hereby appeal the decision of the HPC to grant approval after-the-fact to the replacement of original windows with inappropriate modern windows in the house at 323 Harrison St., which is in the Garland Hill Historic District.

Name Marilyn K. Martin

Address 47 Columbia Ave.

dep. Marilyn K. Martin

Lynchburg, Va. 24503

dep. James B. Capps

400 Madison St., Lynchburg VA 24504

dep. William Calhoun

" " " " " " " " " " " "

cannot id as City
resident

Karen Murphy

413 Madison St Lyn VA 24504

dep. Hank Murphy

413 Madison St 24504

dep. → Green Sullivan

320 Madison St 24504

PETITION TO APPEAL DECISION OF THE HISTORIC PRESERVATION COMMISSION'S
(HPC) POST APPROVAL OF INAPPROPRIATE ALTERATIONS AT 323 HARRISON ST.

We, the undersigned registered voters of the Commonwealth of Virginia, hereby appeal the decision of the HPC to grant approval after-the-fact to the replacement of original windows with inappropriate modern windows in the house at 323 Harrison St., which is in the Garland Hill Historic District.

Name

Address

dup Kathy Bedsworth 404 Cabell Street

dup Michael BEDSWORTH 404 Cabell Street

dup Jill Waugh 208 F St.

dup CHRIS HAMILTON 201 F ST.

cannot ID as City resident dup CHRISTINE PALLER 214 Cabell St.

dup WAYNE STONER 211 CABELL ST.

dup Susan Stoner 211 Cabell St.

dup Troy Reach 311 Cabell St

dup Jim Scan 210 Cabell St.

Wright, Mr. [Signature] 305 CABELL ST.

PETITION TO APPEAL DECISION OF THE HISTORIC PRESERVATION COMMISSION'S
(HPC) POST APPROVAL OF INAPPROPRIATE ALTERATIONS AT 323 HARRISON ST.

We, the undersigned registered voters of the Commonwealth of Virginia, hereby appeal the decision of the HPC to grant approval after-the-fact to the replacement of original windows with inappropriate modern windows in the house at 323 Harrison St., which is in the Garland Hill Historic District.

Name

Address

<i>dup</i> James J. Carrington	1411 Madison St., Lynchburg
<i>dup</i> Robert E. Brown	1411 Madison St. Lynchburg
<i>at registered in - dup. history dup</i> Robert H. Smith	608 WASHINGTON ST. LYNCHBURG
<i>annot ID as City resi. dist - dup</i> Johanna Neff	602 Washington St. Lynchburg, VA
<i>dup</i> Hamilton Brown	601 PEARL ST. LYNCHBURG, VA.
<i>dup</i> Claude J. Neighbour	602 Washington St. Lynchburg Va.

PETITION TO APPEAL DECISION OF THE HISTORIC PRESERVATION COMMISSION'S
(HPC) POST APPROVAL OF INAPPROPRIATE ALTERATIONS AT 323 HARRISON ST.

We, the undersigned registered voters of the Commonwealth of Virginia, hereby
appeal the decision of the HPC to grant approval after-the-fact to the
replacement of original windows with inappropriate modern windows in the
house at 323 Harrison St., which is in the Garland Hill Historic District.

not registered & ineligible

Name Jeanette F. Solter Address 122 Harrison St.

illegible

J. P. Hardy

201 Harrison St.

dup

Carla J. Parks Woolley

201 Harrison St.

illegible

Mike Woolley

illegible

Law Wingo

202 Harrison Street

PETITION TO APPEAL DECISION OF THE HISTORIC PRESERVATION COMMISSION'S
(HPC) POST APPROVAL OF INAPPROPRIATE ALTERATIONS AT 323 HARRISON ST.

We, the undersigned registered voters of the Commonwealth of Virginia, hereby appeal the decision of the HPC to grant approval after-the-fact to the replacement of original windows with inappropriate modern windows in the house at 323 Harrison St., which is in the Garland Hill Historic District.

Name ^{dup} MARK WRIGHT

Address 202 HARRISON ST

illegible



^{dup} Susan E Murray

204 HARRISON ST

illegible



123 HARRISON ST

^{dup} Katherine W. Cyphert

1015 Rivermont Ave

PETITION TO APPEAL DECISION OF THE HISTORIC PRESERVATION COMMISSION'S
(HPC) POST APPROVAL OF INAPPROPRIATE ALTERATIONS AT 323 HARRISON ST.

We, the undersigned registered voters of the Commonwealth of Virginia, hereby appeal the decision of the HPC to grant approval after-the-fact to the replacement of original windows with inappropriate modern windows in the house at 323 Harrison St., which is in the Garland Hill Historic District.

Name Bruce Little

Address 323 Harrison St.

dup Bruce Little

dup Michael Creed Michael Creed 2128 Broadway St.

dup Pamela Neisch Pamela Neisch 300 Harrison St.

25. WINDOWS

POLICY:

Windows should be maintained or repaired to match the original design. If windows are deteriorated beyond repair, the installation of new wood windows to match the original designs is recommended. Windows of baked enamel or anodized aluminum are also acceptable, but these are more appropriate at the rear or sides of dwellings that are not visible from the street. Vinyl windows will generally not be approved. Original window openings should not be covered or concealed. They should also not be partially enclosed for the installation of smaller windows. New window openings should not be added on the fronts of dwellings and are discouraged but may be acceptable at the rear or sides if not visible from the street. The addition of window screens to historic windows is appropriate as long as the screens are full-view design or have a central meeting rail to match the historic window.

Windows:

- A. should be preserved in their original location, size, and design and with their original materials and numbers of panes.
- B. should not be added to primary facades or to side facades where readily visible from the street. The addition of new window openings on rear facades may be acceptable.
- C. should be repaired rather than replaced. A variety of methods and techniques exist for the repair of historic windows. The property/home owner must allow for visible inspection and/or provide physical evidence/pictures to support their claim that windows are not repairable. If the HPC determines that replacement is necessary due to severe deterioration, the replacement should be in-kind to match the originals in material and design. The installation of baked enamel extruded aluminum windows may be acceptable. If aluminum windows are applied they should match historic wood windows as closely as possible in their profile, depth of muntins and surrounding trim. The use of vinyl windows for replacement of deteriorated windows is not generally acceptable. Although discouraged, they may be considered for use at rear facades not readily visible from the street..
- D. of steel or other metal designs and that are historic should be preserved and maintained, or replaced with new metal windows which are similar in appearance and materials.
- E. should not have snap-on, interior or flush muntins. These muntins are much thinner in profile than the muntins on historic windows and don't provide the window with the appearance of a historic window. Simulated Divided Lights (SDL), where the muntin is on the outside of the exterior glass visually creating the appearance of a historic window is an acceptable alternative.
- F. screens and/or storms: should be of full-view design and of wood or aluminum with baked-on enamel of compatible trim color or anodized in dark colors

G. should not have security bars where visible from the street.



Preserve and maintain original historic windows such as six-over-one wood sash (2308 Rivermont).



Original steel casement windows of the 20th century should also be repaired as needed and retained.



Replacement windows of wood are preferred when replacing wood windows.



Extruded Aluminum clad windows may also be appropriate.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 13

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Appalachian Power Company request for an easement on city-owned property (Lynchburg Regional Airport) in Campbell County

RECOMMENDATION: After a public hearing, adopt a resolution approving the request of Appalachian Power Company for an easement to install approximately 1,800 feet of underground power lines on city owned property (Lynchburg Regional Airport) in Campbell County.

SUMMARY: Appalachian Power Company has submitted an easement request to install approximately 1,800 feet of underground power lines on city owned property in Campbell County. The line would be located on the back side of the airport property along the Route 460 fence line.

The proposed power line would begin at an existing overhead primary line that serves the police shooting range behind the Lynchburg Regional Airport. The line would extend across City airport property along the Route 460 fence line to the adjoining property of Dudley Land Company LLC. The purpose of the line is to provide power to Dudley Land Company LLC property to serve a billboard. Mark Courtney, Airport Director, reviewed the proposed easement location and had no objection.

During the PDC meeting a member stated that the value of any cut timber in the easement area should go to the airport. Since that meeting Tom Woodford, of Appalachian Power Company, stated in an email that the area where the underground lines will be installed is covered in vegetative brush 5" and smaller. The cutting of right of way will stay in the brush area and weave around to miss trees that are "hardwoods of merchantable value." The forestry mower will also cut through some of the small pines that are not merchantable.

PRIOR ACTION(S): Technical Review Committee (TRC) – February 18, 2014; Physical Development Committee (PDC) - February 11, 2014

FISCAL IMPACT: None

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

ATTACHMENT(S): Resolution; Route Map; Aerial Map; PDC Minutes

REVIEWED BY: lkp

RESOLUTION:

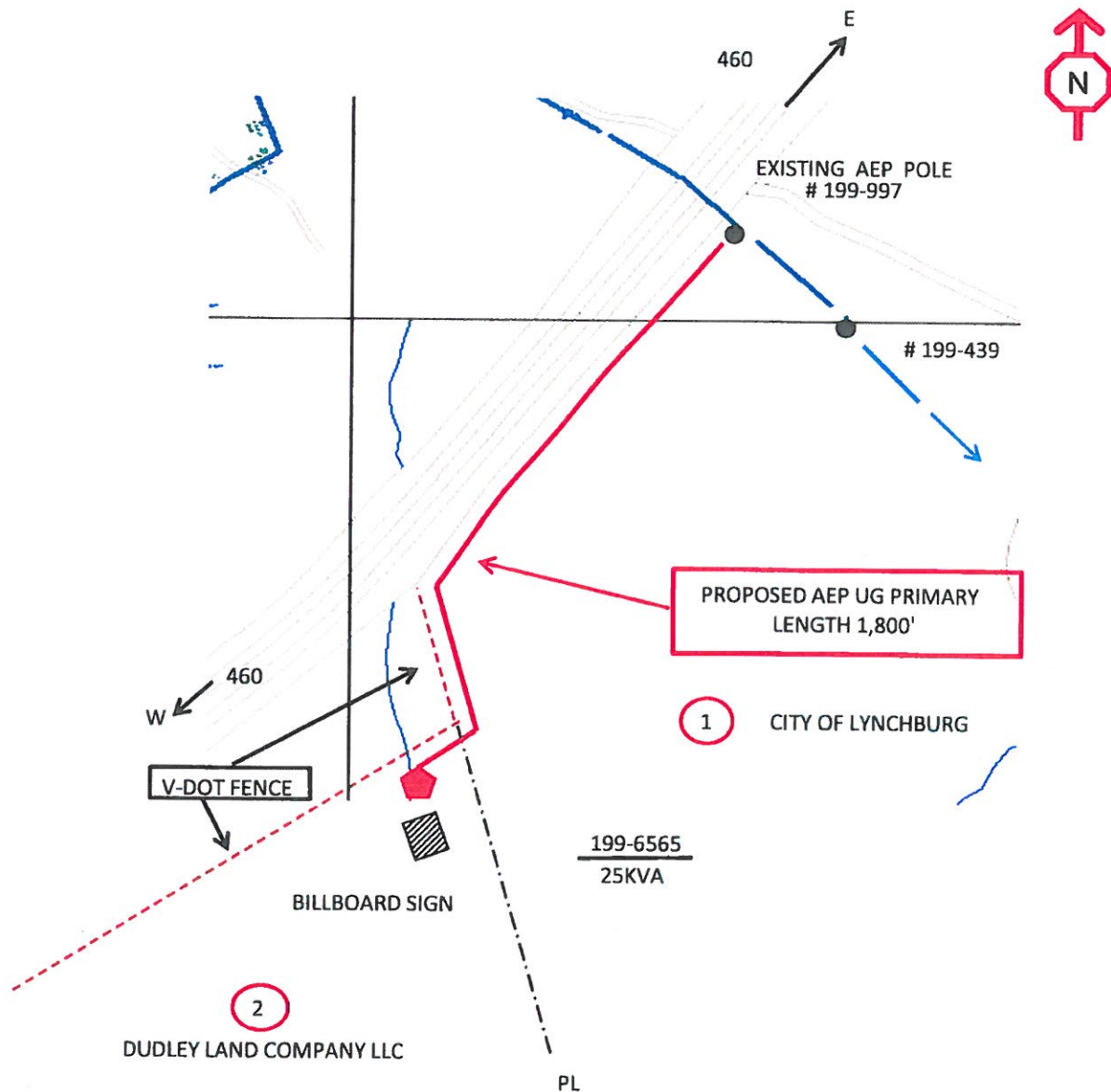
BE IT RESOLVED by the Lynchburg City Council that the City Manager is authorized to execute a utility easement/right of way agreement with Appalachian Power Company allowing the installation of approximately 1,350 feet of underground or overhead power lines on City owned property in Campbell County, located on the back side of the airport property along the Route 460 line, beginning at an existing overhead primary line that serves the Lynchburg Police Department shooting range located behind the Lynchburg Regional Airport, and extending across the City airport property along the Route 460 fence line to the adjoining property owned by David Dudley, in order to provide electric service to David Dudley.

Adopted:

Certified: _____
Clerk of Council

101K

FROM LYBG TAKE 460W, TO LEESVILLE RD. EXIT AND TURN LEFT THEN GET BACK ON 460E. GO .8Mi PAST THE WATERLICK RD. BRIDGE TO AEP POLE # 199-997 ON RIGHT (POLE CAN ALSO BE ACCESSED FROM THE CITY OF LYBG PROPERTY AT THE POLICE SHOOTING RANGE OFF AIRPORT RD.)





Easement for AEP

Print Date: 02/04/2014

Image Date: 03/10/2012

Level: Community

are not agreeable. Vice Mayor Johnson indicated he was in favor of vacating the full alley. He did not feel the additional acreage placed an undue burden on the non-consenting property owner. Council Member Foster voiced her desire for the City to contact Ms. Stone directly to address her concerns. She was agreeable to move petition forward to Council with caveat that the owner would be contacted prior to the public hearing and a solution reached that was agreeable to everyone. Mayor Gillette was reluctant to force a property owner to take something they have stated they did not want. However, he did not feel the circumstances precluded the City from relinquishing their ownership of the property to someone who did want it. There was further discussion about the opportunity to combine the vacation with a revised deed that simultaneously redraws property boundary lines resulting in 100 percent of the vacated alley beyond the church property lines transferring to Mr. Miller.

Consensus from the committee is to move this forward to Council with their recommendation for approval, pending contact with Ms. Stone and a proposal agreeable to all property owners brought forward for consideration.

2. Easement approval for installation of Appalachian Power (AEP) power lines on City-owned property in Campbell County – AEP is requesting easement approval to install approximately 1,350 feet of underground or overhead power lines on City owned property in Campbell County. The line would be located on the back side of the airport property along the Route 460 line. The proposed power line would begin at an existing overhead primary line that serves the police shooting range behind the Lynchburg Regional Airport. The line would extend across City airport property along the Route 460 fence line to the adjoining property of David Dudley. The purpose of the line is to provide power to David Dudley's property. Mark Courtney, Airport Director, reviewed the proposed easement location and had no objections.

Mr. Newland explained AEP is trying to run power to Mr. David Dudley's property in Campbell County. Since this land is City-owned (part of the airport) and is considered private property, the City Attorney feels an easement is necessary to allow AEP access to run the necessary lines across City-owned property. If recommended by PDC, this would go to full Council for approval.

Council Member Perrow disclosed Mr. Dudley is a former personal client; however, he does not have a personal interest or gain from this request and therefore there is no conflict of interest that prevents him from discussing the issue. Vice Mayor Johnson questioned whether there were additional party interests in this request (i.e. timbering for preparation of easement) and noted his approval to move forward. Council Member Foster confirmed location of lines and area of proposed easement. She noted value of any cut lumber should go to airport since it is their property. Mayor Gillette indicated his approval given Mark Courtney's consensus. He also felt it was appropriate to assist development efforts of property located in Campbell County.

Council Member Perrow inquired how negotiations for this request would be finalized. Mr. Payne indicated a public hearing would be held where review of plat would provide full details for conditions of easement. PDC agreed this should be moved forward to full Council, with a full easement package detailing fiscal impact for consideration.

Roll Call:

Council Member Foster—She has received several complaints about a hole in the road on Rivermont Avenue; Mr. Payne explained it is currently on the schedule to be repaired once weather permits. It has been previously repaired but is sinking again.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

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

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

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

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

PRIOR ACTION(S):

May 9, 2014: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

June 10, 2014: The Physical Development Committee [PDC] reviewed the petition and recommended it be forwarded to City Council.

FISCAL IMPACT: None

CONTACT(S):

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

ATTACHMENT(S):

- Ordinance
- Application
- Maps

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

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

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

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

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

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

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

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

Adopted:

Certified:

Clerk of Council

103K

INSPECTIONS DIV
APR 25 2014
RECEIVED

Street/Alley/Right-of-way

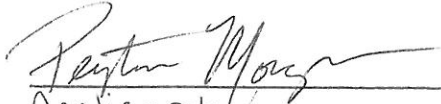
2101 and 2019 Elm St, Lynchburg VA

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

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

Given under my hand this _____ day of _____,

20____.


Applicant

2019 Elm St

Lynchburg VA
Address

434-845-8317

Telephone Number


Applicant

2101 Elm St

Lynchburg VA
Address

(434) 244-0308

Telephone Number

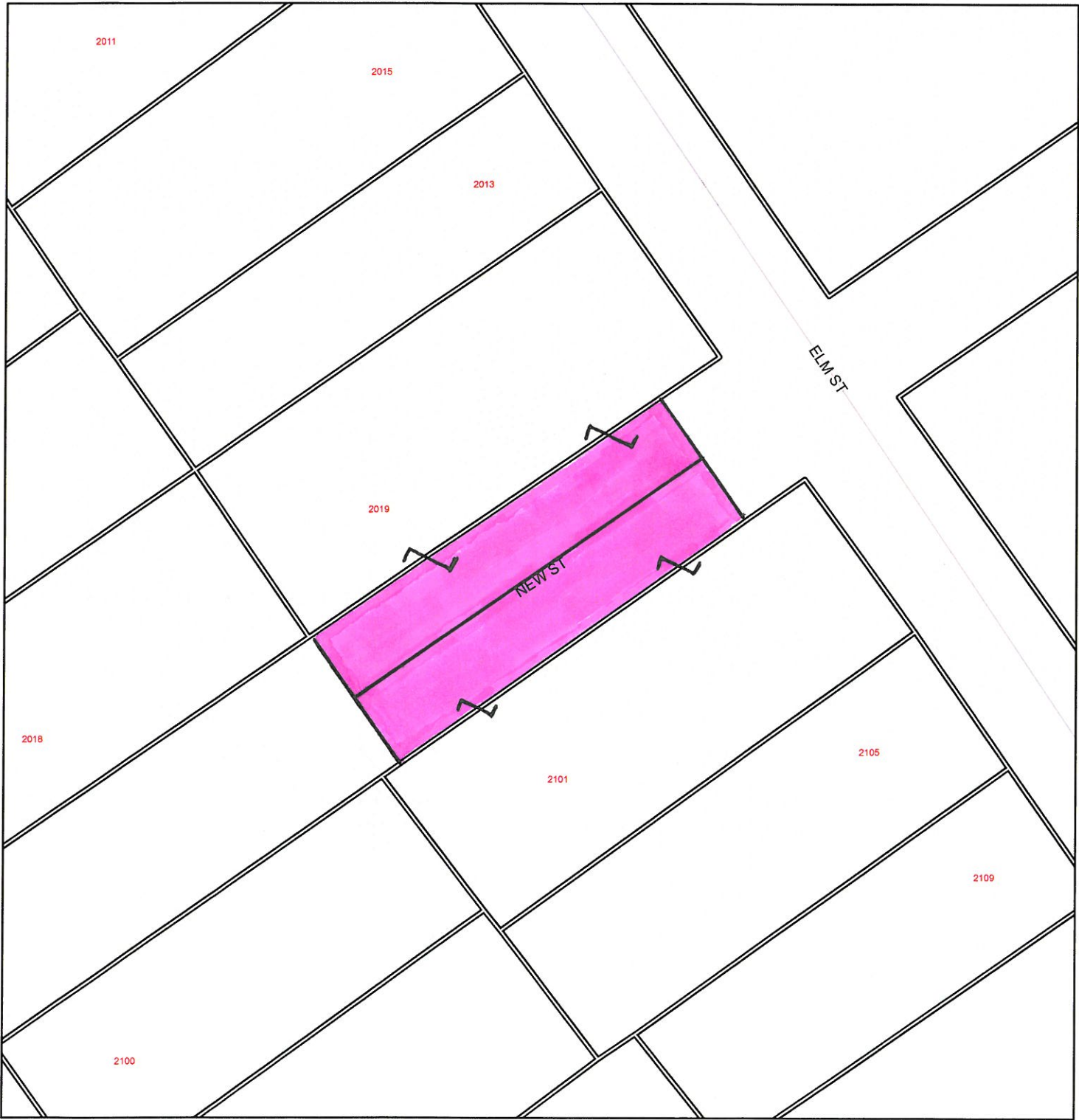
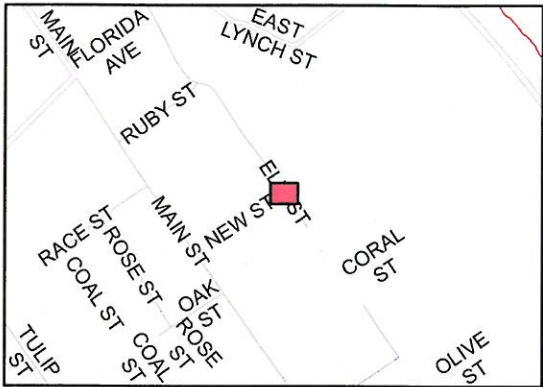
WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT
TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY.

2019 & 2101 Elm Street

Right-of-Way Vacation



Area to be vacated

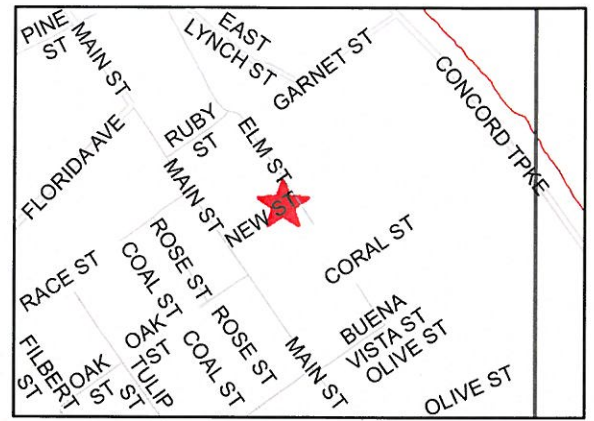


2019 & 2101 Elm Street

Right-of-Way Vacation



Location



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

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

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

SUMMARY: Cari L. Smith, the owner of 1210 Norvell Street, is petitioning to vacate a portion of unopened right-of-way known as Craighill Street between 1210 and 1300 Norvell Street. The area is approximately one hundred seventy-two thousandths (0.172) of an acre. The dimensions of the proposed vacation are one hundred fifty (150) feet long by fifty (50) feet. This section of right-of-way includes a grassed area.

The adjoining owner, Sherry Smith, at 1300 Norvell Street has consented to the petition. This portion of right-of-way currently does not serve as access to any of the adjoining properties and the apartment complex, LP Apartments, uses the opposite end of this block of Craighill Street for access.

PRIOR ACTION(S):

May 23, 2014: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

June 10, 2014: The Physical Development Committee [PDC] reviewed the petition and recommended it be forwarded to City Council.

FISCAL IMPACT: None

CONTACT(S):

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

ATTACHMENT(S):

- Ordinance
- Application
- Maps

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF UNOPENED RIGHT OF WAY KNOWN AS CRAIGHILL STREET IN BETWEEN 1210 AND 1300 NORVELL STREET.

WHEREAS, Cari L. Smith, is petitioning to vacate a portion of unopened right of way known as Craighill Street located between the properties of 1210 and 1300 Norvell Street, which extends one hundred fifty (150) feet; and

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

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

The portion of unopened right of way known as Craighill Street located between 1210 and 1300 Norvell Street, which extends one hundred fifty (150) feet.

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

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

Adopted:

Certified:

Clerk of Council

104K

APPLICATION FOR THE VACATION OF A

Right of Way

Street/Alley/Right-of-way

LOCATED BETWEEN

1210 Norvell Street and 1300 Norvell Street

The undersigned applicants, Cari L. Smith (1210 Norvell Street) and Sherry Smith (1300 Norvell Street)

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

The area is approximately 0.18 acres. You would be entitled to half of that if it were to be vacated. Since it would only be .09 acres added to each lot the assessment of the property will not be affected. It looks like the area that would be vacated would be about 50 ft. wide and 160 ft. long. Again, each property would obtain half of that.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on May 15, 2014, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described right of way.

Given under my hand this 17th day of April,

2014.

Cari Smith

Amber L. Haskew - Bar of Attorney for
Applicant Sherry E. Smith

1210 Norvell Street, Lynchburg, VA 24502

1300 Norvell Street, Lynchburg, VA 24502
Address

434-901-0726 - Amber Haskew

434-327-6803 - Cari Smith

Telephone Number

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

POWER OF ATTORNEY

BE IT KNOWN, that I, Sherry Ellen Smith, the undersigned Grantor, resident of 2311 Rivermont Avenue, Lynchburg, VA 24503 has made and appointed, and by these presents does make and appoint Amber Smith Haskew a resident of 2311 Rivermont Avenue, Lynchburg, VA 24503 true and lawful attorney-in-fact (agent) for her and in her name, place and stead, giving and granting to said attorney-in-fact, general, full and unlimited power and authority to do and perform each and every act and thing which may be necessary, or convenient, in connection with any of the foregoing, as fully, to all intents and purposes, as could be done if Grantor might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that said attorney-in-fact shall lawfully do or cause to be done by virtue hereof.

This attorney-in-fact is effective immediately and will expire on October 1, 2014.

Dated this October 1, 2013, I hereby agree to accept the appointment as attorney-in-fact, pursuant to the foregoing Power of Attorney.

Amber S Haskew
Appointee's Signature

IN WITNESS WHEREOF, I have hereunto set my hand and seal this October 1, 2013.

Sherry Smith
Grantor's Signature

Sherry Smith
Print or type name

Amber Haskew
@gmail.com

Signed, sealed and delivered in the presence of:

Witness 1 [Signature] Witness 2 [Signature]

State of Virginia County of Bedford

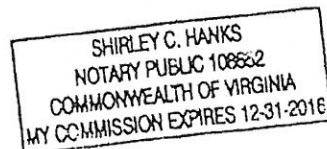
The foregoing instrument was acknowledged by me, a Notary Public, this October 1, 2013 by: Sherry Ellen Smith who is personally known by me or who has/have produced: SID DL 00275575 as identification and who did not take an oath.

Witness my hand and official seal.

[Signature] (SEAL)

Notary Public State of Virginia

My Commission Expires: Dec. 31 2016

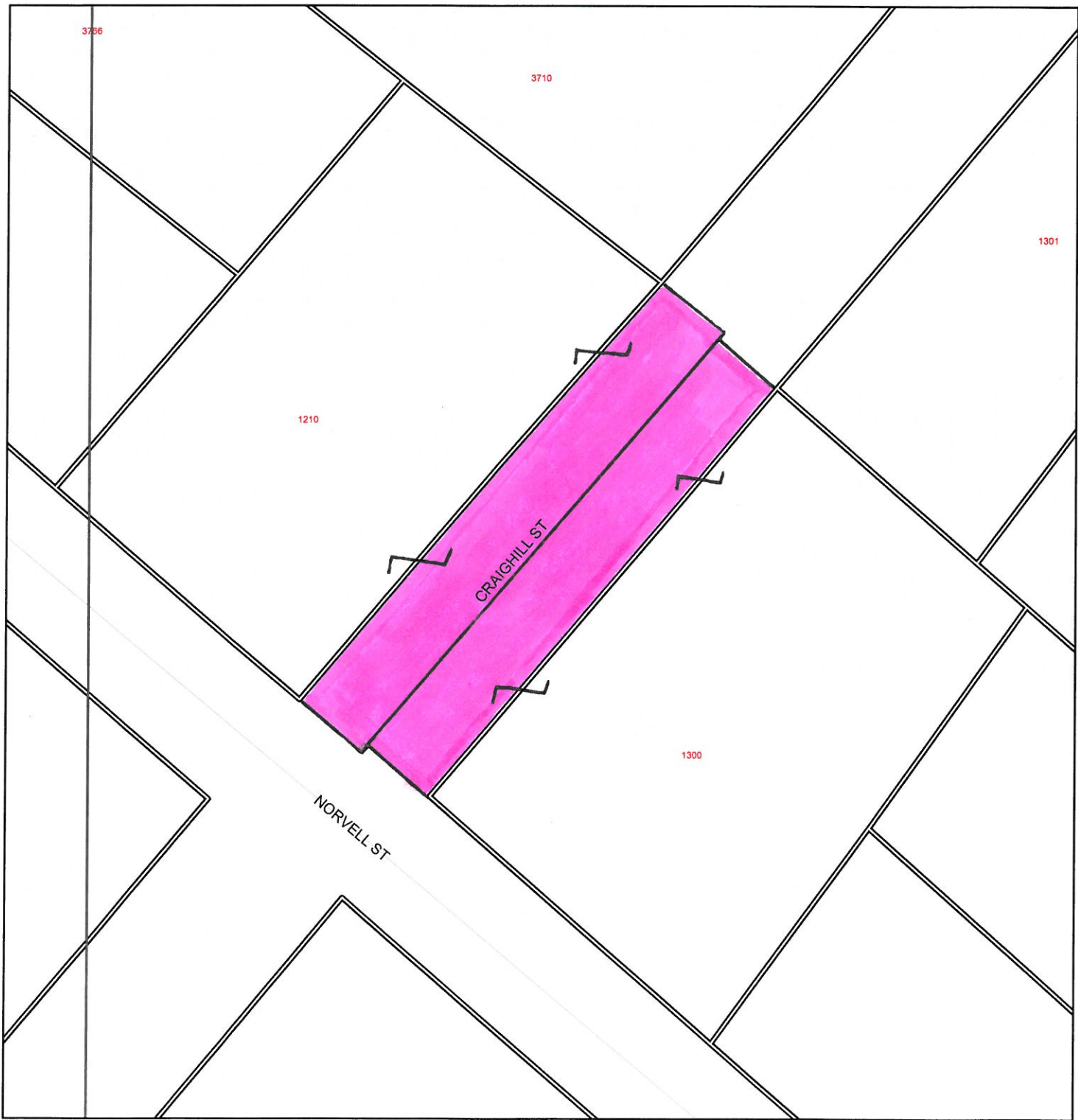
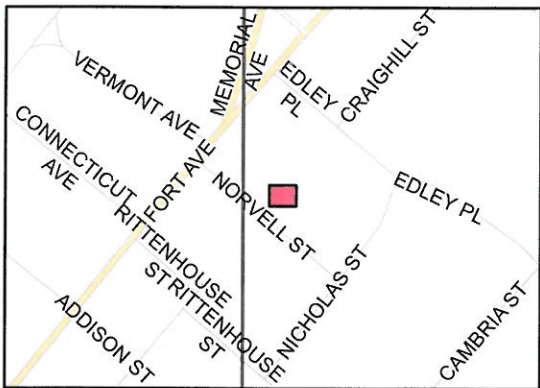


1210 and 1300 Norvell Street

Right-of-Way Vacation



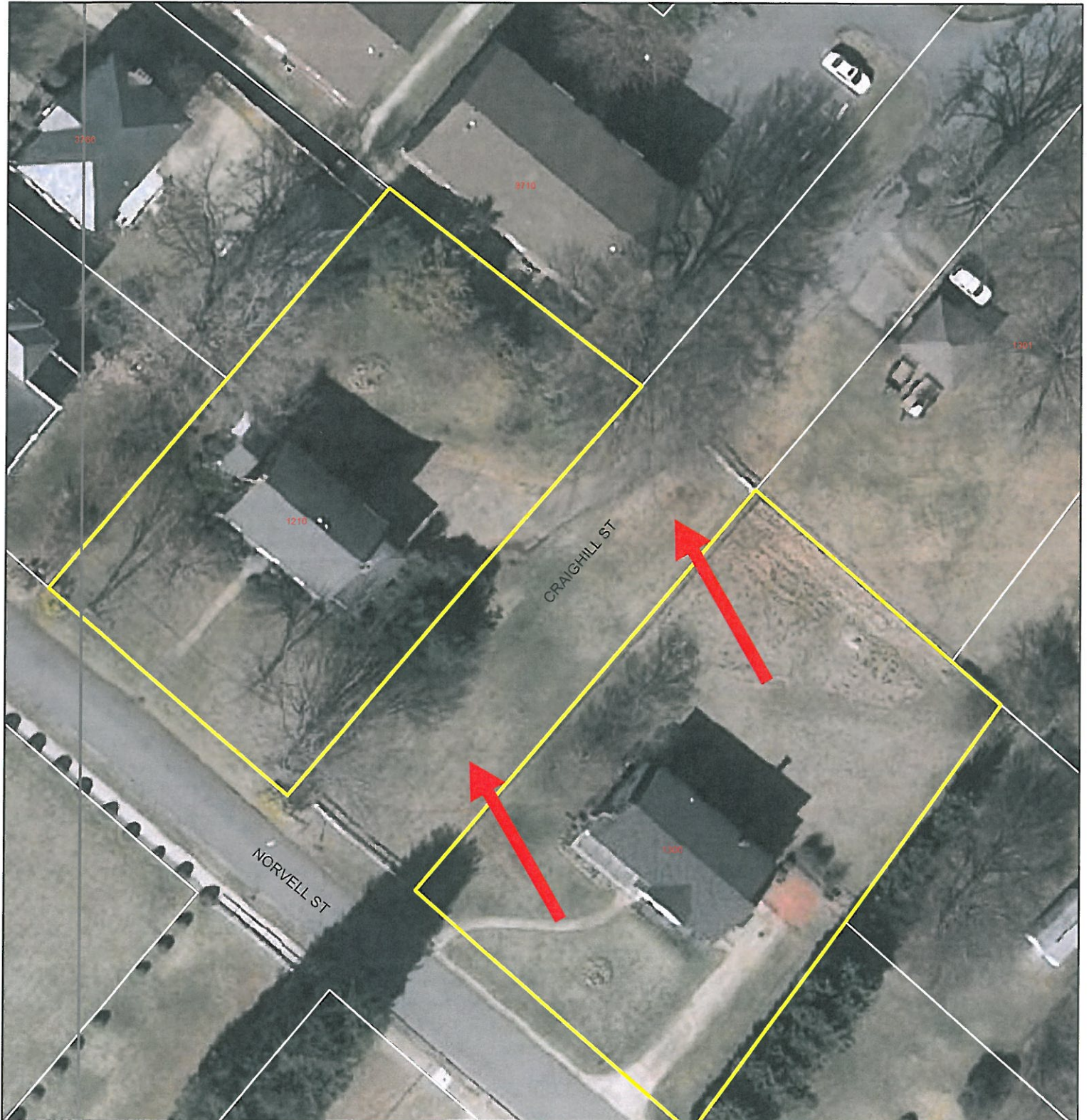
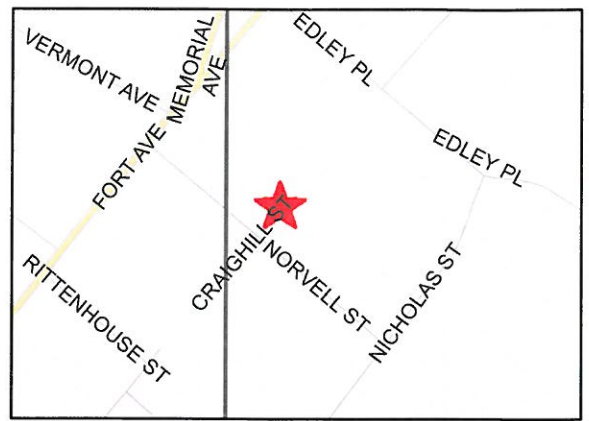
Area to be vacated



1210 and 1300 Norvell Street

Right-of-Way Vacation

★ Location



LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 16

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amend Section 11-2 of the City Code, relating to Building Code Enforcement and Sections 19.42 and 19.2-47 of the City Code, relating to Fire Code Enforcement**

RECOMMENDATION:

Amend Sections 11-2, 19-42, and 19-47.2 of the City Code to enforce the latest editions of the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code.

SUMMARY:

On July 14, 2014, the Virginia Department of Housing and Community Development adopted the 2012 edition of the International Building Code to serve as the Virginia Uniform Statewide Building Code, and adopted the 2012 edition of the International Fire Code to serve as the Virginia Statewide Fire Prevention Code. It is necessary to amend Sections 11-2 and 19-42 of the City Code to remove the references to the 2009 editions of the Uniform Statewide Building Code and the Statewide Fire Prevention Code, and replace them with references to the 2012 editions of the Uniform Statewide Building Code and the Statewide Fire Prevention Code.

Section 19-47.2 of the City Code establishes the fees that are charged by the Fire Department when it inspects and issues permits for certain types of activities. The Fire Department charges a \$50 fee to inspect and issue a permit for the removal of an underground storage tank. In addition to removal, an underground storage tank can now be rendered safe by filling it with an inert material, and allowing it to remain in place instead of removing it from the ground. The Fire Department has requested that Section 19.2-47.2 be amended to make it clear that the \$50 inspection and permit fee applies in situations in which underground storage tanks are filled with inert material as well as situations in which underground storage tanks are removed from the ground.

PRIOR ACTION(S):

On March 22, 2011, City Council amended the City Code to enforce the 2009 editions of the Virginia Uniform Statewide Building Code and the Virginia Statewide Fire Prevention Code.

FISCAL IMPACT:

None

CONTACT(S):

Douglas R. Saunders, Building Official, 455-3899; Thomas R. Mack, Acting Fire Marshal, 455-6364; or Walter C. Erwin, 455-3973.

ATTACHMENT(S):

An ordinance amending Sections 11-2, 19-42, and 19-47.2 of the City Code.

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 11-2, 19-42 AND 19-47.2 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE ENFORCEMENT OF THE 2012 EDITION OF THE UNIFORM STATEWIDE BUILDING CODE AND THE 2012 EDITION OF THE STATEWIDE FIRE PREVENTION CODE.

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

1. That Sections 11-2, 19-42 and 19-47.2 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 11-2. Construction, rehabilitation and maintenance of structures regulations adopted.

For the purpose of ensuring public safety, health and welfare, insofar as they are affected by building construction, to ensure public safety, health and welfare through proper building maintenance, repair, use and continued compliance with minimum standards of building construction, energy conservation, water conservation, and physically handicapped and aged accessibility, that certain regulations known as the Virginia Uniform Statewide Building Code, 2009~~12~~ edition, Part I, the Virginia Construction Code; Part II, the Virginia Rehabilitation Code; Part III, and the Virginia Maintenance Code; ~~Chapter 34, Existing Structures, of the 2009 edition of the International Building Code; and, the 2009 edition of the International Property Maintenance Code,~~ and all of the codes and standards referenced therein, copies of which are on file in the inspections division of the department of community development, are hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the corporate limits of the city. Pursuant to the provisions of Section 1-220 of the Code of Virginia, future amendments to the sections of the Virginia Uniform Statewide Building Code, the International Building Code, The International Property Maintenance Code and the codes and standards referenced therein are also incorporated by reference herein. All future editions of the Virginia Uniform Statewide Building Code and all amendments thereto are hereby automatically adopted and incorporated into the city code.

Sec. 19-42. Adoption of code.

For the purposes of establishing rules and regulations to safeguard life, and property and public welfare from the hazards of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use of or occupancy of buildings, structures, sheds, tents, lots or premises, that certain fire prevention code known as the Virginia Statewide Fire Prevention Code 2009~~12~~ edition, and the whole thereof, save and except such portions as are hereinafter deleted, modified, amended, added or changed is hereby adopted and incorporated, subject to the aforesaid deletions, modifications, amendments, additions and changes as fully as if set out at length herein, including all appendices and all of the codes and standards referenced therein, as provided by Section 1-220 of the Code of Virginia. As provided by Section 27-97 of the Code of Virginia, the following Appendices as written by the International Code Council and included as part of the 2009~~12~~ edition of the International Fire Code, to-wit: Appendix B – Fire Flow Requirements For Buildings, Appendix C – Fire Hydrant Locations and Distribution, and Appendix D – Fire Apparatus Access Roads, are also adopted and incorporated as part of the city's fire prevention code. Further, all future editions of the Virginia Uniform Statewide Fire Prevention Code and all amendments thereto and all future editions of Appendices B, C and D of the International Fire Code and all amendments thereto are hereby automatically adopted and incorporated into the city code. Copies of said code are on file in the office of the chief of the fire department of the City of Lynchburg, Virginia, at 800 Madison Street in the city, where they may be viewed Mondays through Fridays from 8:00 a.m. to 5:00 p.m. except legal holidays.

Said Virginia Statewide Fire Prevention Code 2009~~12~~ edition, as so amended, is hereby adopted and incorporated as fully as if set out at length herein, and on and after the date on which this section shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Lynchburg, Virginia.

Sec. 19-47.2. Fees.

<i>Index</i>	<i>Section 1 Fire Prevention Fees and Permit Requirements</i>	<i>Fee</i>
108.1.1	Carnival, circus, festival and fairs (30 day permit)	\$50
108.1.1	Explosives: Blasting, each site or location	\$50
108.1.1	Explosives: Storage indoors (1 year permit)	\$50
108.1.1	<u>Rendering a Flammable/Combustible Liquid Tank Safe by Removal or Filling With Inert Material</u> (per tank)	\$50
108.1.1	LP-Gas Retail Cylinder Exchange Location	\$50
108.1.1	Open Burning: Recreational Bonfire (5 day permit)	\$50
108.1.1	Place of Assembly – Occupant Load 50 or Greater	\$50
108.1.1	Pyrotechnics & Fireworks: Retail Sale (45 day permit)	\$50
108.1.1	Pyrotechnics & Fireworks: Outdoor Display (1 day Permit)	\$50
108.1.1	Tents, Canopies & Air Supported Structures 700+ Square Feet (30 day permit)	\$50

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

Adopted:

Certified:

Clerk of Council

099K

Robert J.F. Murphy

381 Woodland Ave
Lynchburg, Va
24503
(434)316-4510
drag.murphy@gmail.com

13 July 2014

Mrs. Valeria P. Chambers, Clerk
City Council of Lynchburg, Va
900 Church Street
Lynchburg, VA 24504

Madame Clerk,

I would like to speak briefly before Council at their August 12 public hearing. I have suggestions for the upcoming update of the City's Zoning Ordinance. Kindly place my name on the list, or make whatever arrangements as appropriate. If you have additional instructions or requirements, please do not hesitate to contact me. It was my pleasure to meet you this past Friday afternoon.

Rob Murphy

108K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 18

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Resolution Authorizing the Issuance of Bonds for Centra Health, Inc.**

RECOMMENDATION: Adopt the attached resolution authorizing the issuance of up to \$100,000,000 in bonds through the Lynchburg Economic Development Authority (LEDA) for the benefit of Centra Health, Inc.

SUMMARY: The attached information provided by Ted Craddock, counsel to the Lynchburg Economic Development Authority, explains the proposed issuance in detail. Centra Health proposes to finance seven projects, three of which will be in the City; a \$12 million Internal Medicine facility currently under construction on Nationwide Drive, a \$13.5 million Neurosciences Center proposed for Atherholt Road and a proposed \$10 million 5th Floor Pulmonary Care build out at Lynchburg General Hospital. In addition, Centra plans to finance projects in Amherst, Danville, Farmville and Gretna through the issuance of the bonds.

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

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

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

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

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

ATTACHMENT(S): Proposed Resolution; Letter from Ted Craddock

REVIEWED BY: lkp

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

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority"), has received an application from Centra Health, Inc. a not-for-profit Virginia nonstock corporation ("Centra"), and Centra Medical Group, LLC, a limited liability company and an affiliate of Centra ("CMG" and, together with Centra, the "Borrowers"), requesting the Authority to issue one or more series of Hospital Revenue Bonds pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), in an aggregate principal amount not to exceed \$100,000,000 (the "Bonds") to finance costs of certain projects, as described in Exhibit A, to be owned by the Borrowers (together, the "Project");

WHEREAS, the Authority, on July 17, 2014, held a public hearing on the issuance of the Bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code, as amended (the "Code"), and Section 15.2-4906 of the Act require that the governmental unit on behalf of which the Authority will issue the Bonds approve the issuance of such bonds;

WHEREAS, the Borrowers have requested the City Council of the City of Lynchburg, Virginia (the "Council"), approve the issuance of the Bonds to comply with Section 15.2-4906 of the Act and Section 147(f) of the Code;

WHEREAS, a copy of the Authority's resolution of July 17, 2014, approving issuance of the Bonds, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Council; and

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act.

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

1. The Council hereby approves the issuance of the Bonds by the Authority for the benefit of the Borrowers, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act.
2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Borrowers. The Bonds shall provide that neither the City of Lynchburg, Virginia, nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the City of Lynchburg, Virginia, or the Authority shall be pledged thereto.
3. All acts and doings of the officers and members of the Council that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.
4. This resolution shall take effect immediately upon its adoption.

Adopted:

Certified:

Clerk of Council

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

900 CHURCH STREET, 2ND FLOOR
LYNCHBURG, VA 24504

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

July 22, 2014

DELIVERED BY HAND

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

**Re: Economic Development Authority of the City of Lynchburg, Virginia,
proposed financing for Centra Health, Inc.**

Dear Mr. Mayor and Members of Council:

Centra Medical Group, LLC ("CMG") and Centra Health, Inc. ("Centra") (collectively the "Applicant") has requested the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority"), to issue its revenue bonds or notes, the principal obligation not to exceed \$100,000,000, to assist the Applicant in financing the following:

- i. Acquisition, construction and equipping of a 51,000 square foot medical center and 24-hour emergency room located at 291 McBride Lane in the Town of Gretna, Virginia, to be owned by CMG and operated by Centra and CMG.
- ii. Acquisition, construction and equipping of a 52,000 square foot facility to house a dialysis center, primary care clinic, specialty care clinic and medical offices for orthopedics located at 915 South Main Street in the Southgate Shopping Center in the Town of Farmville, Virginia, to be owned by Centra and operated by Centra Medical Group Southside LLC.
- iii. Acquisition, construction and equipping of (a) a 32,000 square foot ambulatory medical center, including a specialty care clinic and imaging and lab services, and (b) 16,000 square feet of unfinished space, located at 414 Park Avenue in the City of Danville, Virginia, to be owned by Centra and operated by CMG.
- iv. Acquisition, construction and equipping of a 17,500 square foot primary care and specialty care clinic, located at 139 Ambriar Plaza, in the Town of Amherst, Virginia, to be owned by Centra and operated by CMG.

- v. Acquisition, construction and equipping of a two-story, 46,500 square foot primary care medical center, including 19,000 square feet of unfinished space, that will also provide specialty care and extended care hours located at 125 Nationwide Drive in the City of Lynchburg, Virginia, to be owned by Centra and operated by CMG.
- vi. Acquisition, construction and equipping of a new 36 bed pulmonary unit in a 27,100 square foot shell space on the 5th floor of the East Tower of Lynchburg General Hospital, located at 1901 Tate Springs Road in the City of Lynchburg, Virginia, to be owned and operated by Centra.
- vii. Acquisition, construction and equipping of a 37,750 square foot comprehensive neurosciences center to serve neurosurgery, neurology, pain management, outpatient physical therapy and physiatry located at 2399 Atherholt Road in the City of Lynchburg, Virginia, to be owned by Centra and operated by Centra and CMG.

The facilities will be located in the City of Lynchburg, Town of Gretna, Town of Farmville, City of Danville, and Town of Amherst, and will be owned and operated by the Applicant.

As set forth in the enclosed Authority Resolution, the Authority has agreed to issue its Bonds as requested. The Authority has conducted a public hearing on the proposed financing of the Project and has recommended that the City Council approve the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia (1950), as amended.

Attached hereto is a copy of the Applicant's application for financing and (1) a certificate evidencing the conduct of the meeting and the action taken by the Authority (2) the Fiscal Impact Statement required pursuant to Section 15.2-4907 of the Code of Virginia (1950), as amended, and (3) the form of resolution suggested by counsel to evidence your approval.

It is requested that consideration of the proposed Council Resolution be placed on the Council agenda for the meeting scheduled for Tuesday, August 12, 2014. A representative of the Authority will be present at the meeting.

Respectfully submitted,



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

Honorable Mayor and Members of the
Council of the City of Lynchburg
July 22, 2014
Page 3

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

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

Wm. Tracey Shaw
Edmunds & Williams, P.C.
Counsel to Centra Health, Inc.

Martha A. Warthen
Hunton & Williams LLP
Bond Counsel

David A. Lilly
Town Manager
Town of Gretna

Jack Hobbs
Town Manager
Town of Amherst

Gerald J. Spates
Town Manager
Town of Farmville

Clarke Whitfield
City Attorney
City of Danville

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

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

The Applicant understands that the approval or disapproval of this application is within the discretion of the Authority and that if approved by the Authority the requested financing will also have to be approved by the City Council of the City of Lynchburg and a proper allocation (bond issuing authority) made to the Authority for the issuance of such bonds or notes under the state limit for the issuance of such bonds or notes as provided in Section 103 of the Internal Revenue Code of 1954, as amended, and the regulations issued thereunder, and as provided by any applicable state legislation, executive order, administrative rules or regulations; that the Authority and/or City Council may require additional financial and other information from the Applicant; that the Authority reserves the right to approve or disapprove bond counsel with respect to each issue; that if this application is approved and Authority bonds or notes are thereafter issued all financing documents shall be in form and substance satisfactory to the Authority, its counsel and bond counsel for the issue and shall include provisions satisfactory to the Authority and its counsel with respect to indemnifying the Authority and payment by Applicant to the Authority of an annual payment to be applied to the Authority's general operating and audit expense while such bonds or notes are outstanding; and that if the Authority adopts an inducement resolution and/or enters into an inducement contract with respect to the issuance of bonds or notes on behalf of Applicant and thereafter before the issuance of its bonds or notes determines (1) that any material information furnished the Authority or the City Council by or on behalf of the Applicant is false or misleading, or (2) if after the adoption of such resolution the proposed financing is not thereafter approved by the City Council of the City of Lynchburg or a proper allocation of bond issuing authority is not made, or (3) if approved by the Authority and the City Council and a proper allocation of bond issuing authority is made, Applicant has not, within the calendar year or other period of time with respect to which the bond issuing authority is made applicable, made all necessary arrangements required of it with respect to the issuance and sale of the bonds or notes and the undertaking of the facility to be financed thereby, or if for any other reason the bonds or notes have not been issued within any such applicable time period, the Authority, in any such event, reserves and shall have the right in its sole discretion to revoke or rescind such inducement resolution and/or inducement contract which the Authority has entered into with the Applicant, after not less than ten (10) days written notice of the Authority's intention so to do, addressed and mailed to the Applicant at its address given in this Application.

Respectfully submitted this 20th day of June, 2014.

Lewis C. Addison
Lewis C. Addison
SVP/CFO, Treasurer

Ambulatory Strategy and Bond Financing



CENTRA
MEDICAL GROUP



Our Mission

It is all about the patient.

Our Vision

Centra Medical Group will provide high value health care and promote wellness by:

- Serving as a trusted partner to our patients, colleagues, and communities
- Living Centra's mission of "Excellent Care... Every Time"
- Engaging in continuous learning and teaching, innovation and improvement
- Becoming the most cohesive, service and quality-driven medical group in the commonwealth

Primary Care Demand Calculation

Advisory Board Volume Estimator Tool

Forecasted volumes based on expected population growth coupled with moderate increases in Primary Care Provider utilization rates

Methodology

Local population by age and gender cohort

X

National utilization rate

X

Expected population growth = **Expected Demand**

Note: where available, the tool uses local Medicare utilization rates as a proxy for local overall utilization rates

Assumptions

Each FTE sees:

- 16 patients/day
 - 5 days/week
 - 50 weeks/year
- =4,000 visits/year

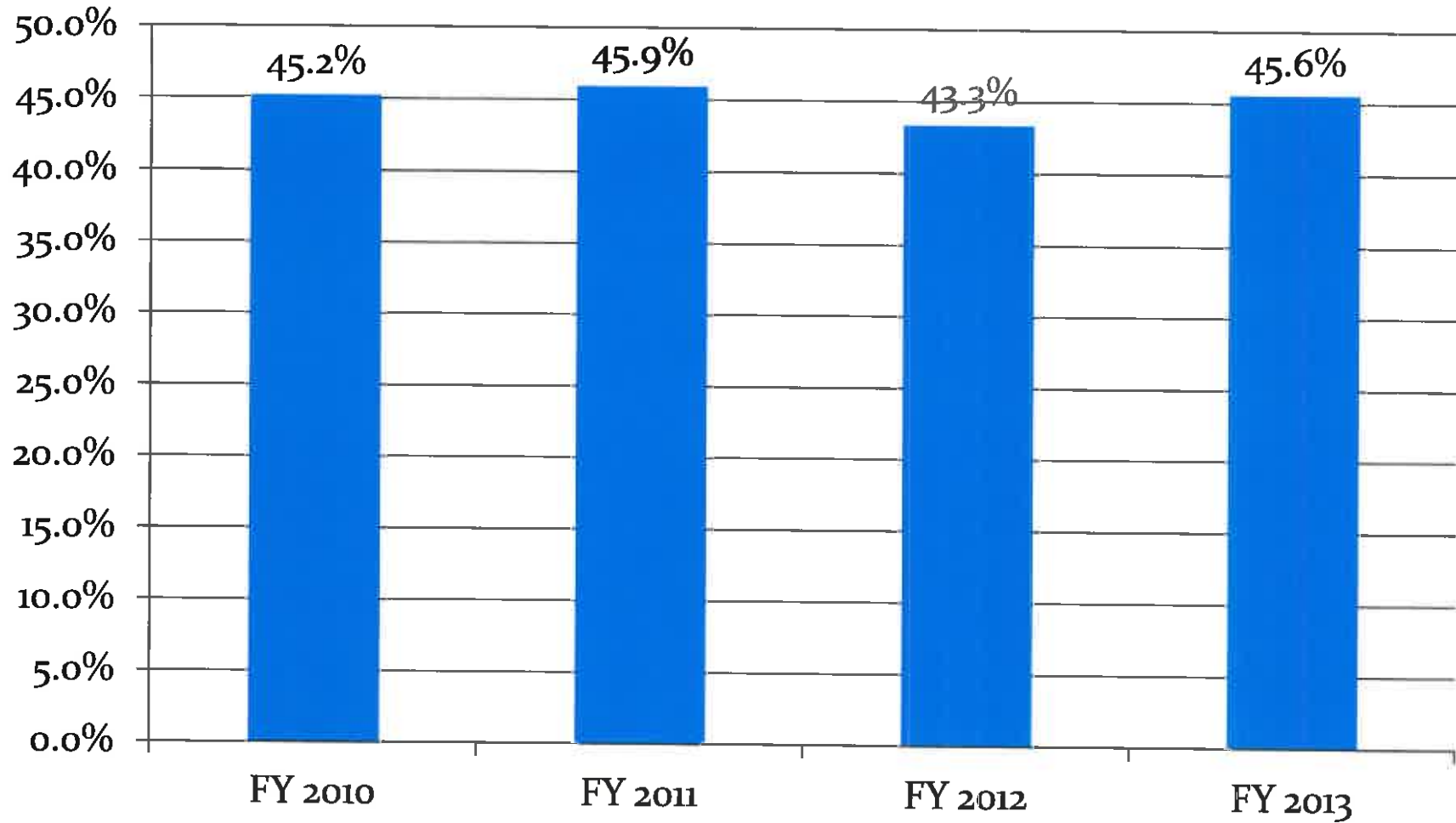
Drivers of Increased Primary Care Demand

1. Population
2. Aging

Gretna Medical Center Rationale

- Provide services to an area that is 30+ minutes from the nearest acute care facility.
- Additional services to be offered:
 - 24/7 Emergency services
 - Radiology services
 - Complex lab services
 - Transport services
 - Wellness programs
- Services requested by the community
- Convenient location in the center of this service area

Centra Lynchburg Marketshare Trend Gretna Service Area

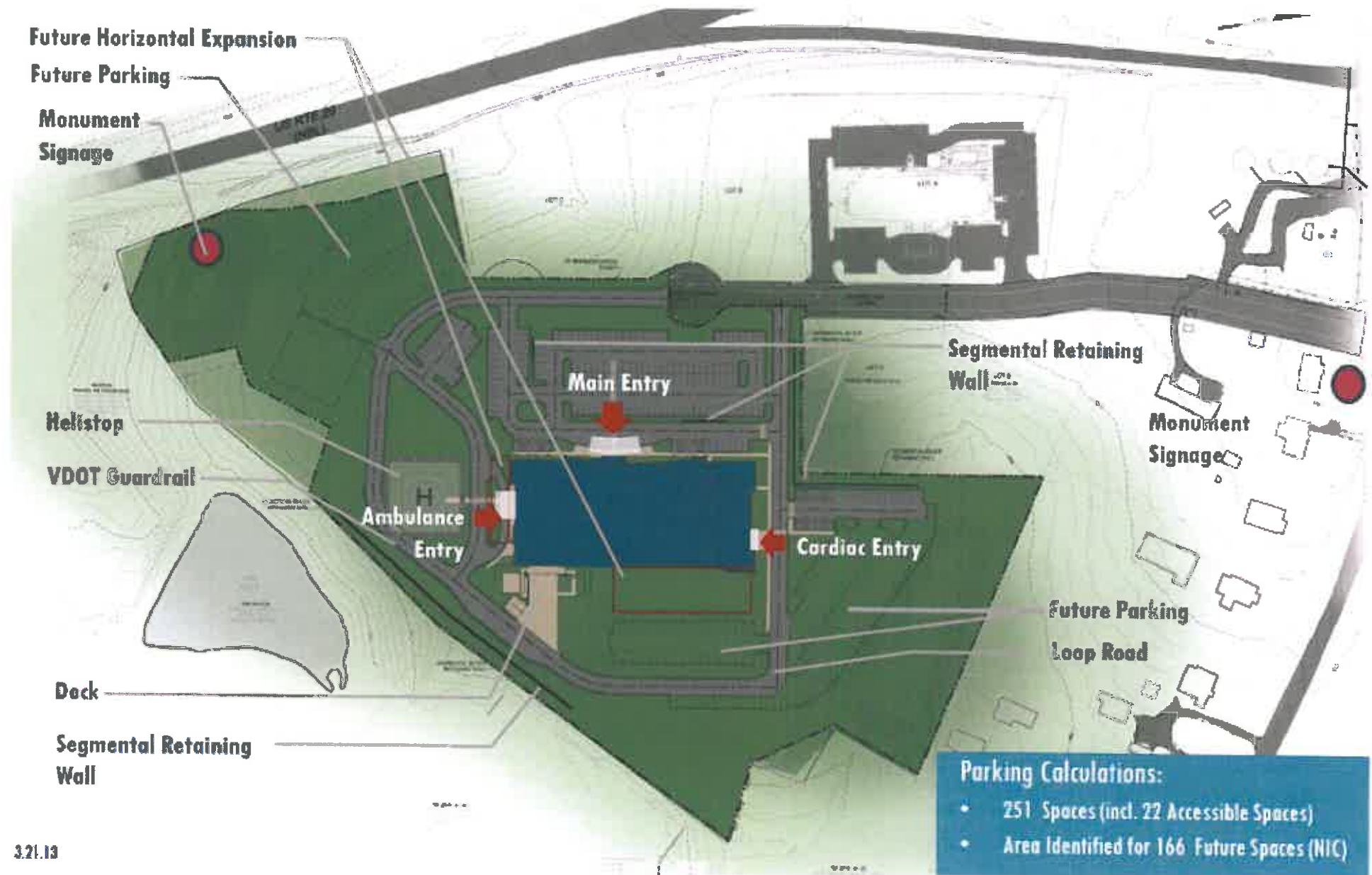


This map displays the ZIP code regions for Virginia, specifically covering the range from 24101 to 24600. The map is color-coded by ZIP code, with various shades of green, yellow, and orange. Major cities and towns are labeled, including Staunton, Lexington, Charlottesville, and Harrisonburg. The map also shows major highways, such as I-66 and I-77, and the state boundary with North Carolina to the east. The word "VIRGINIA" is prominently displayed in the center of the map.



CENTRA
MEDICAL GROUP

Gretna Site Plan



Gretna Exterior



CENTRA
MEDICAL GROUP

Gretna Exterior



Gretna Floor Plan



KEY		
Administration	Facilities	Specialty Clinic
Corridor	GAC Primary Care	Support
Emergency Department	Imaging	Wellness
Exam	Lab	

FIRST FLOOR PLAN

SCALE: 3/32" = 1'-0"

GRETNA MEDICAL CENTER - GRETNA, VA 06.05.13



Gretna Project Budget

PROJECT: Gretna

Project Location: Gretna

Project Square Footage: 51,000

Prepared by: Freeman-White A. II A

Cost Estimate - Worksheet

Estimated Project Cost

Date: 9/13/2012

Using Means Estimating Data, \$F.

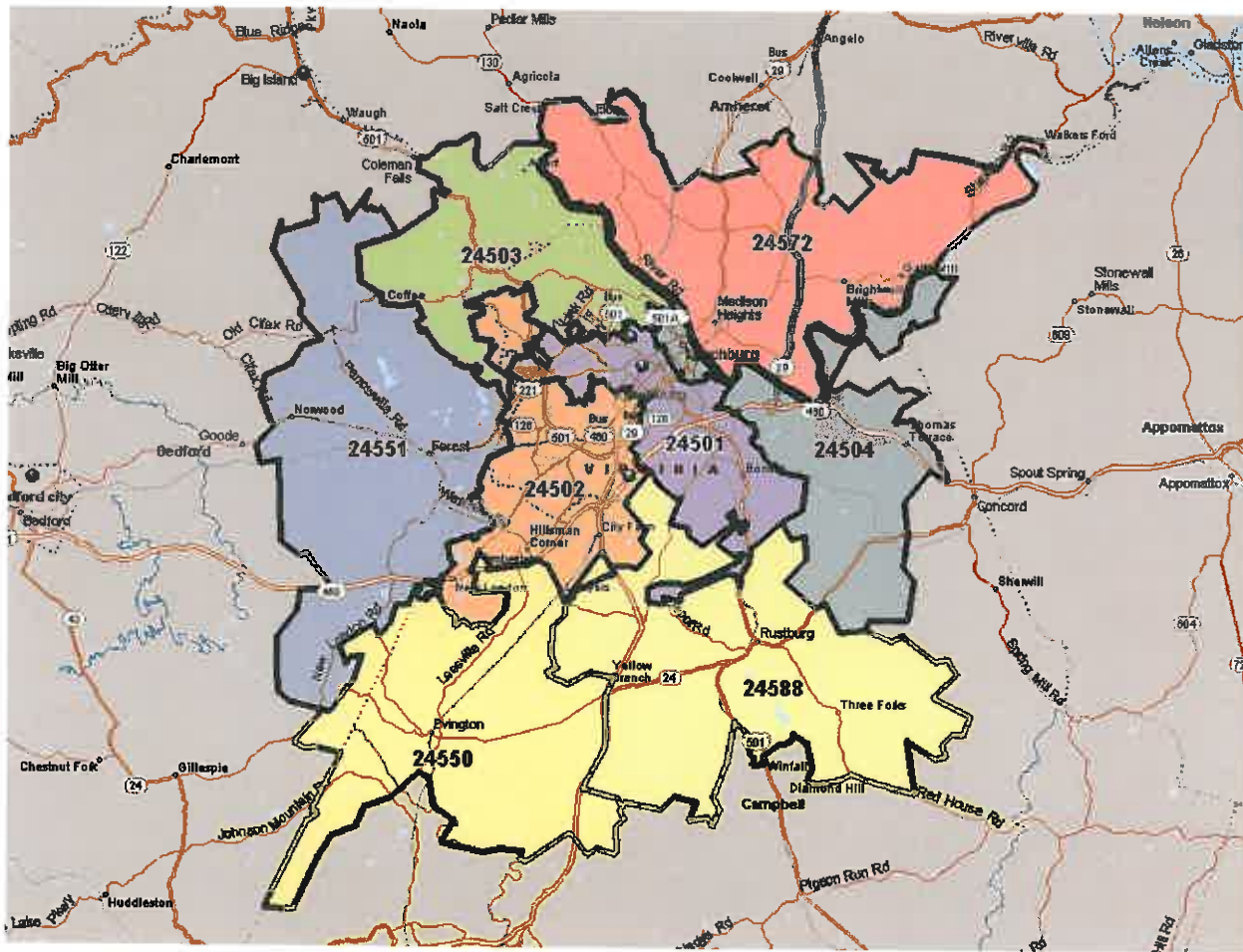
DESCRIPTION	Qty	Units	Cost Per Unit		Total Cost
Gretna					
Building Construction Finished	51,000	SF	\$205		\$10,455,000
Sitework					\$1,200,000
Subtotal Construction Cost					\$11,655,000
Site Acquisition					\$1,400,000
Architectural, Engineering, and Other Consulting Fees		%	11%		\$1,282,050
IT Costs		%	12%		\$1,398,600
Equipment Costs					\$2,923,000
Furniture, Art, & Signage					\$950,000
Direct Costs (Moving, Occupancy, Internal Labor, fees)					\$700,000
PROJECT SUBTOTAL					\$20,308,650
Project Contingency	10%		10%		\$2,030,865
Escalation	2 years				\$1,493,626
PROJECT TOTAL ESTIMATE					\$23,833,141

NOTES:

Nationwide Drive Center Rationale

- Consolidation of offices, more efficient operations
- Current location obsolete, inadequate for expansion
- Addition of 6 primary care providers will help address the current 9 provider shortage in Lynchburg proper as well as physician retirements within the next 5 years.
- Expansion of ancillary radiology and lab services
- Prime location with other ambulatory medical offices
- Shell space for future expansion

Lynchburg Service Area and Demand Analysis

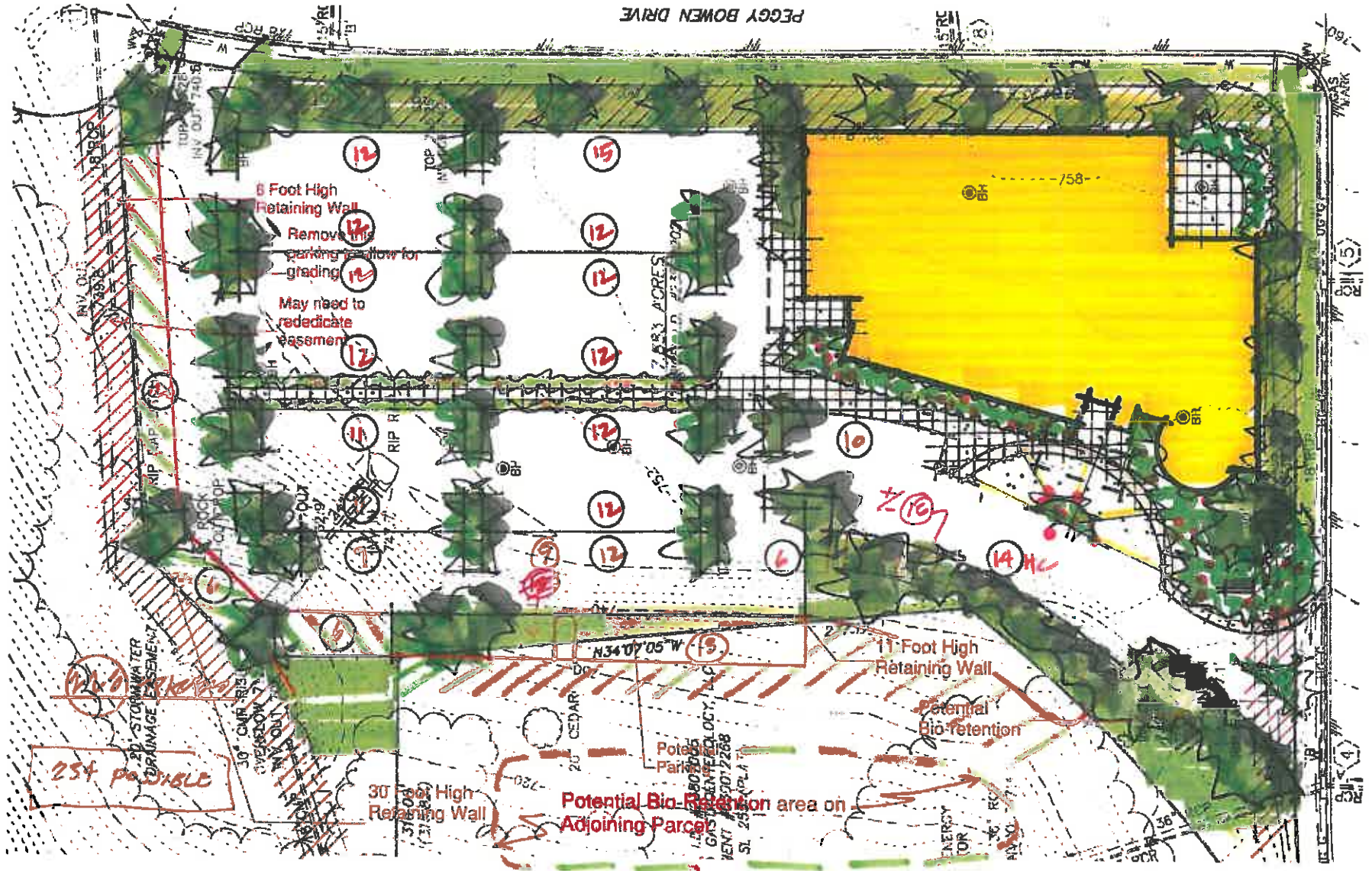


Zip	2010 Census Population	Supply Current Family & Internal Med FTEs	Demand Forecast 2015 Family & Internal Med FTEs	Diff
24501	26,757	27.3	10.2	17.1
24502	43,426	7.0	16.4	-9.4
24503	19,331	2.2	8.5	-6.3
24504	9,777	2.9	4.1	-1.2
24550	7,258	0.0	2.9	-2.9
24551	20,667	5.2	7.8	-2.6
24572	16,395	5.7	6.7	-1.0
24588	9,647	1.2	3.9	-2.7
Total	153,258	51.5	60.5	-9.0

Nationwide Drive Site



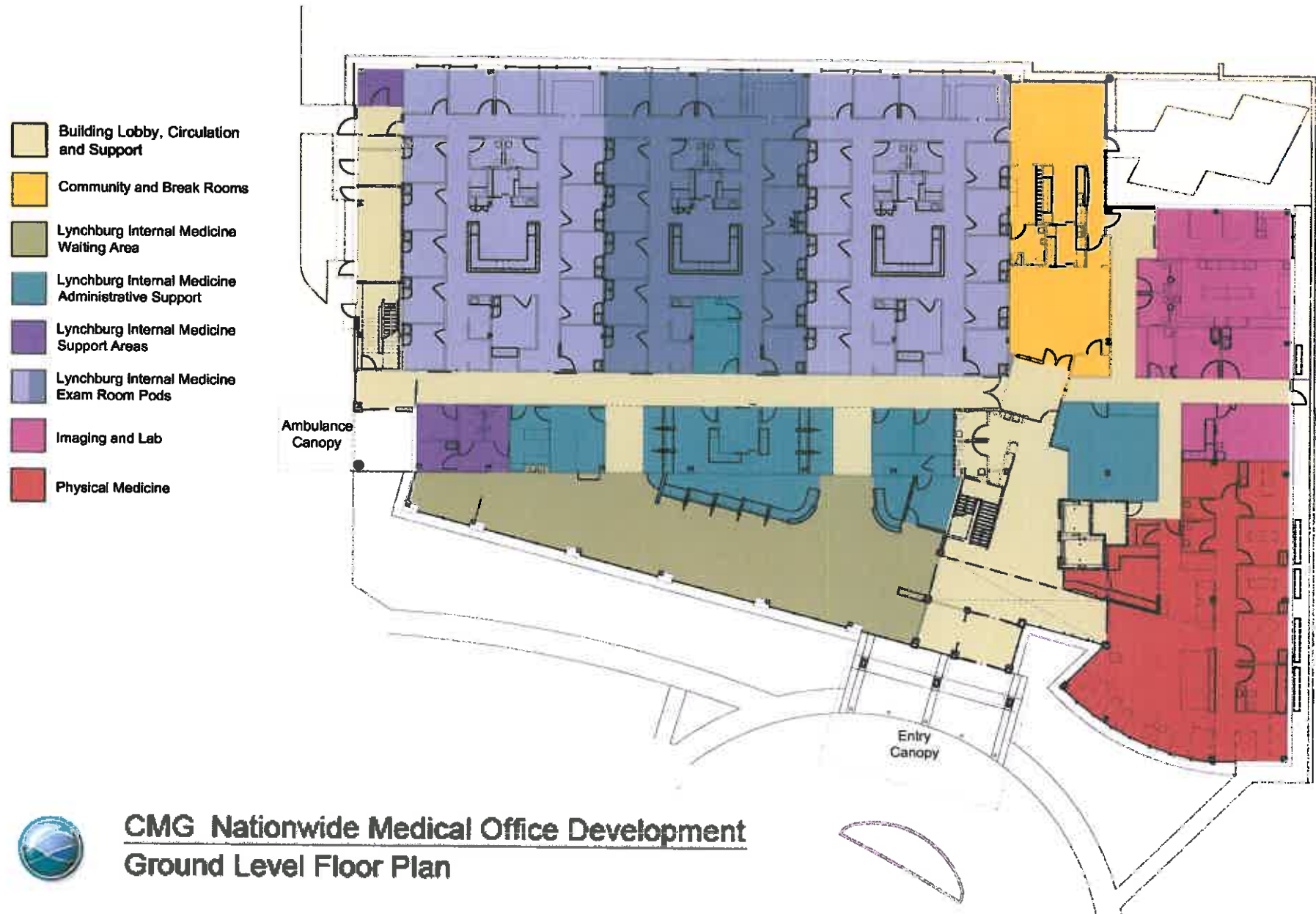
Nationwide Drive Site Layout



Nationwide Drive Exterior



Nationwide Drive First Floor Plan



CMG Nationwide Medical Office Development
Ground Level Floor Plan

Nationwide Drive Second Floor Plan

- Building Lobby, Circulation and Support
- Shell Space for Future Medical Use



CMG Nationwide Medical Office Development
Upper Level Floor Plan



Nationwide Drive Budget

PROJECT: Nationwide Drive

Project Location: Lynchburg

Project Square Footage: 27,500 finished + 19,000 unfinished

Prepared by: JLA

Cost Estimate - Worksheet

Estimated Project Cost

Date: 5/30/2014

Using Means Estimating Data, SF.

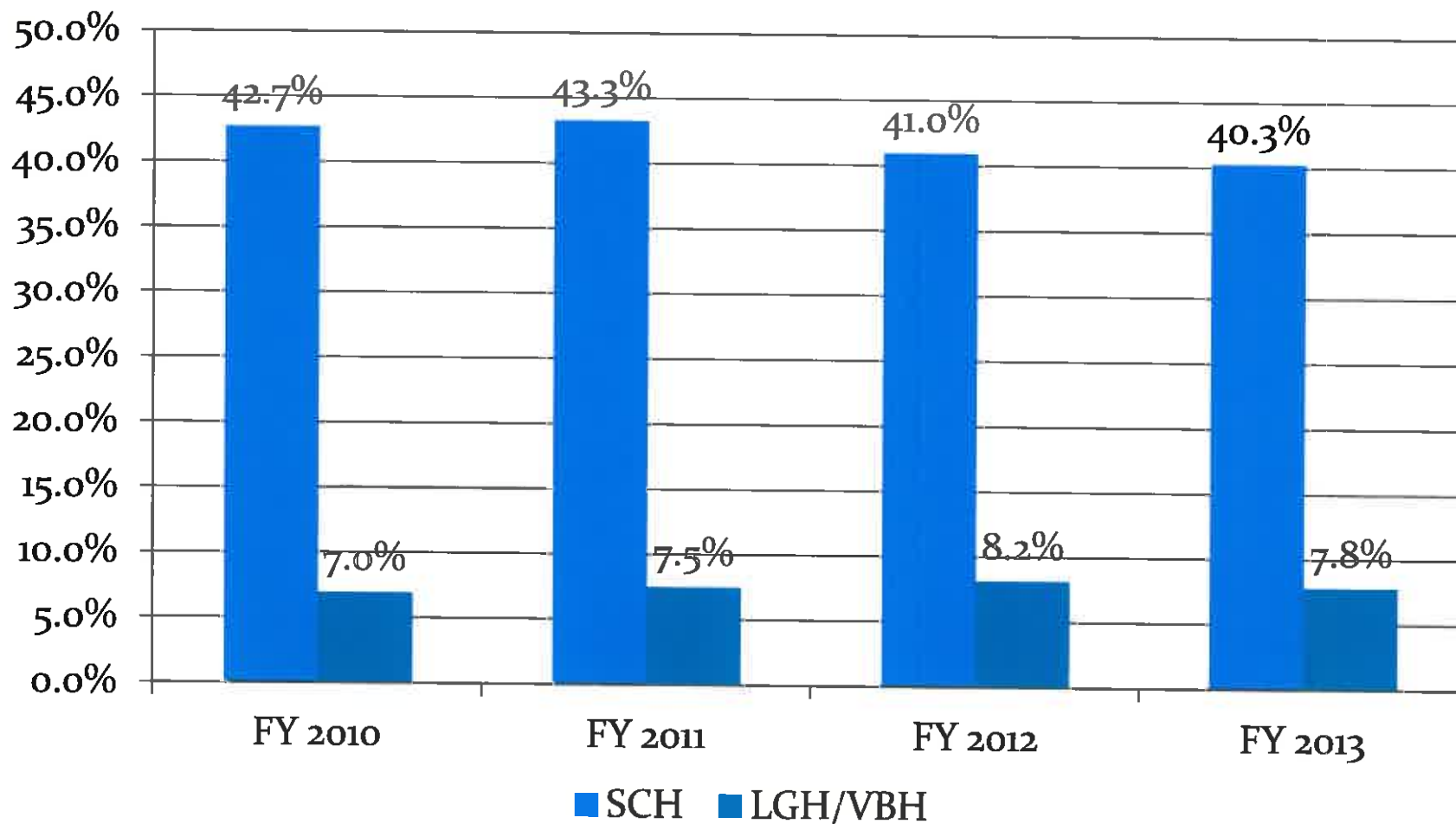
DESCRIPTION	Qty	Units	Cost Per Unit		Total Cost
Nationwide Drive					
Building Construction Finished	27,500	SF	\$205		\$5,637,500
Building Construction Unfinished	16,000		\$100		\$1,600,000
Sitework					\$680,000
Subtotal Construction Cost					\$7,917,500
Site Acquisition					\$675,000
Architectural, Engineering, and Other Consulting Fees		%	8%		\$633,400
IT Costs		%	8%		\$633,400
Equipment Costs					\$850,000
Furniture, Art, & Signage					\$700,000
Direct Costs (Moving, Occupancy, Internal Labor, fees)					\$300,000
PROJECT SUBTOTAL					\$11,709,300
Project Contingency	10%		10%		\$1,170,930
PROJECT TOTAL ESTIMATE					\$12,880,230

NOTES:

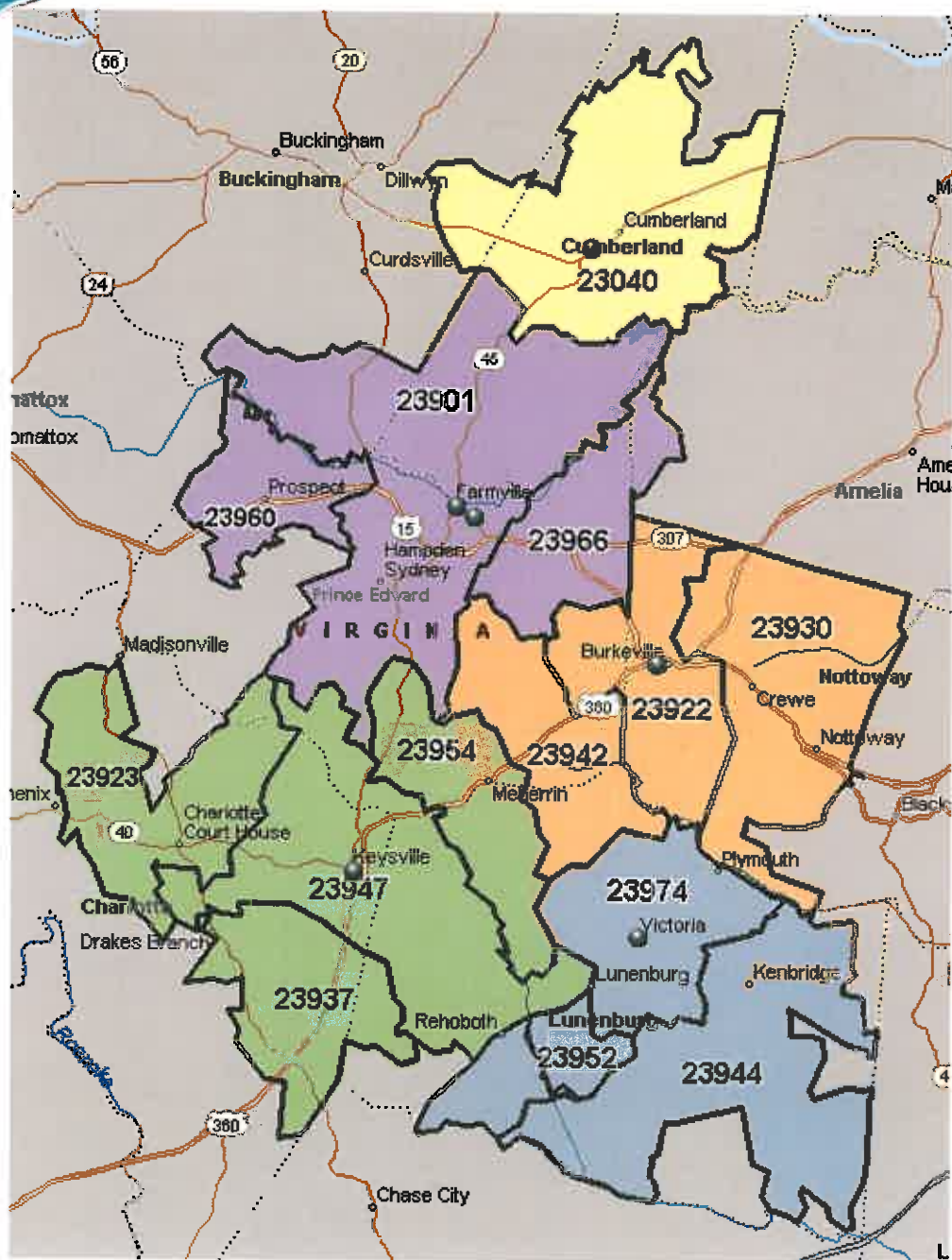
Farmville Ambulatory Center Rationale

- Consolidation of multiple sites for more efficient operations
- Addition of urgent care services, expanded hours
- Expand services to include imaging and lab
- Address shortage of 6 primary care providers in the area
- Location is convenient to Longwood University and Centra Southside Community Hospital
- Expand dialysis services

Marketshare Trend Farmville Service Areas



Farmville Service Area and Demand Analysis



Zip	2010 Census Population	Supply Current Family & Internal Med FTEs	Demand Forcasted 2015 Family & Internal Med FTEs	Diff
23922	3,785	2.9	1.4	1.5
23930	5,690	2.5	2.6	-0.1
23942	1,112	0.0	0.5	-0.5
Total	10,587	5.4	4.5	0.9
23040	4,661	0.7	2.1	-1.4
Total	4,661	0.7	2.1	-1.4
23901	16,399	5.6	6.8	-1.2
23960	1,990	0.0	0.8	-0.8
23966	2,337	0.0	0.8	-0.8
Total	20,726	5.6	8.4	-2.8
23923	2,592	2.7	0.9	1.8
23937	1,970	0.0	0.7	-0.7
23947	4,293	1.6	2.0	-0.4
23954	2,017	0.0	0.8	-0.8
Total	10,872	4.3	4.4	-0.1
23901	4,261	0.6	1.6	-1.0
23960	217	0.0	0.1	-0.1
23966	5,012	0.7	2.2	-1.5
Total	9,490	1.3	3.9	-2.6
Grand Total	56,336	17.3	23.3	-6.0

Building Site Advantages

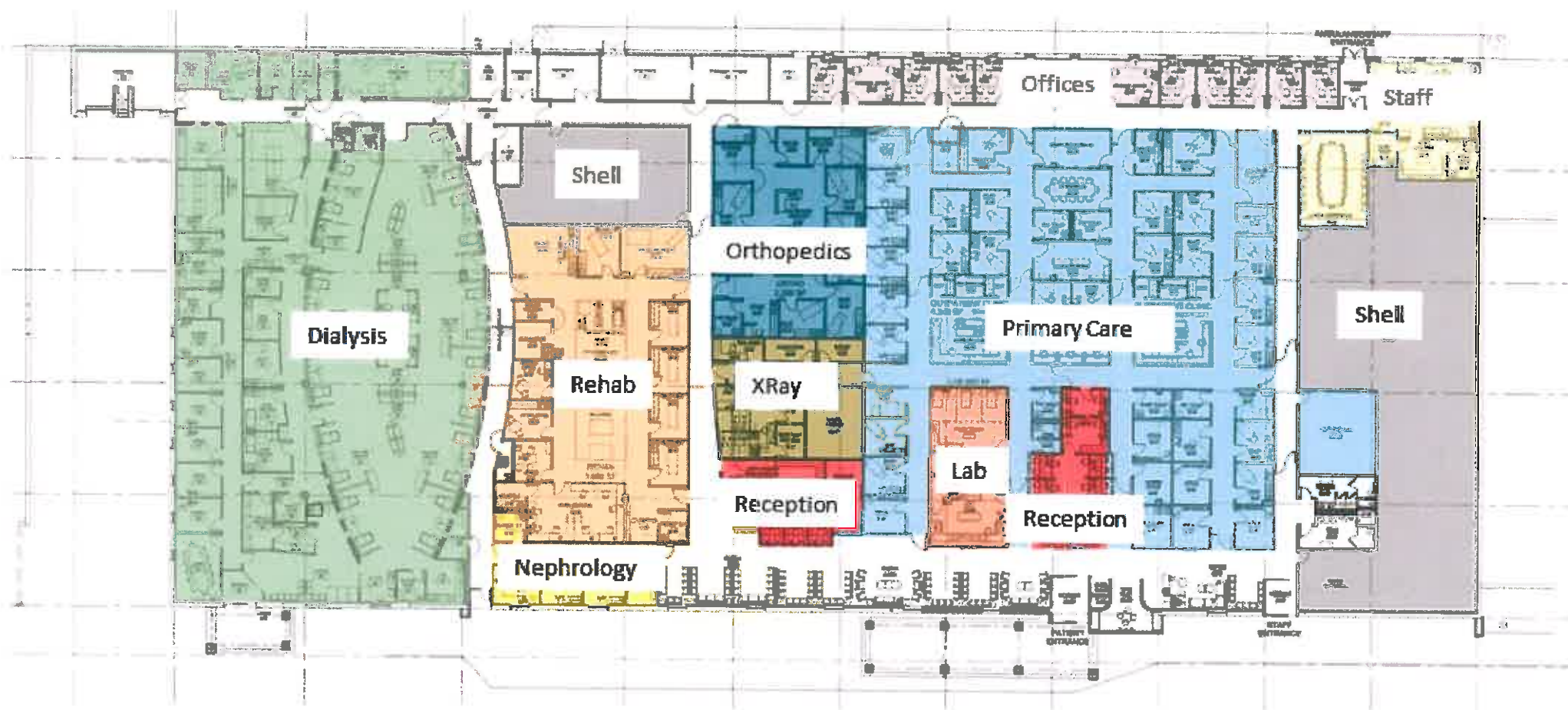


- Proximity to Longwood University
- Proximity to SCH
- Access to highways
- High traffic count
- Timing and availability

Exterior Rendering



Farmville Floor Plan



Farmville Project Budget

PROJECT: Farmville Ambulatory

Project Location: Farmville

Project Square Footage: 52,000 SF Total

Prepared by: JLA

Checked by: CRC

Cost Estimate - Worksheet

Estimated Project Cost

Date: 5/20/2014

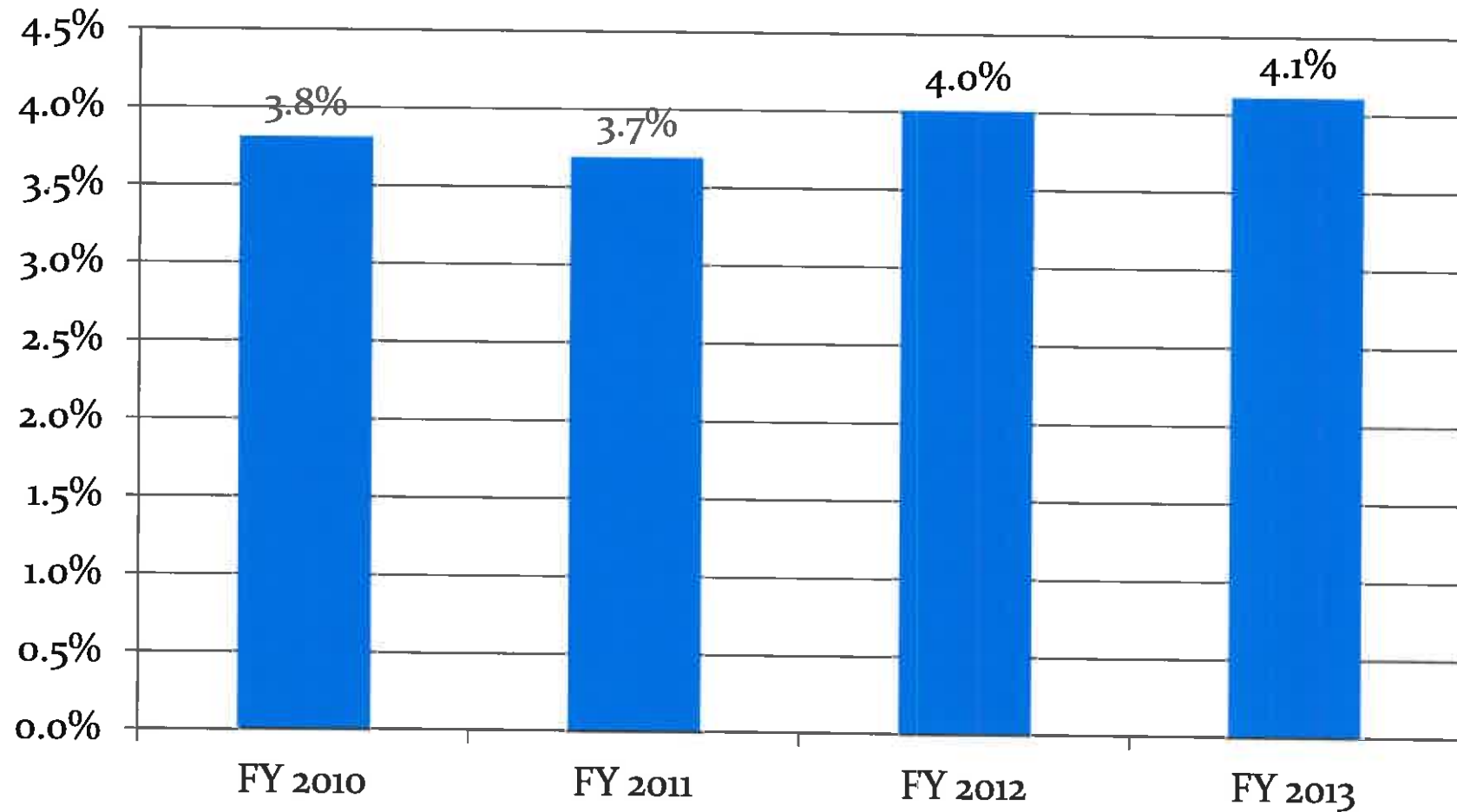
DESCRIPTION	Qty	Units	Cost Per Unit		Total Cost
Farmville Ambulatory					
Construction	52,000	SF	\$160.00		\$8,320,000
Architectural, Engineering, and Other Consulting Fees		%	8%		\$665,600
IT Costs		LS			\$600,000
FF&E					\$1,248,000
Owner Direct Costs (Moving, Occupancy, Labor)					\$350,000
PROJECT SUBTOTAL					\$11,183,600
Project Contingency	10%				\$1,118,360
PROJECT TOTAL ESTIMATE					\$12,301,960

NOTES:

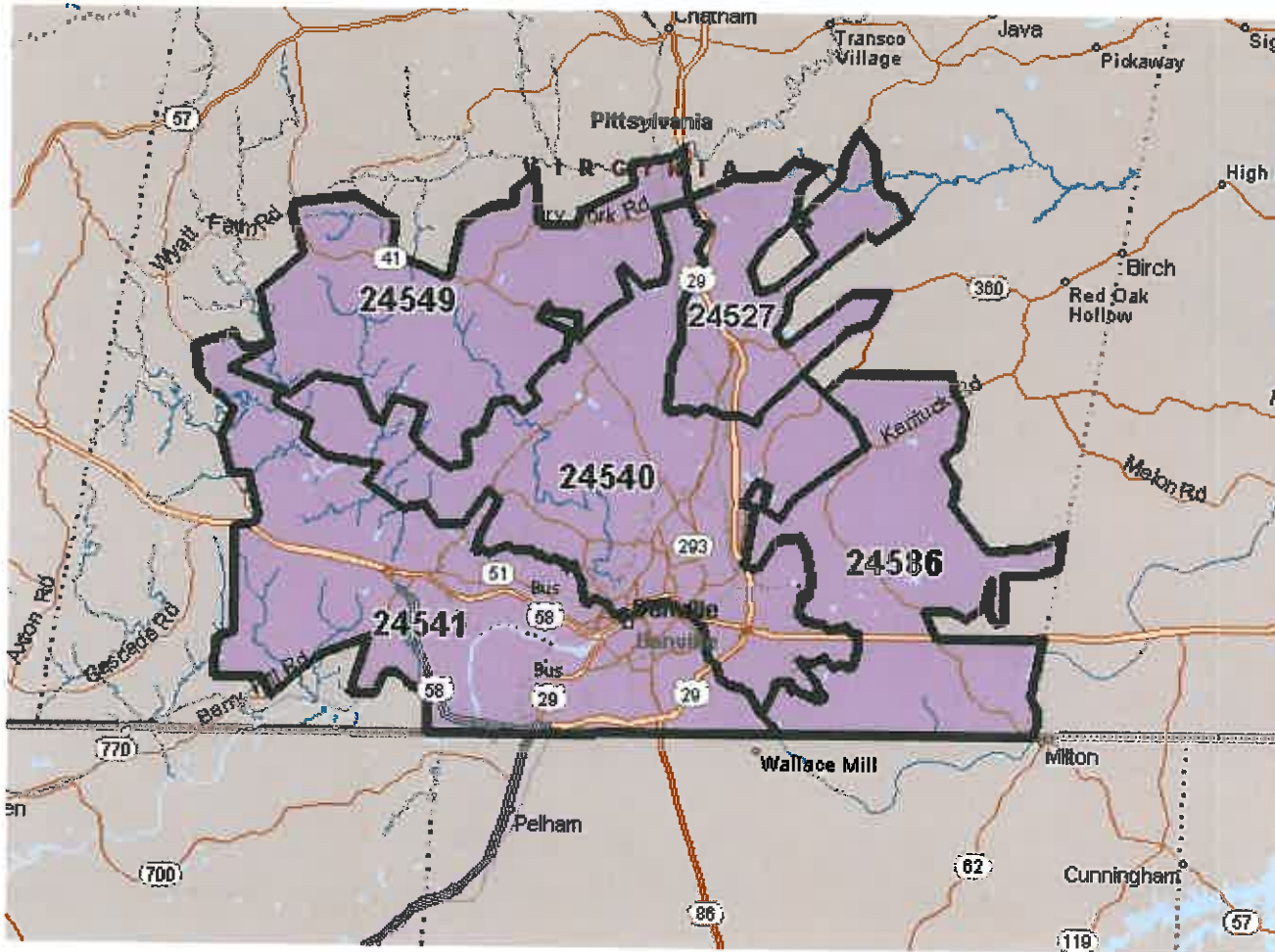
Danville Ambulatory Center Rationale

- Consolidation of 3 sites located within one mile of each other to reduce duplicate services and improve operation efficiency
- Address shortage of 3 primary care providers, potential addition of specialty clinics
- Close proximity of primary care and specialty providers will improve care of patients and optimize referral relationships.
- Expand hours for patient convenience

Centra Lynchburg Marketshare Trend Danville Service Area



Danville Service Area and Demand Analysis



Zip	2010 Census Population	Supply Current Family & Internal Med FTEs	Demand Forecast 2015 Family & Internal Med FTEs	Diff
24540	32,170	13.2	14.2	-1.0
24541	28,221	14.1	11.7	2.4
24549	4,292	0.0	1.8	-1.8
24586	5,562	0.0	2.1	-2.1
Total	70,245	27.3	29.8	-2.5

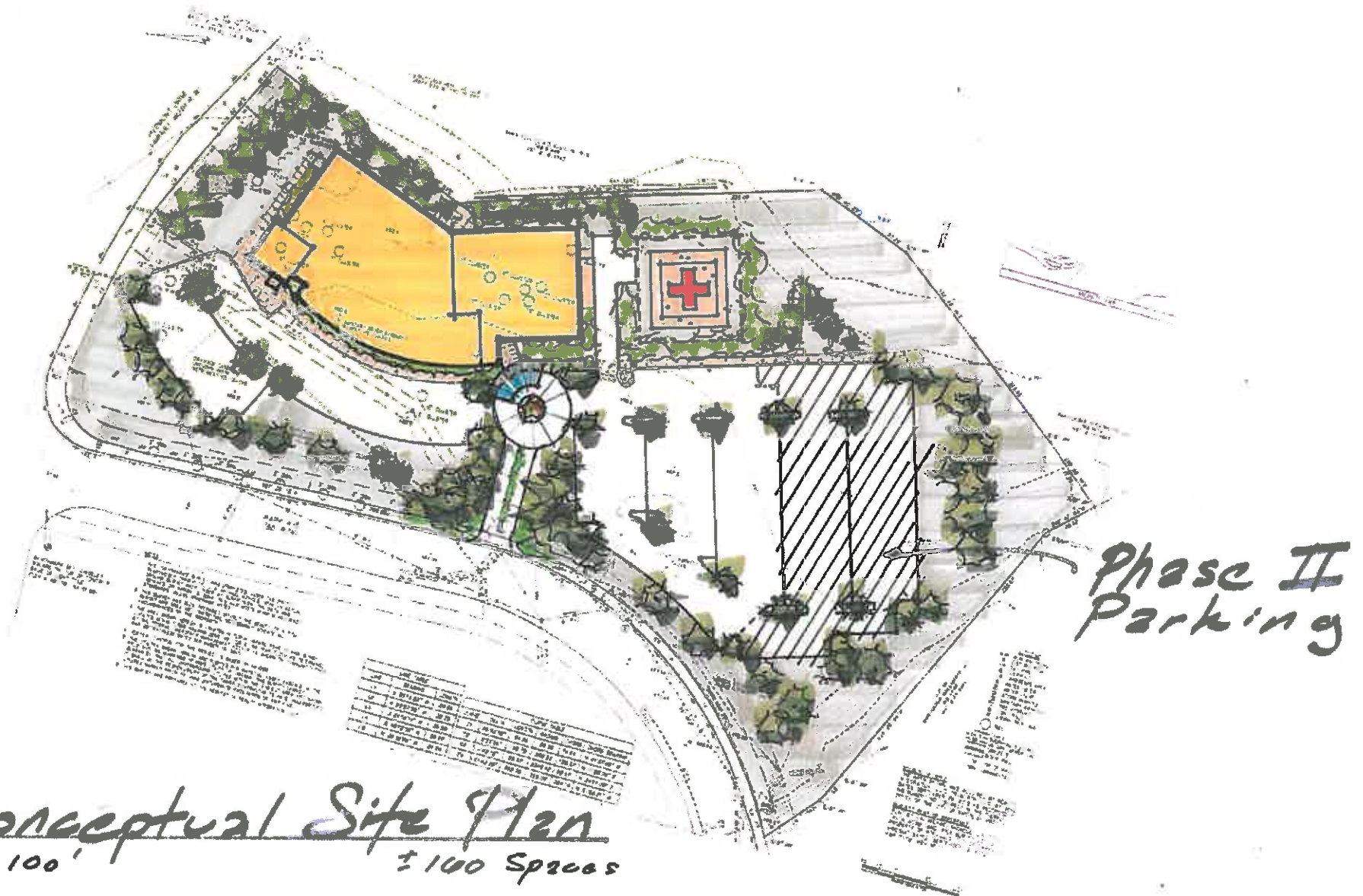
Danville Site



Danville Site



Danville Phase 1 Development



Danville Phase 1 Development



A hand-drawn floor plan of a medical facility, likely a hospital or clinic, with various rooms and handwritten labels. The plan is oriented with a dashed line indicating a road or driveway at the top right.

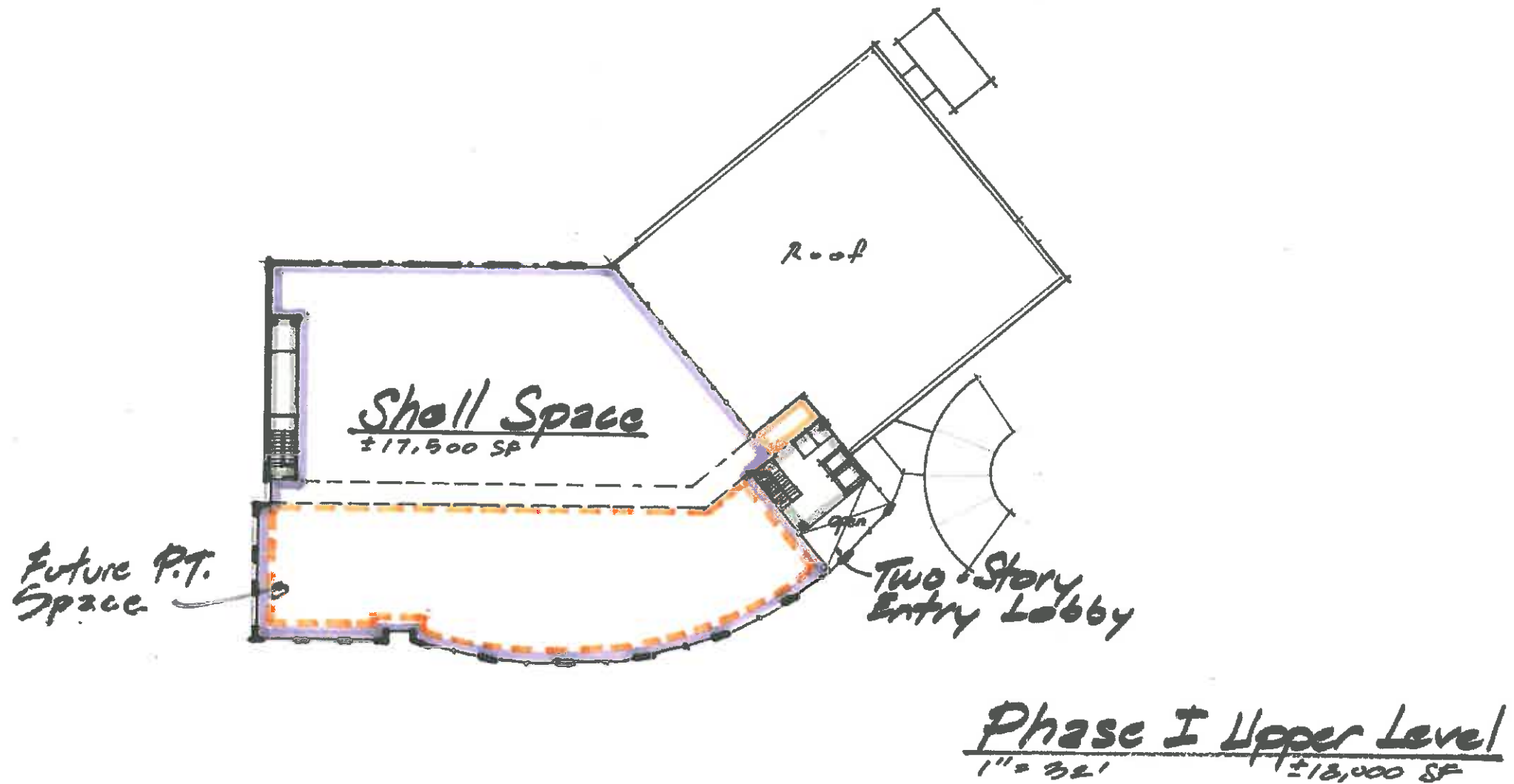
Rooms and Areas:

- Service:** Located on the left side, adjacent to the Community Pavilion.
- Community Pavilion:** A red-shaded area on the bottom left.
- Wait:** A large yellow-shaded area at the bottom center.
- Comm. Rm. Entrance:** A red-shaded area at the bottom left, near the Community Pavilion.
- 1, 2:** Two large purple-shaded rooms on the left side.
- 3:** A large purple-shaded room in the center.
- RT:** A large white-shaded room on the right side.
- Physical Medicine Phase I:** A blue-shaded area on the right side, near the Ambulance Canopy.
- Entrance Canopy:** A dashed line indicating an entrance area on the right side.
- Ambulance Canopy:** A dashed line indicating an entrance area at the top right.
- 4th Exam POD in Phase II:** A label pointing to a row of small rooms at the top.
- Other rooms:** DR., T. RT., X-RAY, LAB, MOR, and various smaller rooms and corridors.

The plan uses color-coding (purple, yellow, red, blue) to distinguish different functional areas and dashed lines to indicate entrances and canopies.

Phase I Ground Level
1" = 22'-0" ± 30,000 SF

Danville Phase 1 Development



Danville Project Budget

PROJECT: Danville Ambulatory

Prepared by: JLA

Project Location: Danville

Project Square Footage: 32,000 finished + 16,000 unfinished

Cost Estimate - Worksheet

Estimated Project Cost

Date: 5/30/2014

Using Means Estimating Data, SF.

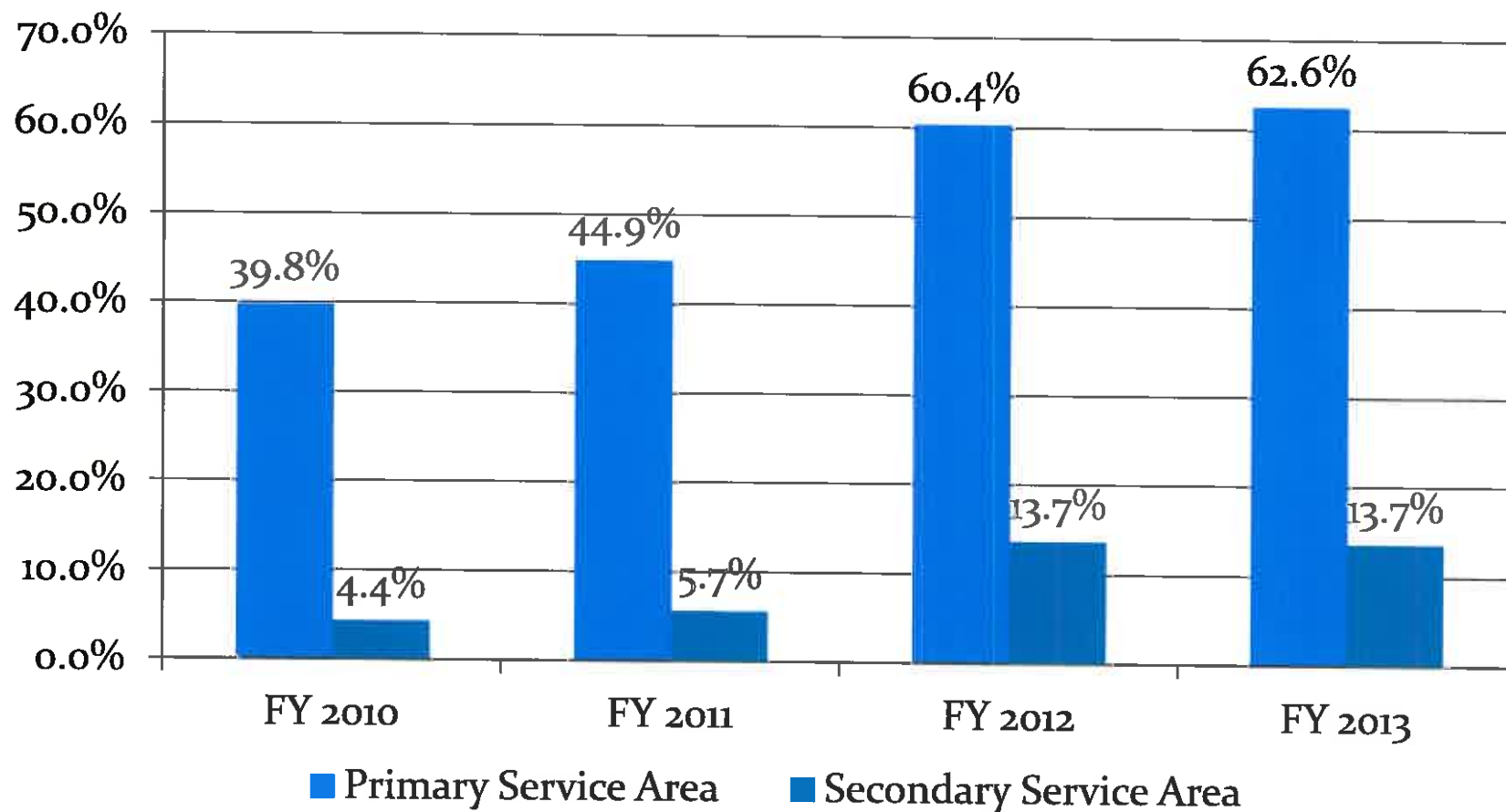
DESCRIPTION	Qty	Units	Cost Per Unit		Total Cost
Danville Ambulatory					
Building Construction Finished	32,000	SF	\$205		\$6,233,494
Building Construction Unfinished	16,000		\$100		\$1,600,000
Sitework with helipad					\$900,000
Subtotal Construction Cost					\$8,733,494
Architectural, Engineering, and Other Consulting Fees		%	8%		\$698,680
IT Costs		%	8%		\$698,680
Equipment Costs					\$1,500,000
Furniture, Art, & Signage					\$900,000
Direct Costs (Moving, Occupancy, Internal Labor, fees)					\$400,000
PROJECT SUBTOTAL					\$12,930,853
Project Contingency	10%		10%		\$1,293,085
PROJECT TOTAL ESTIMATE					\$14,223,938

NOTES:

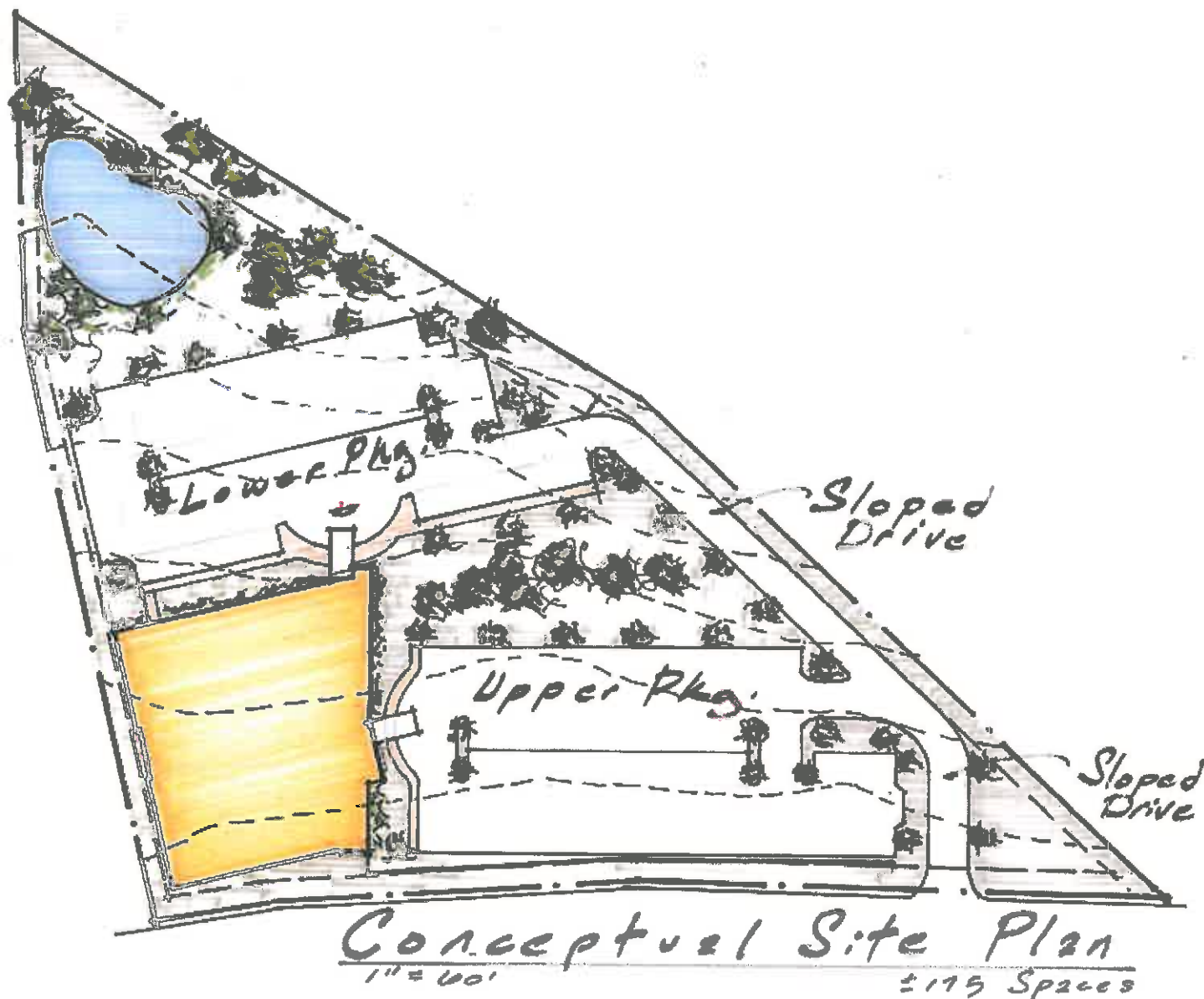
Neurosciences Center Rationale

- Consolidation of services to one location:
 - Neurosurgery
 - Physical medicine & pain management
 - Therapy including expansion of services offered
- Space for new neurology practice which helps to address shortage/recent retirement of neurologists
- Location is less than one mile from LGH
- Allows for services to vacate VBH campus
- Shell space for future expansion

Centra Lynchburg Marketshare Trend Neurosurgery Service Line



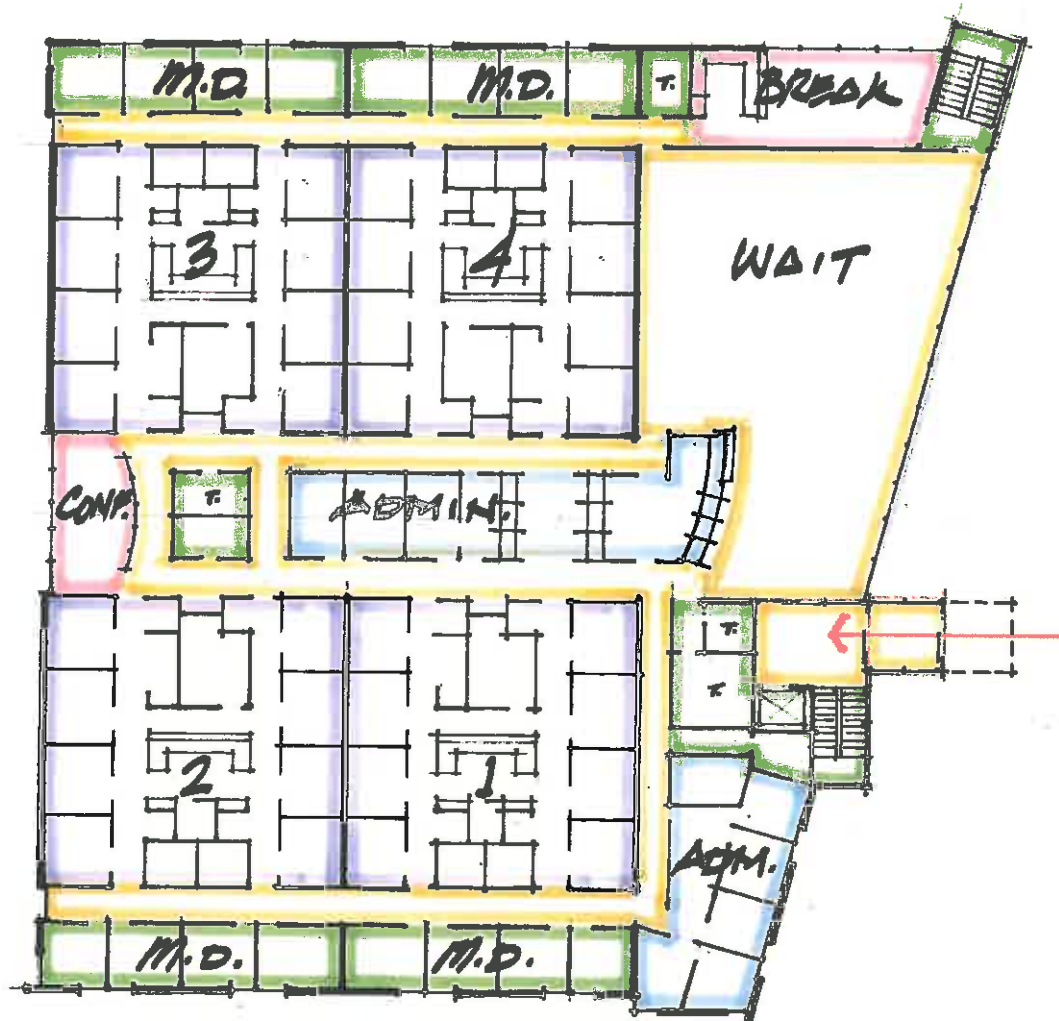
Neurosciences Site Planning



Neurosciences Exterior

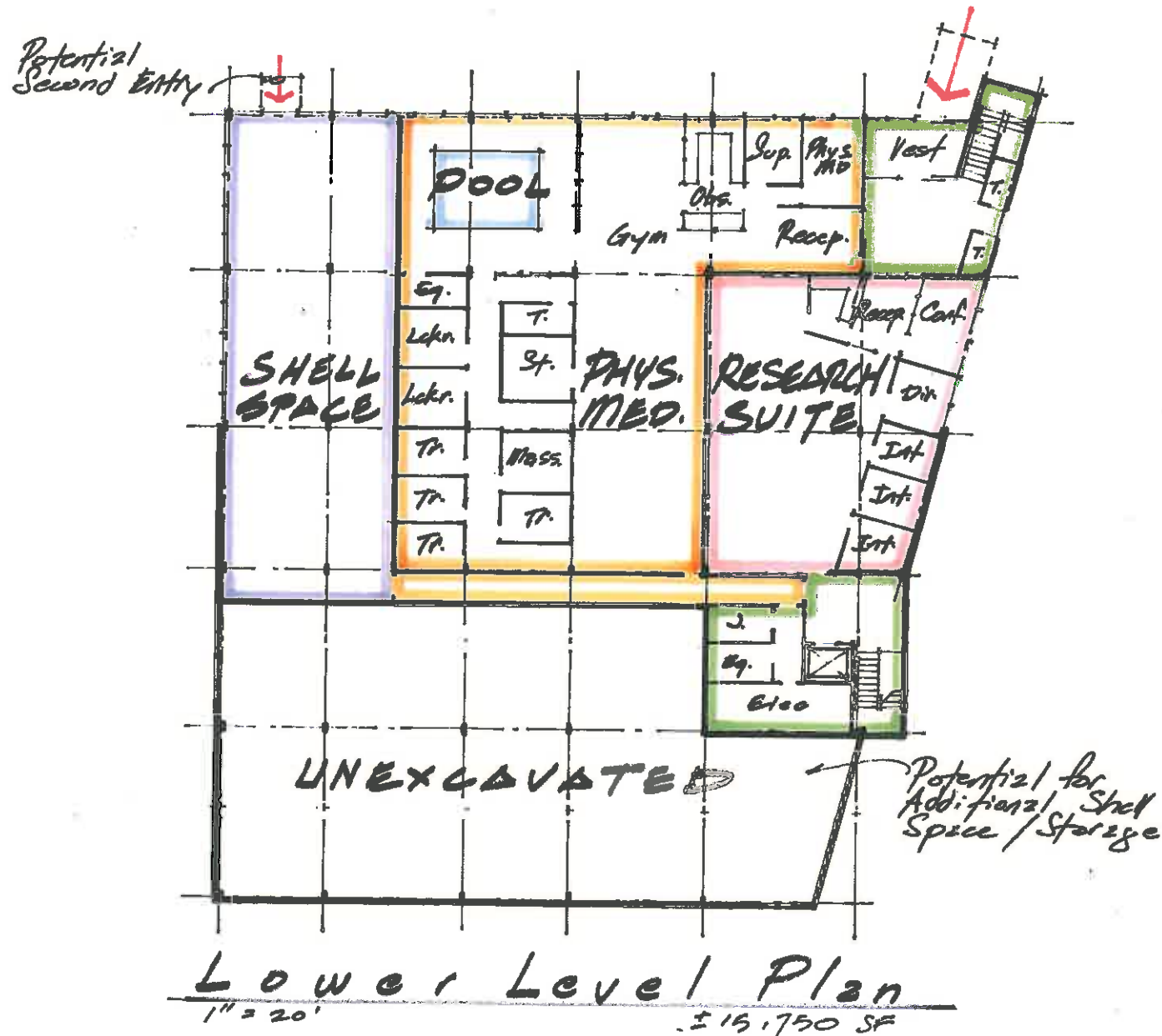


Neurosciences Upper Floor Plan



Upper Level Plan
1" = 20'
± 20,000 Sq

Neurosciences Lower Level Plan



Neurosciences Project Budget

PROJECT: Neurosciences Center

Project Location: Lynchburg Atherholt Road

Project Square Footage: 35,750

Prepared by: JLA

Cost Estimate - Worksheet

Using Means Estimating Data, SF.

Estimated Project Cost

Date: 6/3/2014

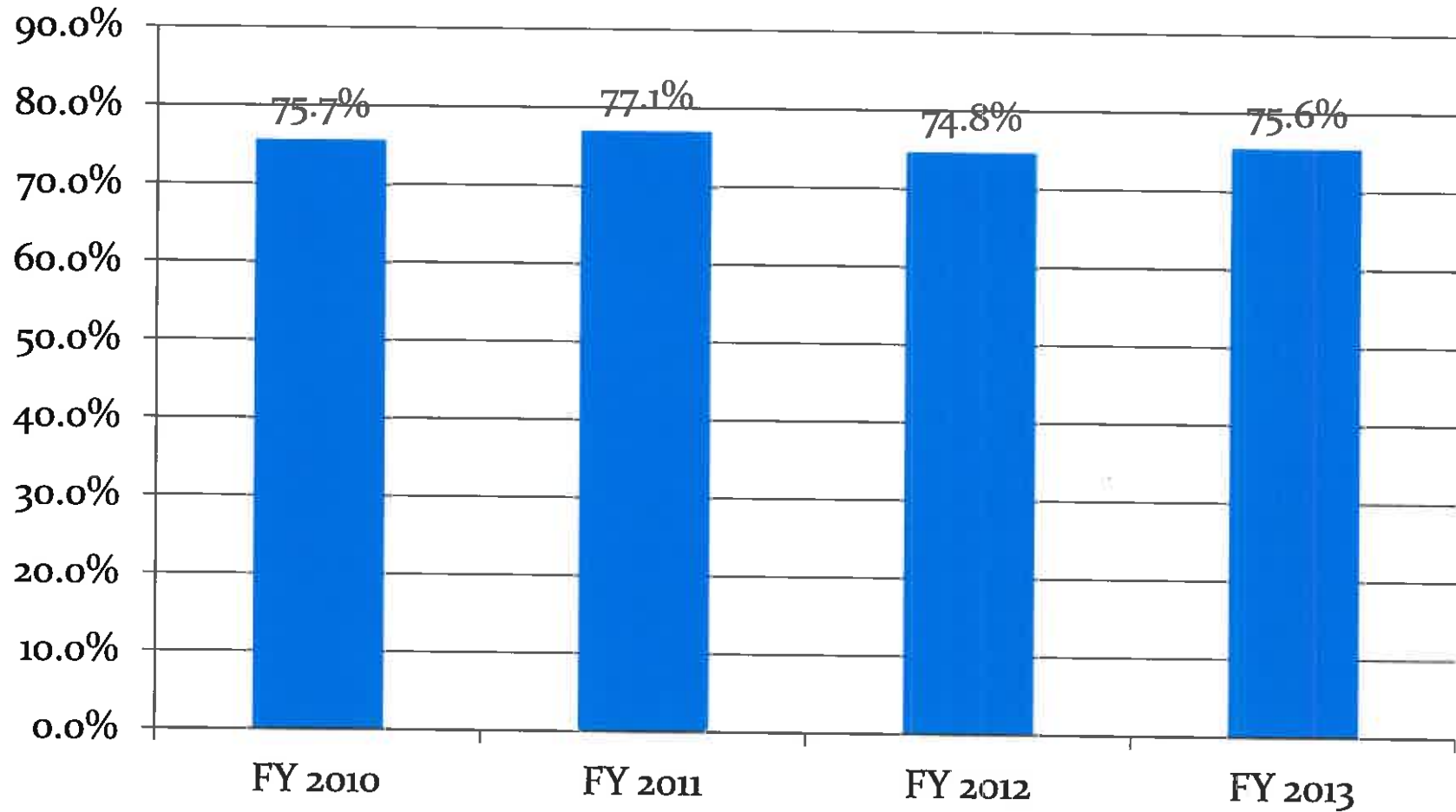
DESCRIPTION	Qty	Units	Cost Per Unit		Total Cost
Neuro Atherholt Road					
Building Construction Finished	35,750	SF	\$205		\$7,328,750
Sitework					\$1,200,000
Subtotal Construction Cost					\$8,528,750
Architectural, Engineering, and Other Consulting Fees		%	9%		\$767,588
IT Costs		%	9%		\$767,588
Equipment Costs					\$1,100,000
Furniture, Art, & Signage					\$960,000
Direct Costs (Moving, Occupancy, Internal Labor, fees)					\$390,000
PROJECT SUBTOTAL					\$12,513,925
Project Contingency	10%		10%		\$1,251,393
PROJECT TOTAL ESTIMATE					\$13,765,318

NOTES:

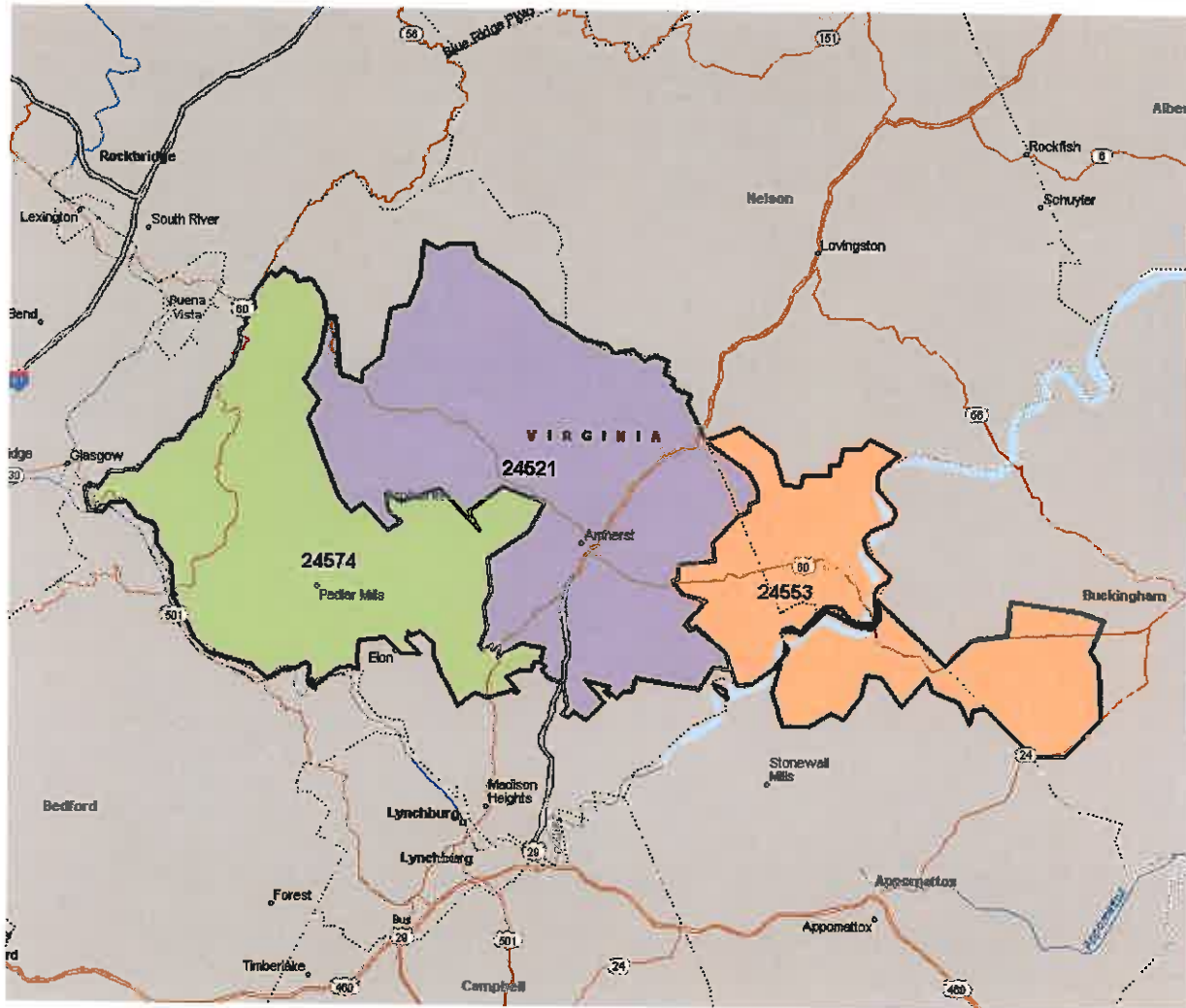
Amherst Ambulatory Center Rationale

- Location establishes ambulatory center in northern-most part of the service area
- Address primary care shortage of 3.6 providers in Amherst county
- Add convenient core radiology and lab services
- Expand hours of coverage and add urgent care services
- Potential for addition of specialty clinics

Centra Lynchburg Marketshare Trend Amherst Service Area



Amherst Service Area and Demand Analysis

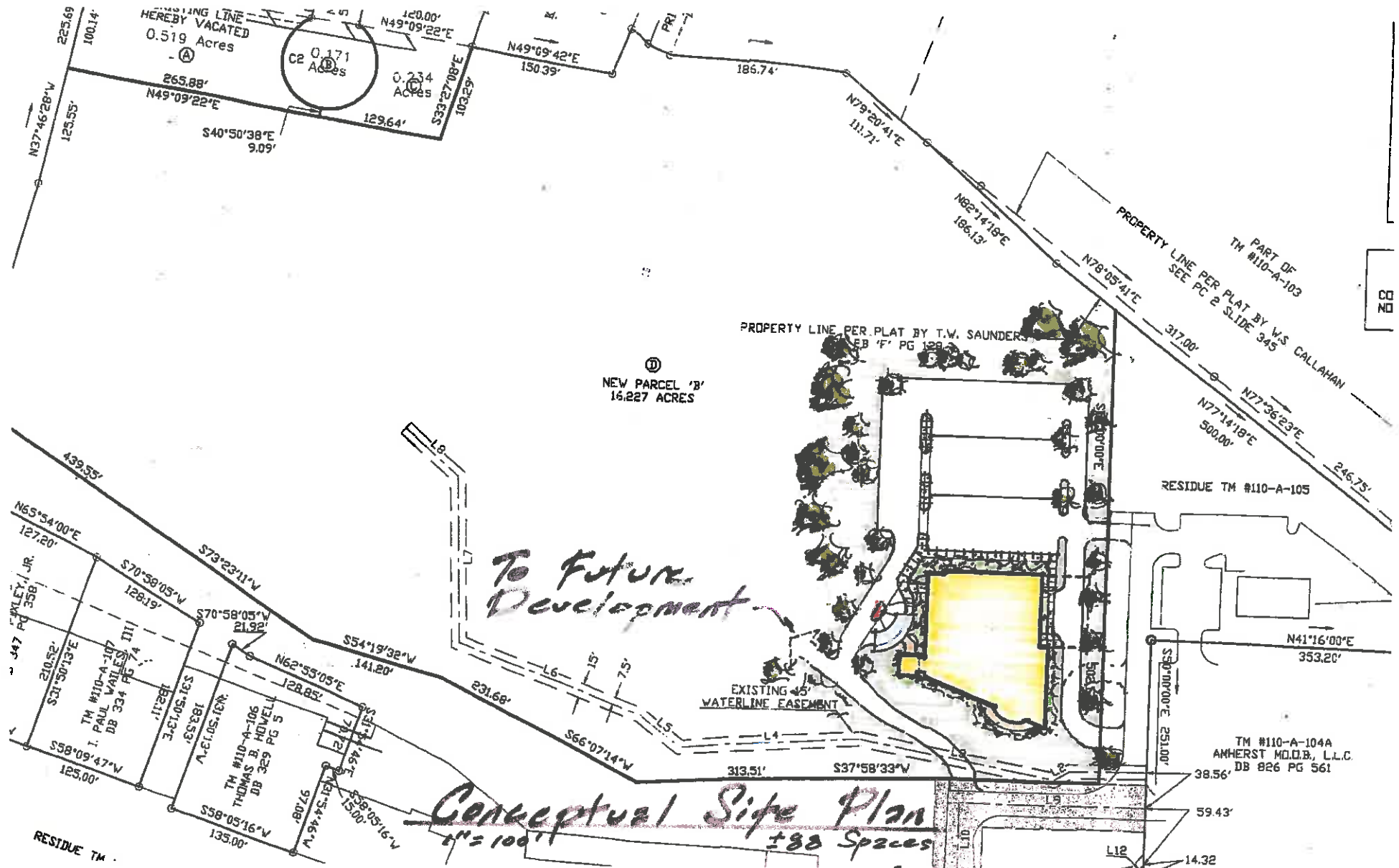


Zip	2010 Census Population	Supply Current Family & Internal Med FTEs	Demand Forecasted 2015 Family & Internal Med FTEs	Diff
24521	10,576	4.0	4.8	-0.8
24574	3,977	0.0	1.8	-1.8
24553	1,902	0.0	1.0	-1.0
Total	16,455	4.0	7.6	-3.6

Amherst Site: Ambriar Shopping Center



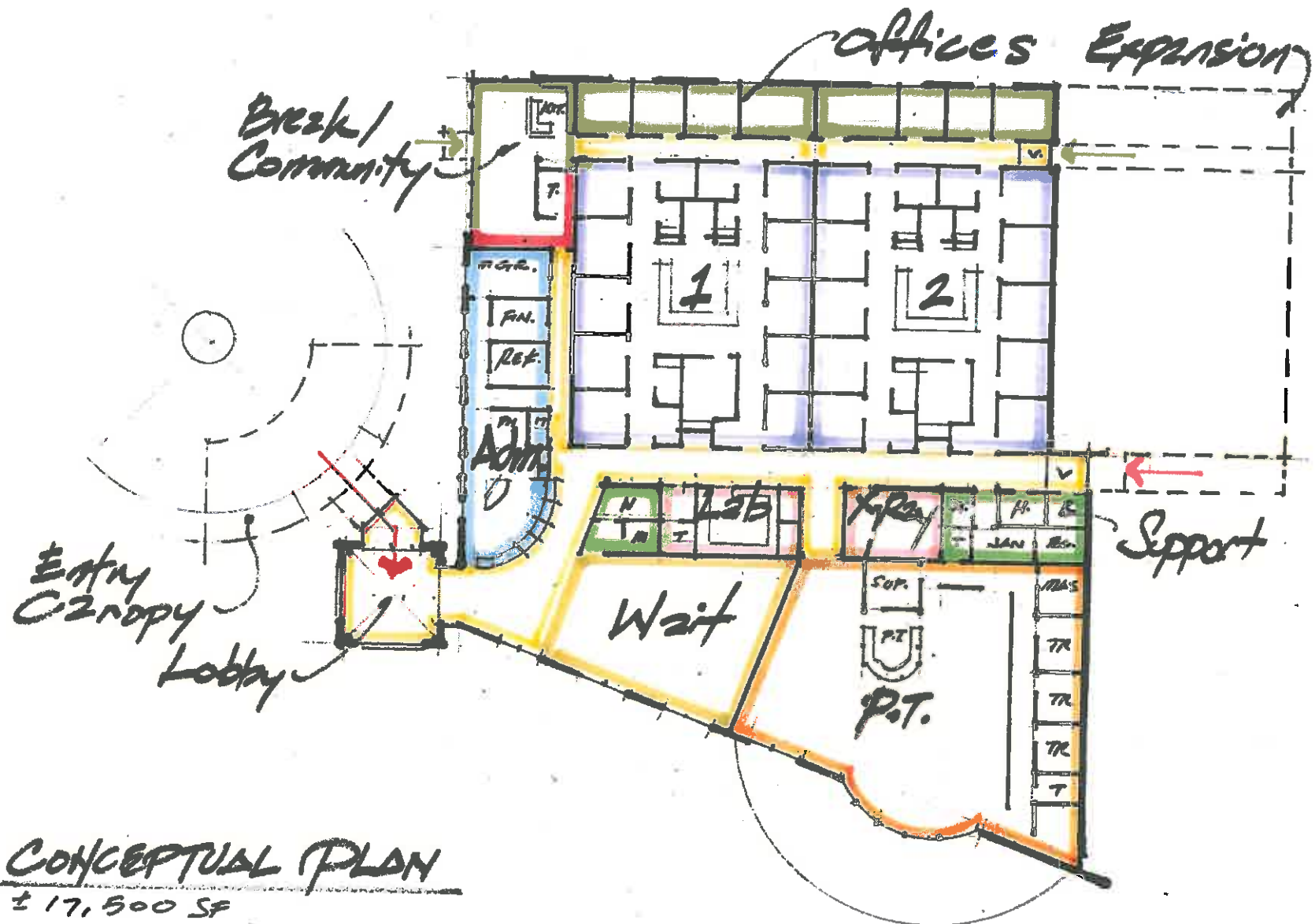
Amherst Site Planning



Amherst Exterior Rendering



Amherst Conceptual Floor Plan



Amherst Project Budget

PROJECT: Amherst				Prepared by: JLA	
Project Location: Amherst					
Project Square Footage: 17,500					
Cost Estimate - Worksheet:		Estimated Project Cost		Date: 6/3/2014	
Using Means Estimating Data, SF.					
DESCRIPTION	Qty	Units	Cost Per Unit		Total Cost
Amherst					
Building Construction Finished	17,500	SF	\$205		\$3,587,500
Sitework					\$1,300,000
Subtotal Construction Cost					\$4,887,500
Site Acquisition					\$1,400,000
Architectural, Engineering, and Other Consulting Fees		%	9%		\$439,875
IT Costs		%	10%		\$488,750
Equipment Costs					\$540,000
Furniture, Art, & Signage					\$445,000
Direct Costs (Moving, Occupancy, Internal Labor, fees)					\$220,000
PROJECT SUBTOTAL					\$8,421,125
Project Contingency	10%		10%		\$842,113
PROJECT TOTAL ESTIMATE					\$9,263,238
NOTES:					

5th Floor Pulmonary

Current state

- Located on 3rd Floor North
- 32 Patient Rooms
- High census, high churn, crowded unit

Future state

- Build out shell space of East Tower for Pulmonary
- 36 patient Rooms
- Universal Patient Rooms

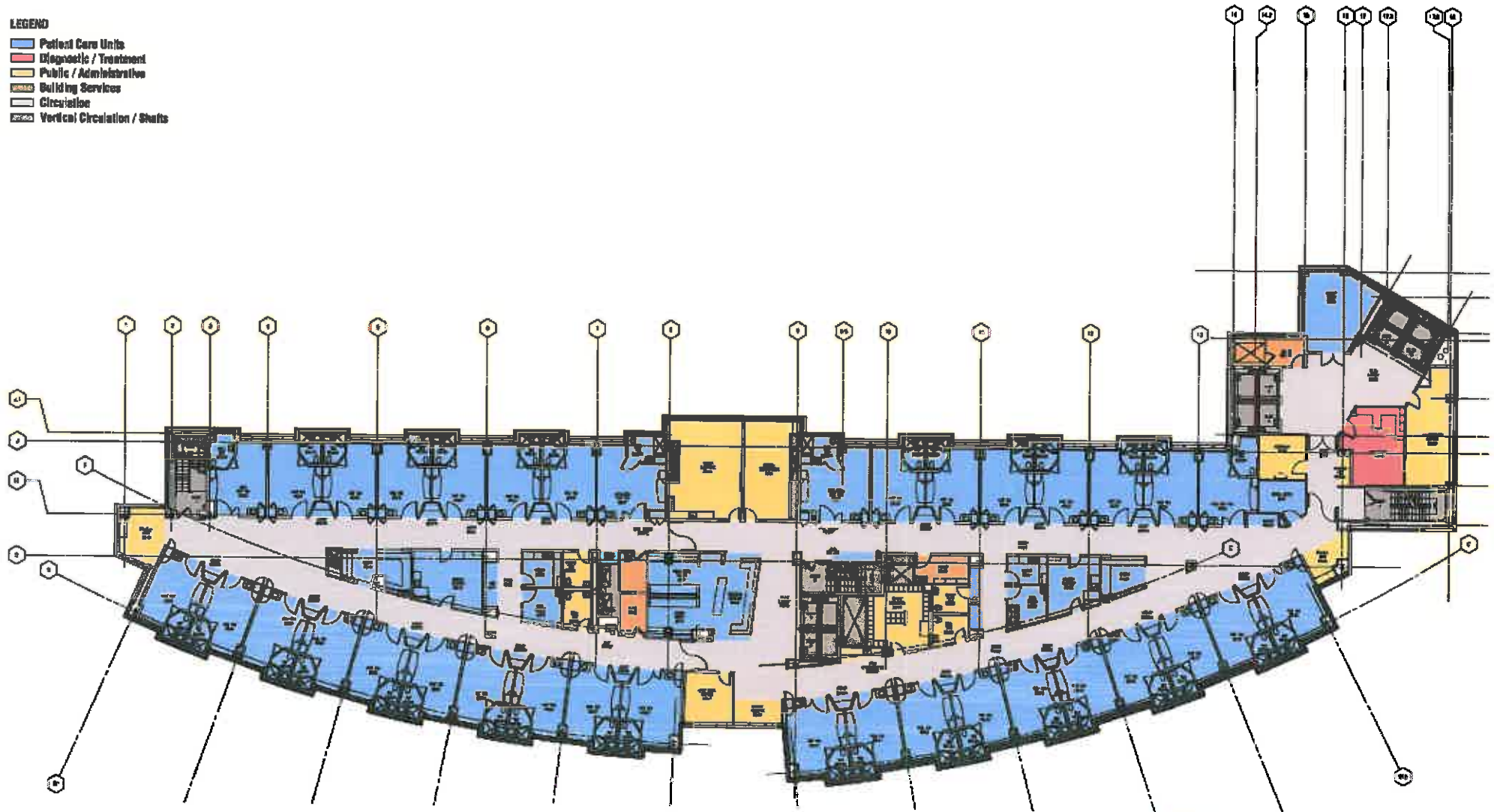
5th Floor Pulmonary Benefits

- Supports Centra's overall master facility plan
- Moves toward consolidation of acute care services on one campus
- Improves care environment for Pulmonary patients and staff
- Universal rooms provide flexibility in staffing and ability to accommodate higher acuity patients
- Opens space for GMU to move from 2 North to 3 North
- Opens space for Acute Rehab to relocate from VBH to LGH 2 North

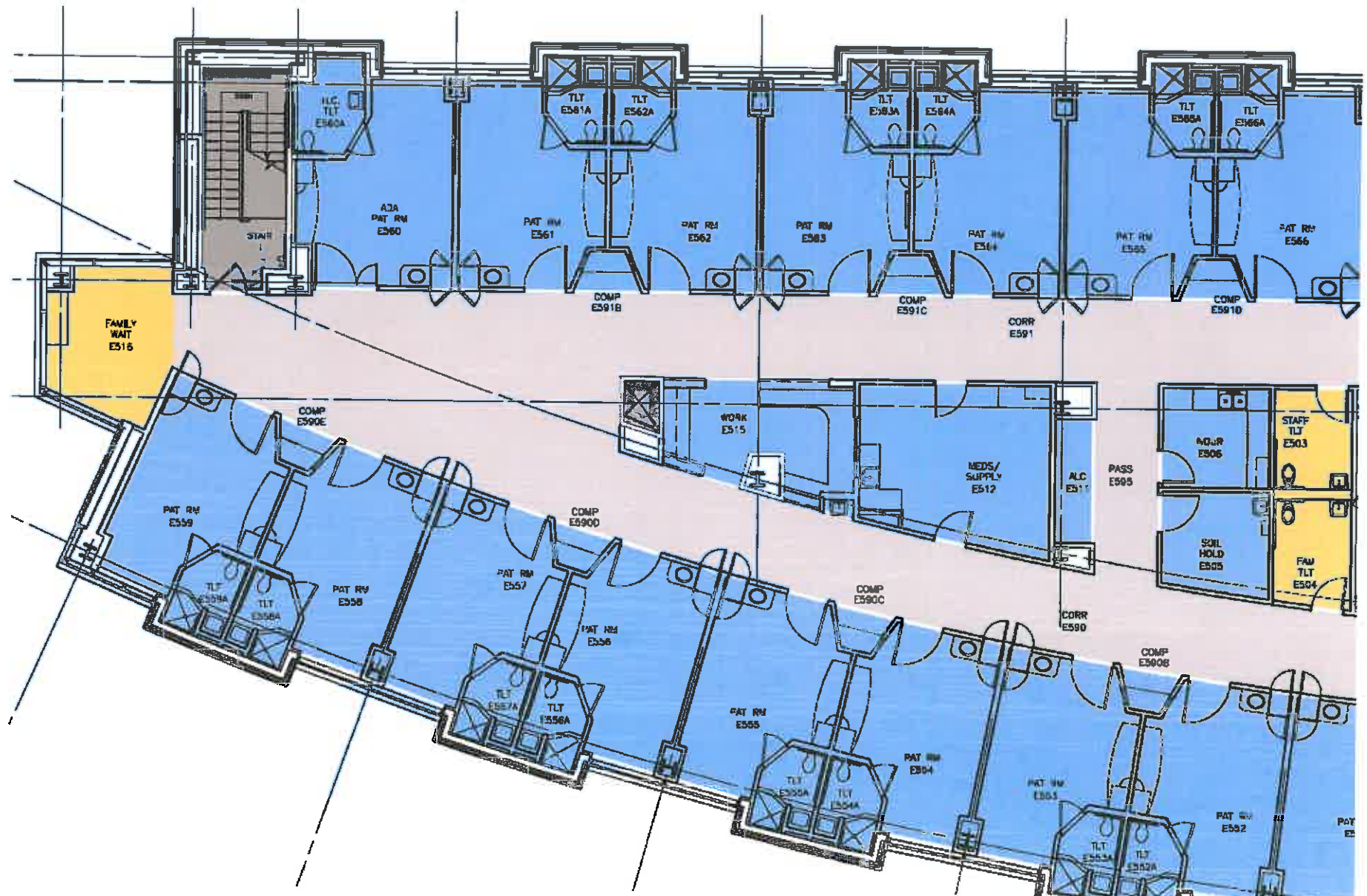
5th Floor Plan

LEGEND

- Patient Care Units
- Diagnostic / Treatment
- Public / Administrative
- Building Services
- Circulation
- Vertical Circulation / Shafts



Expanded View



5th Floor Budget

PROJECT: LGH 5 East Tower Upfit

Project Location: LGH

Project Square Footage: 27,100 SF Total

Prepared by: WJC

Checked by: WJC/CRC

Cost Estimate - Worksheet

Using Means Estimating Data, SF.

Estimated Project Cost

Date: 5/13/2014

Revision: 5/20/2014 JLA

DESCRIPTION	Qty	Units	Cost Per Unit		Total Cost
5 East Tower Upfit					
Construction	27,100	SF	\$230.02		\$6,233,494
Architectural, Engineering, and Other Consulting Fees		%	9%		\$561,014
IT Costs		%	8%		\$496,680
Equipment Costs					\$1,500,000
Furniture, Art, & Signage					\$600,000
Direct Costs (Moving, Occupancy, Labor)					\$250,000
PROJECT SUBTOTAL					\$9,643,188
Project Contingency	5%				\$482,159
PROJECT TOTAL ESTIMATE					\$10,125,347

NOTES:

1. Construction costs estimated by Barton Malow 2/16/2012

Project Summary

PROJECT	COST
Gretna Medical Center	\$ 23,833,141
Nationwide Drive Center	\$ 12,880,230
Farmville Ambulatory Center	\$ 12,301,960
Danville Ambulatory Center	\$ 14,223,938
Neurosciences Center	\$ 13,765,318
Amherst Ambulatory Center	\$ 9,263,238
5th Floor Pulmonary	<u>\$ 10,125,347</u>
GRAND TOTAL	<u>\$ 96,393,172</u>

CERTIFICATE

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

1. A meeting of the Authority was duly called and held on July 17, 2014, at 8:30 o'clock a.m. in the Conference Room of the Office of Economic Development, 2nd Floor, City Hall, 900 Church Street, Lynchburg, Virginia, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

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

3. The names of the individuals who appeared and addressed the Authority, along with a summary of their statements, is attached as **Exhibit B**.

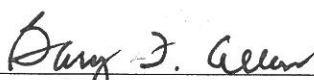
4. Attached hereto as **Exhibit C** is a true, correct and complete copy of a resolution ("Resolution") adopted at the meeting of the Authority by a majority of the Directors present at the meeting. The Resolution constitutes all formal action taken by the Authority at the meeting relating to matters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

WITNESS my hand and the seal of the Authority, this 17th day of July, 2014.



Exhibits:

- A - Copy of Certified Notice
- B - Summary of Statements
- C - Authority Resolution


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

Advertising Affidavit

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

Date

July 08, 2014

HUNTON & WILLIAMS LLP
951 EAST BYRD STREET
RIVERFRONT PLAZA, EAST TOWER
RICHMOND, VA 23219

Date	Category	Description	Ad Size	Total Cost
07/08/2014	Legal Notices	NOTICE OF PUBLIC HEARING BY THE ECONOMIC	1 x 144 L	1,949.60

**NOTICE OF PUBLIC HEARING BY THE
ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF LYNCHBURG, VIRGINIA,
REGARDING PROPOSED REVENUE
BOND FINANCING**

Notice is hereby given that the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority"), will hold a public hearing on the application of Centra Medical Group, LLC ("CMG") and Centra Health, Inc. ("Centra"), for the Authority to issue, pursuant to the Virginia Industrial Development and Revenue Bond Act, as amended (the "Act"), revenue bonds in an amount currently expected not to exceed \$100,000,000 (the "Bonds"), in one or more series, at one or more times, and pursuant to a common plan of finance for the following entities:

- (a) CMG is a Virginia limited liability company whose corporate offices are located at 1920 Atherholt Road in the City of Lynchburg, Virginia.
- (b) Centra is a Virginia non-stock corporation whose corporate offices are located at 1920 Atherholt Road in the City of Lynchburg, Virginia. Centra is the sole member of CMG. The Bonds are to be issued to finance or refinance the costs of the Projects described below, and may include funding interest on the Bonds, one or more reserve funds for the Bonds and costs of issuance of the Bonds. The Projects consist of:
 - (1) Acquisition, construction and equipping of a 51,800 square foot medical center and 24-hour emergency room located at 291 McBride Lane in the Town of Gretna, Virginia, to be owned by CMG and operated by Centra and CMG.
 - (2) Acquisition, construction and equipping of a 52,000 square foot facility to house a dialysis center, primary care clinic, specialty care clinic and medical offices for orthopedics located at 915 South Main Street in the Southgate Shopping Center in the Town of Farmville, Virginia, to be owned by Centra and operated by Centra Medical Group Spithalside LLC.
 - (3) Acquisition, construction and equipping of (a) a 32,000 square foot ambulatory medical center, including a specialty care clinic and imaging and lab services and (b) 16,000 square feet of unfinished space, located at 414 Park Avenue in the City of Danville, Virginia, to be owned by Centra and operated by CMG.
 - (4) Acquisition, construction and equipping of a 17,500 square foot primary care and specialty care clinic, located at 159 Ambler Plaza, in the Town of Amherst, Virginia, to be owned by Centra and operated by CMG.
 - (5) Acquisition, construction and equipping of a two-story, 46,500 square foot primary care medical center, including 19,000 square feet of unfinished space, that will also provide specialty care and extended care hours located at 125 Nationwide Drive in the City of Lynchburg, Virginia, to be owned by Centra and operated by CMG.
 - (6) Acquisition, construction and equipping of a new 36 bed pulmonary unit in a 27,100 square foot shell space on the 5th floor of the East Tower of Lynchburg General Hospital, located at 1901 Tate Springs Road in the City of Lynchburg, Virginia, to be owned and operated by Centra.
 - (7) Acquisition, construction and equipping of a 37,750 square foot comprehensive neurosciences center to serve neurosurgery, neurology, pain management, outpatient physical therapy and physiatry located at 2399 Atherholt Road in the City of Lynchburg, Virginia, to be owned by Centra and operated by Centra and CMG.

As required by the Act, the Bonds will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia, the Cities of Lynchburg or Danville, Virginia, or the Towns of Gretna, Farmville or Amherst, Virginia. Neither the Commonwealth of Virginia nor any political subdivision thereof, including the Authority, the Cities of Lynchburg and Danville, and the Towns of Gretna, Farmville and Amherst, shall be obligated to pay the Bonds, or the interest thereon, or other costs incidental thereto, except from the revenues and monies pledged therefor. Neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof will be pledged to the payment of principal of the Bonds or the interest thereon or other costs incidental thereto. Different series of bonds may have different security.

The hearing shall be held by the Authority on behalf of itself, the Cities of Lynchburg and Danville, Virginia, and the Towns of Gretna, Farmville and Amherst, Virginia, as part of the approval process with respect to the issuance of the Bonds. If, following the hearing, the Authority recommends approval of the issuance of the Bonds, a record of the public hearing will be forwarded to the City Councils of the Cities of Lynchburg and Danville, and the Town Councils of the Towns of Gretna, Farmville and Amherst, each of which will be asked to approve or, or concur in, the issuance of the Bonds. The public hearing, which may be continued or adjourned, will be held at 9:30 a.m. on Thursday, July 27, 2014, before the Authority, in the Economic Development Office, City Hall, 2nd Floor, 500 Church Street, Lynchburg, Virginia 24504. Residents of the Cities of Lynchburg and Danville, and the Towns of Gretna, Farmville and Amherst, as well as any other persons interested in the Bonds or the Projects may attend and present their views or submit written comments prior to the hearing to the Secretary of the Authority, P.O. Box 1115, Lynchburg, Virginia 24505. A copy of Centra and CMG's application may be inspected at the Authority's offices. The address of the Authority is Economic Development Office, City Hall, 2nd Floor, 500 Church Street, Lynchburg, Virginia 24504.

**Publisher of the
News and Advance**

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

07/01, 07/08/2014

The First insertion being given ... 07/01/2014

Newspaper reference: 0003299778

Teresa Y. Bryan
Teresa Y. Bryan
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7101068
My Commission Expires 3/31/2015

Given under my hand on

the 8th day of July

Gena Callahan

Classified Manager

A BILL. PLEASE PAY FROM INVOICE. THANK YOU

EXHIBIT

tabbles

A

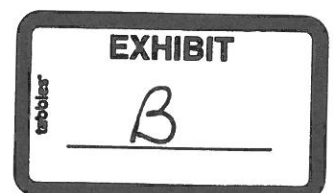
EXHIBIT "B" TO CERTIFICATE

SUMMARY OF STATEMENTS

The Chairman declared the public hearing open. Mr. Craddock reminded the Directors that the application of Centra Health, Inc. for up to \$100,000,000 in industrial development revenue bond financing had been made to the Authority. Mr. Craddock advised that the notice of this public hearing had been published in *The News & Advance* as required by law.

The Chairman then asked if there was anyone to speak in favor of the application for Authority financing. Mr. Lewis C. Addison, Senior Vice President/Chief Financial Officer and Treasurer of Centra Health and Centra Medical Group, addressed the Authority. He advised the Authority that there were two parts to this revenue bond financing, a fixed-rate loan with a 27½ year term for up to \$25,000,000, and a variable rate based on 30 day LIBOR for up to \$75,000,000, with the ability to refinance at any time. Dr. Dan Carey, M.D., President of Centra Medical Group, and Mr. Joe Archambeault, Vice President of Facilities, reviewed with the Directors the seven (7) projects to be financed with the Bonds. Dr. Carey and Mr. Archambeault delivered a PowerPoint presentation for the acquisition, construction and equipping of following projects:

- i. A 51,000 square foot medical center and 24-hour emergency room located at 291 McBride Lane in the Town of Gretna, Virginia.
- ii. A 52,000 square foot facility to house a dialysis center, primary care clinic, specialty care clinic and medical offices for orthopedics located at 915 South Main Street in the Southgate Shopping Center in the Town of Farmville, Virginia.
- iii. (a) A 32,000 square foot ambulatory medical center, including a specialty care clinic and imaging and lab services, and (b) 16,000 square feet of unfinished space, located at 414 Park Avenue in the City of Danville, Virginia.
- iv. A 17,500 square foot primary care and specialty care clinic, located at 139 Ambriar Plaza, in the Town of Amherst, Virginia.
- v. A two-story, 46,500 square foot primary care medical center, including 19,000 square feet of unfinished space, that will also provide specialty care and extended care hours located at 125 Nationwide Drive in the City of Lynchburg, Virginia.
- vi. A new 36 bed pulmonary unit in a 27,100 square foot shell space on the 5th floor of the East Tower of Lynchburg General Hospital, located at 1901 Tate Springs Road in the City of Lynchburg, Virginia.
- vii. A 37,750 square foot comprehensive neurosciences center to serve neurosurgery, neurology, pain management, outpatient physical therapy and psychiatry located at 2399 Atherholt Road in the City of Lynchburg, Virginia.



Mr. Addison answered questions concerning the length of time for the construction of the facilities and the draw-down on the loans and future plans for the Virginia Baptist Hospital facility.

The Chairman then asked if anyone else wished to speak in favor of the application.

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

The Chairman declared the public hearing closed.

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

Centra Health, Inc. and Centra Medical Group, LLC

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority"), is a political subdivision of the Commonwealth of Virginia (the "Commonwealth") created and existing pursuant to the Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the "Act"); and

WHEREAS, the Act authorizes the Authority to issue bonds to finance and refinance medical facilities owned and operated by organizations that are exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, Centra Health, Inc. ("Centra") is a not-for-profit Virginia non-stock corporation that is a tax-exempt organization under Section 501(c)(3) of the Code and that together with related organizations operates medical facilities in the City of Lynchburg, Virginia (the "City"), and in other Virginia localities; and

WHEREAS, Centra Medical Group, LLC, a Virginia limited liability company and an affiliate of Centra ("CMG"), owns and operates a medical facility in the Town of Gretna, Virginia; and

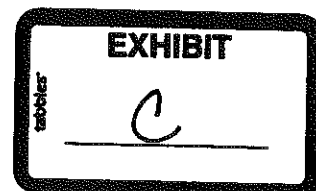
WHEREAS, Centra and CMG (together, the "Borrowers") have requested the Authority to issue its revenue bonds in one or more series to finance or refinance (1) costs of the projects described on Exhibit A, (2) interest on the bonds during construction and for up to one year thereafter, (3) one or more reserve funds for the bonds and (4) costs of issuance of the bonds (together, the "Project"); and

WHEREAS, a public hearing has been held by the Authority as required by Section 147(f) of the Code and Section 15.2-4906 of the Act;

WHEREAS, there have been presented to this meeting drafts of the following instruments (the "Financing Documents"), which the Authority proposes to execute or approve to carry out the issuance of its Hospital Revenue Bond (Centra Health), Series 2014A (the "Series 2014A Bond"), and its Hospital Revenue Bond (Centra Health), Series 2014B (the "Series 2014B Bond" and, together with the Series 2014A Bond, the "Bonds"), and their sale to the banks designated below (together, the "Banks") to finance the Project, copies of which instruments shall be filed with the records of the Authority:

(a) A Bond Purchase and Loan Agreement dated as of August 1, 2014 (the "Series 2014A Loan Agreement"), between the Authority, the Borrowers and First-Citizens Bank & Trust Company, including a form of the Series 2014A Bond attached thereto;

(b) A Bond Purchase and Loan Agreement dated as of August 1, 2014 (the "Series 2014B Loan Agreement" and, together with the Series 2014A Loan Agreement, the "Loan Agreements"), between the Authority, Centra and TD Bank, N.A., including a form of the Series 2014B Bond attached thereto;



(c) The Borrowers' promissory note in the principal amounts of the Series 2014A Bond (the "Series 2014A Note"), including the form of assignment thereof from the Authority to First-Citizens Bank & Trust Company; and

(d) Centra's promissory note in the principal amount of the Series 2014B Bond (the "Series 2014B Note" and, together with the Series 2014A Note, the "Notes"), including the form of assignment thereof from the Authority to TD Bank, N.A.; and

WHEREAS, a public hearing has been held by the Authority as required by Section 147(f) of the Code and Section 15.2-4906 of the Act;

BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA:

1. It is hereby found and determined that the financing of the Project will be in the public interest of the Commonwealth of Virginia and the City and its environs and will be in furtherance of the purposes of the Act by reducing the costs of providing health care to the residents of the City and surrounding areas. The Authority hereby agrees to assist the Borrowers by issuing the Bonds, in one or more series, upon terms and conditions to be mutually agreed upon between the Authority and the Borrowers as provided below, and subject to the requirements of the Act.

2. The Authority hereby authorizes the issuance of the Bonds, in one or more series, pursuant to the Act and the sale of the Bonds to the Banks and the loan of the proceeds of the Bonds to the Borrowers to finance the Project pursuant to the terms of the Financing Documents. The Bonds shall have such principal amounts and maturities, bear such date or dates, bear interest at such rate or rates, be payable at such time or times and sold in such manner and on such terms as approved by the Chairman or the Vice Chairman of the Authority, either of whom may act (the "Authorized Officers"), such approval being evidenced by the Authorized Officer's execution of the Financing Documents.

3. The Authorized Officers are each hereby authorized and directed to approve the final principal amount, maturity, interest rate and redemption price of the Series 2014A Bond; provided, however, that (a) the aggregate maximum principal amount of the Series 2014A Bond shall not exceed \$25,000,000, (b) the Series 2014A Bond shall be sold at a price of par, and (c) the Series 2014A Bond shall mature by August 1, 2041. The Series 2014A Bond is expected to bear interest at a fixed interest rate of 4.55% per annum.

4. The Authorized Officers are each hereby authorized and directed to approve the final principal amount, maturity, interest rate and redemption price of the Series 2014B Bond; provided, however, that (a) the aggregate maximum principal amount of the Series 2014B Bond shall not exceed \$75,000,000, (b) the Series 2014B Bonds shall be sold at a price of par, and (c) the Series 2014B Bond shall mature by January 1, 2044. The Series 2014B Bond is expected to bear interest at a variable rate, the formula of which may be approved by an Authorized Officer.

5. The Authorized Officers are each authorized to execute and deliver the Financing Documents, with such changes and in the form approved by counsel to the Authority. Any authorization herein to execute a document shall include authorization to record such document where appropriate and to deliver it to the other parties thereto.

6. The Authorized Officers are each hereby authorized and directed to accept from the Borrowers the Notes to evidence the Borrowers' respective repayment obligations for the loans provided for in the Loan Agreements and to assign by endorsement and deliver each Note to the respective Bank as security for each Bank's Bond.

7. The Authorized Officers each hereby are authorized and directed to execute the Bonds by manual or facsimile signature, and the Secretary of the Authority and the Assistant Secretary, either of whom may act, are authorized and directed to have the seal of the Authority affixed or printed thereon and to attest such seal by manual or facsimile signature. The officers of the Authority are authorized and directed to deliver each Bond to the appropriate Bank.

8. The officers of the Authority hereby are authorized and directed to execute, deliver and file all documents, certificates and instruments, including Internal Revenue Service Form 8038, all of which shall be in a form approved by counsel to the Authority, on behalf of the Authority and to take all such further action as may be necessary or desirable in connection with the issuance and sale of the Bonds and the securing of the Bonds under the Borrowers' existing Master Trust Indenture.

9. All other acts of the officers of the Authority that are in conformity with the purposes and intent of this resolution and in furtherance of the issuance and sale of the Bonds are hereby authorized, ratified and approved.

10. At the request of the Borrowers, the Authority hereby approves the selection of Hunton & Williams LLP as bond counsel to supervise the proceedings and approve the issuance of the Bonds.

11. All costs and expenses in connection with the issuance of the Bonds and the financing of the Project, including the fees and expenses of bond counsel, shall be paid by the Borrowers, and the Authority shall not have responsibility therefor.

12. The Borrowers shall pay any and all costs and expenses incurred by the Authority in connection with the proposed bond issue. If for any reason the Bonds are not issued, it is understood that the Borrowers will reimburse the Authority for all of its out-of-pocket expenses relating to the proposed bond financing.

13. The Borrowers shall indemnify and save harmless the Authority, its officers, directors, employees and agents, from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the Borrowers or the issuance of the Bonds.

14. The Authority hereby recommends that the City Council of the City approve the issuance of the Bonds in accordance with the provisions of Section 147(f) of the Code and Section 15.2-4906 of the Act. The Authority hereby recommends further that, in accordance with the Act, the Town Councils of the Towns of Amherst, Farmville and Gretna, Virginia, and the City Council of the City of Danville, Virginia, approve the issuance of the Bonds.

15. The Authority hereby directs the Secretary or Assistant Secretary of the Authority to submit to the City Councils of the Cities of Lynchburg and Danville, Virginia, and the Town Councils of the Towns of Amherst, Farmville and Gretna, Virginia, copies of this resolution, the

Borrowers' Fiscal Impact Statement, and a summary of the public hearing held by the Authority prior to the adoption of this resolution.

16. This resolution shall become effective immediately.

Exhibit A

The projects consist of:

- (1) Acquisition, construction and equipping of a 51,000 square foot medical center and 24-hour emergency room located at 291 McBride Lane in the Town of Gretna, Virginia, to be owned by CMG and operated by Centra and CMG.
- (2) Acquisition, construction and equipping of a 52,000 square foot facility to house a dialysis center, primary care clinic, specialty care clinic and medical offices for orthopedics located at 915 South Main Street in the Southgate Shopping Center in the Town of Farmville, Virginia, to be owned by Centra and operated by Centra Medical Group Southside LLC.
- (3) Acquisition, construction and equipping of (a) a 32,000 square foot ambulatory medical center, including a specialty care clinic and imaging and lab services and (b) 16,000 square feet of unfinished space, located at 414 Park Avenue in the City of Danville, Virginia, to be owned by Centra and operated by CMG.
- (4) Acquisition, construction and equipping of a 17,500 square foot primary care and specialty care clinic, located at 139 Ambriar Plaza, in the Town of Amherst, Virginia, to be owned by Centra and operated by CMG.
- (5) Acquisition, construction and equipping of a two-story, 46,500 square foot primary care medical center, including 19,000 square feet of unfinished space, that will also provide specialty care and extended care hours located at 125 Nationwide Drive in the City of Lynchburg, Virginia, to be owned by Centra and operated by CMG.
- (6) Acquisition, construction and equipping of a new 36 bed pulmonary unit in a 27,100 square foot shell space on the 5th floor of the East Tower of Lynchburg General Hospital, located at 1901 Tate Springs Road in the City of Lynchburg, Virginia, to be owned and operated by Centra.
- (7) Acquisition, construction and equipping of a 37,750 square foot comprehensive neurosciences center to serve neurosurgery, neurology, pain management, outpatient physical therapy and physiatry located at 2399 Atherholt Road in the City of Lynchburg, Virginia, to be owned by Centra and operated by Centra and CMG.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority"), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on July 17, 2014, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS the following signature this 17th day of July, 2014.

(SEAL)



Barry J. Allen
Secretary, Economic Development Authority of the
City of Lynchburg, Virginia

FISCAL IMPACT STATEMENT

June 20, 2014

Date

Centra Health, Inc.

Applicants

Centra Existing Facilities and Medical Group Expansion
Facilities

- | | | |
|-------|--|---------------|
| 1. | Maximum amount of financing sought | \$100,000,000 |
| 2. | Estimated taxable value of the facility's real property to be constructed in the locality | \$0 |
| 3. | Estimated real property tax per year using present tax rates | \$0 |
| 4. | Estimated personal property tax per year using present tax rates | \$0 |
| 5. | Estimated merchants' capital tax per year using present tax rates | \$0 |
| 6. a. | Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality | \$36 million |
| b. | Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality | \$84 million |
| c. | Estimated dollar value per year of services that will be purchased from Virginia companies within the locality | \$34 million |
| d. | Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality | \$80 million |
| 7. | Estimated number of regular employees on year round basis | 5,100 |
| 8. | Average annual salary per employee | \$62,400 |



Authority Chairman

Economic Development Authority of the City of Lynchburg, Virginia

Name of Authority

Exhibit A

The Project consists of:

- (1) Acquisition, construction and equipping of a 51,000 square foot medical center and 24-hour emergency room located at 291 McBride Lane in the Town of Gretna, Virginia, to be owned by CMG and operated by Centra and CMG.
- (2) Acquisition, construction and equipping of a 52,000 square foot facility to house a dialysis center, primary care clinic, specialty care clinic and medical offices for orthopedics located at 915 South Main Street in the Southgate Shopping Center in the Town of Farmville, Virginia, to be owned by Centra and operated by Centra Medical Group Southside LLC.
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- (6) Acquisition, construction and equipping of a new 36 bed pulmonary unit in a 27,100 square foot shell space on the 5th floor of the East Tower of Lynchburg General Hospital, located at 1901 Tate Springs Road in the City of Lynchburg, Virginia, to be owned and operated by Centra.
- (7) Acquisition, construction and equipping of a 37,750 square foot comprehensive neurosciences center to serve neurosurgery, neurology, pain management, outpatient physical therapy and physiatry located at 2399 Atherholt Road in the City of Lynchburg, Virginia, to be owned by Centra and operated by Centra and CMG.

CERTIFICATE

The undersigned Clerk of the City Council of the City of Lynchburg, Virginia (the "Council"), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Council present and voting at a regular meeting duly called and held on _____, 2014, in accordance with law.

WITNESS the following signature and the seal of the Council this ____ day of _____, 2014.

Clerk of the City Council of the City of
Lynchburg, Virginia

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 12, 2014**

AGENDA ITEM NO.: 19

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

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

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

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

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

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

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

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

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

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

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

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

PRIOR ACTION(S): none

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

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

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2015 Parks and Recreation General Fund budget is amended and \$139,720 is appropriated with \$139,720 from the General Fund Reserve for Contingencies to continue operation and management of two neighborhood community centers and to provide wi-fi access in the centers.

Introduced:

Adopted:

Certified:

Clerk of Council

110K