// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of July, 2008, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Garrett gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster 6

Absent: Gillette 1

// Mayor Joan Foster presented a Proclamation proclaiming September 2008 as "ARTS LYNCHBURG MONTH" to Meredith DeAvila from the Academy of Music.

// Copies of the minutes of the June 24 (two meetings), 2008 meetings, having been previously furnished Council, reading was dispensed with. Council Member Perrow stated that he would like to abstain from voting on the June 24 minutes since he was not a member of City Council and did not attend the meetings. On motion of Vice Mayor Dodson, seconded by Council Member Garrett, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Helgeson, Johnson, Foster 5

Noes: 0

Absent: Gillette 1

Abstention: Perrow 1

// Copies of the minutes of the July 1, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dodson, seconded by Council Member Garrett, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster 6

Noes: 0

Absent: Gillette 1

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #3 outlining the petition of Phillip Jamerson for a Conditional Use Permit to allow the implementation of a Consolidated Sign Plan for 5 way-finding signs at 1301 Enterprise Drive, 1601 Enterprise Drive, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive within the Wyndhurst Traditional Neighborhood Development. City Planner Tom Martin provided a brief summary regarding the request. Mr. Phillip Jamerson outlined the request and asked for approval. Mr. Jamerson informed that the purpose of the signs is to help people locate businesses in the Wyndhurst development. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Mr. Martin stated that the design guidelines for signage in the Wyndhurst Traditional Neighborhood Development are much more restrictive than the City's current Sign Ordinance. Mr. Martin went on to say that if requested by the Wyndhurst Property Owners Association, staff would be willing to revisit those guidelines. On motion of Council Member Garrett, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-08-093, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster 6

Noes: 0

Absent: Gillette 1

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report #4 outlining the petition of Liberty University to rezone 1.29 acres from I-3, Heavy Industrial District, to R-C, Resource Conservation, at 2300 Carroll Avenue, and to rezone 2.33 acres from I-3, Heavy Industrial District, to R-C, Resource Conservation, at 701 Dearing Street. Vice Mayor Bert Dodson stated that since his company provides all of the pest control services for Liberty University, he will abstain from the discussion and voting on the petition. City Planner Tom Martin provided a brief summary regarding the request. Mr. Norm Walton, representing the petitioner, outlined the request and asked for approval. Mr. Walton informed that this rezoning request will satisfy a proffer from a previous rezoning for the Crossroads Colonnade Shopping Center. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow stated that in general he is a little uncomfortable with continually rezoning industrial land, but that in this instance he understands that the rezoning request fulfills a prior commitment of Liberty University and that it is supported by the Comprehensive Plan and Office of Economic Development. Council Member Perrow did note that City Council needs to be mindful regarding the amount of industrial land that is being rezoned. On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-094, as presented, approving the rezoning of 1.29 acres from I-3, Heavy Industrial District, to R-C, Resource Conservation, at 2300 Carroll Avenue:

Ayes: Garrett, Helgeson, Johnson, Perrow, Foster	5
Noes:	0
Absent: Gillette	1
Abstention: Dodson	1

On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-095, as presented, approving the rezoning of 2.33 acres from I-3, Heavy Industrial District, to R-C, Resource Conservation, at 701 Dearing Street:

Ayes: Garrett, Helgeson, Johnson, Perrow, Foster	5
Noes:	0
Absent: Gillette	1
Abstention: Dodson	1

// In the matter of City Council, Mr. W. J. Norris was not present to speak to City Council.

// In the matter of Police - General, City Council Report # 6 was considered. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-096, as presented, supporting the submittal of a grant application to the Edward Byrne Memorial Justice Assistance (JAG) Program FY 2008 Local Solicitation for $15,919 to implement a multi-faceted recruitment campaign:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster	6
Noes:	0
Absent: Gillette	1

// In the matter of Fire - General, City Council Report #7 was considered. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-097, as presented, amending the FY 2009 City/Federal/State Aid Fund budget and appropriating $50,000, fully reimbursable, to repair the burn building at the Central Virginia Regional Fire Training Center:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster 6
Noes: 0
Absent: Gillette 1

// In the matter of Fire - General, City Council Report #8 was considered. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-098, as presented, amending FY 2009 City/Federal/State Aid Fund budget and appropriating $30,000, fully reimbursable, to purchase equipment for the Fire Department's Hazardous Materials Response Team:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster 6
Noes: 0
Absent: Gillette 1

// In the matter of Fire - General, City Council Report #9 was considered. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-08-099, as presented, amending Chapter 19 of the City Code to reflect changes in the State Fire Code:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster 6
Noes: 0
Absent: Gillette 1

// In the matter of Community Development - Inspections, City Council Report #10 was considered. On motion of Council Member Garrett, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-08-100, as presented, amending Section 11-2 of the City Code relating to the enforcement of the 2006 edition of the Virginia Uniform Statewide Property Maintenance Code:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster 6
Noes: 0
Absent: Gillette 1

// In the matter of Community Development - General, City Council Report #11 was considered. On motion of Council Member Johnson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-08-101, as presented, supporting the application to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program for an allocation of $1,000,000 to fund the Grace Street Retaining Wall Improvement Project:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster 6
Noes: 0
Absent: Gillette 1

// In the matter of City Council, City Manager Kimball Payne stated that staff is seeking guidance regarding City Council’s Fall 2008 Retreat. Mr. Payne explained that once City Council has set the goals for the retreat, other issues to determine would include:

- The schedule for the retreat; one-day, two-day, three-day? The number and length of sessions. Will the retreat include evening sessions and an overnight stay?
- The location. Out of town or in town? Some possible locations include The Stonewall Jackson Hotel in Staunton, Eagle Eyrie, Sweet Briar College Conference Center, Lynchburg College, the Peaks of Otter Lodge, Bluffwalk Centre, and the Human Services Building.
- Is a non-staff facilitator desired?
- What sort of staff presence is desirable?

Council Members discussed the issues and reached consensus on the following:

- Two day retreat
- Stonewall Jackson Hotel in Staunton
- Non-staff facilitator
- Staff to be limited

City Manager Kimball Payne offered a possible schedule for a two day retreat:

Day 1

- Start late morning
- 1 hour session before lunch
- Lunch
- 3-4 hour afternoon session (1 or 2 topics)
- Dinner
- 2-3 hour evening session (1 or 2 topics)

Day 2

- Breakfast
- 3-4 hour morning session (1 or 2 topics)
- Lunch
- Afternoon session, ending at either 3:00 p.m. or 4:00 p.m.

Council Members reviewed the possible topics for discussion at the retreat, i.e., Council's Rules of Procedure for its meetings, economic development, housing, public safety, public education, Intergovernmental synergies, environment, sustainability, CDBG/HOME Programs Design, Review, revision of Council's Vision Statement, the Community Dialogue on Race and Racism, results of the Citizens Survey, teambuilding, SWOT (Strengths, Weaknesses, Opportunities, Threats), the identification of specific goals to accomplish in the next year, preliminary Budget priorities, and a review of the 2007 Council retreat and a report on follow-up. Some Council Members suggested that some of the topics might be better discussed at a work session rather than at the retreat. Mayor Foster suggested that staff poll City Council members to determine the top five priority items for retreat discussion and the top five priority items for discussion at future work sessions. Mr. Payne stated that he would schedule this item for the August 12 work session for City Council to select the two days for the retreat and to discuss the results of the poll and select the topics for discussion at the retreat.

// Council Member Perrow read the following statement: "My mother is one of the candidates for a position on the Museum Advisory Board. Because of my mother's candidacy, I wish to avoid any appearance of bias or impropriety, and with the consent of the other members of Council, I will abstain from discussing or voting on the appointments to the Museum Advisory Board.

// On motion of Council Member Johnson, seconded by Vice Mayor Dodson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Museum Advisory Board and various committees that require Council membership, to conduct the performance evaluations of the City Attorney and Clerk of Council, and discussion concerning the location of a prospective business or industry in the City where no previous announcement has been made of the business' or industry's interest in locating in the community pursuant to Section 2.2-3711(A)(1) and (5), respectively, of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Garrett, Helgeson, Johnson, Perrow, Foster	6
Noes:	0
Absent: Gillette	1

// Council Member Perrow left the meeting at 10:02 p.m. prior to the discussion regarding the appointments to the Museum Advisory Board and the performance evaluations of the City Attorney and Clerk of Council.

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

// Council Member Johnson made the following motion:

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

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

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

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

Ayes: Dodson, Garrett, Helgeson, Johnson, Foster	5
Noes:	0
Absent: Gillette, Perrow	2

// In the matter of Appointments, and on nomination of Council Member Johnson, Council by the following recorded vote appointed Council Member Turner Perrow to fill an unexpired term on the Lynchburg Community Action Board ending December 31, 2010:

Ayes: Dodson, Garrett, Helgeson, Johnson, , Foster 5

Noes: 0

Absent: Gillette, Perrow 2

On nomination of Council Member Johnson, Council by the following recorded vote appointed Council Member Turner Perrow to serve on the Code Enforcement Task Force for an indefinite term:

Ayes: Dodson, Garrett, Helgeson, Johnson, , Foster 5

Noes: 0

Absent: Gillette, Perrow 2

On nomination of Council Member Johnson, Council by the following recorded vote appointed Dr. John Arnold, Melanie Christian, Lisa Cresson, Laura Crumbley and Florence Perrow to serve on the Museum Advisory Board for terms to expire June 30, 2011:

Ayes: Dodson, Garrett, Helgeson, Johnson, Foster 5

Noes: 0

Absent: Gillette, Perrow 2

On nomination of Council Member Johnson, Council by the following recorded vote appointed Robert Craighill, Michael Doucette, Mrs. Langhorne McCarthy, Marie Waller and Sandra Whitehead to serve on the Museum Advisory Board for terms to expire June 30, 2010:

Ayes: Dodson, Garrett, Helgeson, Johnson, Foster 5

Noes: 0

Absent: Gillette, Perrow 2

On nomination of Council Member Johnson, Council by the following recorded vote appointed Mary Morris Booth, Jane Bowden, Lucille Dean, Laura Munson and Ray Stokes to serve on the Museum Advisory Board for terms to expire June 30, 2009:

Ayes: Dodson, Garrett, Helgeson, Johnson, Foster 5

Noes: 0

Absent: Gillette, Perrow 2

// The meeting was recessed at 10:50 P.M. to August 12, at 1:00 P.M., to conduct a work session regarding several items.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: 4

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Administrative Services Associate I Reclassification**

RECOMMENDATION: Approve the reclassification of the current Administrative Services Associate I (ASA I) part-time position to an ASA I full-time position in the Lynchburg Police Department Personnel and Training Unit.

SUMMARY: Currently, the Police Department's Personnel and Training Unit has a part-time ASA I position to assist with administrative duties. One of the critical responsibilities associated with this position is recruiting and hiring the most qualified people available to perform the required job responsibilities. Furthermore, the department has been working to enhance its recruitment strategies to put the organization in different markets for potential law enforcement professionals to consider. In order to free up resources, the ASA I position has been tasked with extra responsibilities in addition to being accountable for organizing and scheduling all departmental training, overseeing all employee training records, and maintaining all police recruit and police cadet applicant files. Transferring some of the administrative load to this position will allow more time for the officers to work in the community, recruiting police officers and police cadets. This strategy is working as applications have increased by more that 70%.

This ASA I position is very valuable and the job tasks and responsibilities associated with it have been increased beyond that of a part-time position. Therefore, the department is requesting the position be changed to full-time. This proposal was submitted to and approved by the Department of Human Resources.
The salary will remain the same and benefits will be added. The total additional cost in FY 2009 for this change is $8,920. No appropriation is needed; the department expects to absorb the expense in its current budget.

PRIOR ACTION(S): Finance Committee, August 12, 2008

FISCAL IMPACT: None in FY 2009, the police department will be able to support the expense for benefits in its existing budget.

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

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED THAT the Lynchburg City Council approves the reclassification of the current Administrative Services Associate I (ASA I) part-time position to an ASA I full-time position in the Lynchburg Police Department Personnel and Training Unit.

Adopted:

Certified: ____________________________________

Clerk of Council

101L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: **5**

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

ACTION: **X** INFORMATION:

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

RECOMMENDATION: Support the submittal of a grant application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2008 Local Solicitation for $15,919 to purchase nineteen X-26 Tasers and cartridges.

SUMMARY: Originally, the Police Department applied for grant funding to improve and enhance the Police Officer Recruitment Program; this application was brought before City Council in July 2008. Upon review of the application, the Department of Justice (DOJ) advised the Police Department that the recruitment program did not fit the programmatic stipulations for funding. The DOJ recommended the proposal be modified to include a qualifying initiative. After further research, it was determined that purchasing law enforcement equipment would meet the needs of the Police Department as well as the grant criteria. If awarded, grant funding will be used to purchase nineteen X-26 Tasers ($805 each) and cartridges ($624).

One of the conditions of the grant requires approval of the application by the governing body.

PRIOR ACTION(S): Finance Committee, July 8, 2008; Finance Committee, August 12, 2008

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

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

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED THAT the Lynchburg City Council supports the submittal of a grant application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2008 Local Solicitation for $15,919 to purchase nineteen X-26 Tasers and cartridges.

Adopted:

Certified: ______________________________
Clerk of Council

102L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: 6

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

ACTION: **X** INFORMATION:

ITEM TITLE: **FY 2009 Public Safety Answering Point (PSAP) Grant Program – Emergency Communications Center Equipment Replacement**

RECOMMENDATION: Adopt a resolution to amend the FY 2009 City/Federal/State Aid Fund budget and appropriate $51,947 with resources of $41,559 from the Virginia Wireless E-911 Services Board and $10,388 from the General Fund Reserve for Contingencies to replace: seven computers used at the operations consoles in the Emergency Communications Center, the computer server that controls the Dictaphone Recording System, and the computer server/software that controls the Plant Electronics Magic telephone database system.

SUMMARY: The computers used by dispatchers in the Emergency Communications Center are approximately four years old. Their maintenance contracts have expired and the technology has become outdated, requiring replacement.

The Dictaphone Recording System is used to record all emergency calls made to the Emergency Communications Center, as well as critical radio traffic. These recordings are necessary for the proper management of the Center, and are also used by other Public Safety departments and the local court system. The computer server that it is running on is seven years old and still runs on the NT operating system. The system is technologically outdated and in need of an upgrade.

The Plant Electronics Magic telephone database system retains the necessary records concerning all calls received and made by the Emergency Communications Center. The system is technologically outdated (the server is five years old), failing, and in need of replacement.

Last fall, an FY 2009 Public Safety Answering Point (PSAP) grant was applied for with the Virginia Wireless E-911 Services Board to replace the seven computers, the computer server that controls the Dictaphone Recording System, and the computer server/software that controls the Plant Electronics Magic telephone database system. The City has received notification the grant request was approved.

The City is required to provide a 20% match to the funds available in the grant; that amount equals $10,388.

PRIOR ACTION(S): Finance Committee, August 12, 2008

FISCAL IMPACT: The grant requires a 20% local match; therefore, a one-time appropriation of $10,388 will be needed from the General Fund Reserve for Contingencies.

CONTACT(S): William A. Aldrich, Director of Emergency Communications, 455-4285

ATTACHMENT(S): Resolution; Grant Award Letter

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2009 City/Federal/State Aid Fund budget is amended and $51,947 is appropriated with resources of $41,559 from the Virginia Wireless E-911 Services Board and $10,388 from the General Fund Reserve for Contingencies to replace: seven computers used at the operations consoles in the Emergency Communications Center, the computer server that controls the Dictaphone Recording System, and the computer server/software that controls the Plant Electronics Magic telephone database system.

Introduced: Adopted:

Certified: ________________________________
Clerk of Council

103L

COMMONWEALTH of VIRGINIA

Virginia Wireless E-911 Services Board

Dorothy Spears-Dean
PSC Coordinator
(804) 786-3166

April 5, 2008

Mr. William Aldrich
Lynchburg ECC
3621 Chandlers Mountain Road
Lynchburg, VA 24502

Dear Bill:

This is to provide you information regarding your grant application for the FY 09 cycle of the PSAP Grant Program.

Lynchburg ECC requested grant funding for several projects. I am pleased to report that the Virginia Wireless E-911 Services Board approved your grant request for all items. You have been awarded $50,039. Please be advised that this award requires a 20% match of local funds. Based on total project costs of $62,547, this amount is $12,508.

Funding for this grant award is available after July 1, 2008. When you are ready to make your purchase, you will need to submit a written request to draw down your funding. A cost schedule or final vendor quote that substantiates the amount requested should be attached to this request. Please be advised that the request and supporting documentation may be submitted electronically. Once the project is complete, you will need to close out your grant award. More information is forthcoming on this process.

Congratulations on your award. If you have any questions, please do not hesitate to contact me.

Sincerely,

Dorothy A. Spears-Dean

Dorothy A. Spears-Dean
PSC Coordinator

Richmond Plaza Building, Suite 100 – 110 South Seventh Street – Richmond, Virginia 23219-3931
(866) 482-3911 – FAX (804) 786-4177 – TTY USERS (800) 828-1120 – www.va911.org

Lynchburg City Council
Agenda Item Summary

MEETING DATE: **August 12, 2008**		AGENDA ITEM NO.: 7
CONSENT: **X**	REGULAR:	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **Virginia Office of EMS-FY 2008 Rescue Squad Assistance Fund Grant**

RECOMMENDATION: Adopt a resolution to amend the FY 2009 City/Federal/State Aid Fund budget and appropriate $81,000 with resources of $38,500 from the Virginia Office of Emergency Medical Services (VA OEMS) and $42,500 from the General Fund Reserve for Contingencies to purchase two LifePak 12 monitors/defibrillators, two AutoPulse™ devices, and one Masimo Carboxyhemoglobin monitor.

SUMMARY: The Virginia Office of Emergency Medical Services (VA OEMS) 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. This grant request is a continuation of such endeavors.

The original grant request was for $85,000 in Rescue Squad Assistance funding to purchase:

- Two (2) LifePak 12 monitor/defibrillators – currently, the Fire Department is in the process of standardizing its monitor/defibrillators to one specific manufacturer (Physio Control). In addition, the Fire Department has established a useful life cycle of six to ten (6 – 10) years for its monitor/defibrillators. These additional monitors will provide a monitor on all first responder apparatus (ambulances and engines).
- Two (2) AutoPulse™ devices – the AutoPulse™ is a mechanical CPR Assist Device consisting of a short backboard and a band that encircles a patient's chest. The device provides consistent compressions (rate and depth) throughout the call. The Fire Department implemented the use of four (4) AutoPulse™ CPR Assist Devices in March 2007. As a result the department has seen an increase in Return of Spontaneous Circulation (ROSC) from 10-15% to 40-45%.
- One (1) Masimo Carboxyhemoglobin Monitor – the Masimo Rad 57 is a non-invasive device capable of distinguishing between hemoglobin bound by oxygen and hemoglobin bound by carbon monoxide. This is accomplished by placing a probe on the end of the patient's finger. The Rad 57 would enable the Fire Department to determine if a person is suffering from carbon monoxide poisoning.

This grant requires a 50 percent match from the receiving locality. The department's original request was for $50,000 to purchase the two (2) LifePak 12 monitor/defibrillators, which meant VA OEMS would fund $25,000 and the City would fund $25,000. However, the VA OEMS allowed total funding of only $42,000 for this purchase; therefore, VA OEMS will fund only $21,000. The department respectfully requests the City provide the originally requested $25,000 in matching funds for this purchase. This will potentially allow for the purchase of additional equipment . Additionally, VA OEMS awarded funding of $30,000 for the two AutoPulse devices (VA OEMS and the City will contribute $15,000 each) and $5,000 for the carboxyhemoglobin monitor (VA OEMS and the City will pay $2,500 each). Total matching funds provided by the City is $42,500 with a total project cost of $81,000.

PRIOR ACTION(S): Finance Committee, February 5, 2008; Finance Committee, August 12, 2008

FISCAL IMPACT: Non-recurring appropriation of $42,500 from the General Fund Reserve for Contingencies; periodic maintenance of equipment.

CONTACT(S): Fire Chief S. Brad Ferguson, 455-6340; Captain Sean Regan, 455-6353; Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S): Resolution; Award letter

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2009 City/Federal/State Aid Fund budget is amended and $81,000 is appropriated with resources of $38,500 from the Virginia Office of Emergency Medical Services (VA OEMS) and $42,500 from the General Fund Reserve for Contingencies to purchase two LifePak 12 monitors/defibrillators, two AutoPulse™ devices, and one Masimo Carboxyhemoglobin monitor.

Introduced: Adopted:

Certified: ____________________________________
Clerk of Council

098L

COMMONWEALTH of VIRGINIA
Department of Health
Office of Emergency Medical Services
P.O. Box 2448
Richmond, VA 23218-2448

Karen Remley, MD, MBA, FAAP
State Health Commissioner

Gary R. Brown
Director

P. Scott Winston
Assistant Director

109 Governor St., Suite UB-55
Richmond, VA 23219

1-800-523-6019 (VA only)
804-864-7600
FAX: 804-864-7580

July 1, 2008

Ellen Davidson Martin
Lynchburg Fire Department
800 Madison Street
Lynchburg VA 24504

Dear Grant Administrator:

The Office of Emergency Medical Services (OEMS) is pleased to announce that your agency has been awarded funding from the Financial Assistance for Emergency Medical Services Grant Program, known as the Rescue Squad Assistance Fund (RSAF). The attached Award Page itemizes the actual dollar value, quantity, funding level and item(s) your agency has been awarded under this program. The following documents have been included in your grant award package:

- ***Memorandum of Agreement***: All three (3) pages of this document must be signed and returned by **September 1, 2008**. Original or faxed copies will be accepted.
- ***Instructions for Grant Reimbursement***: All items must be submitted in order to process your reimbursement.
- ***Equipment Status/Final Report Form***: This form must be submitted sixty (60) days after the grant cycle deadline.

Your agency may have had a condition placed on your award, any and all conditions must be met in order to receive reimbursement. All vehicles that are awarded under the RSAF Grant Program *must be available for service 24 hours a day – 7 days a week*. Any agency that is not fully compliant with PPCR/PPDR submission through OEMS will not be reimbursed for their grant award until compliance has been fully met.

Any item awarded that is available by state contract, www.eva.virginia.gov, must be purchased under state contract unless your agency has received prior approval from OEMS. For communications equipment purchases, OEMS recommends you check the **STARS** contract for pricing.

If you have any questions, please contact Amanda Davis, OEMS Grant Program Manager at (804) 864-7611, Amanda.Davis@vdh.virginia.gov or Linwood P. Pulling, Grant Specialist at (804) 864-7612, Linwood.Pulling@vdh.virginia.gov or 1-800-523-6019 for additional grant information.

Congratulations,

Gary R. Brown

Gary R. Brown
Director

Enclosures

Office of Emergency Medical Services
Consolidated Grant Program

AWARD PAGE

July 1, 2008 - June 30, 2009 Grant Period

Agency Name: LYNCHBURG FIRE DEPARTMENT

Grant Number: BR-C09/06-08

	Code	Items Requested	Status	Quantity Funded	Funding % Level	C T	#	Amount Funded
G	17520	Zoll AutoPulse CPR Assist Dev.	FUNDED	2	50			$15,000.00
G	17521	Physio Control LifePak 12	FUNDED	2	50			$21,000.00
G	17522	Masimo Rad 57 CO-Oximeter	FUNDED	1	50			$2,500.00
								$38,500.00

G - Rescue Squad Assistance Fund R - Recruitment and Retention T - ALS Training Fund

Instructions For Grant Reimbursement
Grant Program

Important revisions have been made. Review all instructions completely.

1. Read the Memorandum of Agreement form (MOA), the Authorized Agent must initial the first two forms and complete the Verification portion on the third page and submit within sixty days after receiving the **Award Letter and Award Page**. The Office of EMS (OEMS) will keep this form on file.

2. ***NEW REGULATION:*** As per State of Virginia audit requirements, grantees must submit the front page of the letter provided by the IRS issuing their Federal Identification Number (FIN). If your organization has recently become a Not-For-Profit organization and has not received a FIN, reimbursement cannot be processed until documentation showing the issuance of a FIN can be submitted.

3. Purchase item(s) awarded as stated on the Award Page. You must comply with any special conditions attached to your Award Page and all terms on the Memorandum of Agreement form. Purchase(s) **must** be made after the commencement of the grant period and completed prior to the end of the grant period. Grant periods are twelve (12) months in length and expire on either June 30 or December 31 of each year. Confirm grant period on your Award Page.

4. Reimbursement of grant awards - Submit a copy of an itemized, dated, numbered vendor invoice(s) to OEMS for reimbursement. Invoice(s) are to be submitted to OEMS within sixty days after the item(s) are received by grantee. Any grant for which appropriate proof of purchase has not been received within sixty days after the grant period ends will be considered expired.

5. Equipment Status/Final Report Form must be submitted to OEMS within sixty days after the equipment /project is received/completed by grantee. All items must be listed on your report form with a serial number provided if applicable. **If a vehicle was awarded, a copy of the title must be provided.** This applies to grants under the Rescue Squad Assistance Fund.

7. Item(s) awarded can't be sold, transferred or disposed of within five (5) years of purchase, without **prior** approval of the OEMS. See award page for additional grant conditions.

8. Any questions can be directed to Amanda Davis, Grant Manager at (804) 864-7611 or Linwood P. Pulling, Grant Specialist at (804) 864-7612.

Federal Identification Number Information

To obtain information on becoming a 501c3 agency, you should request Publication 557, "Tax-Exempt Status For Your Organization." This publication can be obtained by contacting your local IRS office or you can order it by calling 1-800-829-3676.

Internet users can use the following:

Telnet	fedworld.gov
File transfer	ftp.fedworld.gov
World Wide Web	www.ustreas/gov

OEMS Grant Program Memorandum of Agreement

Complete and return whole document (3 pages) via mail or fax and retain a copy for your records

As a grantee under the terms of the Office of the Emergency Medical Services (OEMS), Financial Assistance for Emergency Medical Services (EMS) Grant Program, known as the Rescue Squad Assistance Fund (RSAF), the undersigned hereby agrees to abide and comply by the following requirements, per *Virginia Emergency Medical Services Regulations* 12VAC5-31 Part VIII Financial Assistance for Emergency Medical Services:

1. **Responsibilities of the Grantee**:
    - Grantee shall not discriminate in the provisions of its services or in the conduct of its business affairs on the basis of race, color, creed, religion, sex, national origin or disability.
    - Grantee must comply with Part VIII Financial Assistance for Emergency Medical Services regulations. The grantee shall be responsible for ensuring that item(s) purchased in whole or in part with the use of state moneys comply with these regulations.
    - Grantee shall be responsible for the preparation and maintenance of proper accounting records that shall be maintained for a period six (6) years from the end of the grant period. These records shall be subject to and available for inspection by the Commissioner or his agent and for state audit inspections.

2. **Use of Funds:**
    - Funds must be used only for the specific items, service, or programs for which they were awarded, including any conditions placed upon a grant award. Should any audit reveal that funds were disbursed for item(s) not awarded funding, the grantee shall be held responsible for repayment, subject to possible enforcement actions under the Virginia Administrative Code or criminal prosecution.
    - By signing this "Memorandum of Agreement" form the grantee attests that the award funds will be used as granted and meets all conditions placed upon the award.
    - Sale, trade, transfer, or disposal, within five (5) years of vehicles or items specified by OEMS in the notice of award purchased in whole or in part with the use of state monies requires prior approval by OEMS. The date of the invoice submitted by the grantee determines the start date of the five year period.
    - Funds must not be used for expenditures or commitments made before the date of the grant award or after the conclusion of the grant period. Grant periods conclude on either June 30 or December 31.
    - Funds returned to localities cannot be used as the matching share of any grants offered using funds pursuant to *Code of Virginia* §46.2-694.
    - Funds will not be approved or disbursed for:
        - Leased equipment or vehicles
        - Equipment or vehicles secured by a lien,
        - Guarantees or warranties,
        - Used equipment or vehicles without prior approval, or
        - Fire suppression apparatus or law-enforcement equipment.

Authorized Agent Initials
SB

3. **Ownership:**
   - The title for all equipment, including EMS vehicles, shall be in the name of the organization to which the award has been made or in the name of the local jurisdiction or government entity in which the organization is located. This requirement shall apply to the ownership of equipment purchased in whole or in part with the use of these funds.

4. **Improper Expenditures:**
   - An audit revealing expenditures not permitted by the conditions of the award will result in the grantee being required to reimburse OEMS on any funds received.
   - A grantee providing false, misleading or improper information to OEMS will be ineligible for future grants for a period of five (5) years and may be subject to additional investigation and enforcement by OEMS and/or criminal prosecution.

5. **Modification of an Award:**
   - Any changes of the award shall be permitted only by modification of the award.
     - The grantee must request in writing the specific modifications desired and the reasons and circumstances necessitating such a request to OEMS and granted prior to the purchasing of the equipment and/or the commencing of the courses/classes stated in the request.
     - OEMS may modify, approve or deny the request for modification.

6. **Award Requirements:**
   - Grants awarded under RSAF are required to submit an Equipment Status/Final Report Form to OEMS no later than sixty (60) days after the end of the grant period.
   - Grant awards for any vehicle or equipment must display the OEMS decal noting that funding was provided by OEMS.
     - The decal for the vehicle is to be displayed on the rear window on the inside of the vehicle easily seen by the public.
   - All agencies awarded computers must comply with OEMS approved submission for Pre-Hospital Patient Care Reporting (PPCR) requirements pursuant to *Code of Virginia* §32.1–116.1.
   - Any materials produced in whole or in part with state funds, shall contain the following statement: "Funding for this project provided by the Virginia Department of Health, Office of Emergency Medical Services."
   - OEMS reserves the right to reproduce any funded projects for state-wide use. All copyright and patent rights to all papers, reports, forms, materials, creations, or inventions developed in the performance of awarded state funds shall become the sole property of the Commonwealth. On request, the grantee shall promptly provide an acknowledgment or assignment in a tangible form satisfactory to the Commonwealth to evidence the Commonwealth's sole ownership of specifically identified intellectual property created or developed in the performance of the awarded state funds.
   - Grantee must provide OEMS with a copy of the completed project as requested, such as print materials or video.

Authorized Agent Initials

SBJ CH

MEMORANDUM OF AGREEMENT

I, as the Authorized Agent, affirm that the grantee agrees to abide by all items listed in the Memorandum of Agreement, and by signing below attests to this fact.

Any fraudulent submissions for payment (or misrepresentations of any kind) may be considered sufficient cause for grant revocation, repayment and possible prosecution of both the Grantee and the Authorized Agent, whose name appears below.

Name of Grantee (Agency)	Lynchburg Fire Department
Name and Title of Authorized Agent	Steven B. Ferguson, Fire Chief
Daytime Phone No.	434-455-6340
E-mail address (required)	Steven.Ferguson@lynchburgva.gov
Signature of Authorized Agent	Steven B. Ferguson
Federal Identification Number (FIN)	54-6001405
Grant Number	BR-C09/06-08
Date	10 July 2008

***NOTE:** Your grant award may have condition(s). This or these condition(s) must be met in order to receive grant funds.*

Lynchburg City Council
Agenda Item Summary

MEETING DATE**: August 12, 2008** AGENDA ITEM NO.: 8

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

ACTION: **X** INFORMATION**:**

ITEM TITLE**: Department of Homeland Security (DHS) Federal Emergency Management Agency's (FEMA) National Preparedness Directorate's FY 2008 Assistance to Firefighters Grant (AFG) – Operations and Safety: Firefighter Rehabilitation Equipment**

RECOMMENDATION: Adopt a resolution to amend the FY 2009 City/Federal/State Aid Fund budget and appropriate $80,050 with resources of $64,040 from the Department of Homeland Security Federal Emergency Management Agency's (DHS/FEMA) National Preparedness Directorate's FY 2008 Assistance to Firefighters Grant and $16,010 from the General Fund Reserve for Contingencies to purchase firefighter rehabilitation equipment.

SUMMARY: DHS/FEMA awards grant funding through the Assistance to Firefighters Grant (AFG) program with the primary goal of meeting the firefighting and emergency response needs of fire departments and other agencies by assisting with the purchase of critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards.

The Lynchburg Fire Department has applied for three grants under the FY 2008 AFG in the categories of Operations and Safety, Vehicle Acquisition, and Regional Applications. The department was recently notified of an award in the Operations and Safety category for the purchase of firefighter rehabilitation equipment.

This equipment, along with policy and training implementation, will enable the department to comply with National Fire Protection Association (NFPA) 1584, "Standard on the Rehabilitation Process for Members During Emergency Operations and Training Exercises," adopted December 31, 2007. Much of the information used to compile this list also came from the U.S. Fire Administration (USFA) document "Emergency Incident Rehabilitation" released March 14, 2008. Both NFPA 1584 and the USFA documents are in response to the significant number of firefighter injuries and deaths attributed to stress and overexertion at emergency scenes and training exercises. About half of all firefighter deaths are a result of this stress and overexertion leading to cardiac arrest. The most glaring fact is the severity of heart attacks when they occur. Cardiac events account for only about 1% of firefighter injuries, but more than half of firefighter deaths. Examples of the equipment requested: an air inflated shelter tent ($13,300), four (4) mist-type cooling fans ($2,600), and six (6) Carboxyhemiglobin monitors ($24,000), in addition to other related equipment.

The original equipment request totalled $82,050, with a required 20 percent match from the City. The granting agency has awarded the City $80,050; therefore, the local match is $16,010. The remaining $64,040 will be funded by the FY 2008 AFG grant.

PRIOR ACTION(S): Finance Committee, April 1, 2008; Finance Committee, August 12, 2008

FISCAL IMPACT: Non-recurring appropriation of the required 20 percent matching funds ($16,010) from the General Fund Reserve for Contingencies, remaining resources will be provided by the FY 2008 AFG ($64,040).

CONTACT(S): Fire Chief S. Brad Ferguson, 455-6340; Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S): Resolution; Award letter

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2009 City/Federal/State Aid Fund budget is amended and $80,050 is appropriated with resources of $64,040 from the Department of Homeland Security Federal Emergency Management Agency's (DHS/FEMA) National Preparedness Directorate's FY 2008 Assistance to Firefighters Grant and $16,010 from the General Fund Reserve for Contingencies to purchase firefighter rehabilitation equipment.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

099L

U.S. Department of Homeland Security
Washington, D.C. 20472

FEMA

Ms. Ellen Davidson-Martin
Lynchburg Fire and EMS Department
800 Madison St.
Lynchburg, Virginia 24504-2545

Re: Grant No.EMW-2008-FO-03142

Dear Ms. Davidson-Martin:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2008 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate, in consultation with the U.S. Fire Administration, carries out the Federal responsibilities of administering your grant. The approved project costs total to $80,050.00. The Federal share is 80 percent or $64,040.00 of the approved amount and your share of the costs is 20 percent or $16,010.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the Articles as they outline the terms and conditions of your Grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the Grant and Grant Agreement Articles when you request and receive any of the Federal Grant funds awarded to you.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from DHS.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should basically request funds when you have an immediate cash need (i.e. you have a bill in-hand that is due within 30 days).

If you have any questions or concerns regarding the awards process or how to request your grant funds, please call the helpdesk at 1-866-274-0960.

Sincerely,

R. D. Paulison

R. David Paulison
Administrator

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: 9

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Virginia Department of Criminal Justice Services Grant award for the Lynchburg Youth Community Court Program**

RECOMMENDATION: Adopt a resolution to amend the FY 2009 City/Federal/State Aid Fund budget and appropriate $60,250 with resources of $45,187 from the Virginia Department of Criminal Justice Services and $15,063 from the General Fund Reserve for Contingencies to fund mental health and support services for the Lynchburg Youth Community Court program.

SUMMARY: The Office of the Commonwealth's Attorney has received an award of a State and federally funded one-year grant from the Virginia Department of Criminal Justice Services (DCJS). The total grant award for the one year period is $60,250 of which $45,187 is DCJS funds and $15,063 is the local match. The award will fund mental health and support services for the Lynchburg Youth Community Court program. The funds will be used to: conduct risk and needs assessments of juvenile offenders to facilitate early intervention; provide comprehensive services including mental health screenings and treatment, and substance abuse education and treatment; and provide training for court evaluators and volunteers to increase knowledge in the administration of mental health/substance abuse screenings and assessment.

PRIOR ACTION(S): Finance Committee, August 12, 2008

FISCAL IMPACT: The grant requires a 25 percent local match; therefore, a one-time appropriation of $15,063 from the General Fund Reserve for Contingencies is required.

CONTACT(S): Michael R. Doucette, Commonwealth's Attorney, 455-3762

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2009 City/Federal/State Aid Fund budget is amended and $60,250 is appropriated with resources of $45,187 from the Virginia Department of Criminal Justice Services and $15,063 from the General Fund Reserve for Contingencies to fund mental health and support services for the Lynchburg Youth Community Court program.

Introduced: Adopted:

Certified: __________________________________
Clerk of Council

105L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: 10

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Supplemental Appropriation for Airport Project: Hangar 7 – Ramp Rehabilitation**

RECOMMENDATION: Adopt a resolution to amend the FY 2009 Airport Capital Projects Fund budget and appropriate $190,000 with resources of $152,000 from State aviation entitlement funds and $38,000 from the Airport's designated capital project funds for the Hangar 7 – Ramp Rehabilitation project, as well as authorize the City Manager to execute related contracts and grant agreements.

SUMMARY: This project will rehabilitate the ramp area adjacent to Hangar 7 due to the current age and condition of the existing pavement. The project is included in the Airport's approved City and State Airport Capital Improvement Program (ACIP) and was included in the 2005 Passenger Facility Charge (PFC) program approval. The low (only) bid received exceeded project estimates due to increased cost of oil-based paving material. The additional funding will come from a combination of State aviation entitlement funds and airport capital reserve funds. The additional appropriation will bring the total project budget to $490,000.

The State aviation entitlement funds require a 20% local match; therefore, $38,000 must be provided by the City. This match is available from the Airport's designated capital project funds.

PRIOR ACTION(S): City Council appropriation of FY 2006 CIP with $300,000 for project, May 24, 2005
Finance Committee, August 12, 2008

FISCAL IMPACT: State entitlement funds of $152,000 are available for the additional 80% state portion, and $38,000 is available from the airport's designated capital project funds for the additional 20% local portion.

CONTACT(S): Mark F. Courtney, Airport Director, 455-6089

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2009 Airport Capital Projects Fund budget is amended and $190,000 is appropriated with resources of $152,000 from State aviation entitlement funds and $38,000 from the Airport's designated capital project funds for the Hangar 7 – Ramp Rehabilitation project; and,

BE IT FURTHER RESOLVED That the City Manager is authorized to execute related contracts and grant agreements.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

106L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: 11

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Edward Byrne Memorial Justice Assistance Grant (JAG) Program for Improvements to Criminal Justice System**

RECOMMENDATION: Adopt a resolution to amend the FY 2009 City/Federal/State Aid Fund budget and appropriate $80,000 with resources of $60,000 from the Virginia Department of Criminal Justice Services and $20,000 from the Community Services Board for the provision of screening, assessment, supervision, treatment, and intervention services for the mentally ill who come in contact with the criminal justice system.

SUMMARY: The Department of Criminal Justice Services has awarded the City $60,000 in Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds with a $20,000 local match for Mental Health/Criminal Justice Planning Grant 09-A5650AD07 for FY 2009. This grant is a result of two years of strategic planning efforts by the members of the Community Jail Diversion Alliance, a consortium of stakeholders in the criminal justice and mental health systems. The City will serve as the fiscal agent for the grant which will be administered through the Community Corrections and Pretrial Services Agency. The grant will employ one part-time individual as the Interagency Coordinator. The Coordinator will serve as the boundary spanner, ensuring case coordination as well as systems coordination between agencies, linking personnel and procedures to deliver services to identified mental health clients. The goal of the program is to allow for intervention at the earliest intercept point in the post-booking jail diversion process. This grant is renewable for up to four years.

PRIOR ACTION(S): Finance Committee, August 12, 2008

FISCAL IMPACT: None, the Community Services Board has agreed to provide the required 25% local match.

CONTACT(S): Cynthia Plummer, Community Corrections and Pretrial Services Agency Director, 455-3751

ATTACHMENT(S): Resolution; Statement of Grant Award/Acceptance

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2009 City/Federal/State Aid Fund budget is amended and $80,000 is appropriated with resources of $60,000 from the Virginia Department of Criminal Justice Services and $20,000 from the Community Services Board for the provision of screening, assessment, supervision, treatment, and intervention services for the mentally ill who come in contact with the criminal justice system.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

104L

Department of Criminal Justice Services

202 North 9th Street, 5th Floor, Richmond, VA 23219

Statement of Grant Award/Acceptance

Subgrantee: Lynchburg City — Date: June 30, 2008

Grant Period: From: 07/01/2008 Through: 06/30/2009

Grant Number: 09-A5650AD07

Project Director	Project Administrator	Finance Officer
Ms. Cynthia Plummer Agency Director City of Lynchburg Community Correctio 925 Church Street Lynchburg, VA 24504 **Phone:** (434) 455-3751 **Email:** cplummer@lynchburgva.gov	Mr. L. Kimball Payne, III City Manager City of Lynchburg 900 Church Street Lynchburg, VA 24504 **Phone:** (434) 455-3990 **Email:** kpayne@lynchburgva.gov	Ms. Donna Witt Finance Director City of Lynchburg 900 Church Street Lynchburg, VA 24504 **Phone:** (434) 455-3968 **Email:** donna.witt@lynchburgva.gov

Grant Award Budget

Budget Categories	DCJS Funds Federal	DCJS Funds State	Locality Match	TOTALS
Consultant	$24,300	$0	$8,100	$32,400
Equipment	$2,625	$0	$875	$3,500
Indirect Cost	$0	$0	$0	$0
Personnel	$30,000	$0	$10,000	$40,000
Supplies/Other	$825	$0	$275	$1,100
Travel	$2,250	$0	$750	$3,000
Totals	$60,000	$0	$20,000	$80,000

This grant is subject to all rules, regulations, and criteria included in the grant guidelines and the special conditions attached thereto.

Leonard G. Cooke

Leonard G. Cooke, Director

The undersigned, having received the Statement of Grant Award/Acceptance and the Conditions attached thereto, does hereby accept this grant and agree to the conditions pertaining thereto, this 14th day of July, 2008.

Signature: L Kimball Payne

Title: City Manager

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008**		AGENDA ITEM NO.: 12
CONSENT: **X**	REGULAR:	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **Virginia Resources Authority (VRA) Grant for Combined Sewer Overflow (CSO) Project**

RECOMMENDATION: Adopt a resolution to amend the FY 2009 Sewer Capital Projects Fund budget and appropriate $1,500,000 with resources from the Virginia Resources Authority (VRA) 2008 Combined Sewer Overflow Matching Fund.

SUMMARY: On a yearly basis, the City makes requests to the State to include funding in various bills for Combined Sewer Overflow (CSO) abatement projects. The City has received a grant in the amount of $1,500,000 from the State's 2008 Combined Sewer Overflow Matching Fund. This grant, along with other previously appropriated Sewer Capital Project funds, will be used to construct the CSO Interceptor project titled "James River Interceptor Division 2A," generally located from Fishing Creek (near Rock Tenn) to Garnett Street. The project will be bid later this summer.

PRIOR ACTION(S): Finance Committee, August 12, 2008

FISCAL IMPACT:

FY 2009 Adopted Sewer Capital Projects Fund	Current	Proposed Change	Revised
Specific Line Item: CSO Sewer Separation	$16,000,000	$1,500,000	$17,500,000
Overall Sewer Capital Projects Fund	$18,225,000	$1,500,000	$19,725,000

CONTACT(S):

Jeff Scarano, CSO Program Manager, 455-4281
Greg Poff, Assistant Director of Utilities, 455-4249
Timothy Mitchell, Director of Utilities, 455-4252

ATTACHMENT(S): Resolution; Project location map

REVIEWED BY: lkp

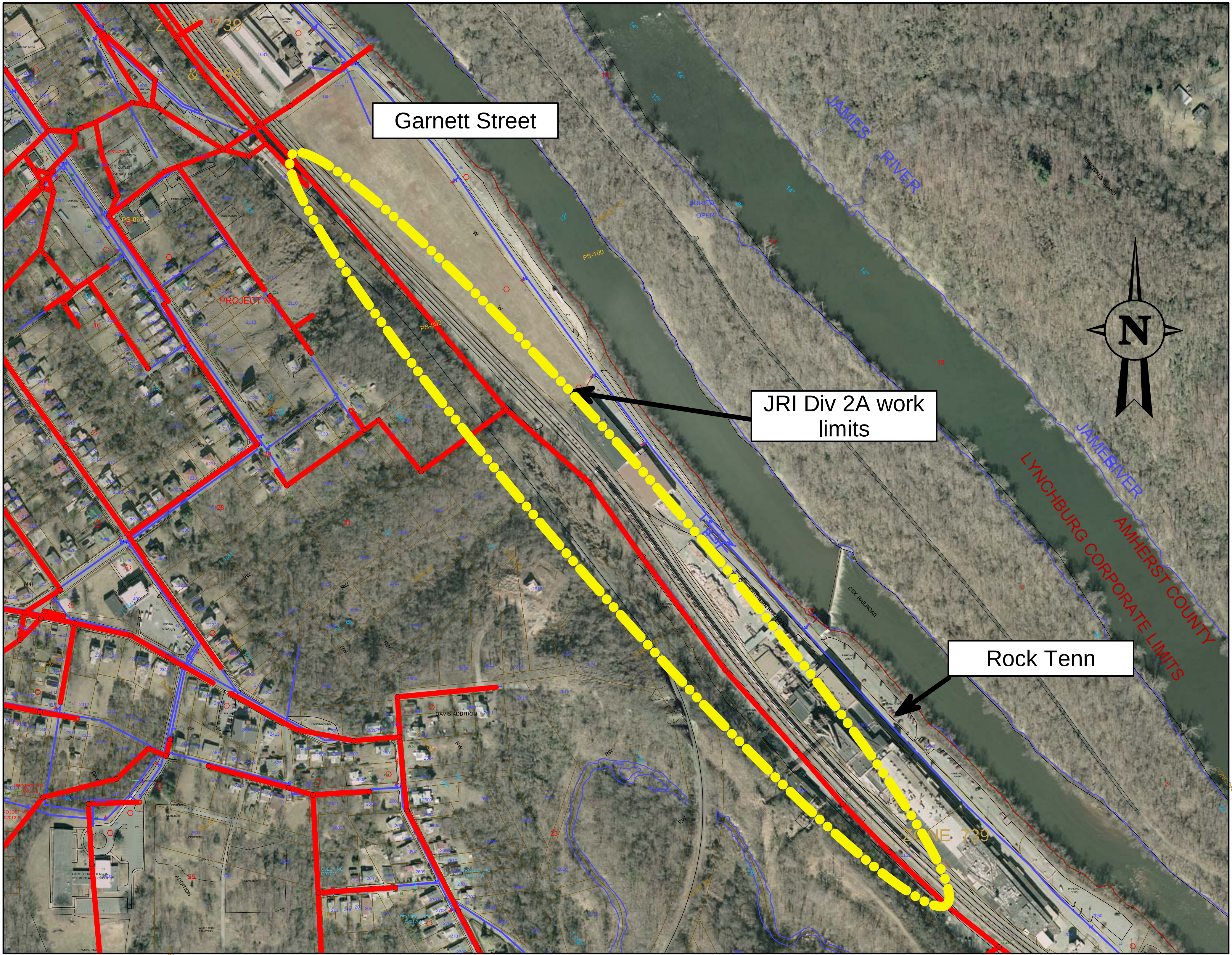
RESOLUTION:

BE IT RESOLVED That the FY 2009 Sewer Capital Projects Fund budget is amended and $1,500,000 is appropriated with resources of $1,500,000 from the Virginia Resources Authority 2008 Combined Sewer Overflow Matching Fund, for Combined Sewer Overflow (CSO) abatement projects.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

107L


Garnett Street
JRI Div 2A work limits
Rock Tenn
JAMES RIVER
LYNCHBURG CORPORATE LIMITS
AMHERST COUNTY
N

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: 13

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

ACTION: **X** INFORMATION:

ITEM TITLE: **United States Environmental Protection Agency (EPA) Grant for Combined Sewer Overflow (CSO) Project**

RECOMMENDATION: Adopt a resolution to amend the FY 2009 Sewer Capital Projects Fund budget and appropriate $287,000 of grant proceeds from the United States Environmental Protection Agency (EPA); authorize the City Manager to execute related agreements with the EPA; and authorize the City Manager to designate, on an annual basis, certain positions or persons to sign reimbursement requests for this or future EPA grants.

SUMMARY: On a yearly basis, the City makes requests to Congress to include funding in various bills for Combined Sewer Overflow (CSO) abatement projects. Grant amounts approved by Congress have been steadily decreasing. The City has recently received a grant in the amount of $287,000 from the EPA Special Projects and Tribal Assistance Grant (STAG) account from 2008. The grant requires a local match of 45% ($234,818). Funds from an existing Virginia Wastewater Revolving Loan will be used for the local match. This grant, along with other previously appropriated Sewer Capital Project Funds will be used to construct the CSO Interceptor project titled "James River Interceptor Division 2A", generally located from Fishing Creek (near Rock Tenn) to Garnett Street. This project will be bid later this summer.

Additionally, Chapter 2, section 14 of the City Charter authorizes the City Manager to execute contracts on behalf of the City. Despite this authority, EPA requires a City Council Resolution clearly stating this authority.

PRIOR ACTION(S): Finance Committee, August 12, 2008

FISCAL IMPACT:

FY 2009 Adopted Sewer Capital Projects Fund	Current	Proposed Change	Revised
Specific Line Item: CSO Sewer Separation	$17,500,000	$287,000	$17,787,000
Overall Sewer Capital Projects Fund	$19,725,000	$287,000	$20,012,000

CONTACT(S):

Jeff Scarano, CSO Program Manager, 455-4281
Greg Poff, Assistant Director of Utilities, 455-4249
Timothy Mitchell, Director of Utilities, 455-4252

ATTACHMENT(S): Resolution; Project location map; Award Letter

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2009 Sewer Capital Projects Fund budget is amended and $287,000 is appropriated with resources of $287,000 from the United States Environmental Protection Agency (EPA) Special Projects account authorized in the 2008 Appropriations Act for Combined Sewer Overflow Projects;

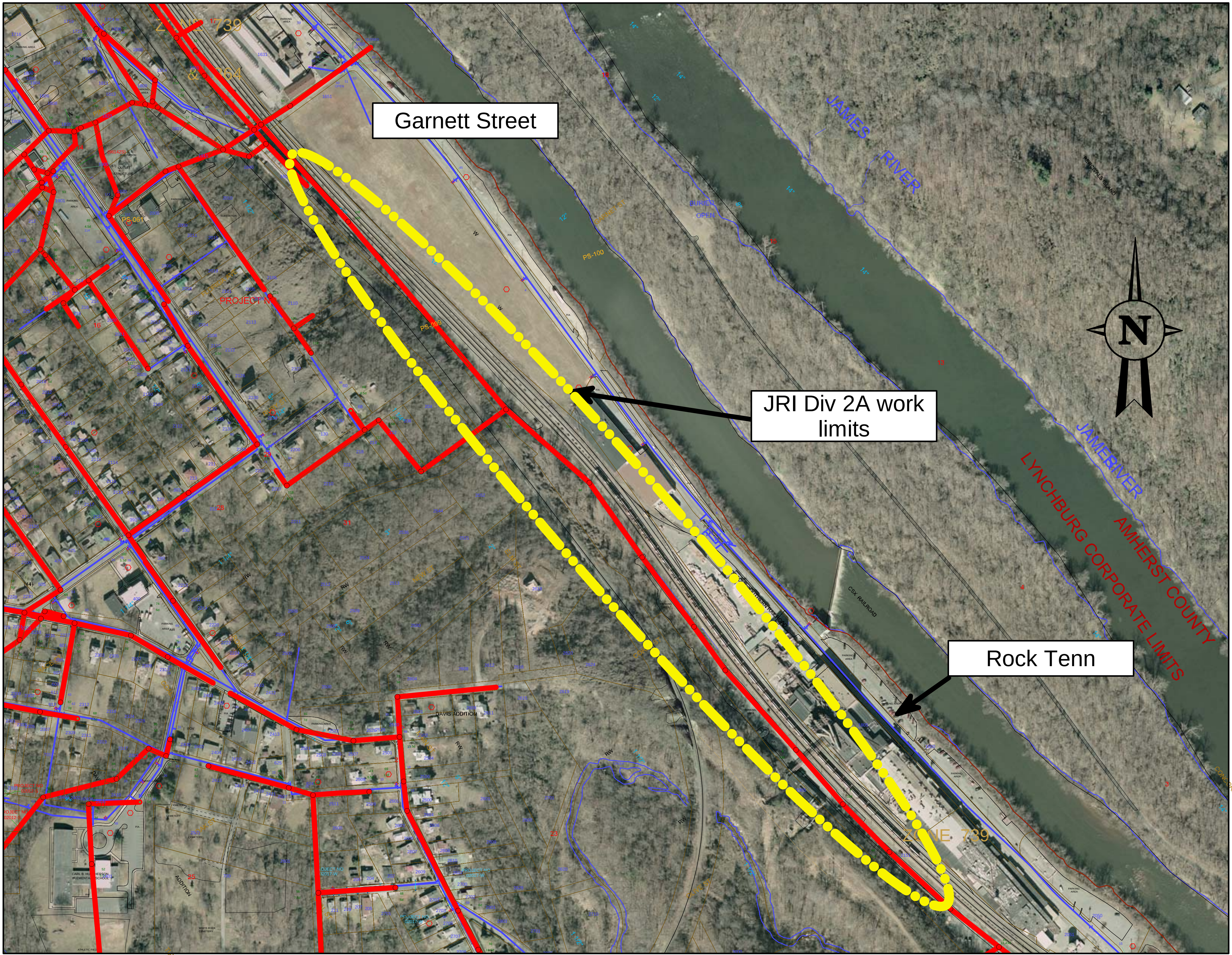
BE IT FURTHER RESOLVED That the City Manager, L. Kimball Payne, III, is authorized to execute the grant applications, agreements, and other documents for this and future EPA grant awards; and

BE IT ALSO RESOLVED That the City Manager is authorized to designate, on an annual basis, certain positions or persons to sign reimbursement requests for this or future EPA grants.

Introduced: Adopted:

Certified: ______________________
Clerk of Council

108L



Garnett Street
JRI Div 2A work limits
Rock Tenn
JAMES RIVER
LYNCHBURG CORPORATE LIMITS
AMHERST COUNTY
ZONE 739
N

RECEIVED
MAY 05 2008
DEPT. OF UTILITIES

COMMONWEALTH *of* VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
West Central Regional Office
3019 Peters Creek Road, Roanoke, Virginia 24019
(540) 562-6700 Fax (540) 562-6725
www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Steven A. Dietrich
Regional Director

Mr. Greg Poff
Assistant Director of Utilities
Department of Public Works, City of Lynchburg
P. O. Box 60
Lynchburg, VA 24505

April 28, 2008

Re: City of Lynchburg FY08 Special Appropriation Project Grant

Dear Mr. Poff:

Each year EPA meets with new Special Appropriation Project grant recipients as identified in EPA's State and Tribal Assistance Grant (STAG) account section of the Federal budget for that fiscal year, and previous year recipients that have not completed their grant application. $300,000 (before rescission) was included in the FY 08 appropriation for the City of Lynchburg. During the week of May 12 the EPA Region 3 Project Officer for Virginia, Mr. David McAdams, will be visiting our area. This letter is to confirm our meeting at 11:15 AM on May 15, 2008 at your office.

The FY 08 Guidance Memorandum has not been published, but it will probably not differ greatly from previous years. The project will most likely be listed as "combined sewer infrastructure improvements". The project must follow the line item description and be financially and environmentally eligible.

Copies of the required application, pertinent forms, and various federal documents highlighting the special appropriation grant requirements have been previously provided, but we can provide another copy if needed. If there are engineering documents, planning documents or feasibility studies available, which may be applicable to our discussions, please bring several copies. If you have any questions concerning the above, please do not hesitate to contact me at 540-562-6720 or whbishop@deq.virginia.gov.

Sincerely,

Bill Bishop

William H. Bishop
State Grant/Loan Administrator
Construction Assistance Program

pc: Dave McAdams, EPA Project Engineer, Robbie Williams, SCRO
Robbie Williams, SCRO
Jeff Scarano, CSO Manager

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008**		AGENDA ITEM NO.: 14
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 304 Walnut Street**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 304 Walnut Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owners.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 304 Walnut Street, parcel 025-50-005, is a blighted property as defined in Section 36-3 of the Code of Virginia, 1950, as amended, and that such structure (i) has deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 304 Walnut Street; (iv) that the owner of 304 Walnut Street was sent the 60 day notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (v) that 304 Walnut Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby authorize the Lynchburg Redevelopment and Housing Authority to acquire the property located at 304 Walnut Street by purchase, lease, gift or through the exercise of eminent domain for the purpose of development and redevelopment, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 304 Walnut Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated and authorized to act on the City's behalf in the acquisition of the property at 304 Walnut Street.

Adopted:

Certified: _______________________________
Clerk of Council

088P

LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY
50 years: 1956–2006

EDWARD H. McCANN
Executive Director

June 26, 2008

Mrs. Patricia W. Kost
Clerk of City Council
900 Church Street
Lynchburg, Virginia 24504

Re: 304 Walnut Street
parcel 025-50-005
Lynchburg, Virginia

Dear Mrs. Kost:

Authority staff initially inspected this deteriorated property in August of 2006 as part of our review of properties on the city's list of condemned properties. In October 2006, the city's Senior Building Official referred the property to the Authority's Spot Blight Program because his efforts to have the out-of-state owner make repairs were unsuccessful. The city's inspection staff condemned the property in October 2002, determining it unsafe for human habitation and in February 2006, inspections staff had to place caution tape around the unsafe steps.

On November 20, 2006, the owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days. The owner contacted Authority and city inspections staff in December 2006 when she was in town to determine the specific repairs required. The owner installed a new roof, gutters and downspouts, repaired the soffits and fascia and repaired steps from the street during January 2007 through May 2007. No additional work has been observed since by Authority or city inspections staff, and additional attempts to contact the owner by inspections staff have been unsuccessful. Authority staff and the city's Senior Building Official inspected the property again on June 19, 2008, to update the list of exterior violations.

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. Since no additional repairs have been made by the owner since the spring of 2007, this is to request that City Council hold a public hearing to consider the request of the Lynchburg Redevelopment and Housing Authority for authorization to acquire this property pursuant to the above referenced code. Enclosed is a copy of the resolution adopted by the Commissioners of the Authority, proposed resolution for City Council's consideration, notice sent to the owner, current list of exterior violations and pictures of the property.

Please let me know if you need further information.

Very truly yours,

Edward H. McCann

enclosures

918 COMMERCE STREET • P.O. BOX 1298 • LYNCHBURG, VA 24505 • (434) 845-9011

RESOLUTION NO. 970 06/04/08

Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 304 Walnut Street, Parcel 025-50-005, Lynchburg, Virginia pursuant to Code section 36-19.5

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; and

WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 304 Walnut Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 304 Walnut Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.

LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

November 15, 2006

Barbara Linthicum
279 Jefferson Avenue
Brooklyn, New York 11216

Re: Parcel: 025-50-005
304 Walnut Street
Lynchburg, Virginia

Dear Ms. Linthicum:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on August 8, 2006, and found the following conditions:

- Roof deteriorated
- Soffits and fascia deteriorated
- Sections of gutters and downspouts missing
- Windows boarded
- Peeling paint on wood trim
- Cedar shakes deteriorated
- Utility wires hanging from structure
- Trees and weeds overgrown around structure
- Front porch steps deteriorated
- Front porch deck deteriorated
- Section of front porch railing missing and section deteriorated
- Section of soffit/fascia hanging from structure

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

<u>or</u>

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within thc 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact me if you with to discuss this.

Very truly yours,

Edward H McCann

Certified Mail - Return Receipt Requested

7005 1820 0004 9735 3921

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

Postage	$ .39
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 4.64

Postmark Here

Sent To Barbara Linthicum
Street, Apt. No.; or PO Box No. 279 Jefferson Avenue
City, State, ZIP+4 Brooklyn, NY 11216

PS Form 3800, June 2002 — See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Barbara Linthicum
279 Jefferson Avenue
Brooklyn, NY
11216

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

BREVOORT STATION BROOKLYN NY 11216 NOV 2(USPS

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. 7005 1820 0004 9735 3921

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

304 Walnut Street
Parcel 025-50-005

Exterior Deficiencies on June 19, 2008

- Windows boarded
- Peeling paint on wood trim of structure
- Cedar shakes deteriorated throughout exterior of structure
- Front porch steps deteriorated
- Front porch deck deteriorated
- Front porch railings deteriorated and one section has fallen down
- Front porch columns deteriorated
- Front porch ceiling deteriorated
- Front porch piers need repointing
- Sections of foundation need repointing
- Rear porch columns, deck and ceiling deteriorated
- Rear porch light fixture loose

Property Address: **304 Walnut Street**

Owner's Name: Barbara Linthicum
Owner's Address: 279 Jefferson Avenue, Brooklyn, NY 11216
Parcel No.: 025-50-005
Assessed Value as of 7/1/06: Land - $2,000 Improvement - $29,200 Total - $ 31,200
Assessed Value as of 7/1/07: Land - $3,000 Improvement - $42,200 Total - $ 45,200

Date of Pictures: August 8, 2006

Deficiencies:

- **Roof deteriorated**
- **Soffits and fascia deteriorated**
- **Sections of gutters and downspouts missing**
- **Sewage leak in front yard at street**
- **Peeling paint on wood trim**
- **Cedar shakes deteriorated**
- **Utility wires hanging from structure**
- **Trees and weeds overgrown around structure**
- **Front porch steps deteriorated/needs railing**
- **Front porch deck deteriorated/railing needs repair**
- **Section of front porch railing missing and section deteriorated**
- Section of soffit/fascia hanging from structure

Pictures as of May 28, 2008

Pictures as of June 26, 2008

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008**		AGENDA ITEM NO.: 15
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **REZONING – B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive**

RECOMMENDATION: Approval of the requested rezoning petition.

SUMMARY: William & Darlene Brown are petitioning to rezone one (1) tract of one and thirty-eight hundredths (1.38) acres to amend the existing proffer to allow additional retail uses within the existing Aztec Rental building. The Planning Commission recommended approval of the petition because:

- The petition agrees with the *Comprehensive Plan* which recommends a Neighborhood Commercial use in this area.
- The petition agrees with the *Zoning Ordinance* in that all proposed uses are permitted in a B-5, General Business District.
- The petitioner is requesting a revision to the proffers to allow an upholstery business to locate in a vacant portion of the building. The proposed proffer amendment would also permit other B-3, Community Business District uses. B-3 zoning allows for a variety of office, retail and restaurant uses that are generally less intensive than those uses permitted "by right" in a B-5, General Business District.

PRIOR ACTION(S):

July 9, 2008: Planning Division recommended approval of the rezoning petition.

Planning Commission recommended approval (5-0, with two members absent, Hamilton, Hannon) of the rezoning with the following voluntarily submitted proffer:

1. The property shall be used for general equipment sales, rental and service, upholstery business and other permitted B-3 uses.

FISCAL IMPACT: N/A

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

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

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA AT 2022 LAKESIDE DRIVE FROM B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL) TO B-5C, GENERAL BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1-76.__ which section shall read as follows:

Section 35.1-76.__. Change of a certain area at 2022 Lakeside Drive from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional).

The area embraced within the following boundaries …

Beginning at a point on the northern right-of-way line of Lakeside Drive which point is 325 feet northeast of the northeastern corner of the intersection of Lemon Drive with Lakeside Drive; thence 350 feet in a northwesterly direction; thence in a northeasterly direction 200 feet to a point; thence in a southeasterly direction 350 feet to a point on the northern right-of-way line of Lakeside Drive; thence in a southwesterly direction 200 feet to the point of beginning.

… is hereby changed from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) subject to the condition set out hereinbelow which were voluntarily proffered by the owner, namely William and Darlene Brown, to wit:

1. The property shall be used for general equipment sales, rental and service, upholstery business and other permitted B-3 uses. The property shall be used for general equipment sales, rental and service, upholstery business and other permitted B-3 uses.

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

Adopted:

Certified: ________________________
Clerk of Council

093L

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: July 9, 2008
Re: **REZONING: B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive**

I. PETITIONERS

William & Darlene Brown, 3850 Harbor Wood Road, Salem, VA 24153
Representatives: William & Darlene Brown, 3850 Harbor Wood Road, Salem, VA 24153

II. LOCATION

The subject property includes one (1) tract totaling one and thirty-eight hundredths (1.38) acres at 2022 Lakeside Drive.
Property Owners: William & Darlene Brown, 3850 Harbor Wood Road, Salem, VA 24153

III. PURPOSE

The purpose of this petition is to amend the proffer for the subject property to allow additional retail uses within the existing Aztec Rental building.

IV. SUMMARY

- The petition agrees with the *Comprehensive Plan* which recommends a Neighborhood Commercial use in this area.
- Petition agrees with the *Zoning Ordinance* in that all proposed uses are permitted in a B-5, General Business District.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Neighborhood Commercial use in this area. Neighborhood Commercial uses include “retail, personal service, and restaurant areas that are sized and designed to serve their immediate neighborhood. Patrons can walk, bike or take a short drive to reach them. They are comprised of individual businesses, clusters of businesses, or small shopping centers that meet the day-to-day needs of a limited residential trade area of 2,500 to 10,000 people.” **[page 5.4]**
2. **Zoning.** The existing B-5C, General Business District (Conditional) zoning was established on June 11, 1991 with approval of a rezoning by City Council.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed uses.
4. **Proffers.** The petitioner voluntarily submitted the following proffer with the rezoning application:

   1) The property shall be used for general equipment sales, rental and service, upholstery business and other permitted B-3 uses.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

   - On February 12, 2008, City Council approved Lynchburg College’s petition for a conditional use permit (CUP) to allow the construction of a three thousand (3,000) square foot addition to Thompson Hall and the construction of a four hundred and eighty (480) square foot press box for baseball on Fox Field at 1501 Lakeside Drive
   - On July 10, 2007, City Council approved Milton & Neal Realty’s petition to rezone approximately two and two tenths (2.2) acres from R-2, Low-Medium Density, Single-Family

Residential District to B-1C, Limited Business District (Conditional) at 1600, 1604 and 1608 Lakeside Drive to allow the construction of a Veteran's Administration Clinic and a future office building.

- On February 13, 2007, City Council approved Lynchburg College's petition for a CUP to allow a consolidated sign package for nine (9) way-finding signs at 1501 Lakeside Drive and 503 Brevard Street.
- On November 14, 2006, City Council approved Milton & Neal Properties' petition to rezone one and fourteen hundredths (1.14) acres from B-5C, General Business District (Conditional) to B-3C, Community Business District (Conditional) at 2108 Lakeside Drive to allow the construction of a U.S. Armed Forces Recruiting Center.
- On June 13, 2006, City Council approved Lynchburg College's petition for a CUP to allow college-supervised student housing at 217 Bell Street, 209 Amelia Street, 317 College Street, 402, 417, 419 Lakewood Street, 1115 McCausland Street, 518 Brevard Street and 324 Vernon Street.
- On June 13, 2006, City Council approved DSZ Properties' petition to rezone three and eighty-seven hundredths (3.87) acres at 2009 Lakeside Drive from R-2, Low-Medium Density Single-Family Residential District, to R-4C, Medium-High Density Multi-Family Residential District (Conditional) to allow the construction of a thirty-six (36) unit townhouse complex with associated parking.
- On July 12, 2005, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing at 404, 428 Lakewood Street., 185, 307 Vernon Street and 214 Bell Street.
- On December 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing at 201 Bell Street, 224, 350 Vernon Street, 1123 McCausland Street, 121 Thomas Road, 310, 416, 432 Lakewood Street and 333 College Street.
- On October 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the construction of student housing and associated parking areas at 1501 Lakeside Drive.
- On June 8, 2004 City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street, 316 and 426 Lakewood Street.
- On June 12, 2001, City Council approved Lynchburg College's petition for a CUP to allow the development of student housing at 511 Brevard Street, 312,420, 425 Lakewood Street and 504 Westwood Avenue.
- On March 14, 2000, City Council approved Lynchburg College's petition for a CUP to amend its master development plan to allow the construction of student townhomes on campus at 1501 Lakeside Drive.
- On July 13, 1999, City Council approved Lynchburg College's petition for a CUP to allow the development of a college office and student housing at 341 College Street, 504 Brevard Street and 245 Vernon Street.
- On September 8, 1998, City Council approved Otis and Jean Brent's petition to rezone approximately one and two tenths (1.2) acres at 2108 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow the use of an existing building for office and retail use.
- On August 11, 1998, City Council approved Lynchburg College's petition for a CUP to allow the use of an existing residence for student housing at 215 Vernon Street.

- On June 9, 1998, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of a gym and physical plant storage building at 1501 Lakeside Drive.
- On May 12, 1998, City Council approved Lynchburg College's petition for a CUP to allow the development of special interest student housing at 512 Brevard Street.
- On July 8, 1997, City Council approved The Salvation Army's petition to rezone approximately one and one tenth (1.1) acres at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction and use of a thrift store.
- On May 14, 1997, City Council approved Robert Kerr's petition to rezone approximately seventy-five hundredths (0.75) of an acre from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction of a building for auto parts sales and commercial uses.
- On December 12, 1995, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow conversion of an existing residence for supervised student housing at 511 Brevard Street.
- On January 12, 1993, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of the School of Business within the 300 Block of College Street.
- On June 11, 1991, City Council approved James Mitchel's petition to rezone approximately one and three tenths (1.) acres at 2022 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow general equipment rental, sales, service and outside storage.
- On August 1, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of college offices and student housing on College, McCausland and Brevard Streets.
- On February 14, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of faculty offices at 505 Brevard Street.
- On November 8, 1988, City Council approved Farris and Iseman's petition for a CUP to allow the expansion of a mobile home park at 2134 Lakeside Drive.
- On August 9, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of a dormitory and office at 349 College Street.
- On July 12, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of office space at 185 Vernon Street and 500 Westwood Avenue.
- On April 12, 1988, City Council approved Don Gay's petition to rezone approximately two tenths (0.2) of an acre at 2018 Lakeside Drive from B-3, Community Business District, to B-5C, General Business District (Conditional), to allow the operation of an automobile sales and rental business in an existing structure.
- On October 14, 1986, City Council approved Lynchburg College's petition for a CUP to allow the construction of three (3) athletic practice fields, parking area and a restroom/storage building at the intersection of Lakeside Drive and Faculty Drive.
- On June 10, 1986: City Council approved Knight Gallery LTD's petition for a CUP to allow the construction of a building and parking lot addition at 2034 Lakeside Drive.
- On August 13, 1985, City Council approved Lynchburg College's petition for a CUP to allow the conversion of an existing residence hall to offices and construction of new classrooms/parking at College Street.

- On September 25, 1984, City Council approved Lynchburg College's petition for a CUP to allow the development of an alumni house off Lakeside Drive.
- On October 28, 1980, City Council approved Lester Heyer's petition for a CUP to allow a Family Amusement Center off Lakeside Drive.

6. **Site Description.** The subject property is bound to the north by single-family homes, to the south by an automobile dealership and multi-family apartments, to the east by a combination of single-family detached and attached homes and to the west by commercial businesses.
7. **Proposed Use of Property.** The purpose of this petition is to rezone the subject property to amend the existing proffer to allow additional retail uses within an existing seven thousand one hundred and eight (7,108) square foot building. The site is served by City water and sewer and no new construction is proposed for the property.

   The original rezoning on June 11, 1991, only permitted general equipment rental, sales, service and outside storage. The petitioner is requesting a revision to the proffers which would allow for an upholstery business to locate in a vacant portion of the building. The proposed proffer amendments would also permit other B-3, Community Business District uses. B-3 zoning allows for a variety of office, retail and restaurant uses that are generally less intensive than those uses permitted "by right" in a B-5, General Business District.
8. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments regarding the proposed rezoning.

   Parking requirements for the retail business are set at one (1) space per three hundred (300) square feet of retail sales (exclusive of utility area) and one (1) space per three (3) employees by the City's *Zoning Ordinance*. Approximately four thousand, five hundred (4,500) square feet of the existing building will be used for general equipment sales, rental, service and an upholstering business; the balance of the building area is used for storage and utility area. The building would also provide for nine (9) employees on the main shift which requires three (3) additional parking spaces to serve the business. A total of eighteen (18) spaces are required to meet City Code; twenty (20) spaces are provided on site, thus meeting this requirement.

   Public transit is currently accessible in this area. The Greater Lynchburg Transit Company Route 8 runs along Lakeside Drive seven (7) days a week (including evening service). The closest bus stop is located at Walden Pond Apartments, approximately seven hundred (700) feet from the site.
9. **Storm Water Management.** Since no new construction is proposed for the property, the City's Environmental Planner had no comments regarding the rezoning.
10. **Emergency Services.** The City's Fire Marshal had no concerns regarding the rezoning petition.

    The City Police Department had no concerns regarding the rezoning petition.
11. **Impact.** The proposed rezoning would allow for the use of the vacant portion of an existing building. City staff had no comments regarding the proposed uses and no additional impacts are projected as a result of the rezoning.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on June 17, 2008. There were no comments from any reviewer that required any changes to the site.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of William and Darlene Brown's petition to rezone one and thirty-eight hundredths (1.38) acres at 2022 Lakeside Drive from B-5C, General Business District

(Conditional) to B-5C, General Business District (Conditional) with the voluntarily submitted proffer.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

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

VII. ATTACHMENTS

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

MINUTES FROM THE JULY 9, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED:

a. Petition of William and Darlene Brown to rezone 1.37 acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive to amend existing proffers to permit the use of the property for equipment sales, rental, service, upholstery and other retail/office uses.

Mr. Martin addressed the commissioners with the following comments. This piece of property is also known as Aztec Rental. It was rezoned in 1991 to B-5C. At that time, the proffers were worded so strictly that the only uses allowed on the property are rental or service uses. The owner would like to lease a portion of the building for an upholstery business. Planning staff also thought that it would be a good idea for other B-3 uses to be allowed as well, so they do not have to keep coming back through the public hearing process. There will be no exterior changes to the building. The parking is adequate. The Transportation Engineer, the Police and the Fire Department had no comments or concerns. It is in compliance with the *Comprehensive Plan,* which recommends a Neighborhood Commercial use, and the Planning Division recommends approval of the petition.

Ms. Darlene Brown came forward as the representative for the petition. She explained that they did not realize that there was a problem with the way the proffers were written until they got a potential renter. At that time, they found that this type of business was not allowed under the proffers and they initiated the proper action to rezone the property.

Vice-Chair Barnes asked for anyone else present to speak in favor of the petition, and no one came forward. He asked for anyone who wished to speak in opposition to the petition, and no one came forward. He closed the public hearing portion of the petition and asked for questions or comments from the commissioners. Commissioner Worthington commented that it seemed pretty straightforward. Commissioner Swienton agreed with that and said it was acceptable to him. Vice-Chair Barnes asked if the upholstery business would generate any amount of noise or fumes that might be objectionable to the neighbors. Ms. Brown commented that they had spoken to the potential renter, and they did not feel that noise or anything else generated by the business would be an issue.

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

That the Planning Commission recommends to City Council approval of William and Darlene Brown's petition to rezone one and thirty-eight hundredths (1.38) acres at 2022 Lakeside Drive from B-5C, General Business District (Conditional) to B-5C, General Business district (Conditional) with the voluntarily submitted proffer.

AYES:	Barnes, Swienton, Oglesby, Sale and Worthington	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon, Hamilton	2

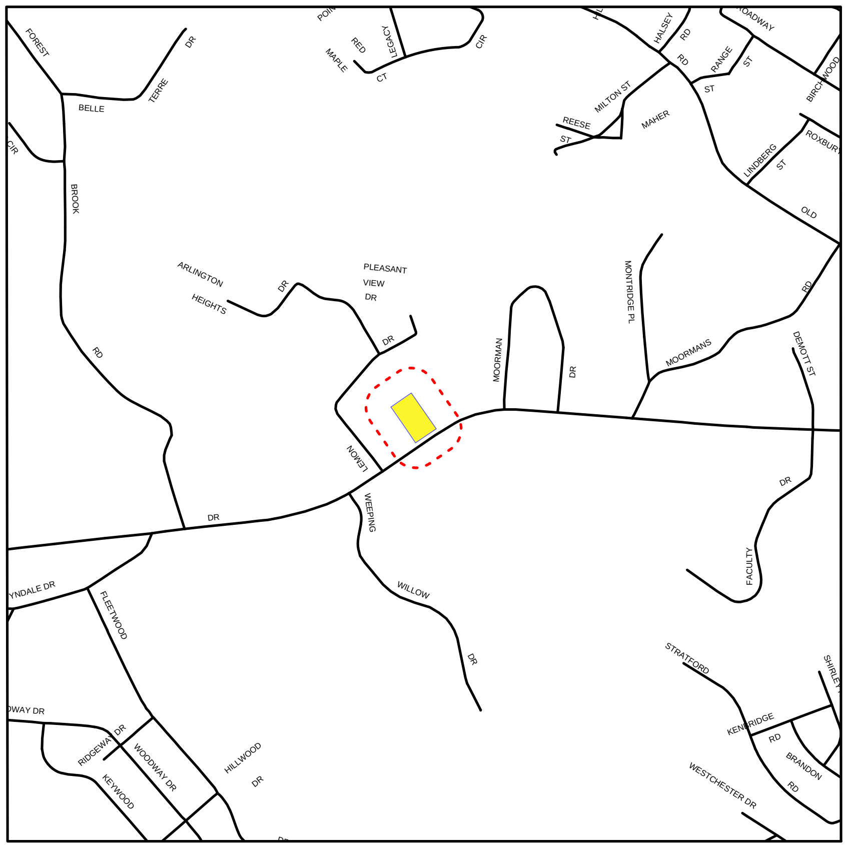
AZTEC RENTAL
2022 Lakeside Drive
Map # 228-05-013
Rezoning from B-5C to B-5C
Petitioner: William & Darlene Brown

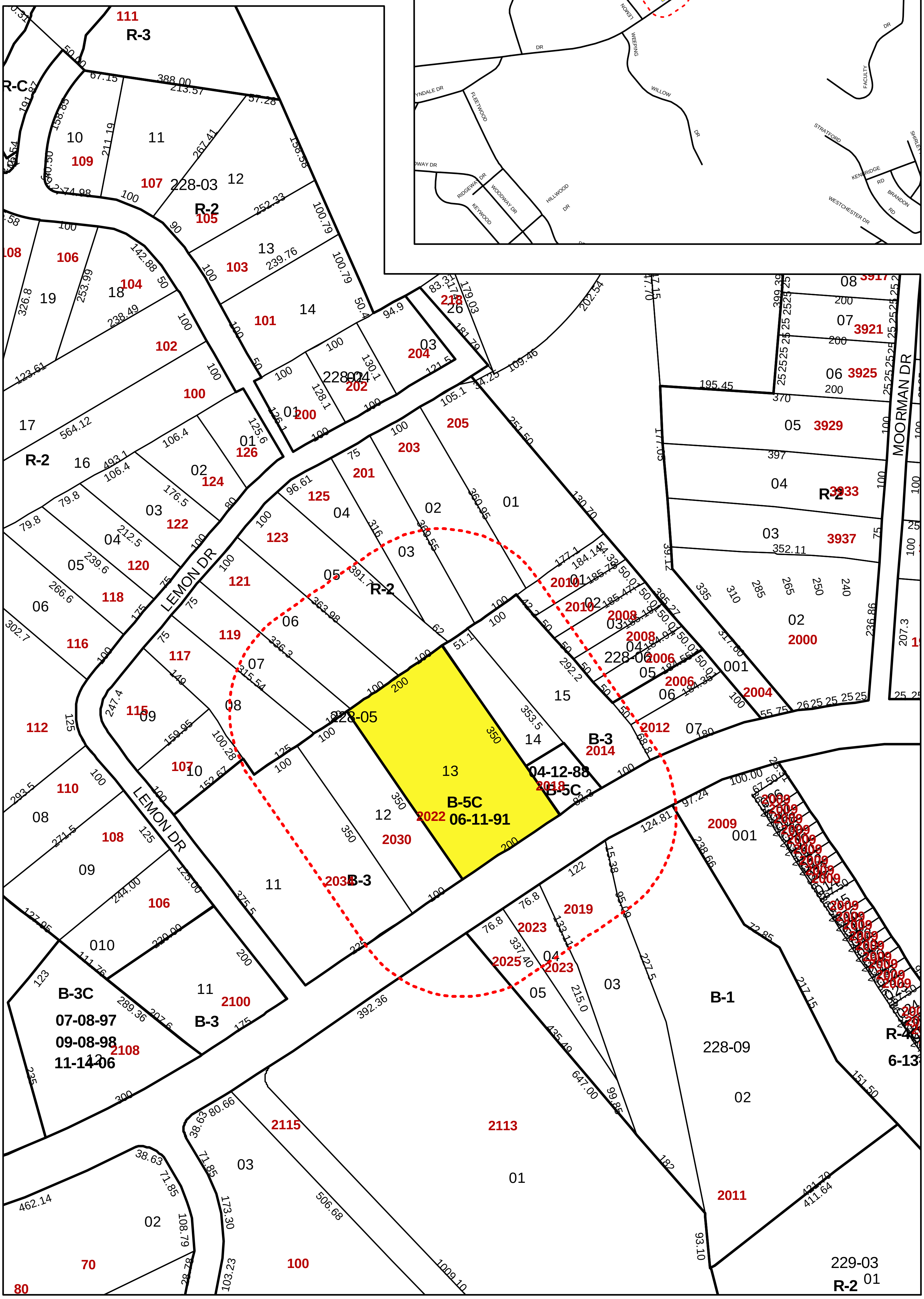
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

N

Subject Property

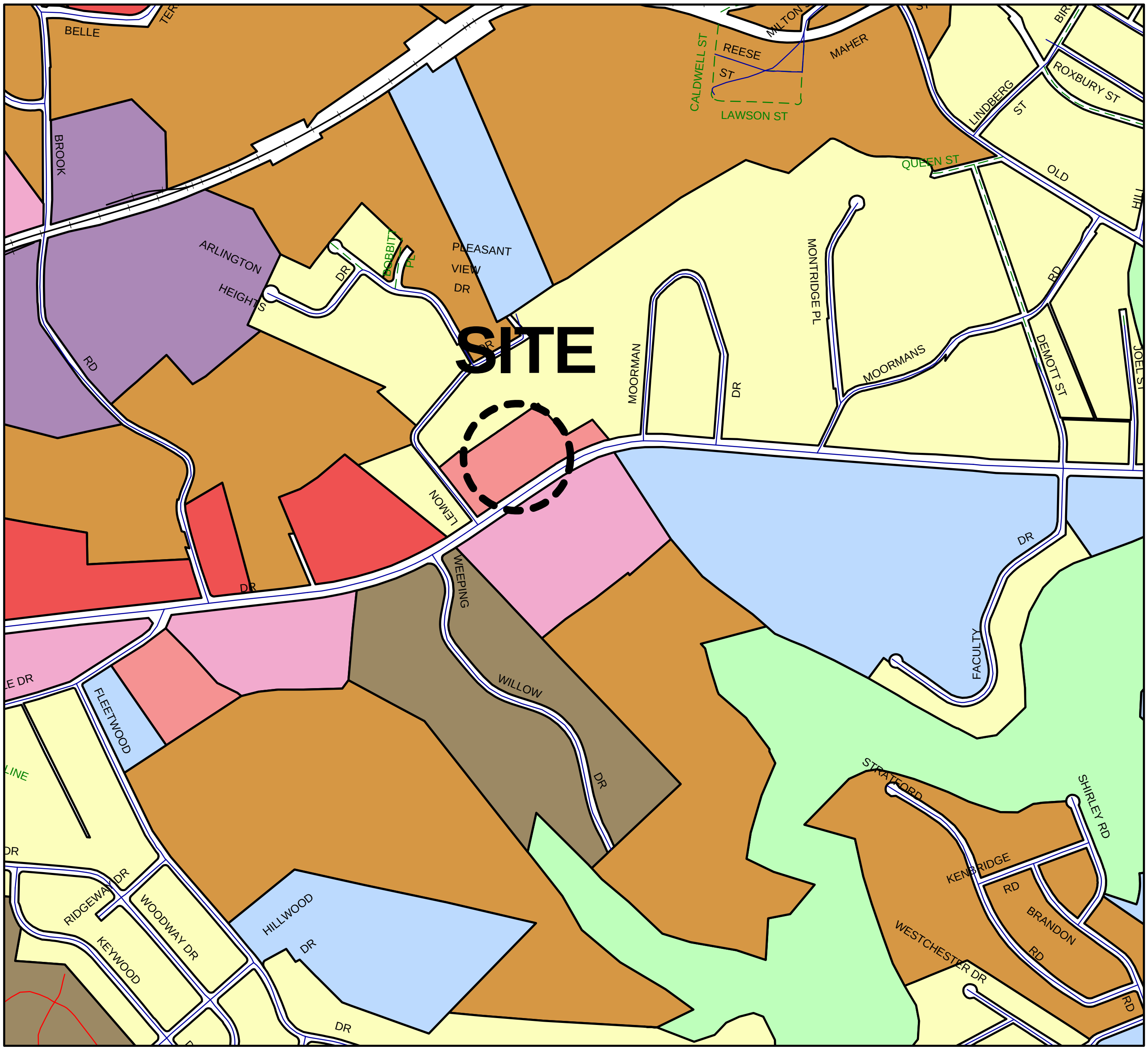
200 ft Radius





AZTEC RENTAL ADJOINING OWNERS

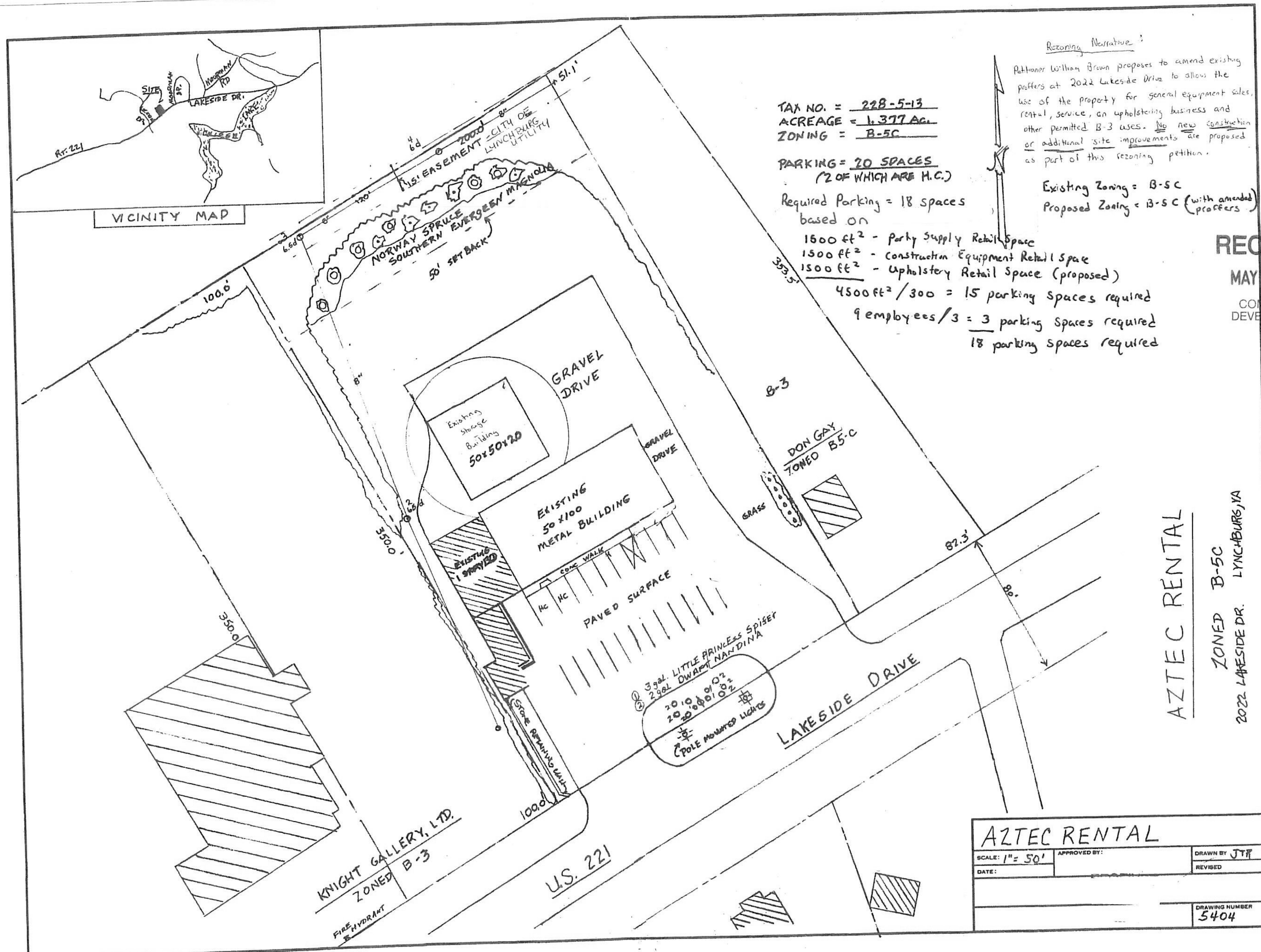
PIN	OWNER	LOCADDR
22805001	GILLISPIE JOSEPH R & EUNICE B	205 LEMON DR
22805002	BURNLEY MARK A	203 LEMON DR
22805003	CASH JOSEPH R & GRACIE S	201 LEMON DR
22805004	COX TODD M & BILLIE JO F	125 LEMON DR
22805005	SAXON TIMOTHY D & GAYLE M	123 LEMON DR
22805006	CAPPS RANDOLPH F & JANET F	121 LEMON DR
22805007	CAPPS RANDOLPH F & JANET W F	119 LEMON DR
22805008	BAILEY JAMES W & CATHY H	117 LEMON DR
22805010	WCI LLC	107 LEMON DR
22805011	WCI LLC	2034 LAKESIDE DR
22805012	WCI LLC	2030 LAKESIDE DR
22805013	BROWN DARLENE K	2022 LAKESIDE DR
22805014	D.M.H. PROPERTIES LLC	2018 LAKESIDE DR
22805015	COLLINS CHRISTOPHER B & MELISSA L	2014 LAKESIDE DR
22806001	TURLINGTON J KEITH	2010 A LAKESIDE DR
22806002	TURLINGTON J KEITH	2010 LAKESIDE DR
22806003	TURLINGTON J KEITH	2008 LAKESIDE DR A
22806004	TURLINGTON J KEITH	2008 LAKESIDE DR
22806005	TURLINGTON KEITH	2006 LAKESIDE DR A
22806006	TURLINGTON J KEITH	2006 LAKESIDE DR
22806007	CANDLER ELIZABETH W & GRAY MATTHEW W - CUSTODIANS	2012 LAKESIDE DR
22809001	DSZ PROPERTIES LC	2009 LAKESIDE DR
22809002	ORR DR GEORGE J & JO ANN	2011 LAKESIDE DR
22809003	TAYLOR MARION T & TOMLINSON RICHARD W	2019 LAKESIDE DR
22809004	TLC PROPERTY GROUP LTD	
22809005	TLC PROPERTY GROUP LTD	2025 LAKESIDE DR
22902001	APPLE FORD OF LYNCHBURG INC	2113 LAKESIDE DR
Owner	BROWN DARLENE K	
Petitioner	BROWN DARLENE & WILLIAM	
Representative	BROWN DARLENE & WILLIAM	



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

AZTEC RENTAL
2022 LAKESIDE DRIVE
LAND USE PLAN

N



RECEIVED
MAY 2 9 2008
COMMUNITY DEVELOPMENT

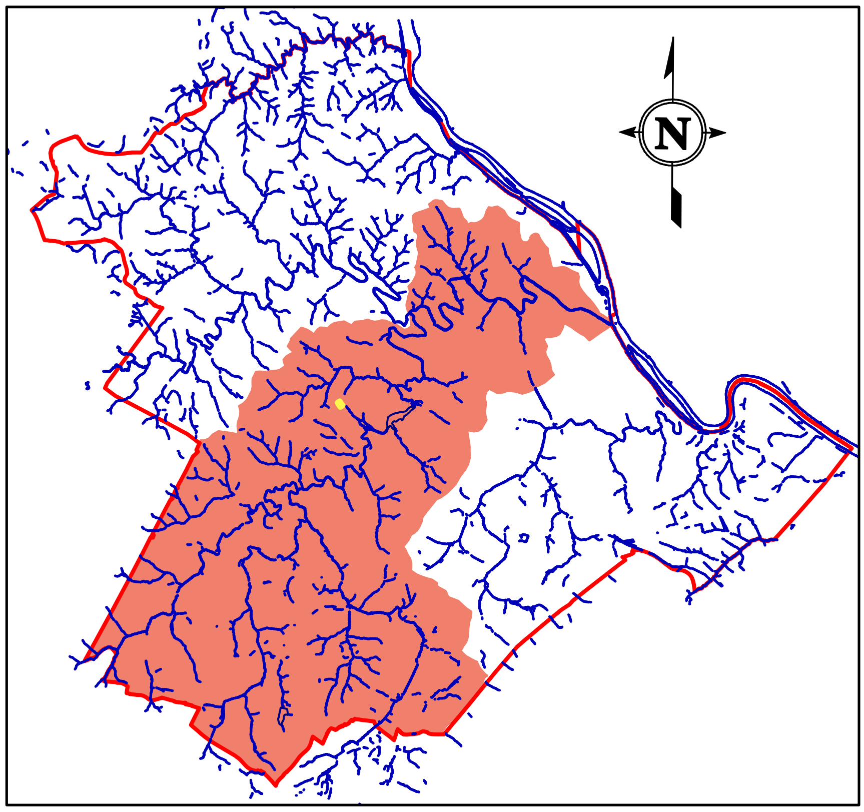
Aztec Rental
Watershed Location Map

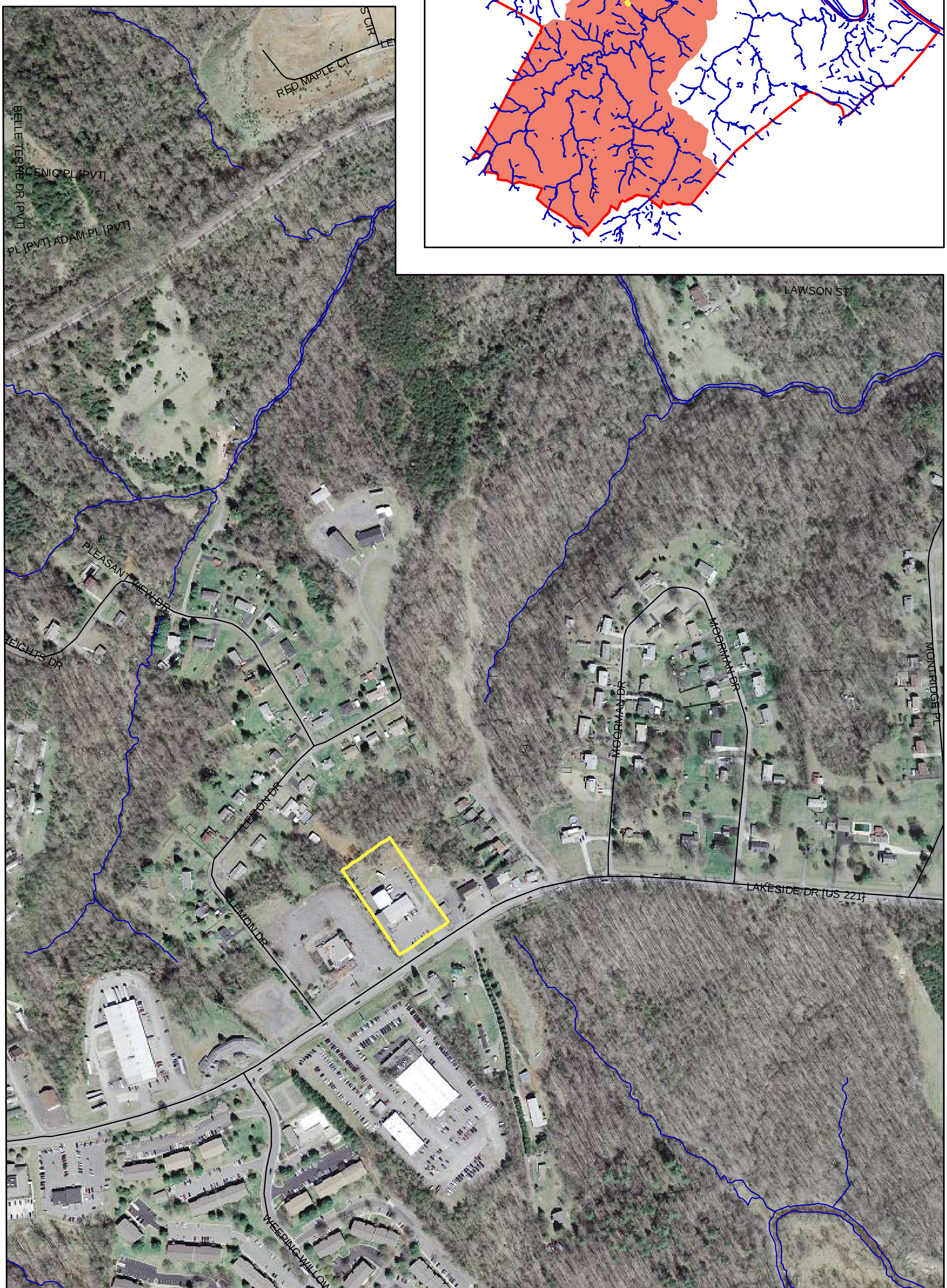
Legend

Project Site

Corporate Limit

Blackwater Creek Watershed





LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008**		AGENDA ITEM NO.: 16
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **FUTURE LAND USE MAP AMENDMENT (FLUM) – Low Density Residential to Office at 111, 112 and 114 Kings Drive.**

REZONING – R-3, Medium Density Two-Family Residential District to B-1C, Limited Business District (Conditional) at 111, 112 and 114 Kings Drive

RECOMMENDATION: Approval of the requested FLUM amendment and rezoning petition.

SUMMARY: AREVA NP, Inc. is petitioning to rezone three (3) tracts totaling four and eight tenths (4.8) acres to allow for the construction of an eight hundred and eight-five (885) space parking facility which will accommodate employee parking for an AREVA building expansion. The Planning Commission recommended approval of the petition because:

- The petitioner has requested a change in the *Future Land Use Map* [*FLUM*] designation to an Office use to coincide with the adjacent AREVA facilities. The proposed FLUM amendment is appropriate based on the adjacent land use, the proposed buffers and the projects compatibility with the Old Forest Road Corridor Study goals from the *Plan Framework Map.*
- Petition agrees with the *Zoning Ordinance* in that off-street parking facilities are permitted in a B-1, Limited Business District.
- To accommodate the potential increase in traffic, the City will widen Kings Drive to a twenty-four (24) foot wide, two-lane road; the project will include curb and gutter as well as sidewalk along the new road section. A traffic signal will also be installed at the intersection of Kings Drive and Old Forest Road.
- All construction vehicles and employee traffic for the parking area project will be routed through Forest Brook Road until the improvements to Kings Drive have been completed.

PRIOR ACTION(S):

July 23, 2008: Planning Division recommended approval of the FLUM amendment and rezoning petition.

Planning Commission recommend approval (5-0, with two members absent, Swienton, Worthington) of the FLUM amendment.

Planning Commission recommended approval (5-0, with two members absent, Swienton, Worthington) of the rezoning.

FISCAL IMPACT: N/A

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

ATTACHMENT(S): Ordinances; PC Report; PC Minutes; Vicinity Zoning Pattern; Vicinity Proposed Land Use; Watershed Location Map; Concept Plan; Rezoning and FLUM Narrative; FLUM Amendment Justification; Speaker Sign-Up Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTY LOCATED AT 111, 112 AND 114 KINGS DRIVE FROM LOW DENSITY RESIDENTIAL TO OFFICE.

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

Section 35.1-76.____. Amend the Future Land Use Map for the subject property at 111, 112 and 114 Kings Drive from Low Density Residential to Office.

The area embraced within the following boundaries . . . .

The outside perimeter of the three parcels is more particularly described as BEGINNING at an iron pin found on the northeasterly margin of Kings Drive and being the common property corner between AREVA NP and Robertson; thence leaving said margin of Kings Drive N53°52'57"E 200.59' to an iron pin found; thence S37°01'39"E 177.00' to a pipe found; thence S65°21'25"W 146.67' to an iron pin found; thence S26°46'05"E 215.00' to a point; thence S65°21'25"W 150.00' to an iron pin found; thence S26°46'05"E 417.55' to an iron pin found; thence S53°40'25"W 174.22' to an iron pin found in the line of J.L. Williams Farm Subdivision; thence with said subdivision N37°11'35"W 683.73' to an iron pin set at the common corner with Gillispie; thence leaving said subdivision N65°21'25"E 345.22' to an iron pin set in the southwesterly margin of Kings Drive; thence with Kings Drive the following five calls: (1) S38°08'35"E 9.60' to an iron pin found; (2) thence along a curve to the right (radius = 40.00', chord bearing = S17°26'16"E, chord distance = 28.28') an arc length of 28.91' to a point; (3) thence along a curve to the left (radius = 40.00', chord bearing = N51°51'35"E, chord distance = 60.00') an arc length of 183.48' to a point; (4) thence along a curve to the right (radius = 40.00', chord bearing = N58°50'35"W, chord distance = 28.28') an arc length of 28.91' to an iron pin found; (5) thence N36°44'35"W 136.00' to the point of BEGINNING, containing 4.84 acres

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

Adopted:

Certified: ____________________________
Clerk of Council

092L1

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA AT 111, 112 AND 114 KINGS DRIVE FROM R-3, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT TO B-1, LIMITED BUSINESS DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1-76.__ which section shall read as follows:

Section 35.1-76.__. Change of a certain area at 111, 112 AND 114 Kings Drive from R-3, Medium Density, Two-Family Residential District to B-1, Limited Business District.

The area embraced within the following boundaries …

The outside perimeter of the three parcels is more particularly described as BEGINNING at an iron pin found on the northeasterly margin of Kings Drive and being the common property corner between AREVA NP and Robertson; thence leaving said margin of Kings Drive N53°52’57”E 200.59’ to an iron pin found; thence S37°01’39”E 177.00’ to a pipe found; thence S65°21’25”W 146.67’ to an iron pin found; thence S26°46’05”E 215.00’ to a point; thence S65°21’25”W 150.00’ to an iron pin found; thence S26°46’05”E 417.55’ to an iron pin found; thence S53°40’25”W 174.22’ to an iron pin found in the line of J.L. Williams Farm Subdivision; thence with said subdivision N37°11’35”W 683.73’ to an iron pin set at the common corner with Gillispie; thence leaving said subdivision N65°21’25”E 345.22’ to an iron pin set in the southwesterly margin of Kings Drive; thence with Kings Drive the following five calls: (1) S38°08’35”E 9.60’ to an iron pin found; (2) thence along a curve to the right (radius = 40.00’, chord bearing = S17°26’16”E, chord distance = 28.28’) an arc length of 28.91’ to a point; (3) thence along a curve to the left (radius = 40.00’, chord bearing = N51°51’35”E, chord distance = 60.00’) an arc length of 183.48’ to a point; (4) thence along a curve to the right (radius = 40.00’, chord bearing = N58°50’35”W, chord distance = 28.28’) an arc length of 28.91’ to an iron pin found; (5) thence N36°44’35”W 136.00’ to the point of BEGINNING, containing 4.84 acres

… is hereby changed from R-3, Medium Density, Two-Family Residential District to B-1, Limited Business District.

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

Adopted:

Certified: ______________________________
Clerk of Council

092L2

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: July 23, 2008
Re: **FUTURE LAND USE MAP AMENDMENT (FLUM): Low Density Residential to Office at 111, 112 and 114 Kings Drive.**
REZONING: R-3, Medium Density Two-Family Residential District to B-1, Limited Business District at 111, 112 and 114 Kings Drive.

I. PETITIONER

AREVA NP, Inc., 3315 Old Forest Road, Lynchburg, VA 24501
Representative: Gary Case, 307 Brook Park Place, Forest, VA 24551

II. LOCATION

The subject property includes three (3) tracts totaling four and eight tenths (4.8) acres at 111, 112 and 114 Kings Drive.
Property Owners: AREVA NP, Inc., 3315 Old Forest Road, Lynchburg, VA 24501
Clayton & Robyn Jones, 112 Kings Drive, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow for the construction of an eight hundred and eight-five (885)-space parking facility which will accommodate employee parking for an AREVA building expansion.

IV. SUMMARY

- The *Comprehensive Plan* recommends Low Density Residential uses for the properties. The petitioner has requested a change in the *Future Land Use Map* [*FLUM*] designation to an Office use to coincide with the adjacent AREVA facilities.
- Petition agrees with the *Zoning Ordinance* in that off-street parking facilities are permitted in a B-1, Limited Business District.

The Planning Division recommends approval of the *Future Land Use Map* amendment and the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan* recommends a Low Density Residential use in this area. Low Density Residential areas are dominated by single-family detached housing at densities up to four (4) dwelling units per acre. **[page 5.5]** The petitioner has requested a change in the *FLUM* designation to an Office use, which are also identified throughout the area. Office uses are intended to provide adequate space for professional and service uses, such as medical, legal, insurance, real estate, engineering, architectural, software development and information management uses. These uses are generally located in lower density areas of the city, often adjacent to low density residential areas, and therefore are intended to be more compatible in scale with single family homes than the urban office uses of downtown or the office parks of employment areas. **[page 5.4]**

   The properties are also located in the Old Forest Road Corridor Study Area designated by the *Plan Framework Map*. The *Comprehensive Plan* notes that this area shares similar challenges with other older suburban commercial streets in the City—pedestrian accessibility is lacking, uses are segregated, minimal landscaping exists, and large signs, overhead utilities, and barren parking lots diminish visual quality. **[page 4.14]** Planning for the corridor should include strategies to calm or channel traffic where connections with residential areas may be improved, retrofitting existing development to provide for safe pedestrian connections, transit access, and cross-parcel vehicular circulation, encouraging design improvements to existing commercial buildings and signs, and increasing the attractiveness of roadways and rights-of-way through landscaping and screening. Pedestrian connections for the Old Forest Road corridor will be enhanced through the addition of sidewalk as part of the City's improvements to Kings Drive, which would be constructed concurrently with the proposed parking expansion. In addition to the parking improvements, AREVA also proposes to construct a three (3)-story addition and reconfigure their entrance to provide an attractive improvement to the existing commercial facility. Finally, the designer has incorporated significant landscaping into the proposed parking facility and details for pedestrian access through the lot will be finalized during final site plan preparation.

The *FLUM* is not intended to be parcel specific and the adjoining AREVA properties are designated as an Office use. The proposed setbacks for the parking expansion, as well as the interior landscaping and perimeter buffering will help to insure the parking area's compatibility with the closest residences. Based on the adjacent land use, the proposed buffers and the projects compatibility with the *Plan Framework Map* goals, the proposed FLUM amendment is appropriate.

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

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

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

   - On August 14, 2007, City Council approved George and William Walker's petition to rezone two and two tenths (2.2) acres from B-1, Limited Business District to B-3C, Community Business District (Conditional) to allow the construction of a twenty-three thousand six hundred (23,600) square foot commercial shopping center with three (3) restaurant/retail buildings and associated parking at 3207, 3211, 3215 and 3217 Forest Brook Road.
   - On April 11, 2006, City Council approved Glen White & Associates' petition for a conditional use permit [CUP] at 2211 Old Forest Road to allow the construction of a cluster commercial development with office condominiums.
   - On April 13, 2004, City Council approved Dawson Ford Garbee & Company's petition to rezone three (3) acres at 3631 Old Forest Road from B-1, Limited Business District and R-3, Two Family Residential District to B-1, Limited Business District (Conditional) to allow construction of an office complex.
   - On July 10, 2001, City Council approved D. Scott Zechini's petition for a CUP at 3712 Old Forest Road to allow the construction of a cluster commercial development.
   - On July 13, 1999, City Council approved Dr. James Stanley's petition for a CUP at 3712 Old Forest Road to allow the construction of a cluster commercial development.
   - On April 13, 1999, City Council approved Milton & Neal's petition for a CUP at 3701 Old Forest Road to allow the construction of a parking lot.
   - On February 9, 1999, City Council approved Sims Wholesale Company, Inc.'s petition to rezone one and three-tenths (1.3) acres at 3245 Forest Brook Road from R-5, Multi-Family Residential District, to B-5C, General Business District (Conditional) to allow the use of the property for a truck turn-around and parking area.
   - On April 14, 1998, City Council approved Thomas J. Gerdy's petition to rezone two and one-tenth (2.1) acres at 3622 Old Forest Road from R-5, Multi-Family Residential District to B-3C, Community Business District (Conditional) to allow the construction of a building for retail sales.
   - On June 9, 1998, City Council approved Atlantic Star Communications' petition to rezone approximately one half (1/2) acre from B-3, Community Business District, to B-5C, General Business District (Conditional), to allow the construction of a radio transmission tower at 3305 Old Forest Road.

- On July 8, 1997, City Council denied Forest Hill Animal Hospital's petition for a CUP at 3712 Old Forest Road to allow the construction of a veterinary practice.
- On May 14, 1996, City Council approved Centel Cellular Company of Lynchburg's petition for a CUP at 3245 Forest Brook Road to allow the construction of a one hundred and eighty (180) foot telecommunications tower and equipment shelter.
- On January 9, 1996, City Council approved Sylvia W. Hobson's petition for a CUP to allow the use of an existing structure to expand a previously approved child care center to permit three (3) shifts operating twenty-four (24) hours a day with approximately forty-five (45) children per shift and a maximum of sixty (60) children at any one time on seven-tenths (0.7) of an acre at 3208 Forest Brook Road.
- On April 12, 1994, City Council approved Clyde W. Bondurant's petition for a CUP at 3028 Old Forest Road to operate a child care facility for 35 children within an existing house.
- On December 8, 1992, City Council approved Mr. Donald E. Ozmar's petition for a CUP to allow the operation of a dance club in an existing building with a capacity of twelve hundred (1,200) people and the expansion of the parking area for about one hundred ninety-four (194) more cars in the Forest Plaza West Shopping Center at 3217 Old Forest Road.
- On July 14, 1992, City Council approved Old Forest Road Baptist Church's petition for a CUP at 3630 Old Forest Road to allow the construction of a new parking area.
- On January 14, 1992, City Council approved Monro Muffler Brake, Inc.'s petition for a CUP to allow the construction of an automotive park facility for sales and minor repairs in at 3201 Old Forest Road.
- On June 13, 1989, City Council approved Creeper Crawler Cribbery, Inc.'s petition for a CUP to allow the expansion of an existing child care center, including a new classroom building, expanded playground and a parking area at the rear of the property at 3601 Old Forest Road.
- On November 10, 1987, City Council approved Hallmark Investment's petition for a CUP to allow the construction of a building and parking lot for an automobile lubrication station at 3209 Old Forest Road.
- On September 10, 1986, Maple Hills Real Estate's petition for a CUP on Forest Brook Road for the establishment of a mobile home park was withdrawn.
- On October 8, 1985, City Council denied T.W.3., Inc.'s petition for a CUP to remodel an existing building for use as a dinner club with music and dancing at 3220 Old Forest Road.
- On May 14, 1985, City Council approved B & W's petition to rezone seven and seven tenths (7.7) acres at 3315 Old Forest Road from R-3, Two Family Residential Districts to B-1, Limited Business District and B-5C, General Business District (Conditional) to allow the construction of an office building.
- On December 9, 1980, City Council approved Old Forest Road Baptist Church's petition for a CUP at 3630 Old Forest Road to allow the construction of an athletic field.
- On April 8, 1980, City Council approved Old Forest Road Baptist Church's petition for a CUP at 3630 Old Forest Road to allow the construction of an education building.
- On February 12, 1980, City Council approved Old Forest Road Baptist Church's petition for a CUP at 3630 Old Forest Road for the construction of a day care center.
- On February 12, 1980, City Council approved L.B. Wimmer's petition for a CUP to construct a family amusement center in the Forest Plaza West Shopping Center.

5. **Site Description.** The subject property is bound to the north by the AREVA corporate office, an automobile dealership and multi-family apartments, to the south by a combination of single-family homes, duplexes, a concrete plant and Norfolk & Southern Railroad, to the east by a combination of businesses and duplexes and to the west by single-family homes and offices.

6. **Proposed Use of Property.** The purpose of this petition is to allow for the construction of an eight hundred and eighty-five (885)-space employee parking area to accommodate a three (3)-story, one-hundred thousand (100,000) square foot building addition which will be built behind AREVA's existing U.S. headquarters offices at 3315 Old Forest Road. AREVA plans to hire an additional five hundred (500) employees over the next three (3) to five (5) years and the proposed parking area would be used to provide the required parking for the office expansion, as well as to offset the one-hundred seventy-five (175) existing parking spaces that would be displaced by the construction of the new building.

   The proposed parking facility would be located at the end of Kings Drive and would have direct access to AREVA's existing parking area. The new lot would be constructed in two (2) phases; the first phase would include five hundred and thirty-eight (538) parking spaces and the second phase would provide for an additional three hundred forty-seven (347) spaces. Landscaping for the parking lot will comply with the requirements of the City's *Zoning Ordinance*; these include street tree plantings, parking area landscaping, parking area screening, buffering and utility area screening (as applicable). A six (6) foot-tall dark green (or similar hue) security fence would also be constructed on the inside of the vegetated buffer to provide security for the employees and neighboring residents. All proposed lighting would be glare shielded and directed to prevent illumination beyond the property line.

7. **Traffic, Parking and Public Transit.** The proposed parking area construction is slated for a December 2008 completion date. The City's Transportation Engineer has been involved with AREVA's parking area planning and the coordination of the proposed traffic improvements. To accommodate the potential increase in traffic, the City will widen Kings Drive to a twenty-four (24) foot wide, two-lane road; the project will include curb and gutter as well as sidewalk along the new road section. A traffic signal will be installed at the intersection of Kings Drive and Old Forest Road. The City's current construction schedule includes selecting a project designer in August 2008, completion of the boundary survey in September 2008, roadway design during Fall 2008 and construction in Spring 2009. The City has also worked with AREVA to help minimize the impacts of the parking lot construction to the residents of Kings Drive. All construction vehicle and employee traffic for the parking area project will be routed through Forest Brook Road until the improvements to Kings Drive have been completed. The proposed road improvements and construction traffic routing are acceptable to the City's Transportation Engineer.

   Parking requirements are for the AREVA facility are as set at one (1) space for every three hundred (300) square feet of gross floor area for office uses and two (2) spaces per three (3) employees on the main shift for the warehouse uses by the *Zoning Ordinance.* The following chart provides a breakdown of AREVA's required and proposed parking:

	Parking Required	**Parking Provided**
Required: 1 parking space/300 ft^2 **of Office** Existing AREVA Office – 280, 000 ft^2	934 spaces	
Required: 2 spaces/3 Employees for Warehouse 12 Employees on Duty at Existing Parts Center	4 spaces	
Required: 1 parking space/300 ft^2 **of Office** Proposed AREVA Office Addition – 100,000 ft^2	334 spaces	
Total Parking Provided at Existing AREVA Facility		960 spaces
Parking Lost due to New Addition Construction		-175 spaces
Total Existing Parking		**785 spaces**

Total Existing Parking		785 spaces
Parking Provided by Proposed Parking Lot		+ 885 spaces
Parking Constructed as part of New Office Addition		+32 spaces
Total Proposed Parking	**1272 spaces**	**1702 spaces**

The existing seven hundred and eighty-five (785) spaces combined with the proposed nine hundred and seventeen (917) parking spaces, would provide a total of one thousand seven hundred and two (1702) spaces, thus meeting the requirement of City Code.

Public transit is currently accessible in this area. The Greater Lynchburg Transit Company [GLTC] Route 8 is available directly in front of the AREVA office on Old Forest Road. Mike Carroll, GLTC Manager, has noted that due to the commercial and residential growth along the Old Forest Road corridor, GLTC plans to modestly expand service on this route to include bi-directional service along Old Forest Road and they would work with AREVA to coordinate a bus turn-out and bus stop with a shelter to serve the facility if they desire. AREVA has been forwarded this information and is considering it as part of their site plan.

8. **Storm Water Management.** New impervious areas will exceed one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction of the parking area. The increase in post-development runoff conditions due to the new impervious area will be managed through the use of a proposed stormwater pond located at the southern end of the lot. The facility will be developed as a detention and bio-filter area which will incorporate filter media within the bottom of the pond to allow percolation and designed to address both stormwater quantity and quality requirements. The stormwater management pond will be screened from view of any public or private street or residential area. Any run-off not treated for stormwater quality by the bioretention filter would be addressed through the use of a structural inlet filter. The proposed management strategy is acceptable to the City's Environmental Planner.

   The run-off from the proposed management area would follow the existing drainage patterns of the site; a preliminary drainage review indicates that the receiving channel may require additional stabilization where the pond discharges on AREVA property. Any required work will be addressed prior to site plan approval.

9. **Emergency Services.** The City's Fire Marshal had no comments regarding the proposed *FLUM* amendment and rezoning petitions for the parking expansions.

   The City Police Department and Planning staff both recommended that the petitioner add designated pedestrian walkways/crossings from the outer parking areas to the office for the safety of the employees. The petitioner has reviewed the recommendation and will try to incorporate these features into the final site design. The Police Department also commented that the parking area should be well lit for security, using dusk to dawn pole lights in a tamper resistant housing. The revised plan notes that any new lighting will be glare shielded and non-directional. The final lighting layout will be determined during site plan review.

10. **Impact.** The proposed eight-hundred and eighty-five (885) space parking facility will likely generate a significant increase in traffic along Kings Drive during peak hours. The proposed widening of Kings Drive, traffic signal at the intersection of Old Forest Road and Kings Drive, incorporation of sidewalk into the roadway design, as well as the proximity of public transit, will provide several alternatives to mitigate these impacts. AREVA hosted a public meeting on Thursday, July 10th to discuss the proposed project. The majority of the questions posed by the nine (9) residents in attendance were regarding the width of the proposed Kings Drive expansion, the location of the construction traffic and the capping of existing septic tanks/wells on the site of the proposed parking area. City staff members addressed the construction schedule of Kings Drive, while AREVA representatives detailed the route that construction traffic will use and the procedures for capping the wells and septic systems at that meeting. Traffic, parking, stormwater management and public safety concerns have all been addressed to the satisfaction of City staff and the result is a project that will address the potential impacts of the proposed facility expansion.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on July 1, 2008. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of an amendment to the Future Land Use Map from Low Density Residential to Office at 111, 112 and 114 Kings Drive.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of AREVA NP, Inc.'s petition to rezone four and eight tenths (4.8) acres at 111, 112 and 114 Kings Drive from R-3, Medium Density Two-Family Residential District to B-1, Limited Business District.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

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

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
2. **Vicinity Proposed Land Use**
3. **Watershed Location Map**
4. **Concept Plan**
5. **Rezoning and FLUM Narrative**
6. **FLUM Amendment Justification**

MINUTES FROM THE JULY 23, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of Areva NP, Inc. for a Future Land Use Map Amendment from Low Density Residential to Office use and to rezone 4.84 acres from R-3, Medium Density, Two-Family Residential District to B-1, Limited Business District at 111, 112 and 114 Kings Drive to allow the construction of a parking area.

Mr. Martin addressed the commissioners with the following comments. The petitions are to amend the *Future Land Use Map* from Low Density Residential to Office and to rezone from R-3, Medium Denisty Residential to B-1, Limited Business, which is an office use. The area includes three parcels, which is roughly 4.8 acres and is located on Kings Drive. The proposed amendments will facilitate the construction of 885 parking spaces, which will serve the expansion of the existing Areva facility located on Old Forest Road. This expansion will include a three-story, 1,000 square foot addition, which will allow the hiring of up to 500 new employees over the next three to five years. The proposed parking facility will be accessible from Kings Drive and also through the existing Areva facility out to Forest Brook Road and Old Forest Road. The City is currently putting out Request for Proposals to widen Kings Drive to a minimum of 24 feet with a sidewalk. The City anticipates construction to start in the spring of 2009 and to be completed by August 2009.

GLTC currently serve the existing Areva facility and is considering increasing its numbers of routes and service to Old Forest Road due to this expansion and other commercial expansions in the area. Stormwater management and quality will be handled through the use of a stormwater management pond in the bottom right corner of the property. This facility will also serve for bio-retention and other quality measures will include the use of stormwater inlet filters where necessary.

Given the proposed additions to the Areva facility, existing land uses in the area and improvements to Kings Drive, the change to the *Future Land Use Map* and rezoning are reasonable, and the Planning Division recommends approval of both petitions. Mr. Martin reminded the Planning Commission that they will need to make two separate motions.

Mr. Gary Case came forward as the representative for the petition. Areva currently has a 280,000 square foot office building, 45,580 square feet of parks on 28 acres. They are proposing to build a new three-story office building to allow the hiring of up to 500 additional people over the next three to five years. Areva owns 111 and 114 Kings Drive and the other property is under contract to purchase if these petitions are approved.

The rezoning is being requested to allow for more parking. There are currently three entrances into the existing parking. There will be upgrades to the entrance on Forest Brook Road. This project will be done in two phases. Mr. Case pointed out the two phases on the site plan. Mr. Case mentioned that Areva will be leaving the recreational facilities in place until they need to do that part of the parking lot.

The site plan incorporates a 20-foot vegetative buffer. Part of the natural vegetation will be left in place. There is also a 50-foot setback along the residential area. You can park in it, but they will not be building in it. Mr. Case pointed this out on the plan, as well as the significant landscaping being done. Lighting will also be designed so that it will not go past the property lines.

Mr. Case explained that the stormwater management will be done by a stormwater retention pond. Stormwater quantity and quality management will be done in a manner acceptable to the Environmental Planner. The landscaping buffer will also go around the retention pond, as well as a fence.

The City has made the commitment to update Kings Drive. Right now there is no curb and gutter or sidewalks. There will also be a traffic signal at Kings Drive and Old Forest Drive.

The *Future Land Use Map* states that the overall quality of life is tied to the City's economic viability. It also says that the City needs to attract national and international companies that offer high paying jobs to the region's skilled workers. Mr. Case remarked that this is Areva's U.S. headquarters.

Mr. Case mentioned that the Old Forest Road Corridor Study plans to study Old Forest Road from Linkhorne Drive up to Camp Avenue, and this property falls in the study. The *Comprehensive Plan* states that this area is showing signs of disinvestment. The expansion and investment by Areva will help reverse that trend by adding more employees with disposable income into the area and who will likely support area businesses. Hopefully, this expansion will also encourage investment by others.

The *Comprehensive Plan* also states that the *Future Land Use Map* can be changed due to changes in conditions, opportunities or priorities. Mr. Case stated that the properties around Areva are mixed use, consisting of both residential and commercial properties. He said they feel they meet the goals and objectives of the *Future Land Use Map* for this area and that this will be good for the surrounding area, as well as the whole city. Areva has always been a good neighbor and will continue to do so. It provides much needed employment opportunities for the City.

They had a neighborhood meeting on July 10th. Nine people were in attendance. They had questions about improvements to Kings Drive and how construction traffic would be handled. They also asked about their wells and septic tanks. Several members of city staff were there as well as Areva staff, and Mr. Case feels that the questions were adequately addressed.

In summary, they feel the plan represents good planning and use of this property. They respectively request that Planning Commission give a favorable recommendation to City Council. Mr. Case mentioned that Mr. Jay Lewis of Wiley & Wilson is available to answer any questions. He will be overseeing the project. Mr. Lewis Robinson with Areva is also present, and he is in charge of Facilities.

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

Chair Hamilton asked Mr. Martin if the improvements to Forest Brook Road, as a result of the development of the Walker property will coincide with the construction of this project. Mr. Martin said it is hard to tell. We are waiting to see how Wal-Mart is going to proceed with their plans. Areva is committed to move forward with this project and will probably start sooner.

Chair Hamilton asked when the Old Forest Road Corridor study is scheduled. Mr. Martin reminded them that this was not included in the five-year review of the *Comprehensive Plan*. The next thing to do is the vacant land use analysis. Then we will look at the *Future Land Use Map* again, and then the housing plan, so the study is at least a year off.

Commissioner Barnes commented that the Police Department and planning staff recommended adding designated pedestrian walkway crossings from the outer parking areas to the offices and he did not see those on the site plan. Mr. Case said this map was done before that meeting, but they are going to incorporate brick pavers or stamped concrete to channel people into one area. Chair Hamilton remarked that she hoped they could incorporate the crossings into the proposed parking lot as well to ensure pedestrian safety. Mr. Case commented that employee safety was of great concern to Areva and they are going to incorporate the proposed parking lot as well.

Chair Hamilton commented that there is a lot of question about the runoff headed to Forest Brook Road. How will that impact that road? Mr. Martin said he would need to defer to their engineer on that. He was not exactly sure where the receiving channel was for that. He thought that the concern with Forest Brook Road was more the way a pipe was underneath a driveway. This is probably not going in that direction. Mr. Case said that pipe has been done.

Mr. Lewis came forward to answer these questions. He explained that the entire parking area captures runoff through a series of inlets, pipes and discharges to the pond in the lower right corner, which subsequently discharges into an existing receiving channel that goes downstream to a crossing for the railroad. He explained that they met the ordinance requirements as far as quantity and quality is addressed through a bio-retention pond and Filterra devices in the parking lot. The pond is sized to accept runoff from the future parking area as well.

Chair Hamilton clarified that there will not be any additional runoff. Mr. Lewis commented that in a lot of way the runoff situation in that area has been improved by construction because currently there is a swale that runs out through the middle of the parking area that channels runoff through the residential properties adjacent to Primrose. With the curbing that will installed, that water that currently discharges through the residential parcels will now be diverted over toward the railroad tracks and would then go through a receiving channel rather than it going through those residential parcels. Mr. Lewis thinks the neighbors, from a runoff standpoint, will actually be better off after construction.

Commissioner Barnes commented that he understands that this plan is approved by the City's Environmental Planner, but it is a fairly traditional way of dealing with runoff. Whenever possible, they want to try and encourage as much as infiltration on site as they can. Commissioner Barnes asked if they had considered including either swales, permeable pavement or other ways of keeping the stormwater on site rather than channeling all over to the retention pond. Mr. Lewis said they considered a lot of options, however, the geotechnical reports that they got back indicated issues with the soil conditions that were of a concern to them. So, they looked at some of these other alternatives. The bio-retention does have some filtration properties, although it has an underdrain to keep the filter from being saturated and damaging the plants. With clay soils, you are going to get a lot of low infiltration rates that could be detrimental to some of these measures. They are going with some measures that they feel are suitable for this site.

Commissioner Sale asked about the work hours of the Areva facility. He commented that it is probably operating with a typical nine-to-five kind of shift now. He asked if they foresee any change in their operation in the near future (such as multiple shifts) that would reduce the need for the second parking lot. Mr. Case answered that this is the amount of parking that the City says they must have for a building this size. They may work some shifts at some point, but normally it is a first-shift type of operation because of the teams that have to work together. Commissioner Sale that he raised this issue because sometimes they have been able to find some creative ways to reduce parking because people would use the parking at different times. Mr. Case said that is not really possible because the people pretty much work the same shift. Mr. Lewis commented that another reason for splitting the parking into two phases is that as they build employment and need additional parking, they can expand. Rather than having an 800-space parking lot and about 500 being empty for two or three years, they want to preserve the recreational facilities for as long as possible. It could be that over time, depending on how the patterns work themselves out, that future parking may or may not be necessary.

Commissioner Sale commented that he is fully in favor of this. He thinks it is a great plan, and Areva has made a significant contribution to the life of Lynchburg. Their plan is well thought through and on target. Chair Hamilton agreed with these comments.

Commissioner Sale made the following motion, which was seconded by Commissioner Oglesby and passed by the following vote:

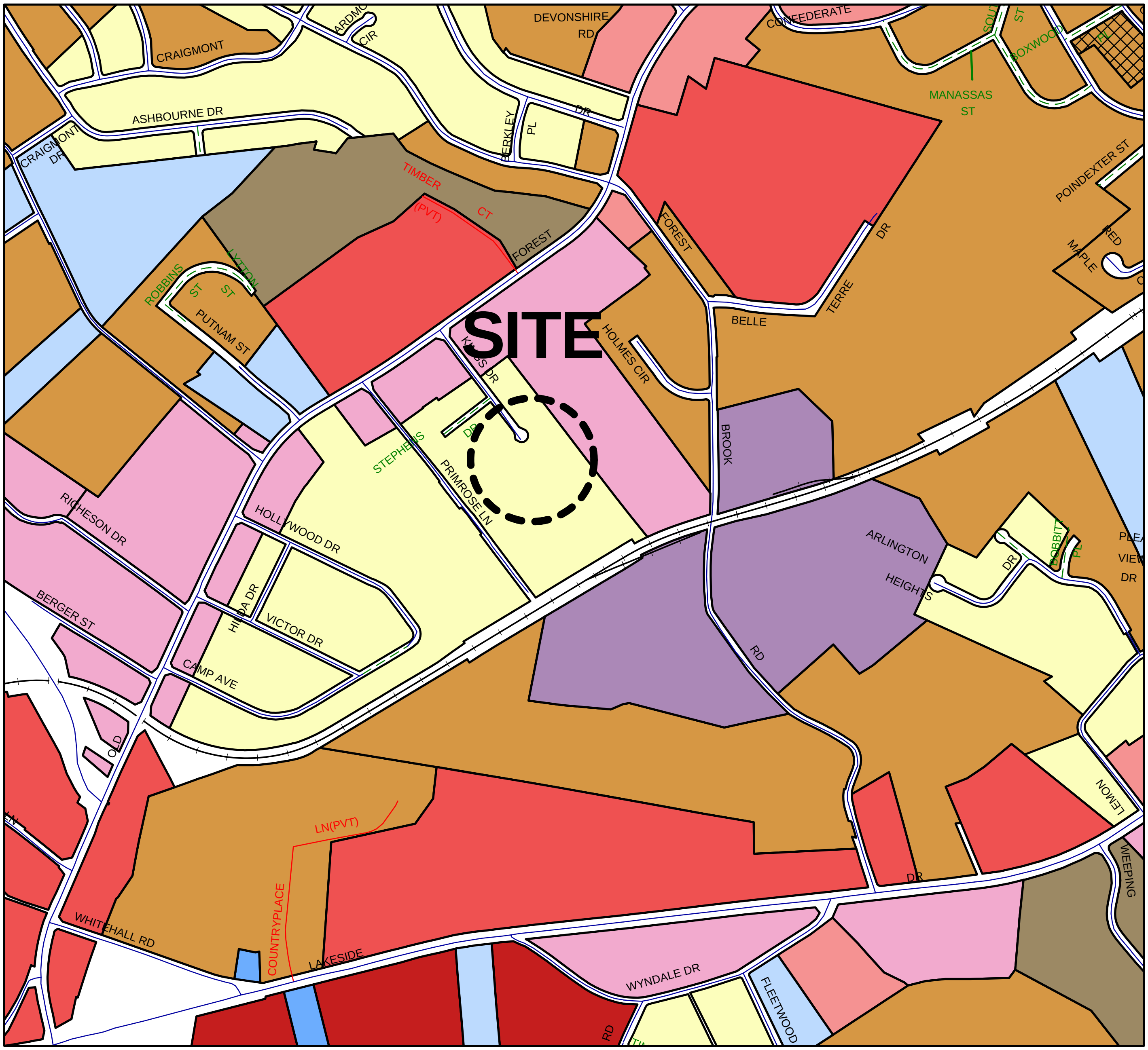
"That the Planning Commission recommends to City Council approval of an amendment to the Future Land Use Map from Low Density Residential to Office at 111, 112 and 114 Kings Drive."

AYES:	Barnes, Hannon, Hamilton, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Swienton & Worthington	2

Commissioner Sale made the following motion, which was seconded by Commissioner Oglesby and passed by the following vote:

"That the Planning Commission recommends to City Council approval of AREVA NP, Inc.'s petition to rezone four and eight tenths (4.8) acres at 111, 112 and 114 Kings Drive from R-3, Medium Density Two-Family Residential District to B-1, Limited Business District."

AYES:	Barnes, Hannon, Hamilton, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Swienton & Worthington	2



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

AREVA NP
111, 112, 114 KINGS DRIVE
LAND USE PLAN

N

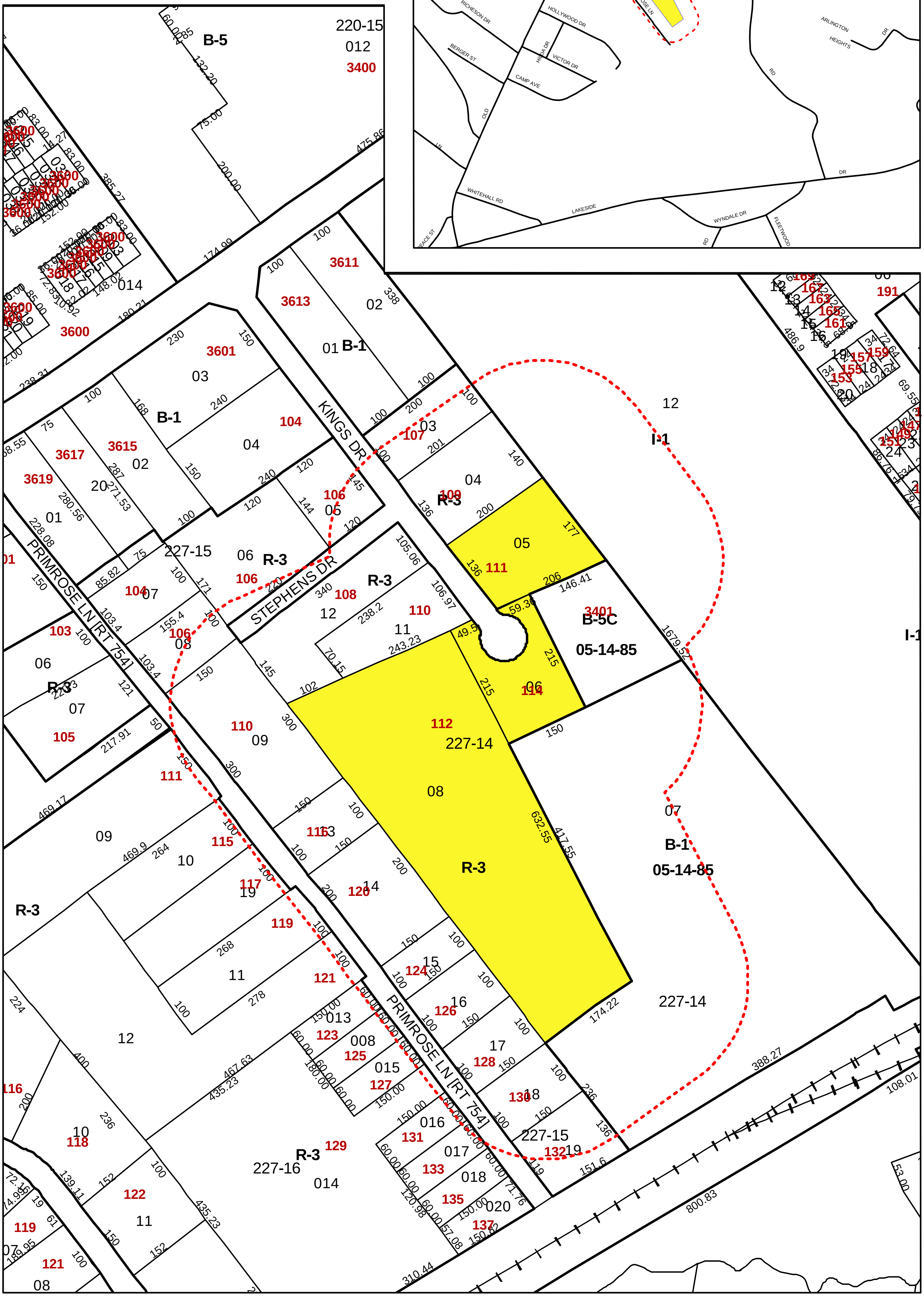
AREVA NP
111, 112, 114 Kings Drive
Map # 227-14-005/006, 008
Rezoning from R-3 to B-1
Petitioner: Areva NP

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

N

Subject Property

200 ft Radius



PIN	OWNER	LOCADDR
22016012	AREVA NP INC	3315 OLD FOREST RD
22714003	KIDD DONALD	107 KINGS DR
22714004	ROBERTSON WILLIAM S & YVONNE	109 KINGS DR
22714005	AREVA NP INC	111 KINGS DR
22714006	AREVA NP INC	114 KINGS DR
22714007	AREVA NP INC	3401 OLD FOREST RD
22714008	JONES CLAYTON L & ROBYN J	112 KINGS DR
22714011	GILLISPIE RONALD L & BRENDA G	110 KINGS DR
22714012	GILLESPIE BRENDA G & RONALD L	108 KINGS DR
22715005	DYKE ROBIN C JR & ANITA A	106 KINGS DR
22715006	NEWLAND PAUL A	106 STEPHENS DR
22715008	RTB PROPERTIES LC	106 PRIMROSE LN
22715009	MILLNER MAYNIE E LIFE ESTATE MILLNER DEBRA A-REMAINDERMAN	110 PRIMROSE LN
22715013	MARTIN LARRY W JR	116 PRIMROSE LN
22715014	SANDIDGE MARSHALL D	120 PRIMROSE LN
22715015	HUYNH HAI PHUOC	124 PRIMROSE LN
22715016	MAWYER STEVEN	126 PRIMROSE LN
22715017	LYNN RAYMOND J	128 PRIMROSE LN
22715018	RICHARDSON PATRICIA E	130 PRIMROSE LN
22715019	RICHARDSON PATRICIA E	132 PRIMROSE LN
22716008	NAREA EDWARD P	125 PRIMROSE LN
22716009	BURKEY MATTHEW S & RENEE M	111 PRIMROSE LN
22716010	SATTERWHITE GRANVILLE E III & KELLY R	115 PRIMROSE LN
22716011	SELF DENNIS W	119 PRIMROSE LN
22716012	SELF DENNIS W & DORRIE L	121 PRIMROSE LN
22716013	BROWDER LISA M	123 PRIMROSE LN
22716014	VASIOUTOVITCH PAVEL V	129 PRIMROSE LN
22716015	SHEDELBOWER DARIN C & LIZA M	127 PRIMROSE LN
22716016	EDWARDS JAMES D JR & KELLY P	131 PRIMROSE LN
22716017	DAVIS ANTHONY S & TARA L	133 PRIMROSE LN
22716019	PATTERSON THURMAN J & CATHERI	117 PRIMROSE LN
Owner	AREVA NP INC	
	JONES CLAYTON L & ROBYN J	
Petitioner	AREVA NP INC	
Representative	GARY CASE	

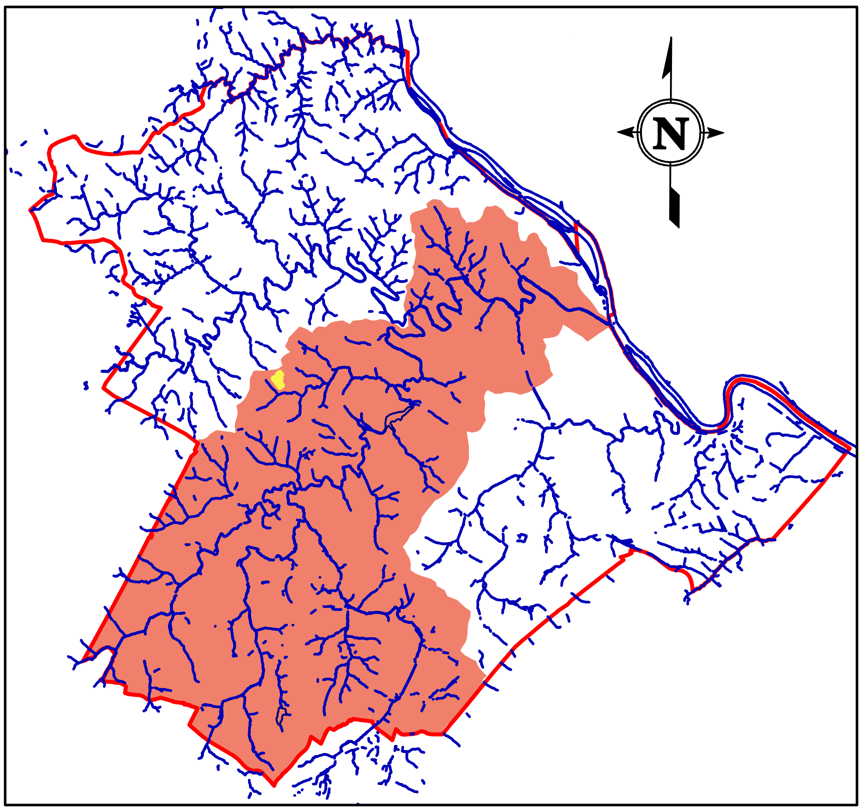
AREVA NP
Watershed Location Map

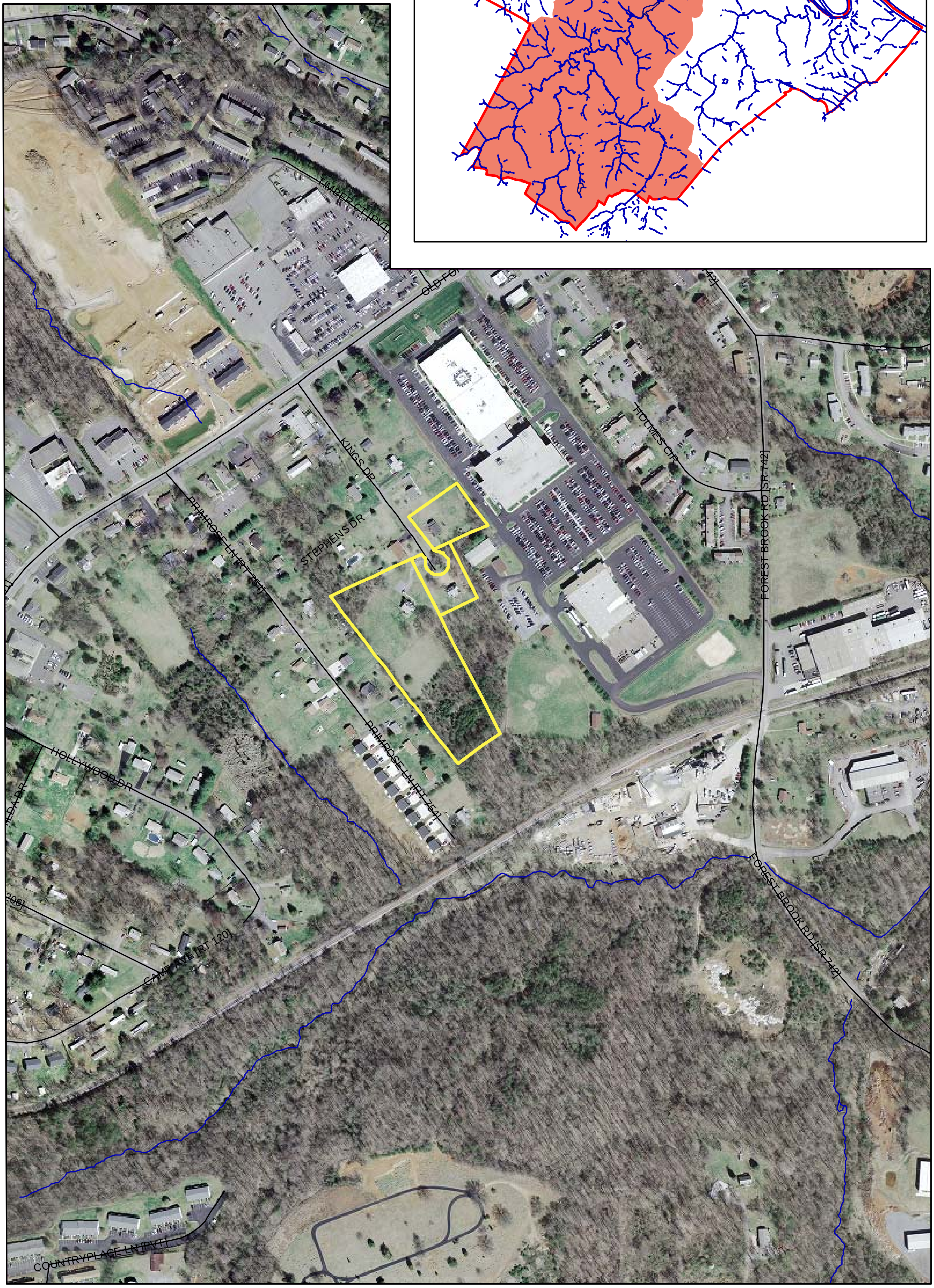
Legend

Project Site

Corporate Limit

Blackwater Creek Watershed





AREVA'S REZONING AND FUTURE LAND USE MAP AMENDMENT NARRATIVE

CURRENT FACILITY

AREVA'S CURRENT FACILITY IS COMPRISED OF 280,000 SQ. FT. OFFICE BUILDING, 31,860 SQ. FT. PARTS CENTER AND 28 ACRES OF LAND.

PROPOSED ADDITIONS

AREVA IS PROPOSING TO CONSTRUCT A THREE STORY 100,000 SQ. FT. OFFICE BUILDING DIRECTLY BEHIND ITS CURRENT OFFICE FACILITY TO ACCOMMODATE ITS EXPANSION AND IT'S NEED TO HIRE AN ADDITIONAL 500 EMPLOYEES OVER THE NEXT 3-5 YEARS.

PROPERTY TO BE REZONED

AREVA CURRENTLY OWNS 111 AND 114 KINGS DRIVE AND HAS 112 KINGS DRIVE, THE JONES PROPERTY, UNDER CONTRACT SUBJECT TO THE APPROVAL OF THE REZONING BY THE PLANNING COMMISSION AND CITY COUNCIL. THE TOTAL ACREAGE OF THESE PARCELS IS 4.84 ACRES THAT ARE CURRENTLY ZONED R-2, LOW DENSITY RESIDENTIAL.

AREVA IS PETITIONING THE CITY TO REZONE THE PROPERTY TO B-1 LIMITED BUSINESS CLASSIFICATION TO ACCOMMODATE A NEW PARKING FACILITY. 175 SPACES OF THE EXISTING PARKING LOT WILL BE DISPLACED BY THE CONSTRUCTION OF THE NEW BUILDING.

THE PROPOSED PARKING FACILITY WILL BE LOCATED AT THE END OF KINGS DRIVE AND WILL ALSO HAVE DIRECT ACCESS TO ARVEA'S EXISTING PARKING AREA THAT WILL ADJOIN TO PROPOSED NEW PARKING AREA.

THE PARKING FACILITY WILL BE CONSTRUCTED IN 2 PHASES

PHASE 1 WILL BE 538 PARKING SPACES AND THE FUTURE PHASE WILL BE 347 PARKING SPACES MAKING A TOTAL OF 885 SPACES. 665 NET NEW SPACES.

THE SITE PLAN INCORPORATES THE 20 FOOT VEGETATIVE BUFFER, A PORTION OF WHICH WILL REMAIN AS THE EXISTING WOODED AREA, AS SHOWN IN GREEN ON THE SITE PLAN, AND THE 50 FOOT BUILDING SET BACK AREA, SHOWN IN RED, ALONG THE ADJOINING RESIDENTIAL PROPERTY LINES.

THE SITE PLAN ALSO REFLECTS THE CITIES NEW LANDSCAPING ORDINANCE THAT REQUIRES SUBSTANTIAL LANDSCAPING THROUGHOUT THE PARKING AREA.

ALL OF THE LIGHTING WILL BE DESIGNED SO THAT THE LIGHT WILL NOT GO PAST AREVA'S PROPERTY LINES ONTO ADJOINING PROPERTY.

THE PLAN ALSO REFLECTS THE CITIES STORM WATER MANAGEMENT REQUIREMENTS TO COLLECT STORM WATER AND CHANNEL IT INTO AN ON SITE RETENTION POND.

IN ADDITION TO THE LANDSCAPING BUFFER, THE PERIMETER OF THE PARKING AREA AND THE RETENTION POND WILL BE FENCED AND THE ENTRANCE AT THE END OF KINGS DRIVE WILL BE GATED.

THE ENTRANCE ONTO FOREST BROOK ROAD WILL ALSO BE UPGRADED.

THE CITY WILL BE MAKING IMPROVEMENTS TO KINGS DRIVE AND PLANS TO WIDEN THE EXISTING STREET, INSTALL CURB AND GUTTERING, SIDEWALKS, RELOCATE AND EXPAND THE CURRENT CUL-DE-SAC AND INSTALL A SIGNAL LIGHT AT ITS INTERSECTION WITH OLD FOREST ROAD.

THE PETITION ALSO CALLS FOR AN AMENDMENT FOR THE FUTURE LAND USE MAP AS PART OF THE LYNCHBURG COMPREHENSIVE PLAN.

THE COMPREHENSIVE PLAN SETS FORTH GOALS AND OBJECTIVES FOR THE CITY FOR THE PERIOD OF 2002 – 2020. SEVERAL OF THESE GOALS AND STATEMENTS ARE AS FOLLOWS:

- THE REGIONAL OVERALL QUALITY OF LIFE IS TIED TO THE CITIES ECONOMY AND ITS ROLE AS THE ECONOMIC ENGINE.

- THE CITY NEEDS TO ATTRACT NATIONAL AND INTERNATIONAL COMPANIES OFFERING HIGH PAYING JOBS TO THE REGIONAL SKILLED WORKFORCE.

- AREVA IS AN INTERNATIONAL BUSINESS AND LYNCHBURG IS ITS U.S. HEADQUARTERS.

<u>FUTURE LAND USE</u>

THE OLD FOREST ROAD CORRIDOR STUDY AREA BEGINS AT THE INTERSECTION OF OLD FOREST ROAD AND LINKHORNE ROADS AND CONTINUES WEST ALONG OLD FOREST ROAD TO CAMP AVENUE. THE AREVA PROPERTY FALLS WITHIN THIS AREA. THE COMPREHENSIVE PLAN POINTS OUT THIS AREA IS SHOWING SIGNS OF DISINVESTMENT AND THE EXPANSION AND INVESTMENT BY AREVA WILL HELP REVERSE THIS TREND BY ADDING MORE EMPLOYEES, BRINGING ADDITIONAL DISPOSAL INCOME INTO THIS AREA TO SUPPORT OTHER NEIGHBORHOOD BUSINESS AND ENCOURAGE ADDITIONAL INVESTMENT BY OTHERS.

AS STATED IN THE COMPREHENSIVE PLAN, THE FUTURE LAND USE MAP IS NOT STATIC. IT CAN BE CHANGED TO REFLECT CHANGING CONDITIONS, OPPORTUNITIES AND PRIORITIES.

THE OLD FOREST ROAD AREA IS A HIGHLY MIXED USE AREA WITH PROPERTY ZONED FROM B-1 TO I-1, RESIDENTIAL TO INDUSTRIAL USES FOR SUCH BUSINESSES AS AREVA, SIMS WHOLESALE DISTRIBUTORS, FINLEY CONCRETE, RETAIL AND RESTAURANT USES, AUTOMOBILE DEALERSHIPS, AND SINGLE AND MULTI FAMILY HOUSING.

THE PROPOSED AMENDMENT THE FUTURE LAND USE MAP MEETS WITH THE GOAL AND OBJECTIVES OUTLINED ABOVE TO ACCOMMODATE A VITAL AND EXPANDING BUSINESS WITHIN THE CITY WHICH CONTRIBUTES GREATLY TO THE OVERALL QUALITY OF LIFE FOR THE ENTIRE AREA AND BOOST THE OVERALL ECONOMIC HEALTH OF THE ENTIRE CITY AND SURROUNDING AREA.

AREVA HAS BEEN A GOOD NEIGHBOR AND CORPORATE CITIZEN AND WILL CONTINUE TO DO SO AND WILL PROVIDE MUCH NEEDED EMPLOYMENT OPPORTUNITIES OF OUR CITIZENS.

FUTURE LAND USE MAP AMENDMENT TO CHANGE THE PROPERTY FROM LOW DENSITY RESIDENTAL TO B-1 LIMITED BUSINESS

As stated in the City of Lynchburg's Comprehensive Plan 2002-2020, in the executive summary, the regional overall quality of life will be tied directly to the Cities economy and its role as the economic engine of the region. The City needs to keep pace with changes in technical and telecommunication businesses to attract national and international companies. Areva is an international business and Lynchburg is its U.S. headquarters.

One of the Cities goals is to attract businesses offering high paying jobs to the regional skilled workforce. A critical goal of the study plan is for the City of Lynchburg remaining the heart of the office market. Areva's expansion within the City accomplishes that goal.

Future Land Use

The Old Forest Road corridor study area begins at the intersection of Old Forest Road and Linkhorne Roads and continues west along Old Forest Road to Camp Avenue. The Areva property falls within this area. The Comprehensive Plan points out this area is showing signs of disinvestment and the expansion and investment by Areva will help reverse this trend by adding more employees, bringing additional disposal income into this area to support other neighborhood business and encourage additional investment by others.

As stated in the Comprehensive Plan, the Future Land Use Map is not static. It can be changed to reflect changing conditions, opportunities and priorities.

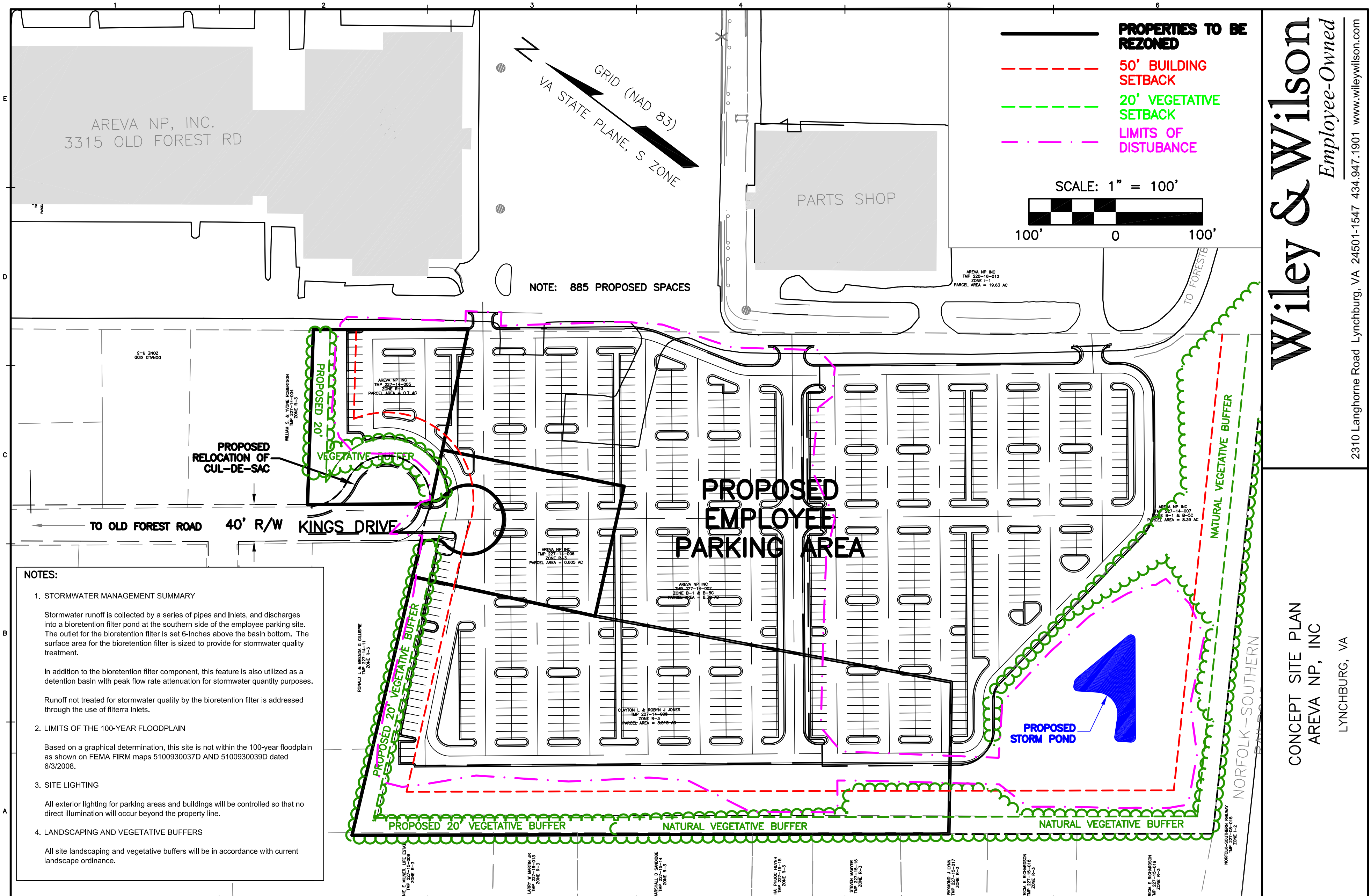
Areva currently owns 28 acres and has applied to rezone 4.84 acres of the adjoining property to accommodate a 100,000 square feet office expansion and required employee parking.

The subject property is currently zoned R-2 and the proposal is to rezone the property to B-1 Limited Business classification to allow the expansion of the parking area.

The Old Forest Road area is a highly mixed use area with property zoned from B-1 to I-1, residential to industrial uses for such businesses as Areva, Sims Wholesale Distributors, Finley Concrete, retail and restaurant uses, automobile dealerships, and single and multi family housing. The proposed amendment from R-2 to B-1 to accommodate this vital business expansion meets with the Cities Comprehensive Plan objectives as set forth above and will be an asset to the area in addition to boosting the overall economic health of the entire city and surrounding area.

The proposed amendment the Future Land Use Map meets with the goal and objectives outlined above to accommodate a vital and expanding business within the City of Lynchburg which contributes greatly to the overall quality of life for the entire area.

Areva has been a good neighbor and corporate citizen and will continue to do so and will provide much needed employment opportunities of the citizens.



NOTES:

1. STORMWATER MANAGEMENT SUMMARY

   Stormwater runoff is collected by a series of pipes and Inlets, and discharges into a bioretention filter pond at the southern side of the employee parking site. The outlet for the bioretention filter is set 6-inches above the basin bottom. The surface area for the bioretention filter is sized to provide for stormwater quality treatment.

   In addition to the bioretention filter component, this feature is also utilized as a detention basin with peak flow rate attenuation for stormwater quantity purposes.

   Runoff not treated for stormwater quality by the bioretention filter is addressed through the use of filterra inlets.

2. LIMITS OF THE 100-YEAR FLOODPLAIN

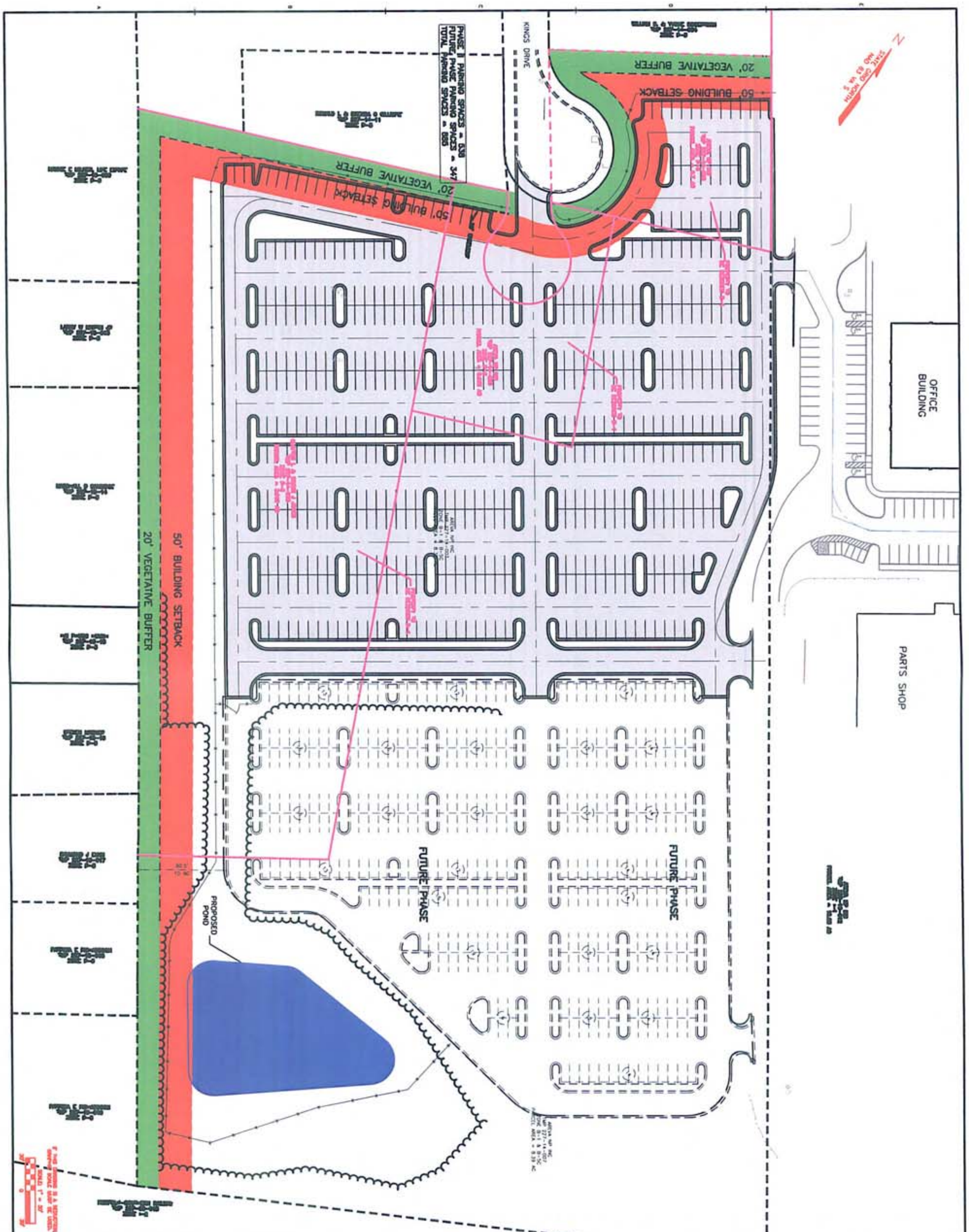
   Based on a graphical determination, this site is not within the 100-year floodplain as shown on FEMA FIRM maps 5100930037D AND 5100930039D dated 6/3/2008.

3. SITE LIGHTING

   All exterior lighting for parking areas and buildings will be controlled so that no direct illumination will occur beyond the property line.

4. LANDSCAPING AND VEGETATIVE BUFFERS

   All site landscaping and vegetative buffers will be in accordance with current landscape ordinance.



A	6/30/08	CONTRACTOR PRICING - NOT FOR CONSTRUCTION
MRK	DATE	REVISION DESCRIPTION

DIMENSIONAL LAYOUT PLAN - EMPLOYEE PARKING SITE

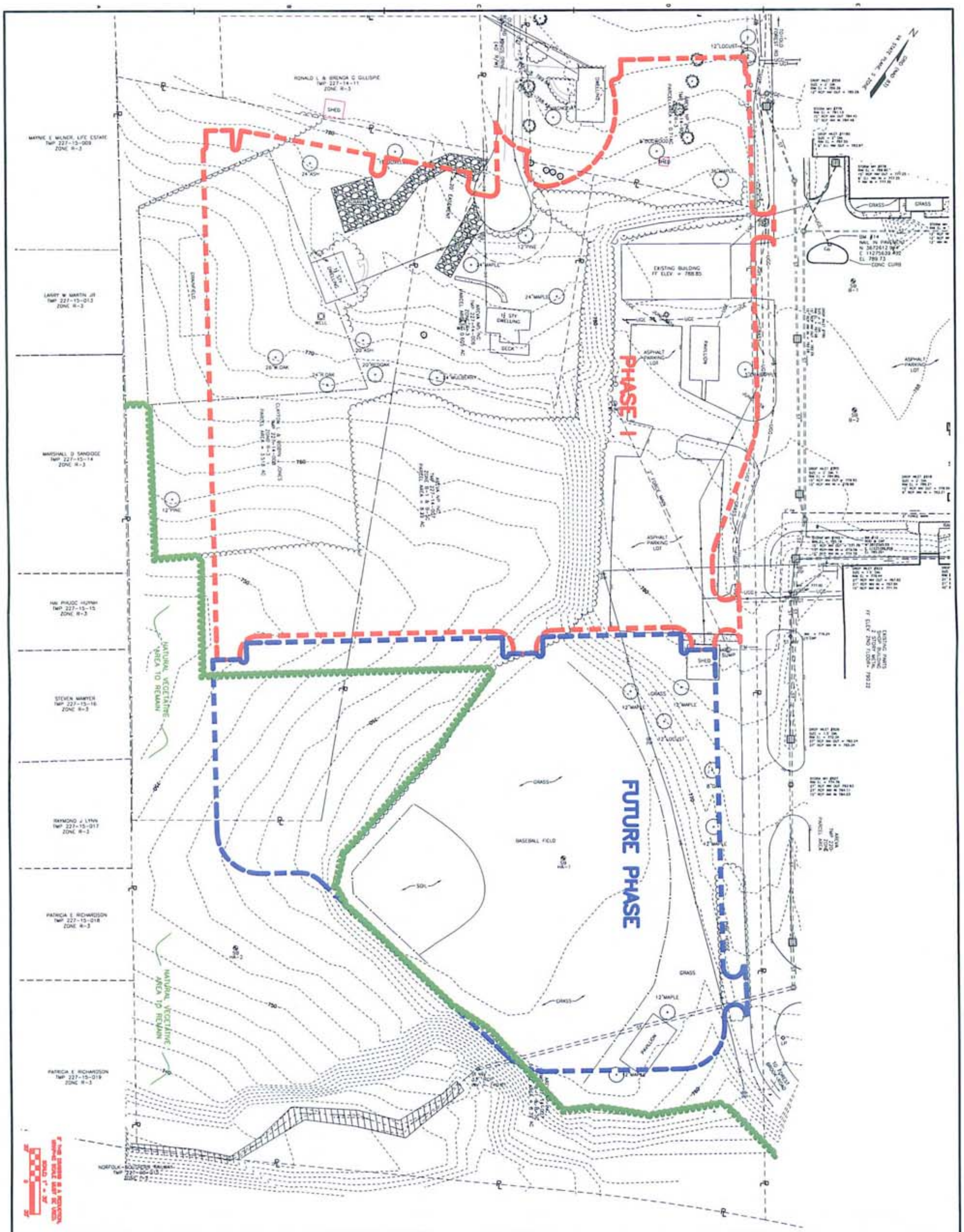
C-131 A

AREVA NP
OLD FOREST ROAD
BUILDING 3

Lynchburg, Virginia

GENERAL CONTRACTOR PROPOSAL DOCUMENTS
6 / 30 / 08

Wiley & Wilson
Employee-Owned



A	6/30/08	CONTRACTOR PRICING – NOT FOR CONSTRUCTION
MRK	DATE	REVISION DESCRIPTION

COMM NO 20717903
DATE JUNE 30, 2008
DRAWN / DESIGN
CHECK
CAD FILE
SHEET TITLE
EXISTING CONDITIONS AND DEMOLITION PLAN - EMPLOYEE PARKING SITE

SHT NO C-130
REV NO A

AREVA NP
OLD FOREST ROAD
BUILDING 3
Lynchburg, Virginia

GENERAL CONTRACTOR PROPOSAL DOCUMENTS
6 / 30 / 08

Wiley & Wilson
Employee-Owned

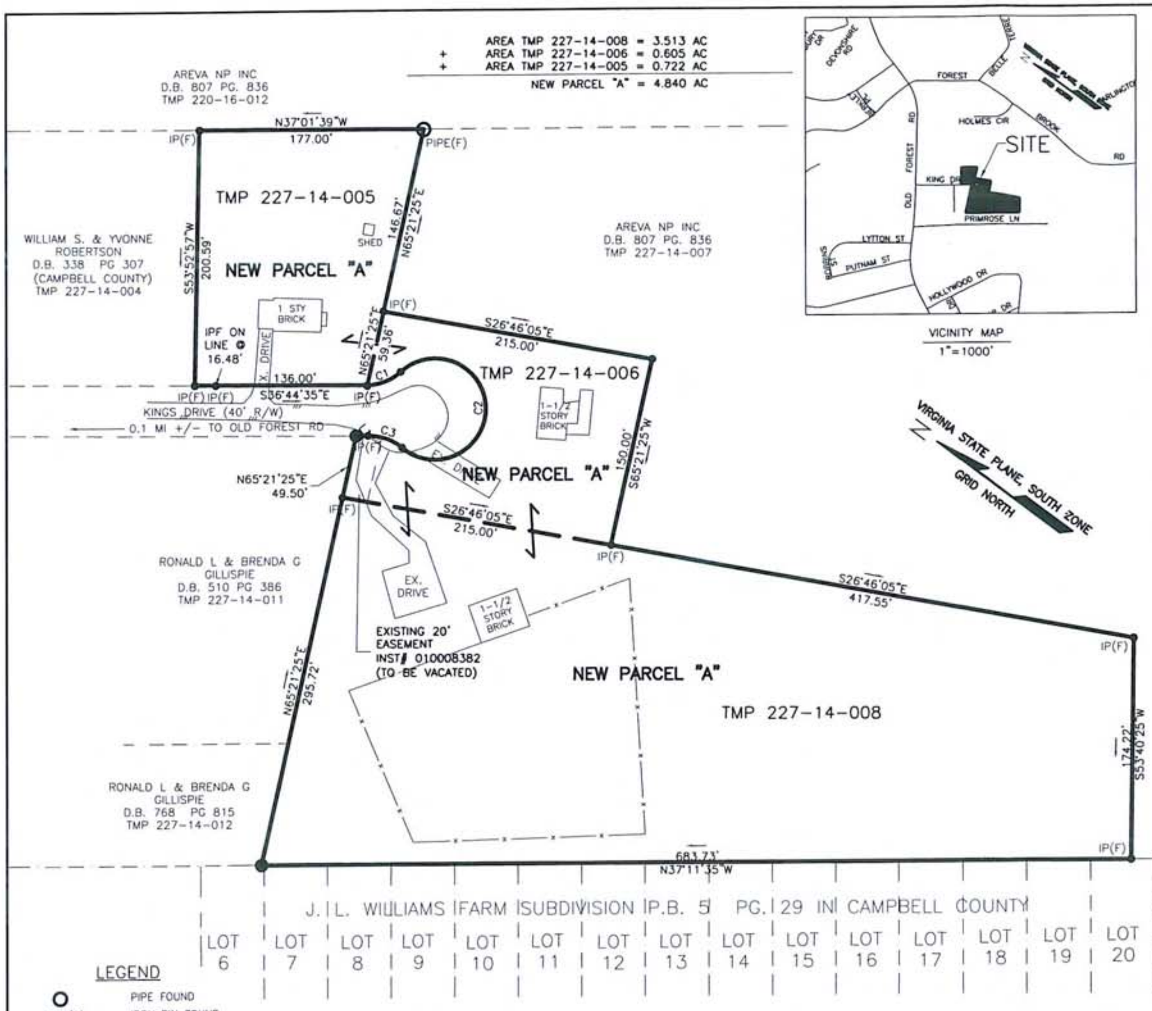
EMPLOYEE PARKING
PROPOSED PLANTING PLAN

HDLA HARVEY DESIGN LAND ARCHITECTS

Wiley & Wilson Employee-Owned

AREVA

RECEIVED
JUL 1 1 2008
COMMUNITY DEVELOPMENT



STATEMENTS AND SIGNATURES

SOURCE OF TITLE: (TMP 227-14-005)
THE PROPERTY AS SHOWN ON THIS PLAT IS THE PROPERTY CONVEYED UNTO AREVA NP, INC BY THAT CERTAIN DEED DULYON RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OFLYNCHBURG, VIRGINIA IN INSTRUMENT # 080005497, AND IS INDICATED AS TAX MAP PARCEL 227-14-005.

SOURCE OF TITLE: (TMP 227-14-006)
THE PROPERTY AS SHOWN ON THIS PLAT IS THE PROPERTY CONVEYED UNTO AREVA NP, INC BY THAT CERTAIN DEED DULY ON RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF LYNCHBURG, VIRGINIA IN INSTRUMENT# 010008382, AND IS INDICATED AS TAX MAP PARCEL 227-14-006.

SOURCE OF TITLE: (TMP 227-14-008)
THE PROPERTY AS SHOWN ON THIS PLAT IS THE PROPERTY CONVEYED UNTO CLAYTON L & ROBYN J JONES BY THAT CERTAIN DEED DULY ON RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF LYNCHBURG, VIRGINIA IN INSTRUMENT# 010004885, AND IS INDICATED AS TAX MAP PARCEL 227-14-008.

OWNER'S CONSENT AND DEDICATION STATEMENT:
THE SUBDIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY ENTITLED TO SUBDIVIDE.

____________________ DATE: __________
OWNER TITLE

STATE: VIRGINIA
COUNTY/CITY OF: LYCHBURG

I ____________________
A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNERS/REPRESENTATIVES WHOSE NAMES ARE SIGNED HEREON HAVE ACKNOWLEDGED THE SAME BEFORE ME THIS______DAY OF __________, ________

MY COMMISSION EXPIRES: ____________________

SIGNATURE: ____________________

ZONING CHANGE FROM R-3 TO B-1 HAS BEEN APPROVED BY CITY COUNCIL ON XX/XX/XX.

BASED ON A GRAPHIC DETERMINATION, THIS PROPERTY LIES IN ZONE "C" OF THE FEMA FIRM MAP 5100930005B DATED 9/1/1978

PRIVATE WATER AND PRIVATE SANITARY SERVICE IS AVAILABLE AT THIS SITE.

ALL CORNERS SHALL BE MONUMENTED AS SET FORTH ON THIS PLAT AS SOON AS IS PRACTICABLE.

THIS MAP WAS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF LYNCHBURG, VIRGINIA ON THIS ______ DAY OF __________,
THIS MAP WAS RECEIVED AND ADMITTED IN PLAT CABINET________ , SLIDE ________.

____
TESTEE

____
AGENT

THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.

BOUNDARY LINES NOT SURVEYED ARE CLEARLY MARKED AS BROKEN LINES.

THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE ENCROACHMENTS OR EASEMENTS EXCEPT AS SHOWN.

THIS PLAT DOES NOT ADDRESS THE EXISTENCE, DETECTION, OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.

UNLESS OTHERWISE SHOWN, NO BURIAL SITES WERE FOUND DURING THIS SURVEY.

PLAT APPROVED BY:

____
DATE CITY ENGINEER

____
DATE CLERK OF COUNCIL

____
DATE CITY PLANNER

____
DATE CITY MANAGER

IF THIS DRAWING IS A REDUCTION, GRAPHIC SCALE MUST BE USED.

SCALE: 1" = 60'

60' 0 60'

LEGEND

O	PIPE FOUND
• IP(F)	IRON PIN FOUND
◎	IRON PIN SET
o	POINT
— — —	PROPERTY LINE NOT SURVEYED
———	PROPERTY LINE SURVEYED
— —	VACATED PROPERTY LINE
// //	PAVEMENT
— x —	FENCELINE
TMP	TAX MAP PARCEL
D.B.	DEED BOOK
PG.	PAGE

LINE TABLE

LINE	LENGTH	BEARING
L1	9.60	N38°08'35"W

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD	CHD BRG
C1	41°24'38"	40.00	28.91	28.28	S58°50'35"E
C2	262°48'57"	40.00	183.48	60.00	N51°51'35"E
C3	41°24'38"	40.00	28.91	28.28	N17°26'16"W

COMMONWEALTH OF VIRGINIA
JOSEPH LEWIS
Lic. No.
LAND SURVEYOR

FOR REVIEW ONLY
NOT FOR RECORDATION

Wiley & Wilson
Employee-Owned
2310 Langhorne Road
Lynchburg, VA 24501-1547
(434) 947-1901
www.wileywilson.com

TITLE:
SUBDIVISION PLAT SHOWING VACATION OF BOUNDARY LINES FOR TAX MAP PARCELS 227-14-005, 006, 008
CITY OF LYNCHBURG, VA

SURVEYED JUNE 5, 2008

SCALE: 1" = 60'
DATE: JUL 10, 2008
DRAWN BY: BSH
COMM. NO. 207179
FILE: 207179_PLAT2

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: 17

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

ACTION: **X** INFORMATION:

ITEM TITLE: **FY 2008 Carry Forward**

RECOMMENDATION:
Hold a public hearing and adopt an ordinance amending the FY 2009 Operating Budget and appropriating funds to reflect the carry forward of unexpended funds in FY 2008, as well as amending the FY 2008 Operating Budget and appropriating funds as noted below:

SUMMARY:
The following funds are amended to reflect the carry forward of unexpended funds in FY 2008:

	Adopted FY 2009	Recommended Carry Forward	Amended FY 2009
General Fund			
Operations	$106,619,564	$856,857	$107,476,421
Transfers To/From Other Funds	2,226,792	150,519	2,377,311
Debt Service	13,421,558	0	13,421,558
Schools-Operations	32,442,103	0	32,442,103
Reserve for Contingencies	1,000,000	328,927	1,328,927
Community Dialogue Reserve	25,000	0	25,000
Juvenile Detention Workers Comp Reserve	20,000	0	20,000
Debt Service Reserve	1,329,836	0	1,329,836
Post Employment Benefits Reserve	250,000	0	250,000
Detention Home Future Capital Needs Reserve	0	150,000	150,000
Keep Them Home and Prevention Initiatives Reserve	0	50,000	50,000
Local Aid to the Commonwealth	800,000	0	800,000
Capital Improvements	6,110,238	62,000	6,172,238
Fuel Reserve	24,924	0	24,924
Ending Balance	14,160,819	0	14,160,819
Total	**$178,430,834**	**$1,598,303**	**$180,029,137**
Technology Fund			
Operations	$676,063	$722,141	$1,398,204
Capital Outlay	462,000		462,000
Ending Balance	131,239	0	131,239
Total	**$1,269,302**	**$722,141**	**$1,991,443**

	Adopted FY 2009	Recommended Carry Forward	Amended FY 2009
City Capital Projects Fund			
Total	**$27,881,658**	**($9,768,704)**	**$18,112,954**
City Federal State Aid Fund			
Operations	$2,545,908	$37,293	$2,583,201
Ending Balance	0	0	0
Total	**$2,545,908**	**$37,293**	**$2,583,201**
Fleet Fund			
Operations	$6,252,363	$178,818	$6,431,181
Debt Service	417,751	0	417,751
Reserves	193,152	0	193,152
Ending Balance	182,767	0	182,767
Total	**$7,046,033**	**$178,818**	**$7,224,851**
Community Development Block Grant Fund			
Operations	$913,859	$93,788	$1,007,647
Ending Balance	0	0	0
Total	**$913,859**	**$93,788**	**$1,007,647**
Home Investment Partnership Fund			
Operations	$418,171	$54,548	$472,719
Ending Balance	0	0	0
Total	**$418,171**	**$54,548**	**$472,719**
Asset Forfeiture Fund			
Operations	$65,477	$90,696	$156,173
Ending Balance	179,265	0	179,265
Total	**$244,742**	**$90,696**	**$335,438**
Sewer Fund			
Operations	$8,703,754	$343,747	$9,047,501
Debt Service	6,572,006	0	6,572,006
Capital Outlay	115,000	0	115,000
Transfers	2,000,000	0	2,000,000
Ending Balance	7,193,203	0	7,193,203
Total	**$24,583,963**	**$343,747**	**$24,927,710**

	Adopted FY 2009	Recommended Carry Forward	Amended FY 2009
Water Fund			
Operations	$8,062,788	$246,165	$8,308,953
Debt Service	2,677,206	0	2,677,206
Capital Outlay	10,000	0	10,000
Transfers	518,544	0	518,544
Ending Balance	3,866,599	0	3,866,599
Total	**$15,135,137**	**$246,165**	**$15,381,302**
Solid Waste Fund			
Operations	$0	$61,933	$61,933
Transfers	2,775,000	3,404	2,778,404
Ending Balance	6,628,666	0	6,628,666
Total	**$9,403,666**	**$65,337**	**$9,469,003**

The following funds are amended to reflect additional appropriations for FY 2008:

	FY 2008 New Initiatives
General Fund	**$225,000**
Comprehensive Services Act Fund	**$750,000**
Total All Funds	**$975,000**

Details of these adjustments can be found on Attachments A, B, C, and D.

Finally, Council policy requires a minimum Undesignated General Fund Balance of 10% of General Fund revenues. Fund Balance is projected to be approximately $22.7 million, or 14.7%, of General Fund revenues as of June 30, 2008.

PRIOR ACTION(S): City Council Work Session, August 12, 2008.

BUDGET IMPACT: As noted above

CONTACT(S): Donna Witt, Director of Financial Services, 455-3968
Cindy Speck, Budget Analyst, 455-4229

ATTACHMENT(S): Resolution
Attachment A: FY 2008 Carry Forward Requests to Amend FY 2009 Budget - Summary
Attachment B: FY 2008 Carry Forward Requests to Amend FY 2009 Budget - Detail
Attachment C: FY 2008 Adjustments - Summary
Attachment D: FY 2008 Adjustments - Detail

REVIEWED BY: lkp

RESOLUTION:

BE IT ORDAINED That the FY 2009 Budget is amended and funds are appropriated to reflect the carry forward of FY 2008 appropriations that were unexpended as of June 30, 2008 in the General, Technology, City Capital Projects, City/Federal/State Aid, Fleet, Community Development Block Grant, Home Investment Partnership, Asset Forfeiture, Sewer, Water, and Solid Waste Funds as follows:

	Adopted FY 2009	Recommended Carry Forward	Amended FY 2009
General Fund			
Operations	$106,619,564	$856,857	$107,476,421
Transfers To/From Other Funds	2,226,792	150,519	2,377,311
Debt Service	13,421,558	0	13,421,558
Schools-Operations	32,442,103	0	32,442,103
Reserve for Contingencies	1,000,000	328,927	1,328,927
Community Dialogue Reserve	25,000	0	25,000
Juvenile Detention Workers Comp Reserve	20,000	0	20,000
Debt Service Reserve	1,329,836	0	1,329,836
Post Employment Benefits Reserve	250,000	0	250,000
Detention Home Future Capital Needs Reserve	0	150,000	150,000
Keep Them Home and Prevention Initiatives Reserve	0	50,000	50,000
Local Aid to the Commonwealth	800,000	0	800,000
Capital Improvements	6,110,238	62,000	6,172,238
Fuel Reserve	24,924	0	24,924
Ending Balance	14,160,819	0	14,160,819
Total	**$178,430,834**	**$1,598,303**	**$180,029,137**
Technology Fund			
Operations	$676,063	$722,141	$1,398,204
Capital Outlay	462,000		462,000
Ending Balance	131,239	0	131,239
Total	**$1,269,302**	**$722,141**	**$1,991,443**

	Adopted FY 2009	Recommended Carry Forward	Amended FY 2009
City Capital Projects Fund			
Total	**$27,881,658**	**($9,768,704)**	**$18,112,954**
City Federal State Aid Fund			
Operations	$2,545,908	$37,293	$2,583,201
Ending Balance	0	0	0
Total	**$2,545,908**	**$37,293**	**$2,583,201**
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Operations	$6,252,363	$178,818	$6,431,181
Debt Service	417,751	0	417,751
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Total	**$7,046,033**	**$178,818**	**$7,224,851**
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Operations	$913,859	$93,788	$1,007,647
Ending Balance	0	0	0
Total	**$913,859**	**$93,788**	**$1,007,647**
Home Investment Partnership Fund			
Operations	$418,171	$54,548	$472,719
Ending Balance	0	0	0
Total	**$418,171**	**$54,548**	**$472,719**
Asset Forfeiture Fund			
Operations	$65,477	$90,696	$156,173
Ending Balance	179,265	0	179,265
Total	**$244,742**	**$90,696**	**$335,438**
Sewer Fund			
Operations	$8,703,754	$343,747	$9,047,501
Debt Service	6,572,006	0	6,572,006
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Ending Balance	7,193,203	0	7,193,203
Total	**$24,583,963**	**$343,747**	**$24,927,710**

	Adopted FY 2009	Recommended Carry Forward	Amended FY 2009
Water Fund			
Operations	$8,062,788	$246,165	$8,308,953
Debt Service	2,677,206	0	2,677,206
Capital Outlay	10,000	0	10,000
Transfers	518,544	0	518,544
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Total	**$15,135,137**	**$246,165**	**$15,381,302**
Solid Waste Fund			
Operations	$0	$61,933	$61,933
Transfers	2,775,000	3,404	2,778,404
Ending Balance	6,628,666	0	6,628,666
Total	**$9,403,666**	**$65,337**	**$9,469,003**

And, BE IT ORDAINED that the FY 2008 Budget be amended and funds be appropriated in the General, and Comprehensive Services Act Operating Funds as follows:

	FY 2008 New Initiatives
General Fund	**$225,000**
Comprehensive Services Act Fund	**$750,000**
Total All Funds	**$975,000**

And, BE IT FURTHER ORDAINED that the funds shall be used as identified in Attachments A, B, C, and D.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

100L

ATTACHMENT A

FY 2008 CARRY FORWARD REQUESTS TO AMEND FY 2009 BUDGET
SUMMARY BY FUND

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL
GENERAL FUND	$602,259	$453,977	$542,067	$1,598,303
TECHNOLOGY FUND	$0	$150,519	$571,622	$722,141
CITY CAPITAL PROJECTS FUND	$174,557	$500,900	($10,444,161)	($9,768,704)
FLEET SERVICES FUND	$1,318	$0	$177,500	$178,818
ASSET FORFEITURE FUND	$0	$90,696	$0	$90,696
SEWER OPERATING FUND	$0	$0	$343,747	$343,747
WATER OPERATING FUND	$0	$0	$246,165	$246,165
SOLID WASTE MANAGEMENT OPERATING FUND	$0	$0	$65,337	$65,337
CITY FEDERAL STATE AID FUND	$33,889	$0	$3,404	$37,293
HOME INVESTMENT PARTNERSHIP FUND	$0	$54,548	$0	$54,548
COMMUNITY DEVELOPMENT BLOCK GRANT FUND	$0	$93,788	$0	$93,788
TOTAL ALL FUNDS	$812,023	$1,344,428	($8,494,319)	($6,337,868)

FY 2008 CARRY FORWARD REQUESTS TO AMEND THE FY 2009 BUDGET - DETAIL

GENERAL FUND FY 2009	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
City Manager	$112,557			$112,557	Transfer from the Parking Authority Funding Project in the City Capital Projects Fund for Parking Authority Manager (salary, benefits, moving expenses, training, supplies, etc.).
Public Works	$9,719			$9,719	Appropriate additional Adopt-A-Bed Revenue.
Juvenile Services	$200,000			$200,000	Designate $150,000 in savings from Lynchburg allocation of Detention Home per diem charges for future capital needs, and $50,000 for initiatives related to the Keep Them Home program and other prevention initiatives to be determined.
Public Library	$7,600			$7,600	Appropriate funds for a library shelver wage position to assist with the overwhelming increase in use of the public library by citizens. Circulation has increased by 18% in four years and an average of 1,800 items are returned daily.
Financial Services	$20,000			$20,000	Appropriate funds to develop an Other Post Employment Benefits (OPEB) plan for the City.
Circuit Court Clerk			$22,799	$22,799	Carry forward unspent Library of Virginia grant
Registrar - Electoral Board			$190,414	$190,414	Carry forward funds for new voting machines. The voting machines will not be upgraded or replaced until after the presidential election.

FY 2008 CARRY FORWARD REQUESTS TO AMEND THE FY 2009 BUDGET - DETAIL

GENERAL FUND continued

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Virginia Cooperative Extension	$2,670			$2,670	Carry forward funds for salary adjustments.
Reserve for Contingencies		$200,000		$200,000	Carry forward funds to increase the FY 2009 Reserve for Contingencies from $1million to $1.2 million.
Reserve for Contingencies		$42,500		$42,500	Carry forward funds previously reserved for the local match for a Rescue Squad Assistance grant to purchase two LifePak 12 monitors/defibrillators, two AutoPulse™ devices, and one Masimo Carboxyhemoglobin monitor.
Reserve for Contingencies		$86,427		$86,427	Carry forward funds previously reserved for Fire & EMS Department grants for firefighter rehabilitation equipment, firefighter rehabilitation (Rehab) / command vehicle and Certified Firefighter Training for the City of Lynchburg, and the Counties of Amherst, Bedford, and Campbell.
Reserve for Contingencies Subtotal	$0	$328,927	$0	$328,927	
Communications and Marketing			$55,000	$55,000	Carry forward funds for the cost of upgrading the cable television studio lighting.
Communications and Marketing			$13,000	$13,000	Carry forward funds for backordered equipment for the cable television studio.
Communications and Marketing			$3,200	$3,200	Carry forward funds for the increased cost of transitioning from Suite Response software to Active software in Citizens First. Suite Response will no longer maintain their software.
Communications and Marketing Subtotal	$0	$0	$71,200	$71,200	

ATTACHMENT B

FY 2008 CARRY FORWARD REQUESTS TO AMEND THE FY 2009 BUDGET - DETAIL

GENERAL FUND continued

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Community Development - Director's Office	$27,000			$27,000	Carry forward funds to provide training and consultant assistance for the Community Development Block Grant as well as the HOME Investment Partnership Program.
Community Development - Planning			$161,000	$161,000	Carry forward funds for necessary consulting services due to change in direction on how Planning would proceed with ordinance updates. Council and the Planning Commission set-up a timeline for zoning ordinances and pushed it back to July 2009. Also, during consideration of the FY 2009 budget, $200,000 was removed from Planning's budget with the understanding that this carry forward would be approved
Community Development - Inspections			$45,863	$45,863	Carry forward funds for housing demolition that was not completed in FY 2008.
Transfer to Technology Fund from Community Development - GIS	$30,000			$30,000	Transfer funds to the Technology Fund to provide additional software consulting services for the conversion of GIS software to ESRI.
Community Development - Director's Office		$4,531		$4,531	Appropriate funds related to a new hire agreement.
Transfer to City Capital Projects Fund from Community Development - GIS and Engineering Operating	$62,000			$62,000	Transfer funds to the City Capital Projects Fund for renovations to the Community Development office for the One-Stop Shop.
Community Development Subtotal	$119,000	$4,531	$206,863	$330,394	
Human Resources - Occupational Health			$25,000	$25,000	Carry forward funds to provide physicals for Fire Department employees. The occupational health nurse is continuing to catch up on a backlog of
Human Resources - Health Management			$9,833	$9,833	Carry forward funds for the Health Management Program.
Human Resources Subtotal	$0	$0	$34,833	$34,833	

FY 2008 CARRY FORWARD REQUESTS TO AMEND THE FY 2009 BUDGET - DETAIL

GENERAL FUND continued

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Information Technology	$111,178			$111,178	Appropriate additional funds needed for FY 2009 IT staff pay adjustments.
Information Technology			$4,500	$4,500	Carry forward funds for New World Systems programming for Utility Billing.
Information Technology			$11,458	$11,458	Carry forward funds for implementation of the Work Management System. This project spans multiple years; the system was acquired in spring 2008 and installation will begin fall 2008.
Transfer to Technology Fund from I.T. Operating		$120,519		$120,519	Carry forward to the Technology Fund per June 2000 Council approved Information Technology Policy.
Information Technology Subtotal	$111,178	$120,519	$15,958	$247,655	
Fund Balance	$19,535			$19,535	Appropriate funds to return a $17,167 Local Emergency Management Performance Grant, with $2,368 of accrued interest to the Federal government. The City utilized current staff to perform the work rather than hiring a consultant, therefore, the grant funds were not spent.
GENERAL FUND TOTAL				**$1,598,303**	

FY 2008 CARRY FORWARD REQUESTS TO AMEND THE FY 2009 BUDGET - DETAIL

TECHNOLOGY FUND FY 2009

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Information Technology			$25,000	$25,000	Carry forward funds for the Case Management System for the City Attorney's Office.
Information Technology			$354,412	$354,412	Carry forward funds to provide additional software consulting services for the conversion of GIS software to ESRI.
Information Technology			$63,540	$63,540	Carry forward funds for implementation of a documentation management system.
Information Technology			$80,000	$80,000	Carry forward funds for implementation of a new real estate billing system.
Information Technology			$2,025	$2,025	Carry forward funds for Technology Day.
Information Technology			$46,645	$46,645	Carry forward funds for modifications to the HVAC system at the IT Center to improve air flow.
Transfer from General Fund		$30,000		$30,000	Transfer funds from the General Fund to provide additional software consulting services for the conversion of GIS software to ESRI.
Transfer from General Fund		$120,519		$120,519	Carry forward from the General Fund per June 2000 Council approved Information Technology Policy.
TECHNOLOGY FUND TOTAL	$0	$150,519	$571,622	**$722,141**	

CITY CAPITAL PROJECTS FUND FY 2009

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Transfer from General Fund from Community Development - GIS and Engineering Operating	$62,000			$62,000	Transfer funds from the General Fund for renovations to the Community Development office for the One-Stop Shop.
Transfer to General Fund	$112,557			$112,557	Transfer funds to the General Fund from City Capital Fund for Parking Authority Manager.
Appropriate revenue from Industrial Development Authority (IDA) for AREVA		$500,000		$500,000	Appropriate a $500,000 contribution from the IDA for infrastructure improvements related to the expansion of AREVA.

FY 2008 CARRY FORWARD REQUESTS TO AMEND THE FY 2009 BUDGET - DETAIL

CITY CAPITAL PROJECTS FUND Cont'd

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Bridge Maintenance		$900		$900	Appropriate the retainage withheld for liquidated damages incurred on the Cranehill Drive Bridge project. Funds will be appropriated to Bridge Maintenance project.
Midtown Connector Phase I			($6,359,210)	($6,359,210)	Rescind appropriations for Midtown Connector Phase I based upon the allocation of Urban Funds from the Virginia Department of Transportation. (Housekeeping)
Midtown Connector Phase II			($3,927,772)	($3,927,772)	Rescind appropriations for Midtown Connector Phase II based upon the allocation of Urban Funds from the Virginia Department of Transportation. (Housekeeping)
Breezewood Dr. Phase I			($157,179)	($157,179)	Rescind appropriations for Breezewood Phase I based upon the allocation of Urban Funds from the Virginia Department of Transportation. (Housekeeping)
				($10,443,261)	
CITY CAPITAL PROJECTS FUND TOTAL				**($9,768,704)**	

FLEET SERVICES FUND FY 2009

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Fleet			$163,000	$163,000	Carry forward funds from the vehicle auction to pay for vehicle replacements.
Fleet	$1,318			$1,318	Appropriate a reimbursement received for building damages to provide repairs to the building.
Fleet			$5,500	$5,500	Carry forward funds to provide interim help while a technician is on military leave.
Fleet			$4,000	$4,000	Carry forward funds for anticipated electricity increases.
Fleet			$5,000	$5,000	Carry forward funds for anticipated natural gas increases.
FLEET SERVICES FUND TOTAL				**$178,818**	

FY 2008 CARRY FORWARD REQUESTS TO AMEND THE FY 2009 BUDGET - DETAIL

ASSET FORFEITURE FUND FY 2009

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Police Department		$18,183		$18,183	Appropriate revenue received in order for funds to be expended in compliance with Fund guidelines.
Commonwealth Attorney		$72,513		$72,513	Appropriate revenue received in order for funds to be expended in compliance with Fund guidelines.
				$90,696	

SEWER OPERATING FUND FY 2009

Utilities			$179,747	$179,747	Carry forward funds for the Work Management System.
Utilties			$38,000	$38,000	Carry forward funds to replace old radios.
Utilities			$126,000	$126,000	Carry forward funds for the new GIS system.
				$343,747	

WATER OPERATING FUND FY 2009

Utilities			$106,990	$106,990	Carry forward funds for the Work Management System.
Utilities			$13,175	$13,175	Carry forward funds to replace old radios.
Utilities			$126,000	$126,000	Carry forward funds for the new GIS system.
				$246,165	

SOLID WASTE MANAGEMENT OPERATING FUND FY 2009

Transfer to City Federal State Aid Fund			$3,404	$3,404	Transfer the Citizens for Clean Lynchburg grant balance to the City Federal State Aid Fund.
Public Works			$61,933	$61,933	Carry forward funds for change orders that will be received for Phase I landfill closure.
				$65,337	

CITY FEDERAL STATE AID FUND

Fire & EMS	$33,889			$33,889	Appropriate the 4-for-Life grant.
Transfer from Solid Waste Management Operating Fund			$3,404	$3,404	Transfer the Citizens for Clean Lynchburg grant balance from the Solid Waste Operating Fund.
Total City Federal State Aid Fund				**$37,293**	

FY 2008 CARRY FORWARD REQUESTS TO AMEND THE FY 2009 BUDGET - DETAIL

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
HOME INVESTMENT PARTNERSHIP FUND					
Community Development		$54,548		**$54,548**	Appropriate additional grant funding to match the grant award.
COMMUNITY DEVELOPMENT BLOCK GRANT FUND					
Community Development		$93,788		**$93,788**	Appropriate additional grant funding to match the grant award.

ATTACHMENT C

FY 2008 ADJUSTMENTS
SUMMARY BY FUND

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL
GENERAL FUND	$225,000	$0	$0	$225,000
COMPREHENSIVE SERVICES ACT FUND	$750,000	$0	$0	$750,000
TOTAL ALL FUNDS	$975,000	$0	$0	$975,000

ATTACHMENT D

FY 2008 ADJUSTMENTS - DETAIL

GENERAL FUND FY 2008

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Transfer to CSA Fund	$225,000			**$225,000**	Transfer funds to the Comprehensive Services Act Fund to provide the local match for additional expenditures.

COMPREHENSIVE SERVICES ACT FUND FY 2008

	NEW INITIATIVES	FY 2008 PREVIOUSLY APPROVED BUT NOT APPROPRIATED	FY 2008 APPROPRIATIONS APPROVED BUT UNSPENT	TOTAL	
Transfer from General Fund	$750,000			**$750,000**	Appropriation is needed to cover unexpected expenditures incurred. $525,000 is funded from additional State revenue, while $225,000 is needed from the General Fund.

W. J. Norris
P. O. Box 4325
Lynchburg, VA 24502

Patricia Kost
Lynchburg City Council Clerk
900 Main Street
Lynchburg, VA 24504

Dear Ms. Kost

I respectfully request, as is my constitutional right under the First Amendment of the federal U. S. Constitution, to petition Lynchburg City Council for redress of grievances concerning violations of my rights under U. S. Bankruptcy Law by a contractor of the City of Lynchburg, VA, Inc. during the calendar year 2004. As an honorably discharged veteran, a voter, a citizen and taxpayer I reserve all rights under the First Amendment of the U. S. Constitution and shall insist that my rights not be abridged by City Council while petitioning said council for redress of above grievances. I request that this petition be placed on the next available City Council Meeting. Enclosed is a copy of the aforesaid First Amendment of the U. S. Constitution copied from Cornell University website.

My phone number is 1-434-250-9939. The 250 part is a Danville, VA telephone register. Please dial the area code as part of the number to reach me as my phone is generally not busy.

Respectfully yours,

W. J. Norris

PS Redress of grievance concerning dangerous situation at cross-walks, both downtown and at GLTC Plaza Hub.

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: 19

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Central Virginia Community Services FY 2009 Performance Contract**

RECOMMENDATION:

Adopt resolution approving the Central Virginia Community Services FY 2009 Performance Contract

SUMMARY:

Section 37.1-198(B)(ii) of the Code of Virginia requires City Council approval of the Central Virginia Community Services FY 2009 Performance Contract. Localities are asked to consider such action by September 15; and if approval is not received by then, the FY 2009 Performance Contract will be deemed approved by the State.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

L. Wayne Trent 847-8050

ATTACHMENT(S):

Resolution
FY 2009 Performance Contract

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the Lynchburg City Council does hereby approve the Central Virginia Community Services FY 2009 Performance Contract as required by Section 37.1-198(B)(ii) of the Code of Virginia.

Adopted:

Certified: ______________________________
Clerk of Council

090P

CENTRAL VIRGINIA
COMMUNITY SERVICES
Behavioral Healthcare

ADMINISTRATION

2241 LANGHORNE ROAD, LYNCHBURG, VA 24501
434-847-8050 • TDD: 434-847-8062 • FAX: 434-847-6099

Aug 12 City Council mtg.

July 11, 2008

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

Dear Kim:

Enclosed please find a copy of the Central Virginia Community Services FY 2009 Performance Contract with the Department of Mental Health, Mental Retardation and Substance Abuse Services.

The contract requires us to seek formal approval of this document each year from the participating local governments that we serve. Localities are asked to take a formal action of approval and to inform the CSB of the type of action – ordinance, resolution, or motion and voice vote. Localities are asked to consider such action by September 15; if approval is not received by then, it will be "deemed" approved by the State.

Thank you for your help in this matter. Please call me with any questions you may have.

Sincerely,

Sandy Fonche for Wayne Trent

L. Wayne Trent, Director
Administration & Finance

RECEIVED
JUL 16 2008

Exhibit A

Central Virginia

Consolidated Budget				
Revenue Source	**Mental Health**	**Mental Retardation**	**Substance Abuse**	**TOTAL**
State Funds	488,633	372,290	1,088,356	1,949,279
State Restricted Funds	3,053,794	0	280,224	3,334,018
Local Matching Funds	621,936	248,116	0	870,052
Total Fees	17,416,096	5,504,817	1,897,930	24,818,843
Transfer Fees (To)/From	0	99,497	-99,497	0
Federal Funds	177,088	0	1,551,089	1,728,177
Other Funds	476,734	503,949	742,244	1,722,927
State Retained Earnings	30,000	0	0	30,000
Federal Retained Earnings	0		0	0
Other Retained Earnings	0	0	0	0
Subtotal Funds	**22,264,281**	**6,728,669**	**5,460,346**	**34,453,296**
State Funds One-Time	0			0
State Restricted Funds One-Time		0		0
Federal Funds One-Time	0		0	0
Subtotal One -Time Funds	**0**	**0**	**0**	**0**
TOTAL ALL FUNDS	**22,264,281**	**6,728,669**	**5,460,346**	**34,453,296**
Cost for MH/MR/SA	**21,292,372**	**6,531,459**	**4,477,846**	**32,301,677**
Cost for Services Available Outside of a Program Area				**995,462**
Total Cost				**33,297,139**

Local Match Computation	
Total State Restricted and State Funds	5,283,297
Total Local Matching Funds	870,052
Total State and Local Funds	6,153,349
Total Local Match %	**14.14%**

Administration Expenses	
Total Admin. Expenses	3,234,829
Total Expenses	33,297,139
% Administration	**9.72%**

FY 2009 Community Services Performance Contract Financial Summary

Mental Health

Central Virginia

Revenue Source	Revenue
Fees	
MH Medicaid Fees	16,093,298
MH Fees: Other	1,322,798
Total MH Fees	17,416,096
MH Transfer Fees (To)/From	0
MH Net Fees	17,416,096
Restricted Funds	
Federal	
MH FBG SED C & A	152,220
MH FBG SMI	18,691
MH FBG PACT	0
MH FBG Geriatrics	0
MH FBG Consumer Services	0
MH Fed PATH	6,177
MH Other Federal - DMHMRSAS	0
MH Other Federal - CSB	0
Total Federal Restricted MH Funds	177,088
State	
MH Acute Care (Fiscal Agent)	0
MH Transfer In/(Out) Acute Care	120,655
MH Net Acute Care	120,655
MH Regional DAP (Fiscal Agent)	720
MH Transfer In/(Out) Regional DAP	0
MH Net Regional DAP	720
MH Facility Reinvestment (Fiscal Agent)	217,324
MH Transfer In/(Out) Facility Reinvestment	0
MH Net Facility Reinvestment	217,324
MH Regional DAD/Wintex (Fiscal Agent)	0
MH Transfer In/(Out) Regional DAD/Wintex	0
MH Net Regional DAD/Wintex	0
MH Crisis Stabilization (Fiscal Agent)	0
MH Transfer In/(Out) Crisis Stabilization	0
MH Net Crisis Stabilization	0
MH Recovery (Fiscal Agent)	0
MH Transfer In/(Out) Recovery	0
MH Net Recovery	0
MH Transformation (Fiscal Agent)	1,081,458
MH Transfer In/(Out) Transformation	47,800
MH Net Transformation	1,129,258
MH DAD/Wintex	0
MH PACT	700,000
MH Discharge Assistance (DAP)	524,638

FY 2009 Community Services Performance Contract Financial Summary

Mental Health

Central Virginia

Revenue Source	Revenue
MH Child & Adolescent Services Initative	221,199
MH Pharmacy (Blue Ridge)	0
MH Demo Proj-System of Care (Child)	0
MH Juvenile Detention	110,000
MH Jail Diversion/Service	30,000
MH Geriatrics	0
MH Civil Commitment Law Reforms	0
Total State Restricted MH Funds	3,053,794
Other Funds	
MH Other Funds	476,734
MH Federal Retained Earnings	0
MH State Retained Earnings	30,000
MH State Retained Earnings - Regional Prog	0
MH Other Retained Earnings	0
Total Other MH Funds	506,734
State Funds	
MH State General Funds	463,633
MH State Regional Deaf Services	0
MH State NGRI	0
MH State Children's Services	25,000
Total State MH Funds	488,633
Local Matching Funds	
MH In-Kind	0
MH Contributions	0
MH Local Other	0
MH Local Government	621,936
Total Local MH Funds	621,936
Total MH Revenue	**22,264,281**
MH One Time Funds	
MH FBG SWVMH Board	0
MH FBG SMI	0
MH FBG SED C & A	0
MH FBG Consumer Services	0
MH Fed Emergency Preparedness and Response	0
MH Fed SERG	0
MH State General Funds	0
Total One Time MH Funds	**0**
Total All MH Revenue	**22,264,281**

FY 2009 Community Services Performance Contract Financial Summary

Mental Retardation

Central Virginia

Revenue Sources	Revenue
Fees	
MR Medicaid Fees	3,750,428
MR Medicaid ICF/MR	1,388,122
MR Fees: Other	366,267
MR Fees: Part C	0
Total MR Fees	5,504,817
MR Transfer Fees (To)/From	99,497
MR Net Fees	5,604,314
Restricted Funds	
Federal	
MR Other Federal - DMHMRSAS	0
MR Other Federal - CSB	0
Total Federal Restricted MR Funds	0
State	
MR Facility Reinvestment (Fiscal Agent)	0
MR Transfer In/(Out) Facility Reinvestment	0
MR Net Facility Reinvestment	0
MR Transformation	0
Total State Restricted MR Funds	0
Other Funds	
MR Workshop Sales	0
MR Other Funds	36,978
MR Other Funds - Part C	466,971
MR State Retained Earnings	0
MR Other Retained Earnings	0
Total Other MR Funds	503,949
State Funds	
MR State General Funds	308,531
MR OBRA	57,333
MR Family Support	0
MR Children's Family Support	6,426
Total State MR Funds	372,290

FY 2009 Community Services Performance Contract Financial Summary

Mental Retardation

Central Virginia

Revenue Sources	Revenue
Local Matching Funds	
MR In-Kind	0
MR Contributions	0
MR Local Other	0
MR Local Government	248,116
Total Local MR Funds	248,116
Total MR Revenue	6,728,669
MR One Time Funds	
MR Waiver-Start Up	0
Total One Time MR Funds	0
Total ALL MR Revenue	6,728,669

FY 2009 Community Services Performance Contract Financial Summary

Substance Abuse

Central Virginia

Revenue Sources	Revenue
Fees	
SA Medicaid Fees	1,383,268
SA Fees: Other	514,662
Total SA Fees	1,897,930
SA Transfer Fees (To)/From	-99,497
SA Net Fees	1,798,433
Restricted Funds	
Federal	
SA FBG Alcohol/Drug Trmt	796,856
SA FBG Women	74,115
SA FBG Prevention-Women	0
SA FBG SARPOS	132,797
SA FBG Facility Diversion	54,451
SA FBG Jail Services	0
SA FBG Crisis Intervention	200,000
SA FBG Prevention	192,870
SA FBG Co-Occurring	0
SA FBG Prev-Strengthening Families	100,000
SA FBG New Directions	0
SA Fed VASIP/COSIG (Fiscal Agent)	0
SA Fed Transfer In/(Out) VASIP/COSIG	0
SA Net VASIP/COSIG	0
SA Fed Project REMOTE	0
SA Fed Project TREAT	0
SA Other Federal - DMHMRSAS	0
SA Other Federal - CSB	0
Total Federal Restricted SA Funds	1,551,089
State	
SA Facility Reinvestment (Fiscal Agent)	0
SA Transfer In/(Out) Facility Reinvestment	0
SA Net Facility Reinvestment	0
SA Facility Diversion	235,000
SA Women	0
SA Crisis Stabilization	0
SA MAT	0
SA Transformation	0
SA SARPOS	45,224
SA Recovery	0
SA HIV/AIDS	0
Total State Restricted SA Funds	280,224

FY 2009 Community Services Performance Contract Financial Summary

Substance Abuse

Central Virginia

Revenue Sources	Revenue
Other Funds	
SA Other Funds	742,244
SA Federal Retained Earnings	0
SA State Retained Earnings	0
SA State Retained Earnings-Regional Prog	0
SA Other Retained Earnings	0
Total Other SA Funds	742,244
State Funds	
SA State General Funds	1,072,696
SA Region V Residential	0
SA Postpartum - Women	15,660
SA Jail Services/Juv Detention	0
Total State SA Funds	1,088,356
Local Matching Funds	
SA In-Kind	0
SA Contributions	0
SA Local Other	0
SA Local Government	0
Total Local SA Funds	0
Total SA Revenue	5,460,346
SA One Time Funds	
SA FBG Alcohol/Drug Trmt	0
SA FBG Women	0
SA FBG Prevention	0
Total One Time SA Funds	0
Total ALL SA Revenue	5,460,346

FY 2009 Community Services Performance Contract

Local Government Tax Appropriations

Central Virginia

City/County	Tax Appropriation
Amherst County	102,483
Appomattox County	38,555
Bedford City	6,503
Bedford County	104,386
Campbell County	157,404
Lynchburg City	460,721
Total Local Government Tax Funds:	870,052

FY 2009 Community Services Performance Contract

Supplemental Information

Reconciliation of Financial Report and Utilization Data (Core Services) Expenses

Central Virginia

	MH	MR	SA	Services Outside Prog. Area	Total
Financial Report Revenue	22,264,281	6,728,669	5,460,346	0	34,453,296
Utilization Data Expenses	21,292,372	6,531,459	4,477,846	995,462	33,297,139
Difference	971,909	197,210	982,500	-995,462	1,156,157

Difference results from

Other 1,156,157

Explanation of Other: Contributions to Reserve Fund as directed by the Board of Directors

FY 2009 Community Services Performance Contract
CSB 100 Mental Health Services
Central Virginia

Report for Form 11

Core Services Code / or Consumer Designation Code

	Consumers Served	Costs
250 Acute Psychiatric or SA Inpatient Services	50	$242,070
310 Outpatient Services	4000	$5,768,200
350 Assertive Community Treatment	80	$1,066,766
320 Case Management Services	3750	$4,779,439
410 Day Treatment/Partial Hospitalization	775	$5,942,225
425 Rehabilitation/Habilitation	175	$539,452
510 Residential Crisis Stabilization Services	150	$498,052
551 Supervised Residential Services	30	$954,411
581 Supportive Residential Services	240	$1,389,682
610 Prevention Services		$112,075
910 Discharge Assistance Project (DAP)	16	
915 MH Child and Adolescent Services Initiative	40	
916 MH Services for C&A in Juvenile Detention Centers	400	
918 Program of Assertive Community Treatment (PACT)	80	
919 Prog for Assist in Trans fm Homelessness (PATH)	40	
	Total Costs	**$21,292,372**

FY 2009 Community Services Performance Contract
CSB 200 Mental Retardation Services
Central Virginia

Report for Form 21

Core Services Code / or Consumer Designation Code

	Consumers Served	Costs
320 Case Management Services	950	$1,545,713
501 Highly Intensive Residential Services	14	$1,416,977
521 Intensive Residential Services	40	$2,756,005
581 Supportive Residential Services	100	$109,086
625 Infant and Toddler Intervention Services	375	$703,678
920 Medicaid Mental Retardation HCB Waiver Services	60	
	Total Costs	**$6,531,459**

FY 2009 Community Services Performance Contract
CSB 300 Substance Abuse Services
Central Virginia

Report for Form 31

Core Services Code / or Consumer Designation Code

	Consumers Served	Costs
310 Outpatient Services	700	$1,716,363
320 Case Management Services	350	$671,055
501 Highly Intensive Residential Services	500	$1,461,884
610 Prevention Services		$628,544
	Total Costs	**$4,477,846**

FY 2009 Community Services Performance Contract
CSB 400 Services Available Outside of a Program Area
Central Virginia

Report for Form 01

Core Services Code

	Consumers Served	Costs
100 Emergency Services	1650	$834,035
318 Motivational Treatment Services	600	$63,898
390 Consumer Monitoring Services	65	$36,994
720 Assessment and Evaluation Services	350	$60,535
	Total Costs	**$995,462**

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: 20

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Adoption of a Resolution Approving the Issuance of Debt by the Central Virginia Community Services Board and Related Matters**

RECOMMENDATION: Adopt the attached resolution approving the issuance of additional debt by the Central Virginia Community Services Board (CVCSB).

SUMMARY: The CVSB wishes to borrow additional funds for the purpose of acquiring the Altavista Group Home. CVSB is in the 18th year of a 30 year lease on that property. The owner of the property, the Piedmont Council no longer wishes to manage it and has offered to sell the property to CVSB. Funds for the purchase, $290,000, would be borrowed under authorization granted in 2006 by the CVSB's member jurisdictions. The proposed resolution grants the authority to amend and restate the original loan to accommodate the additional borrowing.

PRIOR ACTION(S): February 14, 2006, Council authorized the original loan.

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Resolution and Exhibit

REVIEWED BY: lkp

RESOLUTION OF THE LYNCHBURG CITY COUNCIL APPROVING THE ISSUANCE OF DEBT BY THE CENTRAL VIRGINIA COMMUNITY SERVICES BOARD AND RELATED MATTERS

WHEREAS, the Central Virginia Community Services Board (the Board) is a public body politic and corporate of the Commonwealth of Virginia duly created pursuant to Chapter 5, Subtitle II, Title 37.2 of the Code of Virginia of 1950, as amended (the Act), and is organized and operated in accordance with the Charter Agreement by and among the Counties of Amherst, Appomattox, Bedford and Campbell, and the Cities of Bedford and Lynchburg (collectively, the Member Jurisdictions);

WHEREAS, pursuant to the terms and conditions of the Act, the Board is authorized to accept loans as authorized by its Member Jurisdictions;

WHEREAS, the Board has previously issued, and the Member Jurisdications have previously appoved, the issuance of the Board's $1,665,000 Public Improvement Note, Series 2006 (the Series 2006 Note) for the purpose of refinancing certain existing indebtedness of the Board with proceeds derived from the issuance of variable rate demand revenue bonds by the Industrial Development Authority of the County of Stafford and the City of Stanton, Virginia (the Authority) pursuant to the Virginia Municipal League/Virginia Association of Counties Commercial Paper Program, Series 2005A (the VML/VACo Commercial Paper Program); and

WHEREAS, the Board has approved, subject to the approval of the Member Jurisdictions, the borrowing of additional moneys under the VML/VACo Commercial Paper Program in an amount not to exceed $290,000 (the Additional Loan) for the purpose of acquiring and improving the Altavista Group Home, the Additional Loan to be made under the same terms and conditions as the Series 2006 Note as summarized at the end of Exhibit A attached hereto;

NOW, THEREFORE, BE IT RESOLVED:

1. The Lynchburg City Council (the "Locality") consents to the making of the Additional Loan and the execution and delivery of the documents and instruments related thereto in order to finance the acquisition and improvement of the Altavista Group Home and to pay related costs and expenses, upon terms and conditions as heretofore approved by the Board in its approving resolution with respect to the Additional Loan.

2. Each duly authorized officer of the Locality is hereby authorized to execute and deliver such additional instruments or to take such additional action as may be reasonably necessary to effectuate the purposes and intent of this resolution and the issuance of the Additional Loan by the Board. Under no circumstances, however, shall the payment of debt service on the Additional Loan constitute a general obligation indebtedness or a pledge of the full faith and credit or taxing power of any of the Member Jurisdictions.

3. This resolution shall take effect immediately.

Adopted:

Certified: ______________________________
Clerk of Council

096L

DESCRIPTION OF THE LOAN

(1) **Original Loan Commencement Date:** June 8, 2006

Loan Maturity Date: July 1, 2021

(2) **Names and addresses of Loan Participants:**

<u>Borrower</u>	**<u>Bank</u>**
Central Virginia Community Services Board 2241 Langhorne Road Lynchburg, Virginia 24501 Attention: Executive Director	Bank of America, N.A. Commercial Banking VA2-300-18-02 1111 East Main Street Richmond, Virginia 23219 Attention: John R. Dietrich, Vice President

(3) **Loan Amount and Interest Rate**:

(a) Maximum Amount Approved by Borrower: $1,665,000

(b) Principal Amount issued on original Loan Commencement Date: $1,665,000

(c) Outstanding principal balance of original Loan $1,365,000

(d) Principal Amount of Additional Loan approved by Program Administrator and the Bank: $ 290,000

(e) Interest Rate – A variable rate based on a term not exceeding 270 days; the current term being approximately 30 days; and the current interest rate being 1.65%. The average interest rate for the previous 12 monthly remarketing periods ending June 26, 2008, was 2.68%.

(4) **Description of the Project**:

The Project includes the refinancing of certain existing indebtedness of the Borrower, together with related costs and expenses, and with respect to the Additional Loan, the acquisition and improvement of the Altavista Group Home.

(5) **Letter of Credit Commitment**:

(a) Letter of Credit Requirement:

Letter of Credit Requirement	Effective on Additional Loan Commencement Date	Total
Principal	$1,655,000	$1,655,000
Interest (calculated for 35 days at Maximum Rate of 10%, based on 360 day year)	$ 16,091	$ 16,091
TOTAL		$1,671,091

(b) Commitment Expiration Date: May 31, 2009, as it may be extended by the Bank in its sole discretion.

(c) Annual Letter of Credit Fee (expressed as a percentage of the Letter of Credit Requirement as of the date of each calculation): 85 basis points (0.85%), The Annual Letter of Credit Fee shall be calculated on the basis of a 360-day year and the actual number of days elapsed.

(d) Payment of Letter of Credit Fee: Monthly in arrears.

(e) Amendments to the Letter of Credit: Changes to the Letter of Credit as a result of modifications in the Schedule of Advances, changes in the Loan Maturity Date or other actions taken by the Borrower may require amendments to the Letter of Credit, which shall be made at the Borrower's expense. Notwithstanding the foregoing, the Borrower is entitled to repay its Loan in full at no additional expense to the Borrower.

(6) **Costs of Issuance**:

Costs of Issuance payable on Additional Loan Commencement Date shall not exceed $10,000

(7) **Security Instruments**:

Credit Line Deed of Trust dated as of June 1, 2006 executed and delivered by the Borrower with respect to the real and personal property located at 2235 Landover Place and 2241 Langhorne Road in Lynchburg, Virginia, together with the Altavista Group Home at 101 Avoca Lane.

(8) **Estimated Periodic Principal Redemption Schedule**:*

Date	**Amount**
December 1, 2008	$ 65,000
June 1, 2009	65,000
December 1, 2009	65,000
June 1, 2010	65,000
December 1, 2010	65,000
June 1, 2011	65,000
December 1, 2011	65,000
June 1, 2013	65,000
December 1, 2013	65,000
June 1, 2014	65,000
December 1, 2014	65,000
June 1, 2015	65,000
December 1, 2015	65,000
June 1, 2016	65,000
December 1, 2016	65,000
June 1, 2017	65,000
December 1, 2017	65,000
June 1, 2018	65,000
December 1, 2018	65,000
June 1, 2019	65,000
December 1, 2019	80,000
June 1, 2020	80,000
December 1, 2020	80,000
June 1, 2021	115,000

* Preliminary, subject to change

::ODMA\PCDOCS\DOCSNFK\1387848\1

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008** AGENDA ITEM NO.: 21

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Resolution Regarding Employees' Contribution to VRS**

RECOMMENDATION:
Based on a recent Internal Revenue Service (IRS) ruling and in response to a Virginia Retirement System (VRS) requirement to formally reaffirm that the City of Lynchburg "picks-up" the 5% employee contribution to VRS no later than September 30, 2008, staff recommends approval of the attached resolution.

SUMMARY:
IRS rules, section 414(h)(2), provide a special rule for qualified retirement plans established by a state government or political subdivision thereof. Under this rule, contributions, although designated as employee contributions are nevertheless treated as employer contributions if the contributions are "picked up" by the employing unit.

In response to recent IRS rulings on this matter, VRS is engaged in a full audit of "pick up" plan resolutions and has established a process to obtain a new resolution from each VRS employer. While we have enacted such a resolution in the past, VRS is requiring a formal reaffirmation of our plan so as to meet the requirements of the new IRS ruling. This reaffirmation will bring VRS records up to date and will ensure that all employers have an executed resolution, in proper format, on file with VRS.

Under state law, the City is already required to "pick up" the employee retirement contribution. In order to maintain the favorable tax treatment of the City's employee member contributions and avoid significant multi-year reporting and recordkeeping burdens on the employer, staff requests that City Council reaffirm through resolution that the City pays the 5% employee contribution on behalf of member employees.

PRIOR ACTION(S): Resolution passed on May 25, 1982 initially approved City funding of the 5% employee contribution to VRS.

FISCAL IMPACT: None

CONTACT(S): Margaret Schmitt – 455-4208

ATTACHMENT(S):

Resolution: Affirmation of Authorization to Pick-up the Employee's Contribution to VRS for the City of Lynchburg

IRS Bulletin 2006-35 regarding Revised Rule 2006-43

REVIEWED BY: lkp

RESOLUTION

Affirmation of Authorization to Pick-up the Employee's Contribution to VRS for the CITY OF LYNCHBURG, 55210, Under § 414(h) of the Internal Revenue Code.

WHEREAS, the CITY OF LYNCHBURG provides its employees with tax deferral pursuant to § 414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS;

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009.

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the CITY OF LYNCHBURG desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution, and it is further

RESOLVED that effective the first pay day on or after August 12, 2008 the CITY OF LYNCHBURG shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the CITY OF LYNCHBURG_ in lieu of member contributions; and it is further

RESOLVED that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED that member contributions made by the CITY OF LYNCHBURG under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the CITY OF LYNCHBURG directly instead of having them paid to VRS; and it is further

RESOLVED that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the CITY OF LYNCHBURG shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the CITY OF LYNCHBURG on behalf of such employee pursuant to the foregoing resolutions.

Adopted:

Certified: ______________________________
Clerk of Council

089L

Adopted in ____________, Virginia this _______ day of ______________, _________.

____

Name & Title Printed

____

Authorized Signature- Title

Internal Revenue Bulletin: 2006-35
August 28, 2006

Rev. Rul. 2006-43

Government pick-up plans; employer contributions; income tax; prospective application. This ruling describes the actions required for a state or its political subdivisions, etc., to “pick-up” or treat certain contributions as employer contributions to a plan qualified under section 401(a) of the Code. If certain criteria are met, this ruling will be applied prospectively. Rev. Ruls. 81-35, 81-36, and 87-10 amplified and modified.

ISSUES

What actions are required in order for a State or political subdivision thereof, or an agency or instrumentality of any of the foregoing, to “pick up” employee contributions to a plan qualified under § 401(a) of the Internal Revenue Code so that the contributions are treated as employer contributions pursuant to § 414(h)(2)?

FACTS

Employer M is a political subdivision of State N. Employer M participates in Plan A, a defined benefit pension plan qualified under § 401(a) and established by State N to provide retirement benefits to eligible employees of State N and any political subdivision of State N. Plan A requires each participating employee to make employee contributions to Plan A equal to a specified percentage of the participant’s salary. These amounts, designated as employee contributions under § 414(h)(1), are deducted from the participant’s salary. State N statutes governing Plan A permit any political subdivision to provide that the employee contributions will be paid by the employer in order to be picked up and treated as employer contributions under § 414(h)(2). On March 1, 2006, Employer M amends its governing laws to provide that the amounts designated as employee contributions under Plan A will be paid by Employer M for all of Employer M’s employees in order to be treated as employer contributions under § 414(h)(2), as permitted under the statutes governing Plan A. The amendment is in writing, was adopted by persons authorized to amend Employer M’s governing laws, and is effective for periods on or after April 1, 2006. Employer M, thereafter, treats the amounts as employer contributions, instead of as being employee contributions, for federal income tax purposes and does not include these amounts in the participating employees’ gross income.

LAW AND ANALYSIS

Section 414(h)(1) provides that any amount contributed to a qualified plan is not treated as having been made by the employer if it is designated as an employee contribution.

Section 414(h)(2) provides a special rule for qualified plans established by a State government or political subdivision thereof, or by any agency or instrumentality of the foregoing. Under this rule, contributions, although designated as employee contributions, are nevertheless treated as employer contributions if the contributions are picked up by the employing unit.

Section 401(k) provides the rules relating to cash or deferred elections. Section 1.401(k)-1(a)(1) of the Income Tax Regulations provides that a plan, other than a profit-sharing, stock bonus, pre-ERISA money purchase pension or rural cooperative plan, does not satisfy the requirements of § 401(a) if the plan includes a cash or deferred arrangement. Thus, a qualified defined benefit plan is not permitted to include a cash or deferred arrangement.

Section 1.401(k)-1(a)(3) generally defines a cash or deferred election as any direct or indirect election (or modification of an earlier election) by an employee to have the employer (i) provide an amount that is not currently available to the employee in the form of cash or some other taxable benefit, or (ii) contribute an amount to a trust or provide an accrual for a plan deferring the receipt of compensation.

Rev. Rul. 77-462, 1977-2 C.B. 358, addresses the income tax treatment of contributions picked up by the employer within the meaning of § 414(h)(2). In Rev. Rul. 77-462, the employer school district agreed to “pick up” and pay the required contributions of the eligible employees under the plan. The revenue ruling holds that the contributions picked up by the school district are excluded from the gross income of employees until such time as they are distributed to the employees.

Rev. Rul. 81-35, 1981-1 C.B. 255, and Rev. Rul. 81-36, 1981-1 C.B. 255, address certain requirements for contributions to be picked up by an employer within the meaning of § 414(h)(2). These revenue rulings establish that the following criteria must be satisfied: (i) the employer must specify that the contributions, although designated as employee contributions, are being paid by the employer in lieu of contributions by the employee; and (ii) the employee must not be given the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the plan.Rev. Rul. 81-35 and Rev. Rul. 81-36 apply even if the employer picks up the contributions through either a reduction in salary or an offset against future salary increases.

Rev. Rul. 87-10, 1987-1 C.B. 136, addresses when contributions designated as employee contributions (designated employee contributions) under § 414(h)(1) to a qualified plan established by a State government (including a political subdivision thereof, or any agency or instrumentality of the foregoing) are excludable from the gross income of the employee. The ruling concludes that, to satisfy the criteria set forth in Rev. Rul. 81-35 and Rev. Rul. 81-36, the governmental action necessary to effectuate the “pick-up” must be completed before the period to which such contributions relate. Thus, designated employee contributions to a qualified plan established by a State government are excluded from gross income as “pick-up” contributions that are treated as employer contributions only to the extent the contributions relate to compensation for services rendered after the date of the last governmental action necessary to effectuate the “pick-up.”

Based on the foregoing, a contribution to a qualified plan established by a State government will not be treated as picked up by the employing unit under § 414(h)(2) unless the employing unit:

(1) Specifies that the contributions, although designated as employee contributions, are being paid by the employer. For this purpose, the employing unit must take formal action to provide that the contributions on behalf of a specific class of employees of the employing unit, although designated as employee contributions, will be paid by the employing unit in lieu of employee contributions. A person duly authorized to take such action with respect to the employing unit must take such action. The action must apply only prospectively and be evidenced by a contemporaneous written document (*e.g.*, minutes of a meeting, a resolution, or an ordinance).

(2) Does not permit a participating employee from and after the date of the “pick-up” to have a cash or deferred election right (within the meaning of § 1.401(k)-1(a)(3)) with respect to designated employee contributions. Thus, for example, participating employees must not be permitted to opt out of the “pick-up”, or to receive the contributed amounts directly instead of having them paid by the employing unit to the plan.

Employer M has taken formal action which was memorialized in a contemporaneous writing that provides that it will “pick up” all prospective contributions for the Employer M employees who are required to contribute to Plan A. Further, employees are required to participate in Plan A, do not have the option of choosing to receive the contributed amounts directly, and may not make a cash or deferred election with respect to such amounts. Employer M has met the requirements to have the designated employee contributions under Plan A picked up and treated as employer contributions pursuant to § 414(h)(2). Thus, contributions made to Plan A are not includible in a participant’s gross income until distributed under § 402.

This revenue ruling applies only for federal income tax purposes. See §§ 3121(a)(5)(A) and 3121(v)(1)(B) of the Federal Insurance Contributions Act (FICA) for the treatment of amounts treated as an employer contributions under § 414(h)(2).

HOLDING

Because an authorized person has taken formal action in writing prospectively to have the employing unit pay previously designated employee contributions to a § 401(a) qualified plan, appropriate actions have been taken for the contributions to be picked up by the employing unit and treated as employer contributions pursuant to § 414(h)(2).

TRANSITION RELIEF FOR PRE-EXISTING "PICK-UPS"

Under the authority of § 7805(b)(8), the Service will not treat any plan that on or before August 28, 2006, includes designated employee contributions that were intended to be picked up as employer contributions pursuant to § 414(h)(2) as failing to meet the requirements of such section prior to January 1, 2009, solely on account of the failure to satisfy the requirement that the "pick-up" be pursuant to a formal action, by a person duly authorized to take such action with respect to the employing unit, that is evidenced by contemporaneous writing, but only if the following conditions are satisfied: (1) the employing unit has taken contemporaneous action evidencing an intent to establish a "pick-up" (*e.g.*, provided information to employees relating to the establishment of the "pick-up") and has operated the plan accordingly; and (2) the employing unit takes formal action in writing prior to January 1, 2009, with respect to future contributions to meet the requirements set forth above in paragraph (1) of *Law and Analysis* in this revenue ruling.

The relief provided above for "pick-ups" implemented prior to August 28, 2006, applies only if the actions taken otherwise complied with Rev. Rul. 81-35, Rev. Rul. 81-36, and Rev. Rul. 87-10, and only if the employing unit has not reported the contributions as wages subject to federal income tax withholding from and after the date of implementation of the intended "pick-up".

In addition, under the authority of § 7805(b)(8), this revenue ruling does not modify or revoke any private letter ruling issued to any taxpayer prior to August 28, 2006. See § 601.201(l)(4).

EFFECT ON OTHER GUIDANCE

Rev. Rul. 81-35, Rev. Rul. 81-36, and Rev. Rul. 87-10 are amplified and modified.

DRAFTING INFORMATION

The principal drafter of this revenue ruling is Kathleen Herrmann of the Employee Plans, Tax Exempt and Government Entities Division. For further information regarding this revenue ruling, please contact the Employee Plans' taxpayer assistance telephone service at 1-877-829-5500 (a toll-free number) between the hours of 8:30 a.m. and 4:30 p.m. Eastern Time, Monday through Friday. Ms. Herrmann may be reached at (202) 283-9888 (not a toll-free number).

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 12, 2008**		AGENDA ITEM NO.:
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	
ITEM TITLE: **Pilot Truancy Prevention Program**		

RECOMMENDATION: Amend the FY 2009 budget and appropriate $25,000 from the General Fund Reserve for Contingencies for a Pilot Truancy Prevention Program in the Department of Juvenile Services.

SUMMARY: During the next year, the State will reduce its funding for out-of-community placements for children that are in need of services through the Comprehensive Services Act. Coupled with this regulatory change, staff is also very concerned with the $2.4 million increase in Comprehensive Services Act (CSA) costs in FY 2008 compared to FY 2007.

Beginning in January 2008, stakeholders from Lynchburg City Schools, the Court Services Unit, the Department of Social Services, the Department of Juvenile Services, Central Virginia Community Services , the Lynchburg Police Department, Presbyterian Home and Family Services and the Deputy City Manager have been meeting to address how to reduce the number of youth involved in the juvenile justice system, the number of youth coming into custody of the Department of Social Services, the number of residential placements, and increased CSA expenditures.

After reviewing the data and trend indicators, the work group, also known as the “Keep Them Home Ccmmittee”, focused on four specific areas of impact that could result in positive outcomes to address the issues noted above. The four impact areas are: 1) Truancy and Children in Need of Services and Supervision (CHINS) petitions; 2) Mental Health; 3) Parent Training and Parental Accountability; and 4) Community Awareness.

Recognizing that truancy is often the gateway to the juvenile justice system, the Committee recommends that Community Response Teams consisting of various professionals be created to meet with the family and truant within 48 hours of referral to discuss issues at hand and make appropriate referrals to work towards getting the youth to school.

Funding in the amount of $25,000 for a part-time coordinator and associated costs is requested to coordinate the Pilot Truancy Prevention Program. Details of the pilot program are included in the attached document.

Additional strategies are under development to address the increased costs associated with CSA.

PRIOR ACTION(S): Finance Committee, August 12, 2008

FISCAL IMPACT: $25,000 for a part-time Truancy Prevention Coordinator ($23,000 salary and $2,000 operating expenses and laptop computer); it is anticipated that the cost of this program will be fully offset by the savings achieved through not having to provide services to youth that are redirected through the Truancy Prevention Program as well as decrease local costs for serving youth in the community.

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

ATTACHMENT(S): Resolution; Background-Pilot Truancy Prevention Program

REVIEWED BY: lkp

BE IT RESOLVED that the FY 2009 budget is amended and $25,000 is hereby appropriated from the General Fund Reserve for Contingencies and transferred to the Department of Juvenile Services to fund the costs of the Pilot Truancy Prevention Program.

Introduced: Adopted:

Certified: ______________________________

Clerk of Council

095L

Background
Pilot Truancy Prevention Program
August 4, 2008

Issue: A large number of children are coming into foster care, shelter care, juvenile services and court supervision due to truancy and Child in Need of Services (CHINS) petitions.

Desired Outcome: Keep children in their homes with needed services and reduce truancy, CHINS petitions, fewer children going into shelter care, residential care or Department of Social Services custody. Reduce the number of truancy and CHINS petitions in FY 2009 by 10% during the pilot year of the program.

Process: Establish twelve community response teams consisting of three to four individuals and one team captain. The teams will be comprised of professionally trained individuals from public and private agencies who would be interested and committed to using this approach; skilled in assessing needs of families; and knowledgeable about community resources.

Truancy referrals made to the Truancy Prevention Coordinator would come from designated school personnel and CHINS referrals will come directly from the Court Services Intake Unit in conjunction with the filing of a CHINS petition.

Once a referral is made to the Truancy Prevention Coordinator and the Community Response Team, the team responsible for that week will meet with the family and youth within 48 hours to discuss issues at hand and make appropriate service referrals. The team captain will report back to the referring agency with a prevention plan.

Data:

	History of Truancy and CHINS Petitions	
FY 2004	Truancy	61
	CHINS/Service/Runaway	166
FY 2005	Truancy	69
	CHINS/Service/Runaway	123
FY 2006	Truancy	75
	CHINS/Service/Runaway	35
FY 2007	Truancy	87
	CHINS/Service/Runaway	182
FY 2008	Truancy	89
	CHINS/Service/Runaway	157

It should be noted that the Lynchburg City Schools adopted a revised Truancy Referral Process in August 2007. The revised policy included a more thorough definition of truant behavior which explains the increase in truancy cases since FY 2007.

If desired, the Superintendent of Schools has provided City staff with more thorough information regarding the Truancy Referral Process.

Case Example:
Child A, age 9, was placed in an agency foster home in August 2006 on a CHINS/Truancy petition. When her first foster home placement disrupted, she was able to transition successfully into a second agency approved foster home in which she has been successful. Child A's mother had mental health problems as well as medical issues and was unable to meet Child A's needs or manage to get her to school. During the service delivery period, assessments and reunification services were provided in an effort to reunify the family. After unsuccessful reunification attempts, parental rights were terminated in May, 2008; however, because of Child A's behavior problems, she is still waiting for an adoptive family. Expenditures are as follows:

Placement in Agency Approved Foster Home		$9,547.34
Emergency Placement at Presbyterian Home		1,176.00
Clothing		424.92
Child Care		2819.00
Psychological Evaluation for Mother		900.00
ARISE for Mother		45.00
Order of Publication on Unknown Father		450.00
	TOTAL TO DATE	$15,362.26

Child B, age 15 at the time of initially coming into foster care, was placed in DSS custody by a CHINS petition filed by Truancy Officers because she was not attending school. Safe & Stable Families was involved in assisting the mother in an out of home placement in an effort to prevent foster care which was successful. However, upon her return to the home, she continued truant behaviors. Child B's behaviors and history of defiance and refusal to follow house rules prohibited us from being able to place Child B in a regular or therapeutic foster home setting. She required the high level of structure available at a group home. Expenditures for this period are as follows:

Placement at SPARC House		$29,089.00
Clothing		253.88
	TOTAL	$29,342.88
	TOTAL EXPENDITURES	$44,705.14

Projected Cost-Benefit of the Pilot Truancy Prevention Program: It is projected that the Pilot Truancy Prevention Program will result in cost savings. Using only the examples above and the successful implementation of the Truancy Prevention Program, it is anticipated that the costs above could be avoided in whole or in part. If the costs are totally avoided, the cost savings of the program would be $19,705 ($44,705-$25,000). If the costs are only avoided at a rate of 50% or $22,353 then the cost of the program would be $2,648 ($22,353-$25,000).