

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, August 8, 2017
8:00 a.m.**

Information Items

Recent/Pending Contract Awards: -No new contract awards.

Update on priority projects: -See attached report.

General Business

- | | |
|--|--------------------|
| 1. Vacate a portion of Old Forest Road (Taco Bell) | Rachel Frischeisen |
| 2. Agreement for Bridge over 460 at Liberty University | Lee Newland |
| 3. Roll Call | |

Pc: Bonnie Svrcek, City Manager
Charles Hartgrove, Deputy City Manager
John Hughes, Assistant City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: September 12, 2017

Lynchburg Capital Projects Greater Than \$1 Million(General Fund)

August 8, 2017

Projects of Interest		Phase	Phase Completion		Notes
Timberlake / Logan's Lane Intersection		Construction	October 2018		Construction Underway
Wards Ferry Road Improvements @ Heritage		Construction	October 2018		Construction Underway
Greenview Drive Phase 2		Construction	July 2017		Construction Progressing - Several Months Behind Schedule
College Lake Dam		Preliminary	September 2017		Reviewing Options
One Way Pairs @ 501/221		Preliminary	September 2017		Reviewing Scope for NEPA Document
Main Street Bridge		Design	August 2017		Design on Schedule for September Advertisement
Odd Fellows Road - Sections A and B1		Construction	August 2018		Construction Progressing Bridge Deck Being Prepared
Odd Fellows Road - Section B2		Design	November 2017		Design on Schedule for November Advertisement
Downtown Watermain Replacement & Streetscape		Construction	September 2017		Construction Progressing - On Schedule for September Completion
Liberty Mountain Drive - Phase 2		Construction	April 2017		Closing Out - Reviewing Plans for Next Segment
Community Market Parking Deck		Construction	July 2017		Construction Winding Down
McConnville Road Culvert Replacement		Construction	December 2017		Construction Winding Down - Awaiting Asphalt

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 8, 2017**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Vacate a portion of Old Forest Road

KEY ELEMENTS:

___Economic Development ___Excellent Government **X** Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Approval of the right-of-way vacation along Old Forest Road.

SUMMARY: Tacoma, Inc. is petitioning to vacate a portion of Old Forest Road right-of-way, adjacent to the property at 1000 Dandridge Drive. The total area of the proposed vacation is approximately eight hundredths (0.08) of an acre and contains a portion of driveway and lawn. The right-of-way vacation would not impact vehicle or pedestrian access along Old Forest Road.

PRIOR ACTION(S):

June 6, 2017: The Technical Review Committee (TRC) reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

August 8, 2017: The Physical Development Committee will review this item at their meeting.

FISCAL IMPACT: \$19,000-30,400 assessed value range based on the zoning of the adjacent lots, property frontage and proximity to a signalized intersection.

CONTACT(S):

Tom Martin, City Planner – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Ordinance
- Application
- Plat

REVIEWED BY:

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ALONG OLD FOREST ROAD.

WHEREAS, Tacoma, Inc., is petitioning to vacate a portion of right-of-way along Old Forest Road; and

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

WHEREAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

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

BEGINNING AT AN IRON PIN FOUND (IPF), WHICH IPF IS LOCATED AT THE NORTHEASTERN CORNER OF SAID LOT 1, AND WHICH IPF IS LOCATED AT THE INTERSECTION OF THE SOUTHERLY LINE OF A 25' PRIVATE ACCESS ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID OLD FOREST ROAD;

THENCE, ALONG AN EXTENSION OF THE SOUTHERLY LINE OF SAID ACCESS ROAD INTO THE CURRENT RIGHT-OF-WAY OF SAID OLD FOREST ROAD, SOUTH 71 DEGREES 45 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 25.36 FEET TO AN IRON PIN SET (IPS);

THENCE SOUTH 18 DEGREES 55 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 136.05 FEET TO AN IPS;

THENCE SOUTH 63 DEGREES 17 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 19.76 FEET TO AN IPS;

THENCE NORTH 71 DEGREES 45 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 29.63 FEET TO AN IPF, WHICH IPF IS LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF DANDRIDGE DRIVE AT THE SOUTHEASTERLY CORNER OF SAID LOT 1;

THENCE, WITH THE CURRENT RIGHT-OF-WAY LINE OF SAID DANDRIDGE DRIVE AND SAID OLD FOREST ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND AN ARC LENGTH OF 40.43 FEET, BEING SUBTENDED BY A CHORD OF NORTH 61 DEGREES 54 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 36.17 FEET TO AN IPF ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID OLD FOREST ROAD;

THENCE, WITH SAID LINE OF SAID OLD FOREST ROAD, NORTH 15 DEGREES 34 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 83.75 FEET TO AN IPF;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1240.00 FEET AND AN ARC LENGTH OF 40.20 FEET, BEING SUBTENDED BY A CHORD OF NORTH 16 DEGREES 30 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 40.20 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 0.076 ACRES MORE OR LESS.

Provided, however, that any easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg and the construction of a permanent structure over any utility line without the prior written approval of the City is prohibited.

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

Adopted:

Certified:

Clerk of Council

VA STATE PLANE - SOUTH ZONE
GRID NORTH - NAD83

LOT 2
LAMPE RENTALS, LLC
INSTR #140001958
PIN: 22008002

LOT 1
YESH & TERESA L. KHANNA
D.B. 1153, PG. 393
PIN: 22008001
0.398 AC.

AMENDED LOT 1
0.474 AC.

PROPOSED VACATION AREA
0.076 AC.

OLD FOREST ROAD (VARIABLE WIDTH R/W)

CURVE DATA CHART					
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHD BEARING
C1	092°39'59"	25.00'	40.43'	36.17'	N61°54'37"E
C2	001°51'27"	1240.00'	40.20'	40.20'	N16°30'32"E

ACREAGE SUMMARY

0.398 AC. ORIGINAL LOT 1
+0.076 AC. VACATION
0.474 AC. AMENDED LOT 1

LEGEND

- IRON PIN SET (IPS)
- IRON PIN FOUND
- R/W RIGHT-OF-WAY
- DI DROP INLET
- STMH STORM SEWER MANHOLE
- UTILITY POLE
- OVERHEAD UTILITIES
- ← GUY WIRE
- EP EDGE OF PAVEMENT
- WM WATER METER

THE UNDERSIGNED ADJOINING OWNERS HEREBY CONSENT TO THE VACATION OF PART OF THE RIGHT-OF-WAY OF OLD FOREST ROAD

YESH KHANNA

TERESA L. KHANNA

COUNTY/CITY OF: _____

STATE OF: _____, TO WIT:

I, _____, A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES AS SUCH ARE SIGNED TO THE FOREGOING WRITING, BEARING DATE ON THE ____ DAY OF _____, 20____, HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AND STATE AFORESAID.

GIVEN UNDER MY HAND THE ____ DAY OF _____, 20____.

MY COMMISSION EXPIRES _____

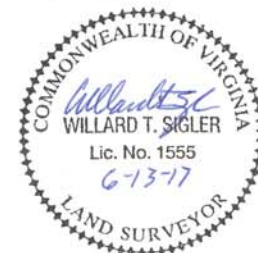
NOTARY PUBLIC

APPROVED:

CITY PLANNER

CITY ENGINEER

CITY FILE: B-2325



NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A DESIGNATED FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (#5100930037D) DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
4. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT.

BERKLEY-HOWELL & ASSOC., P.C.
ENGINEERS - SURVEYORS - PLANNERS
306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
PHONE: (434)385-7548 FAX: (434)385-6178

SCALE: 1" = 30'

DATE: MAY 16, 2017

REV. 6-13-17 (TRC COMMENTS)

PLAT OF PROPOSED VACATION OF
PART OF OLD FOREST ROAD

CITY OF LYNCHBURG, VIRGINIA

COMM. NO. 160094

F.B. REF.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 8, 2017 Physical Development Committee**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Agreement for Bridge over 460 at Liberty University

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

RECOMMENDATION: Forward to Council the attached Resolution to enter into an agreement with the Virginia Department of Transportation (VDOT) and Liberty University (LU) to specify the inspection and maintenance of a VDOT owned, grade separation structure at Liberty University over US Route 460 within the City.

SUMMARY: Staff has been working with VDOT and LU on an agreement that outlines the ownership, maintenance and inspection of a new bridge over 460 near the City/Campbell County line. The Letter of Understanding stipulates that LU constructed the bridge in the City, VDOT owns the bridge, and VDOT will perform all maintenance and inspections of the bridge except for items such as the brick façade, shared use path, security and lighting systems for which LU is responsible for the cost of the inspections and maintenance.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None for the City.

CONTACT(S):

Lee Newland, P.E. City Engineer 455-3947
Gaynelle Hart, Director of Public Works 455-4406

ATTACHMENT(S):

Resolution
Letter of Understanding

REVIEWED BY:

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to enter in an agreement with VDOT and LU to specify the inspection and maintenance of a VDOT owned, grade separation structure at Liberty University over US Route 460 within the City Limits; and,

WHEREAS, this agreement is outlined in a Letter of Understanding between the three parties,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports the Letter of Understanding between VDOT, LU and the City for the inspection and maintenance of a VDOT owned, grade separation structure at Liberty University over US Route 460 within the City Limits.

BE IT FURTHER RESOLVED THAT: Bonnie Svrcek, City Manager, is authorized to execute the Letter of Understanding and to execute any other documents for agreements that may be needed for this project.

Adopted: _____

Certified: _____
Clerk of Council

**LETTER OF UNDERSTANDING FOR INSPECTION AND MAINTENANCE OF A
VDOT OWNED, GRADE SEPARATION STRUCTURE AT LIBERTY UNIVERSITY
OVER US460 IN THE CITY OF LYNCHBURG**

THIS LETTER OF UNDERSTANDING FOR INSPECTION AND MAINTENANCE of a Liberty University constructed, VDOT owned, grade separation structure in the City of Lynchburg, is made as of the date last signed below by and between the City of Lynchburg (hereinafter “City”); Liberty University (hereinafter “University”); and the Commonwealth of Virginia, Department of Transportation (hereinafter “Department”);

WHEREAS, the Department considers accessory elements of structures, such as, but not limited to, the brick façade, lighting, and shared use path, that are crossed by public roads but are not required for the purposes of those using said road to be ineligible for maintenance by the Department; and

WHEREAS, the University, with City and Department approval, designed and constructed a public road and bridge over Route 460, incorporating accessory elements; and

WHEREAS, the City and the Department agree that this public road and bridge will divert traffic from existing crossings of Route 460, providing a benefit to the public; and

WHEREAS, in accordance with the Code of Virginia, §15.2-2265, a plat was recorded transferring title and easements, in fee simple, to all portions set apart for streets, alleys and areas for public use to the City; and

WHEREAS, said plat shows areas dedicated to the public, including a road and turn-around easement at the University that passes over a structure that the Department deems to be a grade separation structure in the City; and

WHEREAS, uniquely qualified personnel are required to perform periodic safety inspections of bridge structures to assure their structural integrity and the safety of those using the structure; and

WHEREAS, the Department routinely inspects and maintains structures of the systems of state highways with appropriately qualified personnel in accordance with the National Bridge Safety Inspection Act; and

WHEREAS, the City, pursuant to authorities established in Title 15.2 Code of Virginia, consented to the grade separation and construction of the structure and, upon completion by the University, desires the Department to inspect the structure according to the National Bridge Inspection Standards (NBIS); and

WHEREAS, the City and the University desire the Department to assume the responsibilities for the inspection and maintenance of the structural integrity of the structure as part of the systems of state highways maintained by the Department;

NOW, THEREFORE, THIS LETTER OF UNDERSTANDING FOR INSPECTION, AND MAINTENANCE, in consideration of the covenants contained herein and the City's request that the structure be inspected and maintained by the Department as a part of the systems of state highways under its operational jurisdiction; and

In consideration of the Department's acceptance of responsibility to inspect and maintain the structure crossing;

I. The University agrees:

- A. To provide the Department with one set of the approved bridge plans for construction, signed and sealed by the Engineer of Record, who shall be a competent, licensed professional engineer in the Commonwealth of Virginia, and one complete set of the specifications. In addition to the "hard-copy", one electronic set of the approved plans and specifications shall be provided in PDF format.
- B. To provide the Department with approved shop drawings for fabrication and construction, reviewed and approved by the Engineer of Record, who shall be a competent, licensed professional engineer in the Commonwealth of Virginia and in responsible charge of construction of the bridge structure and accessory elements, to perform a cursory review for a period of five (5) business days, in advance of distribution of the approved shop drawings for fabrication and construction.
- C. To perform construction administration and materials quality assurance in accordance with the requirements for Local Public Agencies (LPAs) defined in Part 2, Chapter 13 of the Locally Administered Projects (LAP) Manual, updated March 1, 2016.
- D. To comply with any additional construction requirements requested by the Department, based on its review of the plans, specifications, and drawings provided in accordance with this Agreement, that the Department deems necessary for the safety of the public or for the operation of Route 460 or for the ability of the Department to provide for maintenance of Route 460 and the bridge structure.
- E. To notify the Department in writing at least thirty (30) days in advance of the completion of construction of the bridge structure to have qualified bridge inspection personnel available at the site to conduct the NBIS inspection. The University will comply with any instructions or requirements requested by such bridge inspection personnel upon performing such inspection as is reasonably required to bring the structure into compliance with all applicable laws, regulations and safety codes.

- F. To provide the Department, after construction has been completed and prior to acceptance by the Department, one complete set of the as-built drawings in electronic PDF format and one complete set of the specifications, and construction inspection records certified to the Department by a competent, licensed professional engineer in the Commonwealth of Virginia, attesting to the proper construction of the facility, including:
 - 1. The as-designed load rating performed by a competent, licensed professional engineer in the Commonwealth of Virginia in accordance with Department IIM-S&B-86.
 - 2. The as-built load rating performed by a competent, licensed professional engineer in the Commonwealth of Virginia in accordance with Department IIM-S&B-86.
- G. That the Department, in its sole discretion, may inspect the accessory elements of the structure at any time including, but not limited to the brick façade, lighting, shared use path, etc. and perform any emergency maintenance of these accessory elements it deems necessary for the safety of the public at the expense of the University. To reimburse the Department within thirty (30) days of being billed for the inspection and emergency services performed by or for the Department. Nothing herein shall preclude the University from obtaining contracts or indemnification from other persons or persons with respect to the performance of or liability for the maintenance of the accessory elements of the structure.
- H. To bear all reasonable costs associated with the periodic inspection of the accessory elements of the structure and any and all costs associated with subsequent maintenance, including that of any public safety security systems, and necessary reconstruction of the accessory elements of the structure.
- I. To bear all liability for any and all inspections and maintenance of any public safety security systems unless otherwise agreed to by the parties to this Agreement. Nothing herein shall preclude the University from obtaining contracts or indemnification from other persons or persons with respect to the performance of or liability for the maintenance of the system.
- J. With respect to the maintenance and operation responsibilities borne by the University as described in Paragraphs G, H, and I above, the University further agrees:
 - 1. That the University will provide routine maintenance such as snow removal, litter collection, sweeping, graffiti removal, and any other routine maintenance it deems necessary.

2. That the Department has no maintenance, upkeep and/or repair responsibility or liability for any elements of the brick façade, safety security systems, lighting, shared use path, or road, however the Department may perform maintenance on any elements of the brick façade, lighting, shared use path or road at its discretion as described in Section I.G of this Agreement, and when applicable subject to providing notice under Section III.C of this Agreement.
3. That the City has no maintenance, upkeep, repair and/or replacement responsibility or liability for the grade separation structure including any elements of the brick façade, lighting or shared use path.
4. The University will not seek indemnification or contribution from the Department with respect to any claims or damages arising from the Department's improper maintenance of accessory elements for which the University is responsible.

II. The City agrees:

- A. That the Department has no maintenance, upkeep and/or repair responsibility or liability for any elements of the brick façade, lighting, shared use path or road, however the Department may perform maintenance on any elements of the brick façade, lighting, shared use path or road at its discretion as described in Section I.G of this Agreement, and when applicable subject to providing notice under Section III.C of this Agreement.
- B. The City will not seek indemnification or contribution from the Department with respect to any claims or damages arising from improper maintenance for which the City or University is responsible.

III. The Department agrees:

- A. To the extent allowed under applicable law and upon appropriation and availability of funds, to bear the liabilities and responsibilities normally associated with the preservation of the structural safety of the facility, effective with the date the structure is accepted as part of the system of state highways maintained by the Department.
- B. To perform periodic inspections of the structure with appropriately qualified inspection personnel and to require maintenance of the structural integrity in keeping with its normal practices, once the structure is accepted as part of the system of state highways maintained by the Department.
- C. To endeavor to provide the City and University written advance notice of maintenance activity that it anticipates will exceed \$10,000 (ten thousand dollars) if performing maintenance of an emergency nature to elements of the brick façade, safety security systems, lighting, shared use path or road.

IV. The parties hereto further acknowledge that:

- A. The Department or the City, in its sole discretion may close the road or the structure as it deems necessary for the safety of the public or for proper completion of work.
- B. This Letter of Understanding does not relieve the parties hereto of liability due to negligence or of their rights and obligations pursuant to any applicable federal or state laws or regulations. This Letter of Understanding does not act as a waiver of the Department's or City's sovereign immunity or the Department's or City's rights to assert sovereign immunity as a defense against any action arising out of this Agreement.
- C. The parties expressly do not intend by execution of this Letter of Understanding to create in the public, or any member thereof, any rights as a third party beneficiary, or to authorize anyone not a party hereto to maintain a suit for any damages pursuant to the terms or provisions of this Letter of Understanding. In addition the parties understand and agree that this Letter of Understanding is not to be construed as an indemnification against third party claims.

In WITNESS WHEREOF, the parties sign and cause this Letter of Understanding to be executed.

Commonwealth of Virginia, Department of Transportation

By: _____
Charles A. Kilpatrick, Commissioner of Highways date

Signature of Witness

City of Lynchburg

By: _____
Bonnie Svrcek, City Manager date

Signature of Witness

Liberty University

By: _____
Jerry L. Falwell, President date

Signature of Witness

April 25, 2017

100

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of April, 2017, at 3:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster **7**

Absent: **0**

// Donna Witt, Director of Financial Services explained the second reading of the Revised FY 2017 Third Quarter Adjustments. This item was first introduced at the April 11, 2017 Council Meeting. The revised Resolution (#R-17-029) amends the FY 2017 Budget and appropriates funds with resources from the General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Children's Services Act (CSA), Lynchburg Expressway Appearance Fund (LEAF), Airport, City Capital Projects, School Capital Projects, and Airport Capital/Grant Projects Funds to reflect the FY 2017 Third Quarter Adjustments. This item, laid over from the April 11, 2017 meeting, was again presented and read.

Council Member Perrow made a motion to approve the revised FY 2017 Third Quarter Adjustments. The motion was seconded by Council Member Helgeson and Council by the following recorded vote adopted the Resolution as presented, amending the FY 2017 Budget and appropriating funds with resources from the General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Children's Services Act (CSA), Lynchburg Expressway Appearance Fund (LEAF), Airport, City Capital Projects, School Capital Projects, and Airport Capital/Grant Projects Funds to reflect the FY 2017 Third Quarter Adjustments:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster **7**

Noes: **0**

// City Manager Bonnie Svrcek stated Staff is prepared to answer questions regarding the downtown traffic management plan for Church and Main Streets. Staff is proceeding with the March 28, 2017 direction of Council to make Church and Main Streets one-way rather than continue on the path of two-way conversion. Ms. Svrcek further stated Staff needs conclusive and final direction on how to proceed with traffic management as it relates to Phase I of the Downtown Water Main Replacement and Streetscape Project that is currently under construction. Ms. Svrcek went on to say delays in Council direction are likely to result in project delays and could have a fiscal impact as well.

Mayor Foster made the following statement regarding the Downtown Traffic Management Plan - Church and Main Streets. "Following the public comments on April 11, 2017, Council by consensus agreed to bring this item back for further discussion regarding the Downtown Traffic Management Plan. Council Member Nelson made a brief comment and agreed that the hour was late and Council should defer this item to the April 25, 2017 meeting." Mayor Foster further stated before she deferred to Council Member Nelson, Council would defer any further discussion on the matter of the downtown traffic management. The Planning Commission will consider adopting a Resolution to initiate updates to the Downtown and Tyreeanna Master Plans as funding is available in the current budget. The Downtown Master Plan has served well for 17 years, but Downtown has changed significantly over the years. Mayor Foster stated that the decision that was made on March 28, 2017 to maintain the one-way traffic on Church and Main Streets stands as decided and voted upon.

Council Member Helgeson agreed with the Mayor's statement, but he raised an issue regarding the procedure dealing with the vote. He stated that he did not agree by consensus because he disagreed with a Council Member being able to comment on a current issue.

Council Member Nelson stated he voted with the majority to abolish two-way traffic so he could procedurally preserve a right to revisit this item or hold a public hearing. Council Member Nelson stated some of the concerns:

- Two-way traffic was only a consideration in the City's Current Downtown Master Plan.
- Both opponents and advocates of two-way traffic were articulate in expressing their concerns and desires to City Council.
- Neither viewpoint has provided factual evidence to support their conclusions about the adoption of two-way traffic.
- Current downtown conditions could not conveniently accommodate two-way traffic on either Main or Church Streets.
- Opponents correctly argue that one-way traffic allows Main Street to smoothly flow even when delivery vehicles block a travel lane to unload from that lane or buses stop in traffic lanes.
- Traffic lanes are designed for moving vehicles, not to park trucks, unload goods, or serve as bus stops.

The core problems are:

- Inadequate loading zones to accommodate recent increases in Main Street merchants.
- Casual enforcement of unlawful parking in the existing loading zones.
- Poor regulation of store delivery schedules.
- Ineffective design of key bus stop locations.

- City Administration and two-way traffic advocates assure us that there are procedures and protocols to effectively deal with these problems without compromising traffic flow and curb-side parking.

Council Member Nelson noted that the City Manager does not need City Council's approval to implement on-street protocols but he would endorse the City Manager in implementing the following:

1. Continue to maintain one-way traffic on Main and Church Streets, with exceptions for the construction zones and the previously designed areas around the Virginian Hotel project.
2. The City will work with downtown merchants to implement protocols, enforcement procedures and physical modifications to prevent buses, commercial trucks and delivery vehicles from parking or blocking travel lanes on Main Street and Church Street.
3. Consider options to convert Church Street to two-way traffic between 12th and Pearl Streets.
4. Prohibit through-trucks on both Main and Church Streets, so they must use either Commerce Street or cross the John Lynch Bridge to the Route No. 210 Connector.
5. Report to Council in 8 to 9 months on the effectiveness of these measures as they relate to improving traffic flow, pedestrian safety, and the improved availability of customer parking.
6. Before two-way traffic can be implemented on either Main or Church Streets between 5th and 12th Streets, City Council will hold a public hearing on the effectiveness of these new procedures as tested in the current one-way traffic pattern, and determine whether they may be effective in a two-way pattern.
7. City Council request the City Manager to work closely with the merchants who are opposed to two-way traffic as the City explores considerations for converting to two-way traffic on Main and Church Streets.

After a lengthy discussion regarding two-way traffic, Council agreed to defer any further action on traffic management pending the outcome of a new Downtown Master Plan.

// City Manager Bonnie Svrcek began with the following items regarding outstanding issues associated with balancing the budget:

FY 2018 Proposed Balanced General Fund:

- Staff Adjustments to Revenues – no change
- GAP of (\$267,612) balance
- Citywide Compensation Study and Implementation Plan
- Contractual Services for a Department Strategic Plan for Communications and Marketing

Ms. Svrcek then reviewed the Proposed FY 2018 – FY 2022 Capital Improvement Plan (CIP) with City Council.

FY 2018 Pay-As-You-Go Funding City Capital Projects Fund balancing

- Sources of Funding for General Fund Pay-As-You-Go Projects

Expenditures and Revenue Funding

- Buildings
- Transportation
- Economic Development
- Parks and Recreation

Schools Capital Projects Fund

- Schools Project List
- Athletic Complexes
- Major Building Repairs – Schools
- Roof Replacement - Schools

// The meeting was adjourned at 6:30 P.M.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of May, 2017, at 3:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Absent:

0

// Mayor Foster stated that she would begin with the Budget Balancing and Bond Funding.

// City Manager Bonnie Svrcek stated that the balancing of the operating Budget was complete with major adjustments. Next was the FY 2018 Pay-As-You-Go City Capital Projects Funding Balancing with a difference after adjustments of \$19,900. The remaining balance of \$19,900 will be assigned to the General Fund Capital Maintenance Reserve. Council Member Perrow offered several suggestions regarding the Pay-As-You-Go Projects such as Public Safety Building – replace rooftop heating and air conditioning (\$185,000) and Miller Park/Fort Avenue Retaining Wall Restoration (\$356,000). Ms. Svrcek provided Council with the Revised FY 2018 – FY 2022 “On Time/Bond Funded” Capital Improvement Program (CIP). The FY 2018 Proposed Manager’s Budget included \$650,000 in new revenue to assist in beginning to close the funding gap for long term financing for major capital projects. City Council approved an increase on April 25th in the Lodging Tax rate from 5.5% to 6.5% including the \$1.00/room per night. Ms. Svrcek went on to say this increase in the tax rate is projected to generate \$375,000 in additional revenue rather than the \$692,000 which was proposed based on an increase in the tax rate from 5.5% to 7.5% plus the \$1.00 per room per night.

Following conversations with the City’s financial advisors, Davenport & Company, it was determined that the revised financing strategy would require the City to build a reserve of \$1.375 million over the next three years to fund the debt for the five year capital improvement plan beginning with the \$375,000 in FY 2018 and \$500,000 each year in FY 2019 and FY 2020. Ms. Svrcek stated with these resources, capital projects in the amount of \$100.0 million can be financed over the FY 2018 – FY 2022 CIP period. The FY 2018 Proposed Manager’s Budget included \$144.2 million in “on-time/bond financing” for the FY 2018 - FY 2022 CIP period. Based on City Council’s action regarding available revenues, staff has revised the “on-time/bond financed” component of the FY 2018 – FY 2022 CIP totaling \$98.5 million. The criteria used in reprioritizing projects included:

- Safety concerns**
- Regulatory mandates**

- Traffic congestion
- Leveraging of resources (Community Development Block Grant (CDBG) and Virginia Department of Transportation (VDOT) funding).
- Cost-benefit of doing the project sooner rather than later

Ms. Svrcek further stated a summary of Unfunded Projects that had been included in the Proposed FY 2018 – FY 2022 CIP which is nearly \$7.0 million in potential VDOT Revenue Sharing, projected private contributions, and VDOT Transportation Alternatives funding will not be leveraged due to the lack of funding available from the City. The following are the projects that have been pushed out further:

- Sandusky Elementary School Replacement – On-Time Financing
- Linkhorne Elementary School Renovation – On-Time Financing/Future Bond Issue/Planned Project Unidentified Funding (\$8,800,000)
- Paul Munro Elementary School Renovation – Future Bond Issue/Planned Project Unidentified Funding (\$8,000,000)
- Elementary School Gym Additions – On-Time Financing
- New Transportation Building – Future Bond Issue/Planned Project Unidentified Funding (\$2,800,000)

City Capital Projects Fund - Buildings

- Public Library – Interior lighting improvement for energy efficiency – On-Time Financing
- Public Library – Replace wall covering – On-Time Financing
- Public Library – Space reconfiguration and infrastructure upgrade – On-Time Financing
- Public Safety Complex – New Project – On-Time Financing

Transportation

- Route 501/221 One Way Pair – On-Time Financing
- College Lake Dam Improvements – On-Time Financing/Future Bond Issue/Planned Project Unidentified Funding (\$8,125,000)
- Pedestrian Improvement Old Forest Road – New Project – Future Bond Issue/Planned Project Unidentified Funding (\$1,000,000)
- Fifth Street Streetscape Phase II – Future Bond Issue/Community Block Grant/State Revenue Sharing
- Breezewood Drive Widening – New Project – Future Bond Issue (\$4,675,000) State Revenue Sharing (2,825,000) Planned Project Unidentified Funding
- Indian Hill Bridge – New Project – On-Time Financing/State Revenue Sharing
- Link Road Bridge – On-Time Financing (\$762,500) State Revenue Sharing (\$762,500)
- Timberlake Road Bridge, West Bound – New Project – On-Time Financing (\$1,550,000)

- Fifth Street – Taylor Street to Railroad Bridge Reconstruction Phase IV – New Project – On-Time Financing/Planned Project Unidentified Funding (\$4,000,000)
- Bedford Avenue Bridge – New Project – On-Time Financing/Planned Project Unidentified Funding (\$3,500,000)
- Nationwide Drive Roundabout – New Project – State Revenue Sharing (\$250,000) Future Bond Issue (250,000) Planned Project Unidentified Funding
- Nationwide Drive Sidewalk – New Project – Private Contribution (\$110,000) Transportation Alternatives (\$280,000) Future Bond Issue (\$110,000) Planned Project Unidentified Funding
- Timberlake Road at Leesville Road – Turn Lanes – New Project – On-Time Financing/ State Revenue Sharing
- Graves Mill Adaptive Signal System – New Project – On-Time Financing/Highway Safety Improvement Program
- Wards Ferry Road at Atlanta Avenue – New Project – On-Time Financing/State Revenue Sharing
- Lynchburg College Roundabout – Future Bond Issue (1,500,000) State Revenue Sharing (\$1,500,000) Planned Project Unidentified Funding
- John Capron Road – Future Bond Issue (\$1,250,000) State Revenue Sharing (\$1,250,000)
- Wards Ferry Road at Harvard Street Roundabout – New Project – On-Time Financing
- Florida Avenue Sidewalk – New Project – On-Time Financing/Transportation Alternatives
- Culvert Replacement Program – On-Time Financing
- Retaining Wall Replacement/Repair Program – On Time Financing
- Traffic Signal Replacement/Repair Program – On-Time Financing

Economic Development

- Streetscape Improvements Downtown – On-Time Financing/Community Development Block Grant/State Revenue Sharing

Parks and Recreation

- Bikeway Bridge to Linkhorne Renovations – On-Time Financing/Transportation Alternatives
- Miller Park/Fort Avenue Retaining Wall Restoration – On-Time Financing
- Riverside Park Overlook Stabilization – On-Time Financing

After Council discussion on the Proposed FY 2018 – 2022 CIP, Council reached a consensus on balancing the Capital Improvement Program.

// During Roll Call Council Member Wilder commended the Mayor and Vice Mayor for the Poverty to Progress event held at E.C. Glass High School on May 4th. He also commended the citizens of Lynchburg and surrounding areas for supporting the initiative.

// Council Member Dolan echoed Mr. Wilder's sentiments.

// Council Member Nelson applauded the City's recognition as a Top 30 Most Charming College Town.

//Council Member Perrow asked that a work order be submitted to replace lights in the foyer of Council Chamber as it was dark when he walked in.

// Vice Mayor Tweedy thanked citizens for participation in the Poverty to Progress event and noted that the information gathered will be compiled and made available soon. She also thanked all who were involved in the planning and execution of the International Festival which was held downtown on May 6th. The event was well-attended.

// Mayor Foster applauded the International Festival and suggested the possibility of expanding the parade next year. City Manager Bonnie Svrcek added that the event was spearheaded by the City Employee Action 4 Change Committee that developed out of the conversations on Race and Racism. Vice Mayor Tweedy added that a citizen reminded her that they planned the first international festival nearly thirty years ago with the help of business sponsors, so there is room for possible expansion of the festival. Mayor Foster also thanked the citizens and volunteers who attended the Poverty to Progress meeting on May 4th and provided insightful feedback. Mayor Foster reiterated that citizens are willing to step up with their funds, talents, and resources.

// City Council recessed the meeting at 4:43 p.m.

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

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
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Absent:	0
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Council Member Wilder gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster and Vice Mayor Tweedy recognized Police Chief Raul Diaz, who received an award from Women of Wisdom Global on April 20, 2017 as a committed partner in creating safe and prosperous neighborhoods for the Lynchburg Community.

// Mayor Foster acknowledged Lynchburg as one of “30 Most Charming College Town Main Streets 2017-2018” according to Best Value Schools – Top College Town Main Streets.

// Mayor Foster and Vice Mayor Tweedy presented a Certificate of Recognition for Volunteers of the Year – Annette Banks and Jamon Haskins. The award is being renamed for a long-term community volunteer who passed away on September 30, 2016, Mr. Walter M. Fore. Mrs. Julia Fore accepted a plaque in honor of her husband.

// Mayor Foster and Vice Mayor Tweedy presented Recognition Trophies to Hill Climbers Award Recipients: Trevel Alexander, Morey Becker, Rae’ Monique Hunter, Kendall Jacynyk, Daniel Martin, Logan Reid-Perry, Alexis Thompson, and Savannah Wade.

// Mayor Foster and Vice Mayor Tweedy presented a Certificate of Recognition to Mayor’s Youth Council Senior, Ian Winstead. Mayor Foster also introduced Mayor’s Youth Council member Molly Graham.

// Mayor Foster and Vice Mayor Tweedy presented a Proclamation in honor of Music Week in Lynchburg, May 7-14, 2017.

// Copies of the minutes of the March 28, 2017 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Schools, a public hearing was held regarding City Council Report #4 to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30, 2017, in School Board districts I, II, and III. The following volunteers spoke to City Council regarding their desire to serve on the School Board:

- Belle Evans – School District 1**
- Anne Ferrell – School District 1**
- Gloria Preston - School District 3**
- Braxton Carter - School District 3**
- Bonnie Lee Parker, III - School District 2**

- Andrew Taylor - School District 1
- Atul Gupta - School District 3
- Kimberly Sinha - School District 2
- James Coleman - School District 3

Mayor Foster stated two letters were sent for the school board appointments. Dr. Robert Brennan, School District 1 and Mr. Lewis Lee, Jr. for School District 2.

The following citizens spoke in support of volunteers:

- Laura Hamilton spoke in support of Belle Evans.
- Gentry Ferrell spoke in support of Anne Ferrell.
- Thomas Brennan read a letter written by Dr. Robert Brennan, volunteer for School District 1, in his absence.

There was no one else present who wished to speak to this item, and the public hearing was closed. By unanimous consent, Council voted to continue the public hearing until May 23, 2017 to allow more time to receive names of volunteers:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development Zoning Amendments, a public hearing was held regarding City Council Report #5 outlining the petition of Burkhardt's LLC and Henry D. Brown to rezone approximately three hundred and twenty-six thousandths (0.326) acres at 509 Harrison Street and 512 Federal Street from R-4, High Density Residential District to B-4, Urban Commercial District to allow the construction of a parking lot. Planner Rachel Frischeisen provided a summary of the request and stated the Planning Commission recommended approval of the rezoning petition. Mr. Jamey White of White Engineering & Design gave a presentation asking Council to approve the petition. Mr. John Parr representing Burkhardt's, LLC spoke to Council in favor of the petition. There was no one else present who wished to speak to this item, and the public hearing was closed.

Council Member Nelson made the following statement. "I have represented Mr. John Parr in

another real estate matter. I feel it would not be a conflict of interest and needed to disclose that statement. I am able to participate in this matter fairly, objectively and in the public interest. Therefore, I will participate in the discussion of and vote on this item.” On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #O-17-031, as presented, granting the petition of Burkhardt LLC and Henry D. Brown to rezone approximately three hundred and twenty-six thousandths (0.326) acres at 509 Harrison Street and 512 Federal Street from R-4, High Density Residential District to B-4, Urban Commercial District to allow the construction of a parking lot:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Noes:

0

// In the matter of Community Development Zoning Amendments, a public hearing was held regarding City Council Report #6 outlining the petition of Jamestown Development Group to amend the Future Land Use Map (FLUM) of the City’s Comprehensive Plan 2013-2030 from Medium Density Residential to High Density Residential. City Planner Tom Martin provided a summary of the request of the Future Land Use Map (FLUM) and to rezone construction of a seventy (70) unit apartment complex with associated parking. The Planning Commission recommended approval of the FLUM and the rezoning petition. Mr. Norman Walton with Perkins & Orrison, Inc. spoke in favor of the FLUM and the rezoning petition. Mr. Tom Dewitt, representing the property owner, asked Council to approve the FLUM and rezoning petition. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson had concerns with changing the FLUM from medium density residential to high density residential. He stated that there was a lot of traffic and he was not in favor of changing from medium density residential to high density residential. Council Member Helgeson went on to say that he recommends that Council not change the Future Land Use Map and keep it as medium density residential.

After Council discussion on the FLUM a motion was made by Council Member Helgeson, seconded by Mayor Foster, to deny the FLUM. Council by the following recorded vote denied the

amendment to the Future Land Use Map (FLUM) from Medium Density Residential to High Density Residential:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

Council then considered a motion to rezone approximately seven and ninety-four hundredths (7.94) acres at 1806, 1816, 1836, 1840 and 1842 Wards Ferry Road from R-3, Medium Density Two-Family District to R-4, High Density Residential District to allow the construction of a seventy (70) unit apartment complex with associated parking. Council Member Helgeson stated he would not support the ordinance to rezone this property due to the fact that there is still a traffic concern in this area and by approving this rezoning it would just increase the traffic on Wards Ferry Road. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-17-032, as presented, granting the rezoning for approximately seven and ninety-four hundredths (7.94) acres at 1806, 1816, 1836, 1840 and 1842 Wards Ferry Road from R-3, Medium Density Two-Family District to R-4, High Density Residential District to allow the construction of a seventy (70) unit apartment complex with associated parking:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: Helgeson 1

// In the matter of Community Development Zoning, a public hearing was held regarding City Council Report #7 outlining the petition of the Corporation for Jefferson's Poplar Forest for a Conditional Use Permit (CUP) to allow fill within the flood plain at 1900 and 1950 Enterprise Drive and 1901 Laxton Road. The proposed fill would facilitate the construction of an access drive and trail system to Poplar Forest from Enterprise Drive. City Planner Tom Martin provided a summary of the request and stated the Planning Commission recommended approval of the CUP petition. Mr. Jeff Nichols, President and CEO of Jefferson's Poplar Forest stated they have been working on the project since 1984 and asked for Council approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of

Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-17-033, as presented, granting the Conditional Use Permit to allow fill within the flood plain at 1900 and 1950 Enterprise Drive and 1901 Laxton Road. The proposed fill would facilitate the construction of an access drive and trail system to Poplar Forest from Enterprise Drive:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development, a public hearing was held regarding City Council Report #8 regarding the petition of Seven Hills Food, LLC to vacate a portion of right-of-way known as 17th Street, adjacent to the property at 1803 Holliday Street. The portion proposed for vacation contains approximately three-hundred and ninety-four thousandths (0.394) of an acre and includes part of the street. Planner Rachel Frischeisen provided a summary of the petition to vacate a portion of right-of-way for Seven Hills Food adjacent to the property at 1803 Holliday Street. Mr. Bryon Fore, owner of 1803 Holliday Street asked Council to approve the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before the PDC which recommended approval. This motion does not require a second. Council by the following recorded vote adopted Resolution #R-17-034, as presented, to vacate a portion of right-of-way known as 17th Street, adjacent to the property at 1803 Holliday Street to Seven Hills Food, LLC:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development, a public hearing was held regarding City Council Report #9 regarding the petition of Seven Hills Food, LLC for an access easement in the Lynchburg Expressway right-of-way, located adjacent to the property at 1803 Holliday Street. Planner Rachael Frischeisen provided a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council

Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-17-035, as presented, for an access easement in the Lynchburg Expressway right-of-way, located adjacent to the property at 1803 Holliday Street for Seven Hills Food, LLC:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development, a public hearing was held regarding City Council Report #10 regarding the consideration of vacating the public interest in 1746 Campbell Avenue, which contains approximately six-hundred and seventy-three thousandths (0.673) of an acre. Planner Rachael Frischeisen provided a summary of the request. There was no one else present who wished to speak to this item. On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote adopted Ordinance #O-17-036, as presented, vacating the public interest in 1746 Campbell Avenue, which contains approximately six-hundred and seventy-three thousandths (0.673) of an acre:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-037, as presented, to convey property located at 1746 Campbell Avenue to Seven Hills Food, LLC:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Community Development Zoning Amendments, a public hearing was held regarding City Council Report #11 outlining the petition of Rose T. Properties LLC, to rezone approximately twenty-five hundredths (0.25) of an acre at 1223 Fillmore Street from R-3, Medium Density Residential to R-4, High Density Residential to allow the use of the property as four (4) apartments with associated parking. City Planner Tom Martin provided an overview of the petition

of Rose T. Properties LLC. Mr. Russ Nixon, with Nixon Land Surveying, LLC asked Council to approve the petition to rezone. Mr. Antonio Rose, petitioner for Rose T. Properties spoke in favor to approve the rezoning. There was no one else present who wished to speak to this item, and the public hearing was closed.

Vice Mayor Tweedy and Council Member Wilder were in favor of approving the petition for the following reasons:

- Affordable housing
- Development opportunity
- Improving the neighborhood
- Bring the property up to Code

Several Council Members had concerns with the rezoning of this property including bringing this property up to code and converting the property into a duplex. Council Member Perrow made a motion to deny the petition, seconded by Council Member Helgeson. Council by the following recorded vote denied this Ordinance:

Ayes: Dolan, Helgeson, Nelson, Perrow, Foster 5

Noes: Tweedy, Wilder 2

// In the matter of Community Development, a public hearing was held regarding City Council Report #12 regarding the consideration of amending Section 35.2-11.3, Section 35.2-11.6, Section 35.2-11.7 and 35.2-11.12 of the Zoning Ordinance to add proffer submittal requirements for new conditional rezoning for new residential developments and new residential units as is required by the Code of Virginia 15.2-2303.4. The proposed submittal requirements would include proffer statements indicating how an onsite or offsite proffer addresses an impact that is specifically attributable to the proposed new residential development. City Planner Tom Martin provided an overview of the Zoning Ordinance regarding adding proffers submittal requirements for new conditional rezoning for new residential developments and new residential units as is required by the Code of Virginia. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #O-17-038, as presented,

amending Section 35.2-11.3, Section 35.2-11.6, Section 35.2-11.7 and 35.2-11.12 of the Zoning Ordinance to add proffer submittal requirements for new conditional rezoning for new residential developments and new residential units as is required by the Code of Virginia 15.2-2303.4:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of City Council, Mark Hartless was not present to speak before Council regarding traffic concerns on Breezewood Drive.

// In the matter of City Council, Aaron Reid spoke before Council regarding the City's budget.

// In the matter of Community Development, City Council Report #15 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-17-039, as presented, regarding the petition of Seven Hills Food, LLC to rename a public street currently known as 17th Street to Abattoir Street. The portion proposed for renaming is located off Campbell Avenue and is not connected to the larger portion of 17th Street (located between Kemper Street and Grace Street):

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY 2018 Budget/CIP/City Code, City Council Report #16A was considered. On motion of Council Member Nelson, seconded by Council Member Wilder. Council Member Helgeson and Council Member Perrow would not support this item due to tax burden on citizens and attempt to increase tax rates. Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-040, as presented, 1) Adopt and Appropriate the FY 2018 Operating Budget; 2) Adopt the FY 2018-2022 Capital Improvement Program; 3) Adopt and Appropriate the FY 2018 Capital Improvement Program Budget; 4) Adopt a Resolution requiring City Council approval to spend Poverty Initiative funds; 5) Adopt and Appropriate \$50,000 of the FY 2018 Reserve for Contingencies for use by the City Manager; 6) Adopt a Resolution to set the Personal Property Tax Relief Rate; and 7) Adopt an Ordinance to change the City Code to set the Lodging Tax Rate from 5.5% to 6.5%:

Ayes: Dolan, Nelson, Tweedy, Wilder, Foster

5

Noes: Helgeson, Perrow

2

// In the matter of FY2018 Budget/CIP/City Code, City Council Report #16B was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-041, as presented, adopting the FY 2018 Mandated and Contractual External Service Providers Budget and appropriating \$8,520,098 for this budget:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Noes:

0

// In the matter of FY2018 Budget/CIP/City Code, City Council Report #16C was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-042, as presented, adopting the FY 2018 Discretionary External Service Providers Budget and appropriating \$34,225 for this budget:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

7

Noes:

0

// Council Member Nelson made the following statement: "As a member of City Council I am expected to participate in the discussion of, and to vote upon, the adoption of the City's budget, which included the allocation of funds for the Lynchburg City Public Schools. My wife is an employee of the Lynchburg City Public Schools; I therefore intend to participate in the discussion of and to vote upon the adopting of the City of Lynchburg's budget, including the allocation of funds for the Lynchburg City Public Schools". In the matter of FY2018 Budget/CIP/City Code, City Council Report #16D was considered. Council Member Helgeson stated he would be voting against the school budget because the budget calls for an increase while there is a decline in enrollment. He further stated that each year more money is allocated to the Schools which mean more burdens on our taxpayers. On motion of Council Member Wilder, seconded by Vice Mayor Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for

final action Resolution #R-17-043, as presented, adopting the FY 2018 School Operating Budget and appropriating \$104,348,362 for this budget:

Ayes: Dolan, Nelson, Perrow, Tweedy, Wilder, Foster 6

Noes: Helgeson 1

// In the matter of FY2018 Budget/CIP/City Code, City Council Report #16E was considered. On motion of Council Member Perrow, seconded by Council Member Wilder, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-044, as presented, adopting the FY 2018 Greater Lynchburg Transit Company Budget and appropriating \$8,964,329 for this budget:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY2018 Budget/CIP/City Code, City Council Report #16F was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-045, as presented, adopting FY 2018 Operating Fund Budgets for other funds and appropriating the sums of each fund:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY2018 Budget/CIP/City Code, City Council Report #16G was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-046, as presented, adopting the FY 2018 City/Federal/State Aid Fund for Workforce Investment Act Grant and appropriating \$1,492,632 for this budget:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY 2018 Budget/CIP/City Code, City Council Report #16H was considered. Council Member Perrow stated he would not be supporting this item. On motion of Council

Member Nelson, seconded by Vice Mayor Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-047, as presented, amending the FY 2018 – 2022 Capital Improvement Program Budget:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster 6

Noes: Perrow 1

// In the matter of FY 2018 Budget/CIP/City Code, City Council Report #16I was considered. On motion of Council Member Nelson, seconded by Vice Mayor Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-048, as presented, adopting the FY 2018 Capital Budget and appropriating \$22,569,368 for the City Capital Projects Fund, \$2,080,000 for the Schools Capital Projects Fund, \$2,650,000 for the Airport Capital Projects Fund, \$2,500,000 for the Water Capital Projects Fund, \$25,001,581 for the Sewer Capital Projects Fund, and \$850,000 for the Stormwater Capital Projects Fund:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY 2018 Budget/CIP/City Code, City Council Report #16J was considered. On motion of Council Member Nelson, seconded by Council Member Wilder, Council by the following recorded vote adopted Resolution #R-17-049, as presented, adopting the FY 2018 General Fund Non-Departmental Poverty Initiative funds of \$50,000, may only be spent upon approval by a majority vote of City Council:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY 2018 Budget/CIP/City Code, City Council Report #16K was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-050, as presented, appropriating \$50,000 of the FY 2018 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2017 through June 30, 2018:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY 2018 Budget/CIP/City Code, City Council Report #16L was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-051, as presented, to set the personal property tax relief rate for the fiscal year beginning July 1, 2017 through June 30, 2018 at 47.49%:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of FY 2018 Budget/CIP/City Code, City Council Report #16M was considered. Several Council Members stated that they would not be supporting this item to amend and reenact Section 36-223 of the Code of the City of Lynchburg, relating to the amount of the Transient Lodging Tax. On motion of Council Member Dolan, seconded by Vice Mayor Tweedy, Council by the following recorded vote adopted Ordinance #O-17-052, as presented, to amend and reenact Section 36-223 of the Code of the City of Lynchburg, 1981, the amended section relating to the amount of the Transient Lodging Tax increase from 5.5% to 6.5%:

Ayes: Dolan, Tweedy, Wilder, Foster 4

Noes: Helgeson, Nelson, Perrow 3

// The meeting was adjourned at 11:10 P.M.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of July, 2017, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Absent:	0

// During roll call Council Member Helgeson mentioned an article on low employment and poverty in the City. He suggested Council look into all avenues that will make it easier and encourage more businesses to grow in the City, which will help to lower our unemployment rates.

// Council Member Wilder mentioned the following items: 1) the two events that were held regarding the markers for Desmond Doss on Campbell Avenue and Monument Terrance, and thanked Communications and Marketing for arranging these two events; 2) Wonderful ceremony for recent graduates of the Lynchburg Police Department and thanked them for joining the Police Department; 3) Rashad Jennings giving back to the City, sponsored a football camp on Saturday and on Sunday a family event at Miller Park which was good to see Lynchburg working together.

// Vice Mayor Tweedy echoed Council Member Helgeson’s comments on the workforce and poverty issues in the City.

// Council Member Perrow mentioned a letter that he had received and to make sure that Mr. Kent White had responded to the citizen.

//Consideration of a closed meeting: (i) for discussion of plans to protect public safety and the security of City Hall and the safety of persons using City Hall because discussion in an open meeting would jeopardize the safety of such persons or the security of the building, pursuant to Section 2.2-3711(A)(19) of the Code of Virginia; (ii) for the discussion and consideration of prospective candidates for the Museum Advisory Board pursuant to Section 2.2-3711(A)(1) of the Code of Virginia; and, (iii) for consultation with legal counsel and staff members regarding specific legal matters requiring the provision of legal advice, specifically, (a) the discussion of legal matters related to the appointment of and qualifications for members of the Lynchburg School Board, and (b) the City's interest in the property located at 2007 Memorial Avenue now that the Lynchburg Life Saving Crew is no longer providing emergency services to Lynchburg's

citizens, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia.

On motion of Council Member Dolan, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting to select candidates for the Museum Advisory Board pursuant to Section 2.2-3711(A)(1) of the Code of Virginia:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Noes:	0

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

// Council Member Wilder left the closed meeting at 5:47 p.m.

// Council Member Nelson left the closed meeting at 6:28 p.m.

Council Member Helgeson made the following motion:

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

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

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

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

Ayes: Dolan, Helgeson, Perrow, Tweedy, Foster	5
Noes:	0
Absent: Nelson, Wilder	2

// In the matter of Appointments, and on nomination of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote appointed Joseph S. Morrell to fill an unexpired term on the Museum Advisory Board for a term to expire June 30, 2019:

Ayes: Dolan, Helgeson, Perrow, Tweedy, Foster 5

Noes: 0

Absent: Nelson, Wilder 2

// City Council recessed the meeting at 6:52 p.m.

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

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Absent: 0

// Copies of the minutes of the April 25, 2017 meeting, having been previously furnished Council, reading was dispensed with. Council Member Perrow asked that the minutes of April 25, 2017 be pulled from the Consent Agenda and brought back at the next meeting. Council by the following recorded vote agreed to pull the April 25, 2017 minutes from the Consent Agenda:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// Copies of the minutes of the May 9, 2017 meeting, having been previously furnished Council, reading was dispensed with. Council Member Perrow asked that the minutes of May 9, 2017 be pulled from the Consent Agenda and brought back at the next meeting. Council by the following recorded vote agreed to pull the May 9, 2017 minutes from the Consent Agenda:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// Copies of the minutes of the May 23, 2017 meeting, having been previously furnished Council, reading was dispensed with. Council Member Perrow asked that the May 23, 2017 minutes be pulled from the Consent Agenda and voted on separately because he was not at that meeting. On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster 6

Noes: 0

Abstain: Perrow 1

// Copies of the minutes of the June 1, 2017 meeting, having been previously furnished Council,

reading was dispensed with, and on motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// Copies of the minutes of the June 13, 2017 meeting, having been previously furnished Council, reading was dispensed with. Council Member Perrow asked that the June 13, 2017 minutes be pulled from the Consent Agenda and voted on separately because he was not at that meeting. On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster 6

Noes: 0

Abstain: Perrow 1

// Copies of the minutes of the June 27, 2017 meeting, having been previously furnished Council, reading was dispensed with. Mayor Foster asked that the June 27, 2017 minutes be pulled from the Consent Agenda and voted on separately because she was not at that meeting. On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote approved the minutes as amended:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder 6

Noes: 0

Abstain: Foster 1

// In the matter of Water Resources, Resolution #R-17-059, laid over from the June 27, 2017 meeting, was again presented and read. Mayor Foster asked that this item be pulled from the Consent Agenda and voted on separately because she was not at this meeting. On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder 6

Noes: 0

Abstain: Foster 1

// In the matter of Financial Services, City Council Report #9 was presented by Mr. David Rose with Davenport & Company regarding a potential Bond Refunding opportunity. The City's financial

advisors have reviewed the City's bond portfolio and believe that there is a refunding opportunity associated with the Series 2009B Build America Bonds. This refunding is estimated to result in approximately \$1.3 million in net savings over the life of the bonds. Savings would be allocated between the General Fund and Water Resources Fund as appropriate. Mr. Rose went on to say the refunding is in alignment with the City's "Refinancing of Debt Policy" which states that "a refunding transaction to achieve debt service savings should only be undertaken when the net present value of the savings, net of issuance costs, will be at least 3% of the principal amount of the refunded bonds". The City's financial advisors estimate that the net present value of the savings will be in compliance with this policy. Mr. Rose stated this is not something to depend upon, but to be aware of to provide additional savings. Mr. Rose went on to say Davenport & Company frequently assesses the City's bond holdings. The goal of this presentation is not for Council to make a decision, but to become more aware of the savings potential identified by the City's financial advisors. The City is looking at \$27 million of debt that currently has fixed rates from 5.05 – 6.61%. The goal is to exchange higher interest rates for potentially lower interest rates. The final maturity date is August 1, 2039. If rates stay in the same range, it could mean a \$1.3 million in net savings which results in approximately \$75,000 annually over the life of the loan. Water Resources will be released from pressure and the General Fund would see some dollars added to it, potentially \$75,000 a year. Mr. Rose and his firm will have discussions with the credit rating agencies in the coming weeks and return at the August 8th meeting with additional information to ask Council to vote in regards to financing. Even if Council approves, it will not go forward unless the thresholds are met. By early-mid August, Mr. Rose will have additional information from the credit agencies and then proceed to act by mid-September. Only fixed rates will be impacted.

// In the matter of Economic Development, City Council Report #10 was considered. Council Member Nelson made the following statement: "My father is currently a resident of Westminster Canterbury; however, I do not have a conflict of interest because neither my father nor I will experience a reasonably foreseeable benefit or detriment as a result of City Council's action on

Westminster Canterbury's Bond Issuance. I am able to participate in the discussion of, and vote on this item fairly, objectively, and in the public interest. Therefore, I will participate in the discussion of and vote on this matter".

Mayor Foster made the following statement: "My mother is currently a resident of Westminster Canterbury; however, I do not have a conflict of interest because neither my mother nor I will experience a reasonably foreseeable benefit or detriment as a result of City Council's action on Westminster Canterbury's Bond Issuance. I am able to participate in the discussion of, and vote on this item fairly, objectively, and in the public interest. Therefore, I will participate in the discussion of and vote on this matter".

On motion of Council Member Wilder, seconded by Council Member Dolan, Council by the following recorded vote adopted Resolution #R-17-061, as presented, authorizing the issuance of bonds for Westminster Canterbury of Lynchburg, Inc. through the Economic Development Authority of the City of Lynchburg:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// In the matter of Police, City Council Report #11 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-062, as presented, amending the FY 2018 General Fund Police Department budget and appropriating \$139,091 with resources of \$139,091 carryforward from the FY 2017 General Fund Police Department Budget to adjust salaries of Police Officer II, Police Officer III, Sergeant, and Lieutenant positions:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// The meeting was adjourned at 8:30 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 8, 2017**

AGENDA ITEM #: **5**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing Regarding the Fiscal Year (FY) 2018 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☒ Vibrant Community

RECOMMENDATION: Conduct a public hearing to receive comments on the Community Development Block Grant (CDBG) and HOME Program Fiscal Year (FY) 2018 Annual Action Plan and adopt a resolution approving the FY 2018 Annual Action Plan.

SUMMARY: The Department of Housing and Urban Development (HUD) requires local governments, which receive federal Community Planning and Development (CPD) formula block grant funds, to prepare an Annual Action Plan as a component of the approved 2015-2020 Five-Year Consolidated Plan. The Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and is comprised of the required components; and the CDBG and HOME projects that will be initiated during the program year to address the identified needs and objectives.

City staff has received from HUD final allocations for these FY 2018 entitlement programs. The City received \$662,564 in CDBG and \$300,951 in HOME Program funds. This was a reduction of \$208 in CDBG funds and \$16,942 in HOME Program funds from the FY 2017 entitlements. This represents a minuscule percentage reduction in CDBG and 5.3% reduction in HOME Program funds.

On July 24, 2017 a public notice was published in *The News and Advance* stating that a draft of the proposed FY 2018 Annual Action Plan was available for public review and that City Council would be conducting a public hearing on August 8, 2017 to receive public comments regarding the Plan. The advertisement included the projects approved by City Council at the March 14, 2017 meeting with the revised project allocations as recommended by the Community Development Advisory Committee (CDAC) based on the final entitlement amounts. At CDAC's direction, minor adjustments were made in the CDBG allocations to accommodate the \$208 reduction and the Lynchburg Redevelopment and Housing Authority (LRHA)'s Vacant Housing Revitalization and Rehabilitation HOME Program project was reduced by \$16,942.

City staff has not received any public comments regarding the draft Plan.

PRIOR ACTION(S): March 14, 2017: Public Hearing to receive comments from the recommendations of the Community Development Advisory Committee (CDAC) and City Council's Project Allocations of the Community Development Block Grant and HOME Program Funds

FISCAL IMPACT: FY 2018 Final Entitlements: CDBG Reduction-\$208; HOME Program Reduction-\$16,942

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

ATTACHMENT(S): Attachment A: FY 2018 CDBG & HOME Allocations Worksheet Revised with Final Entitlements
Attachment B: Community Development Advisory Committee Minutes: February 21, 2017 (Recommendations highlighted for Final Entitlement reductions)
Attachment C: FY 2018 Draft Annual Action Plan Narrative

REVIEWED BY: bms

RESOLUTION

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program Fiscal Year (FY) 2018 Annual Action Plan is hereby approved for submittal to the Department of Housing and Urban Development (HUD).

Adopted:

Certified:

Clerk of Council

102K

Community Development Advisory Committee (CDAC) Meeting
February 21, 2017
City Hall, Second Floor Training Room
11:00 a.m.

Meeting Notes

***Note: All members of the CDAC committee have reviewed and approved these notes**

Attendance included:

CDAC Members:

Mayor Joan Foster, Chair; Council Member Randy Nelson, Vice Chair; Ms. Kimberly Dyke-Harsley (Daniel's Hill Representative); Ms. Michelle Jackson-Calhoun (College Hill Representative); Mr. Dennis G. Newton (Diamond Hill-Historic District Representative); Ms. Jimmie Stevens (Diamond Hill-South Representative)

Note: April Sales (White Rock Hill Representative) did not attend the meeting.

City Staff:

Melva Walker (Grants Manager); Angie Shepard (Community Development Program Coordinator); Rhonda Allbeck (Assistant Director of Financial Services); Toni Butler (Grants Accountant); Kent White (Community Development Director); Jenny Jones (Parks & Recreation Director); Charlotte Lester (Neighborhood Center Coordinator, Parks & Recreation), Kevin Henry (Zoning Administrator); Sergeant Gary Fink (Lynchburg Police Department); and Dylan Bishop (Community Development- Intern);

Guests/Applicants:

April Shepherd, Lynchburg Redevelopment and Housing Authority (LRHA); Denise Crews, Lynchburg Community Action Group (Lyn-CAG); Donna Vincent (Habitat); Greg Tyree (Habitat); Dani Hottle (Boys and Girls Club)

The Committee Chair, Mayor Joan Foster, called the meeting to order at 11:00 a.m. Mayor Foster welcomed everyone attending the meeting. She thanked the members and audience for being present and asked members to introduce themselves. Each member introduced themselves and the neighborhood they represented. Council Member Foster turned the meeting over to City staff member, Melva Walker, Grants Manager.

Ms. Walker thanked everyone for being present and noted that April Sales, CDAC member representing White Rock Hill, was unable to make the meeting due to an emergency.

Ms. Walker presented an overview of the Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2015 (7/1/2015-6/30/16) that was submitted to the U.S. Department of Housing and Urban Development (HUD). This Report provides HUD with the accomplishments and activities that were completed with the use of the Community Development Block Grant (CDBG) and HOME Program funds. She summarized the programs and accomplishments in the following areas:

- Housing Ownership, Rehabilitation and Rental
Lyn-CAG completed the occupancy of one housing unit utilizing Community Housing Development Organization (CHDO) funds; Rush Homes completed the rehabilitation and new construction of Armstrong Place Apartments; and Habitat provided down payment assistance to five (5) households. Forty-one (41) units total were rehabilitated. Lyn-CAG completed three (3) homeowner rehabilitations; LRHA completed the rehabilitation of 2 public housing units; 1 private landlord, and replaced windows and doors for 34 units at Dearington Apartments; Lynchburg Covenant Fellowship (LCF) completed the renovation of the Frank Roane Apartments, with one unit rehabilitated with HOME funds.
- Improve City's Public Infrastructure and Facilities – The design for the City's Coordinated Infrastructure Improvements project was completed.
- Continuum of Care- Homeless Assistance: Coordinated Homeless Intake and Access (CHIA) Homeless Response System. This is a public service activity that is a point of contact to streamline the process.
- Promote Public Service Activities: The Police Department partnered with the Boys and Girls Club to provide the Baseball/Basketball and Fun Fridays Program. There were \$7,687 of CDBG funds expended for this program.

The CAPER is a comprehensive document and Ms. Walker stated that she was providing highlights of some of the main accomplishments. Ms. Walker stated that the complete report was available in the Grants Administration Office for anyone who would like to review the document in its entirety.

Ms. Walker reviewed the role of CDAC as it pertains to the Citizen Participation Plan for CDBG and HOME Programs. She stated that CDAC's role is to:

- Review CDBG and HOME applications received by City staff;
- Make project recommendations to City Council;
- City Council will conduct a public hearing, review the recommendations of CDAC, and give final approval for projects to be funded; and
- Public Notices are published for all public meetings.

Ms. Walker noted City Council's direction for Fiscal Year (FY) 2018 application funding is as follows:

- Maximize the use of CDBG funds for Capital Improvements Projects (CIP);
- Partner with the Lynchburg Redevelopment and Housing Authority (LRHA) for projects such as: Vacant Housing Revitalization & Rehabilitation (formerly Spot Blight Program), Rental Rehabilitation, and other housing related projects; and

- Focus resources on targeted neighborhood(s) through partnerships with City departments and/or LRHA.

Ms. Walker provided a brief overview of the 2015-2020 Consolidated Plan Goals for the Fiscal Year 2018 Annual Action Plan. She noted these goals were adopted by City Council on February 24, 2015 and reviewed/adopted by City Council at a public hearing on January 10, 2017.

Council Member Foster asked applicants for CDBG funding to come forward to summarize their funding requests, starting with the City's request for the Coordinated Infrastructure Improvements- 5th Street Phase III project. Mr. Kent White, Director of Community Development, came forward to summarize the application request. The Coordinated Infrastructure Improvements- 5th Street Phase III is an ongoing waterline replacement project that has been in progress for a number of years. The 5th Street corridor is a primary service corridor for Downtown. The project will complete the Fifth Street Corridor Master Plan adopted by City Council in 2006. The City would like to leverage local infrastructure dollars with matching funds from state grants. This project is approximately \$3 million total. With funding from CDBG, the City can leverage another \$750,000 and is requesting \$250,000 to support this project. The Fifth Street Corridor Master Plan projects have made tremendous improvements in water service, economic benefits with improved retail, restaurants, and more. Based upon CDAC's recommendation, Mr. White stated that he will have to ask City Council to fund any gap that remains to complete the project. Mr. White summarized for the Committee the various improvements that have been made along the Fifth Street corridor.

Mr. White then addressed the City's application requesting funding for the Rental Housing and Vacant Building Inspections program. The request is for \$25,000 to supplement the staffing for a code compliance inspector. This would allow the Department to leverage funds for part time staff assistance. The goal of the program is to proactively monitor vacant buildings in the City. There are currently 250 vacant houses with active cases which require a tremendous amount of staff time. There are about 3,700 units in the Rental Inspection program. City staff cannot possibly keep up with the volume of inspections needed within this program. The rental inspectors make sure the units meet basic housing codes. The Inspections Division currently has one full time person dedicated to rental inspections trying to inspect 3,700 units every four years. The Inspections Division staff has gained some efficiency through the allocation of resources and technology, but nothing can substitute for staff dedicated to conducting the inspections. Staff has seen improved conditions because of the Rental Housing program and a decrease in the overall number of housing complaints. The Vacant Housing Registration Program will generate some revenue. Mr. White stated that the City is asking for CDBG funds to leverage the revenue received to support a staff person. This is a pilot program. Vacant buildings and housing complaints are the biggest concerns heard from neighbors.

Ms. Jenny Jones, Director of Parks and Recreation, and Ms. Charlotte Lester, Neighborhood Center Coordinator with Parks and Recreation, came forward to summarize the applications for the

rehabilitation of the College Hill and Daniel's Hill Neighborhood Centers. Ms. Jones explained that normally the Neighborhood Centers would be a part of the City's Capital Improvements Project (CIP). The Centers are in the CIP; however, there is limited funding and she is requesting funds from CDBG in case City Council, through its budget process, does not recommend funds in the CIP for these projects. The projects have been regularly deferred in the CIP.

Ms. Lester summarized that Parks and Recreation contributes to an active, healthy community. The facilities are anchors in the neighborhoods. These Centers are the place where the community can organize events, meetings and after school programs. They play a vital role in the life of a community. Both College Hill and Daniel's Hill are in need of improvements with general aesthetic improvements, painting, flooring, lighting, and kitchen upgrades. The Parks and Recreation Department is requesting for an investment back into the neighborhoods. An investment in the Centers improves the neighborhood and its residents. College Hill is a larger neighborhood than Daniel's Hill but the activities at the Daniel's Hill Neighborhood Center serves more residents. Daniel's Hill Center was built in 1979. Ms. Lester stated that there had been some exterior renovations made at the Centers.

Ms. April Shepherd, Procurement/Community Development Officer, at Lynchburg Redevelopment and Housing Authority (LRHA), summarized the four (4) grant applications that were submitted by LRHA. The first was a funding request to complete the renovation of one housing unit at Langview Apartments. The renovations would allow LRHA to make one unit compliant with the Americans with Disabilities Act (ADA)/ Section 504 of the Rehabilitation Act of 1973. The U. S. Department of Housing and Urban Development (HUD) requires 5% of the public housing units be ADA/Section 504 compliant. To meet this requirement, LRHA needs to have at least 17 housing units compliant. Currently, six (6) units have been completed and one (1) is under construction.

Ms. Shepherd provided an overview of the Vacant Housing Revitalization and Rehabilitation Project formerly known as the Spot Blight Abatement program. The Authority has taken the last few years off from acquiring any new spot blight properties in order to reinvent the program. LRHA staff believes by making this program a joint venture with the City and the community housing partners in the Housing Collaborative, they can identify and implement new ways to use the acquired properties to benefit extremely-low, low and moderate income families while expanding the affordable housing stock in the City. The plan for this project is to evaluate vacant structures to determine properties that could be rehabilitated and re-inhabited and properties that need to be demolished but would provide a good opportunity to build a new structure. Once the properties are rehabilitated or constructed LRHA would rent as affordable housing. The goal is to identify an "end use" prior to acquisition so that once rehabilitation and/or construction is completed the property would be ready for occupancy.

Ms. Shepherd summarized the Centralized Homeless Intake Access Coordinator (CHIA) application. The Central Virginia Continuum of Care (CoC), in partnership with LRHA, is

requesting continued funding for the position of the Homeless Intake Coordinator. HUD's Continuum of Care program regulations require a coordinated intake process in order for a community to be eligible for federal grants to assist with homeless response programs. The Coordinator assesses a household's needs to determine if they can be diverted from homelessness or, if necessary, placed in shelter. Development of a housing plan, assessment of barriers and referral to the most appropriate homeless response program, put households on a path to housing stability.

The last application that Ms. Shepherd summarized was for the continuation of funding for the Affordable Housing Resource Center (AHRC). LRHA is currently in the process of hiring a Housing Navigator for the Resource Center. This position will work in tandem with the Continuum of Care (CoC). The Affordable Housing Resource Center will bring all housing related resources under one roof to provide citizens of Lynchburg a "one stop shop" for accessing resources to address and solve their housing questions and needs. The Lynchburg Housing Collaborative and Central Virginia Continuum of Care are partners in this endeavor. The Housing Navigator would assist citizens in navigating the numerous affordable housing challenges, as well as opportunities, in the City. Information, education and training programs would be offered to provide a number of learning tools to assist citizens to be successful in obtaining and maintaining stable housing. The Center would work with citizens to understand their need, whether immediate or future, and assist them in determining what program/resource best meets their need. The Center would be an "information hub" which all housing providers would report the status of their existing program information and openings. The Center would track data related to citizens assisted, the needs, the income level and the results.

Ms. Dani Hottle, Boys and Girls Club, and Sergeant Gary Fink, Lynchburg Police Department (LPD), presented the application for the Badges and Fun Fridays application. Ms. Hottle stated this was their tenth year of collaboration with the Lynchburg Police Department to bring the Badges for Baseball and Fun Fridays program together. The program is held for seven (7) weeks over the summer on Tuesdays and Thursdays. LPD officers play baseball with the youth and teach them skills of the game as well as life lessons, honesty, and good sportsmanship. On Fun Fridays the officers come down and have lunch with the kids. Every other Friday, LPD officers cook and serve lunch during cookouts to the kids. The Badges for Baseball serves 100 club members and the Fun Fridays serve 160. The Club has been in existence for eleven (11) years. The Club serves youth ages 6 to 18. All the youth are low-income, high risk. The membership fee is \$10. This winter they are currently running the Badges for Basketball program at Dunbar Middle. The members are largely from College Hill and Dearington. This program is vital for the members and their families along with LPD to see each other as just people. Sergeant Fink expressed this has been a great experience with the kids and having that contact is important. He currently is a part of the program at Dunbar.

Applications were then presented for funding requests from the HOME Program.

Ms. Denise Crews, Director of Housing and Community Development at Lyn-CAG, came forward to summarize the Homeowner Substantial Rehabilitation program. Ms. Crews stated that Lyn-CAG is currently the only agency that is operating a Substantial Rehabilitation for low to moderate income clients in the Downtown area. Lyn-CAG is currently rehabilitating three (3) homes with seven (7) housing units under evaluation for rehabilitation. With HUD recommendations, the Substantial Rehabilitation program was restructured. Lyn-CAG staff no longer put large sums of funds in homes. Due to limited resources, Lyn-CAG staff has scaled back and can serve more individuals. Lyn-CAG staff helps people in the Weatherization program through partnering with the Substantial Rehabilitation program if the individuals have needs of a larger cost. This program can serve and partner with more agencies.

The First-time Homebuyer program is a single family development program. Lyn-CAG is a Community Housing Development Organization (CHDO). There are marketing campaigns with realtors, banks and other lenders. They reach out to agencies and schools to find applicants for the program. Lyn-CAG purchases the house, completes the rehabilitation of the housing unit, and then sells it to a qualified first-time homebuyer.

Ms. Donna Vincent, Executive Director and Mr. Greg Tyree, Administrative Director/Family Services Manager, with Greater Lynchburg Habitat for Humanity, summarized Habitat's funding request. Ms. Vincent stated that Habitat is getting ready to build its 297th home. The \$120,000 request is to provide assistance for six (6) homes. Each homeowner goes through Homebuyer Counseling. Mr. Tyree is a certified Housing Counselor and a certified Mortgage Originator. Ms. Vincent stated that Habitat can no longer sell homes at \$30-\$40K. This worked them into a giant hole without any assets. Habitat now sells homes at the appraised value and uses the HUD income and resale value limits. This request is to meet the gap between the appraised price and the mortgage. She stated that Habitat was doing some partnering with the Housing Authority. They will have five (5) homes this year and on target for six (6) next year. Ms. Vincent anticipates \$20,000 as an average for assistance for each family. Mr. Tyree stated the benefits to the community when you take people out of renting, the tax base improves and their homes are energy efficient.

With the conclusion of the overviews by the applicants, Ms. Walker provided clarification on the HUD allocation worksheet for CDAC members. Final HUD allocation numbers have not been provided. She stated that City staff is currently using the entitlement amount from last year as an estimate for the FY 2018 funding. The available amount for CDBG is \$753,272.01. Of the CDBG amount, 15% can be allocated to public service activities. It does not have to be, but can be allocated to those activities. She stated that 20% of the CDBG funding can be allocated to Administration.

Ms. Walkers stated that the available amount for the HOME program is \$317,893. Of that amount, 10% can be allocated to Administration. There must be at least an allocated amount of 15% to CHDO activities. More can be allocated, but at least 15% needs to be. Ms. Walker summarized the

FY16/17 award amount displayed on the worksheet and the estimated entitlement amount for FY 18 to include reprogrammed funds and program income. Ms. Walker asked the Committee to keep in mind during their discussions about allocations where they may want to increase or decrease funding once allocation amounts have been received from HUD.

Mayor Foster began the allocation discussion, beginning with the 5th Street Phase III project with a \$250,000 request. Mr. White provided a map for the Committee. Phase III starts at Jackson Street on Polk, Monroe and one-half a block past Park Avenue. Mr. White stated that the project consists of matching the streetscape work with the waterline work. Ms. Dyke-Harsley inquired about how far on the map the project continues along 5th Street past Park Avenue. There is part of the phase that continues, but would just be the streetscape and not water line piece that is on the infrastructure list for the future. Mr. White indicated that City staff is aware of the pedestrian need along that corridor and it is a matter of leveraging funds. Mr. White confirmed for Ms. Dyke-Harsley that the Phase III would match Phases I and II. He believes they can leverage another \$750,000 with this funding.

Mr. Newton inquired as to what role CDBG funding will play in leveraging funds. Mr. White indicated that this will allow leveraging of federal funds with state resources, trying to maximize funds. CDBG can increase the amount they get with a 25%-75% match. If CDAC allocates less, then he will go before City Council to seek additional funds for the project. Mr. Nelson noted this entire project is a more below the ground project primarily to remove dilapidated facilities, but this particular pocket is more above ground, with aesthetics, promoting quality of life, and will directly benefit the neighborhood. The above ground may be what suffers if not fully funded. Mr. White confirmed that is accurate and has tremendous impacts on the transportation efficiency in doing waterlines and streetscape at one time.

Ms. Stevens inquired about these beautifications being made to this portion of the neighborhood and this may make the rest of the neighborhood look shabby. Mr. White sees economic impact when dollars improve the neighborhood. The long term goal is to do these infrastructure replacements throughout the City. But the key thing with this project is to do it with another infrastructure project and be able to leverage dollars which is the real efficiency with this investment.

Ms. Jackson-Calhoun asked if the improvements will include parking as well. Mr. White responded that there is some provision for on street parking.

Mayor Foster asked if the project this year was along the same corridor as last year's request. Mr. White explained that last year the project was for Downtown infrastructure improvements and did not include the 5th Street request. City staff is trying to spread the work out geographically so they are not restricting the access points. Mayor Foster inquired as to if he has received the full funding each year. Mr. White explained that it has varied from year to year. Last year the Downtown Coordinated Infrastructure project received less funds than requested within the CDBG and City Council was able to provide the gap. This project is about leveraging dollars when other projects

may not qualify. This project is slated to begin October/November. It could even be as late as January 2018. The Downtown project will be complete and then this project can begin. Design is underway and will be shovel ready when the Downtown project is complete. City staff has community engagement and updates to complete. Ms. Jackson-Calhoun inquired about timelines. Mr. White indicated that as with CDBG funding, any leveraged funds would be on a timeline too. There is more flexibility with the local dollars. By doing this now, this leverages funds that may not be available if the project was not funded. Ms. Walker indicated that the spend down time is two years and at the timeliness test each year on May 1st, the City has to have only have 1.5 of the allocation ratio of the entitlement funds of the current year and prior year. Ms. Walker stated that the Grants Administration staff monitors the projects funded closely and this project is on target. Mr. White stated that the Streetscaping project will be shown in the CIP and it will be changed in the CIP based on funding allocated from CDAC. He stated that the streetscaping will be at the end of the project. Discussions were held among CDAC about the possibilities of what may happen if funded partially, not funded, or if City Council were to choose not to fund and the benefits to the community of the project. The focus is on the commercial section and hopefully increasing the values of the residential properties.

The Committee by consensus agreed to allocate the full request of \$98,000 of CDBG funding to Administration to administer and oversee the programs with salaries and benefits, advertising, minimal office supplies, trainings, etc.

CDAC members posed questions to Mr. White about the Rental Housing and Vacant Building Inspections application. This funding is to supplement City funds to hire a part-time Rental Inspector to have properties up to code and minimize vacant housing issues. Mr. White stated that City Council authorized a registration fee in December 2016 to be charged to owners of vacant buildings. Ms. Jackson-Calhoun questioned if a vacant unit may also be abandoned as well, how the Department goes about locating owners. Mr. White stated there are significant issues in dealing with the properties because ownership changes and City staff can't subpoena out-of-state owners. Sometimes staff has to take the owner to court and other times the property eventually ends up in the hands of someone who is willing to rehabilitate the structure. The Housing Authority's Vacant Housing Revitalization and Rehabilitation Program is another tool the City uses to help out. Mr. Newton inquired that if funding is not received for this position, would Mr. White have the capacity to hire a person. Mr. White stated that adjustments would need to be made within the General Fund Operating budget.

Conversation was held among members about leveraging funds with local dollars and this is a pilot program. Mr. White stated that City staff can only inspect about 300 to 500 units a year and need to do about 900. City staff is trying to proactively manage vacant housing. The priority is always occupied housing but trying to manage vacant housing as well. There is one staff person dedicated to the rental program. City staff wants to use this as a pilot and come back to CDAC with what has been accomplished.

Council Member Nelson stated that a city that can eliminate vacant housing is better off. The City Ordinance does not address the dangerousness of the building. He would like to see the City change the ordinance to address dangerousness. He believes resources need to be put toward occupied buildings. He would recommend not funding this program and funding be put toward the Housing Authority's Vacant Housing program. He is more concerned with people in houses and not just vacant houses. Mr. White stated that not funding this program will not change the focus of the program. City staff will still have to respond to complaints first and will not be able to get to them all. Ms. Jackson-Calhoun indicated she did feel the title of the City's program may be misleading and can see Council Member Nelson and Mr. White's points of view.

CDAC members then asked questions of Parks and Recreation regarding the Neighborhood Center requests. Ms. Jackson-Calhoun noted that College Hill and Daniel's Hill Centers could both greatly benefit from the upgrades. These centers provide a lot to the community. Ms. Lester indicated that the centers are teen focused. City staff does hope to grow the programs and staff is seeing more interest in centers, and are working to provide more opportunities for youth. Ms. Dyke-Harsley stated it's a shame that it has taken so long for the centers to be upgraded and it is definitely needed. Ms. Jones explained that the projects were turned down in the CIP in the past because other projects have taken priority for various reasons. These projects have been deferred for four (4) to five (5) years. The City has invested in stabilizing staff and the end result has been that there has been a decrease in staff turnover in the centers. These upgrades would be the missing piece. Council Member Nelson notes his satisfaction with seeing this application. He is an advocate for dealing with the learning gaps at the neighborhood level and community centers are key. He asked what the amounts would be to get what is needed done if they did not receive full funding. Ms. Jones indicated the kitchens and bathrooms are essential and if she had to pick one facility over the other to fully fund, it would be Daniel's Hill because it is next on the CIP, is the oldest facility, and serves more people. At a minimum, they would need \$51,300 for the kitchen and bathrooms at Daniel's Hill and \$60,500 for kitchen and bathrooms at College Hill.

CDAC members asked Ms. Shepherd with the LRHA a few questions about the applications. Mayor Foster notes that for the formerly Spot Blight program there are still some properties that remain on the LRHA property inventory. Ms. Shepherd indicated there are three (3) homes currently being rehabilitated. There are currently two (2) new properties under construction. LRHA staff is collaborating with Habitat on the construction of the home at 70 Federal Street. The Vacant Revitalization and Rehabilitation Program has been brought back this year to start working with City staff to review the vacant property inventory and see if there are properties that can be acquired and rehabilitated. There was not enough staffing before because the process is quite involved. Ms. Walker noted that the Executive Director, Ms. Fagan, stated she was bringing this program back again as LRHA would like to rehabilitate homes so that there is more affordable housing within the City. Previously LRHA was acquiring properties and not completing rehabilitation or disposition of the properties. Ms. Walker stated that she had spoken to Ms. Fagan and that she stated that if only \$75,000 was available or allocated to the project LRHA would use the available funds to complete at least one or two rehabilitations based on costs. Ms. Walker

informed the Committee that the LRHA Vacant Housing Revitalization & Rehabilitation program can be funded either in the CDBG or HOME Program because the HOME program is about providing housing for persons. The City's application stated that the City has the right to move an application from one program to the other if needed. This is the only application that is eligible to be moved.

Ms. Shepherd indicated the Langview Apartment renovation is for one ADA compliant unit. This is for one family. They are required by HUD to make 5% of the units ADA/Section 504 compliant. Funding for this unit would put them at the 50% mark. One unit was funded last year. When they make a unit compliant, they put in ramps, grab bars in showers, lower the counter tops, install appliances with controls, etc.

Ms. Walker noted that CHIA is a HUD requirement for the Continuum of Care (CoC). Ms. Shepherd indicated this request is for the salary, benefits and training for the staff member.

The Affordable Housing Resource Center would be a new position and LRHA staff is currently working on the job description for advertisement. LRHA staff is seeking to create a one stop shop as a centralized place for housing. Ms. Walker stated the Housing Authority is working to get the program going. LRHA received \$45,000 in FY 2016 for the Center.

Ms. Dyke-Harsley inquired about the change from the \$50,000 to \$65,000 for CHIA. Ms. Walker responded that the position is now a full time position. This position coordinates with the CoC whether a person needs services, temporary housing or permanent housing. Ms. Crews with the CoC explained the goal is to have a list of landlords that are willing to rent to the hard to serve population. The CHIA keeps them from being homeless and the Resource Center aids with locating housing.

Committee members began focusing on HOME Program applications. CDAC members were in consensus on funding the Administration portion for \$24,000.

Members discussed the Lyn-CAG First-time Homebuyer (CHDO) project. Ms. Walker indicated there is a 15% requirement by HUD with these funds. Ms. Walker stated that the City can no longer use a cumulative total for CHDO allocations. A CHDO project must be funded each year for at least 15% of the HOME Program entitlement amount CDAC was in consensus to fund the requested amount of \$47,700 for the First-time Homebuyer project.

Mr. Newton inquired of Ms. Crews how she came up with the \$150,000 for Lyn-CAG's Homeownership Substantial Rehabilitation program. Ms. Crews explained this is an estimated average cost per home. Ms. Crews stated that due to the number of applications and the amount of funds requested, Lyn-CAG would be willing to decrease the amount requested to \$75,000 for the Homeownership Substantial Rehabilitation project. While Lyn-CAG does have a waiting list of persons to be served, she is able to do more with each home when she combines funds with the

weatherization program. This allows her to serve additional clients. CDAC members agreed to fund the Substantial Rehabilitation program at \$75,000.

Mayor Foster suggested that since Lyn-CAG had offered to decrease its request for the rehabilitation program that the funding request for the LRHA Vacant Housing Revitalization & Rehabilitation program be moved to the HOME program and be funded for \$75,000.

CDAC members agreed by consensus to fund the Substantial Rehabilitation program for \$75,000 under the HOME program and then allocate \$75,000 to the LRHA Vacant Housing Revitalization and Rehabilitation project within the HOME program.

This leaves \$96,193 to fund the Habitat for Humanity- Homeownership program. CDAC inquired of Ms. Vincent how this would affect the program. Ms. Vincent stated the short fall from the request of \$120,000 would equate to about one down payment assistance for a family (about \$24,000). She expressed they do anticipate having funding left over for the end of this fiscal year to apply toward any funding awarded for FY 2018. By consensus, CDAC members agreed to fund the Habitat program for \$96,193.

CDAC began CDBG allocation deliberations.

Mr. Newton recommended leaving the request for \$85,000 for the ADA unit at Langview Apartments at LRHA since only one unit was funded last year and the request was for two units. Members were in consensus with this funding.

Mayor Foster questioned Mr. White about reduced funding for the 5th Street project and what steps would be taken next. Mr. White indicated he would go back to City council to request funding through the CIP.

After further discussion, CDAC members decided not to fund the City's request for the Rental Housing & Vacant Building Inspections position.

CDAC members agreed that the Neighborhood Centers are a high priority. Members, by consensus, agreed to fund both Neighborhood Centers completely: College Hill Neighborhood Center at \$150,000 and Daniel's Hill Neighborhood Center at \$175,000.

The Coordinated Infrastructure Improvement- 5th Street Phase III was funded at \$136,031.21.

Ms. Walker emphasized to CDAC again that HUD allocations have not been received at this point and City staff is working from funding amounts received last year. If allocations were to be increased, members agreed that in the CDBG program, funds should be allocated to the 5th Street Phase III project. As well, if funds were reduced, members were in agreement, reductions should come from the 5th Street Phase III allocations. If allocations were increased in the HOME program,

members agreed those funds should go toward the Habitat program for homeownership assistance. If allocations were decreased in the HOME programs, members agreed to reduce the funding in LRHA's Vacant Housing Revitalization & Rehabilitation program.

Ms. Walker reviewed the tentative schedule for the City Council public hearing on recommendations, Annual Action Plan draft and Annual Action Plan submission.

- City Council Public Hearing (CDAC Recommendations) & City Council Allocations- March 14nd @ 7:30 p.m.

- City Council Public Hearing (FY 2018 Annual Action Plan) – April 25, 2017 @ 7:30 p.m.

- 2015-2020 Consolidated Plan and FY 2017 Annual Action Plan Submittal to HUD- May 11, 2017

Council Member Foster closed the meeting at 2:45 p.m.



ANNUAL ACTION PLAN

Program Year 2017 • Fiscal Year 2018
DRAFT



Annual Action Plan • July 1, 2017 – June 30, 2018

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Lynchburg receives an annual entitlement allocation of funding from the U. S. Department of Housing and Urban Development (HUD) to be used for the benefit of low-income persons or neighborhoods. The funding is based on a formula and a number of community development factors including population, the extent of poverty, housing overcrowding, and slower population growth in relationship to other metropolitan areas.

The City of Lynchburg receives two different entitlement grants from HUD, the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Program Grant. The City uses these funds to leverage other public and private funding towards community development and housing projects.

The City of Lynchburg, as an entitlement jurisdiction in the CDBG and HOME Programs, is required by HUD to submit a consolidated plan every five years. The Consolidated Plan defines a specific course of action to meet the community development and housing needs for the citizens of Lynchburg. It integrates economic, physical, environmental, community and human development in a comprehensive and coordinated fashion so that the City, Lynchburg Redevelopment and Housing Authority (LRHA), and nonprofit organizations can work together to assist in meeting the needs of families and/or individuals. The strategic plan in this document also sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress. In so doing, it helps the City and citizens keep track of results and learn what works in the community.

This Consolidated Plan corresponds to the City's five fiscal years, which began July 1, 2015 and ends June 30, 2020. Once a year, City staff writes an Action Plan. The Action Plan outlines projects and the amount of funding that will go towards the goals outlined in the Consolidated Plan. At the conclusion of each fiscal year, City staff writes a final report, called the Consolidated Annual Performance and Evaluation Report (CAPER), to report the progress towards the Consolidated Plan goals and accomplishments by project.

The CDBG and HOME funding allocations have been trending downwards and that trend is expected to continue. However, this Plan takes into account the increasing importance of identifying and prioritizing the most critical needs to be addressed with CDBG and HOME Program funds.

Structure of the Plan

The Consolidated Plan consists of three major sections: a housing and community development needs assessment, a housing market analysis, and a strategic plan which identifies those priority housing and community development needs and strategies that the City plans to address with the available HUD resources over the next five years. This plan was formulated using HUD's eConPlan tool, which dictates the plan's structure and provides a series of pre-populated tables.

Data in the three major sections was drawn primarily from HUD's Comprehensive Housing Affordability Strategy (CHAS) data set, which is a special tabulation of 2007-2011 American Community Survey (ACS) data from the Census Bureau. The CHAS data is a fixed set of data in pre-populated tables. The CHAS data describes housing problems, such as overcrowding or incomplete kitchen and/or plumbing facilities, as well as cost burden, which occurs when a household pays more than 30% of its gross income on housing costs. Extreme cost burden occurs when a household pays more than 50% of its gross income on housing costs.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The Strategic Plan within the 2015-2020 Consolidated Plan provides a framework to address the needs of the City for the five years using CDBG and HOME funds. The three overarching objectives guiding the proposed activities are:

- Providing Decent Affordable Housing
- Creating Suitable Living Environments
- Creating Economic Opportunities

Outcomes show how programs and activities benefit a community or the people served. The three outcomes that will illustrate the benefits of each activity funded by the CDBG and HOME programs are:

- Improve Availability/Accessibility
- Improve Affordability
- Improve Sustainability

Activities funded in the five year plan and the Program Year 2017 Annual Action Plan will support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals:

- Provide Decent, Affordable Housing
- Provide a Suitable Living Environment
- Increase Homeownership
- End Chronic Homelessness

The goals listed below are intended to provide broad guidance in the allocation of CDBG and HOME Program funds granted to the City by HUD for the five years that began on July 1, 2015 and ends on June 30, 2020. The Community Development Advisory Committee (CDAC) supports the allocation of funds to achieve measurable results for both housing and non-housing goals. These goals were reviewed and reaffirmed by City Council on January 10, 2017 for the Fiscal Year (FY) 2018 (Program Year 2017) Annual Action Plan.

Housing Goals

- Increase the number of owner-occupied units.
- Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.
- Support initiatives to increase permanent affordable rental and housing ownership opportunities.
- Promote programs that assist eligible individuals in retaining their homes.

Non-Housing Goals

- Support efforts for the removal and redevelopment of dilapidated and condemned structures to eliminate neighborhood deterioration, blight and blighting influences.
- Support neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- Support economic development initiatives that improve the economic base, job skills, and health of the community.
- Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families.
- Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
- Support efforts to remove barriers to escape poverty and strengthen low-income households and families.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

In Program Year 2016 (FY17), the City received \$662,772 in CDBG entitlement funds and \$317,893 in HOME Program entitlement funds. Along with these entitlement funds, reprogrammed prior year funds and previously receipted program income of \$89,173.45, respectively, in the CDBG Program was allocated to eligible projects. The City estimated program income in the amount of \$286.80 for the CDBG Program. The total amount of CDBG and HOME funds the City allocated for projects and activities during the Program Year 2016 was \$1,070,125.25. This represented a total of \$752,232.25 in CDBG and \$317,893 in HOME Program dollars. The City allocated the majority of its CDBG and HOME Program funds for projects and activities classified as housing, public infrastructure, and public services.

The following is a summary of the City's past performance as reported to HUD in the Consolidated Annual Performance Report (CAPER) for overall performance in Program Year 2015 (FY 2016). The CAPER noted that the City's performance in Program Year 2015 (FY 2016) met the regulatory expectations in regard to the following:

CDBG Program- In Program Year 2015 approximately 95.34% (\$989,325) of the CDBG allocation was expended on activities that benefited low-to-moderate (LMI) persons within the City. With this amount the City is well above the minimum threshold of 70% set in 24 CFR 570.901(a).

There was 17.48% (\$131,700) of Lynchburg's CDBG allocation and prior years' funding was expended on planning and administration, under the maximum of 20% allowed according to 24 CFR 570.206(g).

There was 7.00% (\$50,138) of Lynchburg's CDBG allocation and prior years' funding was expended for public service activities, therefore, the City was under the maximum of 15% mandated by 24 CFR 570.201(e).

HOME Program

HOME funds were used to achieve the goals of increasing the number of affordable rental units, increase the number of owner occupied units, and to rehabilitate substandard housing units.

The City increased the number of owner occupied units by six (6) during Program Year 2015. Greater Lynchburg Habitat for Humanity (GLHFH) provided Homebuyer Homeownership for five (5) units through its Down Payment Assistance Project to eligible clients and Lynchburg Community Action Group (Lyn-CAG) through its Community Housing Development Organization (CHDO) project acquired and

rehabilitated one (1) housing unit for a low-moderate income first-time homebuyer. Lyn-CAG completed three (3) owner-occupied rehabilitations on substandard housing units. There were \$270,486 of the City's HOME entitlement funds expended on these units.

Eleven HOME (11) rental housing units were completed by Rush Homes and Lynchburg Covenant Fellowship completed the rehabilitation of one HOME Program rental housing unit within the rehabilitation project for Frank Roane Apartments. These units provide housing for persons with disabilities and the elderly. There was \$245,500.000 of HOME Program funds invested in these units along with other local, state and Federal resources.

Using CDBG funds, thirty-four (34) rental units received window and door replacements at Dearington Apartments and two (2) public housing units at Brookside Apartments were rehabilitated. LRHA expended \$125,000 in CDBG funds for the Dearington window replacements and \$97,406 for the rehabilitation of the Brookside Apartments rental housing units.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The planning process for the preparation of the Five-Year Consolidated Plan and FY 2018 Annual Action Plan included the following distinct elements:

- Focus group sessions with representatives from City government (staff), non-profit organizations, and other service providers to gain stakeholder input on the identification of City needs.
- Additional meetings and telephone interviews with City departmental staff and other provider agencies and stakeholders throughout the planning process to understand the current scope of programs, issues, and concerns. The one-on-one conversations helped to develop strategies to address the community needs that were identified in the focus group sessions.
- Review of existing community development-related planning documents, including the City of Lynchburg's 2030 Comprehensive Plan (2013)
- There was one public meeting conducted by the Community Development Advisory Committee (CDAC) and three public hearings conducted by City Council for the FY 2018 Annual Action Plan to review the housing and non-housing goals and the proposed project applications. Public notices were published in the local newspaper, *The News and Advance*, along with notifying community organizations through electronic mail and social media.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

On January 10, 2017 City Council conducted a public hearing to receive citizens' comments concerning the Community Development Block Grant (CDBG) and HOME Program housing and non-housing goals for the FY 2018 Annual Action Plan. At the public hearing, City staff gave a summary of the proposed goals. There was no one present who wished to speak to this item, and the public hearing was closed. City Council approved the goals as presented by City staff.

On February 21, 2017 the Community Development Advisory Committee (CDAC) held a public meeting to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the anticipated allocation of \$753,272 in CDBG entitlement, program income and reprogrammable funds and \$317,893 in HOME Program entitlement funds.

There were representatives from the various agencies that had submitted project applications present at this meeting. CDAC members reviewed each application and asked questions of the respective agency representatives for clarifications. At the conclusion of the meeting, the Committee unanimously agreed on the recommended projects for the CDBG and HOME Program that would be submitted to City Council for approval.

At the time of the CDAC meeting the City had not received final entitlement allocations from HUD. Therefore, CDAC included in their recommendations increase/decrease adjustments to the recommended projects based on the final allocations from HUD.

On March 14, 2017 City Council conducted a public hearing to receive public input and adopt the proposed FY 2018 CDBG and HOME Program projects. There were agency representatives, who had submitted applications for funding and a citizen of the Diamond Hill community, present and spoke to City Council regarding the CDAC recommendations for the projects. The representatives asked for City Council's support of the CDAC recommendations. City Council unanimously approved the CDAC recommendations for projects to be funded.

On August 8, 2017 City Council will conduct a public meeting to accept comments regarding the draft FY 2018 Annual Action Plan.

For additional information on public comments and public outreach efforts, including public hearing notices and minutes, please see the attachment in AD-25, Administration, Citizen Participation Comments.

6. Summary of comments or views not accepted and the reasons for not accepting them

(Any comments received during the public comment period will be reviewed for acceptance.)

7. Summary

The public participation in the 2015-2020 Consolidated Plan and FY 2018 Annual Action Plan carried general themes of the need for goals that would provide for programs and activities that serve the homeless and persons in poverty; provide education awareness activities to guide persons in securing homeownership through pre and post-counseling and maintaining/retaining their homes; and provide affordable rental housing for low-to-moderate income persons and persons with disabilities.

DRAFT

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator		Community Development/Grants Administration
HOME Administrator		Community Development/Grants Administration

Table 1 – Responsible Agencies

Narrative (optional)

The City of Lynchburg's Community Development Grants Administration Office is the lead agency for the preparation of the Consolidated Plan.

Consolidated Plan Public Contact Information

City of Lynchburg Department of Community Development
Grants Administration Office
900 Church Street
Lynchburg, VA 24504
Contact: Melva C. Walker, Grants Manager
Phone: 434.455.3916
Email: melva.walker@lynchburgva.gov
Website: www.lynchburgva.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Lynchburg utilized an outreach effort to maximize input from stakeholders. This outreach effort included the Community Development Advisory Committee (CDAC) meeting, public meetings, and published meeting notices in the local newspaper, *The News and Advance*, emails, and social media.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

To ensure the participation of and coordination between public and private agencies, the Grants Administration staff sent informational material and written communication to community organizations for preliminary discussions on the Plan and the needs of the citizens of Lynchburg. Some of the agencies contacted included: Lynchburg Redevelopment and Housing Authority (LRHA), Lynchburg Health Department, Johnson Health Center, Lynchburg Department of Human Services, Miriam's House, The Gateway, Inc., Rush Homes, Central Virginia Continuum of Care, City of Lynchburg Office of Economic Development, Lynchburg Community Action Group, United Way of Central Virginia, Region 2000, and Divisions of Neighborhood Services/Code Enforcement and Inspections within the Department of Community Development.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Lynchburg is a member of the Central Virginia Continuum of Care (CVCoC), which is a regional group of agencies that focuses on issues pertaining to homelessness. Through the participation of the members of the CVCoC the agency can more effectively address the needs of homeless individuals and families, including the following: homelessness prevention; outreach/assessment (i.e. case management); emergency services; transitional housing; and permanent supportive housing. In addition, the City along with the CVCoC has a partnership with Lynchburg Redevelopment and Housing Authority (LRHA) to fund a Coordinated Homeless Intake Access (CHIA) Coordinator position to provide a coordinated intake process for homeless persons. This position and the coordinated intake process at LRHA provides a higher level of coordination with the CVCoC to address the needs of homeless persons.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate

outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The Central Virginia Continuum of Care (CVCoc) does not receive Emergency Solutions Grant (ESG) funds.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY (LRHA)
	Agency/Group/Organization Type	PHA (Public Housing Authority)
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Redevelopment and Housing Authority (LRHA), the Public Housing Authority (PHA), was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for low-to-moderate income persons.
2	Agency/Group/Organization	Rush Homes
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Housing needs- persons with disabilities
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Rush Homes was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.

3	Agency/Group/Organization	GREATER LYNCHBURG HABITAT FOR HUMANITY
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy Low-to-moderate income families
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Greater Lynchburg Habitat for Humanity (GLHFH) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for low-to-moderate income and homeless persons.
4	Agency/Group/Organization	LYNCHBURG COMMUNITY ACTION GROUP, INC. (LYN-CAG)
	Agency/Group/Organization Type	Housing Services - Housing Services-Persons with HIV/AIDS Services-homeless Services-Education Services-Employment Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs HOPWA Strategy Anti-poverty Strategy Lead-based Paint Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lyn-CAG was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing, rehabilitation to owner-occupied housing, and the availability of community and housing services for low-to-moderate income persons.
5	Agency/Group/Organization	LYNCHBURG COVENANT FELLOWSHIP
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Covenant Fellowship (LCF) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing and the availability of housing for low-to-moderate income persons and the elderly.
6	Agency/Group/Organization	BOYS AND GIRLS CLUB OF GREATER LYNCHBURG
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Boys and Girls Club of Greater Lynchburg was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the partnership with the Lynchburg Police Department improves neighborhood organizations and the relationship with youth in the community.

8	Agency/Group/Organization	LYNCHBURG POLICE DEPARTMENT
	Agency/Group/Organization Type	Other government - Local Collaborate with Boys and Girls Club programs
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg Police Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with the Lynchburg Police Department improves the neighborhood organizations and watches that the officers participate in for prevention of crime and provide safety to the neighborhoods and in its collaboration with the Boys and Girls Club working with youth.
9	Agency/Group/Organization	CITY OF LYNCHBURG DEPARTMENT OF PARKS AND RECREATION
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Recreational Activities
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Parks and Recreation Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan include the consultation with this agency should include: access to recreational activities for youth and adults in the low-moderate income population. Public facility improvements for the Neighborhood Centers.
10	Agency/Group/Organization	FREE CLINIC OF CENTRAL VIRGINIA
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Free Clinic of Central Virginia was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
11	Agency/Group/Organization	CENTRAL VIRGINIA HEALTH DEPARTMENT
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Central Virginia Health Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
12	Agency/Group/Organization	JOHNSON HEALTH CENTER
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Johnson Health Center was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
13	Agency/Group/Organization	CENTRA FOUNDATION
	Agency/Group/Organization Type	Services-Health Regional organization Foundation

	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Community health needs of those in poverty
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Centra Foundation was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include funding opportunities to the community to increase health and wellness opportunities.
14	Agency/Group/Organization	VIRGINIA'S REGION 2000 LOCAL GOVERNMENT COUNCIL
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Virginia's Region 2000 Local Government Council was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives of the Annual Action Plan.
15	Agency/Group/Organization	LYNCHBURG ASSOCIATION OF REALTORS
	Agency/Group/Organization Type	Service-Fair Housing Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg Association of Realtors was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing the opportunities for low-moderate income persons to purchase affordable housing.
16	Agency/Group/Organization	UNITED WAY OF CENTRAL VIRGINIA, INC.
	Agency/Group/Organization Type	Regional organization

	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The United Way of Central Virginia was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives for the Annual Action Plan.
17	Agency/Group/Organization	LYNCHBURG CITY SCHOOLS
	Agency/Group/Organization Type	Services-Children Services-Education Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg City Schools was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include improved educational opportunities and partnerships to explore programs to offer for low-moderate income persons to obtain housing and life skills stability.
18	Agency/Group/Organization	MIRIAM'S HOUSE
	Agency/Group/Organization Type	Services-Victims of Domestic Violence Services - Victims
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Shelter

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Miriam's House was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will expand affordable housing opportunities for homeless women and children and assist in providing improved public services for homeless persons.
19	Agency/Group/Organization	LYNCHBURG AREA CENTER FOR INDEPENDENT LIVING
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Area Center for Independent Living (LACIL) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.
20	Agency/Group/Organization	CITY OF LYNCHBURG, DIVISION OF SOCIAL SERVICES
	Agency/Group/Organization Type	Services - Housing Services-Children Child Welfare Agency Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Division of Social Services was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing availability of services for low-moderate persons to enhance opportunities to bridge out of poverty.
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Identify any Agency Types not consulted and provide rationale for not consulting

City staff is not aware of any agencies that were not contacted to participate in relation to the housing and community development needs for the City.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
HUD Continuum of Care Program	Central Virginia CoC	Information from the application provided a framework for the homeless needs section.
Analysis of Impediments to Fair Housing (AI)	City of Lynchburg	The Fair Housing Action Plan implementation recommendations from the AI were reviewed for the Annual Action Plan.
The City of Lynchburg Comprehensive Plan 2013	City of Lynchburg	The Comprehensive Plan was reviewed to match the Annual Action Plan goals.

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

On January 10, 2017 City Council conducted a public hearing to receive comments on the housing and non-housing community development goals adopted in the Consolidated Plan for 2015-2020 by City Council on February 24, 2015 regarding the needs common to low and moderate income persons and individuals with mental illness, intellectual and physical disabilities, substance abuse or addiction, persons with HIV-Aids, persons that are homeless, and elderly persons. No public comments were received about the goals. City Council adopted the goals for the FY 2018 Annual Action Plan at the public hearing.

CDAC conducted a public meeting on February 21, 2017 to review CDBG/HOME allocations and make recommendations for allocations. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in The News and Advance on February 6, 2017 stating the purpose of this meeting was to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the allocation of entitlement and reprogrammable funds.

CDAC reviewed the applications, summary allocation worksheet, and the various requirements/regulations for the allocation of the CDBG and HOME Program funds. CDAC members discussed and developed their recommendations for CDBG and HOME Program projects for Program Year 2017 (FY 2018). CDAC made recommendations to City Council for projects that they concluded would be most beneficial to the low and moderate income persons within the targeted neighborhoods and within the broad national goals established by HUD of providing decent housing, a suitable living environment, and expanding economic opportunities.

CDAC and the public were informed that City Council would hold a public hearing on March 14, 2017 on the project recommendations of the CDAC. In addition, a timetable was provided that noted the remaining public meetings that would be held to complete the allocation process and submittal of the Annual Action Plan. There were agency representatives who had submitted applications for funding, and a citizen from Diamond Hill neighborhood, present and spoke to City Council regarding the CDAC recommendations for the projects. The representatives asked for City Council's support of the CDAC recommendations. City Council unanimously approved the CDAC recommendations for projects to be funded.

On August 8, 2017 City Council will conduct a public meeting to accept comments regarding the draft FY 2018 Annual Action Plan. See AD-25 Administration under Citizen Participation Comments for the full text.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/ broad community	January 10, 2017 City Council public hearing. No comments were received.	No comments were received.	There were no public comments that were not considered by City Council in the approval of the goals for the Annual Action Plan.	www.lynchburgva.gov/city-council-meetings

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
	Public Hearing	Non-targeted/broad community	March 14, 2017 City Council public hearing. There were two persons present representing the housing providers who had submitted HOME Program applications from Lyn-CAG and LRHA. There was a representative present from the lead agency for the Central Virginia Continuum of Care (CoC). There was a citizen from Diamond Hill neighborhood in support of two CDBG applications.	A representative from Lynchburg Community Action Group (Lyn-CAG) spoke to City Council and requested their support of the CDAC recommendations for their HOME Program applications. A representative of the CoC asked that the CDBG application for the Coordinated Homeless Intake Assessment (CHIA) staff position be funded to continue the centralized intake process for homeless persons. A representative from Lynchburg Redevelopment and Housing Authority (LRHA) requested support of the CDAC recommendations for their CDBG applications- Langview Apartments, CHIA, Affordable Housing Resource Center and for their HOME application for Vacant Housing Revitalization and Rehabilitation program. A citizen from Diamond Hill asked Council to support the CDBG applications for the Diamond Hill and College Hill Neighborhood Center Rehabilitations.	There were no public comments that were not considered by City Council.	www.lynchburgva.gov/city-council-meetings

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
3	Public Hearing	Non-targeted/broad community	August 8, 2017 City Council public hearing.			
4	Internet Outreach	Minorities Non-English Speaking - Specify other language: All Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Public notices were posted on the Grants Administration webpage and the City's front webpage for the January 10, 2017 City Council public hearing; for the March 14, 2017 City Council public hearing; and for the August 8, 2017 City Council public hearing.			www.lynchburgva.gov/grants-administration

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c) (1, 2)

Introduction

See the Priority Table below for the anticipated resources for Fiscal Year 2018 that will be used to address housing and non-housing goals within the 2015-2020 Consolidated Plan.

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 3				Expected Amount Available Reminder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	662,564	65,500	25,000	753,064	\$1,325,752	CDBG funds will support housing and non-housing community development in the City of Lynchburg.
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	300,951	0	0	300,951	\$649,294	HOME Program funds will continue to support housing rehabilitation and development in the City of Lynchburg.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Lynchburg will continue to partner with other public agencies and nonprofit organizations, when feasible, to leverage resources and maximize outcomes in housing and community development. The City plans to meet the HOME Program match requirements by utilizing the volunteer labor and construction material costs accrued from the construction of homes completed by Greater Lynchburg Habitat for Humanity.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Non Applicable

Discussion

While the FY 2018 final CDBG entitlement amount was decreased by \$208; the overall CDBG funding allocation for FY 2018 has an increase of \$1,039.76 compared to the overall funding allocation for FY 2017. This increase comes from program income.

The HOME Program funding allocation for FY 2018 has a decrease of \$16,912 compared to the one in FY 2017. This decrease comes from a reduction in the HOME program entitlement allocation.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase the Number of Owner-Occupied Units	2015	2020	Affordable Housing	Citywide	Increase homeownership	HOME: \$143,893	Homeowner Housing Added: 6 Household Housing Unit
2	Rehabilitate Substandard Housing Units	2015	2020	Affordable Housing	CENSUS TRACTS 4,5,6,7, 11, and 19	Housing Rehabilitation Affordable Housing for Special Needs Populations	CDBG: \$85,000 HOME: \$133,058	Rental units rehabilitated: 1 Household Housing Unit Homeowner Housing Rehabilitated: 7 Household Housing Unit
3	Improve the City's Infrastructure	2015	2020	Non-Housing Community Development	CENSUS TRACTS 4,5,6,7, 11, and 19	Infrastructure Improvements Public Facility Improvements	CDBG: \$460,854.41	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 11,523 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
4	Promote Public Service Activities	2015	2019	Public Services	Citywide	Homeless Housing and Services Public Services	CDBG: \$109,209.60	Public service activities other than Low/Moderate Income Housing Benefit: 200 Persons Assisted Public service activities for Low/Moderate Income Housing Benefit: 300 Households Assisted Homelessness Prevention: 1200 Persons Assisted
5	City Planning and Administration	2015	2020	Planning and Administration	Citywide	City Planning and Administration	CDBG: \$98,000 HOME: \$24,000	Other: 0 Other

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Increase the Number of Owner-Occupied Units
	Goal Description	Develop affordable housing and then assist first-time homebuyers who are below 80% of the Area Median Income (AMI) opportunities to purchase affordable housing units.

2	Goal Name	Rehabilitate Substandard Housing Units
	Goal Description	Emphasis to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources, revitalize and/or rehabilitate vacant properties, and rehabilitation of public housing units.
3	Goal Name	Improve the City's Infrastructure
	Goal Description	Support economic development initiatives that improve the economic base, job skills, and health of the community.
4	Goal Name	Promote Public Service Activities
	Goal Description	Promote public service activities which support the homeless persons and healthy development of the City's at risk youth, adults, and families.
5	Goal Name	City Planning and Administration
	Goal Description	Provide staff for the administration and oversight of the Community Development Block Grant (CDBG) and HOME Program.

Table 7 – Goal Descriptions

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b):

Annual Action Plan - FY 2018

(1) Lynchburg Community Action Group
Homeowner Substantial Rehabilitation

Extremely low-income: 7 Units

Low-income: 0 Units

Moderate-income: 0 Units

Total Units: 7; Total Clients: 7

(2) Lynchburg Community Action Group (Lyn-CAG)
Community Housing Development Organization (CHDO) Development
Low-income: 1 Unit
Moderate-income: 0 Units
Total Units: 1; Total Clients: 1

(3) Greater Lynchburg Habitat for Humanity
Homeownership Program
Low-income: 5 Units
Moderate-income: 0 Units
Total Units: 5; Total Clients: 5

(4) Lynchburg Redevelopment and Housing Authority (LRHA)
Vacant Housing Revitalization & Rehabilitation Program
Low-income: 1 Unit
Moderate-income: 1 Unit
Total Units: 2; Total Clients: 8

AP-35 Projects – 91.220(d)

Introduction

The City's FY 2018 planned actions will address the City's priority housing and community development needs. The projects are outlined below.

#	Project Name	Funding Source
1	City Administration	CDBG & HOME
2	Lynchburg Community Action Group Homeownership Substantial Rehabilitation	HOME
3	LRHA/CoC Centralized Homeless Intake Coordinator	CDBG
4	LRHA Langview Apartment Renovations-ADA/504 Compliant	CDBG
5	Coordinated Infrastructure Improvements- 5th Street Phase III	CDBG
6	LRHA Affordable Housing Resource Center	CDBG
7	Lynchburg Community Action Group First-time Homebuyer (CHDO)	HOME
8	College Hill Neighborhood Center Rehabilitation	CDBG
9	Daniel's Hill Neighborhood Center Rehabilitation	CDBG
10	Police Department/Boys & Girls Club Badges & Fun Fridays	CDBG
11	Greater Lynchburg Habitat for Humanity-Homeownership	HOME
12	LRHA Vacant Housing Revitalization & Rehabilitation	HOME

Table 8 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City will invest the majority of CDBG and HOME Program funds Citywide. Investing in affordable housing projects city-wide will also assist the City in affirmatively furthering fair housing and avoiding the concentration of low income populations. The City will target its public housing, public services and CDBG infrastructure and public improvement activities to census tracts with 51% of its residents at 80% or below the Area Median Income (AMI). In addition to the CDBG and HOME Program planned activities, the City continues to target its Code enforcement efforts in the census tracts adjacent to the City's Central Business District, where there is a higher concentration of poverty.

Projects

AP-38 Projects Summary

Project Summary Information

Table 9 – Project Summary

1	Project Name	City Administration
	Target Area	Citywide
	Goals Supported	City Planning and Administration
	Needs Addressed	City Planning and Administration
	Funding	CDBG: \$98,000 HOME: \$24,000
	Description	Funding to be used for personnel, operating, and training costs associated with managing the CDBG and HOME Programs.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	Administration of the CDBG and HOME Program
2	Project Name	Lynchburg Community Action Group Homeownership Substantial Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation
	Funding	HOME: \$75,000

	Description	Lyn-CAG's Homeowner Rehabilitation Program provides rehabilitation services to existing properties. Eligible properties are brought into Building Code compliance. The program is operated as a forgivable loan program with lien requirements and recaptures restriction agreements as required by U. S. Department of Housing and Urban Development (HUD) regulations.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Lynchburg Community Action Group: Homeowner Substantial Rehabilitation (low-to-moderate income families that are at or below 80% of the Area Median Income (AMI)) Total Housing Units: 7
	Location Description	Priority will be given to properties located within the City's targeted census tracts. This area includes Census Tracts 4, 5, 6, 7, 11, and 19.
	Planned Activities	The rehabilitation program activities provide selective rehabilitation services designed to remove health and safety hazards and Building Code violations from the homes of low-income homeowners who live in the City of Lynchburg and meet HUD income guidelines for the HOME Program. Typical requests for services include electrical, plumbing, structural, and roof repair/replacement. All local contractors who provide the services are licensed and insured. Building materials are purchased from local businesses. Lyn-CAG anticipates providing services to seven (7) low-income households during the FY 2018 program year at an average cost of \$10,000 per unit. In addition, Lyn-CAG staff will be coordinating resources from its Weatherization Program to ensure that homes are energy efficient. This will also make the home more affordable.
3	Project Name	LRHA/CoC Centralized Homeless Intake Coordinator
	Target Area	Citywide
	Goals Supported	Promote Public Service Activities
	Needs Addressed	Homeless Housing and Services
	Funding	CDBG: \$65,000

	Description	This project will provide the funding for the Homeless Intake Coordinator. This staff person will assist the Continuum of Care (CoC) organizations by operating the Coordinated Homeless Intake and Access (CHIA) system. This centralized system provides services to households who are experiencing a housing crisis. The services include either diversion, domestic violence assistance, or emergency shelter placement. Homeless assistance programs participating in CHIA receive 100% of their referrals through CHIA to ensure that there is a fair and transparent means to access services.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Centralized Homeless Intake Coordinator will assist an estimated 1,200 persons to assess the needs of the homeless persons and to determine appropriate housing and services.
	Location Description	Citywide
	Planned Activities	The CDBG funds will provide for continuation of a full-time staff person to conduct the assessment/intake of homeless persons and coordinate the referrals to the appropriate homeless providers/agencies.
4	Project Name	LRHA Langview Apartment Renovations-ADA/504 Compliant
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation
	Funding	CDBG: \$85,000

	Description	In recent years' inspections conducted by the U. S. Department of Housing and Urban Development's (HUD) Real Estate Assessment Center and Fair Housing Equal Opportunity (FHEO) staff, it was noted that Lynchburg Redevelopment and Housing Authority (LRHA) was not in compliance with the number of public housing units that should be American with Disabilities Act (ADA)/Section 504 accessible units. For LRHA this means that 17 of its 328 public housing units should be accessible in order to provide extremely low, and low-to-moderate income disabled families equal opportunity to the public housing program. Since December 2013 LRHA has completed the renovations of six (6) units to full ADA/Section 504 compliance. These CDBG funds will allow LRHA the opportunity to make one additional unit at Langview Apartments fully ADA/Section 504 compliant.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	One (1) public housing unit will be rehabilitated to be made American with Disabilities Act (ADA)/Section 504 compliant. This activity will serve one (1) public housing household.
	Location Description	Langview Apartments are located at 2229 Yorktown Avenue.
	Planned Activities	The CDBG funds will be used for construction to complete the rehabilitation of one (1) public housing unit to be made ADA/Section 504 compliant.
5	Project Name	Coordinated Infrastructure Improvements- 5th Street Phase III
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Improve the City's Infrastructure
	Needs Addressed	Infrastructure Improvements
	Funding	CDBG: \$135,854.41

Description	Continued implementation of the Downtown/Riverfront Master Plan and Fifth Street Master Plan will eliminate blighted conditions along the corridors. Revitalization of these areas will benefit the surrounding neighborhoods that have populations with over 52% [Census Tract 5] and 38% [Census Tract 6] of its residents earning less than \$15,000 annually. Public commitment to the renewed infrastructure encourages private investment. The improvements combined with other CDBG funded projects in the area also provides unique opportunities to revitalize distressed areas and provide job opportunities. Implementation of the Phase I and Phase II Fifth Street improvements and the Bluffwalk project have contributed to the retention of local businesses in addition to generating new interest. Ultimately the Fifth Street improvements will be tied to those in the Downtown area resulting in the replacement of aged utility infrastructure and the revitalization of these corridors. This project is the continuation of the FY 2017 Coordinated Infrastructure Improvements Project.
Target Date	6/30/2018
Estimate the number and type of families that will benefit from the proposed activities	There are approximately 1,505 households located within Census Tracts 5 and 6. The project areas serve the neighborhoods of College Hill, Federal Hill, Garland Hill and Tinbridge Hill. The Fifth Street Master Plan specifically targets two blocks on either side of Fifth Street from the Martin Luther King, Jr. Memorial Bridge to Church Street: the Downtown/Riverfront Master Plan encompasses the Central Business District-from the James River to Clay Street and Fifth Street to the Expressway. The 2010 Census indicates that the study area surrounding Fifth Street is 78% African American, 18% White and 4% Other Race with 38% of the residents in this area earning less than \$15,000 annually. The study area which includes Downtown is 48% African American, 47% White and 5% Other with 52% of the residents earning less than \$15,000 annually. The neighborhood improvements will be measured by the continued stabilization of the areas and new business development opportunities.
Location Description	Census Tracts 5 and 6
Planned Activities	The CDBG funds will be used to install the necessary infrastructure to allow for streetscape improvements to be constructed in conjunction with water/sewer/storm line replacement projects in the Downtown and Fifth Street corridors.

6	Project Name	LRHA Affordable Housing Resource Center
	Target Area	Citywide
	Goals Supported	Promote Public Service Activities
	Needs Addressed	Public Services Affordable Housing for Special Needs Populations
	Funding	CDBG: \$37,602.10
	Description	This project would provide for the continued funding of the Affordable Housing Resource Center (AHRC). The AHRC would be staffed with a Housing Navigator to provide a centralized access point to all affordable housing resources and programs available in the City. The CHIA Homeless Intake Coordinator who assists homeless persons would also be located in the AHRC. This project is a collaboration of the Lynchburg Housing Collaborative partners, the Central Virginia Continuum of Care (CoC), the City of Lynchburg and Lynchburg Redevelopment and Housing Authority (LRHA).
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Affordable Housing Resource Center will assist 300 people/100 Housing units that will bring all housing related resources under one roof to provide citizens of Lynchburg a "one stop shop" for accessing resources to address and solve their housing questions and needs. Information, education and training programs would be offered to provide a number of learning tools to assist citizens to be successful in obtaining and maintaining stable housing. The Lynchburg Housing Collaborative and Central Virginia Continuum of Care would be partners in this endeavor.
	Location Description	Citywide
7	Planned Activities	This CDBG activity will provide the funds for staff, benefits, and operating costs for the AHRC. The Center will provide a "Housing Navigator" who assists citizens in navigating the vast sea of affordable housing challenges, as well as opportunities, in the City.
	Project Name	Lynchburg Community Action Group First-time Homebuyer (CHDO)
	Target Area	Citywide
	Goals Supported	Increase the Number of Owner-Occupied Units
	Needs Addressed	Increase homeownership

	Funding	HOME: \$47,700
	Description	Lynchburg Community Action Group (Lyn-CAG) as a certified Community Housing Development Organization (CHDO), operates the First-time Homebuyer Program utilizing CHDO HOME Program funds. This program provides for the acquisition of vacant properties for rehabilitation or new construction to eligible first-time homebuyers. CHDO proceeds from the sale of properties are reinvested in housing program services that benefit eligible low and low-to-moderate income persons in the City of Lynchburg. Lien documents and recapture restriction agreements are required for each property.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Lynchburg Community Action Group (Lyn-CAG), through its Community Housing Development Organization (CHDO) plans to assist one (1) first-time homebuyer, low-to-moderate income household.
	Location Description	Address to be determined when client qualifies for a mortgage at a financial institution.
	Planned Activities	Lyn-CAG plans to use the HOME Program funds provided for this project to purchase a vacant housing structure, rehabilitate the structure, and then sell to an eligible first-time homebuyer.
8	Project Name	College Hill Neighborhood Center Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Improve the City's Infrastructure
	Needs Addressed	Public Facility Improvements
	Funding	CDBG: \$150,000

	Description	After more than 25 years of constant use, the College Hill Neighborhood Center is in desperate need of basic infrastructure renovations. Reinvestment in the College Hill Center will not only rejuvenate the facility, but also provide an economic spillover to the surrounding neighborhood where it serves as a much needed socio-economic anchor to the neighborhood. The Center provides services to the community through a variety of essential year-round programs, including: an after-school program for teens; summer programs for teens, programs for seniors; daily meals served in partnership with the Blue Ridge Area Food Bank; as well as a variety of workshops and community-building activities, such as Cocoa with a Cop, Open House Events, community meals, parent-engagement workshops offered through Lynchburg City Schools, as well as neighborhood celebrations. While some improvements have been made in the last year, the facility is still in need of some additional basic improvements. The current needs include improvements to the kitchen and bathroom areas and general facility upgrades to flooring, ceiling and walls. Improvements are also needed to exterior elements such as park fencing, signage and lighting elements; and for amenities as picnic tables, bicycle racks, grills, benches and trash cans.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	The College Hill Neighborhood population is approximately 2,818 people. The median household income is \$19,810 compared to a median household income of \$53,217 for all U.S. households. There are 1,096 housing units, of which 26.8% are owner-occupied, and 53.6% are renter occupied, and 19.6% are vacant.
	Location Description	811 Jackson Street (Census Tract 6)
	Planned Activities	The CDBG funds will provide funds for the renovations of the kitchen and bathroom areas and general facility upgrades to flooring, ceiling and walls. Improvements will also be completed on exterior elements such as park fencing, signage and lighting elements; and for amenities as picnic tables, bicycle racks, grills, benches and trash cans.
9	Project Name	Daniel's Hill Neighborhood Center Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Improve the City's Infrastructure
	Needs Addressed	Public Facility Improvements

	Funding	CDBG: \$175,000
	Description	After decades of constant use, the Daniel's Hill Neighborhood Center is in desperate need of basic infrastructure reinvestments. While some key improvements have been made over the decades, the facility is in great-need of basic improvements. Current plans include kitchen and bathroom renovations and general facility upgrades to flooring, ceiling, walls, and window treatments; improvements to exterior elements as park fencing, signage, and lighting elements; and additional site amenities as picnic tables, bicycle racks, a grill, benches, trash cans and an outdoor exercise (Parkour) area.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Annually, the Daniel's Hill Neighborhood Center serves approximately 7,200 people. The Daniel's Hill neighborhood population is approximately 1,418. The median household income is \$22,212 compared to a median household income of \$53,217 for all U.S. households. There are 642 housing units, of which 39.7% are owner occupied, 38.6% are renter occupied, and 21.7% are vacant.
	Location Description	314 Norwood Street (Census Tract 4).
	Planned Activities	The CDBG funds will provide funds for the renovations of the kitchen and bathroom areas and general facility upgrades to flooring, ceiling and walls. Exterior fencing improvements will also be completed.
10	Project Name	Police Department/Boys & Girls Club Badges & Fun Fridays
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Promote Public Service Activities
	Needs Addressed	Public Services
	Funding	CDBG: \$6,607

	Description	Using Badges for Baseball coupled with Fun Fridays, Boys & Girls Club creates open and fun opportunities for Club members and neighborhood youth (high risk youth ages 6-18) to interact with Lynchburg Police Officers throughout the year. Through baseball, officers teach members the basics of the sport but will also help members develop the traits of fair play and sportsmanship. Through Fun Fridays, LPD officers will participate in multiple activities such as serving members lunch, league play, and small group activities. Whether combined or offered as stand-alone programs, the Club and LPD have been, and will continue to, combat the implicit bias by youth and officers. Opportunities such as these, will help to build a community of respect and belonging.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	The Boys and Girls Club of Greater Lynchburg plans to serve 200 youth during the program year. Many of the youth served by Boys and Girls Club lack the proper influences in their lives to foster positive self-esteem, self-confidence and a sense of belonging, competence and usefulness. Many of the members lack an understanding of and respect for positive and competitive recreation activities. Youth will be further exposed to activities which teach self-discipline, strength and team work. Club members and other youth will learn the power of leadership as well as the benefits and responsibility of committing to a program or team. Perhaps most importantly, the youth will be interacting with the local police in a positive environment of a sports league.
	Location Description	1101 Madison Street (Census Tract 6)
	Planned Activities	The CDBG funds will be used for staff costs and program supplies for the project - Badges for Baseball and Fun Fridays with the Lynchburg Police Department.
11	Project Name	Greater Lynchburg Habitat for Humanity-Homeownership
	Target Area	Citywide
	Goals Supported	Increase the Number of Owner-Occupied Units
	Needs Addressed	Increase homeownership
	Funding	HOME: \$96,193

	Description	Greater Lynchburg Habitat for Humanity (GLHFH) develops homeownership opportunities for low-income families that would not qualify or be able to afford homeownership through conventional bank mortgages. GLHFH builds good quality, moderately appointed homes and sells them to qualified applicants. The target population for the program is families whose income falls in the range of 40% to 70% of HUD's median family income, adjusted for size of the family.
	Target Date	6/30/2018
	Estimate the number and type of families that will benefit from the proposed activities	Greater Lynchburg Habitat for Humanity plans to construct five (5) new homes for purchase by low-to-moderate income persons.
	Location Description	360 Alleghany Avenue (homes are located throughout the City)
	Planned Activities	GLHFH will use HOME funds to pay for down-payment assistance which will reduce the principal balance so that the family can afford the monthly mortgage payments. GLHFH defines "payment affordability" as not more than 30% of monthly income, though they strive for 25% when possible to make homes affordable for families in the lower tiers of HUD AMI income.
12	Project Name	LRHA Vacant Housing Revitalization & Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation
	Funding	HOME: \$58,058
	Description	Lynchburg Redevelopment and Housing Authority (LRHA) plans to acquire and rehabilitate or demolish blighted properties that have vacant structures on them. LRHA plans to use some of the properties to rehabilitate the existing structures and then rent the properties as affordable housing. Other properties will be identified for demolition and new construction building. LRHA will partner with other housing providers in the City to determine the best locations and end use of blighted properties.
	Target Date	6/30/2018

	Estimate the number and type of families that will benefit from the proposed activities	LRHA plans to acquire and rehabilitate two (2) housing units. Once the housing units are rehabilitated they will provide rental housing for low-to-moderate income (LMI) persons whose income is below 80% of the Area Median Income (AMI).
	Location Description	Address locations are within Census Tracts 4, 5, 6, 7, 11, and 19
	Planned Activities	With the reinvented program. LRHA will target units that can be rehabilitated within a short period of time as well as units that need to be demolished and replaced with new construction opportunities. A combination of both types of properties will provide a balanced result. The CDBG funds will be used for acquisition, demolition, and construction costs for rehabilitation.

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Areas of racial/ ethnic concentration are defined as census block groups where the percentage of a minority group is 10 percentage points above the Citywide average. All references to census block groups hereafter will simply be referred to as “block groups” for brevity.

Across Lynchburg in 2013, Blacks comprised 28.2% of the population, Hispanics 3.1%, and Asians 2.7%. Therefore, an area of Black concentration would include any block group where the percentage of Black residents is 38.2% or higher, a Hispanic concentration would include a block group percentage of 13.1% or higher, and an Asian concentration would include a block group percentage of 12.7% or higher.

In order to locate racially/ethnically concentrated areas that are also areas of poverty, low and moderate income (LMI) data were layered on top of racially and ethnically concentrated areas. This created racially and ethnically concentrated areas of poverty (RCAPs and ECAPs). The identified RCAPs and ECAPs are displayed in block groups. These maps are in the Unique Appendices.

Geographic Distribution

Target Area	Percentage of Funds
CENSUS TRACTS 4,5,6,7, 11, and 19	75
Citywide	25

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City will invest the majority of CDBG and HOME Program funds Citywide. Investing in affordable housing projects Citywide will also assist the City in affirmatively furthering fair housing and avoiding the concentration of low income populations. The City will target its public housing, public services and CDBG infrastructure and public improvement activities to census tracts with 51% of its residents at 80% or below the Area Median Income (AMI). In addition to the CDBG and HOME Program planned activities, the City continues to target its Code enforcement efforts in the census tracts adjacent to the City's Central Business District, where there is a higher concentration of poverty.

Discussion

In FY 2018 the project/activities allocations for the designated geographic locations are as follows:

Census Tracts 4, 5, 6, 7, 11, and 19 - 87% (CDBG Program)

Citywide - 46% (HOME Program)

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The following are the affordable housing goals in the City of Lynchburg for this Annual Action Plan.

One Year Goals for the Number of Households to be Supported	
Homeless	1,200 households
Non-Homeless	300
Special-Needs	0
Total	1,500

Table 11 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	5
Rehab of Existing Units	10
Acquisition of Existing Units	1
Total	16

Table 12 - One Year Goals for Affordable Housing by Support Type

Discussion

The Coordinated Homeless Intake Access(CHIA) worker plans on serving approximately 1,200 persons through diversion or placement in transitional or permanent housing. The Affordable Housing Resource Center at Lynchburg Redevelopment and Housing Authority (LRHA) plans on serving 300 people and 100 housing units during this program period. This service will be provided through a Housing Navigator who will assist citizens in navigating the vast sea of affordable housing challenges, as well as opportunities, in the City.

Greater Lynchburg Habitat for Humanity (GLHFH) is providing down-payment assistance for the production of 5 new units for low to moderate income homebuyers.

There are 10 planned housing rehabilitation activities for this program period. These rehabilitations will be completed by Lyn-CAG and Lynchburg Redevelopment and Housing Authority (LRHA). When these rehabilitations are completed the housing units will be safer by having Code violations corrected, one apartment will be ADA/504 compliant, and vacant homes will be revitalized.

Lyn-CAG will acquire one vacant property for rehabilitation or new construction for an eligible first-time homebuyer through its Community Housing Development Organization (CHDO) program.

AP-60 Public Housing – 91.220(h)

Introduction

Lynchburg Redevelopment and Housing Authority (LRHA) owns and manages 328 public housing units located throughout the City. The publicly-owned rental housing units are in four different locations: Dearington, Birchwood, Langview, and Brookside. Female-headed households represent 92.8% of all households compared to 7.2% of male-headed households. Also, non-White households comprised 85.3% of all tenant households, nearly all of which are Black households.

Actions planned during the next year to address the needs to public housing

LRHA plans to rehabilitate one public housing unit to full American with Disabilities Act (ADA) compliance.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

LRHA encourages and supports programs and activities to improve the quality of life for public housing residents. These programs address needs in the following areas: drug prevention, resident participation in community organizations and activities, employment resources, housing counseling classes, homeownership opportunities, economic development, and self-sufficiency. The Authority also provides security for all developments and sponsors National Night Out using LRHA's funds to encourage residents to report crime.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

LRHA is not designated as troubled.

Discussion

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Most homelessness initiatives in the City are coordinated through the Central Virginia Continuum of Care (CVCoC), a recipient of funding through the U. S. Department of Housing and Urban Development's (HUD) Continuum of Care Program. The CVCoC's geographic coverage extends beyond the City of Lynchburg to the counties of Amherst, Appomattox, Bedford, and Campbell.

In addition, the City is fortunate to have several resources through which services are delivered to the community to address non-homeless special needs. Some of these receive funding from public sources, such as federal and state grants. Others are private activities operating solely with donated funds from the private sector. In all cases, the City encourages this work and relies on it to complement its social service functions to City residents.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The CVCoC operates a coordinated assessment process for homeless response services, Coordinated Homeless Intake and Access (CHIA), and works with providers to divert individuals from homelessness. CHIA assesses households experiencing a housing crisis to divert, prevent homelessness, and refer to emergency assistance in an accessible manner through phone conversations or in person. Households fleeing domestic violence are identified and connected with victim service providers. Initial screening occurs for diversion and prevention. Eligible households receive prevention services; including landlord mediation, eviction payment, relocation, housing stabilization. If no other housing options exist, the household is referred to an emergency shelter that fits their needs and honors client choice (geographic location, accessibility). A Housing Barrier Assessment, Vulnerability Index (VI)-Service Prioritization Decision Assistance Tool (SPDAT) and a priority subpopulation checklist are used by CHIA and the Community Case Review Team (case conferencing) to determine severity of housing barriers and vulnerability and to connect to the appropriate level of intervention. CHIA is funded through CDBG and is a demonstration of the City government's support for the homeless response system.

Addressing the emergency shelter and transitional housing needs of homeless persons

Once homeless households are placed in emergency shelter or domestic violence shelters through CHIA, the household's housing barriers and needs are assessed in order to make appropriate referrals for services such as rapid re-housing and permanent supportive housing. Shelter staff provide targeted

housing focused case management to locate safe and affordable housing as quickly as possible. In 2016, the CVCoC's average length of time homeless persons were in emergency shelter was 45 days. This is anticipated to be reduced in 2017 through increased landlord recruitment, increased rapid re-housing and permanent supportive housing capacity, and ongoing case conferencing with homeless response providers in order to collaboratively serve households with high housing barriers. The two- year recidivism rate indicates 88% maintain housing after CVCoC discharge. This will increase through expanded housing stabilization services and use of best practices (critical time intervention and landlord/tenant mediation). Prior to discharge, staff ensure households have wraparound services in substance recovery, mental health, employment, education, healthcare, legal services, and childcare to strengthen stability. Discharged households are connected with aftercare support groups, the Affordable Housing Resource Center, and rental counseling. The Housing Barrier Assessment and VI-SPDAT assess previous homelessness to identify returns and strategically target resources. The Housing Management Information System (HMIS) Committee is analyzing aggregate HMIS data to determine risk factors for recidivism and target resources. Exits from permanent housing (rapid rehousing and permanent supportive housing) resulted in a 6% recidivism rate in 2016 through the System Performance Measures (SysPM) data report. Increased case staffing, housing stability case management, training, and targeted prevention efforts in the CVCoC Strategic Plan will lower the rate in 2017. The CVCoC collaborates with the local federally qualified health center (Johnson Health Center), Community Service Board (Horizon Behavioral Health) and the City's Division of Social Services to assess eligibility for healthcare coverage. The local Division of Social Services assesses Medicaid eligibility and enrolls clients. Johnson Health Center employs enrollment specialists who are members of the CVCoC and facilitate project site visits to meet with homeless households and screen for coverage under the Affordable Care Act (ACA). Horizon Behavioral Health facilitates assessments for the Governor's Access Plan insurance which provides mental health coverage for uninsured, Medicaid ineligible adults in Virginia. For persons ineligible for health insurance, the Free Clinic of Central Virginia partners with the CVCoC to provide low barrier, free medical care to homeless persons.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

There has been a 30% decrease in chronically homeless persons from 2015 to 2016 through concerted efforts to increase services for this population. In the past year HUD-VA Supportive Housing (HUD-VASH), Supportive Services for Veteran Families (SSVF), and a veteran Rapid Re-housing (RRH) project have targeted chronically homeless veterans and provided housing and supportive services. The permanent supportive housing projects have reduced barriers to entry and accept referrals so that

chronically homeless are prioritized for vacancies. The Homeless and Housing Services (HHS) Committee continues to work with projects to lower admission criteria thus ensuring that households are sheltered and housed in a rapid manner. Case conferencing has allowed CVCoC partners to present unsheltered households to the CVCoC to develop effective and efficient interventions which decrease the length of time homeless. For homeless response services through the use of the Housing Barrier Assessment and VI-SPDAT, these tools identify households with children with high service needs and vulnerabilities. CVCoC projects follow a “Housing First” approach to minimize the time households experience homelessness by lowering barriers to project entry, decreasing involuntary discharge and not predicating services on housing readiness. A priority population within the CVCoC is households with children which ensures quick admittance to rapid re-housing projects to begin housing search and placement. The CVCoC’s current largest rapid re-housing project is dedicated to households with children. From 2015 to 2016 family homelessness in our CVCoC decreased by 40% according to Point-In-Time (PIT) data. The CVCoC expects to continue this progress through then new rapid re-housing projects. The CVCoC set as a goal to have shared landlord lists across the CVCoC and to increase landlord recruitment.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

In relation to youth aging out of foster care, patients released from medical facilities, patients released from mental health institutions, and prisoners released from correctional institutions, the CVCoC continues to work in cooperation with individuals from local law enforcement agencies, supportive service agencies, and other interested parties to coordinate discharge.

Discussion

The following are supportive service agencies that coordinate discharge:

Foster Care (Youth Aging Out): There is a State mandated policy around discharge planning for foster children aging out of the foster care system but there are also best practices that are used to establish this community's discharge planning policy. The City's Division of Social Services meets with youth in foster care at least 90 days prior to discharge in order to plan for the impending discharge. Family partnership meetings are held to develop a transitional plan with each youth that focuses on housing. The vast majority of youth leaving the foster care system return to their families of origin and many of them remain with their foster families despite being discharged from the system.

Health Care: The CVCoC has guidelines in place in which it coordinates with CENTRA, the primary health care provider in the CVCoC area, adequate housing placement of those being released from the hospital system. This process strives to ensure that discharged persons are not released directly to the streets, emergency shelters, or other homeless assistance programs in the Region 2000 area. CENTRA's staff works closely with area housing agencies, providers, and organizations in the CVCoC to ensure safe and adequate placement of those being released from the hospital system. CENTRA coordinates with these agencies the appropriate release planning back to family, friends, or to private rental housing and service providers. In addition, in 2013 CENTRA completed a Community Health Needs Assessment (CHNA) for Lynchburg General Hospital, Virginia Baptist Hospital, and CENTRA Specialty Hospital. For the CHNA the community is defined as the Greater Lynchburg community, which includes Lynchburg City, Town of Bedford, Bedford County, Campbell County, Amherst County, Appomattox County, and Southern Nelson County in Central Virginia. The CHNA and the associated implementation plan may be viewed on the CENTRA website at www.centrahealth.com (Wellness tab).

Mental Health: The Commonwealth of Virginia mandates that persons discharged from State institutions or systems of care have a plan for discharge that prevents the occurrence of homelessness. The policy states that patients cannot be discharged into homelessness including the streets, shelters, or other HUD McKinney-Vento funded programs. Horizon Behavioral Health is an active member of the CVCoC in this region. The CVCoC has provided ongoing training to its members with regards to accessing services from Horizon Behavioral Health. In addition, as a member of the CVCoC, Horizon Behavioral Health has received information about current and new referral options in the area through organization presentations and announcements.

Corrections: CVCoC agencies coordinate with the Virginia Department of Corrections' protocols which specifically include housing needs in their discharge plans. At discharge, the inmate must have a verifiable address in order to be released and the Lynchburg Probation and Parole District office is directed to address this need and use available local resources to help with housing. Often, the

discharged inmate will return to family or referred to Virginia CARES, a program for exoffenders, that one of the CVCoC member agencies conducts which assists with housing and employment services. In conjunction with the Virginia Department of Corrections the local housing providers including: YWCA Domestic Violence Prevention Center; Lynchburg Community Action Group, (Rapid Rehousing and Virginia CARES); and the Social Services Departments/Divisions in the City of Lynchburg; Amherst County, Bedford County, and Campbell County coordinate to assist with the housing needs and a discharge plan for the inmates.

One year goals for the number of households to be provided housing through the use of HOPWA for:	
Short-term rent, mortgage, and utility assistance to prevent homelessness of the individual or family	32
Tenant-based rental assistance	5
Units provided in housing facilities (transitional or permanent) that are being developed, leased, or operated	37
Units provided in transitional short-term housing facilities developed, leased, or operated with HOPWA funds	N/A
Total	74

AP-75 Barriers to affordable housing – 91.220(j)

Introduction

The City of Lynchburg completed an Analysis of Impediments to Fair Housing (AI) in 2013. The AI, in addition to identifying fair housing issues, also identified potential barriers to affordable housing.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City's AI indicated that the City had a few areas that could be barriers to affordable housing. The AI suggests that HOME Program funding, which is currently tied to those census tracts which qualify as Low-Moderate Income (LMI), be used throughout the City helping offer more opportunity across the City.

The City is proceeding with the development of an Affordable Housing Resource Center (AHRC), which is designed as a "one stop shop" for accessing resources and to address and solve people's housing questions and needs. The Center would offer a "Housing Navigator" who would assist citizens in navigating the vast sea of affordable housing challenges and opportunities in the City. Information, education and training programs would be offered to provide a number of learning tools to citizens to be successful in obtaining and maintaining stable housing. These programs would include: Renter Counseling; Homebuyer Counseling; Landlord/Tenant Law Training; Energy-Saving Education; Avoiding Eviction Guidance; Home Maintenance tips, etc. Lynchburg Redevelopment and Housing Authority is currently in the process of hiring a Housing Navigator to operate the AHRC and funding has been allocated for FY 2018 for this position.

Discussion

No additional information.

AP-85 Other Actions – 91.220(k)

Introduction

In FY 2018, the City of Lynchburg plans the following actions to help address the housing and community development needs of City residents, especially low/moderate income residents.

Actions planned to address obstacles to meeting underserved needs

Inadequate resources is the chief obstacle to meeting underserved needs ---both financial and human (staffing). The Central Virginia Continuum of Care (CVCoC) received \$259,813 in Program Year 2016 funding to continue its efforts in providing Permanent Supportive Housing and Rapid Re-housing for homeless persons. The City allocated a total of \$130,000 of Community Development Block Grant (CDBG) funds in Program Years 2016 and 2017 to support the Coordinated Homeless Intake Access (CHIA) system for persons who are homeless or about to be homeless. CHIA provides the support for these persons to access the necessary resources needed to find shelter, services, and/or permanent housing. The City of Lynchburg will continue to collaborate with human and social service agencies and the CVCoC to identify potential resources for meeting the service needs of City residents. The City will continue to support the efforts of service agencies to maximize the use of available resources and to obtain additional resources whenever possible.

Actions planned to foster and maintain affordable housing

The City of Lynchburg allocated FY 2018 HOME Program funds to rehabilitate seven (7) homeowner-occupied units and one (1) rental housing unit; encourage six (6) potential homeowners to purchase homes; and revitalize two (2) vacant properties. In addition, FY 2018 CDBG funds will be used to rehabilitate one (1) public housing unit for accessibility.

Actions planned to reduce lead-based paint hazards

All City written agreements with CDBG and/or HOME Subrecipients contain provisions requiring compliance with lead-based paint rules, and are subject to procedures developed by the Grants Administration Office to ensure appropriate stages of due diligence are complete and of record prior to CDBG and/or HOME funds being disbursed. The Subrecipients and contract providers of housing rehabilitation program services will conduct risk assessments and clearance inspections for applicable rehabilitation projects, as required. All properties purchased with financial assistance provided by the CDBG and HOME Program must be inspected for lead-based paint hazards, if constructed prior to 1978, prior to final approval of application for assistance. Payment of subsidies is only issued after receipt of

the inspection report revealing no lead-based paint hazard present at time of purchase.

Actions planned to reduce the number of poverty-level families

City Council is continuing to support the efforts of “Bridges Out of Poverty”, which is a catalyst to break the cycle of poverty through the collective work of community partners resulting in sustainable progress for everyone. In addition, City Council has begun an initiative named “Poverty to Progress”. This initiative includes a goal of facilitating the moving of 50, willing and able, hopeful, and motivated households out of poverty annually for the FY 2018-2022 period. This approach will include engaging the community through its academic institutions, continuum of care, workforce development, community centers, faith-based community, government, business and non-profits to reach this goal and others related to poverty. City Council has allocated \$100,000 from FY 2017 and 2018 General Fund Operating Budgets to provide financial resources to assist with the facilitation of these activities.

Actions planned to develop institutional structure

The City’s Grants Administration Office is responsible for carrying out the provisions of this Consolidated Plan. Working in conjunction with its public and private partners, City staff distributes, monitors, and executes the functions of the plan and reports on its progress. Coordination with other departments within City administration is essential to smooth delivery of services, and the achievement of desired outcomes.

Primarily, the City’s strategies will be conducted in the various partnerships the City enjoys with the public and private housing developers and service providers operating in the City and in the region. These include public partners, such as the LRHA, and several private non-profits such as Lyn-CAG and Rush Homes; and the various Central Virginia Continuum of Care organizations/non-profits. These and others work separately and collectively, along with City staff, on projects that achieve the goals stated by City Council.

Actions planned to enhance coordination between public and private housing and social service agencies

As discussed in the Consolidated Plan, the City of Lynchburg actively works to coordinate community development efforts between public and private housing and social service agencies. The strategies to address the gaps include the following:

- Strengthen the intake process and procedures for CHIA to provide a clearer understanding to the partnering agencies and homeless persons; and
- Creation of the Affordable Housing Resource Center to provide a centralized access point to all

affordable housing resources and programs available in the City of Lynchburg.

Discussion

N/A

DRAFT

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(I)(1,2,4)

Introduction

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	65,500
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	65,500

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	87.00%

**HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Lynchburg does not intend to use other forms of investment.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:
In accordance with HOME Program regulations at 24 CFR Part 92, properties assisted must remain affordable during the affordability period. Under recapture provisions, this period is based on the direct HOME subsidy to the homebuyer and includes down payment assistance, “gap” financing, and interest rate buy downs, as available.
3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

The City of Lynchburg currently uses the recapture provision option outlined in Section 24 CFR Part 92.254 (a)(5)(ii)(A)(2) to ensure the affordability requirements for the HOME Investment Partnership (HOME) Program. The recapture provision will be used to recover the direct subsidy to the homebuyer which includes down payment, closing cost assistance, interest subsidies and any difference between fair market value and purchase price. The recapture provision will be limited to net proceeds available from the sale of the HOME assistance unit. The amount of direct subsidy subject to recapture is based on the pro-rata share of the remaining affordability period. The affordability period is determined by the amount of direct subsidy included in the deed or land covenant, which will be defined in the terms of the loan. The affordability period will apply as follows:

- Project under \$15,000 are five-year term
- Projects from \$15,001 - \$40,000 are ten-year term
- Projects over \$40,000 are fifteen-year term

The City will enforce the recapture provision requirement in its contractual agreement with its sub-recipients and CHDOs. This recapture provision must be used by all subrecipients, and CHDOs when transactions are sale of property using HOME Investment Partnership Program. Therefore, all the sub-recipients or CHDOs will be responsible for passing the recapture provision requirement to the purchaser of the HOME assisted unit in the form of a “Recapture Restriction Agreement”, deed or land covenant that runs concurrently with the affordability period.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

Not applicable. During Program Year 2017 (FY 2018), the City of Lynchburg does not anticipate using HOME Program funds to finance or refinance debt secured by multi-family housing that is being rehabilitated with HOME funds.

Discussion

N/A

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 8, 2017**

AGENDA ITEM #: **6**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning: 4634 Murray Place – I-3 Heavy Industrial to B-5 General Business

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Approval of the rezoning from I-3, Heavy Industrial District to B-5, General Business District at 4634 Murray Place.

SUMMARY: Hotel Acquisitions 3 TPS, LLC is petitioning to rezone approximately one and fifty-six hundredths (1.56) acres at 4634 Murray Place to facilitate the construction of a seven (7)-story mixed use facility with one hundred and one (101) hotel rooms, twenty-two (22) apartment units, pool and associated parking. The *City of Lynchburg Comprehensive Plan 2013-2030's Future Land Use Map* (FLUM) recommends an Employment 2 use for the area.

Restaurant, hotel and business service uses are appropriate, if sized and designed to serve an employment area. The property is located near River Ridge Mall, Liberty University, the Wards Road Commercial Corridor and an employment area.

PRIOR ACTION(S):

June 14, 2017:

The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval (5-0), with 2 members absent (Rogers and Johnson)

FISCAL IMPACT:

N/A

CONTACT(S):

Tom Martin, City Planner -- 455-3900

Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – June 14, 2017
- Planning Commission Packet – June 14, 2017
 - o Planning Commission Report
 - o Zoning Map with Adjoining Property Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Architectural Renderings
 - o Narrative
 - o Property Photograph
 - o Speaker Signup Sheet

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 4634 MURRAY PLACE FROM I-3, HEAVY INDUSTRIAL DISTRICT TO B-5, GENERAL 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 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54.____ which shall read as follows:

Section 35.2-54.____. Change of a certain area located at 4634 Murray Place from I-3, Heavy Industrial District to B-5, General Business District.

The area embraced within the following boundaries:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED AT 4634 MURRAY PLACE IN THE CITY OF LYNCHBURG. VIRGINIA AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (IPF), A 1-2" REBAR, WHICH IPF IS LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF MURRAY PLACE AND WHICH IPF IS A COMMON CORNER WITH THE PROPERTY OF HOTEL ACQUISITIONS I, LLC;

THENCE. WITH SAID LINE OF MURRAY PLACE, NORTH 32 DEGREES 57 MINUTES 58 SECONDS EAST FOR A DISTANCE OF 100.49 FEET TO AN IPF. A 1.2" REBAR:

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1120.92 FEET AND AN ARC LENGTH OF 197.72 FEET, BEING SUBTENDED BY A CHORD OF NORTH 38 DEGREES 01 MINUTES 09 SECONDS EAST FOR A DISTANCE OF 197.46 FEET TO A NAIL FOUND IN PAVEMENT, WHICH NAIL IS A COMMON CORNER WITH THE PROPERTY OF RICK BARKER PROPERTIES, LLC;

THENCE. LEAVING SAID LINE OF MURRAY PLACE AND WITH THE LINE OF SAID RICK BARKER PROPERTIES, LLC, SOUTH 51 DEGREES 43 MINUTES 17 SECONDS EAST FOR A DISTANCE OF 238.51 FEET TO AN IPF, A 1-2" REBAR;

THENCE, FURTHER WITH SAID RICK BARKER PROPERTIES, LLC, SOUTH 38 DEGREES 25 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 273.78 FEET TO AN IPF, A 1-2" REBAR, WHICH IPF IS A COMMON CORNER WITH SAID RICK BARKER PROPERTIES, LLC AND WITH SAID HOTEL ACQUISITIONS I, LLC;

THENCE, WITH SAID HOTEL ACQUISITIONS I, LLC, NORTH 57 DEGREES 40 MINUTES 48 SECONDS WEST FOR A DISTANCE OF 228.84 FEET TO THE POINT OF BEGINNING:

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD. SAID PROPERTY CONTAINS 1.56 ACRES MORE OR LESS.

BEING THE SAME PROPERTY DESCRIBED IN THE RECORD DESCRIPTION (DEED BOOK 931, PAGE 1241) AND BEING THE SAME PROPERTY DESCRIBED IN SCHEDULE A OF THE COMMITMENT FOR TITLE INSURANCE (OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FILE NO. OR170018) FOR THE SUBJECT PROPERTY.

..is hereby changed from I-3, Heavy Industrial District to B-5, General Business District.

And the City Planner shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia" referred to in Section 35.2-30 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

100K

MINUTES OF THE JUNE 14, 2017 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Hotel Acquisitions 3 TPS, LLC, to rezone approximately one and fifty-six hundredths (1.56) acres from I-3, Heavy Industrial District to B-5, General Business District to allow the construction of a mixed-use building containing a hotel and apartment units at 4634 Murray Place.

Mr. Tom Martin explained that this site is currently zoned I-3, Heavy Industrial District, and is recommended for an Employment 2 use on the City's *Future Land Use Map (FLUM)*. These areas are intended for light and heavy manufacturing, research and development or large scale office uses. However, hotel and restaurant uses that are designed to support the employment area are also appropriate. The property currently contains an approximately 14,000 square foot metal building that was constructed in 1969, which would be demolished as part of this proposal. If the rezoning is approved, the site would be developed with a seven-story building containing 101 hotel units, 22 apartments, a pool and associated parking.

The submitted concept plan indicates 123 parking spaces, which is slightly lower than the required parking. The Zoning Ordinance allows for a reduction in parking if the site is within 1000 linear feet of a bus stop. The site is within 900 feet of a bus stop. A traffic study was not required by the City's Traffic Engineer. Stormwater management will be addressed by the use of underground detention with a discharge to a channel on the eastern part of the site.

This proposal would redevelop an otherwise underutilized piece of property. It is consistent with the City's *FLUM* and *Comprehensive Plan*. It is in close proximity to uses that it could support. Planning staff recommends approval of the petition.

Mr. John Wright with Bohler Engineering was present to represent the petition. Mr. Wright felt that the report and summary were very thorough. He was available to answer any questions.

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

Commissioner Marion asked why the traffic study was not a requirement. Mr. Martin was not a hundred percent sure but it must not have risen to the level of needing one. It might be because the traffic from this development versus the traffic from an industrial development would be a wash.

Chair Perault asked for the distinction between the hotel rooms and the apartment units. Mr. John Bartolotti with DALPOS Architects and Integrators came forward to address that question. He said there would be two floors of apartments. They will range from approximately 650 to 1300 square feet and will most likely be one and two-bedroom apartments. Chair Perault indicated that there is always a concern with apartments being filled with too many college students. Mr. Bartolotti said that their market will be professionals. They will be nice apartments with spectacular views. They are not low rent apartments and that is not their target market. The apartments will be rented with a year lease agreement. Their target market is someone that wants an easier lifestyle with the amenities that a hotel offers such as the pool and cleaning service.

Chair Perault thought there might not be enough parking and the clients that will be using the hotel and apartments will not be taking the bus. He acknowledged that parking is out of their purview because they have met the requirements of the Zoning Ordinance. Commissioner Marion was surprised that they will only have six employees per shift. Mr. Bartolotti says that number can fluctuate based on the load and times but the average is six.

Chair Perault noted that this petition is not stating how water quality will be addressed. Mr. Martin did not think they have gotten that far with the site development. Water quantity and quality will be addressed at the time of site plan approval and they could purchase offsite nutrient credits to deal with water quality. State law does allow them that option.

Commissioner Lowe commented that he likes the architectural renderings. He thinks it is a good project and will be a win for the City.

Chair Perault noted that if you look at the before and after, there is no doubt that this will be an improvement. He thinks the requested zoning is an improvement as well; it better fits the area. He thinks the idea of the apartments and hotel rooms together is a good one.

Commissioner Lowe made the following motion, which was seconded by Commissioner Marion and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of Hotel Acquisitions 3 TPS, LLC to rezone approximately one and fifty-six hundredths (1.56) acres located at 4634 Murray Place from I-3 Heavy Industrial to B-5 General Business to allow the construction of a mixed use development including hotel floors and apartment units."

AYES:	Bowden, Light, Lowe, Marion and Perault	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Johnson and Rogers	2

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

To: Planning Commission
From: Planning Division
Date: June 14, 2017
Re: **Rezoning: 4634 Murray Place – I-3 Heavy Industrial to B-5 General Business**

I. PETITIONER

Hotel Acquisitions 3 TPS, LLC c/o Richard Pietrafesa Jr., 104 Wendell Terrace, Syracuse, New York 1203-1319

Representative: Mr. John Wright, P.E., Bohler Engineering, 28 Blackwell Park Lane Suite 201, Warrenton, Virginia 20186

II. LOCATION

The subject property includes one (1) tract of approximately one and fifty-six hundredths (1.56) acres located at 4634 Murray Place.

Property Owner: Hotel Acquisitions 3 TPS, LLC c/o Richard Pietrafesa Jr., 104 Wendell Terrace, Syracuse, New York 1203-1319

III. PURPOSE

The purpose of the petition is to rezone the property to facilitate the construction of a mixed-use facility including hotel floors and apartment units.

IV. SUMMARY

- The existing I-3, Heavy Industrial District is intended to provide for industrial and other activities which produce high levels of smoke, odor, light, dust and other nuisances.
- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends an Employment 2 use for the area. These areas are intended to include light and heavy manufacturing, research and development, flex space, and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area.
- Hotels are permitted by right within the B-5, General Business District. The seven (7) story development would include one hundred and one (101) hotel units and twenty two (22) apartment units with a pool and associated parking

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* from the *Comprehensive Plan 2013-2030* recommends an Employment 2 use for the area. Employment 2 areas are intended to include light and heavy manufacturing, research and development, flex space, and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. (p76)
2. **Zoning.** The subject property was annexed into the City in 1958. The existing I-3, Heavy Industrial District was established in 1978.

3. **Proffers.** No proffers have been submitted.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On September 24, 1986, City Council approved the rezoning request of Thomas L. Phillips at 3700 Candler's Mountain Road from I-3, Heavy Industrial District and I-2, Light Industrial District to B-5C, General Business District (Conditional), B-3C Community Business District (Conditional), and R-4C Medium-High Density, Multi-Family Residential District to allow for a retail shopping center and townhomes.
 - On September 8, 1987, City Council approved the rezoning request of MLB Corporation at 4643 Murray Place from I-3, Heavy Industrial District to B-5C, General Business District (Conditional) to allow for a bowling alley and future ancillary commercial uses.
 - On November 14, 1989, City Council approved the rezoning request of NW Development, Inc. at 3600 Candler's Mountain Road from I-2, Light Industrial District, to B-3C, Community Business District (Conditional) to allow for retail uses.
 - On July 11, 1989, City Council approved the rezoning request of NW Development, Inc. at 3600 and 3700 Candler's Mountain Road from I-2, Light Industrial District, B-5C, General Business District (Conditional), B-3C, Community Business District (Conditional), and R-4C, Medium-High Density, Multi-Family Residential District (Conditional) to B-3C, Community Business District (Conditional) to allow for a retail shopping center.
 - On October 9, 1990, City Council approved the rezoning request of NW Development, Inc. at 3620 and 3622 Candler's Mountain Road from I-2, Light Industrial District and I-3, Heavy Industrial District to B-5C, General Business District (Conditional) to allow the expansion of retail services.
 - On June 13, 1995, City Council approved the conditional use permit (CUP) petition of Appalachian Power Company to a one hundred sixty (160) foot tall radio microwave tower at 4001 Mayflower Drive.
 - On June 13, 1995 City Council approved the rezoning request of Central Virginia Federal Credit Union at 4640 and 4644 Murray Place, from I-3, Heavy Industrial District to B-5C, General Business District (Conditional) to allow for office uses.
 - On January 15, 2002, City Council approved the rezoning request of Carl and Ellen Sanders at 310 and 312 Border Street from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow for the property to be used for an ice cream parlor.
 - On April 8, 2008, City Council approved the rezoning request of the Lynchburg Chamber of Commerce at 310 and 312 Border Street from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend proffers and allow for the renovation of the building for the Chamber of Commerce.
 - On April 9, 2013, City Council approved the rezoning request of GDG Lynchburg Hotel, LLC at 5212 Woodall Road and 2900 Candler's Mountain Road from I-2, Light Industrial District, to B-3C, Community Business District (Conditional) to amend the *FLUM* and

allow the existing hotel to become a “conforming” use and facilitate the construction of a one hundred fifty-six (156) unit apartment complex with associated pool, clubhouse and parking.

6. **Site Description.** The property proposed for rezoning includes one (1) tract of approximately one and fifty-six hundredths (1.56) acres located at 4634 Murray Place.

The property contains a fourteen thousand and sixteen (14,016) square foot metal building constructed in 1969. The building is to be demolished.



4634 Murray Place (Subject Property)

The property is bordered to the north, east and west by industrial uses.



4630 Murray Place



4621 Murray Place

The property is bordered to the south by a hotel use.



4640 Murray Place

7. **Proposed Use of Property.** If the petition is approved, the existing industrial building will be demolished and the property will be developed as a seven (7)-story mixed use facility including

one hundred and one (101) hotel units and twenty two (22) apartment units, with pool and associated parking.

8. Traffic, Parking and Public Transit.

A transportation analysis was not required by the City's Transportation Engineer.

The one hundred and twenty three (123) units with associated employee parking would require a total of one hundred and twenty five (125) off-street parking spaces. The submitted concept plan indicates that a total of one hundred and twenty three (123) parking spaces are to be provided. The Zoning Ordinance provides for a parking reduction when developments are connected to and within one thousand (1000) feet of a bus stop.

Greater Lynchburg Transit Company (GLTC) Route 4 and 9 Loops would serve the proposed development. A transit stop is located on Candler's Mountain Road approximately nine hundred (900) feet from the proposed development.

9. Stormwater Management. An erosion and sediment control plan and stormwater management plan will be required prior to final site plan approval. The submitted concept plan indicates that stormwater management will be addressed by the use of underground detention.

10. Emergency Services: The City's Police Department had no comments of concern regarding the proposed rezoning. The City's Fire Marshal noted the need to address requirements of the 2012 Virginia Statewide Fire Prevention Code during final site plan preparation.

11. Impact. The property is currently zoned I-3, Heavy Industrial and recommended for Employment 2 uses on the *FLUM*. The proposed hotel is consistent with future land use and would be permitted by right in the proposed B-5, General Business District. The property is located near River Ridge Mall, Liberty University, the Wards Road Commercial Corridor and an employment area.

Planning staff requested that the petitioner consider submitting proffers during the May 23, 2017 Technical Review Committee (TRC) meeting. Staff is concerned that while the proposed use of a hotel would be consistent with the *Future Land Use Map (FLUM)*, there are other uses permitted by-right in a B-5, General Business District that may not be appropriate. The petitioners chose not to submit proffers. If the property develops as proposed, it should be compatible with the proposed FLUM and the area.

12. Technical Review Committee. The Technical Review Committee (TRC) reviewed the rezoning on May 23, 2017. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Hotel Acquisitions 3 TPS, LLC to rezone approximately one and fifty-six hundredths (1.56) acres located at 4634 Murray Place from I-3 Heavy Industrial to B-5 General Business to allow the construction of a mixed use development including hotel floors and apartment units.

This matter is respectfully offered for your consideration.

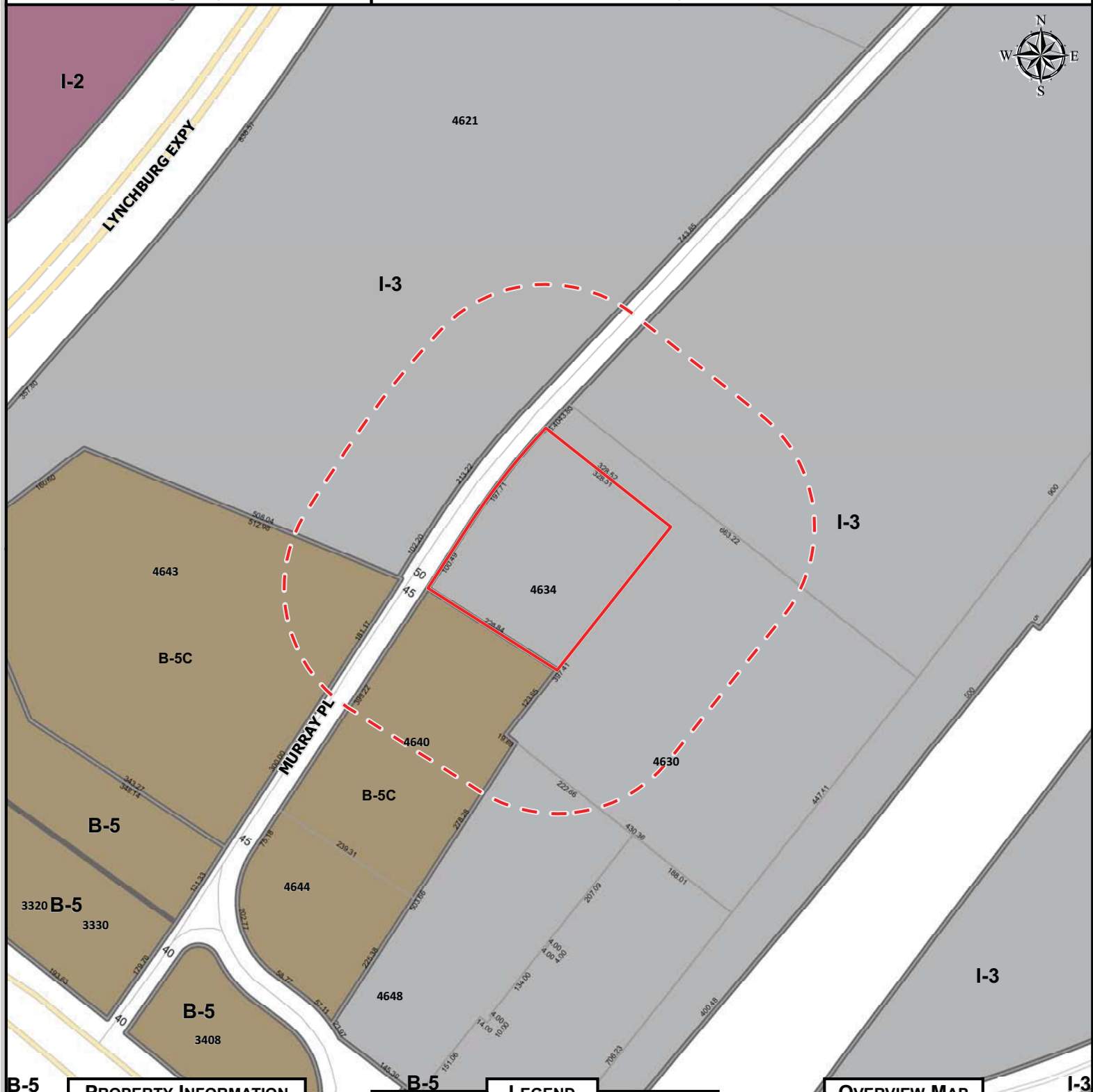


William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Charles Hartgrove, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. John Wright, P.E., Representative
Hotel Acquisitions 3 TPS, LLC c/o Richard Pietrafesa Jr., Property Owner

VII. ATTACHMENTS

- 1. Zoning Map with Adjoining Owners List**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Architectural Renderings**
- 7. Narrative**
- 8. Property Photograph**



PROPERTY INFORMATION

PARCEL ID ADDRESS

11704006 4634 MURRAY PL

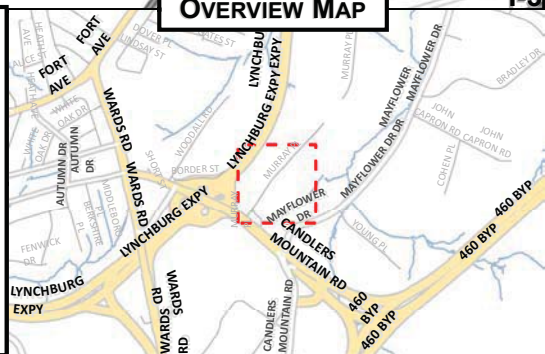
LEGEND

Subject Property
 215' Buffer

 B-1	 I-1	 R-4
 B-2	 I-2	 R-5
 B-3	 I-3	 R-C
 B-4	 R-1	 IN-1
 B-5	 R-2	 IN-2
 B-6	 R-3	

MAP SCALE: 1" to 4,000' DATE PRINTED: 6/9/2017

OVERVIEW MAP



Parcel ID	Address	Owner
11703008	4621 MURRAY PL	AIR & LIQUID SYSTEMS CORP
11704007	4648 MURRAY PL	DENCAL LLC
11704003	4640 MURRAY PL	HOTEL ACQUISITIONS I LLC
11704006	4634 MURRAY PL	HOTEL ACQUISTIONS 3 TPS LLC
11703012	4643 MURRAY PL	ISTAR BOWLING CENTERS II LP
11704004	4630 MURRAY PL	RICK BARKER PROPERTIES LLC
11704005	4616 MURRAY PL	VIRGINIA HOLDING CORP



LYNCHBURG EXPY

4621

4643

4634

4640

4630

MURRAY PL

4644

4648

3320

3330

3408

PROPERTY INFORMATION

PARCEL ID

ADDRESS

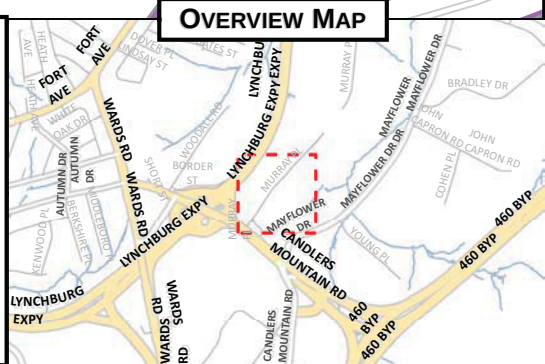
11704006 4634 MURRAY PL

LEGEND

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

MAP SCALE: 1" to 4,000' DATE PRINTED: 6/9/2017

OVERVIEW MAP



LYNCHBURG EXPY



MURRAY PL

FISHING CREEK
TRIBUTARY

City of Lynchburg - GIS Office 434.455.6331 GIS@lynchburgva.gov

PROPERTY INFORMATION

PARCEL ID ADDRESS

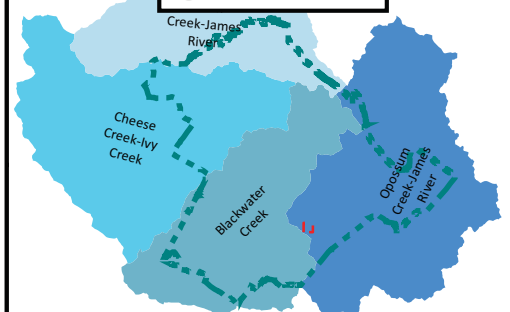
11704006 4634 MURRAY PL

LEGEND

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

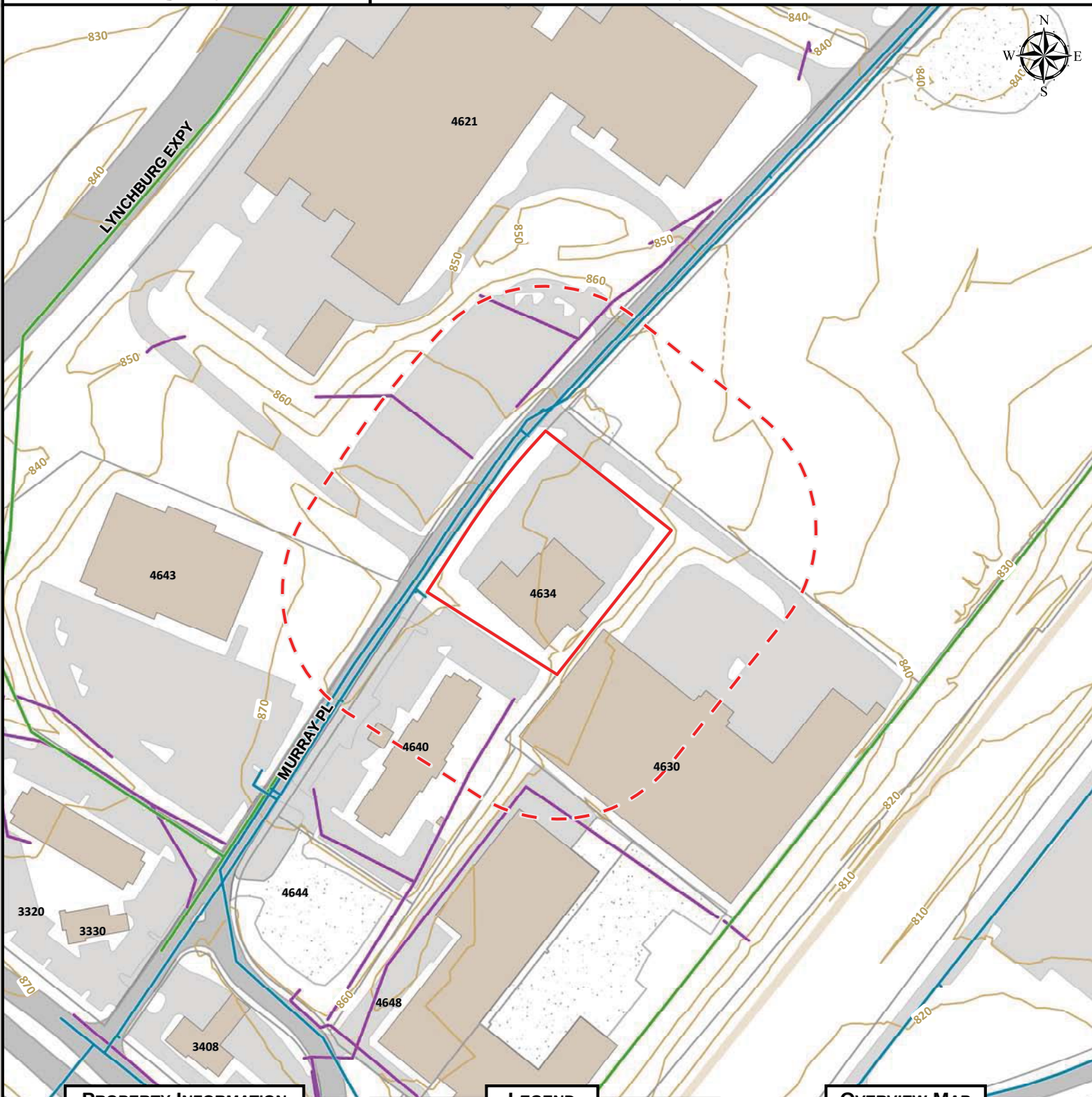
MAP SCALE: 1" to 33,333' DATE PRINTED: 6/9/2017

OVERVIEW MAP



Opossum Creek-James River

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



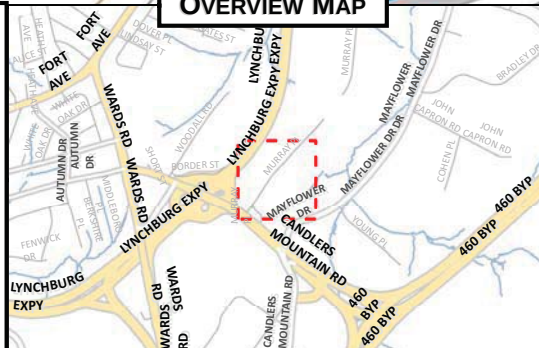
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11704006	4634 MURRAY PL

LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
	Paved	Unpaved	Other
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography	Contour	10'	10' Obs

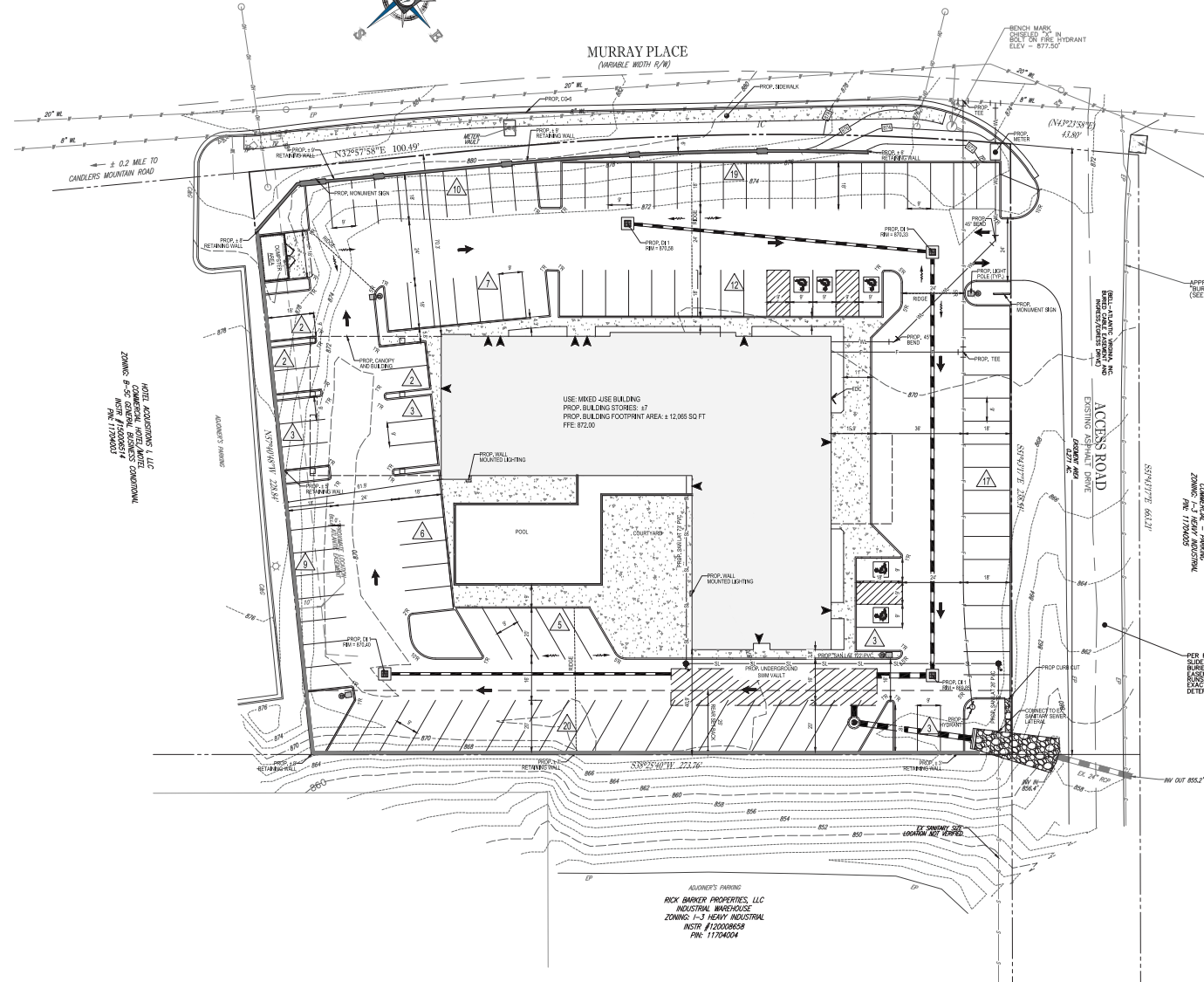
OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 6/9/2017



MURRAY PLACE
(VARIABLE WIDTH R/W)



SITE NOTES:

1. THE LAYOUT SHOWN ON THIS PRELIMINARY SITE PLAN IS CONCEPTUAL AND IS SUBJECT TO CHANGE WITH THE FINAL SITE DESIGN AND FINAL SITE PLAN.
2. NO WETLANDS ARE KNOWN TO EXIST ON THE SITE.
3. NO RESOURCE PROTECTION AREAS EXIST ON THE SITE.
4. THERE ARE NO KNOWN HISTORIC BUILDINGS OR FEATURES ON THE SITE.
5. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE AMERICAN DISABILITIES ACT (ADA) GUIDELINES AND SHALL BE SHOWN AS SUCH WITH THE FINAL SITE PLAN.
6. THE CONTRACTOR SHALL UTILIZE THE METHODS OUTLINED IN THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK TO REDUCE SURFACE AND AIR MOVEMENT OF DUST DURING LAND DISTURBING, DEMOLITION AND CONSTRUCTION ACTIVITIES, OR AS DIRECTED BY THE CITY, SPECIFIC PLAN AND SEQUENCE OF CONSTRUCTION TO BE FINALIZED WITH FINAL ENGINEERING DESIGN.
7. ADEQUATE FIRE ACCESS AND SITE CIRCULATION SHALL BE CONFORMED WITH THE FINAL SITE PLAN DESIGN.
8. ON-SITE UTILITIES AND UTILITY CONNECTIONS INCLUDING: WATER, SEWER, STORM LINES, AND HYDRANT LOCATIONS SHALL BE SPECIFIED WITH THE FINAL SITE PLAN.
9. THE STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICE FACILITY SHOWN HEREIN IS CONCEPTUAL. DESIGN DETAILS OF SPECIFIC MEASURES SHALL BE PROVIDED WITH THE FINAL SITE PLAN.
10. ADEQUATE OUTFALL OF THE DOWNSTREAM RECEIVING CHANNEL SHALL BE CONFORMED WITH THE FINAL SITE PLAN.
11. LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF LYNCHBURG ZONING ORDINANCE REQUIREMENTS OR AS MODIFIED WITH APPROVAL OF THE CITY ZONING DIRECTOR.
12. PROPOSED LIGHTING IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE WITH FINAL ENGINEERING. FIXTURES SHALL BE POLE MOUNTED GLENN GALLON LED 170-48V LIGHTS, OR APPROVED EQUAL, UNLESS OTHERWISE NOTED.

SITE INFORMATION:

TAX MAP NUMBER: 11704009
PARCEL ZONING: B (HEAVY INDUSTRIAL DISTRICT)
PROPOSED ZONE: B-5 (GENERAL BUSINESS)

OVERLAY DISTRICT(S): NA
PROPOSED USES: MIXED USE BUILDING - (HOTEL/CONFERENCE CENTER)
OVERALL SITE AREA: 3,363 AC.
PROPOSED BUILDING FOOTPRINT AREA: ± 12,065 SF

REQUIRED PARKING: ESTIMATED AT 125 SPACES
101 HOTEL ROOMS (1 SPACE PER ROOM) = 101 SPACES
22 APARTMENTS (1 SPACE PER DWELLING UNIT) = 22 SPACES
8 EMPLOYEES PER SHIFT (1 SPACE PER 3 ON DUTY) = 3 SPACES
PROPOSED PARKING: 123 SPACES

SETBACKS:
FRONT: NONE
SIDE: NONE
REAR: 25'

BUILDING HEIGHT: ± 90 FEET (MAX)

APPROXIMATE LOCATION OF
"BURIED" GAS LINE
(SEE PLAT CAB. 10, SLIDE 257)

VIRGINIA ACQUISITION CORP.
COMPLETED - PARKING
ZONING - PARKING
INSTR. #11704009

PER PLAT RECORDED IN PLAT CAB. 10,
SLIDE 257 "BELL-ATLANTIC VIRGINIA, INC.
BURIED CABLE EASEMENT AND WIRELESS FORECAST
EASEMENT (11/11/11) - 361
BURIED CABLE EASEMENT DRIVE AND ACROSS PARKING LOT.
EXACT LOCATION OF CABLE NOT
DETERMINED DURING COURSE OF THIS SURVEY."

ADJACENT'S PARKING
RICK BANKER PROPERTIES, LLC
INDUSTRIAL WAREHOUSE
ZONING: I-3 HEAVY INDUSTRIAL
INSTR. #12000858
PK. 11704004



REVISIONS				
REV	DATE	COMMENT	BY	CHK
1	6/6/2017	TRC COMMENTS	JCW	



NOT APPROVED FOR
CONSTRUCTION

PROJECT NO.: 11704009
CHECKED BY: MEG
DATE: 6/6/2017
SCALE: AS SHOWN
CAD ID: 820

SITE LAYOUT
PLAN
FOR
HOTEL
ACQUISITIONS 3
TPS LLC.
LOCATION OF SITE
4634 MURRAY PLACE
LYNCHBURG, VA 24502

BOHLER
ENGINEERING
21 BLACKWELL PARK LANE, SUITE 201
WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
Fax: (540) 349-0221
VA@BohlerEng.com



SHEET TITLE:
PRELIMINARY
SITE PLAN

SHEET NUMBER:
C-300





LYNCHBURG MIXED-USE DEVELOPMENT

LYNCHBURG, VIRGINIA

CONCEPTUAL DEVELOPMENT PACKAGE

May 02, 2017

DPA Job # 16005

NORTH WEST PERSPECTIVE



NORTH EAST PERSPECTIVE



NORTH EAST AERIAL



SOUTH EAST PERSPECTIVE



SOUTH WEST PERSPECTIVE







BOHLERTM
ENGINEERING

28 Blackwell Park Lane, Suite 201
Warrenton, VA 20186
PHONE 540.349.4500

June 5, 2017
Via Hand Delivery

The City of Lynchburg
Department of Community Development
900 Church Street
Lynchburg, VA 24504
(434) 455-3900

Attn: Robin Craig

Re: Detailed Description of Request
Lynchburg Mixed-Use Development
4634 Murray Place
Lynchburg, VA 24502
City of Lynchburg
BE # V172030

Dear Ms. Craig:

On behalf of Hotels Acquisition 3 TPS, LLC, Bohler Engineering VA, LLC, would like request to rezoning of tax map parcel 117040006 (4634 Murray Place) from I-3 to B-5. This would allow the applicant to demolish an existing industrial building and build a new mixed-use facility. This seven-story facility will have approximately 101 hotel rooms and 22 apartment units. Based on current City requirements, this facility would require 125 parking spaces. After discussions with the City, and since the site is within the required distance from public transit, the proposed parking was reduced to 123 spaces in order to allow for the 6' landscaping buffer. Additionally, the facility will also utilize the existing utilities stubbed to the site, including an existing 8" water main along Murray Place, and an existing sanitary stub at the northeast corner of the property. Finally, all stormwater management will be handled onsite, and the post developed flows will be reduced prior to discharging into the existing channel running along the existing access drive to the north of the property. The conceptual site layout, showing these improvements, is included in this package.

Should you have any questions regarding this project or require additional information, please do not hesitate to contact me at (540) 349-4500.

Sincerely,

Bohler Engineering VA, LLC

John C. Wright, P.E.

JRW/lb
H:\17\V172030\Administrative\Letters\170502 Detailed Description of Request.doc



Public Hearing

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 8, 2017**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit – Fill in the 100-year floodplain – 4012 and 4014 Wards Road

KEY ELEMENTS:

X Economic Development ___ Excellent Government **X** Natural and Built Environment **X** Safe Community ___ Vibrant Community

RECOMMENDATION: Approval of the resolution granting a conditional use permit (CUP) to Workman Oil to allow fill in the 100-year floodplain at 4012 and 4014 Wards Road.

SUMMARY: Workman Oil is petitioning for a CUP to allow fill in the floodplain of Rock Castle Creek to facilitate the installation of a drive-through lane to service a new retail and restaurant building at 4012 and 4014 Wards Road. The two properties are zoned B-5, General Business District with Resource Conservation zoning at the back of the properties closest to the creek.

The *City of Lynchburg Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends Community Commercial and Resource Conservation land uses for the area. The site was originally developed as a convenience store. That building and a storage building were demolished and the property is currently vacant. While the Comprehensive Plan states that the City should limit development within the 100-year floodplain, the redevelopment of the site would remove an existing gravel pad and the area will be returned to a natural state. After the site development is complete, the total impervious area will be reduced from 13,200 (thirteen thousand two hundred) square feet to 7,000 (seven thousand) square feet. The flood study submitted by the petitioner indicates that there would be no "net rise" in the 100-year floodplain as a result of the fill.

PRIOR ACTION(S):

June 14, 2017:

The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval (5-0) of the CUP petition, with 2 members absent (Johnson and Rogers)

FISCAL IMPACT:

N/A

CONTACT(S):

Tom Martin, City Planner -- 455-3900

Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – June 14, 2017
- Planning Commission Packet – June 14, 2017
 - o Planning Commission Report
 - o Zoning Map with Adjoining Property Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Narrative
 - o Grading Permission Letter from Adjoining Property Owner
 - o Wards Road No Rise Study
 - o Speaker Signup Sheet

REVIEWED BY: bms

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO WORKMAN OIL TO ALLOW FILL IN THE 100-YEAR FLOODPLAIN AT 4012 AND 4014 WARDS ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Workman Oil to allow fill in the 100-year floodplain at 4012 and 4014 Wards Road is approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan (revised June 1, 2017).
2. There shall be no rise in the 100-year flood elevations as a result of the proposed fill.
3. The final grade of the site shall be verified through as-built survey to meet the approved site plan grading plan and flood study requirements.
4. Slope protection shall be required the full length of the proposed fill slope to one foot above the water surface elevation. Slope protection shall be constructed out of non-erodible material.
5. A letter of map revision shall be filed with the Federal Emergency Management Agency (FEMA).

Adopted:

Certified: _____
Clerk of Council

101K

MINUTES OF THE JUNE 14, 2017 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Workman Oil for a Conditional Use Permit to allow fill within the floodplain at 4012 and 4014 Wards Road to allow the construction of a retail and restaurant space with a drive-through.

Ms. Dylan Bishop explained that this conditional use permit is to allow fill within the floodplain to facilitate a drive through lane for a new retail and restaurant building. The two properties are currently vacant and their combined acreage is approximately one and five hundred eighty-seven thousandths (1.587) acres.

Rock Castle Creek runs along the rear of the property. The site is mostly flat with a slight downward slope towards the creek. The properties are zoned B-5, General Business District, with Resource Conservation at the rear. The *Future Land Use Map (FLUM)* recommends Community Commercial and Resource Conservation land uses for the area. The *Comprehensive Plan* states that the City should limit development within the 100-year floodplain. However, the proposed fill would facilitate the redevelopment of an already developed site.

Ms. Bishop indicated to the commission on the concept plan the location of the current 100-year flood limits (blue). She indicated the location of the proposed 100-year flood limit (light blue). She indicated the location of the grading on the concept plan (orange). To the left of the green line on the concept plan is the current Resource Conservation area. To the left of the light green line on the concept plan is the future Resource Conservation area.

The proposed fill would occur in both the currently zoned Resource Conservation area and the *FLUM* Resource Conservation area. However, it is important to note that the development itself will be outside both the Resource Conservation areas. The no-rise study submitted by the petitioner indicates that there will be no net rise in the 100-year flood levels because they will be able to mitigate the effects of the fill with additional cut. Once construction is complete, the graded area will be stabilized and will result in a reduction in impervious area from 13,200 feet to 7,000 square feet. Water quantity measures will most likely not be required as the site discharges to Rock Castle Creek, which has a drainage area of 100 times the site. Water quality will be addressed by the purchase of non point source nutrient credits.

The Technical Review Committee reviewed the conditional use permit on May 23, 2017. Site plan comments will be addressed in the final stages and the retail and restaurant building will be developed in accordance with the Zoning Ordinance. The Planning Division recommends approval of the conditional use permit.

Mr. Bill Berkley of Berkley-Howell & Associates was present to represent the petition. He was not sure there was a lot he could add to the report and summary. There was a convenience store here previously that has been torn down. There was an old storage building in the conservation area that has been torn down. The building can be built by right but the fill in the floodplain needs the conditional use permit. There has been a floodplain study done that shows there will be no rise and no change to the height of the water in the flood zone. Actually, they will be considerably reducing the amount of impervious area.

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

Commissioner Bowden asked Mr. Berkley to explain what it means to purchase non point source nutrient credits. Mr. Berkley explained there are two ways a developer can address water quality. One is

to install onsite facilities to treat the water (either mechanical or biological facilities) or you can buy nutrient credits in a credit bank that is somewhere offsite. The nutrient credits have a couple of advantages. They are usually less expensive than the onsite facilities. You also get a two pound for one pound advantage when you go to the nutrient credit bank. There is a nutrient credit bank somewhere in the watershed that is taking off two pounds of phosphorous for every one pound that would have to be taken off the site. Commissioner Bowden pointed out that there will be additional pervious area after this site is developed that can absorb water.

Chair Perault asked Mr. Berkley how the watershed is defined. In other words, does he have any idea where the banking would come from? Mr. Berkley said it will be within the James River watershed. Chair Perault is trying to get a feel for the scope. Mr. Berkley thinks that the last time they purchased credits for a site, the nutrient credit bank was in Appomattox County. Chair Perault noted that in his time on the Planning Commission, they have never looked at banking as an option to offset onsite impacts. He is wondering how planning staff feels about it. Mr. Martin commented that it is state law that allows it so the City really has no choice in the matter. The stormwater law allows someone to buy offsite nutrient credits. Commissioner Marion asked if they pay every year. Mr. Berkley answered that it is a one-time purchase.

Chair Perault asked why there is a need for the fill. Mr. Berkley indicated that in order to put the drive through and get it to function going around the building, they need to level it behind where the building used to be located. Chair Perault asked Ms. Bishop to explain what is meant by changing the extent of the Resource Conservation area. Ms. Bishop indicated that the Resource Conservation areas are not changing. The floodway will change.

Commissioner Marion asked Mr. Berkley if they are cutting within the oval area shown on the concept plan and making it deeper. Mr. Berkley said there is a hump in there now and they are just flattening it out so the water can spread.

Chair Perault noted that they tend to look at this area piecemeal. If you consider the history of this area, this will be the fourth conditional use permit to fill in the floodplain in recent history. There was also a loss of Resource Conservation land in one of the previous conditional use permits. He thinks they sometimes tend to ignore the history and its cumulative impact. In general, he thinks filling in the floodplain is a very serious matter. In this case, when you look at the site and the overall before and after, he does think it is going to be better. It will have less of an impact on what is happening downstream. The site is a mess right now and anytime they can improve a site, he thinks it is a good thing. He just thinks they should think about the cumulative effects of filling in the floodplain and that we keep doing it over and over again. Overall, he thinks it is a worthwhile project and one he would support.

Commissioner Lowe noted that this is a vacant site and is going to be developed at some point. They might as well address it now and he thinks the water issues have been addressed. He is in support of the project.

Commissioner Marion made the following motion, which was seconded by Commissioner Lowe and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of Workman Oil for a conditional use permit to allow fill in the 100-year floodplain at 4012 and 4014 Wards Road subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the concept plan (revised June 1, 2017).**

2. **There shall be no rise in the 100-year flood elevations as a result of the proposed fill.**
3. **The final grade of the site shall be verified through as-built survey to meet the approved site plan grading plan and flood study requirements.**
4. **Slope protection shall be required the full length of the proposed fill slope to one foot above the water surface elevation. Slope protection shall be constructed out of non-erodible material.**
5. **A letter of map revision shall be filed with the Federal Emergency Management Agency (FEMA).**

AYES:	Bowden, Light, Lowe, Marion and Perault	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Johnson and Rogers	2

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: June 14, 2017
Re: **Conditional Use Permit (CUP) – Fill in Floodplain – 4012 and 4014 Wards Road**

I. PETITIONER

Workman Oil, PO Box 566, Forest, Virginia 24551

Representative: William O. Berkley, Berkley-Howell & Associates, PC, 306 Enterprise Drive Suite C, Forest, Virginia 24551

II. LOCATION

The subject property is two (2) tracts of approximately one and five hundred and eighty-seven thousandths (1.587) acres located at 4012 and 4014 Wards Road. The area proposed for fill within the floodplain is located along Rock Castle Creek at the rear of the 4014 Wards Road property.

III. PURPOSE

The purpose of the petition is to allow fill within the floodplain to facilitate the construction of a retail and restaurant building with a drive-through.

IV. SUMMARY

- The petition agrees with the Zoning Ordinance in that fill within the 100-year floodplain is allowed upon approval of a conditional use permit by City Council.
- The *Comprehensive Plan 2013-2030* states that “while the City has permitted development to occur in the 100-year floodplain in the past, it should limit new development in the floodplain in the future and seek to protect existing development that may be affected by flooding.” (p.113)
- The proposed fill facilitates the installation of a drive-through lane to service a new retail and restaurant building and should have little to no impact on the surrounding area due to the ability to mitigate the effects of the fill on site.
- Grading work to offset the fill in the floodplain does occur within the R-C, Conservation District and in the area designated as Resource Conservation on the Future Land Use Map (FLUM). However, post construction, the area will be allowed to return to a natural state and the grading facilitates the reuse of an already developed site.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends Community Commercial and Resource Conservation land uses for the area. Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City, or the region. Conversion of existing vacant retail

space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed. *(p75-76)*

Resource Conservation areas encompass lands with special natural characteristics that limit land uses and development to protect the City's environmental health. The mapped Resource Conservation Areas include the steep slopes of Candler's Mountain as well as the City's stream valleys. The stream valleys, as described in the Comprehensive Plan, include streams and rivers, their 100-year floodplains, connected wetlands and adjacent steep slopes. Resource Conservation Areas are planned to remain in vegetated open space with development limited to: 1) trails and other passive recreational facilities that involve minimal removal of vegetation, and 2) public facilities that must be located in stream valleys. The goal is to keep Resource Conservation Areas as natural as possible to stabilize slopes, prevent soil erosion, provide natural absorption areas for urban runoff, moderate climate, and provide wooded areas for wildlife and for the respite of City dwellers. On privately owned land within conservation areas, the intent of this Plan is to allow appropriate land uses and infrastructure as long as the environmental value of the areas is conserved or enhanced and public safety is protected through buffers and other best management practices. *(p77)*

The proposed fill will occur in an area zoned R-C, Conservation district, as well as the Future Land Use Map's (FLUM) Resource Conservation Area. However, the proposed development will occur outside of both the current and future conservation areas.

While the Comprehensive Plan states that the City should limit development within the 100-year floodplain, the proposed fill would facilitate the redevelopment of an existing developed site.

The *Wards Road Area Pedestrian & Bicycle Concept Plan* calls for Rock Castle Creek Greenway, a multi-purpose trail with links to nearby crosswalks and sidewalks proposed along the west side of the creek. It also proposes a multi-purpose trail on the west side of Wards Road with potential for connector crosswalks between retail areas on both sides of Wards Road. *(p14-15)*

Proposed fill on this property does not negatively impact the goals set in this plan, due to the fact that any disturbance will be taking place on the east side of Rock Castle Creek. The construction of a sidewalk in accordance with the Zoning Ordinance meets the goals and concepts outlined in the *Wards Road Area Pedestrian & Bicycle Concept Plan*.

2. **Zoning.** The subject property was annexed into the City in 1976. The property where fill is proposed is zoned B-5, General Business and R-C, Conservation, and was established on December 12, 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been a several items requiring City Council approval in the immediate area:
 - On December 8, 1992, City Council approved the petition of Woodroe & Suzann Newmans to rezone eighty eight hundredths (.88) of an acre from I-2 Light Industrial District to B-5C General Business District (Conditional) in order to allow for hardware sales/ equipment rental at 121 Delta Street.
 - On December 14, 1993, City Council approved the petition of Charleston Trading Company, Inc. to rezone two and seventy-five hundredths (2.75) acres from I-2, Light

Industrial District to B-5(C), General Business District (Conditional) to allow for car sales and mobile home sales/storage at 4009-4013 Wards Road.

- On January 26, 1999, City Council approved the CUP petition of Faison/Trammel Crow Company to fill in the floodplain in a B-5C, General Business District (Conditional) in order to allow for the construction of a shopping center at 4026 Wards Road.
 - On January 26, 1999, City Council approved the petition of E.R. & W.C. Corporation, G.A. Hartless, George C. Walker Jr., William M. Walker, and Michael Andre Coulter to rezone approximately fifty eight and seven tenths (58.7) acres from R-4 Medium-High Density Multi-Family Residential, R-5 High Density Multi-Family Residential, & B-5 General Business District to B-5C General Business District (Conditional) in order to construct a shopping center at 4026 Wards Road.
 - On August 10, 2004, City Council approved the petition of Little Horse, LLC to rezone three and five hundred four thousandths (3.504) acres from I-2 Light Industrial District and B-5C General Business District (Conditional) to B-5C General Business District (Conditional) in order to construct a hotel at 113, 121, and 125 Delta Street.
 - On August 10, 2004, City Council approved the petition of Frederick & Charlotte Lamonds to rezone approximately nine hundred thirty seven thousandths (.937) of an acre from I-2 Light Industrial to B-5C General Business District (Conditional) in order to construct a hotel at 4021 Wards Road.
 - On November 8, 2005, City Council approved the petition of English Development Corporation and Covenant Presbyterian Church's to rezone one and one hundred seventy three thousandths (1.173) acres from R-C Conservation District and R-4 Multi-family Residential District to B-3C Community Business District (Conditional) in order to construct driveway entrances for a shopping center located in Campbell County at 108 Melinda Drive and Wards Ferry Road. A Conditional Use Permit (CUP) was approved congruently with the rezoning to allow fill in the floodplain.
 - On August 9, 2011, City Council approved the CUP petition of GJJ of Lynchburg, LLC to fill in the floodplain in a B-5, General Business District and R-C, Conservation District in order to ensure future development be constructed outside of the floodplain at 4010 Wards Road.
5. **Site Description.** The subject property is two (2) tracts of approximately one and five hundred and eighty-seven thousandths (1.587) acres located at 4012 and 4014 Wards Road. The area proposed for fill within the floodplain is located along Rock Castle Creek at the rear of the property located at 4014 Wards Road. The property is bounded by the creek to the west, commercial development to the north and south, and Wards Road to the east.
- Currently the property is vacant. The property previously contained a dilapidated storage building and convenience store. The buildings have recently been demolished by the developer. The property is generally flat with a slight downward slope towards Rock Castle Creek at the rear of the property.
6. **Proposed Use of Property.** If the petition is approved, fill in the floodplain along Rock Castle Creek will facilitate a drive-through behind the proposed structure.

7. **Traffic, Parking and Public Transit.** The City Engineer has reviewed the proposal and had no comments of concern regarding the CUP. At the time of site plan review, all drive-through traffic will be required to be contained on the subject property. As currently proposed, this project should improve traffic flow by meeting the access management standards of the Zoning Ordinance, consolidating two entrances to one, and providing a potential future connection to an adjoining property.

Combined required parking for retail sales, restaurant assembly, and employee parking is twenty two (22) spaces. Thirty (30) parking spaces are to be provided.

The area is served by the Greater Lynchburg Transit Company (GLTC) 4 Loop with bus stops located on Wards Road at Chic-fil-A and the Hilton Garden Inn. Each of these are approximately thirteen hundredths (0.13) mile from the property, however there are no crosswalks and the pedestrian bridge to safely cross Wards Road is approximately three tenths (0.3) mile.

8. **Stormwater Management.** An Erosion and Sediment Control and a Stormwater Management Plan will be required prior to construction. Water quantity controls will likely not be required as stormwater from the site discharges to Rock Castle Creek, which is a mapped floodplain and has a drainage area over one hundred (100) times the site. The petitioner has indicated that water quality will be handled through the purchase of non-point source nutrient credits.
9. **Emergency Services:** The City's Fire Marshal and Police Department had no comments of concern regarding the proposal.
10. **Impact.** Information submitted by the petitioner (the No-Rise Study from Froehling & Robertson, Inc.) indicates there would be no rise in the 100-year flood elevations from the proposed fill due to the ability to balance the site with additional cut to offset the proposed fill.

While the grading work to offset the fill in the floodplain will occur within the R-C district and the area designated as Resource Conservation on the Future Land Use Map (FLUM), the actual development is outside of these areas. Once construction is complete, the graded area will be stabilized and allowed to return to a natural state. Meanwhile, the commercial portion of the site will be redeveloped in accordance with the Zoning Ordinance and put to use rather than allowed to continue to sit vacant and underutilized. Overall this results in a positive impact for Wards Road and the City.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on May 23, 2017. Comments related to the proposed use have or will be addressed at the final site plan stage.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Workman Oil for a conditional use permit to allow fill in the 100-year floodplain at 4012 and 4014 Wards Road subject to the following conditions:

1. **The property shall be developed in substantial compliance with the concept plan (revised June 1, 2017).**

2. **There shall be no rise in the 100-year flood elevations as a result of the proposed fill.**
3. **The final grade of the site shall be verified through as-built survey to meet the approved site plan grading plan and flood study requirements.**
4. **Slope protection shall be required the full length of the proposed fill slope to one foot above the water surface elevation. Slope protection shall be constructed out of non-erodible material.**
5. **A letter of map revision shall be filed with the Federal Emergency Management Agency (FEMA).**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Charles Hartgrove, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Ms. Erin Hawkins, Water Quality Manager
Workman Oil, Property Owner
Mr. William O. Berkley, Representative

VII. ATTACHMENTS

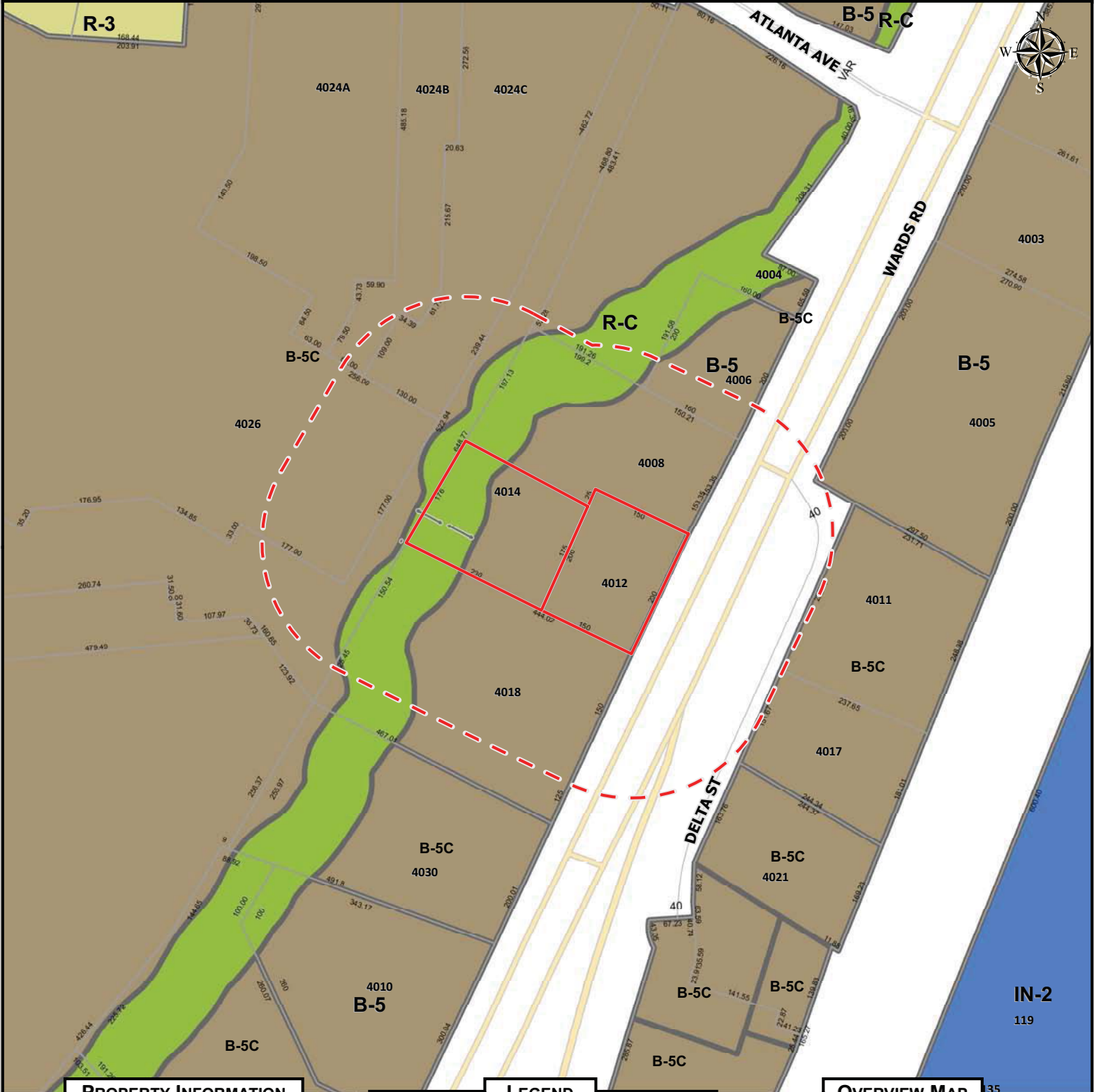
1. **Zoning Map with Adjoining Property Owners**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan**
6. **Narrative**
7. **Grading Permission Letter from Adjoining Property Owner**
8. **Wards Road No Rise Study**
9. **Property Photograph**

Zoning Map

FILL IN THE FLOODPLAIN

Conditional Use Permit Request

Workman Oil, Inc.



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25705003	4012 WARDS RD
25705004	4014 WARDS RD

LEGEND

Subject Property

215' Buffer

B-1

I-1

R-4

B-2

I-2

R-5

B-3

I-3

R-C

B-4

R-1

IN-1

B-5

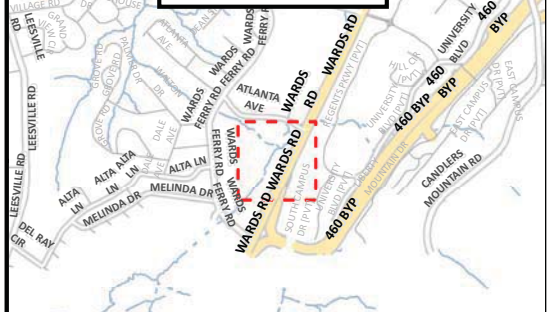
R-2

IN-2

B-6

R-3

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 6/9/2017

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Parcel ID	Address	Owner
26003011	4017 WARDS RD	ABBITT BROTHERS PROPERTIES LLC
26003010	4011 WARDS RD	BER REAL ESTATE INVESTMENTS I LLC
25705004	4014 WARDS RD	CARDINAL OIL CO INC
25705003	4012 WARDS RD	CARDINAL OIL CO INC
25705012	4024 C WARDS RD	DCTN3 436 LYNCHBURG VA LLC
25705016	4026 C WARDS RD	LVA PROPERTY LLC
25705007	4026 D WARDS RD	LYNCHBURG (WARDS CROSSING) LLC
25705011	4024 B WARDS RD	LYNCHBURG (WARDS CROSSING) LLC
25705013	4004 WARDS RD	LYNCHBURG (WARDS CROSSING) LLC
26005001	4018 WARDS RD	LYNCHBURG RETAIL LLC
25705008	4006 WARDS RD	RBT INVESTMENTS LLC
25705002	4008 WARDS RD	RBT INVESTMENTS LLC
25702001	4005 WARDS RD	SPIRIT MASTER FUNDING VI LLC

FLUM Map

FILL IN THE FLOODPLAIN

Conditional Use Permit Request

Workman Oil, Inc.



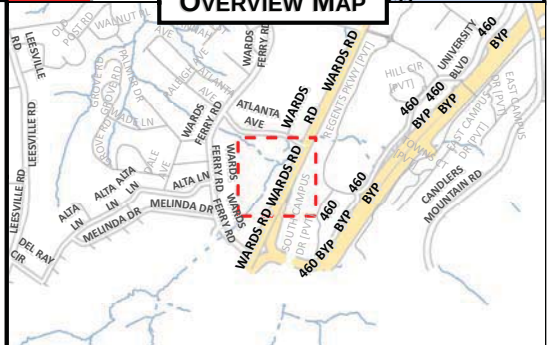
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25705003	4012 WARDS RD
25705004	4014 WARDS RD

LEGEND

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

OVERVIEW MAP



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Watershed Map

FILL IN THE FLOODPLAIN

Conditional Use Permit Request

Workman Oil, Inc.



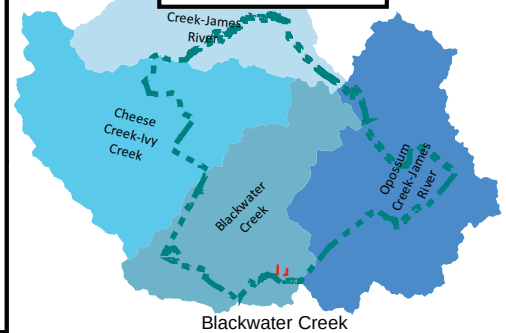
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25705003	4012 WARDS RD
25705004	4014 WARDS RD

LEGEND

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

OVERVIEW MAP

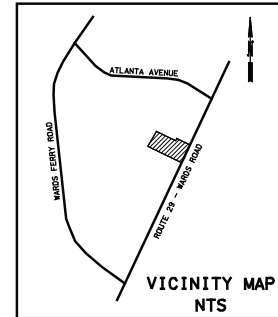
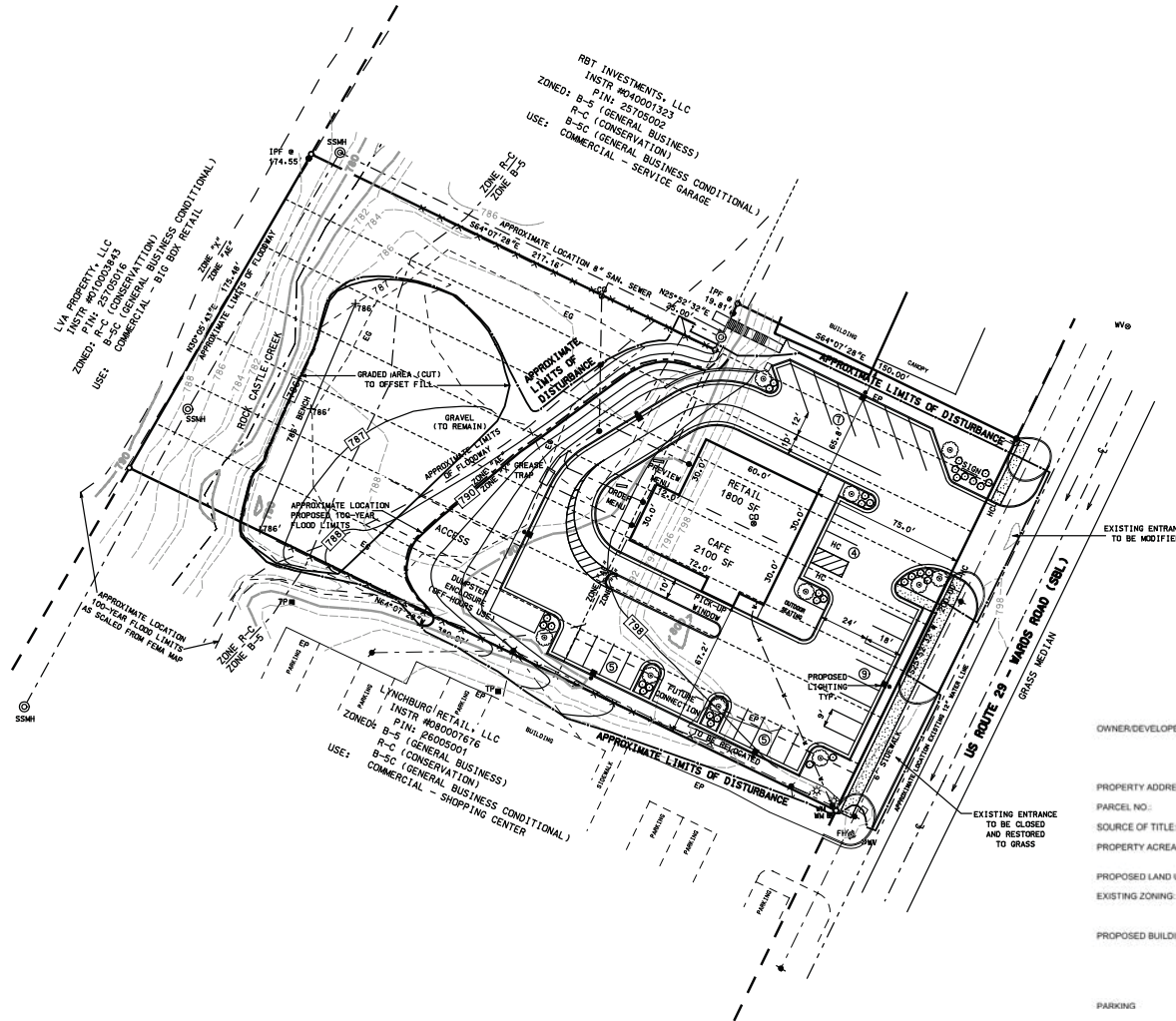


MAP SCALE: 1" to 33,333' DATE PRINTED: 6/9/2017

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OWNER/DEVELOPER: NAME: Workman Oil
Formerly Cardinal Oil Co Inc
ADDRESS: PO Box 566
Forest, VA 24551
CO - Warner Hall - Phone: 434-841-1417

PROPERTY ADDRESS: 4012 and 4014 Wards Road

PARCEL NO.: 25705003 and 25705004

SOURCE OF TITLE: DB 541 PG 732

PROPERTY ACREAGE: 1.567 ac.

PROPOSED LAND USE: Commercial, Cafe and Retail space (permitted by right)

EXISTING ZONING: B-5 General Business
R-C Conservation

PROPOSED BUILDING DATA:

NO STORES	1 Store
SQUARE FOOTAGE	3,900 sf
BUILDING HEIGHT	29' from FF to highest point

PARKING: REQUIRED PARKING: Retail Sales 1,800 sf x 2/1000 = 4
+ 6 seats x 1/3 = 2
Assembly 50 seats x 1/4 = 13
+ 8 seats x 1/3 = 3
Total = 22 spaces

ACTUAL: 30 Spaces

SETBACKS:

FRONT:	30'
SIDE: <td>8'</td>	8'
REAR: <td>30'</td>	30'

WATER SERVICE: Public, City of Lynchburg

SANITARY SERVICE: Public, City of Lynchburg

- NOTES:
1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
 2. BY GRAPHIC SCALING ONLY, A PORTION OF THIS PROPERTY IS LOCATED IN ZONE "AE" (A DESIGNATED FLOOD HAZARD AREA) ACCORDING TO THE F-E-A-M-A FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG (#61009301020) DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
 3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
 4. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT.
 5. VERTICAL DATUM - NAVD83, CONTOUR INTERVAL - 2 FEET
 6. CURRENT ZONING: B-5 (GENERAL BUSINESS) & R-C (CONSERVATION)
 7. PUD: 25705003 & 25705004
 8. THIS CONCEPT PLAN HAS BEEN PREPARED FOR USE IN THE CONDITIONAL USE PROCESS TO ALLOW FILL MATERIAL TO BE PLACED IN THE FLOOD PLAIN. THE PLAN IS SUBJECT TO ADJUSTMENT DURING THE ACTUAL DESIGN PHASE.
 9. STORMWATER MANAGEMENT TO BE PER STATE AND LOCAL CODE. WE ANTICIPATE DIRECT DISCHARGE TO ROCK CASTLE CREEK FLOOD PLAIN. IF WATER QUALITY CALCULATIONS REVEAL TREATMENT IS REQUIRED, NUTRIENT CREDITS WILL BE PURCHASED.
 10. LIGHTING TO MEET THE CITY OF LYNCHBURG ZONING ORDINANCE.
 11. LANDSCAPING TO MEET THE CITY OF LYNCHBURG ZONING ORDINANCE.

LEGEND

- O— IRON PIN SET
- IRON PIN FOUND (IPP)
- SBL— SOUTH BOUND LANE
- C— CENTERLINE
- EP— EDGE OF PAVEMENT
- EG— EDGE OF GRAVEL
- WM— WATER METER
- WV— WATER VALVE
- FH— FIRE HYDRANT
- SSMH— SANITARY SEWER MANHOLE
- CD— SANITARY SEWER CLEAUNUT
- U— UTILITY POLE
- O— OVERHEAD UTILITIES
- G— GUY WIRE
- L— LIGHT POLE
- TP— TELEPHONE PEDESTAL

30' 0' 30'

SCALE: 1" = 30'

1 : 360

BERKLEY HOWELL & ASSOC., P.C.
ENGINEERS • SURVEYORS • PLANNERS
306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
PHONE: (434)385-7548 FAX: (434)385-6178



**REDEVELOPMENT OF
WORKMAN OIL PROPERTY
4012 & 4014 WARDS ROAD**

CITY OF LYNCHBURG, VIRGINIA

**CONCEPT PLAN FOR
CONDITIONAL USE PERMIT**

DATE: 5-1-17
DRAWN:
CHECKED:
REVISIONS

NO.	DATE
1	6-1-17

SCALES
HORIZ: AS SHOWN
VERT: AS SHOWN

COMM. NO.
150085

SHEET NO.
1 OF 1

1) REVISED PER TRC COMMENTS

NARRATIVE FOR CONDITIONAL USE PERMIT
WORKMAN OIL

NARRATIVE FOR CONDITIONAL USE PERMT

FOR

WORKMAN OIL
4012 & 4014 WARDS ROAD
LYNCHBURG, VIRGINIA

PREPARED FOR:

WORKMAN OIL
PO BOX 566
FOREST, VIRGINIA
(C/O WARNER HALL)

BY

BERKLEY-HOWELL & ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS

306 ENTERPRISE DRIVE, SUITE C.
FOREST, VIRGINIA 24551
(434) 385-7548

COMM. NO. 150085

APRIL 28, 2017

PROJECT SCOPE

A Conditional Use permit (CUP) is requested for the property at 4012 / 4014 Wards Road to allow fill material to be placed in the flood-fringe district of Rock Castle Creek in accordance with 35.2-59-10h of the Lynchburg Zoning Ordinance. The accompanying Floodway "No-Rise Study" prepared by Froehling & Robertson, Inc. demonstrates that the proposed site grading can be accomplished without causing damage to upstream properties by raising the flood surface profile (35.2-59-10h(3)). The extent of fill and excavation is shown on the Concept Plan included in the petition.

PURPOSE OF CHANGE:

The property at 4012 / 4014 Wards Road housed a Convenience market for many years. The Petitioners (Owners) recently demolished that establishment and intends to re-develop the property more in keeping with the current development along the Wards Road Corridor. To serve the anticipated tenants, a drive-thru service window is needed, and in order to fulfill this need, additional fill is needed to provide a travel way behind the proposed structure.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The site is currently zoned as B-5 General Commercial along the front with R-C Conservation district at the rear. The proposed development is located in the Commercial district and is by right. The Future Land Use Map shows the property similarly with Community Business along the front and Resource Conservation along the rear. The proposed development with new building, parking, and drive thru lane is located outside of both the current R-C conservation district and the FLUM resource conservation area. The project is compatible with both the existing zoning and future land use. The CUP request is to allow fill within the flood plain for the construction of the necessary drive thru. The flood plain boundary is outside the conservation area and encroaches into the commercial district. The lower terrace within the flood plain is substantially covered in gravel and will remain.

This project is consistent with the visions, goals and policies of the Comprehensive Plan in a number of ways. First, it represents the efficient use of available land for redevelopment along a commercial corridor. The property was previously developed with a dilapidated storage building and out of date convenience store. The buildings have recently been demolished for redevelopment. The proposed re-development will certainly increase the tax base and revenue as well as improve the quality of the commercial corridor.

Additionally, the site is located on Wards road which noted for improvements of pedestrian and vehicular traffic. This project improves traffic flow by consolidating from two entrances to one, and providing a stub connection to an adjoining property. The project will also provide a new walkway along Wards Road, as well as a direct walk to the facility. Bicycle rack parking will also be provided.

Ultimately, granting approval of the CUP for fill within the flood plain will allow efficient redevelopment of a currently vacant property.

WATER/SEWER CAPACITY NARRATIVE:

The property is served by an existing City of Lynchburg Public water via 12" line along Wards Road which is adequate to meet the demands of this project.

The property is served by an existing 18" sanitary sewer line along Rock Castle Creek. The 18" sanitary sewer line will adequately serve the development.

STORMWATER NARRATIVE FOR ADEQUATE CHANNEL AND STORMWATER MEASURES

The site, when developed will require consideration of storm water management for both water quality and quantity. Water quality will be handled by purchase of non-point source nutrient credits. Regarding storm water quantity, the development discharges to Rock Castle Creek which is a listed FEMA flood zone. In regards to channel and flood protection, no additional storm water management is required since the project discharges to Rock Castle Creek which is a mapped flood plain and is has a drainage area over 100 times the site.

PARKING

While the proposed uses are permitted by right and are not a part of the Conditional Use Request, the Concept Plan does show the required parking.

Workman Oil Company
P.O. Box 566
Forest, VA 24551

RE: 4012 and 4014 Wards Rd, Lynchburg, VA

We understand you have plans to redevelop your property adjoining Lynchburg Retail, LLC (PIN 26005001) which will involve some minor grading across our common property line. The minor grading includes removal of an existing small earth mound in the flood plain and filling the valley to be formed between the two pad sites.

The purpose of this letter is to express our intent to grant permission for the necessary grading subject to review and approval of the final grading plan.

Sincerely,


Lynchburg Retail, LLC



FROEHLING & ROBERTSON, INC.

Engineering Stability Since 1881

1734 Seibel Drive, NE
Roanoke, Virginia 24012-5624 | USA
T 540.344.7939 | F 540.344.3657

F&R JOB NO.: 62U-0519

28 March 2017

Berkley-Howell & Associates, P.C.
306 Enterprise Drive, Suite C
Forest, VA 24551

Attention: Ty Mosby

Re: Wards Road No-Rise Study

Dear Mr. Mosby,

Froehling & Robertson, Inc. (F&R) was contracted to provide a No-Rise study to Berkley-Howell & Associates, P.C. based on fill to be placed at 4012 & 4014 Wards Road, Lynchburg, Virginia. The purpose of this letter is to present the findings of the study along with supporting documentation (See Appendix).

Project Information

We obtained the existing FEMA hydraulic flood model (HEC-RAS) for Rock Castle Creek for the analysis. The North American Vertical Datum of 1988 was used as the vertical reference and the North American Datum of 1983 was used as the horizontal reference.

Procedures

The 4012 Wards Road Property is situated next to Rock Castle Creek (see Appendix). The 100 Year Base Flood Elevations from the model are at cross-section 12193 upstream of the Wards Road Property and cross-section 11846 downstream of the property. Three cross-sections (XS 12068, 11987, 11906) were added within the parcels to the model using survey data provided by Berkley-Howell & Associates, P.C.

Analysis

The surveyed cross-sections were added to the model to determine the predevelopment flood elevations at each cross-section. The proposed grading was then added to the cross-sections to determine if there was any rise associated with the fill. We determined that mitigation was needed to restore the No-Rise condition at cross-section 12068. We have shown modifications to the cross-sections that would mitigate for the rise and restore the pre-development flood elevations (see Appendix).

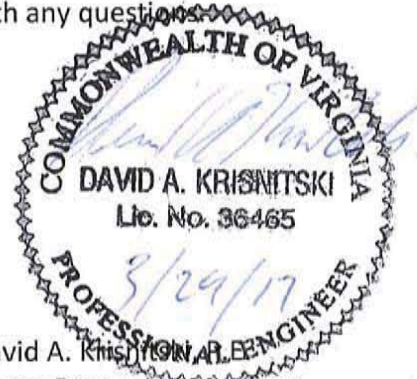


Grading contours for the site are not included in this report. When designing a grading plan, the cross-sections will need to be conservatively blended together because the hydraulic flood model (HEC-RAS) assumes a uniform change between cross-sections.

We have enjoyed working with you on this project. Please call me with any questions.

Sincerely,

Samuel A. Barnes, E.I.T.
Staff Engineer



David A. Krisnitski, E.I.T.
Water Resources Manager



APPENDIX

Sheet 1.0 - Site Plan

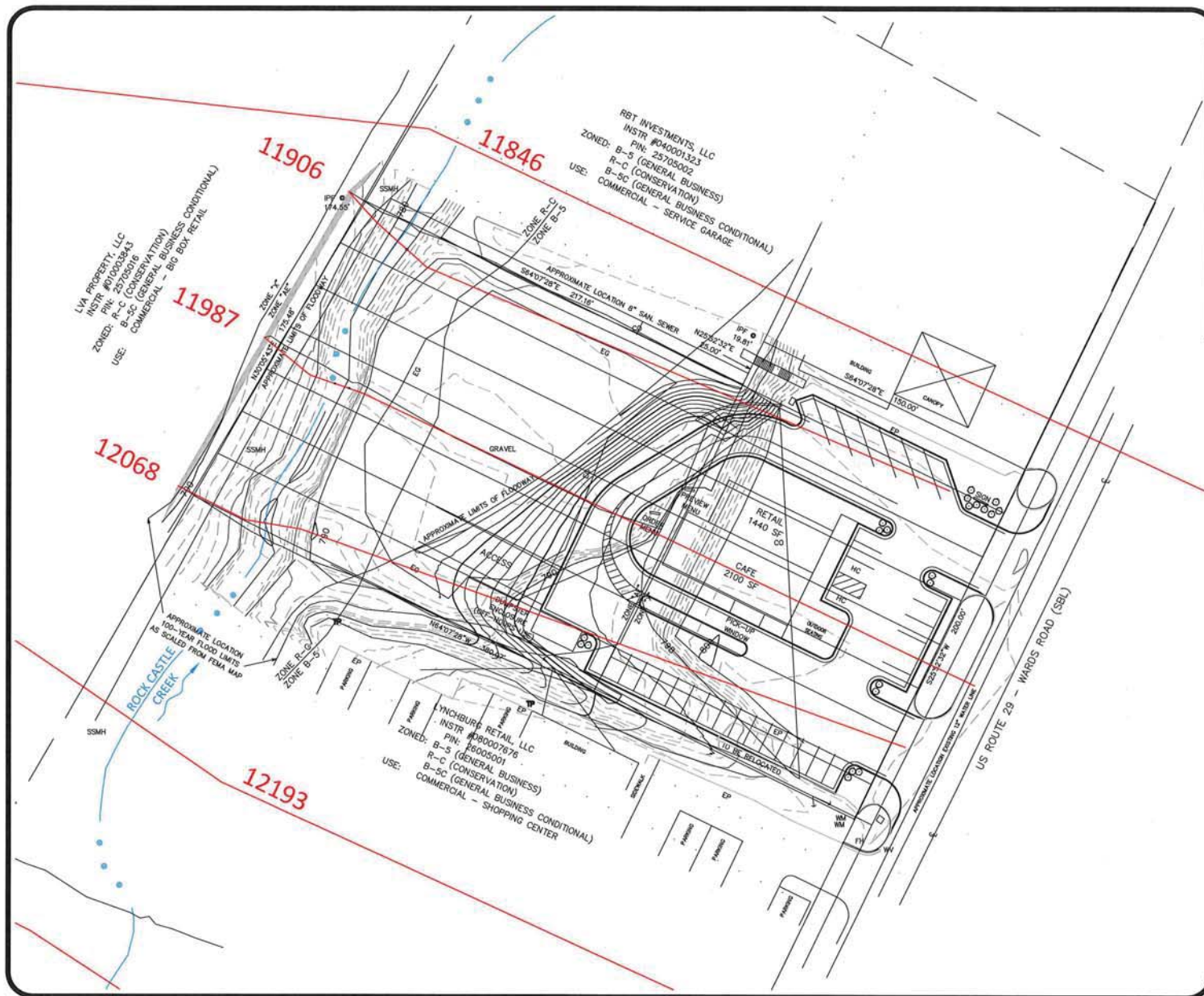
Sheet 2.0 - Partial FEMA XS 12193

Sheet 3.0 - Surveyed XS 12068

Sheet 4.0 - Surveyed XS 11987

Sheet 5.0 - Surveyed XS 11906

Sheet 6.0 - Partial FEMA XS 11846



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ROANOKE, VIRGINIA

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4012 & 4014
Wards Road
Flood Study

Forest, VA

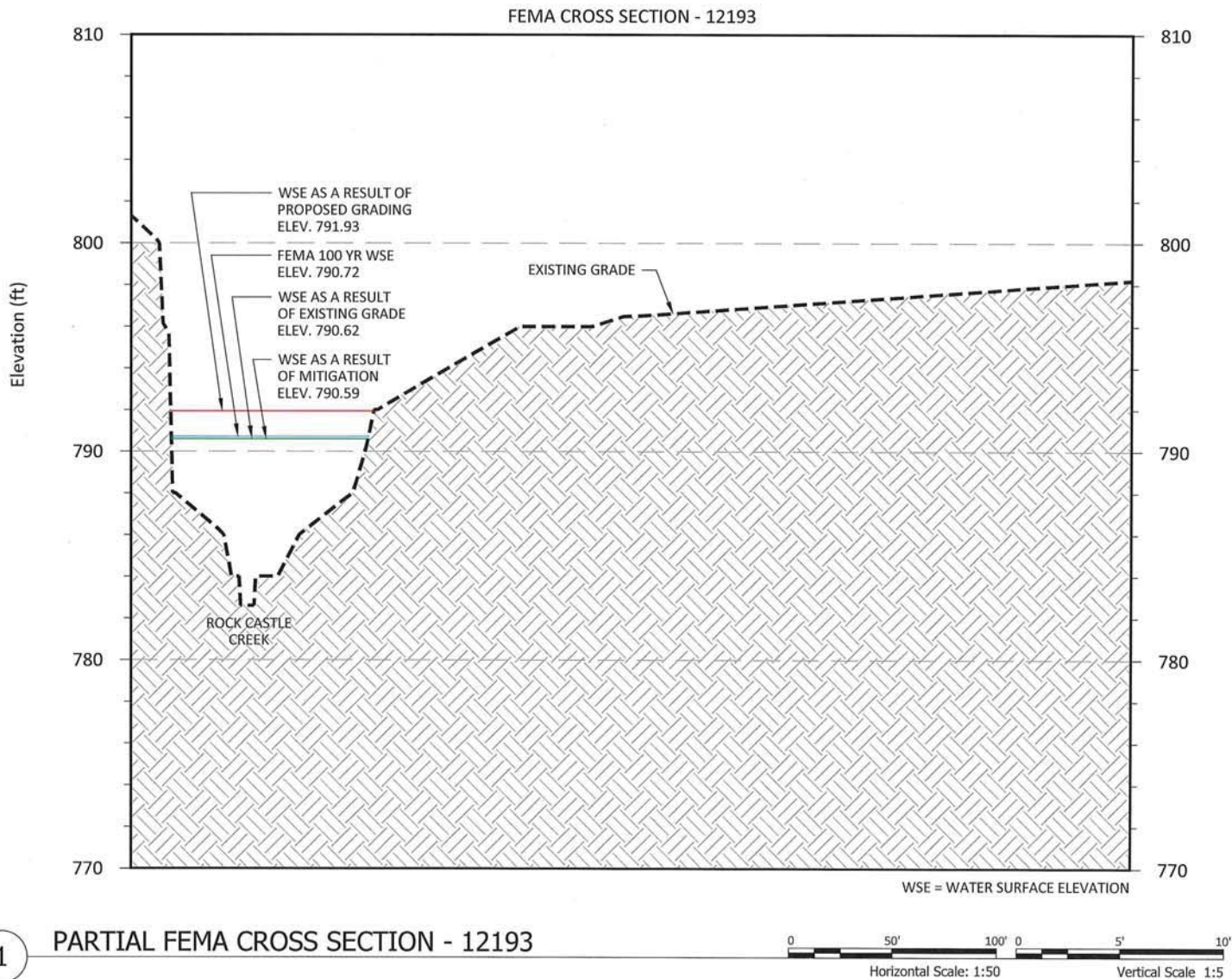
SITE PLAN

Prepared For:

Berkley-Howell &
Associates, P.C.

DR. KHH	CHK. DAK	REV.
PROJECT 62U-0519		SHEET 1.0
DATE March, 2017		
SCALE NA		
		1 of 6

X-Refs = 11x17 BDR Full TTL
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4012 & 4014
 Wards Road
 Flood Study

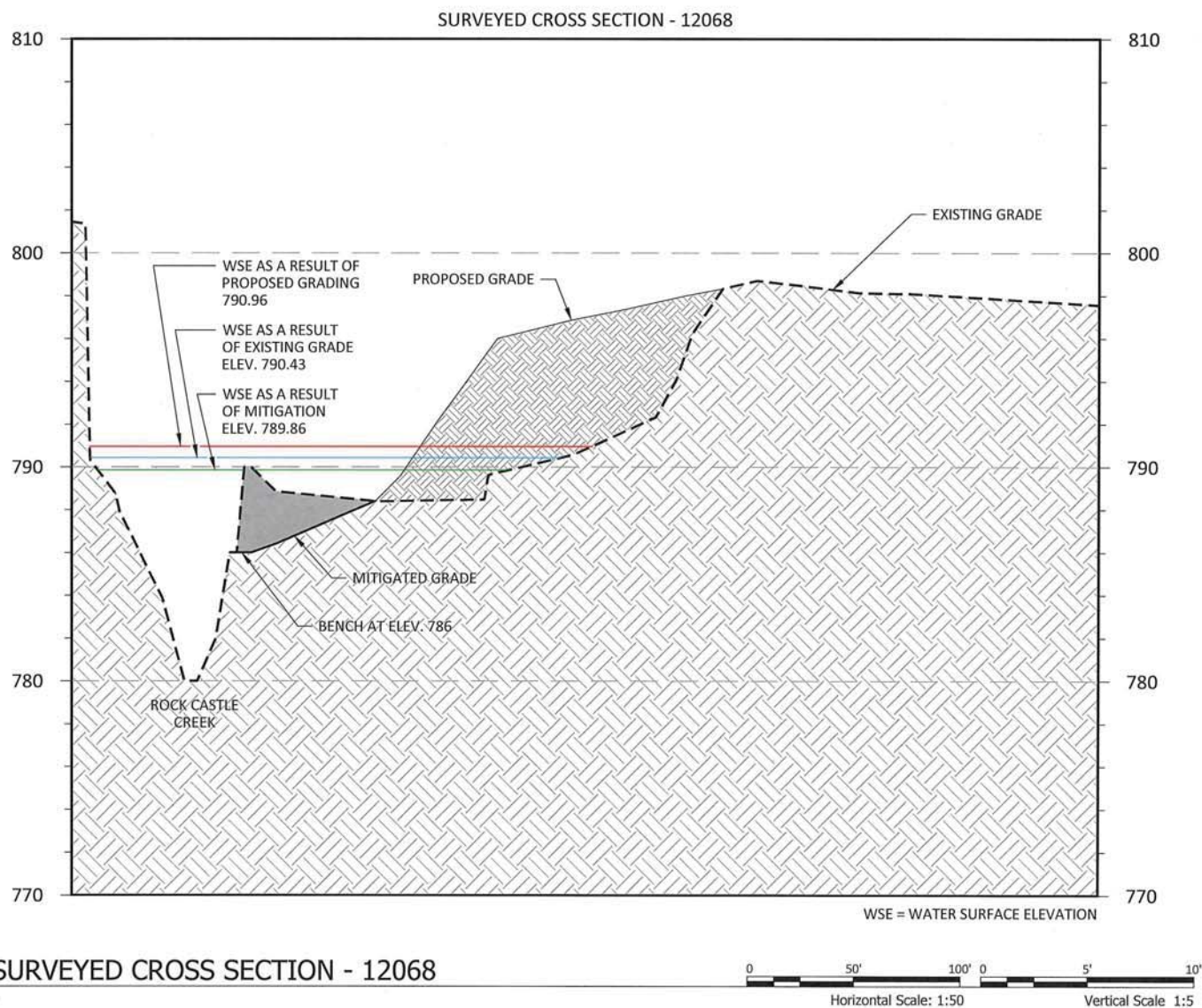
Forest, VA

CROSS SECTIONS

Prepared For:

Berkley-Howell &
 Associates, P.C.

DR. KHH	CHK. DAK	REV.
PROJECT 62U-0519	SHEET 2.0	
DATE March, 2017		
SCALE NA	2 of 6	



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Wards Road
Flood Study

Forest, VA

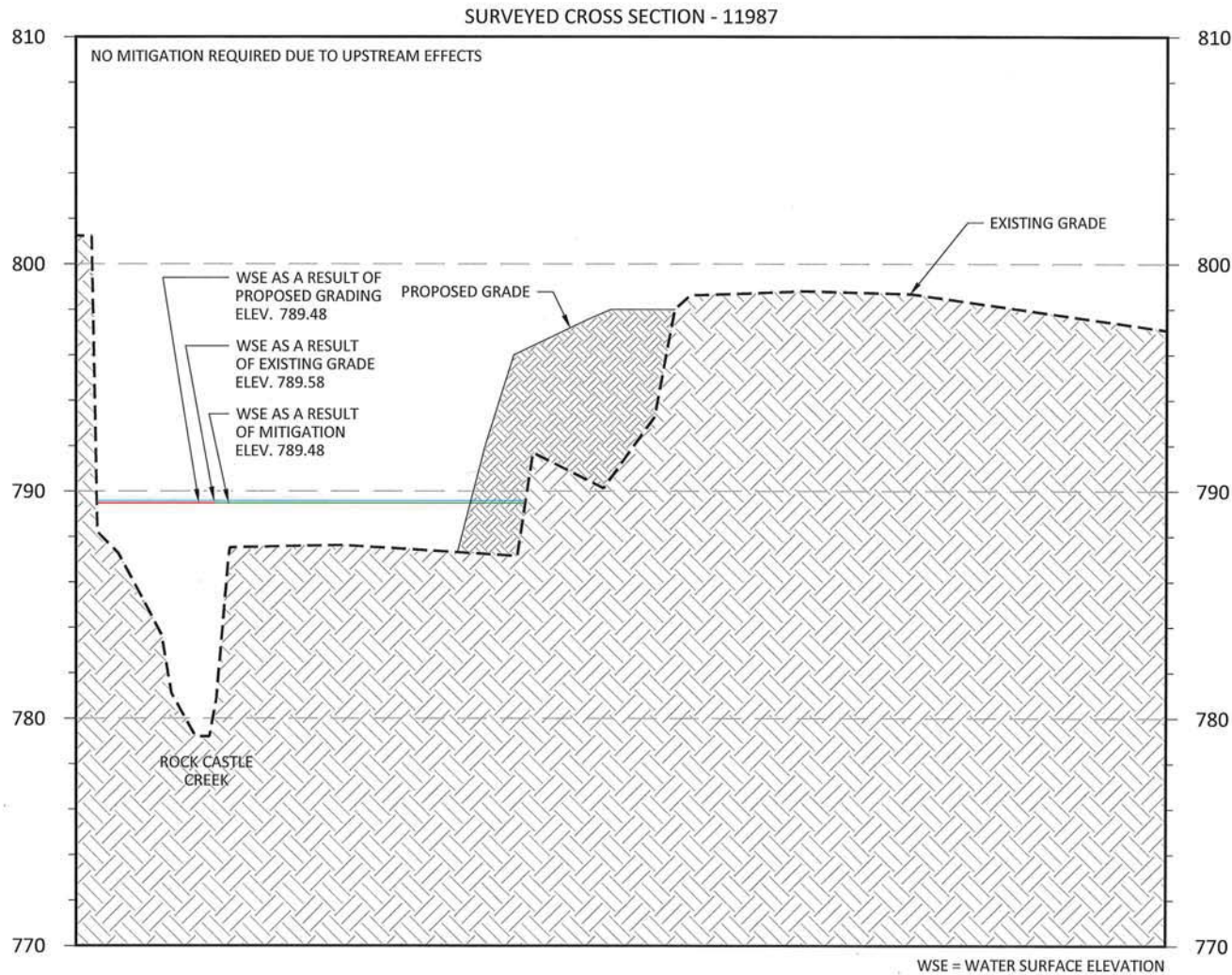
CROSS SECTIONS

Prepared For:

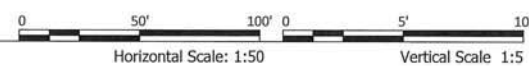
Berkley-Howell &
Associates, P.C.

DR. KHH	CHC. DAK	REV.
PROJECT 62U-0519		SHEET 3.0
DATE March, 2017		
SCALE NA		
		3 of 6

X-Refs = 11x17 BDR Full TTL
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1 SURVEYED CROSS SECTION - 11987



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4012 & 4014
Wards Road
Flood Study

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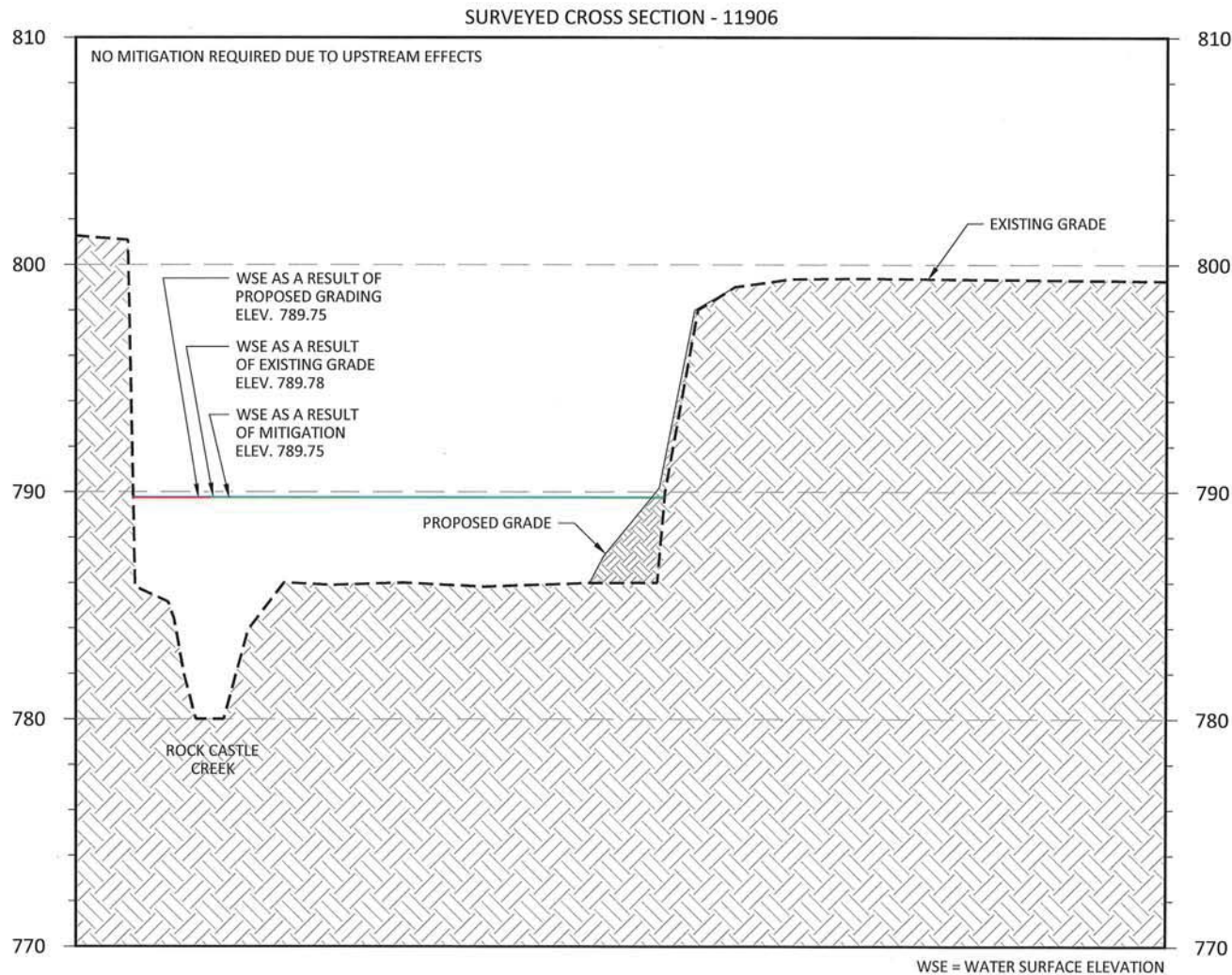
CROSS SECTIONS

Prepared For:

Berkley-Howell &
Associates, P.C.

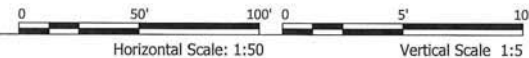
DR. KHH	CHK. DAK	REV.
PROJECT 62U-0519	SHEET 4.0	
DATE March, 2017		
SCALE NA	4 of 6	

X-Refs = 11x17 BDR Full TTL
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1

SURVEYED CROSS SECTION - 11906



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4012 & 4014
 Wards Road
 Flood Study

Forest, VA

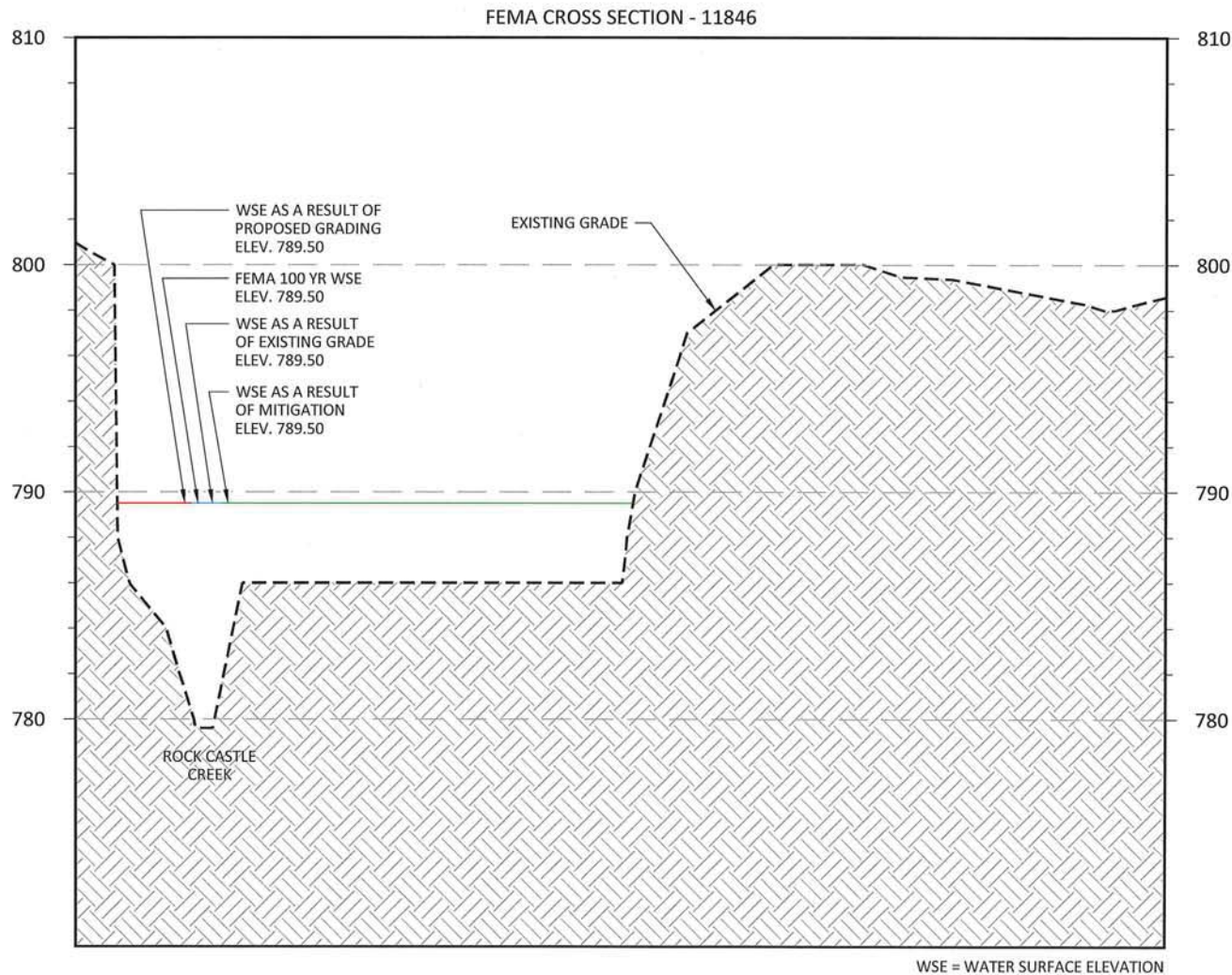
CROSS SECTIONS

Prepared For:

Berkley-Howell &
 Associates, P.C.

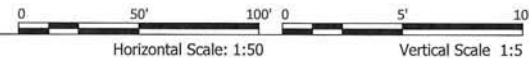
DR. KHH	CHK. DAK	REV.
PROJECT 62U-0519	SHEET 5.0	
DATE March, 2017		
SCALE NA	5 of 6	

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1

PARTIAL FEMA CROSS SECTION - 11846



SINCE



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4012 & 4014
 Wards Road
 Flood Study

Forest, VA

CROSS SECTIONS

Prepared For:

Berkley-Howell &
 Associates, P.C.

DR. KHH	CHK. DAK	REV.
PROJECT 62U-0519	SHEET 6.0	
DATE March, 2017		
SCALE NA	6 of 6	



June 14, 2017

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 8, 2017**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR:
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: *Future Land Use Map* Amendment – Neighborhood Commercial and Low Density Residential to Community Commercial.

Rezoning: R-2, Low-Medium Density Residential and R-3, Medium Density Residential to B-3C, Community Business District (Conditional) – 1000, 1002 and 1004 Dandridge Drive

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☒ Safe Community ☐ Vibrant Community

RECOMMENDATION: Approval of (i) an amendment to the *City of Lynchburg Comprehensive Plan 2013-2030's Future Land Use Map* (FLUM) from Neighborhood Commercial and Low Density Residential uses to a Community Commercial use and (ii) a change from R-2 Low-Medium Density Residential and R-3 Medium Density Residential zoning to B-3C Community Business District (Conditional) zoning for 1000, 1002 and 1004 Dandridge Drive.

SUMMARY: Tacoma, Inc. is petitioning to amend the *FLUM* and rezone approximately one and five thousandths (1.05) acres to allow the construction of a restaurant with drive-thru and associated parking. The property is located at a signalized intersection with one entrance proposed from Dandridge Drive, thus limiting traffic impact along Old Forest Road. This site is one of the last remaining low-medium density zonings along this commercial corridor, with existing restaurant uses on the adjacent blocks. The proffered concept plan shows the drive-thru order box adjacent to Old Forest Road and a privacy fence at the rear of the property to limit impacts to the neighborhood.

PRIOR ACTION(S):

June 28, 2017: The Planning Division recommended approval of the FLUM Amendment and the rezoning.

The Planning Commission recommended approval (6-0 with 1 absent, Light) of the *FLUM* Amendment and the rezoning.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Resolution
- Ordinance
- Planning Commission Minutes – June 28, 2017
- Planning Commission Packet – June 28, 2017
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners List
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Concept Plan
 - o Narrative
 - o Property Photograph
 - o Speaker Signup Sheet

REVIEWED BY: bms

RESOLUTION:

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN 2013-2030 FOR A CERTAIN AREA LOCATED AT 1000, 1002 AND 1004 DANDRIDGE DRIVE FROM NEIGHBORHOOD COMERCIAL AND LOW DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Tacoma, Inc., to amend the Future Land Use Map of the Comprehensive Plan 2013-2030 from Neighborhood Commercial and Low Density Residential for a certain area located at 1000, 1002 and 1004 Dandridge Drive is hereby approved.

Adopted:

Certified:

Clerk of Council

097K

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1000, 1002 AND 1004 DANDRIDGE DRIVE FROM R-2, LOW-MEDIUM DENSITY RESIDENTIAL DISTRICT AND R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) 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 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54.____ which shall read as follows:

Section 35.2-54.____. Change of a certain area located 1000, 1002 and 1004 Dandridge Drive from R-2, Low-Medium Residential District and R-3, Medium Residential District to B-3C, Community Business District (Conditional) District.

The area embraced within the following boundaries:

LEGAL DESCRIPTION
PARCEL 1- #1 000, #1 002 & #1 004 DANDRIDGE DRIVE

ALL THOSE CERTAIN TRACT OR PARCEL OF LAND COMMONLY KNOWN AS LOTS 1, 2 & 3, BLOCK B, SECTION 1, BLUE RIDGE FARMS IN THE CITY OF LYNCHBURG, VIRGINIA AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (IPF), WHICH IPF IS A COMMON CORNER BETWEEN LOT 3, BLOCK B, SECTION 1, BLUE RIDGE FARMS AND LOT 4, BLOCK B, SECTION 2, BLUE RIDGE FARMS, AND WHICH IPF IS LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF DNADRIDGE DRIVE;

THENCE, WITH SAID LOT 4, NORTH 18 DEGREES 14 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 150.00 FEET TO AN IPF, WHICH IPF IS A COMMON CORNER BETWEEN SAID LOTS 3 & 4, AND WHICH IPF IS LOCATED ON THE SOUTHERLY LINE OF A 25' PRIVATE ACCESS ROAD;

THENCE, WITH THE LINE OF SAID ACCESS ROAD, SOUTH 71 DEGREES 45 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 303.67 FEET TO AN IPF, WHICH IPF IS THE NORTHEASTERN CORNER OF SAID LOT 1, AND WHICH IPF IS LOCATED AT THE INTERSECTION OF THE LINE OF SAID ACCESS ROAD WITH THE CURRENT WESTERLY RIGHT-OF-WAY LINE OF OLD FOREST ROAD;

THENCE, WITH SAID LINE OF OLD FOREST ROAD, SOUTH 15 DEGREES 52 MINUTES 45 SECONDS WEST FOR A DISTANCE OF 123.94 FEET TO AN IPF;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND AN ARC LENGTH OF 40.43 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 61 DEGREES 54 MINUTES 37 SECONDS WEST FOR A DISTANCE OF 36.17 FEET TO AN IPF, WHICH IPF IS LOCATED ON SAID LINE OF DANDRIDGE DRIVE;

THENCE, ALONG SAID LINE OF DANDRIDGE DRIVE, NORTH 71 DEGREES 45 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 283.81 FEET TO THE POINT OF BEGINNING;
TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 1.053 ACRES MORE OR LESS.

.. is hereby changed from R-2, Low-Medium Density Residential District and R-3, Medium Density Residential District to B-3C, Community Business District (Conditional) District, subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner, Tacoma, Inc., to wit:

1. The site shall be built in substantial conformance to the site plan submitted for the rezoning.
2. A seven (7)-foot tall privacy fence conforming to City Code shall be added to the rear property line to provide additional screening between the site and 1006 Dandridge Drive. The City required landscaping will also be provided.
3. The property will be zoned for uses in the B-3 zone, except the following uses will not be permitted.
 - a. Virginia ABC Package Stores
 - b. Commercial Amusement
 - c. Pawn Shops

And the City Planner shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.2-30 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

098K

MINUTES OF THE JUNE 28, 2017 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Tacoma, Inc. to amend the Future Land Use Map from Neighborhood Commercial to Community Commercial and Low Density Residential and to rezone approximately one and fifty-three thousandths (1.053) acres from R-2, Low-Medium Density Residential and R-3, Medium Density Residential to B-3C, Community Business District (Conditional) to allow the construction of a restaurant with a drive thru and associated parking at 1000, 1002 and 1004 Dandridge Drive.

Mr. Tom Martin explained that these parcels are some of the last ones still zoned residential that front or are near Old Forest Road. The proposed use should fit well in the area provided adequate buffering and screening are provided, as shown on the submitted concept plan. The only adjoining residential use would be to the west of the site.

The City's Transportation Engineer did not require a traffic study because the property will be accessed from Dandridge Drive directly across from an existing commercial property. Also, the intersection of Dandridge Drive and Old Forest Road is currently signalized. The property is served by Greater Lynchburg Transit Company Route 8A with a stop to the south at the intersection of Old Forest and Forest Brook Roads.

Stormwater management is proposed to be addressed by the use of underground detention. The Department of Water Resources indicated that additional discharges into the drainage channel would be unacceptable. The petitioner has indicated that the energy balance equation will be used which would show that the post development flows will be equal to or less than the pre development flows. That is acceptable to both the Department of Water Resources and the City's Environmental Reviewer.

Given the existing commercial uses in the area, the Planning Division recommends approval of both the *Future Land Use Map (FLUM)* amendment and the rezoning petitions.

Mr. Bill Berkley of Berkley-Howell & Associates was present to represent the petition. They feel that the use is compatible with the other commercial uses in the area. Mr. Berkley pointed out some architectural renderings he brought today showing the proposed restaurant and site.

Mr. Berkley mentioned that they are also petitioning the City to acquire approximately twenty feet of right-of-way along Old Forest Road. That was a dedication of right-of-way that was done a long time ago and was more than was actually needed. If that right-of-way vacation is approved, the entire site can be moved forward twenty feet. This will allow more buffering between the site and the residential lot to the rear and to the west of this property.

Chair Perault asked if there was anyone else that wished to speak in favor of the petition. No one came forward. He asked if there was anyone who wished to speak in opposition of the petition.

Ms. Adrian Wildrick, a resident of Dandridge Drive came forward to speak. She noted that there was no traffic study required. Since she makes a left turn on to Dandridge Drive every day, this is a cause for concern for her. She does not think that everyone making a left turn there understands how the crosswalk works and that is a concern with increased traffic. She noted that there will be an increase in pedestrians that like to walk from the various businesses in the area to restaurants for lunch.

She noted that their neighborhood has a very specific market in housing. She thinks this will be a detriment to the houses behind the site because the third house is being taken down. She thinks it will change the property values of the houses that will be across from Taco Bell. Their neighborhood has a

very median price point and now three houses are being taken away that fit a very small margin of houses in that area.

Chair Perault asked if there was anyone else that wished to speak in opposition to the petition. No one came forward. He asked Mr. Berkley to address these concerns.

Mr. Berkley explained that a traffic study was done when the Bojangles petition was considered. The Transportation Engineer did not feel that any new information would be gathered by another traffic study. The Taco Bell will add minimal traffic to Dandridge Drive beyond the entrance because people will exit to the left and go back to Old Forest Road.

He acknowledged that Ms. Wildrick made a good point that this neighborhood has a very specific price point and is attractive to buyers because there are very few houses in that price range. Unfortunately, the closer you get to the commercial uses on Old Forest Road, the highest and best use of these residential properties is a commercial use.

Chair Perault closed the public hearing portion of the petition.

Commissioner Marion asked Mr. Berkley how there will be no more stormwater coming off this site when there will be asphalt and a building where there is currently a lot of pervious area. Mr. Berkley said the water will be retained in an underground facility and released at a controlled rate.

Commissioner Marion asked if they are able to shift the site forward site if that will negate the need to use the third site. Mr. Berkley said they tried to make that work but cannot do so. It will not negate the need to use the third site but it will give them twenty feet more of buffering. Commissioner Marion noted that might help the neighbor across the street from the third lot as well.

Commissioner Marion thought that Ms. Wildrick had made a good point about the additional pedestrian traffic that will be coming to this restaurant. Ms. Wildrick thinks the traffic signal should be changed to be left on green arrow only. Currently, cars can turn left on green. With additional traffic and pedestrians and monitoring the traffic turning left into Walmart, there is just a lot going on.

Commissioner Marion asked Ms. Wildrick back to speak. She asked her about her concern with property values. Ms. Wildrick explained that the property values are currently up and her point was that they are in a very specific market. There will be three houses lost as a result of the development and she is concerned that this additional commercial use in the area might make their property values go back down.

Ms. Wildrick asked Mr. Berkley where the water runoff goes. He indicated that it leaves the southwest corner of this site, gets into the roadside ditch, goes to the edge of the next yard and then goes into a storm sewer, a graded inlet. It goes under Dandridge Drive, down to Ardmore Drive, crosses Ardmore Drive and goes into a creek. Ms. Wildrick noted that the creek goes into the park and the park just started adding trout to that creek. She was not sure if the runoff from this commercial site would be different but wanted to note that this a stream that people go into as part of the park.

Commissioner Johnson noted that there are three underground oil tanks and wanted to know if they will be removed. Mr. Berkley indicated that there is one associated with each house and they will be removed.

Mr. Berkley noted that there has been concern raised about the house that is across from this site and directly behind Bojangles. Tacoma, Inc. has purchased that house. They plan to keep it as rental property for the foreseeable future.

Chair Perault asked if there is a protected green arrow, if you are heading west on Old Forest Road and making a left turn onto Dandridge Drive. Mr. Berkley said there is and Chair Perault noted they are still not sure about the pedestrian crossing. Chair Perault commented that there will definitely be more traffic on to Dandridge Drive because the entrance to Taco Bell is on Dandridge Drive. He does not think the concern is that it will cause more traffic in the neighborhood but that it will cause more congestion at the intersection. He is not sure why one restaurant would trigger a traffic study but a second one would not so he is not sure how they address this concern.

Mr. Ty Mosby of Berkley-Howell & Associates came forward to speak. He said that he had spoken with Lee Newland, the City Engineer, about this project. One of Mr. Newland's biggest concerns was what was going to happen on Old Forest Road. The residential entrance that is right in the intersection zone on Old Forest Road will be closed. The City Engineer was happy with that outcome. The entrance to Taco Bell will line up with the entrance to Bojangles for safety reasons. No new information would be gained by another traffic study. There may be increased traffic at that little section of Dandridge Drive and the numbers might go up with a new traffic study but what do you do with that information?

Commissioner Bowden said he would agree with that but he is thinking about the number of cars on that road and that is what he is trying to figure out. Personally, he does not have a problem with these particular parcels but he is thinking down the road. If you are at Betty Brite down the road and trying to get out at lunch time, you better have brought your lunch before you pull in there. Mr. Mosby noted that in this particular case, having the development at the stop light seems to be a good scenario. Imagine this site being four lots down where you have no stop light.

Mr. Martin noted that the City did a study on Old Forest Road. One of the recommendations of that study was to eliminate and consolidate entrances off of Old Forest Road and provide access from side streets. That is what the City has been doing and this development would eliminate an access point on Old Forest Road and provide an entrance on a side street. When the Zoning Ordinance was passed last year, access management standards were put in the ordinance regarding distances between driveway entrances and intersections. Traffic will not improve immediately but over time in terms of curb cuts and traffic flows on Old Forest Road, you will see improvement as the area develops and redevelops.

Ms. Wildrick asked if she could come forward and Chair Perault invited her to speak. She said the left turn on to Old Forest Road has about three car lengths. Traffic backs up against the left turn onto another road of which she is not sure of the name. When she tries to make a left turn on to Dandridge Drive, she is already backed up to the light before Dandridge Drive.

Commissioner Marion thinks the City might need twenty feet in front of Bojangles for a turn lane in the future. Mr. Martin said that right-of-way has been vacated. Mr. Martin commented that he does not think adding lanes is the answer. He thinks they should talk to the City Engineer about signal timings and pedestrian heads for the light. Chair Perault thinks that would address the traffic concerns and should not be that expensive. Commissioner Rogers thinks that from what he is can see from the map, there are existing pedestrian signals. Mr. Martin confirmed this by looking at Google Maps.

Chair Perault noted that one of his concerns is that it is a terrible transition from commercial to single-family homes. The houses are zoned R-2 but their appearance is more of an R-1 zoning. He asked Mr. Martin about the distinction between R-1 and R-2. Mr. Martin said the lot size for R-1 is 15,000 square feet and 10,000 square feet for R-2. Chair Perault commented that he does agree with the request to change the *FLUM* because it stands out as not being consistent. He wondered why the *FLUM* amendment was not recommended for Neighborhood Commercial. Mr. Martin noted that lends itself to more of a restaurant without a drive through.

Mr. Martin said he would agree that it is not a good transition and that was a concern for staff. The petitioner has proffered the seven-foot wood board fence and will still do the required vegetative buffer.

If they can shift it forward twenty feet, there will be more of a buffer between the commercial and residential uses. The only thing that the petitioner did not commit to, which was requested by staff, was a smaller sign. That did not sway staff enough to recommend denial of the petition.

Mr. Tim Reith, the owner of Tacoma Inc., came forward and mentioned that they are actually looking at doing the monument sign. They are probably leaning more toward doing the monument sign at this point than the 17-foot tall sign that staff would prefer not be done.

Commissioner Rogers asked how much water the stormwater system can hold before it goes beyond what they would see with the three homes there now. Mr. Mosby said they are looking at two storms. You are looking at channel protection, which is a one-year storm. Then you are looking at a ten-year storm. When you look at the one-year storm, it is an energy balance. It has an improvement factor when you look at your disturbed area. There will be a ten or twenty percent improvement. The energy balance formula looks at volume and rate. Then you look at the ten-year storm and that will be at or below the pre development condition. Mr. Martin said it is a matter of how big the detention system is and the orifice size.

Commissioner Marion asked about the water quality. Mr. Mosby indicated that will be addressed by purchasing nutrient credits. He does not see a substantial change even with the additional pavement because they will be planting a lot of vegetation. Mr. Mosby explained that they need to look at the big picture. You can choose to treat on site. There are twelve tools to from which to choose. Given constraints these days, a lot of the tools do not work because they are written for flatlands. That takes away a lot of tools if you are working with a site like this and you take the risk that the tool will not work. Bioretention is a popular tool but there is a risk that it will not work. It is not because of the design. Sometimes nature is just not right; something is different. It is not the math. He has heard there is a bioretention facility in Lynchburg that has failed three times and they cannot fix it. If you buy the credits, the risk on site goes away but you are paying for double the cleanup. There is a net improvement farther down in the same watershed. He does not want them to look at purchasing credits as a bad thing because it is misleading.

Mr. Martin said he would not disagree with anything that Mr. Mosby said. The big picture is that overall the storm regulations and the water quality measures are meant to improve the water quality of the Chesapeake Bay. Allowing the purchase of offsite credits will improve the water quality of the Chesapeake Bay. It might not do anything for the water quality in Lynchburg but that is the way the state law is written. In terms of flow and erodibility and channel erosion, it will be at or better current conditions.

Chair Perault mentioned that he had met with some of the neighbors. He feels their concerns have been addressed in this discussion but there was a concern with lighting. Mr. Martin said the lighting ordinance requires no more than 0.5 foot candles at a residential property line. Commissioner Marion asked about noise from the drive through and Mr. Reith said they did a reverse building so that the drive through window will be at the front of the building rather than near the residential property.

Commissioner Lowe asked if they are able to move the site twenty feet forward if the entrance will move. Mr. Mosby said the entrance will stay where it is located on the concept plan.

Chair Perault commented that he talked to two of the adjacent property owners and their general attitude was that their opinion does not matter because of the Bojangles rezoning. Apparently, they came and complained and they feel the City did not listen. Chair Perault assured them that the City does listen and does want their input. He encouraged them to come and said he would share their concerns regardless. He thinks a lot of their concerns have been addressed. Chair Perault told Ms. Wildrick that if her traffic concerns continue to be a problem, she can bring them up with her council member.

Mr. Martin thinks Mr. Mosby or Mr. Berkley should have a conversation with the City Engineer about the signal timing issue prior to the City Council meeting.

Commissioner Johnson made the following motion, which was seconded by Commissioner Marion, and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of Tacoma, Inc., to amend the Future Land Use Map from Neighborhood Commercial and Low Density Residential to Community Commercial at 1000, 1002 and 1004 Dandridge Drive.

AYES:	Bowden, Johnson, Lowe, Marion, Perault and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Light	1

Commissioner Johnson made the following motion, which was seconded by Commissioner Rogers, and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of Tacoma, Inc., to rezone the property located at 1000, 1002 and 1004 Dandridge Drive from R-2, Low Density Residential and R-3, Medium Density Residential to B-3C, Community Business District (Conditional) subject to the voluntarily submitted proffers.

AYES:	Bowden, Johnson, Lowe, Marion, Perault and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Light	1

Chair Perault thanked the representative for answering all their questions. He feels a lot better about the petition than he did before the meeting. Mr. Reith said they would not be in business if they were not good neighbors. They will go above and beyond the submitted proffers and address any of the neighbors' concerns as the project goes forward and afterwards as well.

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: June 28, 2017
Re: **Future Land Use Map (FLUM) Amendment: Neighborhood Commercial and Low Density Residential to Community Commercial**
Rezoning: R-2, Low-Medium Density Residential and R-3, Medium Density Residential to B-3C, Community Business District (Conditional) – 1000, 1002 and 1004 Dandridge Drive

I. PETITIONER

Tacoma Inc., 328 E. Church Street, Martinsville, Virginia 24112

Representative: Mr. Bill Berkley, Berkley-Howell & Associates, PC., 306 Enterprise Drive, Forest, Virginia 24551

Property Owner(s):

1000 Dandridge Drive – Yesh and Teresa L. Khanna, 1112 Lake Shore Drive, Forest, Virginia 24551.

1002 and 1004 Dandridge Drive – Lamp Rentals, LLC, 460 Plantation Road, Martinsville, Virginia 24112.

II. LOCATION

The subject property is three tracts of approximately one and fifty-three thousandths (1.053) acres located at 1000, 1002 and 1004 Dandridge Drive.

III. PURPOSE

The purpose of the petitions is to amend the *Future Land Use Map (FLUM)* and rezone the property to allow the construction of a fast food restaurant (Taco Bell).

IV. SUMMARY

- The *Comprehensive Plan 2013-2030* recommends Neighborhood Commercial and Low Density Residential uses for the area.
- The property is located at a signalized intersection along a commercial corridor.
- The property is one of the last remaining low-medium density residential zonings existing in the area.

The Planning Division recommends approval of the FLUM amendment and rezoning petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends Neighborhood Commercial and Low Density Residential uses for the property.

Neighborhood Commercial areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and 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.

Neighborhood shopping centers meet the day-to-day needs of a limited residential trade area of 2,500 to 10,000 people and average about 50,000 square feet of space. A small grocery store or drug store is often the anchor for a neighborhood shopping center. Office uses should be relatively small-scale with building floor areas not exceeding 20,000 square feet and heights not exceeding four stories. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. (*p. 75*)

Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre. These areas are colored light yellow on the *FLUM*. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs and swim and racquet clubs, and private open space are also appropriate for Low Density Residential areas. (*p. 72*)

The petition proposes to amend the *FLUM* to Community Commercial for all three (3) properties, primarily for the drive-thru associated with the restaurant. Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Regional shopping centers would be at least as large as Community Commercial ones, 100,000 to 200,000 square feet, possibly larger, if parcels of sufficient size can be found or assembled. They are intended to serve 70,000 to 100,000 people. Office, research and development, and technology development uses may be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. (*pp. 75-76*)

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density Residential District was established in 1978. The R-3, Medium Density Residential District was established May 22, 1979 with the adoption of a land use study for Old Forest Road.
3. **Proffers.** The petitioner has submitted the following voluntarily submitted proffers:
 1. The site shall be built in substantial conformance to the site plan submitted for the rezoning.
 2. A seven (7)-foot tall privacy fence conforming to City Code shall be added to the rear property line to provide additional screening between the site and 1006 Dandridge Drive. The City required landscaping will also be provided.
 3. The property will be zoned for uses in the B-3 zone, except the following uses will not be permitted.
 - a. Virginia ABC Package Stores
 - b. Commercial Amusement
 - c. Pawn Shops
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.

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

- On May 22, 1979, Council approved the “Old Forest Road Study” which amended zoning for properties fronting Old Forest Road.
- On November 10, 1987, Council approved the conditional use permit (CUP) petition of Hallmark Investment to allow an automobile lubrication station at 3209 Old Forest Road.
- On December 8, 1992, Council approved the CUP petition of Donald Ozmar to allow the operation of a dance club at 3217 Old Forest Road.
- On April 12, 1994, Council approved the CUP petition of Clyde Bondurant & Beth Dunam to operate a child care facility for up to thirty-five (35) children at 3208 Forest Brook Road.
- On January 1, 1996, Council approved the CUP petition of Sylvia Hobson to allow a child care facility with sixty (60) children per shift at 3208 Old Forest Road.
- On June 9, 1998, Council approved the rezoning request of Atlantic Star Communication to rezone 3305 Old Forest Road from B-3, Community Business District to B-5, General Business District (Conditional) and approved a CUP to allow the erection of a radio transmission tower.
- On April 11, 2006, Council approved the CUP petition of Glenn White & Associates to allow the construction of a cluster commercial development at 3311 Old Forest Road.
- On August 14, 2007, Council approved the rezoning petition of George & William Walker to rezone 3207, 3211, 3215 & 3217 Forest Brook Road from B-1, Limited Business District to B-3, Community Business District (Conditional).
- On April 14, 2009, Council approved the rezoning petition of George & William Walker to rezone 3207 and 3209 Forest Brook Road from B-1, Limited Business District and B-3, Community Business District (Conditional) to B-3, Community Business District (Conditional).
- On April 9, 2013, Council approved the petitions of Phil Lynch, GoBo, Inc. to amend the *FLUM* from Medium Density Residential to Community Commercial and to rezone 1001 and 1003 Dandridge Drive and 1000 and 1002 Ardmore Drive from R-2, Low-Medium Density Residential and R-3, Medium Density Residential to B-3C, Community Business District (Conditional).

6. Site Description. The subject property consists of three (3) tracts of approximately one and fifty-three thousandths (1.53) acres. Each parcel contains a single-house detached structure. The structures were built between 1957 and 1961. The structures are not owner occupied.

The property is bordered to the north, east and south by commercial uses. The property is bordered to the west by a single-household detached structure.



Surrounding Area

7. **Proposed Use of Property.** If the petitions are approved, the existing structures would be demolished to facilitate the construction of a single-story fast food restaurant with drive-thru and associated parking.
8. **Traffic, Parking and Public Transit.** The City Engineer did not require a traffic study as part of the rezoning petition. The property is located at a signalized intersection and the ingress/egress to the site will be from Dandridge Drive directly across from the existing entrance to “Bojangles” located at 3280 Old Forest Road.

The area is served by the Greater Lynchburg Transit Company (GLTC) Route 8A with the closest stop being located at the intersection of Old Forest Road and Forest Brook Road.

The required amount of parking has been indicated on the submitted concept plan.

9. **Stormwater Management.** An Erosion and Sediment Control/Stormwater Management Plan would be required prior to final site plan approval. The City’s Environmental Reviewer and Department of Water Resources have indicated that any additional drainage to the downstream receiving channel would be unacceptable. The representative for the petitioner has indicated that stormwater from the site would be addressed by using underground detention. It has been indicated that the “Energy Balance” formula would be used which would maintain pre-development or better conditions for stormwater leaving the site.
10. **Emergency Services:** The City’s Fire Marshal commented that removal of any underground storage tanks would need to be removed prior to construction. The City’s Police Department had no comments of concern regarding the proposed rezoning.
11. **Impact.** The proposed commercial zoning is reasonable for the property located at a signalized intersection on Old Forest Road with traffic counts of twenty-one thousand (21,000) vehicles per day. The property is one of the last remaining low-medium density zoned areas fronting Old Forest Road. One of the primary reasons for the existing *FLUM* designation of Neighborhood Commercial is to ensure an acceptable transition between commercial zoned

property and the adjacent neighborhoods. These areas should be designed so that patrons located in the adjacent neighborhoods, could walk, bike or take a short drive to frequent the use. The submitted concept plan has attempted to address these items by proffering a seven (7)-foot privacy fence along the adjacent residentially zoned property and has indicated required sidewalks with connections and bike racks. Although being considered but not proffered by the petitioner, a monument style sign similar to that of Bojangles would be beneficial in ensuring an adequate transition to the neighborhood.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on June 6, 2017. Comments related to the proposed use have or will be addressed at the final site plan stage.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Tacoma, Inc., to:

Amend the Future Land Use Map from Neighborhood Commercial and Low Density Residential to Community Commercial at 1000, 1002 and 1004 Dandridge Drive.

Rezone the property located at 1000, 1002 and 1004 Dandridge Drive from R-2, Low Density Residential and R-3, Medium Density Residential to B-3C, Community Business District (Conditional) subject to the voluntarily submitted proffers.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Charles Hartgrove, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozzerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Ms. Maggie Cossman, Transportation Engineer
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Bill Berkley, Representative

VII. ATTACHMENTS

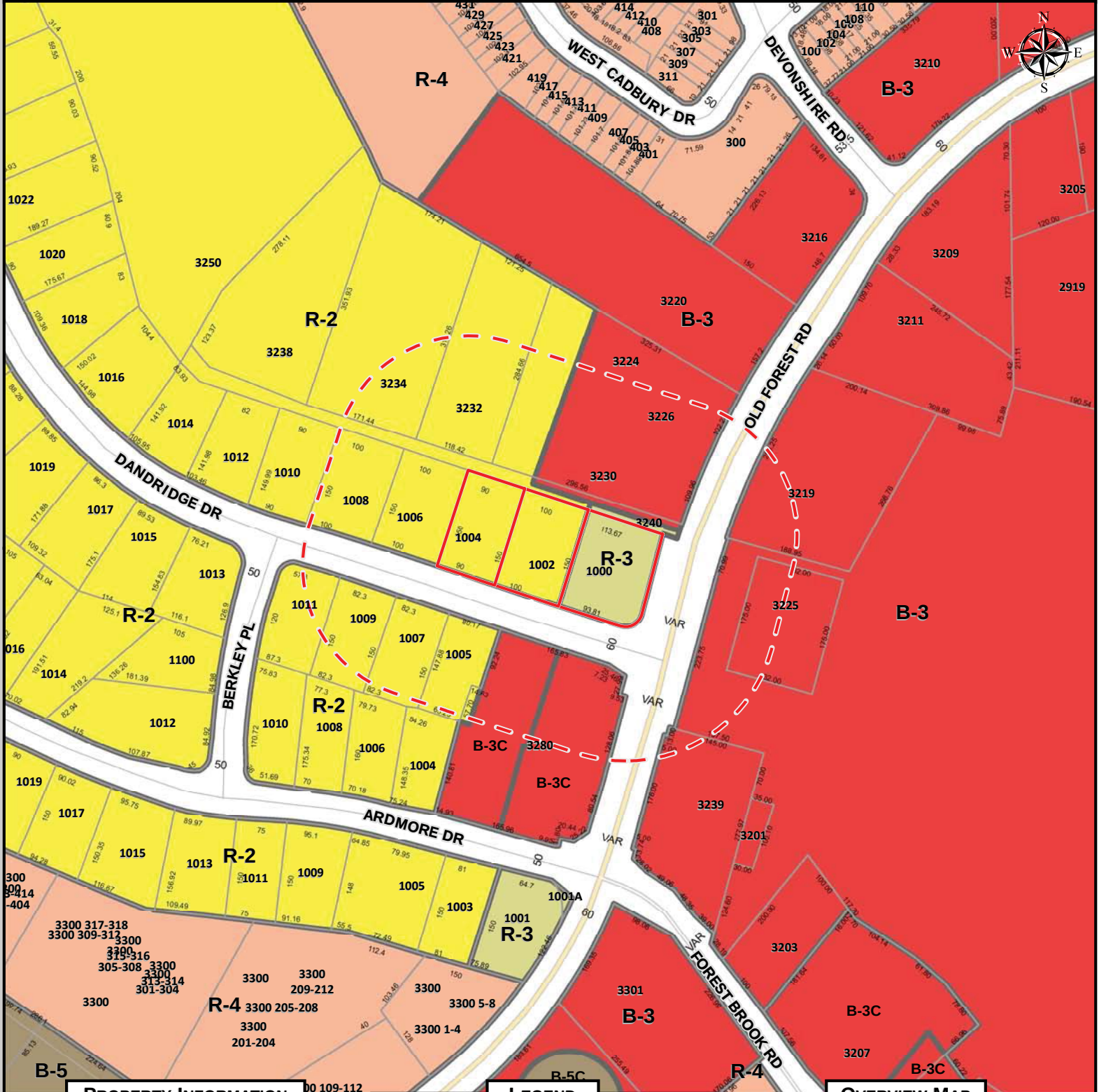
- 1. Zoning Map with Adjoining Owners List**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photograph**

Zoning Map

Zoning Request

TACO BELL

Tacoma, Inc



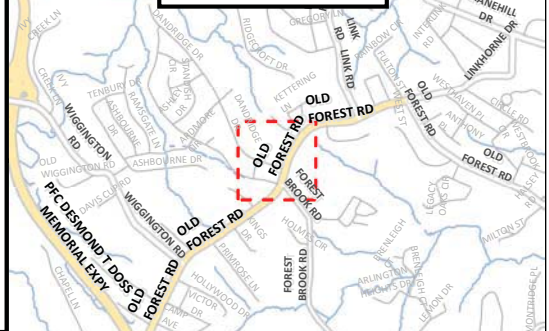
PROPERTY INFORMATION

PARCEL ID	ADDRESS
22008001	1000 DANDRIDGE DR
22008003	1004 DANDRIDGE DR
22008002	1002 DANDRIDGE DR

LEGEND

 	Subject Property	
 	200' Buffer	
	B-1	 R-4
	B-2	 R-5
	B-3	 R-C
	B-4	 IN-1
	B-5	 IN-2
	B-6	
	I-1	
	I-2	
	I-3	
	R-1	
	R-2	
	R-3	

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 6/22/2017

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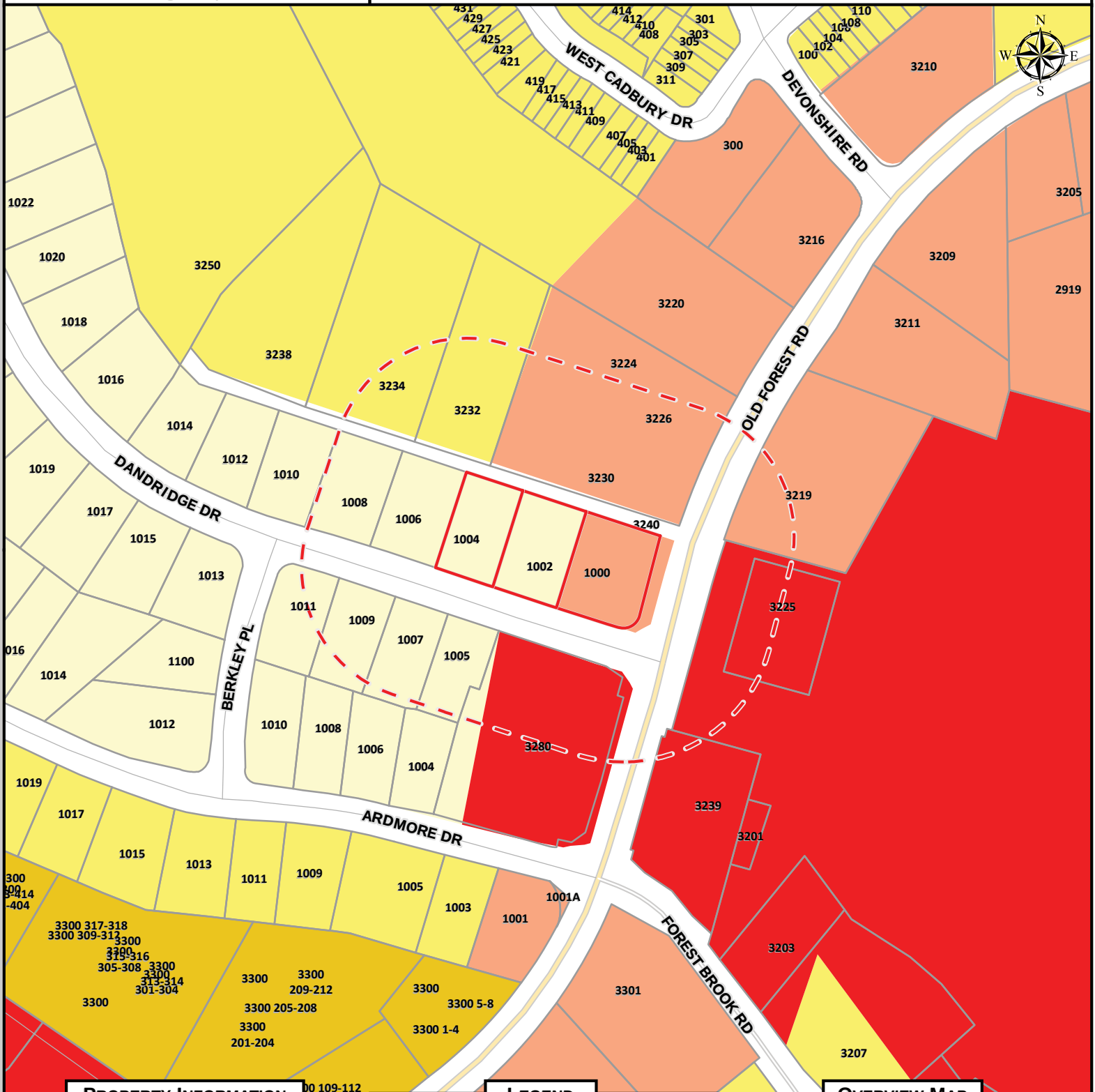
Parcel ID	Address	Owner
22007005	3224 OLD FOREST RD	C & G PROPERTIES INC
22007007	3234 OLD FOREST RD	CABANISS HOMES LLC
22007010	3232 OLD FOREST RD	CABANISS HOMES LLC
22004007	3225 OLD FOREST RD	CENTRAL FIDELITY BANK NA LYNCH
22010009	1006 ARDMORE DR	CHAVEZ, HILARY A O & RAZO, ABEL C
22008004	1006 DANDRIDGE DR	COLEMAN, HAROLD L SR & DOROTHY
22010004	1007 DANDRIDGE DR	FELLENGER PROPERTIES LLC
22010006	1011 DANDRIDGE DR	FOREST CORPORATION
22010001	3280 OLD FOREST RD	GOBO PROPERTIES LLC
22010003	1005 DANDRIDGE DR	JEFFERSON, KIMBERLY N
22008001	1000 DANDRIDGE DR	KHANNA, YESH & TERESA L
22008002	1002 DANDRIDGE DR	LAMPE RENTALS LLC
22008003	1004 DANDRIDGE DR	LAMPE RENTALS LLC
22008005	1008 DANDRIDGE DR	LILLIE, MELISSA
22008006	1010 DANDRIDGE DR	LOKAR, WILLIAM J III & AMANDA W
22004008	3239 OLD FOREST RD	LYNCHBURG OIL CO INC
22010010	1004 ARDMORE DR	PRITCHETT, ANITA J
22010005	1009 DANDRIDGE DR	ROSE, EMMETT W & CYNTHIA E
22004019	3219 OLD FOREST RD	WALKER, GEORGE C JR & LYNNE R FLP
22004003	3227 OLD FOREST RD	WAL-MART REAL ESTATE BUSINESS TRUST

FLUM Map

Zoning Request

TACO BELL

Tacoma, Inc



PROPERTY INFORMATION

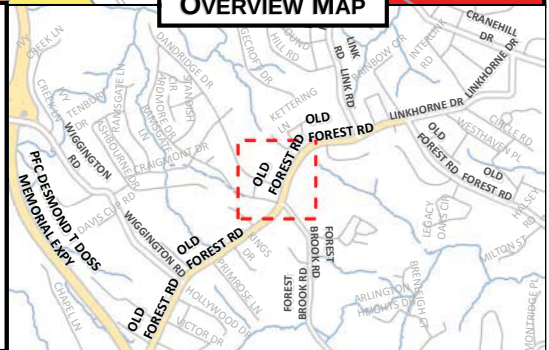
PARCEL ID	ADDRESS
22008001	1000 DANDRIDGE DR
22008003	1004 DANDRIDGE DR
22008002	1002 DANDRIDGE DR

LEGEND

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

MAP SCALE: 1" to 4,000' DATE PRINTED: 6/22/2017

OVERVIEW MAP



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Watershed Map

Zoning Request

TACO BELL

Tacoma, Inc



City of Lynchburg - GIS Office

OVERVIEW MAP

PROPERTY INFORMATION

PARCEL ID	ADDRESS
22008001	1000 DANDRIDGE DR
22008003	1004 DANDRIDGE DR
22008002	1002 DANDRIDGE DR

LEGEND

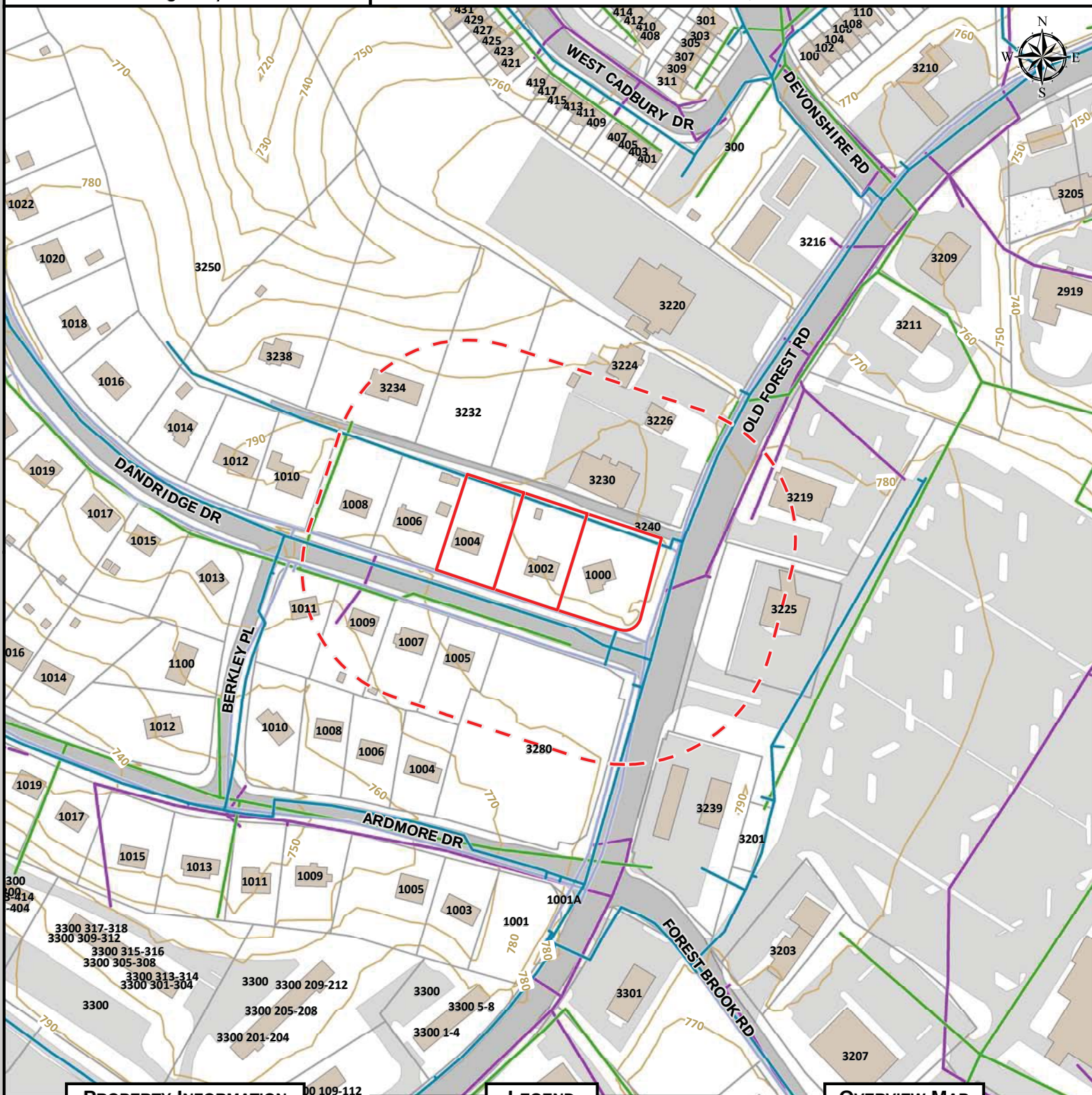
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

MAP SCALE: 1" to 33,333' DATE PRINTED: 6/22/2017



Cheese Creek-Ivy Creek

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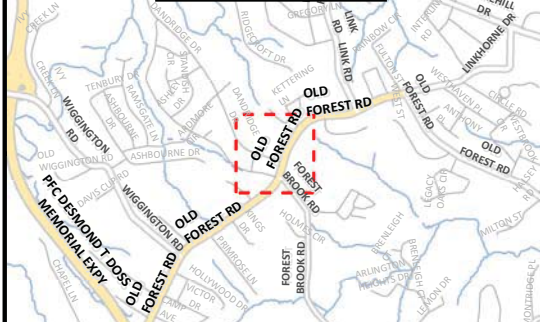
PROPERTY INFORMATION

PARCEL ID	ADDRESS
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22008003	1004 DANDRIDGE DR
22008002	1002 DANDRIDGE DR

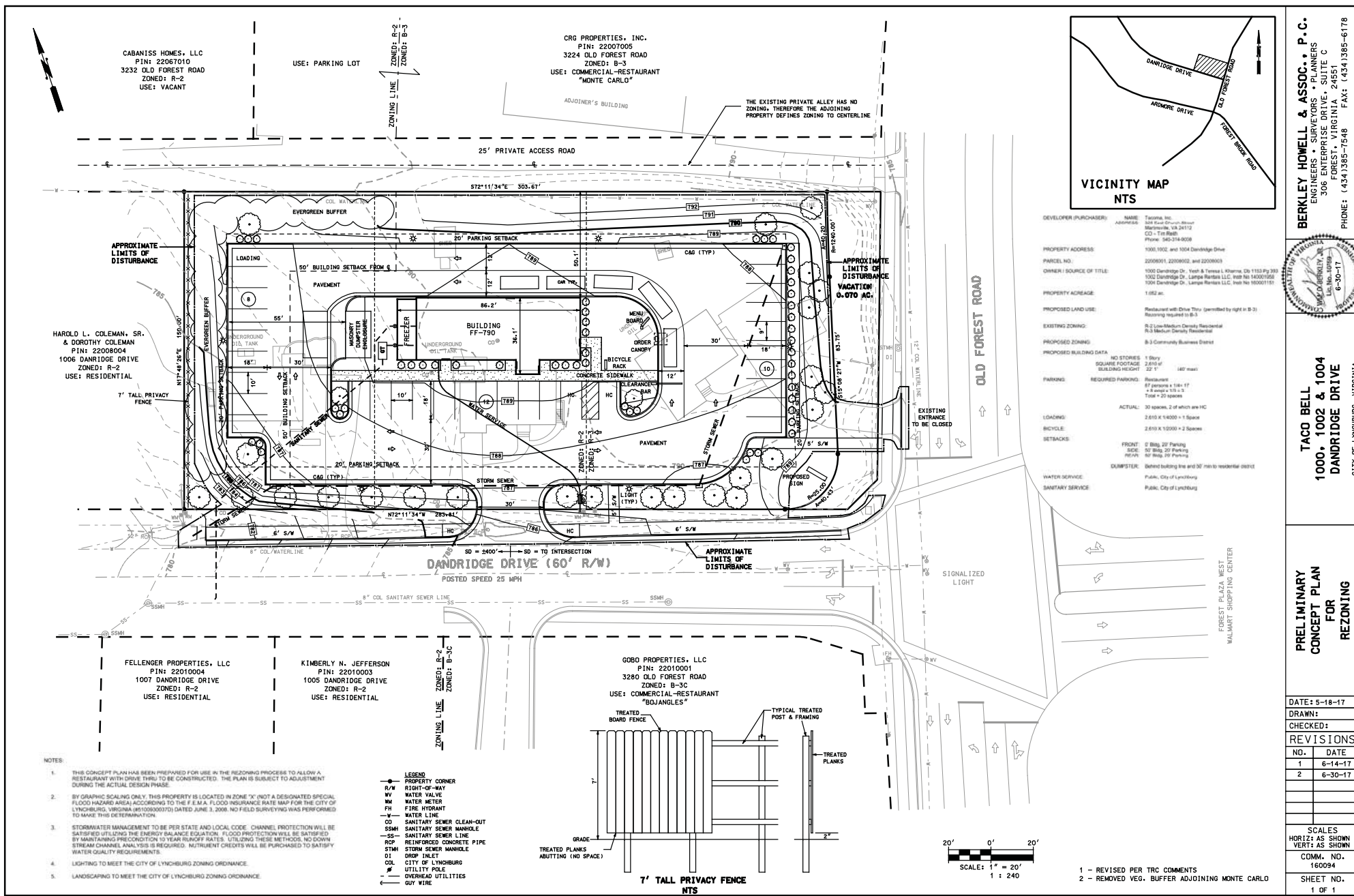
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 6/22/2017



NARRATIVE FOR REZONING
FUTURE LAND USE MAP AMENDMENT

FOR

TACOMA, INC.
1000, 1002, 1004 DANDRIDGE DRIVE
LYNCHBURG, VIRGINIA

PREPARED FOR:

TACOMA, INC.
328 EAST CHURCH STREET
MARTINSVILLE, VA 24112
(C/O TIM REITH)

BY

BERKLEY-HOWELL & ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS

306 ENTERPRISE DRIVE, SUITE C.
FOREST, VIRGINIA 24551
(434) 385-7548

COMM. NO. 160084

MAY 18, 2017
REVISED JUNE 14, 2017

PROJECT SCOPE AND PURPOSE OF CHANGE:

The rezoning of 1000, 1002 and 1004 Dandridge Drive is requested to allow the construction of a restaurant with drive-through service. Currently 1000 Dandridge Drive is zoned R-3 (medium density residential) while 1002 and 1004 are zoned R-2 (also medium density residential). In order to construct a restaurant with drive-thru service, the property needs to be zoned B-3 Community business. Once adequately zoned, the properties will be combined into one parcel to facilitate construction as shown on the accompanying Concept Plan.

As shown on the attached valuation map, properties on either side of these parcels which front Old Forest Road are already zoned B-3, as are all properties on the opposite side of Old Forest Road. Therefore, the proposed zoning is compatible with neighborhood zoning patterns as well as existing uses. Properties to the north and south house restaurants, one of which has drive-thru service (Bojangles).

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

This project is consistent with the goals and policies of the Comprehensive Plan in a number of ways. First, it represents the efficient use of available land for redevelopment along a commercial corridor. Currently, three rental homes occupy these three lots. The proposed redevelopment will certainly increase the tax base and revenue from the subject property.

The project is compatible with existing land use and zoning patterns. In fact, the property at 1000 Dandridge Drive is the only property within the block still zoned residential which fronts on Old Forest Road. Properties immediately to the north and south already house restaurants.

The establishment of a national chain restaurant on this site will promote the economic vitality of the Old Forest Road Commercial Corridor, another goal of the Comprehensive Plan. Finally, appropriate access management is proposed for this site. The intersection of Dandridge Drive and Old Forest Road is signalized with appropriate left turn indicators. Access to the site will be limited to Dandridge Drive and will be compatible with the Bojangles entrance to the south.

The site is currently shown as Neighborhood Commercial on the Future Land use map. While the proposed restaurant will certainly serve the adjoining neighborhoods and will be accessible to pedestrian and bicycle traffic, it is felt that a map amendment to Community Commercial is appropriate since this is a national chain. It will likely draw customers from other neighborhoods within the City and surrounding areas. Restaurants with drive-thru service are generally considered Community Commercial property as outlined in the Comprehensive Plan.

WATER/SEWER CAPACITY NARRATIVE:

The property is served by an existing City of Lynchburg Public Water via 12" line along Old Forest Road and an 8" line along Dandridge Drive. Either are adequate to meet the demands of this project.

The property is served by an existing 8" sanitary sewer line along Dandridge Drive. The sanitary sewer line will adequately serve the development.

STORMWATER NARRATIVE FOR ADEQUATE CHANNEL AND STORMWATER MEASURES

The site, when developed will require storm water management for both water quality and quantity.

Water quality will be handled by the purchase of non-point source nutrient credits.

Regarding storm water quantity, the development will most likely utilize sub-surface storage facilities which have a controlled discharge through onsite storm sewer to an existing ditch at Dandridge Drive. To adequately protect downstream channels, the detention facility will be designed utilizing the energy balance with improvement factor for channel protection and maintain pre-conditions or better for flood protection. Under these design conditions, a downstream adequacy study is not required.

PARKING

The Concept Plan shows the required parking.

The City of Lynchburg, VA

Legend

- Addresses
- Street Labels
- Legal Lot Lines
- ▣ Vacated Right of Way
- ▣ Parcels
- ▣ Owner Unknown
- ▣ Survey Gap
- ▣ Assessed By County
- Zoning

- B-1
- B-3
- B-4
- B-5
- I-1
- I-2
- I-3
- R-1
- R-2
- R-3
- R-4
- IN-1
- IN-2
- R-C

Feet
0 50 100 150 200
1:2,400 / 1"=200 Feet



5/17/2017

DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and the City of Lynchburg is not responsible for its accuracy or how current it may be.





June 28, 2017

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 8, 2017**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Vacate a portion of Old Forest Road

KEY ELEMENTS:

___ Economic Development ___ Excellent Government **X** Natural and Built Environment ___ Safe Community ___ Vibrant Community

RECOMMENDATION: Approval of the right-of-way vacation along Old Forest Road.

SUMMARY: Tacoma, Inc. is petitioning to vacate a portion of Old Forest Road right-of-way, adjacent to the property at 1000 Dandridge Drive. The total area of the proposed vacation is approximately eight hundredths (0.08) of an acre and contains a portion of driveway and lawn. The right-of-way vacation would not impact vehicle or pedestrian access along Old Forest Road.

PRIOR ACTION(S):

June 6, 2017: The Technical Review Committee (TRC) reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

August 8, 2017: The Physical Development Committee will review this item at their meeting.

FISCAL IMPACT: \$19,000-30,400 assessed value range based on the zoning of the adjacent lots, property frontage and proximity to a signalized intersection.

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

ATTACHMENT(S):

- Ordinance
- Application
- Plat

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ALONG OLD FOREST ROAD.

WHEREAS, Tacoma, Inc., is petitioning to vacate a portion of right-of-way along Old Forest Road; and

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

WHEREAS, City Council determined that the City has no need for the portion of public right-of-way in question and the City's continued ownership of such public right-of-way is not necessary or required to serve the best interest of the City;

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

BEGINNING AT AN IRON PIN FOUND (IPF), WHICH IPF IS LOCATED AT THE NORTHEASTERN CORNER OF SAID LOT 1, AND WHICH IPF IS LOCATED AT THE INTERSECTION OF THE SOUTHERLY LINE OF A 25' PRIVATE ACCESS ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID OLD FOREST ROAD;

THENCE, ALONG AN EXTENSION OF THE SOUTHERLY LINE OF SAID ACCESS ROAD INTO THE CURRENT RIGHT-OF-WAY OF SAID OLD FOREST ROAD, SOUTH 71 DEGREES 45 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 25.36 FEET TO AN IRON PIN SET (IPS);

THENCE SOUTH 18 DEGREES 55 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 136.05 FEET TO AN IPS;

THENCE SOUTH 63 DEGREES 17 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 19.76 FEET TO AN IPS;

THENCE NORTH 71 DEGREES 45 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 29.63 FEET TO AN IPF, WHICH IPF IS LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF DANDRIDGE DRIVE AT THE SOUTHEASTERLY CORNER OF SAID LOT 1;

THENCE, WITH THE CURRENT RIGHT-OF-WAY LINE OF SAID DANDRIDGE DRIVE AND SAID OLD FOREST ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND AN ARC LENGTH OF 40.43 FEET, BEING SUBTENDED BY A CHORD OF NORTH 61 DEGREES 54 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 36.17 FEET TO AN IPF ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID OLD FOREST ROAD;

THENCE, WITH SAID LINE OF SAID OLD FOREST ROAD, NORTH 15 DEGREES 34 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 83.75 FEET TO AN IPF;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1240.00 FEET AND AN ARC LENGTH OF 40.20 FEET, BEING SUBTENDED BY A CHORD OF NORTH 16 DEGREES 30 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 40.20 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 0.076 ACRES MORE OR LESS.

Provided, however, that any easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg and the construction of a permanent structure over any utility line without the prior written approval of the City is prohibited.

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

Adopted:

Certified:

Clerk of Council

099K

APPLICATION FOR THE VACATION OF

A portion of Old Forest Road

LOCATED

At the northwesterly Intersection of Old Forest Road and Dandridge Drive

The undersigned applicant, Tacoma, Inc., pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain portion of Old Forest Road described as follows:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATE ON THE WESTERLY SIDE OF OLD FOREST ROAD ADJACENT TO THE EASTERLY LINE OF LOT 1, BLOCK B, SECTION 1, BLUE RIDGE FARMS IN THE CITY OF LYNCHBURG, VIRGINIA AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (IPF), WHICH IPF IS LOCATED AT THE NORTHEASTERN CORNER OF SAID LOT 1, AND WHICH IPF IS LOCATED AT THE INTERSECTION OF THE SOUTHERLY LINE OF A 25' PRIVATE ACCESS ROAD WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID OLD FOREST ROAD;

THENCE, ALONG AN EXTENSION OF THE SOUTHERLY LINE OF SAID ACCESS ROAD INTO THE CURRENT RIGHT-OF-WAY OF SAID OLD FOREST ROAD, SOUTH 71 DEGREES 45 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 25.36 FEET TO AN IRON PIN SET (IPS);

THENCE SOUTH 18 DEGREES 55 MINUTES 18 SECONDS WEST FOR A DISTANCE OF 138.05 FEET TO AN IPS;

THENCE SOUTH 63 DEGREES 17 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 19.76 FEET TO AN IPS;

THENCE NORTH 71 DEGREES 45 MINUTES 23 SECONDS WEST FOR A DISTANCE OF 29.63 FEET TO AN IPF, WHICH IPF IS LOCATED ON THE NORTHERLY RIGHT-OF-WAY LINE OF DANDRIDGE DRIVE AT THE SOUTHEASTERLY CORNER OF SAID LOT 1;

THENCE, WITH THE CURRENT RIGHT-OF-WAY LINE OF SAID DANDRIDGE DRIVE AND SAID OLD FOREST ROAD ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET AND AN ARC LENGTH OF 40.43 FEET, BEING SUBTENDED BY A CHORD OF NORTH 61 DEGREES 54 MINUTES 37 SECONDS EAST FOR A DISTANCE OF 36.17 FEET TO AN IPF ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID OLD FOREST ROAD;

THENCE, WITH SAID LINE OF SAID OLD FOREST ROAD, NORTH 15 DEGREES 34 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 83.75 FEET TO AN IPF;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1240.00 FEET AND AN ARC LENGTH OF 40.20 FEET, BEING SUBTENDED BY A CHORD OF NORTH 16 DEGREES 30 MINUTES 32 SECONDS EAST FOR A DISTANCE OF 40.20 FEET TO THE POINT OF BEGINNING;

SAID PROPERTY CONTAINS 0.076 ACRES MORE OR LESS.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, VA on July 11, 2017, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described portion of Old Forest Road.

Given under my hand this 16th day of May, 2017.

By: G.P. L..., CEO
Applicant- Tacoma, Inc.
328 East Church St.
Martinsville, VA 24112
Address

276-666-9417 Ext. 308
Phone Number

WE, THE ADJOINING PROPERTY OWNER(S) ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY: N/A

YESH KHANNA
YESH KHANNA

Teresa Khanna
Teresa Khanna

CURVE DATA CHART

CURVE	DELTA	RADIUS	LENGTH	CHORD	CHD. BEARING
C1	092°39'59"	25.00'	40.43'	36.17'	N61°54'37"E
C2	001°51'27"	1240.00'	40.20'	40.20'	N16°30'32"E

ACREAGE SUMMARY

0.398 AC. ORIGINAL LOT 1
+0.076 AC. VACATION
0.474 AC. AMENDED LOT 1

- LEGEND
- IRON PIN SET (IPS)
 - IRON PIN FOUND
 - R/W
 - RIGHT-OF-WAY
 - D1
 - DROP INLET
 - STMH
 - STORM SEWER MANHOLE
 - UTILITY POLE
 - OVERHEAD UTILITIES
 - GUY WIRE
 - EDGE OF PAVEMENT
 - WM
 - WATER METER

THE UNDERSIGNED ADJOINING OWNERS HEREBY CONSENT TO THE VACATION OF PART OF THE RIGHT-OF-WAY OF OLD FOREST ROAD

YESH KHANNA
COUNTY/CITY OF: _____, TO WIT:
STATE OF: _____, TERESA L. KHANNA

I, _____, A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES AS SUCH ARE SIGNED TO THE FOREGOING WRITING, BEARING DATE ON THE _____ DAY OF _____, 20____, HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AND STATE AFORESAID.

GIVEN UNDER MY HAND THE _____ DAY OF _____, 20____,
MY COMMISSION EXPIRES _____

NOTARY PUBLIC

APPROVED:

CITY PLANNER

CITY ENGINEER

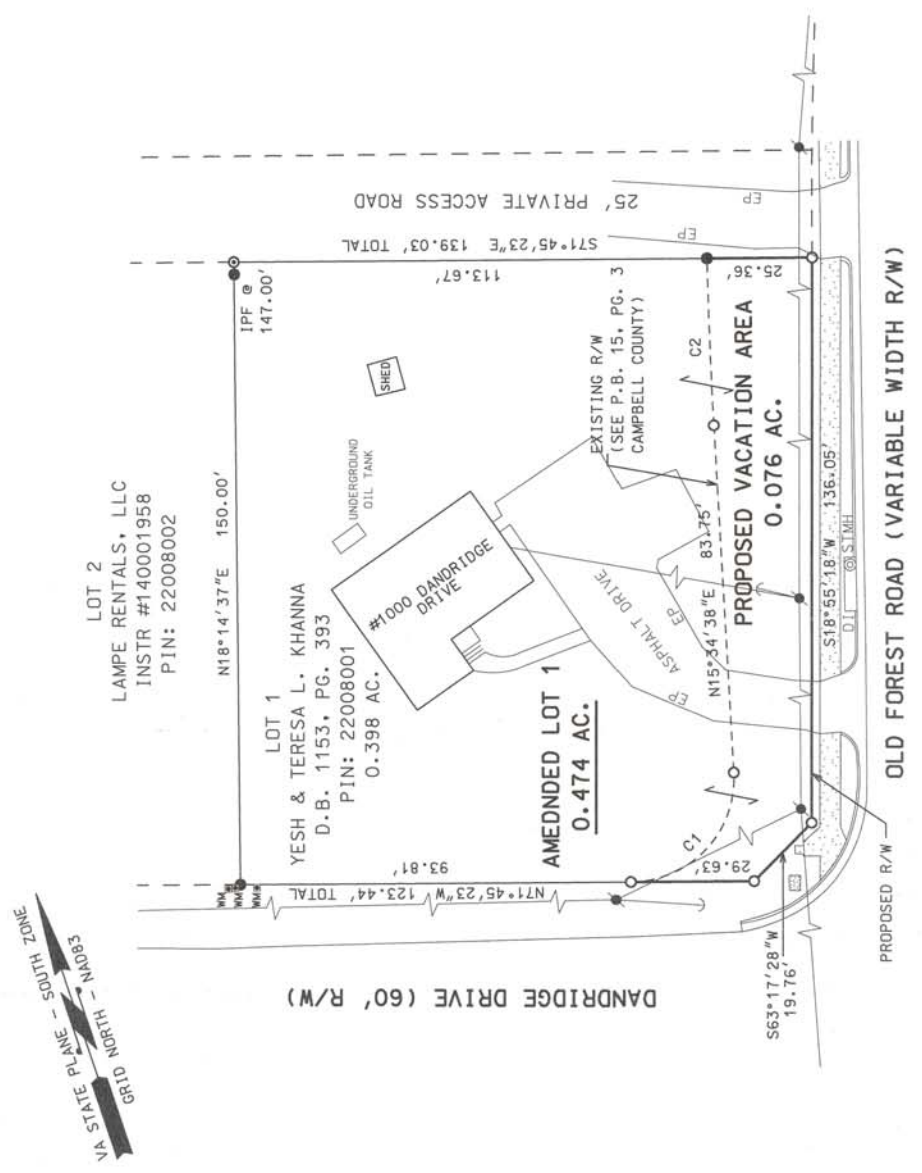
CITY FILE: B-2325

BERKLEY-HOWELL & ASSOC., P.C.
ENGINEERS - SURVEYORS - PLANNERS
306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
PHONE: (434)385-7548 FAX: (434)385-6178

PLAT OF PROPOSED VACATION OF
PART OF OLD FOREST ROAD

CITY OF LYNCHBURG, VIRGINIA
COMM. NO. 160094
F.B. REF.

DATE: MAY 16, 2017
REV. 6-13-17 (TRC COMMENTS)



- NOTES:
1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
 2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A DESIGNATED FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (#5100930037D) DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
 3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
 4. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 8, 2017**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Waiver Request to Extend Fireworks Curfew

KEY ELEMENTS:

☐ Economic Development ☐ Excellent Government ☐ Natural and Built Environment ☐ Safe Community ☒ Vibrant Community

RECOMMENDATION: Approve the request for a waiver from the Lynchburg Hillcats to extend the fireworks curfew on September 8, 2017 to 11:00 p.m. in the event of a rain or fog delay or the game has gone into extra innings.

SUMMARY: The President of the Lynchburg Hillcats has requested a waiver (letter attached) to extend the fireworks curfew on Friday, September 8, 2017 to 11:00 p.m. in the event of a rain or fog delay or the game has gone into extra innings as a precautionary measure. Section 3.05 FIREWORKS of the Baseball Stadium Franchise Agreement (copy attached) approved by City Council on February 23, 2016 states the following:

“Fireworks shall only be allowed as permitted by the City Fire Marshal, with the following restrictions: (1) fireworks shall not be shot from or in such a way as to damage the artificial turf field in the adjacent Football stadium, (2) no excessively loud, “cannon” type fireworks shall be used, (3) fireworks displays shall be limited to Friday and Saturday evenings and the Fourth of July and, (4) no fireworks show shall commence after 10:00 p.m. unless there has been a rain or fog delay or the game has gone into extra innings, in which case the fireworks show shall commence no later than 10:30 p.m.”

Again, this is a precautionary measure to ensure compliance in the event of a rain or fog delay or the game has gone into extra innings on Friday, September 8, 2017.

PRIOR ACTION(S): February 23, 2016, Council approval of Baseball Stadium Franchise Agreement

FISCAL IMPACT: None

CONTACT(S): Bonnie Svrcek, City Manager, 455-3990

ATTACHMENT(S): Resolution
Letter from Christopher Jones, President, Lynchburg Hillcats dated July 30, 2017
Franchise Agreement between the City and Lynchburg Baseball Corp. dated
February 23, 2016

REVIEWED BY: bms

RESOLUTION

BE IT RESOLVED that City Council has granted a waiver to the Lynchburg Hillcats to allow fireworks to commence no later than 11:00 p.m. on Friday, September 8, 2017 in the event of a rain or fog delay or the game has gone into extra innings.

Adopted:

Certified:

Clerk of Council

105K



7/30/2017

Lynchburg City Council
900 Church Street
Lynchburg, VA 24501

Members of the City Council,

I am writing you to respectfully request a waiver to extend the fireworks curfew on September 8, 2017 until 11:00 pm. I don't think this will become an issue, but wanted to address the situation in advance just in case the issue may arise. We will be hosting our first home Playoff game that night and have scheduled fireworks. Unlike during the season where we started all Saturday games at 6:00pm, we won't be able to start that Friday's playoff game before 6:30.

I will be at the City Council Meeting on August 8, 2017 to answer any questions that you might have pertaining to this request. Please let me know if City Council needs any additional information prior to the meeting. Thank you!

Sincerely,

Christopher Jones
President
Lynchburg Hillcats

Lynchburg Hillcats -3180 Fort Ave., Lynchburg, VA 24501
(434) 528-1144 * (951) 217-7143 cell

City of Lynchburg
Baseball Stadium Franchise Agreement

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EXHIBIT A

Stadium Plan

AN ORDINANCE GRANTING A FRANCHISE TO THE LYNCHBURG BASEBALL CORP., DOING BUSINESS AS THE LYNCHBURG HILLCATS OF THE CAROLINA LEAGUE, TO ALLOW THE LYNCHBURG HILLCATS TO CONTINUE TO PLAY THEIR HOME BASEBALL GAMES AT THE LYNCHBURG CITY STADIUM, CALVIN FALWELL FIELD.

CITY OF LYNCHBURG

BASEBALL STADIUM FRANCHISE AGREEMENT

This Baseball Stadium Franchise Agreement (Franchise) is made and entered into as of this ____ day of _____, 2016, by and between the CITY OF LYNCHBURG, a municipal corporation of the Commonwealth of Virginia (the City) and the LYNCHBURG BASEBALL CORP., a Virginia corporation d/b/a LYNCHBURG HILLCATS OF THE CAROLINA LEAGUE (the Team).

WHEREAS, the Lynchburg Baseball Corp. has owned and operated a baseball team in the City of Lynchburg for over thirty years and,

WHEREAS, that team, The Lynchburg Hillcats, is a member of the Class A Advanced Carolina League of Minor League Baseball, and

WHEREAS, the Lynchburg Baseball Corp. has changed ownership, and

WHEREAS, the Lynchburg Baseball Corp. and the City desire that the Lynchburg Hillcats remain in the Carolina League and continue to play their home baseball games at Lynchburg City Stadium, Calvin Falwell Field (the Baseball Stadium).

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein, and for other good and valuable consideration, the receipt of which is mutually acknowledged, the City and Team agree as follows:

ARTICLE I

DEFINITIONS

For purposes of this Franchise, the terms defined in this section shall have the meanings as specified herein whether stated in the plural or singular.

Section 1.01. "BASEBALL SEASON" shall mean the period commencing April 1st of each full calendar year of this Franchise and ending on the date on which the Team's last home game is played during the same calendar year including any and all post-season competition, exhibition, play-off and All-Star games, pursuant to the Carolina League schedule.

Section 1.02. "CITY EVENTS" shall mean all events or activities held at the Stadium, except a Team Event or Team Special Event, under the auspices of the City including events coordinated with the City by an outside entity or promoter.

Section 1.03. "CITY STADIUM SERVICES" shall mean those services which are required for City events in the Stadium. These services may include, but are not limited to Food and Beverage Services and Team Stadium Services.

Section 1.04. "COMMON AREAS" shall mean all portions of the facility except the Team Areas as defined in Section 1.10 except for any areas designated for City use as shown on Exhibit A.

Section 1.05. "FOOD AND BEVERAGE SERVICES" shall mean all food and beverage services required or appropriate for any and all events at the Stadium or its parking areas, including without limitation, dining, catering, vending and food and beverage services, through fixed and portable food and beverage service stands, vending machines, roving vendors and snack bars at Food and Beverage Service Areas in the Stadium or its parking areas.

Section 1.06. "FOOD AND BEVERAGE SERVICE AREAS" shall mean all areas shown as such in Exhibit A attached hereto, together with improvements, fixtures and trade fixtures for use within the Stadium which are used in connection with the operation of Food and Beverage Services in the Stadium or its parking areas, as described in Article V hereof.

Section 1.07. "GROSS REVENUE" shall mean all receipts from the sale of individual game or season tickets for Team Events and Team Special Events, held at the Stadium, including all Sky Box rental and food and beverage service income at Team Events and Team Special Events held at the Stadium, all advertising sales including but not limited to outfield fence advertising, scoreboard message center advertising sold by the Team, program advertising, program sales, the sale of Team merchandise by the Team or any agent of the Team, the sale of royalty and logo rights, the sale of radio, television, cablevision, movie, or other video rights, sponsorships, parking revenues, and any and all other fees and revenues generated from Team Events and Team Special Events excepting from such amounts only any state and local sales taxes and meals tax applicable to such transactions. The City retains any revenue derived from City Events.

Section 1.08. "REQUIRED UTILITIES" shall mean all required water, sewer, electric, cable television and gas services for the playing field, on-site parking lot and all other areas of the Stadium, designated on Exhibit "A".

Section 1.09. "STADIUM" shall mean The Lynchburg City Stadium, Calvin Falwell Field, as outlined in Exhibit A, including stadium lights, scoreboard, message board, City owned concessions equipment, public address system, and other furniture and fixtures incident to stadium operations.

Section 1.10. "TEAM AREAS" shall mean the Team administrative office area, locker

room area, training area, press box area, dugouts, batting cages, ticket office, Team Merchandise Store Area and all Sky Boxes in use during Team events. .

Section 1.11. "TEAM EVENTS" shall mean any Carolina League scheduled Team baseball game or other baseball-related event, such as team practices or exhibition games, held at the Stadium by the Team with the approval of the City pursuant to Section 11.02 other than a Team Special Event.

Section 1.12. "TEAM SPECIAL EVENTS" shall mean any events, other than Team Events, sponsored by the Team with City approval.

Section 1.13. "TEAM STADIUM SERVICES" shall consist of the following:

- a. Facility Services - shall mean the operation and staffing of the Stadium scoreboard, the public address system, the box office, all ticket booths, usher services, first-aid room, on-site and supplemental parking lot security services, the opening and closing of the Stadium, the operation of all stadium utilities at all Team Events and Team Special Events.
- b. Field Maintenance - shall include, but not limited to, maintenance of the playing field including without limitation, periodic mowing, watering, fertilizing and other chemical treatments required to maintain the field at professional stadium quality, sod replacement resulting from the use of the field, specialized turf care as required, such as aeration and other treatments which are required to maintain the quality of the field, and the maintenance of all unsodded areas of the field.
- c. Field Preparation - shall mean field preparation in advance of baseball games which shall include but not be limited to lining the field, preparation of the unsodded areas of the field, installation of bases, other such services needed to fully prepare the field for Team baseball games, and restoration of the field surface as required by uses of the field other than for baseball games.
- d. Janitorial Services - shall mean the cleaning and maintenance of all Team Areas and Common Areas during and after all Team Events, Team Special Events and City Events held in the Stadium, including but not limited to the stocking of all restrooms with paper products as required prior to such events, the disposal of all trash collected from such areas immediately after such events, the pickup of all trash and debris from the on-site Team parking areas no later than 6:00 a.m. on the morning following such events and any needed clean-up of trash and debris from public areas surrounding the Stadium or such on-site parking areas as may be used by attendees of the Stadium. All Janitorial Services provided to the Team Areas and Common Areas shall include all action necessary to maintain the areas in a clean and attractive manner and in compliance with all legal requirements.

- e. Pre-Event Field Preparation - shall mean the preparation of the field for any Team Event or Team Special Event, as may be required for such event including, but not limited to, conversion of the playing field for other athletic events, installation of any supplemental seating equipment, installation of stage or platform equipment and/or temporary lighting which may be required for the event. Pre-Event Field Preparation shall be performed by the Team or, when necessary, by other parties under the supervision of the Team.

ARTICLE II

TERM OF AGREEMENT

Section 2.01. TERM. The term of this Franchise shall commence on April 1, 2016 and shall be for a period of ten (10) years, ending with the conclusion of the 2025 Baseball Season.

Section 2.02. RENEWAL. At the beginning of the eighth year of the franchise, the City and the Team shall enter into a discussion regarding renewal of the lease for the purpose of determining both parties' interest in its renewal and any changes to the terms and conditions considered mutually beneficial and appropriate at that time.

ARTICLE III

TEAM USE OF STADIUM

Section 3.01. GRANT OF USE AND OPERATION RIGHTS. Subject to the provisions of Section 3.02, the City hereby grants to the Team the exclusive right to use the Stadium on the days scheduled for Team Events and Team Special Events during the term hereof and any renewal term, for and in consideration of the compensation payable by the Team to the City under Article VII hereof and the obligations assumed and undertaken by the Team hereunder. Subject to the terms and conditions of this Franchise, the City hereby grants to the Team, and the Team hereby accepts from the City, the rights and responsibilities herein set forth in and to the Stadium. The Team shall not use the Stadium for any purposes other than those specifically set forth herein. This Franchise does not confer upon the Team any title, leasehold or other estate of any kind, or any interest in or to the Baseball Stadium, other than the rights pertaining to the Stadium set forth herein. The Team shall not have the power to, nor shall it attempt to, create or permit the creation or continuance of any lien, encumbrance or charge which is or might become a lien, encumbrance or charge against the Stadium, other than against Team personal property.

Section 3.02. RESERVATION OF RIGHTS BY THE CITY. All rights to occupy use, enjoy or derive benefit from the Stadium, not expressly granted herein to the Team, are reserved to the City during the term hereof and any renewal term. Without in any way limiting or defining the extent of the reservation of this Section, the City expresses its intent to schedule

athletic contests or other events at the Stadium and to retain revenues from City events for the City's benefit.

Section 3.03. USE FOR HOME GAMES. The Team agrees to play all its home games, estimated to be 75 in number during a full Carolina League season, during its Baseball Season at the Stadium beginning with the 2016 Baseball Season through the term of this Franchise. In addition to permitting the Team to use the Stadium for its home games during the Baseball Season including playoffs, the City shall permit the Team to use the Stadium for scheduled Team practice, tournaments and, when applicable, Carolina League All Star Game play on those dates approved by the City and the Team in accordance with the provisions of Section 11.02 herein. The Team shall be permitted to conduct promotional events before and after baseball games with all such events being scheduled pursuant to said Section 11.02. During the term hereof, the Team will have access to all Team Areas in the Stadium and will be provided designated storage space during the Baseball Season and between Baseball Seasons at the Stadium. The City shall not be liable for any damages to or loss of any of the Team's property or the property of its employees, agents or volunteers. The Team, its employees, agents and volunteers in placing their property on the premises do so at their own risk.

Section 3.04. STARTING TIMES FOR TEAM EVENTS AND TEAM SPECIAL EVENTS. No Team Event or Team Special Event shall be scheduled to start later than 8:30 p.m. or end later than 11:30 p.m. on Sunday through Thursday, and 12:00 midnight on Friday or Saturday, without the prior written approval of the City. In the case of a Team double header baseball game, this Section shall not preclude the second game from being played upon the completion of the first game nor preclude completion of a game following a rain or fog delay or completion of a game that has gone into extra innings. In the event that a game is still in progress after the above stated end times, special actions shall be taken to reduce noise originating in the stadium, including minimizing the use of the public address system to only essential announcements.

Section 3.05. FIREWORKS. Fireworks shall only be allowed as permitted by the City Fire Marshal, with the following restrictions: (1) fireworks shall not be shot from or in such a way as to damage the artificial turf field in the adjacent football stadium, (2) no excessively loud, "cannon" type fireworks shall be used, (3) fireworks displays shall be limited to Friday and Saturday evenings and the Fourth of July and, (4) no fireworks show shall commence after 10:00 p.m., unless there has been a rain or fog delay or the game has gone into extra innings, in which case the fireworks show shall commence no later than 10:30 p.m.

Any trash or debris from a fireworks display shall be removed from the football stadium and its field within twelve hours of the conclusion of the display. The Team will be responsible for repairing, or paying for repairs to, any damage to the artificial turf or football stadium resulting from a fireworks display.

Section 3.06. COMPLIANCE WITH APPLICABLE LAWS, ORDINANCES. In its management, occupancy or use of the Stadium, the Team shall not permit the violation of any applicable federal, state and city laws, regulations, codes or ordinances, whether currently in

force or subsequently adopted that may apply to the Team's use of the Stadium.

Section 3.07. REPAIR OF DAMAGE. In its management, occupancy or use of the Stadium, the Team shall not permit the structure to be damaged by its use or neglect. Any damage caused by the use of the Stadium shall be promptly reported to the City and will be repaired at the Team's expense by the City in an acceptable workmanlike manner, with the damaged portion of the structure restored to its condition prior to such damage, in compliance with all of the applicable zoning, fire code, building and health department statutes, ordinances, rules and regulations.

Section 3.08. MODIFICATIONS TO STRUCTURE. The Team shall not make any material structural modifications to the Stadium without the prior written approval of the City. The Team shall be solely responsible for the cost of any structural modifications, must comply with federal, state and local building codes, regulations and ordinances in making such modifications, and any structural modifications the Team makes to the Stadium will become the property of the City.

Section 3.09. COMPLIANCE WITH OCCUPANCY LIMITATIONS. In its management, occupancy or use of the Stadium, the Team shall not permit the Stadium occupancy limitations to be exceeded. The use of temporary seating and/or seating in areas other than those areas designated as permanent seating areas as shown on Exhibit "A" or in such supplemental seating areas as may be designated by the City, is subject to the prior approval of the City.

Section 3.10. ADMINISTRATIVE OFFICE AREA. In consideration of the Team playing its home games at the Stadium during its Baseball Season, and providing City Stadium Services as provided herein and to facilitate the provision of such services, office space, in the Stadium, along with batting cage facilities, will be provided for the use of the Team on a year-round basis during the term of this Franchise, such office space being designated as the Administrative Office Area and batting cages as described in Exhibit "A". All furnishings and equipment required for such space shall be the sole responsibility of the Team. The Team shall provide all Janitorial Services required for the Administrative Office Area and adjoining non-public restrooms and Batting Cages and shall maintain such areas in a clean condition at all times. Upon reasonable prior notice to the Team, the City may inspect the areas. Upon termination of this Franchise, the Team shall surrender possession of the areas to the City in the same condition as received, normal wear and tear excepted.

Section 3.11. TEAM MERCHANDISE SALES STORE. The Team shall have the right, on a year-round basis, to use the merchandise sales store in the Stadium for sale of the Team merchandise items.

Section 3.12. TEAM AREA FURNISHINGS. The Team shall be responsible for the provision of all furnishings required for its utilization of the Team Areas, including washers and dryers and vending machines, except for any lockers permanently installed in such areas by the City.

Section 3.13. IMPROVEMENTS. The Team shall make no improvements in the Team Areas or any portion of the Stadium without the prior approval of the City. The Team shall be solely responsible for the cost of any improvements, must comply with federal, state and local building codes, regulations and ordinances in making such improvements, and any improvements the Team makes to the Stadium will become the property of the City.

Section 3.14. WASTE OR NUISANCE. The Team shall not commit or permit any waste on or about the Stadium during the term of this Franchise nor shall it maintain, commit or permit the maintenance or commission of any nuisance on or about the Stadium or use the Stadium or Team Areas for any unlawful purposes.

ARTICLE IV

STADIUM OPERATION AND SERVICES

Section 4.01. TEAM STADIUM SERVICES. The Team will provide all Team Stadium Services required for Team Events and Team Special Events held in the Stadium and will retain, employ, compensate, train and manage sufficient numbers of polite and well-groomed personnel to provide such services in a high quality and professional manner during the term of this Franchise.

Section 4.02. COMMUNITY RELATIONS. The Team agrees to work in good faith with the City to develop programs to minimize the adverse impact of the Stadium operation on the neighborhoods in which the Stadium is situated or which are directly affected by the Stadium.

Section 4.03. CITY STADIUM SERVICES. The Team shall provide the City with City Stadium Services as required for all City Events held in the Stadium. The cost of said services shall not exceed the actual cost for such services to the Team during such City Events and shall be calculated and accounted for on the basis of each separate City Event with the assessment of costs for such services to be in accordance with the schedules for such services as provided for in Sections 4.04 and 4.05. Notwithstanding the provisions of this Agreement relating to City Stadium Services, if the Team is in default under the terms of this Franchise and the applicable period of time, if any, for curing such default has passed, the City expressly reserves the right to assume management and operating responsibility for City Events at the Stadium upon reasonable prior notice to the Team.

Section 4.04. SCHEDULE OF SERVICES AND COSTS. The Team and the City, prior to the commencement date of the 2016 Baseball Season, shall adopt a Schedule of Services and Costs to be utilized in the assessment of costs for City Events and events sponsored by a promoter or outside entity. The costs of such City Stadium Services shall be reimbursed to the Team within thirty (30) days of the submission of an appropriate invoice to the City, outside entity or promoter.

Section 4.05. CITY STADIUM SERVICES. The cost of City Stadium Services shall be assessed in accord with the Schedule of Services and Costs, which schedule shall be adopted by the Team and City upon the expiration of the prior year's Schedule of Services and Costs or upon such later date as agreed to by the parties. At no time will the charges in such schedule or subsequent schedules to be agreed to exceed the actual costs of providing such services by the Team. The schedule shall be reviewed and modified, upon the agreement of the parties, if necessary, prior to the start of each Baseball Season during the term of this Franchise.

Section 4.06. PROMOTION OF THE CITY OF LYNCHBURG. The Team agrees that it will actively promote the tourism attributes and attractions of the Lynchburg region and will work with the City Tourism Department to promote the development and success of athletic activities in the Lynchburg area, including but not limited to the Virginia Commonwealth Games.

Section 4.07. QUALITY OF TEAM STADIUM SERVICES AND CITY STADIUM SERVICES. Team Stadium Services and City Stadium Services by the Team shall be provided in a manner to promote the use of the Stadium, attract the public to Team and City events scheduled at the Stadium and shall be of acceptable quality consistent with the standards required of a first-class professional baseball facility. Should the quality of services be unacceptable to the City, notice shall be provided to the Team and the Team shall have thirty (30) days to improve the quality of such services. The City reserves the right, subsequent to the passage of said thirty (30) day period to undertake corrective action with its own resources and invoice the Team for the cost of such corrective action. The cost shall be paid by the Team within thirty (30) days of receipt of such invoice. This Section does not authorize the City to retain, terminate, supervise, or take other direct actions relating to the employees of the Team.

Section 4.08. STADIUM OPERATION SERVICES. Such services shall include the retention, employment, compensation, training and management of the required personnel for the provision of City Stadium Services for City Events, coordination with the Food and Beverage staff pursuant to the Food and Beverage Service Agreement referred to herein at Section 5.01, and the monitoring of all elements of required City Stadium Services as described in Section 1.04 herein.

Section 4.09. OPERATION OF STADIUM BOX OFFICE. The Team, in addition to providing ticketing services for all of its home Baseball Season games, shall operate the Stadium Box Office during home season baseball games and at other times to conduct advance ticket sales for Team events. The Team shall provide all Janitorial Services required for the Stadium Box Office and shall maintain it in a clean condition at all times.

The City shall have the right to operate the Stadium box office during City events and shall leave it in a better or same condition as it was found.

Section 4.10. EVENT SECURITY SERVICES. The Team will be responsible for providing security for all Team and Team Special events where the public is in attendance and shall hire a minimum of two (2) uniformed off-duty City Police Department Officers for all

Team and Team Special Events. More officers may be required at the direction of the Chief of Police of the City of Lynchburg. Should, for any reason, off-duty City Police Officers be unavailable for such employment as required herein, other appropriate security officers, provided the same are reasonably approved by the Chief of Police of the City of Lynchburg, may be hired by the Team. There shall be at least two (2) such officers employed at each Team baseball game held at the Stadium. The number of officers provided at Team promotional events, other Team Events, Team Special Events and City Events shall be adequate for the security of those persons attending the particular event and the provision of security for the Stadium and its contents and shall include all on-site parking lots. If Team employees are utilized for such purposes, they shall be uniformed and equipped with appropriate radio communications equipment. Officers shall be directed to be at the Stadium no later than one-half hour prior to its opening to the public and until at least one-half hour after the Stadium is closed to the public. When necessary, the Team, through a designated security representative, shall consult with the Chief of Police of the City or the Chief's designee to determine the adequacy of intended security for Team Events, Team Special Events and City Events. The quality of the services provided for in this Section shall be expressly subject to the notice and substitute performance rights reserved to the City generally under Section 4.07 hereof. In addition, any private security personnel utilized by the Team shall be considered as employees or independent contractors of the Team and in no manner considered or construed to be employees or agents of the City.

Section 4.11. CITY NOTICE TO TEAM OF REQUESTED LEVEL OF FACILITY SERVICES. The City shall, in advance of each City Event held in the Stadium, complete a contract or memorandum of understanding with the Team within thirty (30) days of the scheduled event.

Section 4.12. FIELD RESTORATION COSTS AND DAMAGE TO THE FIELD. All costs of field restoration required as a result of damage to the field shall be borne by the party scheduling the event causing the damage to the field and shall be payable as an element of either Team Stadium Services or City Stadium Services as the case may be.

Section 4.13. NO SMOKING FACILITY. The Stadium shall be designated and operated as a no smoking facility, with the exception of certain designated smoking areas separate from stadium seating, and no tobacco, electronic cigarette or vaping products, shall be sold or marketed therein.

Section 4.14. PROHIBITION AGAINST FOOD AND BEVERAGES BEING BROUGHT INTO THE STADIUM. The City shall post signs in appropriate locations in the Stadium which shall prohibit patrons from bringing any food or beverage into the Stadium for Team Events and Team Special Events and certain other events.

Section 4.15. PUBLIC ADDRESS ANNOUNCEMENTS REGARDING CITY AND CITY EVENTS. The Team agrees to make appropriate public address announcements and announcements on the Scoreboard Message Center in regard to future City events to be held in the Stadium and/or other City facilities not scheduled for the same time as any Team Events or Team Special Events.

ARTICLE V

FOOD AND BEVERAGE SERVICES

Section 5.01. GRANT OF EXCLUSIVE LICENSE TO TEAM. The City hereby grants to the Team an exclusive food, beverage, and team merchandise license except as provided for in Sections 5.06 and 5.07 herein, permitting the sale of food and beverages from those areas of the Stadium designated as Food and Beverage Service Areas and Team Merchandise Areas in Exhibit A at all Team events held in the Stadium effective. The grant of this exclusive license includes the right of the Team to provide Food and Beverage Services in the said areas, either directly or by entering into a Food and Beverage Service Agreement granting a license to operate the Food and Beverage Service Areas and certain merchandise sales to such professional food and beverage service operator as may be acceptable to the Team and reasonably approved by the City.

The City reserves the right to contract with outside vendors for food and beverage service at City Events held outside of the stadium, in the parking lot or other open areas.

Section 5.02. CITY APPROVAL OF TEAM FOOD AND BEVERAGE SERVICES CONTRACT. The Team shall advise the City when it intends to enter into a Food and Beverage Service Agreement with an experienced contractor. The material terms of such Food and Beverage Service Agreement shall include food products liability coverage comparable to the coverage required in Section 12.04 herein. The material provisions of said agreement shall not be modified except with the prior written approval of the City. Should the Food and Beverage Services Agreement be terminated, the Team shall have the right to provide Food and Beverage Services and certain merchandise sales as described in the agreement either directly or through another Food and Beverage and Service Agreement entered into with another professional food and beverage service operator with the selection of that operator being subject to the approval of the City. If the Team undertakes the self-operation of the Food and Beverage Service, the Team shall provide the same level of first quality service and price provided at first-class professional baseball facilities.

Section 5.03. FOOD AND BEVERAGE SERVICE AREA JANITORIAL SERVICES. Janitorial Services to the Food and Beverage Service Areas shall be provided (i) pursuant to the Food and Beverage Service Agreement entered into by an experienced contractor and the Team, if any, or (ii) by the Team directly.

Section 5.04. MENU AND PRICE LIST. The menu and price list of food and beverages to be sold in the Stadium shall be provided and posted by the Team. Prices should be comparable to other minor league baseball parks in the Carolina League.

Section 5.05. TEAM MERCHANDISE ITEMS. The City hereby grants to the Team the right to sell Team merchandise items from those areas designated as Team Merchandise Areas in Exhibit A. The Team shall provide all Janitorial Services required for the Team Merchandise Areas and shall maintain such areas in a clean condition at all times

Section 5.06. CONCERT AND OTHER ENTERTAINMENT MERCHANDISE. The Team and the City acknowledge that the sale of concert and other entertainment merchandise may be conducted through either (i) the City directly, during City Events scheduled under Section 11.03, (ii) the Team during Team Special Events, or (iii) the event promoter or organizer. Such sales shall be from areas other than the Team Merchandise Areas unless the Team otherwise approves of the use of such areas, which approval shall not be unreasonably withheld, conditioned or delayed. The Team shall have the right to approve the sale of such merchandise items in advance of their sale which approval shall not be unreasonably withheld, conditioned, or delayed, and which approval shall be directed solely to assuring that the merchandise items sold are not substantially similar to Team merchandise items. The Team shall have no responsibility for the collection and payment of any sales taxes due or payable incidental to such sales.

Section 5.07. COMPLIANCE WITH STATE AND LOCAL RULES AND REGULATIONS. The Team shall assure that the Food and Beverage Service Areas are operated in a clean and healthy manner and in compliance with all rules, regulations, statutes and ordinances, whether currently in force or subsequently adopted that may apply to the Team's use of the Food and Beverage Service Areas.

Section 5.08. COMPLIANCE WITH STATE ALCOHOLIC BEVERAGE STATUTES AND REGULATIONS. The Team shall assure that the provision of Food and Beverage Services is in compliance with all statutes and regulations concerning the sale of alcoholic beverages. The compliance of the Food and Beverage Service Areas with all statutes and regulations concerning the sale of alcoholic beverages shall be the responsibility of the Team.

Section 5.09. LICENSES AND PERMITS. The Team shall obtain and maintain throughout the Term, all licenses and permits which may be required by the Commonwealth of Virginia, the City of Lynchburg, or any other governmental agency or body for the use, operation or management of the Stadium. The Team shall at all times observe all rules and regulations pertaining to such licenses and permits and avoid any loss or suspension thereof. The Team shall assure that all applicable state and/or local permits and licenses for the provision of Food and Beverage Services in the Stadium will be obtained either directly or, during the period of the Team's agreement with its experienced contractor, by said contractor, for the provision of Food and Beverage Services.

Section 5.10. QUALITY OF FOOD AND BEVERAGE SERVICES. The Team acknowledges that the provision of high quality Food and Beverage Services in a manner pleasing to the public is of utmost importance to the overall success of the Stadium and at events held in the Stadium. The Team shall take all reasonable efforts to assure that food is of high quality and consistent with the goals of the Team and the City to enhance attendance at all events held in the Stadium.

Section 5.11. BEVERAGES IN BOTTLES, GUM AND TOBACCO PRODUCTS. In the provision of Food and Beverage Services either directly by the Team or through its Food and Beverage Service operator, no beverages in glass bottles, gum, tobacco, electronic cigarette or

vaping products, fireworks, magic markers, silly string and other nuisance items or items prohibited by law or City ordinance will be sold in the Stadium.

Section 5.12. USE OF STADIUM PICNIC AREA. The Stadium Picnic Areas as currently designated in Exhibit A, and as may be built in the future, may be utilized by the Team's Food and Beverage Service operator for casual dining services during any Team Event or Team Special Event.

Section 5.13. LOCAL VENDORS. The Team, directly and/or in its relationship with a Food and Beverage Service operator, may, and is encouraged to, permit appropriate licensed local food and food service supply vendors to sell and/or supply their existing products having a local reputation within the Stadium during events.

ARTICLE VI

ADVERTISING, MARKETING AND BROADCAST RIGHTS

Section 6.01. TEAM MARKETING RESPONSIBILITIES. The Team shall market and enter into contractual arrangements for the use of those areas of the Stadium designated as Sky Boxes and for the provision of advertising space on the outfield advertising wall or fence and the scoreboard message center. The Team shall additionally be responsible for marketing internal and concourse Stadium advertising which may be available during the term of this Franchise. All advertising shall be in good taste and consistent with the overall goals of the Team and the City to provide family entertainment through baseball and other athletic and recreational events at the Stadium. No tobacco advertising shall be permitted at any time. In no event shall the Team or the City, except in connection with the sale of any naming rights, locate any advertising upon the exterior or roof of the Stadium. Advertising may be placed by the Team in all suitable areas within the interior of the Stadium. The Team shall retain all advertising revenue, including outfield advertising and scoreboard advertising, as part of its Gross Revenue.

Section 6.02. IMPROVEMENTS TO SKY BOX AREAS. The Team or the Sky Box licensees may make improvements, such as furniture, fixtures and finishes, to the Sky Box Areas, however, any structural or mechanical systems changes shall be subject to prior written approval of the City.

Section 6.03. TEAM SALE OF SCOREBOARD MESSAGE CENTER ADVERTISING FOR TEAM EVENTS. The Team shall have the right to sell scoreboard message center advertising to be displayed at Team Events to be held at the Stadium. The sale of scoreboard message center advertising for such events shall not preclude the City from the advertising of future City Events to be displayed at no cost to the City. All revenues generated by the sale of such advertising by the Team shall be the property of the Team. The cost of providing staffing for the scoreboard message center shall not be an element of City Stadium Services. The City reserves the right to use the scoreboard message center for city events.

Section 6.04. EXCLUSIVE BROADCAST RIGHTS. The Team shall have the exclusive right to (i) broadcast, televise and cablecast all Team Events and Team Special Events held in the Stadium during the term of this Franchise, and (ii) to retain all income and revenue generated by such broadcast rights.

ARTICLE VII

COMPENSATION PAYABLE BY THE TEAM TO THE CITY

Section 7.01. TEAM GROSS REVENUE. The Team will retain all Gross Revenue from Team events and Team special events.

Section 7.02. PREPAID RENT. The Team on or before April 1, 2016 shall pay to the City \$2,120,915.71 as prepaid rent for the term of the Franchise ("Prepaid Rent"). The City agrees to use the Prepaid Rent for the purposes of capital improvements as described in Section 8.02 below.

Section 7.3. ANNUAL PAYMENTS TO YOUTH SPORTS. In lieu of annual Franchise payments, the Team will make monetary payments, on an annual basis, in an amount of \$10,000, to the City's Parks & Recreation Department to facilitate broad participation in youth sports programs in the City of Lynchburg.

Section 7.04. SALES AND MEALS TAX. The City will retain all sales and meals tax revenue generated by Team events and Team special events.

ARTICLE VIII

FACILITY MAINTENANCE

Section 8.01. FACILITY MAINTENANCE. The City agrees to furnish the Team with a field that is in playable condition. The Team will maintain the Stadium turf and facilities as set forth in this Agreement.

Section 8.02. IMMEDIATE CAPITAL IMPROVEMENTS. The City agrees to use the proceeds, of the \$2,120,915.71 that it receives as Prepaid Rent from the Team for the renovation and rehabilitation of the parking lots surrounding the Stadium approximating 900 parking spaces, for the regrading and replacement of the playing field surface, and for the installation of fan seating behind home plate and improved netting as directed by the Commissioner of Major League Baseball ("Immediate Capital Improvements").

Planning and design of the Immediate Capital Improvements shall be initiated immediately upon implementation of this franchise agreement and shall be substantially completed no later than April 1, 2017.

The City and the Team agree that the City will be responsible for the renovation and rehabilitation of the parking lots and the Team will be responsible, with City oversight, for the regrading and replacement of the playing field surface and for the installation of fan seating behind home plate and the improved netting.

The \$2,120,915.71 will be placed in a restricted account to be used to pay for the City work and to reimburse the Team for its work on the Immediate Capital Improvements. Any remaining funds will first be used to establish the repair, replacement and maintenance fund described in Section 8.13 below, and then will be utilized by the City at its sole discretion. If the cost of the improvements is estimated to exceed the amount of the debt repayment, then the City and the Team will enter into a discussion regarding the timing and alternative funding of the capital improvements.

Section 8.03. STRUCTURAL AND SYSTEMS MAINTENANCE. Routine maintenance, operation and repair of all structural components of the Stadium and all heat, ventilating, air condition, plumbing and electrical systems shall be the responsibility of the City. The Team shall follow City procedures to request maintenance and repairs, and the City shall have sole authority over scheduling repairs depending on staff levels and funding. The Team shall be responsible for repairs caused by abuse, neglect and/or vandalism by its employees, umpires, concessionaires, agents, stadium attendees or its opponents during Team Events or Team Special Events. The City shall make necessary repairs and invoice the Team for these repairs. The City shall not be responsible for any loss of revenues to the Team resulting from a building systems failure.

Section 8.04. CUSTODIAL SERVICES. The Team shall be responsible for the routine daily cleaning of the clubhouse, office areas, non-public restrooms and other administrative areas. The Team shall also be responsible for cleaning the public restrooms, common areas, seating areas, picnic areas, and clubhouse after each Team Event or Team Special Event. The Team will furnish sufficient equipment and supplies such as soap, paper products and cleaning supplies that are needed for its own use, visiting teams and the general public. The Team is responsible for the removal of all trash and debris from the site in accordance with all regulations and City ordinances. All areas shall be maintained in a clean and attractive manner and in compliance with all legal requirements. The City shall perform heavy cleaning, including but not limited to, washing windows and walls, stripping floor tile, and shampooing carpet in all areas of the Stadium during the off season.

Section 8.05. ON-SITE PARKING AREA CLEAN-UP. The Team shall be responsible for picking up all trash, broken glass, etc., in the Stadium parking area and on street parking in surrounding neighborhoods by 9:00 a.m. the morning following a Team Event or Team Special Event. Should these services not be completed by that time, and upon reasonable notice to the Team, the City reserves the right to conduct such services and invoice the Team for services provided.

Section 8.06. EMERGENCY REPAIRS. The City will provide emergency repair services to the facility after the City's normal operating hours. The Team shall follow the City's

procedures to request these services. To request emergency repairs after hours, the Team should call Lynchburg Emergency Communications with the nature of the request and duty personnel will be contacted to respond. In order to keep the City's overtime costs to a minimum, the Team shall reserve the request of this service for extreme emergencies, including but not limited to, failure of building systems that would cause the cancellation of an event, structural damage to the facility or threaten the life safety of the public or employees.

Section 8.07. EXTERIOR SITE AND FIELD MAINTENANCE. The City shall be responsible for routine maintenance of the grounds and landscaping surrounding the Stadium. The City's responsibility shall include mowing, landscape maintenance, including the replacement of trees and shrubs, and parking lot maintenance and repair.

The Team shall provide daily routine maintenance for the field, including, but not limited to, mowing the infield, and outfield, spot seeding, watering, all infield maintenance, marking, trash pick-up, edging infield, and repairing damage to the field due to games or Team Special Events. All field maintenance practices or enhancements used by the Team are subject to prior approval by the City and shall meet professional baseball standards. The Team shall be responsible to provide all tools and equipment necessary to perform field maintenance. The Team shall supply marble dust, red clay, "weblight", sand, and any other specialized field materials. The Team shall purchase and handle field covers.

The Team shall provide broadleaf weed control, pre-emergent herbicide applications, seed, and fertilizer and shall perform periodic activities beyond routine daily maintenance such as aerating, overseeding, warning track renovation. All pesticides shall be applied, stored, and disposed of in accordance with all state and federal regulations.

Section 8.08. LONG-TERM FIELD MAINTENANCE. The City's consent shall be necessary prior to the Team's undertaking of a major turf replacement. In the event of a major turf replacement, the Team shall submit a report to the City, specifying in detail the nature and cause of the damage to the turf and the cost of replacement. Sod removal and/or replacement necessitated by the conversion of the Stadium field for athletic events or resulting from damage to the field occurring at Team Events, Team Special Events, or City Events, shall be handled pursuant to Article IV, Stadium Operation and Services, of this Franchise. Field renovation would qualify as a capital expense to be funded from the capital reserve as outlined in Section 8.13.

Section 8.09. SITE SECURITY. The Team assumes full responsibility for the security of those portions of the Stadium it occupies and/or uses pursuant to the terms of this Agreement, and it is understood that any property placed at the Stadium is so placed at the risk of the owner. The City shall not be responsible for any loss of or damage to property which the Team, any of its players or any visiting team may sustain at the Stadium, regardless of how such loss or damage occurs. The Team is expressly prohibited from using the football field or the running track adjacent to the Stadium without City approval.

Section 8.10. LIGHT BULB REPLACEMENT. The Team will be responsible for all light bulb replacement in the interior and exterior of the Stadium during the term of this Franchise, excluding field lights. The City agrees to maintain field lights at or above Minor League Baseball standards.

Section 8.11. MAINTENANCE OF ELECTRONIC SCOREBOARD, PUBLIC ADDRESS SYSTEMS, AND ELECTRONIC MESSAGE BOARD. The Team shall be responsible for the maintenance and repair of the electronic scoreboard, the electronic messageboard and the public address system. Upon termination of this agreement, the public address system, the electronic scoreboard and the electronic messageboard will remain the property of the City. Any manuals, software, or records relating to the operation of this equipment shall be given to the City.

Section 8.12. REPLACEMENT OF CAPITAL ITEMS. During the term hereof the Team shall replace as necessary all capital items that are not the responsibility of the City under the provisions of this Agreement consistent with the provisions of Section 8.13 below. The City shall undertake to pursue its remedies under any warranties for all capital items and original construction. Any recoveries realized shall be reimbursed to the Team to the extent the Team has incurred expenses under this Section. The City shall be responsible for scheduling all Capital Improvement Projects related to the facility including the electronic scoreboard, the electronic messageboard and the public address system depending on available funding.

Section 8.13. REPAIR, REPLACEMENT AND MAINTENANCE FUND. The City will establish a \$100,000 reserve account, to be maintained by the City, for mutually agreed upon expenditures of a capital nature such as repair, replacement, maintenance and improvements of the Stadium structural elements and associated equipment. Upon the first draw of the funds, the City will budget funds to restore the reserve account to a minimum of \$100,000, subject to appropriation by City Council. In addition, the City will budget, subject to approval and appropriation by City Council, funds to increase the reserve account by \$50,000 to \$100,000 each year so that funds will be available for necessary work on the stadium and to ensure that the stadium remains in compliance with minor league baseball standards throughout the Franchise term and upon expiration of the franchise and its subsequent renewal.

Capital expenditures shall consist of those items having an initial cost in excess of \$10,000 and which are required to be assigned a useful life in accordance with Internal Revenue Service rules and guidelines for amortization purposes.

ARTICLE IX

UTILITIES

Section 9.01. WATER, SEWAGE, CABLE SERVICE. The City shall be responsible for providing and funding all utilities for the facility including electricity, water and sewer. The City shall also provide cable television drop for free basic cable service offered by the local cable

franchise to local government. Cable service above and beyond this free service is the responsibility of the Team. The Team shall responsibly consume the utilities provided to keep the cost to the City at a minimum.

ARTICLE X

TEAM SUPPLIED EQUIPMENT

Section 10.01. TEAM SUPPLIED EQUIPMENT. The Team shall provide, at its sole cost and expense, the following items (the "Team Supplied Equipment"): all equipment necessary for food and beverage services, other than currently existing City-owned equipment; Batting Cages apparatus; the furniture and office equipment for the Ticket Area, Team Merchandise Area, Press Box, and Administrative Office Area; and any other Team equipment necessary for its operations. If any Team Supplied Equipment is removed by the Team, the Team shall repair and restore, at its sole cost and expense, any damage caused by their removal.

ARTICLE XI

SCHEDULING

Section 11.01. AGREEMENT OF THE PARTIES. The Team and City agree that all scheduling for events in the Stadium will be coordinated in a fashion to maximize the beneficial use of the Stadium by the greater Lynchburg area and the Team.

Section 11.02. SCHEDULING TEAM EVENTS. By October 1 of each year the City and the Team shall mutually and reasonably approve all Team and Team Events to take place at the Stadium during the succeeding calendar year. The Team shall have priority in the selection of its home Baseball Season dates, tournament game dates, Carolina League All-Star game dates, if applicable, and will be provided (number to be determined) rain dates during the home Baseball Season prior to the scheduling of City Events during the Baseball Season.

Section 11.03. SCHEDULING CITY EVENTS. No later than October 1 of each year during the term of this Franchise, the City will provide to the Team a listing of those City Events which are priority events for purposes of scheduling during the Baseball Season. In no case shall the City preempt the Team's Baseball Season with a single or multi-day event. The Team shall submit its approved home Baseball Season schedule to the City as soon thereafter as such schedule is approved by the Carolina League. Any dates reserved for post-season play by the Team shall be released and canceled on the schedule from the time that the Team is mathematically eliminated from post-season contention.

The Team shall notify the City of requested dates for Team Special Events no later than October 1 of each calendar year. The balance of the events scheduled at the Stadium shall be

scheduled with conflicts in requested dates being resolved by the parties on the basis of the following criteria:

- (a) The date the request was received by the City or Team, as the case may be;
- (b) The requested event's ability to maximize the productive long-term use of the Stadium;
- (c) The goal of the City to provide the opportunity of equal access to the Team for the scheduling of Team Events after the scheduling of those City Events which are priority events.

Section 11.05. ACCESS FOR BASEBALL PRACTICES. The Team shall have reasonable access to the Stadium to conduct practices during the Baseball Season. A "practice" shall consist of required drills and workouts under coaching supervision at which all players are required to appear, and shall be scheduled so as not to interfere with otherwise scheduled events at the Stadium.

Section 11.06. COORDINATION OF SCHEDULING. All scheduling will be coordinated with the Team to assure that the required City Stadium Services can be provided by the Team without hindering the provision of Team Stadium Services as required for the Team's use of the Stadium.

ARTICLE XII

INDEMNIFICATION AND INSURANCE

Section 12.01. INDEMNIFICATION. The Team agrees to indemnify, defend and hold harmless the City and its respective officers, agents, employees and volunteers, from any and all claims brought against them for personal injury, death, property damage and any other losses, damages, charges or expenses, including attorneys' fees, which is in connection with, or by reason of any act, omission or negligence of the Team or of any occupant, visitor or user present on or about the Stadium in connection with the Team's activities pursuant to this Franchise. The indemnity set forth in this Article XII shall survive the Term(s) or earlier termination of this Franchise. The Team agrees to have its insurance companies waive any rights of subrogation that such companies may have against the City. Further, the Team agrees to indemnify the City, its officials and employees, from any and all environmental liability, arising out of the use and operation of the Stadium during the term of this Franchise.

Section 12.02. INSURANCE POLICIES ON TEAM PROPERTY. The Team shall, effective as of the commencement date of this Franchise, obtain policies of insurance on any property or equipment placed within the Stadium or on surrounding City property and maintain such policies on all its property or equipment placed in the Stadium or on surrounding City property during the term of this Franchise. Such policies shall provide for fire, theft, vandalism and extended coverage for the Teams equipment. The City shall have no responsibility or

liability whatsoever with respect to any loss or theft of or damage to the personal property of the Team, its employees and players, players for opposing teams, umpires, concessionaires, employees and agents of concessionaires, stadium attendees, and others.

Section 12.03. INDEMNIFICATION FOR LOSS, THEFT OR DAMAGE TO PERSONAL PROPERTY. The Team agrees to indemnify, defend and hold harmless the City, its officers, directors, employees and agents with respect to any claim or liability for loss or theft of or damage to personal property of the Team, its employees and players, players for opposing teams, umpires, concessionaires, employees and agents of concessionaires, stadium attendees, and others, except to the extent that such loss, theft or damage is caused by the acts of the City, its employees, agents or sub-contractors.

Section 12.04. REQUIRED TEAM POLICIES OF INSURANCE EFFECTIVE AS OF COMMENCEMENT DATE. The Team shall, effective as of the commencement date of this Franchise and thereafter during the term of this Franchise, keep in full force and effect the following policies of insurance: Comprehensive general liability insurance, including products liability insurance against any and all claims and losses arising out of its activities under this Franchise in the following minimum amounts:

- Bodily injury and property damage coverage with a combined single limit of \$3,000,000.00.
- Umbrella Liability Coverage and Umbrella Liability Policy in an amount not less than \$5,000,000.00 for any one occurrence in excess of the aforementioned general liability insurance.
- Liquor Liability Coverage – The Team, either directly or through its Food and Beverage Service operator, shall provide and keep in full force and effect during the term of this Franchise, liquor liability coverage in the amount of \$3,000,000.00.
- Food and Vending Liability Coverage - the Team, either directly or through its Food and Beverage Service operator, shall provide and keep in full force and effect during the term of this Franchise, food and vending liability coverage in an amount of \$3,000,000.00.
- Workers Compensation - the Team shall provide and keep in full force and effect during the term of this Franchise, workers compensation insurance in full compliance with the laws of the Commonwealth of Virginia.

Section 12.05. NAMED INSURED AND CERTIFICATES OF INSURANCE. All of the insurance policies described in Sections 12.04 herein shall show the Team and the City, its officials and employees, as named insured parties as their interests may appear.

The insurance required of the Team herein shall be primary and any insurance or self-insurance maintained by the City are secondary and apply only in excess of and shall not

contribute with the insurance obtained by the Team. Any deductibles or self-insurance retention applicable to the required coverage shall be paid by the Team and the City shall not be required to participate therewith. The Team shall deliver to the City a copy of said insurance policy or certificate of insurance with the necessary endorsements to the City's Risk Management Division showing the same to be in full force and effect before occupying the premises; upon each renewal of the Franchise; and, at other times throughout the term of the Franchise when the City requests confirmation of insurance coverage. The Team must give the City ten calendar days advance written notice of any cancellation, nonrenewal, or modification of coverage, and a binder or certificate verifying new coverage in accordance with the requirements herein prior to any change, cancellation or nonrenewal date. In the event of such cancellation or nonrenewal notice, the Team shall obtain, pay all premiums for the renewal or replacement of the insurance required hereunder. The Team shall, at least sixty days prior to the expiration of the policies, furnish City with renewals or "binders" for the policies, or City may order the required insurance and charge the cost to the Team.

The failure of the Team to maintain such insurance coverage throughout the term of this Franchise shall be grounds for the immediate termination hereof. The Team's responsibility to the City hereunder is not limited to the amount of such insurance coverage. All insurance will be obtained by the Team from insurance companies authorized by Virginia's State Corporation Commission to do business in Virginia.

ARTICLE XIII

EVENTS OF DEFAULT AND REMEDIES

Section 13.01. EVENTS OF DEFAULT. The occurrence of any one or more of the following events constitutes a default under this Franchise:

Section 13.01.1. Failure by the Team to pay to the City any fees or other payments due hereunder when due and payable, and such failure shall continue for ten (10) days following written notice (which notice shall not be required for a default in any payment required pursuant to Section 7.01);

Section 13.01.2. Failure by the City or the Team to make the Immediate Capital Improvements required by Section 8.02;

Section 13.01.3. Failure by the Team to observe or perform in any material respect any other covenant, agreement, condition or provision of this Franchise (other than as specified in Section 13.01.1), and such failure shall continue for thirty (30) days after notice thereof from the City to the Team; provided, however, the Team shall not be in default with respect to matters which cannot reasonably be cured within thirty (30) days so long as within thirty (30) days after such notice the Team gives written notice to the City of its inability to cure within such thirty-day period and immediately commences such cure and diligently proceeds with best efforts to complete the same at all times thereafter and the Team provides the City with detailed status

reports of its current and future efforts to cure such default; further provided that all such defaults shall be cured no later than one hundred eighty (180) days after notice of default from the City;

Section 13.01.4. Failure by the City to observe or perform in any material respect any other covenant, agreement, condition or provision of this Franchise (other than as specified in Section 13.01.2), and such failure shall continue for thirty (30) days after notice thereof from the Team to the City; provided, however, the City shall not be in default with respect to matters which cannot reasonably be cured within thirty (30) days so long as within thirty (30) days after such notice the City gives written notice to the Team of its inability to cure within such thirty-day period and immediately commences such cure and diligently proceeds with best efforts to complete the same at all times thereafter and the City provides the Team with detailed status reports of its current and future efforts to cure such default; further provided that all such defaults shall be cured no later than one hundred eighty (180) days after notice of default from the Team;

Section 13.01.5 The levy upon or under execution or the attachment by legal process of the interest of the Team under this Franchise, or the filing or creation of a lien in respect of such interest, which levy, attachment or lien shall not be released, discharged or bonded against within sixty (60) days from the date of such filing;

Section 13.01.6. The Team makes an assignment for the benefit of creditors, or applies for or consents to the appointment of a trustee or receiver for the Team or for the major part of its property or admits in writing its inability to pay or is unable to pay its obligations as they come due;

Section 13.01.5. A trustee or receiver is appointed for the Team or for the major part of its property and is not discharged within sixty (60) days after such appointment;

Section 13.01.6. Bankruptcy, reorganization, insolvency or liquidation proceedings, or other proceedings for relief under any bankruptcy law, or similar law for the relief of debtors, are instituted by or against the Team, and, if instituted against the Team, are allowed against it or are consented to by it or are not dismissed within one hundred eighty (180) days after such appointment;

Section 13.01.7. The Stadium shall be abandoned, deserted or vacated by the Team, even though at such time the Stadium may not be then used (because of the time of the year) for Baseball Season games; and

Section 13.01.8. Failure by the Carolina League to sustain the operation of a professional baseball league scheduling a minimum number of home games in excess of 60 per Baseball Season. Provided, however, such failure may be cured by the Team if it is able to consummate an affiliation with another professional baseball league whose financial condition, quality of baseball, number of teams and games, all as determined by the City in its sole and absolute discretion, is satisfactory, by November 15 of the year in which the Carolina League failure occurs.

Section 13.02. REMEDIES IN THE EVENT OF DEFAULT. If a default occurs under Section 13.01 of this Franchise, and the applicable period of time, if any, for curing such default has passed, the City and Team (the "Parties") shall have the rights and remedies hereinafter set forth, which shall be distinct, separate and, to the extent not mutually exclusive, cumulative and shall not operate to exclude or deprive the Parties of any other right or remedy allowed to it by this Franchise or applicable law, including without limitation, the City's right to advance any sums to be paid to third parties by the Team or otherwise remedy the Team's default and to be reimbursed by the Team for the City's costs and expenses on account thereof. No delay or omission to exercise any right or power accruing under any default shall impair any such right or power or be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

Section 13.02.1. If one of the Parties is in default, and the applicable period of time, if any, for curing such default has passed, the non-defaulting party may terminate this Franchise effective as of the date of its notice or as of the end of the then current Carolina League Baseball Season by giving to the defaulting party notice of the non-defaulting party's election to do so, and all right, title and interest of the Parties hereunder shall expire at the end of the then current Carolina League Baseball Season.

Section 13.02.2. If the City exercises the remedy of termination, the Team shall vacate the Stadium no later than thirty (30) days following the date of the Team's receipt of the City's notice of termination and deliver exclusive possession thereof to the City, and the City may then or at any time thereafter, re-enter and take complete and peaceful possession of the Stadium, with or without process of law, full and complete license so to do being hereby granted to the City, and the City may remove all occupants and property therefrom, using such force as may be necessary, without being deemed in any manner guilty of trespass, eviction or forcible entry and detainer and without relinquishing the City's right to any fees due to the City or any other right given to the City by this Franchise or by operation of law.

Section 13.02.3. All property removed from the Stadium by the City pursuant to a default by Team under any provisions of this Article XIII or of law may be handled, removed or stored by the City at the cost and expense of the Team, and the City shall in no event be responsible for the value, preservation or safekeeping thereof. The Team shall reimburse the City for all costs and expenses incurred by the City in such removal and storage charges against such property so long as same shall be in the City's possession or under the City's control. All property not removed from the Stadium or retaken from storage by the Team within sixty (60) days after the end of the term, however terminated, shall be deemed conclusively to have been conveyed by the Team to the City as by bill of sale without further payment or credit by the City to the Team.

Section 13.02.4. The City may enforce the provisions of this Franchise and may enforce and protect the rights of the City hereunder by a suit or suits in equity or at law for the specific performance of any covenant or agreement contained herein, or for the enforcement of any other appropriate legal or equitable remedy, including recovery of all moneys due or to become due from the Team under any of the provisions of this Franchise.

Section 13.02.5. Upon the occurrence of any event which with the giving of notice or the passage of time would constitute a default by the Team, and until such event has been cured by the Team, the City shall be excused from the payment of any amounts which are or may become due to the Team by the City. If such event is subsequently cured, any such amounts not paid by reason of this subsection 13.02.6 shall be paid without interest.

Section 13.02.6. The Team may enforce the provisions of this Franchise, the applicable period of time, if any, for curing such default has passed and written notice of such default has been provided to the City, the Team may enforce the provisions of the Franchise in equity or at law, or for the enforcement of any other appropriate legal or equitable remedy, including recovery of all moneys due or to become due from the Team under any of the provisions of this Franchise.

Section 13.03. LIQUIDATED DAMAGES PAYABLE TO THE CITY UPON TERMINATION OF STADIUM FRANCHISE PURSUANT TO SECTION 13.02. The Team shall pay the City liquidated damages, in the amount of \$100,000 a year, in the event that it terminates this Franchise prior to the end of its term.

ARTICLE XIV

PARKING

Section 14.01. USE OF CITY PROPERTY SURROUNDING THE STADIUM. In the event parking fees are instituted, any fees charged by the Team for access to parking shall be reasonable and consistent with such fees charged for comparable parking within the Carolina League and at other minor league ballparks in the Carolina League. All revenue from such fees shall be the sole property of the Team. The City acknowledges that the Team has the sole right to engage the services of a professional parking management company to operate all parking areas.

Section 14.02. SNOW REMOVAL FOR ON-SITE PARKING. The City shall remove snow from a portion of the on-site parking areas and shall assure that the Team has access to its on-site staff parking spaces on a year-round basis.

Section 14.03. PARKING AREA RESPONSIBILITIES. In the event that the Team charges fees for parking, the Team shall have the responsibility through its professional parking management company or otherwise to provide parking lot attendants and clean-up services.

Section 14.04. TEAM PARKING SPACES. Ten (10) parking spaces shall be made available to the Team on a year-round basis for the employees of the Team occupying the Team year-round areas. The assignment of such parking spaces to particular individuals shall be the sole responsibility of the Team.

Section 14.05. PARKING MANAGEMENT PLAN. The City and the Team shall jointly develop a Parking Management Plan to address the situation when an athletic event, such as a football or soccer game, is occurring in the adjacent football stadium at the same time as a Team Event so that parking for spectators to the City athletic event is accommodated without charge. The plan shall be communicated to the athletic departments of both City high schools.

ARTICLE XV

TRAFFIC CONTROL AND POLICE PATROL

Section 15.01. TRAFFIC CONTROL. Traffic control on all public streets around the Stadium shall be the responsibility of the City. The City, exercising its discretionary police powers, shall provide officers of the Lynchburg Police Department when necessary to assure traffic control before and after Team Events and Team Special Events in the Stadium and will additionally be available to respond to parking lot security problems as required.

ARTICLE XVI

ASSIGNABILITY OF LICENSE SUBJECT TO PRIOR CITY APPROVAL

Section 16.01. ASSIGNABILITY. This Franchise is personal to the Team, and the Team shall not at any time assign, sell or transfer this Franchise or any part thereof during the term of the Agreement without the City's prior written approval. Further, in the event the Team is sold, consolidated, merges or is acquired by another entity, the City shall have the right to terminate this Franchise. The consideration of the City of any requested assignment or transfer may include, but shall not be limited to, the approval or disapproval of, the Carolina League of such assignment or transfer. No proposed assignment shall be considered by the City unless the request for consent thereto shall be in writing and accompanied by the assignees proposed assumption of the Team's past unperformed and future obligations, resumes of its principals, reasonable financial information, and proposed financial security. Under no circumstances shall the Team be relieved of any of its obligations hereunder by any such transfer. No assignment shall, in any way, affect or diminish the Team's obligations to perform all of the terms, conditions and provisions contained in this Agreement.

ARTICLE XVII

TEAM BASEBALL GAME TICKETS

Section 17.01. COMPLIMENTARY TICKETS. The Team shall provide the City with twenty (20) complimentary tickets for ten (10) baseball games per season to be used in conjunction with City-sponsored youth and senior programs, or as the City otherwise deems

appropriate. The Team will hold such complimentary tickets until one hour before the start of each Team baseball game for which tickets have been requested by the City.

ARTICLE XVIII

DESTRUCTION OF STADIUM

Section 18.01. PARTIAL DESTRUCTION. If the Stadium is partially destroyed by any cause and can be repaired or restored to its prior condition and the destruction does not render the Stadium unusable, this Franchise shall continue in full force and effect. The City shall, at its expense, promptly commence and diligently complete the restoration of the Stadium to the same condition as of the commencement date of this Franchise, reasonable wear and tear excepted. All repair activities shall be timed and organized in such a manner as to facilitate the Team's ability to play their home Baseball Season games at the Stadium to the degree feasible. However, the Team shall be responsible for repairing or replacing any damages to the Stadium caused by the acts or omissions of the Team, its employees, umpires, concessionaires, agents, stadium attendees or its opponents.

Section 18.02. TOTAL DESTRUCTION. In the event the Stadium is destroyed by fire or other casualty, and after consultation with the Team, the City in its sole discretion may elect whether to repair or restore the Stadium or to terminate this Franchise. Such election shall be exercised by the City by giving written notice to the Team within ninety (90) days after such destruction. If the City so elects, this Franchise shall terminate as of the date of such casualty and the Team's obligation to pay annual minimum compensation payments and other payments shall terminate and be prorated as of such date. If the City elects not to terminate this Franchise, the City shall proceed as promptly as practical to repair and restore the Stadium to its condition existing immediately prior to such destruction.

Section 18.03. ASSISTANCE BY THE CITY IN LOCATING A TEMPORARY FACILITY. If the Stadium becomes unavailable on a temporary basis by reason of either the partial destruction of the Stadium or the repair or restoration of the Stadium after total destruction, or for any other reason attributable to the action of the City, the City shall utilize all reasonable efforts to assist the Team in locating an adequate temporary facility within the surrounding area.

ARTICLE XIX

CONDEMNATION

Section 19.01. CONDEMNATION. In the event that any portion of the Stadium is taken from the City pursuant to any right of eminent domain exercised by any governmental entity or pursuant to any governmental order and such taking renders the Stadium unfit for its intended purpose, then this Franchise may be terminated by the City by notifying the Team. The Team

shall have no right to any portion of any award granted with respect to such taking except that the Team shall have the independent right to make a claim against the condemner for and retain any award based thereon for the reasonable value of costs by the Team and for the expenses incidental to relocating from the Stadium and for the lost value of this Franchise.

ARTICLE XX

SIGNAGE

Section 20.01 SIGNAGE. The Team shall post signs in the parking areas indicating that vehicle owners assume the risk of damage from fly balls. The Team shall also post signs within the stadium warning spectators of the dangers of flying balls and broken or flying bats. The Team shall also be responsible for dealing with all claims arising out of personal injuries or property damage caused by flying balls and broken or flying bats.

ARTICLE XXI

FORCE MAJEURE

Section 21.01. The parties hereto, respectively, shall not be in default of this Franchise if either is unable to fulfill, or is delayed in fulfilling, any of its obligations hereunder, or is prevented or delayed from fulfilling its obligations, in spite of its employment of best efforts and due diligence, as a result of natural disasters, catastrophic events, casualties to persons or properties, war, governmental preemption in a national emergency, enactment of a law, rule or regulation or a change in existing laws, rules or regulations which prevents any party's ability to perform its respective obligations under this Franchise, or actions by other persons beyond the exclusive control of the party claiming hindrance or delay. If a party believes that a hindrance or delay has occurred, it shall give prompt written notice to the other party of the nature of such hindrance or delay, its effect upon such party's performance under this Franchise, the action needed to avoid the continuation of such hindrance or delay, and the adverse effects that such hindrance or delay then has or may have in the future on such party's performance. Notwithstanding notification of a claim of hindrance or delay by one party, such request shall not affect, impair or excuse the other party hereto from the performance of its obligations hereunder unless its performance is impossible, impractical or unduly burdensome or expensive, or cannot effectively be accomplished without the cooperation of the party claiming delay or hindrance. The occurrence of such a hindrance or delay may constitute a change in the obligations of the parties or compensation, for example, and may result in the need to modify the agreement accordingly.

ARTICLE XXII

NO RELOCATION OF TEAM

Section 22.01. The Team agrees not to relocate its Baseball franchise without City approval. The Team acknowledges that the City will be irreparably harmed by the transfer of the Team's Baseball franchise to a location other than the Stadium during the term of this Franchise.

A breach of this section shall constitute an event of default under this Franchise, and shall entitle:

- (i) The City to terminate this Franchise immediately and without notice; and
- (ii) The City to receive liquidated damages as stipulated in Section 13.03 above.

ARTICLE XXIII

ACKNOWLEDGMENT OF BOND STATUS

Section 23.01. As a material and substantial inducement for the City to enter into this Franchise, the Team agrees that it will not undertake any action or fail to take any action or permit any of its officials, agents or employees to act or fail to act (including, without limitation, entering into one or more management contracts with respect to the Stadium), if any such act or omission shall cause the City to be in default of any of its obligations under or in connection with the bonds issued to finance renovation of the Stadium or shall cause interest paid or hereafter paid on such bonds from time to time to be liable for, or otherwise subject to, taxation by the Commonwealth of Virginia or the United States of America.

ARTICLE XXIV

MISCELLANEOUS

Section 24.01. NONDISCRIMINATION. The Team shall not discriminate, nor permit discrimination, against any person in its employment practices, in any of its contractual arrangements, in all services and accommodations it offers the public, and in any of its other business operations on the grounds of race, color, sex, or national origin, nor exclude any person from participation in, nor deny the benefits of or be otherwise subject to discrimination in the use of said facilities or providing services on the grounds of race, color, sex, or national origin. Additionally, the Team shall not discriminate against and will make all reasonable efforts to accommodate persons with disabilities as required by Americans with Disabilities Act.

Section 24.02. GOVERNING LAW. This Franchise shall be construed under and in accordance with the laws of the Commonwealth of Virginia and all litigation shall have venue in the courts located in the City of Lynchburg, Virginia.

Section 24.03. ENTIRE AGREEMENT. This Franchise constitutes the final, complete and exclusive written expression of the intent of the parties with respect to the subject matter hereof which will supersede all previous verbal and written communications, representations, agreements, promises or statements.

Section 24.04. TAXES AND ENCUMBRANCES. The Team shall pay promptly when due any and all personal property taxes imposed on its personal property located in the Stadium. The Team shall not permit any mechanics liens or other encumbrances or liens to exist against the Stadium and shall within thirty (30) days of any such lien or encumbrance being asserted against the Stadium as a result of action or inaction by the Team either cause the same to be released of record, bond or obtain title insurance coverage satisfactory to the City over such lien and proceed diligently to contest the same in good faith.

Section 24.05. SEVERABILITY. If any one or more of the provisions contained in this Franchise shall for any reason be held to be invalid, illegal, or unenforceable in any respect, and if such holding does not affect the ability of the Team to perform and have access to the Stadium as provided for herein, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Franchise shall be construed as if such invalid, illegal or unenforceable provision was not contained herein.

Section 24.06. NOTICES AND ADDRESSES. All notices required to be given under this Franchise shall be given by date-and-time stamped facsimile, hand delivery with signed receipt, overnight or other courier with signed receipt, or by return receipt certified or registered mail, addressed to the proper party to the following addresses, or at such other address as may be subsequently given pursuant to this Section, and shall be deemed given upon receipt:

If to City:

City Manager
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

If to Team:

Lynchburg Baseball Corp
C/o D.G. Elmore
555 N. Morton Street
Bloomington, IN 47404

Section 24.07. AMENDMENT, MODIFICATION, OR ALTERATION. The City and the Team may agree to modify the Franchise from time to time, however, no amendment, modification or alteration of the terms of this Franchise shall be binding unless in writing, dated subsequent to the date hereon and approved by City Council as required by the Code of Virginia.

Section 24.08. RIGHTS AND REMEDIES CUMULATIVE. The rights and remedies provided by this Franchise are cumulative and the use of any right or remedy by either party shall not preclude or waive its rights to use any or all other remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance or otherwise.

Section 24.09. HEADINGS ONLY FOR REFERENCE. The titles of articles and sections of this Franchise are for reference purposes only and shall be of no binding effect.

Section 24.10. STATUS OF PARTIES. Parties hereto shall be deemed and construed as independent contractors with respect to one another for all purposes and nothing contained in this Franchise shall be determined to create a partnership or joint venture between the Team and the City with respect to the parties' activities conducted at the Stadium pursuant to the terms of this Franchise.

Section 24.11. WAIVER. The waiver by either the Team or the City of any default or breach by the other party of any of the provisions of this Franchise shall not be deemed a continuing waiver or waiver of any other breach by the other party of the same or another provision of this Franchise.

Section 24.12. BINDING EFFECT. This Franchise shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns.

Section 24.13. REFERENCES TO THE CITY. All references to the City in this Franchise shall be deemed to also be references to such officers or employees or other designees of the City as may be appropriate to implement the terms of this Franchise, including officers or employees of any sports authority or similar entity.

Section 24.14. EXHIBITS. All exhibits attached to this Franchise are incorporated into and are a part of said Franchise as if fully set out herein.

Section 24.15. SURRENDER. Upon the expiration of the term of this Franchise or on the sooner termination hereof, the Team shall peaceably and quietly leave, surrender and yield up to the City, the Team Areas and the Stadium free of all occupants and free of all claims by the Team or any other person or entity against the City for any repairs, replacements or improvements made to the Team Areas or the Stadium. The Stadium shall be returned to the City, including all operational and mechanical systems, in good working order and repair. Any removable property of the Team which shall remain in the Stadium after the expiration of the term of this Franchise or sooner termination thereof and after the removal of the Team from the Stadium may, at the option of the City, and after written notice to the Team, be deemed to have

been abandoned, and either may be retained by the City as its property or may be disposed of in such manner as the City may see fit. Upon the expiration or sooner termination of this Franchise, the Team also shall assign to the City such of its licenses, entertainment contracts and contracts for goods and services which the City, at its option, requires in writing to have the Team assign to it, providing that the City shall be responsible to fulfill only such of those obligations of the Team which arise after such assignment and are attributable to periods after such assignment and be entitled to only those rights which fairly may be apportioned to such obligations. To facilitate such assignments, the Team further agrees to incorporate a provision in each of such contracts, sub-franchises and licenses by which the other party to that agreement agrees to any future assignment of the Team's rights and obligations thereunder to the City in accordance with the terms of this paragraph.

Upon the expiration or sooner termination of this Franchise, the City shall have the benefit of any and all guarantees or warranties which the Team may possess or be entitled from any person or entity who performed any work or made or supplied any improvements, installations and/or equipment for or to the Stadium which provide for repairs or replacements by the guarantors or warrantors. As to all such guarantees and warranties which are freely assignable, the Team shall, promptly upon request by the City, assign same to the City.

If the Team elects not to seek renewal of this Franchise, the Team agrees that it will use its best efforts to ensure as smooth a transition of the Stadium and business conducted therein back to the City.

Section 24.16. TIME OF THE ESSENCE. Time is of the essence regarding any date in this Franchise and the Exhibits attached hereto.

Section 24.17. CONTRACT REVIEW. In advance of entering into any agreement concerning the Stadium, the Team shall provide a copy of such agreement to the City for its approval.

Section 24.18. MEDIATION. Upon the agreement of the City and the Team, a dispute, except for any claimed default or termination of this Franchise under Article XIII, which cannot be otherwise resolved within thirty (30) days, may be referred to a mediation panel consisting of the City Manager, a Team representative and a neutral party selected by the Team and the City and expeditiously resolved in accordance, if necessary, with a vote of the majority of the panel. The panel's decision shall be final and conclusive.

Section 24.19. TEAM SIGNS. The City hereby grants the Team the right, subject to the written prior approval of the City, to place a sign or signs, at the Team's sole cost and expense, upon the exterior facade of the Stadium indicating that the Stadium is the home of the Team.

Section 24.20. CAROLINA LEAGUE CHANGES. The Team shall reasonably promptly provide the City with notice of any proposed modification in the Carolina League Standards attached hereto, the Carolina League By-Laws, any of the Team's agreements with the

Carolina League and the composition of the member teams in the Carolina League. Such notice shall include the complete text of any modification.

Section 24.21. NAMING RIGHTS. The City and the Team may enter into an agreement to sell the naming rights to the baseball stadium portion of Lynchburg City Stadium, subject to approval of the Lynchburg City Council. The City and the Team will share equally in any revenue resulting from the sale of such naming rights and the City's portion of that revenue will be placed in the repair, replacement and maintenance fund described in Section 8.13.

Section 24.22. LOSS OF REVENUE. The City shall not be liable for any loss of revenue the Team may experience as a result of the City's the repair, maintenance, improvement, or operation of the Stadium property, rights of way, and other publicly owned facilities that are adjacent to the Stadium.

ARTICLE XXV

METHOD OF ACCEPTANCE

Any person, firm, corporation, or other entity bidding for this Franchise shall deposit with the bid its check in the sum of \$100.00, payable to the City as the security to the City that the Grantee shall accept the Franchise within thirty days after the adoption of the ordinance granting the same. Upon the failure of the Grantee to accept this Franchise pursuant to the provisions of this section, such Grantee shall forfeit this deposit to the City. The checks of all other bidders shall be returned upon the acceptance of the Franchise by the selected Grantee. The check will be returned to the successful bidder upon the execution of the Franchise.

This Franchise shall be and become effective and shall constitute a contract of Franchise between the City and Grantee when the Grantee shall cause a copy thereof to be signed by a proper official of the Grantee duly authorized thereto and under its corporate seal, duly attested to by an authorized official of the Grantee, accepting the terms and provisions of this Franchise on behalf of said Grantee.

Adopted:

February 23, 2016

Certified:

Vickie P. Grant
Clerk of Council

FORM OF ACCEPTANCE

The foregoing Franchise, as set forth in the ordinance adopted by the Council of the City of Lynchburg, Virginia on _____, is hereby accepted by the Lynchburg Baseball Corp., according to the terms thereof for a period beginning April 1, 2016 and ending December 31, 2015.

This acceptance is executed on behalf of the Lynchburg Baseball Corp, by David G Elmore, its Managing Director, this 24th day of February, and 20 16, by virtue of the authority duly and properly vested in him.

Lynchburg Baseball Corp.

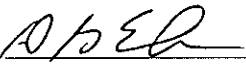
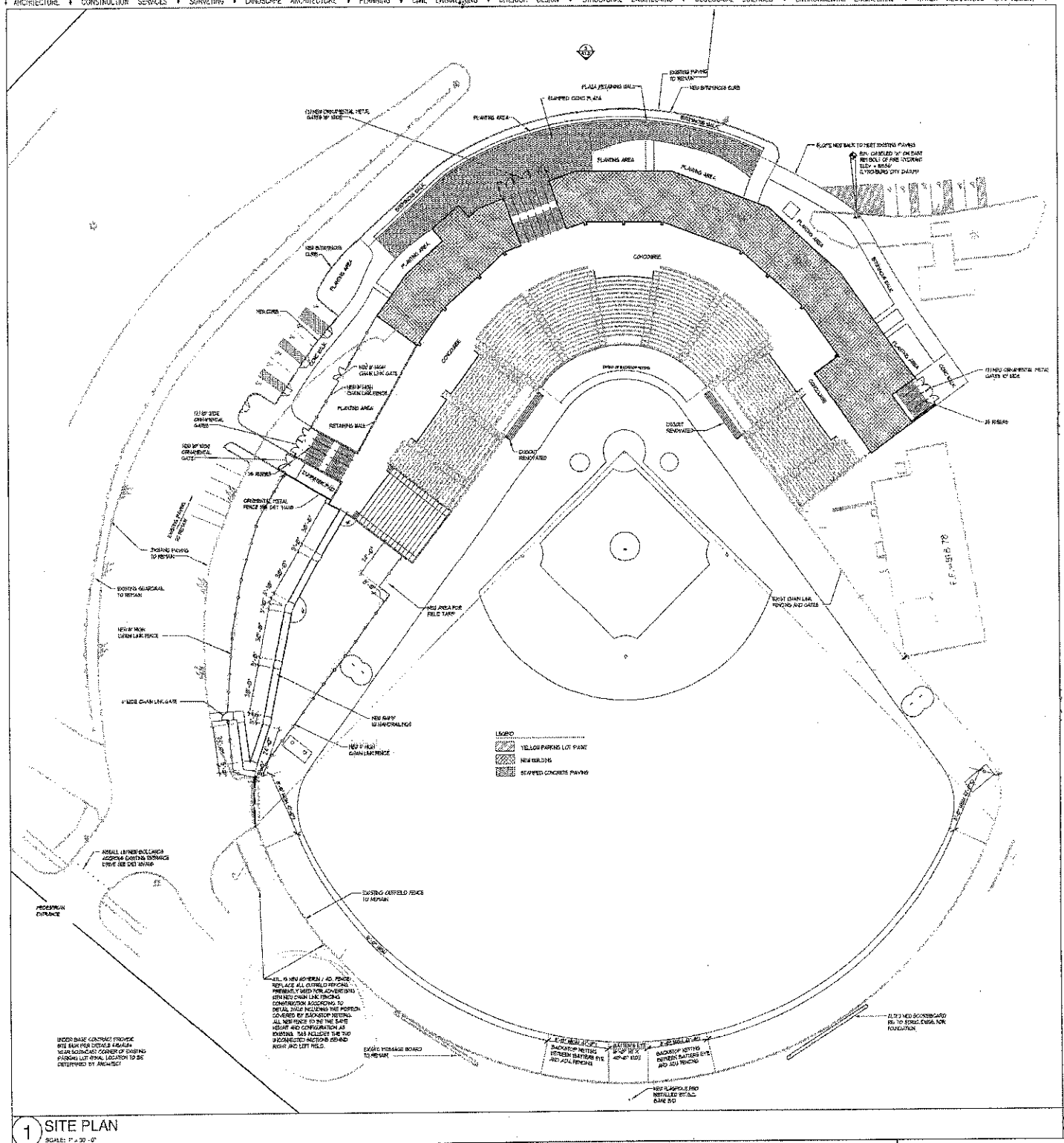
By: 
Managing Director
Title

EXHIBIT A

EXHIBIT A

• ARCHITECTURE • CONSTRUCTION SERVICES • SURVEYING • LANDSCAPE ARCHITECTURE • PLANNING • CIVIL ENGINEERING • INTERIOR DESIGN • STRUCTURAL ENGINEERING • GEOLOGICAL SCIENCES • ENVIRONMENTAL ENGINEERING • WATER RESOURCES MANAGEMENT •



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 8, 2017**

AGENDA ITEM #: **11**

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Proposed Revisions to Real Estate Rehabilitation Program

KEY ELEMENTS:

☒ Economic Development ☐ Excellent Government ☒ Natural and Built Environment ☐ Safe Community ☐ Vibrant Community

RECOMMENDATION: Adopt the proposed revisions to the Real Estate Rehabilitation Program Sec 36-177 and Sec 36-177.1 as noted below and implement changes effective January 1, 2018.

SUMMARY: During City Council FY 2018 budget deliberations, staff was asked to revisit the Real Estate Rehabilitation Program. Over the course of several meetings, a team consisting of representation from the City Assessor's Office, Economic Development, Community Development, and the City Manager's Office reviewed the City's program and made several recommendations for City Council's consideration. These recommendations are as follows:

1. The Residential Rehabilitation period shall be changed from 15 years to 10 years. The program has been successful with a ten year exemption previously, and City Council expressed their desire to shorten exemption period to 10 years.
2. Multi-family (5 +Units) properties shall be reclassified from residential to commercial. City Council has expressed concern regarding multi-family having a 15 year exemption under the current rehabilitation code. The consensus from the team was that multi-family (5 + units) is a commercial use. Per previous discussions at the City Council Work Session on 6/27/2017, the Multi-Family exemption period shall be reduced from 15 years to 8 years.
3. Commercial and Industrial exemption period(s) changed from 5 years to 10 years. The City Assessor made the case for there being significantly more risk for commercial properties due to the typically larger scale of work, repairs, and capital needed along with the uncertainty of the market demand for the product. Council expressed support for this change based on job creation potential for commercial and industrial uses at the 6/27/2017 City Council Work Session.
4. Building additions for all uses shall be limited to 15% of the existing area. The current Rehabilitation Code allows additions to count towards the change in base values. It is the team's opinion that new construction of additions should not count towards changes in base values, since the code was designed to renovate existing building stock, not support new construction. Council expressed concern regarding limiting additions to 15% of building area. To clarify, the code allows for larger additions, but the excess square footage would not count towards the calculation of the exemption.
5. The proposal establishes a graduated phase-out of exemptions of (25%) per year for the last (3) years. This feature has two functions. The City will received funds sooner and the phase-in conditions encourage the owners to budget for when the exemption ends.
6. The staff recommendation establishes a Revitalization Zone (Map) that allows replacement of existing functionally obsolete buildings. The team felt that the area delineated by the Map requires additional incentives over and above the typical rehabilitation project due to the obsolete designs of older buildings and derelict conditions of some structures rendering them to provide minimal contributing value as renovated. Replacement structures are allowed in these areas for the reasons noted above.

Council asked the team to develop a strategic communications plan to inform all stakeholders of the changes to the real Estate Rehabilitation Code. A proposed Communications Plan is included as a topic in the PowerPoint presentation.

PRIOR ACTION(S): Proposed changes to the Real Estate Rehabilitation Code were presented and discussed at the City Council Work Session on 6/27/2017. Staff has incorporated minor changes, suggested by City Council, into the Code as noted above in the summary section.

FISCAL IMPACT: There shall be no impact on current rehab applicants or participants. These applicants/participants will be grandfathered based on the Real Estate Rehabilitation code at time of final application. Long term real estate taxes for new applicants to the program will be received sooner than the current program. This is due to the years of exemption changes and a graduated phase-in for the final 3 years of the program. The attached PowerPoint slides illustrate fiscal changes in real estate exemption based on current applicants.

CONTACT(S): Jeff Bandy, City Assessor (455-3830); Charles Hartgrove, Deputy City Manager (455-3990); Marjette Upshur, Economic Development Director (455-4490); Kent White, Community Planning Director (455-3900); Joann Martin, Director Communications & Marketing (455-3800).

ATTACHMENT(S): Ordinance; Power Point Presentation including Communications Plan and Proposed changes to Sec 36-177, and Sec 36-177.1

REVIEWED BY: bms

AN ORDINANCE TO AMEND AND REENACT SECTIONS 36-177 AND 36-177.1 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTIONS RELATING TO THE PARTIAL EXEMPTION OF REAL ESTATE TAXES FOR CERTAIN REHABILITATED, RENOVATED OR REPLACEMENT STRUCTURES.

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

1. That Sections 36-177 and 36-177.1 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 36-177. - Exemption of real estate taxes for certain rehabilitated or renovated residential and commercial and industrial real estate.

(a) Definitions. For the purpose of this section, the following words and phrases shall have the meaning respectively ascribed to them by this subsection unless another meaning shall clearly appear from the text:

- (1) Substantially rehabilitated or renovated residential/~~multifamily (six units or more)~~ real estate: Real estate upon which there is an existing residential ~~or multifamily~~ structure, which is no less than 50 years of age, and which has been so improved as to increase the assessed value of the structure by no less than 40 percent. An addition to an existing residential ~~or multifamily~~ structure shall not qualify as substantial rehabilitation or replacement unless there is also simultaneous rehabilitation or renovation of the existing structure. In order for an addition to an existing structure to qualify as substantial rehabilitation or renovation, the addition must be for improvements to the living areas of the structure, such as bathrooms, kitchens, bedrooms and similar facilities not to exceed 15 percent of the original above-grade living area at the time of application. Additions for such things as garages, swimming pools, patios and similar facilities that are not used as living areas for the structure shall not be eligible for a tax exemption. Additions greater than 15 percent will be prorated to only allow 15 percent of the addition to be exempted.
 - (2) Substantially rehabilitated or renovated multifamily (~~six~~ five units or more), commercial, or industrial real estate: Any real estate upon which there is an existing multifamily, commercial, or industrial structure which is no less than 25 years of age, and which has been so improved as to increase the assessed value of the structure by no less than 60 percent. An addition to an existing multi-family, commercial, or industrial structure shall not qualify as substantial rehabilitation or replacement unless there is also simultaneous rehabilitation or renovation of the existing structure. In order for an addition to an existing structure to qualify as substantial rehabilitation or renovation, the addition must be for improvements to the existing areas of the structure not to exceed 15 percent of the original gross leasable square footage at the time of application. Additions greater than 15 percent will be prorated to only allow 15 percent of the addition to be exempted.
 - (3) Base value: The assessed value of any structure covered by this section prior to the commencement of rehabilitation or renovation work, as determined by the City Assessor upon receipt of an eligible application for rehabilitated or renovated real estate tax exemption and after a physical inspection of the property by an appraiser from the City Assessor's Office.
 - (4) Rehabilitated or renovated real estate tax exemption: An amount equal to the increase in assessed value resulting from the substantial rehabilitation or renovation of a structure as determined by the City Assessor and this amount only should be applicable to subsequent tax exemption.
 - (5) Taxable year: For the purpose of this section, the fiscal year from July 1 through June 30 for which such real estate tax is imposed for the exemption claimed.
 - (6) Taxes: Real estate taxes must not be delinquent in order for the exemption to go into and remain in effect.
 - (~~6~~ 7) Owner: The person or entity in whose name the structure is titled or a leasee who is legally obligated to pay real estate taxes assessed against the structure.
- (b) Rehabilitated or renovated real estate tax exemptions. It is hereby declared to be the purpose of this section to authorize a rehabilitated or renovated real estate tax exemption for substantially rehabilitated or

renovated residential, multifamily, commercial, or industrial real estate located anywhere within the City of Lynchburg.

(1) For each residential and multifamily property that qualifies, the rehabilitated or renovated real estate tax exemption shall be effective for a period of ~~15~~ ten years commencing on July 1 for any completed work approved rehabilitation/renovation during the preceding fiscal year.

(2) For each commercial or industrial property that qualifies, the rehabilitated or renovated real estate tax exemption shall be effective for a period of ~~five~~ ten years commencing on July 1 for any work completed during the preceding fiscal year.

(3) For each multifamily property that qualifies, the rehabilitated or renovated real estate tax exemption shall be effective for a period of eight years commencing on July 1 for any completed approved rehabilitation/renovation during the preceding fiscal year.

(c) Graduated real estate tax exemptions. The rehabilitated or renovated real estate tax exemption for the last three years for residential, multifamily, commercial, or industrial structures will be reduced by twenty-five (25) percent each year commencing on July 1 so that the final year of the exemption is only twenty-five (25) percent of the initial exemption.

(e d) Usual and customary methods of assessing. In determining the base value and the increased value resulting from substantial rehabilitation or renovation of residential, multifamily, commercial, or industrial real estate, the City Assessor shall employ usual and customary methods of assessing real estate.

(d e) Eligibility requirements:

(1) An application to qualify a structure as a substantially rehabilitated or renovated residential, multifamily, commercial, or industrial structure must be filed with the City Assessor's Office before work is started. Applications may be obtained from the City Assessor's Office.

(2) Upon receipt of an application for rehabilitated or renovated real estate tax exemption, two ~~an~~ appraisers from the City Assessor's Office shall make a physical inspection of the structure and determine the assessed base value of the structure. If work has been started prior to the first inspection; the base value will include any work started and will reflect the market value of the structure as of the date of the first inspection.

(3) The application to qualify shall be effective for a period of two years from the date of filing. No extensions of this time period will be granted.

(4) Upon completion of the rehabilitation or renovation, the owner of the property shall notify the City Assessor ~~in writing~~, and two ~~an~~ appraisers from the City Assessor's Office shall physically inspect the property and perform an after rehabilitation or renovation appraisal to determine if it then qualifies for the rehabilitated or renovated real estate tax exemption.

(5) Upon determination that the property has been substantially rehabilitated or renovated pursuant to the terms of this section, the rehabilitated or renovated real estate tax exemption shall become effective for a period as provided in paragraph (b) hereof.

(6) Prior to a determination that the property has been substantially rehabilitated or renovated the owner of the property shall continue to be subject to taxation upon the full value of the property, as otherwise authorized by this Code.

(7) No improvements made upon vacant land nor total replacement of residential, multifamily, commercial or industrial structures shall be eligible for rehabilitated or renovated real estate tax exemption as provided by this section. Tax exemptions for improvements to vacant land and for the replacement or repair of damaged or destroyed structures within the City's redevelopment or conservation areas or rehabilitation districts or for designated multifamily, commercial, or industrial new construction are regulated by Section 36-177.1 of the City Code.

(8) No property shall be eligible for such exemption unless the appropriate building permits have been acquired and the City Assessor has verified that the rehabilitation or renovation indicated on the application has been completed.

(9) Multifamily commercial ~~residential~~ structures after rehabilitation or renovation is completed shall remain as such or may be used as single-family, condominium residences for the remainder of the exemption period.

- (10) There shall be a non-refundable fee of \$125.00 for processing each residential application and \$250.00 for processing each multi-family, commercial, or industrial application under this section.
 - (11) The property must at all times be in compliance with all Lynchburg City Codes including, without limitation, the building code, the rental housing code, the zoning ordinance and all other codes that relate to real estate within the City of Lynchburg. Failure to correct the violation within the required time, as provided by the building inspector, will void the remainder of the exemption. If a structure is damaged or destroyed and found to be uninhabitable, the exemption will be terminated.
 - (12) No exemption shall be granted if access to the entire property is denied to the City Assessor's Office or the Inspections Division.
 - (13) All taxes must be paid and current to be eligible for an exemption. If the City Assessor is notified by the Billing and Collections Department that the property is more than 30 days delinquent on taxes, then the remainder of the exemption will be void.
 - (14) Only one rehabilitation or renovation exemption may be active for a parcel at any given time.
 - (15) Nothing in this section shall supersede any other City, State, or Federal Code.
- (e f) Exemption to run with the land. The rehabilitated or renovated real estate tax exemption shall run with the land, and the owner of such property during the two-year construction period and/or each of the years of exemption shall be entitled to the amount of partial exemption.

Sec. 36-177.1.-Exemption of real estate taxes for ~~new structures and the renovation or replacement of damaged or destroyed structures in redevelopment or conservation areas or rehabilitation districts.~~

(a) Damaged Properties: It is hereby declared to be the purpose of this section to authorize ~~a partial~~ an exemption from real property taxes of ~~vacant real property upon which new single-family structures are constructed within the city's designated redevelopment or conservation areas or rehabilitation districts and~~ for the replacement or renovation of residential, multi-family, or commercial, or industrial structures that are damaged by a natural disaster, an act of God, or by other accidental means in which the property owner or tenant is not found to have caused the damage through negligence or by willful action within the city's designated redevelopment or conservation areas or rehabilitation districts.

- (1) For each residential, commercial, or industrial property that qualifies, the amount of the exemption from real property taxation shall be 50 percent of the assessed value of the replaced portion and the real estate tax exemption shall be effective for a period of ~~seven~~ ten years commencing on July 1 for any work completed during the preceding fiscal year. Further, the exemption shall be graduated twenty-five (25) percent for each of the final three years as outlined in Section 36-177(c).
- (2) For each multi-family property that qualifies, the amount of the exemption from real property taxation shall be 50 percent of the assessed value of the replaced portion and the real estate tax exemption shall be effective for a period of eight years commencing on July 1 for any work completed during the preceding fiscal year. Further, the exemption shall be graduated twenty-five (25) percent for each of the final three years as outlined in Section 36-177(c).
- (3) For renovated or replacement residential, multi-family, or commercial, or industrial structure, the assessed fair market value of the renovated or replacement structure must be equal to at least 100 percent of the assessed fair market value of the structure prior to the damage or destruction that was damaged or destroyed.
- (4) ~~Replacement of structures must be designed and constructed in such a manner that it is architecturally compatible with the existing structures located within the neighborhood.~~

(b) Revitalization Zone Exception: Existing residential, multifamily, commercial, or industrial requiring demolition due to functional obsolescence and/or providing minimal contributing value as renovated to be determined by the City Assessor is allowed within the City's Revitalization Zone as specified by City Council by ordinance.

~~(d c)~~ The exemption ~~provided in this section~~ shall not apply when an existing structure is demolished or razed by a property owner or as a result of the property owner's neglect and a replacement structure is constructed, unless the assessed value of the existing structure that is demolished or razed is less than \$10,000.00 or as provided for by Section 36-177.1(b). The exemption shall not apply when the structure to be

demolished or razed is a Virginia Registered Landmark, or is determined by the City's historic preservation commission to contribute to the significance of a registered historic district.

(d) Application fees will be in accordance with Section 36-177(e)(9).

(e) A Certificate of Occupancy on the completed structure must be issued by the City Inspections Division before any exemption will be authorized.

(f) Application fees and other requirements will be in accordance with Section 36-177(e)(8) through (15).

(g) The rehabilitated or renovated real estate tax exemption shall run with the land, and the owner of such property during the two-year construction period and/or each of the years of exemption shall be entitled to the amount of partial exemption.

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

Adopted:

Certified:

Clerk of Council

107K



City Council
Regular Meeting

Jeff Bandy
City Assessor
August 8, 2017



City's First Rehab at 507 13TH ST
[1984]

PROPOSED CITY REAL ESTATE REHABILITATION & RENOVATION PROGRAM CHANGES



REASON FOR PROPOSED CHANGES TO THE CITY'S REAL ESTATE REHABILITATION PROGRAM



City's First
Rehab at 507
13TH ST [1984]

- Provide a more efficient balance between real estate rehabilitation incentives
- Increase tax base sooner
- Acknowledge the greater risk inherent in commercial development; **note the job creation potential, and lack of extra demand on City services as noted by Council comments at work session.**
- Less need to incentivize developers for multi-family projects given increasing vibrancy of development for this property type.



PROPOSED CHANGES TO LENGTH OF EXEMPTION



City's First
Rehab at 507
13TH ST [1984]

- Residential exemptions would be reduced from 15 years to 10 years as originally established in 1983, **and confirmed by Council.**
- Commercial exemptions would be increased from 5 years to 10 years to acknowledge the inherent risk in developing products with no established track record of success. **Council noted the job creation potential for commercial uses and the lack of significant demand on existing City services.**



PROPOSED CHANGE TO MULTI-FAMILY CLASSIFICATION



City's First
Rehab at 507
13TH ST [1984]

- Reclassify apartments of 5 units or more from residential to non-residential use.
 - Apartments are noted as a commercial use by developers and investors.
 - Reduces the length of exemption from 15 years to **8 years per Council Recommendation at work session.**



BUILDING ADDITIONS



City's First
Rehab at 507
13TH ST [1984]

- Residential: Additions to structures may not exceed 15% of the original above-grade living area at the time of application. **Larger additions allowed, but not available for tax rehabilitation exemption. Council expressed concerns regarding restrictions on additions.**
- Commercial: Additions to structures must be for improvements to the existing building area not to exceed 15% of the original gross leasable square footage at the time of the application. **Larger additions allowed, but not available for tax rehabilitation exemption. Council expressed concerns regarding restrictions on additions.**
- Rehabilitation program is designed to incentivize renovation of existing building stock, not to build new structures.



GRADUATED STEP-DOWN OF REAL ESTATE EXEMPTION



City's First
Rehab at 507
13TH ST [1984]

- Process:

- For each of the final three years, the real estate exemption is proposed to be reduced by 25%.
- This facilitates increasing the tax base, and prepares property owners for the full tax liability once real estate exemption expires, and avoids a drastic change in their real estate tax payments in one year. **Council concurred with step-down process.**
- For example: A \$100,000, 10-year exemption would be reduced to
 - \$75,000 in year 8
 - \$50,000 in year 9
 - \$25,000 in year 10



REVENUE ANALYSIS BASED ON CHANGES



City's First
Rehab at 507
13TH ST [1984]

- Analysis considers the proposed combined changes of:
 - designating multi-family a commercial property,
 - applying a three-year step-down process that will result in a significant increase to the tax base.
- Future real estate rehabilitation participation is difficult to measure. To demonstrate the affect on revenue, the following calculations are based on the 236 applications known to be effective as of 7/1/2017.



PARTIAL REVENUE ANALYSIS



City's First
Rehab at 507
13TH ST [1984]

- Extrapolating the current approved exemptions achieves the following over the life of the exemption from 7/1/2017:

	EXEMPTION VALUE	REVENUE VALUE
• CURRENT EXEMPTION		
– RESIDENTIAL:	\$378,406,300.00	\$4,200,309.93
– COMMERCIAL:	\$190,104,200.00	\$2,110,156.62
– TOTAL :	\$568,510,500.00	\$6,310,466.55
• PROPOSED EXEMPTION		
– RESIDENTIAL:	\$ 50,690,000.00	\$ 562,659.10
– COMMERCIAL:	\$207,792,950.00	\$2,306,501.75
– TOTAL :	\$332,329,200.00	\$2,869,160.85



CHANGES TO CITY CODE §36-177.1

Exemption of real estate taxes for new structures for the renovation or replacement of damaged or destroyed structures



City's First
Rehab at 507
13TH ST [1984]

- This section is revised to address only the rehabilitation and renovation of damaged or destroyed properties.
 - Allows a 50% exemption for 10 years to an existing structure or portion of a structure which is destroyed through no fault or negligence of the property owner or tenant.
 - Structures can be residential, multi-family, commercial, or industrial.
 - Conforms to all other requirements and restrictions laid out in City Code §36-177.
 - Requires a Certificate of Occupancy from the City Inspections Division before exemption approved.
- Creates a Revitalization Zone:
 - Allows for the demolition of structures that were not damaged but provide minimal contributing value as determined by the City Assessor.
 - Mapped and defined by City Ordinance.

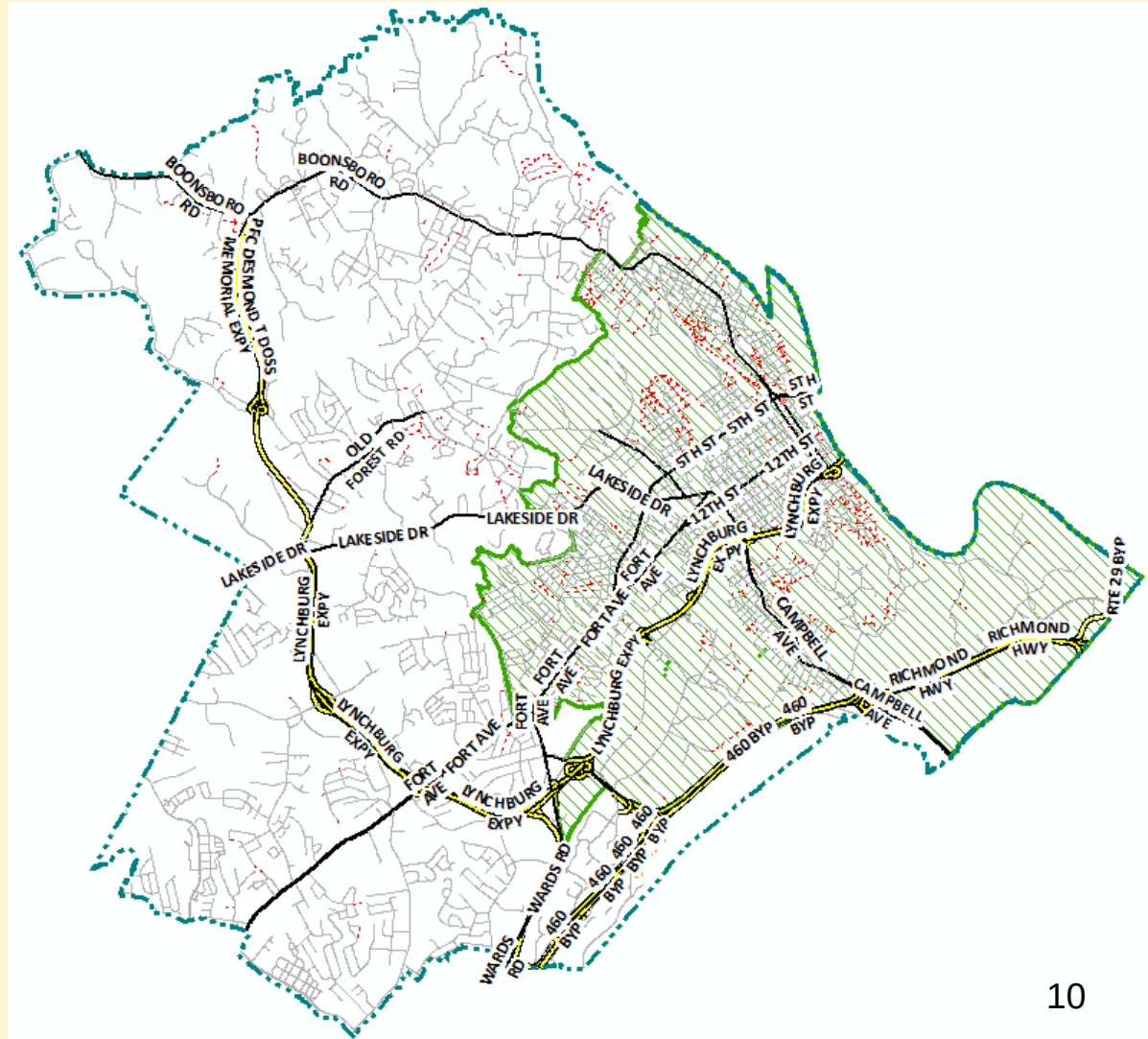


PROPOSED CHANGES TO CITY CODE §36-177.1 CITY REVITALIZATION ZONE



City's First
Rehab at 507
13TH ST [1984]

- Proposed City Revitalization Zone allows replacement of functionally obsolete structures that are not economically feasible to renovate. Replacement structures not allowed in other parts of City.
- Map Area Defined by City Ordinance.





Communications Strategies for Proposed Real Estate Rehabilitations Changes

- Communicate Revised Program
 - Inform and educate stakeholders about the program
 - Highlight changes to the program
 - Promote the benefits of new program
- Identify appropriate communications vehicles
 - Create brochure to be distributed to identified stakeholders
 - Utility Bill insert
 - Direct mail
 - Display in City Offices (Assessor, Second Floor Customer Service Center, Front Desk, etc.)
 - Vacant Property bills
 - Appropriate Boards and Commissions
 - Neighborhood Community Center
 - Neighborhood Watch Groups
 - Historic property mailings



Communication Plan Continued

- Produce a promotional spot for broadcast on LTV/Radio (Call Before You Build/Buy)
 - Promote the benefits to property owner
 - Promote the benefits to surrounding neighborhood area.
- Utilize social media/Facebook/Twitter (Call Before You Build/Buy)



Communications Plan Continued

- EXTERNAL COMMUNICATIONS
 - Identify existing and potential stakeholders
 - Lynchburg Association of Realtors
 - Area real estate developers
 - Area contractors
 - Previous program participants
 - Homeowners
 - General Public
 - Historic Districts
 - Vacant Building Owner



Communications Program Continued

- INTERNAL
 - Explore inter-department communication opportunities to promote program
 - Educate front-line customer service personnel outside of Assessor's Office of rehab opportunities



Time-Line For Implementation of Rehabilitation Code Changes

- Committee recommends you make the changes effective after communications campaign has been rolled out, with an effective date of January 1st, 2018.



Questions?

Jeff Bandy – City Assessor

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 8, 2017**

AGENDA ITEM #: **12**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Adopt Resolutions Concerning the Issuance of not to exceed \$33,500,000 General Obligation Public Improvement Refunding Bonds, Series 2017

KEY ELEMENTS:

___ Economic Development **X** Excellent Government ___ Natural and Built Environment ___ Safe Community ___ Vibrant Community

RECOMMENDATION: City Council is requested to take the following actions to authorize the refunding of the General Obligation Public Improvement Bonds, Series 2009A and 2009B-Build America Bonds.

- (a) Adopt a resolution authorizing the issuance of not to exceed \$33,500,000 principal amount of General Obligation Public Improvement Refunding Bonds, Series 2017
- (b) Adopt a resolution amending the FY 2018 General, Water, and Sewer Funds' Adopted Budgets and appropriate \$169,000, \$130,000, and \$26,000 respectively with resources from the refunding bond proceeds for a total of \$325,000 for estimated issuance costs.

SUMMARY: The City's financial advisors have reviewed the City's bond portfolio and believe that there is a refunding opportunity associated with the Series 2009A and 2009B-Build America Bonds. This refunding is estimated to result in approximately \$1.4 million in net savings over the life of the bonds. Savings would be allocated between the General Fund and Water Resources as appropriate.

This refunding is in alignment with the City's "Refinancing Debt Policy" which states "a refunding transaction to achieve debt service savings should only be undertaken when the net present value of the savings, net of issuance costs, will be at least 3% of the principal amount of the refunded bonds". The City's financial advisors estimate that the net present value of the savings will be in compliance with this policy.

The following is a summary of the proposed cost of issuance:

Issuance Cost Components:	FY 2018 Estimates
Bond Counsel	\$35,000
Bond Ratings	80,000
Financial Advisor	160,000 ⁽¹⁾
Official Statement Preparation and Printing	3,000
Escrow Agent	10,000
Verification	5,000
Copying, Postage, Overnight Mailing, Etc	6,000
Miscellaneous	26,000
Total	\$325,000

- (1) Note: Includes \$39,000 Bidding Agent fee due to the United States Treasury closing the State and Local Government Securities (SLGS) window. Fee amount per IRS regulations.

PRIOR ACTION(S): Issuance of Series 2009A and 2009B-Build America Bonds in August 2009.

FISCAL IMPACT: Refunding bonds are long-term debt; this financing includes funding the issuance costs with the Series 2017 Refunding Bond proceeds. Anticipated savings are estimated to be approximately \$1.4 million over the life of the loan. Actual debt service savings will be determined as of the sale date of the refunding bonds, which is planned for September 2017.

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

ATTACHMENT(S): Refunding Bond Resolution and Related Documents
Appropriation Resolution for Issuance Costs

REVIEWED BY: bms

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED THIRTY-THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$33,500,000) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS OF THE CITY OF LYNCHBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO REFUND AND PREPAY CERTAIN OUTSTANDING GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS OF SUCH CITY; AUTHORIZING THE SALE OF SUCH BONDS; FIXING THE FORM, DENOMINATION AND CERTAIN OTHER DETAILS OF SUCH BONDS; AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH BONDS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, AS FOLLOWS:

SECTION 1. The Council of the City of Lynchburg, Virginia (the "City"), hereby finds and determines as follows:

(a) Pursuant to Chapter 26 of Title 15.2 of the Code of Virginia, 1950, the same being the Public Finance Act of 1991 (the "Public Finance Act of 1991"), and a resolution duly adopted by the Council (the "Council" or this "Council") of the City, the City has heretofore issued its outstanding General Obligation Public Improvement Bonds, Series 2009A (the "Series 2009A Bonds") and its General Obligation Public Improvement Bonds, Series 2009B (Taxable-Build America Bonds) (the "Series 2009B Bonds"), each dated August 19, 2009.

(b) The City has been advised by the City's Financial Advisor that the refunding of (i) all or a portion of the Series 2009B Bonds, including a crossover refunding of such Series 2009B Bonds as permitted by, and within the meaning of, the Internal Revenue Code of 1986, as amended (the "Code"), and (ii) if applicable, certain maturities of the Series 2009A Bonds and certain maturities of certain other currently outstanding issues of general obligation public improvement bonds of the City would result in annual debt service cost savings to the City.

(c) The Council desires to authorize the issuance and sale of General Obligation Public Improvement Refunding Bonds of the City (hereinafter, the "Bonds") to (i) provide funds to refund all or a portion of the outstanding principal amount of the Series 2009B Bonds, pursuant to a crossover refunding structure as permitted by the Code or such other refunding structure as may be determined by the Director of Financial Services of the City in consultation with the City's Financial Advisor, and, if applicable, to refund and defease certain maturities of the Series 2009A Bonds and such other outstanding general obligation public improvement bonds, the refunding of which shall be recommended by the City's Financial Advisor through the issuance of General Obligation Public Improvement Bonds (such obligations to be refunded and or prepaid being referred to hereinafter as the "Refunded Obligations"), and (ii) provide funds to pay the interest coming due on the Bonds to the August 1, 2019 first optional redemption date of the Series 2009B Bonds (hereinafter the "Crossover Date").

(d) Pursuant to the Public Finance Act of 1991, the City is authorized to issue refunding bonds to refund or prepay the Refunded Obligations.

(e) In the judgment of this Council, it is necessary and expedient to authorize the issuance and sale of not to exceed Thirty-Three Million Five Hundred Thousand Dollars (\$33,500,000) aggregate principal amount General Obligation Public Improvement Refunding Bonds of the City for the purpose of providing funds (i) to refund the Refunded Obligations, including a crossover refunding of the Series 2009B Bonds, (ii) to pay interest coming due on the Bonds to the Crossover Date, and (iii) to pay certain costs related to the issuance of the Bonds.

SECTION 2. (a) Pursuant to the Public Finance Act of 1991, there are authorized to be issued not to exceed Thirty-Three Million Five Hundred Thousand Dollars (\$33,500,000) aggregate principal amount of General Obligation Public Improvement Refunding Bonds of the City for the purpose of providing funds (i) to refund the Refunded Obligations, including a crossover refunding of the Series 2009B Bonds, (ii) to pay interest coming due on the Bonds to the Crossover Date, and (iii) to pay certain costs related to the issuance of the Bonds.

(b) The Bonds shall be issued and sold in their entirety at one time in one or more series, or from time to time in part in series, as shall be determined by the Director of Financial Services. The Bonds may be sold at the same time as other general obligation bonds are sold by the City. The Bonds shall be issued in fully registered form and shall be in the denomination of \$5,000 or any integral multiple thereof. The Bonds of each series shall be numbered from R-1 upwards in order of issuance and shall have such other series designation as shall be determined by the Director of Financial Services; shall mature annually, commencing in such year and on such date in each year and in such amount in each year as shall be determined by the Director of Financial Services; and shall bear interest at such rate or rates per annum as shall be determined by the City Manager pursuant to the provisions of Section 9 hereof, such interest being payable on the day which is not more than one (1) year from the date of the Bonds of such series and semiannually thereafter and, unless otherwise provided in the proceedings authorizing the issuance of the Bonds of any such series, such interest shall be computed on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months. The Director of Financial Services is authorized to determine, in accordance with and subject to the provisions of this Resolution: the date or dates of the Bonds; the interest payment dates thereof; the maturity dates thereof (*provided* that the final maturity of the Bonds of any series shall be not later than forty (40) years from the date the first Bonds of such series are issued under this Resolution); the amount of principal maturing on each maturity date; the place or places of payment thereof and the paying agent or paying agents therefor; the place or places of registration, exchange or transfer thereof and the registrar therefor; and whether or not the Bonds shall be subject to redemption prior to their stated maturity or maturities and if subject to such redemption, the premiums, if any, payable upon such redemption and the respective periods in which such premiums are payable.

(c) In the event the Bonds of any series shall be registered in any name other than in the name of DTC's nominee, or dated as of a date other than the first day of a calendar month or the dates on which interest is payable on such series are other than the first days of calendar months, the provisions of Section 2 hereof, Section 3 hereof with regard to the

authentication of such Bonds and of Section 10 with regard to the forms of such Bonds shall be modified as the Director of Financial Services shall determine to be necessary or appropriate.

(d) (i) If the Bonds of a given series are subject to redemption and if any Bonds of such series (or portions thereof in installments of \$5,000 or any integral multiple thereof) are to be redeemed, notice of such redemption specifying the date, numbers and maturity or maturities of the Bond or Bonds to be redeemed, the date and place or places fixed for their redemption, and if less than the entire principal amount of a Bond called for redemption is to be redeemed, that such Bond must be surrendered in exchange for payment of the principal amount thereof to be redeemed and the issuance of a new Bond or Bonds equalling in principal amount that portion of the principal amount of such Bond not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the registered owner of each such Bond at the address of such registered owner as it appears on the books of registry kept by Director of Financial Services of the City, who is hereby appointed as the Registrar and Paying Agent for the Bonds (the "Registrar and Paying Agent" or the "Registrar" or the "Paying Agent"), as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If any Bonds shall have been called for redemption and notice thereof shall have been given as hereinabove set forth, and payment of the principal amount of such Bonds (or of the principal amount thereof to be redeemed) and of the accrued interest payable upon such redemption shall have been duly made or provided for, interest on such Bonds shall cease to accrue from and after the date so specified for their redemption.

(ii) Any notice of the optional redemption of the Bonds may state that it is conditioned upon there being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, on the date fixed for the redemption thereof an amount of money sufficient to pay the redemption price of such Bonds, together with the interest accrued thereon to the date fixed for the redemption thereof, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of such Bonds, together with the interest accrued thereon, is due and payable if any such condition so specified is not satisfied. If a redemption of any Bonds does not occur after a conditional notice is given due to there not being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, a sufficient amount of money to pay the redemption price of such Bonds, together with the interest accrued thereon to the date fixed for the redemption thereof, the corresponding notice of redemption shall be deemed to be revoked.

(iii) So long as the Bonds are in book-entry only form, any notice of redemption shall be given only to The Depository Trust Company, New York, New York ("DTC"), or to its nominee, Cede & Co., or to such other nominee of DTC as may be requested by an authorized representative of DTC, and any notice of redemption otherwise required by this resolution to be given by first class mail, postage prepaid, may be given electronically in lieu of being given by first class mail, postage prepaid, if and to the extent delivery of notices of redemption electronically is acceptable to DTC. The City shall not be responsible for providing any beneficial owner of the Bonds any notice of redemption.

(e) (i) The Bonds of each series shall be issued only in book-entry only form. One Bond representing each maturity of the Bonds of each series will be issued to and registered

in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, as registered owner of the Bonds, and each such Bond shall be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased.

(ii) Principal and interest payments on the Bonds will be made by the Registrar and Paying Agent for the Bonds to DTC or its nominee, Cede & Co., or to such other nominee of DTC as may be requested by an authorized representative of DTC, as registered owner of the Bonds, which will in turn remit such payments to the DTC participants for subsequent disbursement to the beneficial owners of the Bonds. Transfers of principal and interest payments to DTC participants will be the responsibility of DTC. Transfers of such payments to beneficial owners of the Bonds by DTC participants will be the responsibility of such participants and other nominees of such beneficial owners. Transfers of ownership interests in the Bonds will be accomplished by book entries made by DTC and, in turn, by the DTC participants who act on behalf of the indirect participants of DTC and the beneficial owners of the Bonds.

(iii) The City will not be responsible or liable for sending transaction statements or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants or for transmitting payments to, communicating with, notifying or otherwise dealing with any beneficial owner of the Bonds. So long as the Bonds are in book-entry only form, the Director of Financial Services will serve as Registrar and Paying Agent for the Bonds. The City reserves the right to designate a successor Registrar and Paying Agent for the Bonds if the Bonds at any time cease to be in book-entry only form.

SECTION 3. (a) The Bonds shall be executed, for and on behalf of the City, by the manual or facsimile signature of the Mayor of the City and shall have an impression of the corporate seal of the City or a facsimile thereof embossed or imprinted thereon, attested by the manual or facsimile signature of the Clerk of Council of the City.

(b) The Director of Financial Services shall direct the Registrar and Paying Agent for the Bonds of a given series to authenticate such Bonds and no such Bond shall be valid or obligatory for any purpose unless and until the certificate of authentication endorsed on each Bond shall have been manually executed by an authorized signator of the Registrar and Paying Agent. Upon the authentication of any Bonds, the Registrar and Paying Agent shall insert in the certificate of authentication the date as of which such Bonds are authenticated as follows: (i) if the Bond is authenticated prior to the first interest payment date, the certificate shall be dated as of the date of the initial issuance and delivery of the Bonds of the issue of which such Bond is one, (ii) if the Bond is authenticated upon an interest payment date, the certificate shall be dated as of such interest payment date, (iii) if the Bond is authenticated after the fifteenth (15th) day of the calendar month next preceding an interest payment date and prior to such following interest payment date, the certificate shall be dated as of such following interest payment date, and (iv) in

all other instances the certificate shall be dated as of the actual date upon which the Bond is authenticated by the Registrar and Paying Agent.

(c) The execution of the Bonds in the manner above set forth is adopted as a due and sufficient authentication of the Bonds.

SECTION 4. (a) The principal of and interest on the Bonds shall be payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

(b) Principal of the Bonds of a given series shall be payable upon presentation and surrender thereof at the office of the Registrar and Paying Agent.

(c) Interest on the Bonds shall be payable by check mailed by the Registrar and Paying Agent to the registered owners of such Bonds at their respective addresses as such addresses appear on the books of registry kept pursuant to the provisions of this Section 4; provided, however, that so long as the Bonds are in book-entry form and registered in the name of Cede & Co., as nominee of DTC, or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on the Bonds shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

(d) At all times during which any Bond of any series remains outstanding and unpaid, the Registrar and Paying Agent shall keep or cause to be kept, at its office, books of registry for the registration, exchange and transfer of Bonds of such series. Upon presentation of a Bond or Bonds at the office of the Registrar and Paying Agent, the Registrar and Paying Agent, under such reasonable regulations as the Registrar and Paying Agent may prescribe, shall register, exchange or transfer, or cause to be registered, exchanged or transferred, such Bond or Bonds on the books of registry as hereinbefore set forth.

(e) The books of registry shall at all times be open for inspection by the City or any duly authorized officer thereof.

(f) Any Bond may be exchanged at the office of the Registrar and Paying Agent for a like aggregate principal amount of such Bonds in other authorized principal sums and of the same series, interest rate and maturity.

(g) Any Bond of any series may, in accordance with its terms, be transferred upon the books of registry by the registered owner in whose name it is registered, in person or by the duly authorized agent of such registered owner, upon surrender of such Bond to the Registrar and Paying Agent for cancellation, accompanied by a written instrument of transfer duly executed by the registered owner or the duly authorized agent of such registered owner, in form satisfactory to the Registrar and Paying Agent.

(h) All transfers or exchanges pursuant to this Section 4 shall be made without expense to the registered owner of such Bond or Bonds, except as otherwise herein provided, and except that the Registrar and Paying Agent shall require the payment by the registered owner of

such Bond or Bonds requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange. All Bonds surrendered for transfer or exchange pursuant to this Section 4 shall be cancelled.

SECTION 5. The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due. In each year while the Bonds, or any of them, are outstanding and unpaid, the Council shall be authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on the Bonds to the extent other funds of the City are not lawfully available and appropriated for such purpose.

SECTION 6. CUSIP identification numbers may be printed on the Bonds, but no such number shall constitute a part of the contract evidenced by the particular Bond upon which it is printed and no liability shall attach to the City or any officer or agent thereof (including any paying agent for the Bonds) by reason of such numbers or any use made thereof (including any use thereof made by the City, any such officer or any such agent) or by reason of any inaccuracy, error or omission with respect thereto or in such use. All expenses in relation to the printing of such numbers on the Bonds shall be paid by the City; *provided, however*, that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and shall be paid for by the purchasers of the Bonds.

SECTION 7. To the extent it shall be contemplated at the time of their issuance that the interest on any Bonds issued hereunder shall be excludable from gross income for purposes of federal income taxation, the City covenants and agrees that it shall comply with the provisions of Sections 103 and 141-150 of the Internal Revenue Code of 1986 (the "1986 Code") and the applicable Treasury Regulations promulgated under such Sections 103 and 141-150 so long as any such Bonds are outstanding.

SECTION 8. (a) The Bonds shall be sold in one or more series in accordance with the provisions of Section 2 at competitive or negotiated sale at not less than ninety-eight percent (98%) of the principal amount thereof (less any original issue discount) and on such other terms and conditions as are provided in the Official Notice of Sale thereof or in the Purchase Contract or Bond Purchase Agreement relating thereto.

(b) If the Bonds are sold at competitive sale, they may be sold contemporaneously with other bonds of the City under a combined Official Notice of Sale. If the Bonds are sold at competitive sale, the Director of Financial Services is hereby authorized to cause to be prepared and distributed (via electronic dissemination or otherwise) an Official Notice of Sale of the Bonds in such form and containing such terms and conditions as the may deem advisable, subject to the provisions hereof.

(c) Upon the determination by the Director of Financial Services to sell the Bonds at competitive or negotiated sale, the City Manager is hereby authorized, without further

notice to or action by the Council, to determine the rates of interest the Bonds shall bear; *provided that*:

(i) in no event shall the true interest cost for the Bonds exceed five percent (5%);

(ii) in no event shall the premium payable by the City upon the redemption of the Bonds exceed two percent (2%) of the principal amount thereof; and

(iii) the Bonds of any series issued to refund the Refunded Obligations may be issued and sold only if the refunding of the Refunded Obligations refunded thereby will result in net present value savings of not less than three percent (3%) to the City, calculated by using the amount of such net present value savings as the numerator and the Refunded Obligations refunded thereby which are subject to optional redemption as the denominator.

(d) If the Bonds are sold at negotiated sale, the City Manager is hereby authorized to, without further notice to or action by the Council, to select the underwriters for the Bonds (the "Underwriters") and to execute and deliver to the Underwriters a Purchase Contract or Bond Purchase Agreement relating to the Bonds.

(e) The Director of Financial Services is hereby authorized to cause to be prepared and distributed (via electronic dissemination or otherwise) a Preliminary Official Statement and a final Official Statement relating to the Bonds. Either or both of the City Manager and the Director of Financial Services is hereby further authorized to certify that the Preliminary Official Statement for the Bonds of each series authorized hereunder is "deemed final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 ("Rule 15c2-12"). The Mayor is hereby authorized to execute and deliver the final Official Statement for the Bonds of each series authorized hereunder, and the City Manager, the Director of Financial Services and the City Attorney are hereby authorized to execute and deliver to the purchasers of the Bonds of each series certificates in the forms provided for in the Official Statement for the Bonds of such series.

SECTION 9. The City Manager is hereby authorized to execute and deliver to the purchasers of the Bonds of each series authorized hereunder a Continuing Disclosure Certificate or a Continuing Disclosure Agreement evidencing the City's undertaking to comply with the continuing disclosure requirements of Paragraph (b)(5) of such Rule 15c2-12 to the extent applicable to the Bonds, such Continuing Disclosure Certificate or Continuing Disclosure Agreement to be in such form as shall be approved by the City Manager upon the advice of counsel (including the City Attorney or Bond Counsel to the City), such approval to be conclusively evidenced by the execution of such Continuing Disclosure Certificate or Continuing Disclosure Agreement by the City Manager.

SECTION 10. The Bonds, the certificate of authentication of the Registrar and Paying Agent and the assignment endorsed on the Bonds, shall be in substantially the forms set forth in Exhibit A together with such changes in format as may be appropriate to conform with customs and practices applicable to comparable securities.

SECTION 11. (a) Subject to the issuance, sale and delivery of the Bonds pursuant to this Resolution for the purpose of refunding the Refunded Obligations and paying certain costs related to the issuance of such Bonds, this Council hereby designates for redemption or prepayment on the Crossover Date or such other dates as shall be determined by the City Manager or the Deputy City Manager, the Refunded Obligations selected for refunding or prepayment by the City Manager or the Deputy City Manager. The City Manager or the Deputy City Manager is hereby authorized and directed to appoint a bank or trust company to serve, or the City may itself serve, as Escrow Agent, if necessary, and to deliver to such Escrow Agent or applicable City officials written instructions, to give notices, or to cause such notices to be given, in the name and on behalf of the City, to the holders of the Refunded Obligations of the redemption or prepayment of such Refunded Obligations on the date fixed for the redemption or prepayment thereof, such notices to be given in the manner and at the time or times provided in proceedings authorizing the issuance of the Refunded Obligations and as set forth in the Escrow Agreement. The City Manager or the Deputy City Manager is hereby further authorized and directed to appoint a verification agent, if necessary, in connection with effecting the redemption or prepayment of the Refunded Obligations. The City Manager and the Deputy City Manager are hereby authorized to take all such actions as they shall deem to be necessary or desirable to effect the redemption or prepayment of the Refunded Obligations and to provide for the payment of interest on the Bonds to the Crossover Date.

(b) The City Manager or the Deputy City Manager is hereby authorized and directed to execute and deliver an Escrow Deposit Agreement by and between the City and the Escrow Agent in such form as shall be approved by the City Manager or the Deputy City Manager upon the advice of counsel (including the City Attorney or Bond Counsel), such approval to be conclusively evidenced by the execution of the Escrow Deposit Agreement by the City Manager or the Deputy City Manager.

(c) The City Manager and the Deputy City Manager, or either of them, are hereby authorized to execute, on behalf of the City, subscriptions for United States Treasury Obligations - State and Local Government Series, if any, to be purchased by the Escrow Agent from moneys deposited in the Escrow Deposit Fund created and established under any Escrow Deposit Agreement or to provide for the purchase by the Escrow Agent from monies on deposit in the Escrow Deposit Fund, of open market obligations of, or guaranteed by, the United States, or any other investments permitted by the Public Finance Act of 1991 (hereinafter referred to as the "Escrow Securities"). Such Escrow Securities so purchased shall be held by the Escrow Agent under and in accordance with the provisions of the related Escrow Deposit Agreement to be applied to the redemption of the Refunded Obligations and, if applicable, to pay interest on the Bonds to the Crossover Date. The City Manager and Deputy City Manager, or either of them, are hereby authorized to enter into such purchase agreements, including forward supply agreements, if any, as shall be required in connection with the purchase by the Escrow Agent, from moneys deposited in the Escrow Deposit Fund created and established under any Escrow Deposit Agreement, of the Escrow Securities.

SECTION 12. All actions and proceedings heretofore taken by this Council, the City Manager, the Deputy City Manager, the Director of Financial Services and the other

officers, employees, agents and attorneys of the City in connection with the authorization, issuance and sale of the Bonds are hereby ratified, confirmed and approved.

SECTION 13. The City Attorney of the City is directed to file a copy of this Resolution, certified by the Clerk of Council of the City to be a true and correct copy hereof, with the Circuit Court of the City in accordance with Section 15.2-2607 of the Code of Virginia, 1950.

SECTION 14. All ordinances, resolutions and other proceedings in conflict herewith are, to the extent of such conflict, repealed.

SECTION 15. This Resolution shall take effect upon its adoption.

Adopted:

Certified:

Clerk of Council

EXHIBIT A

**UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF LYNCHBURG
GENERAL OBLIGATION PUBLIC IMPROVEMENT
REFUNDING BOND, SERIES [2017]**

REGISTERED

REGISTERED

NO. [R-2017__]

\$_____

**INTEREST
RATE:**

**MATURITY
DATE:**

DATE OF BOND:

CUSIP NO.:

REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM:

DOLLARS

The City of Lynchburg, a municipal corporation of the Commonwealth of Virginia (the "City"), for value received, acknowledges itself indebted and hereby promises to pay to the Registered Owner (named above), or registered assigns, on the Maturity Date (specified above), unless this Bond shall have been duly called for previous redemption and payment of the redemption price duly made or provided for, the Principal Sum (specified above) and to pay interest on such Principal Sum until the payment of such Principal Sum in full, at the Interest Rate (specified above) per annum, on _____, ____ and semiannually on each _____ and _____ thereafter (each such date is hereinafter referred to as an "interest payment date"), from the date hereof or from the interest payment date next preceding the date of authentication hereof to which interest shall have been paid, unless such date of authentication is an interest payment date if interest shall have been paid to that date, in which case from such interest payment date, or unless such date of authentication is within the period from the sixteenth (16th) day to the last day of the calendar month next preceding the following interest payment date, in which case from such following interest payment date. *[To be substituted if the interest payment date is the 15th day of the month: or unless such date of authentication is within the period from the first (1st) day to the fourteenth (14th) day of the calendar month in which the following interest payment date shall occur, in which event from such following interest payment date].* Such interest shall be computed on the basis of a three hundred and sixty (360) day year comprised of twelve (12) thirty (30) day months. Such interest is payable on each interest payment date by check mailed by the Registrar and Paying Agent hereinafter mentioned to the Registered Owner hereof at his address as it appears on such books of registry kept by the Registrar and Paying Agent, as of the close of business on the fifteenth

(15th) day (whether or not a business day) of the calendar month next preceding each interest payment date *[To be substituted if the interest payment date is the 15th day of the month: Such interest is payable on each interest payment date by check mailed by the Registrar and Paying Agent hereinafter mentioned to the Registered Owner hereof at his address as it appears on the books of registry kept by the Registrar, as of the close of business on the last day (whether or not a business day) of the calendar month next preceding each interest payment date]; provided, however,* that so long as this Bond is in book-entry only form and registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), or in the name of such other nominee of DTC as may be requested by an authorized representative of DTC, interest on this Bond shall be paid directly to Cede & Co. or such other nominee of DTC by wire transfer.

The principal of this Bond is payable on presentation and surrender hereof at the office of the **Director of Financial Services of the City**, as Registrar and Paying Agent, in the City of Lynchburg, Virginia. The principal of and interest on this Bond are payable in such coin or currency of the United States of America as at the respective dates of payment thereof is legal tender for public and private debts.

This Bond is one of an issue of Bonds aggregating _____ Dollars (\$_____) in principal amount issued for the purpose of providing funds to refund certain outstanding general obligation bonds of the City, under and pursuant to and in full compliance with the Constitution and statutes of the Commonwealth of Virginia, including Chapter 15.2 of the Code of Virginia, 1950 (the same being the Public Finance Act of 1991) and resolutions and other proceedings of the Council of the City duly adopted and taken under the Public Finance Act of 1991.

The Bonds of the issue of which this Bond is one (or portions of the principal amount thereof in installments of \$5,000 or any integral multiple thereof) maturing on and after _____, _____ are subject to redemption at the option of the City prior to their stated maturities, on or after _____, _____, in whole or in part on any date, in such order as may be determined by the City (except that if at any time less than all of the Bonds of a given maturity are called for redemption, the particular Bonds of such maturity or portions thereof in installments of \$5,000 to be redeemed shall be selected by lot), upon payment of a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, together with the interest accrued thereon to the date fixed for the redemption thereof.

If this Bond is redeemable and this Bond (or any portion of the principal amount hereof) shall be called for redemption, notice of the redemption hereof, specifying the date, number and maturity of this Bond, the date and place or places fixed for its redemption, and if less than the entire principal amount of this Bond is to be redeemed, that this Bond must be surrendered in exchange for the principal amount hereof to be redeemed and a new Bond or Bonds issued equalling in principal amount that portion of the principal amount hereof not to be redeemed, shall be mailed not less than thirty (30) days prior to the date fixed for redemption, by first class mail, postage prepaid, to the Registered Owner hereof at his address as it appears on the books of registry kept by the Registrar and Paying Agent as of the close of business on the forty-fifth (45th) day next preceding the date fixed for redemption. If notice of the redemption of this Bond shall have been given as aforesaid, and payment of the principal amount of this Bond (or of the portion of the principal amount hereof to be redeemed) and of the accrued

interest payable upon such redemption shall have been duly made or provided for, interest hereon shall cease to accrue from and after the date so specified for the redemption hereof.

Any notice of the optional redemption of this Bond may state that it is conditioned upon there being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, on the date fixed for the redemption hereof an amount of money sufficient to pay the redemption price of this Bond, together with the interest accrued thereon to the date fixed for the redemption hereof, and any conditional notice so given may be rescinded at any time before the payment of the redemption price of this Bond, together with the interest accrued thereon, is due and payable if any such condition so specified is not satisfied. If a redemption of this Bond does not occur after a conditional notice is given due to there not being on deposit with the City, or with the Registrar and Paying Agent for the Bonds or other agent designated by the City, a sufficient amount of money to pay the redemption price of this Bond, together with the interest accrued thereon to the date fixed for the redemption hereof, the corresponding notice of redemption shall be deemed to be revoked.

So long as the Bonds of the series of which this Bond is one are in book-entry only form, any notice of redemption of this Bond shall be given only to Cede & Co., as nominee of The Depository Trust Company ("DTC"), and any notice of redemption otherwise required by the resolution pursuant to which this Bond and the Bonds of the series of which this Bond are issued to be given by first class mail, postage prepaid, may be given electronically in lieu of being given by first class mail, postage prepaid, if and to the extent delivery of notices of redemption electronically is acceptable to DTC.

Subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, this Bond may be exchanged at the office of the Registrar and Paying Agent for a like aggregate principal amount of Bonds of other authorized principal amounts and of the same issue, interest rate and maturity. This Bond is transferable by the Registered Owner hereof, in person or by his attorney duly authorized in writing, on the books of registry kept by the Registrar and Paying Agent for such purpose at the office of the Registrar and Paying Agent, but only in the manner, subject to the limitations and upon payment of the charges, if any, provided in the proceedings authorizing the Bonds of the issue of which this Bond is one, and upon the surrender hereof for cancellation. Upon such transfer a new Bond or Bonds of authorized denominations and of the same aggregate principal amount, issue, interest rate and maturity as the Bond surrendered will be issued to the transferee in exchange herefor.

The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on this Bond as the same become due. In each year while this Bond is outstanding and unpaid, the Council of the City is authorized and required to levy and collect annually, at the same time and in the same manner as other taxes of the City are assessed, levied and collected, a tax upon all taxable property within the City, over and above all other taxes, authorized or limited by law and without limitation as to rate or amount, sufficient to pay when due the principal of and interest on this Bond to the extent other funds of the City are not lawfully available and appropriated for such purpose.

This Bond shall not be valid or obligatory unless the certificate of authentication hereon shall have been manually signed by or on behalf of the Registrar and Paying Agent.

It is certified, recited and declared that all acts, conditions and things required to exist, happen or be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in due time, form and manner as required by law, and that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limitation of indebtedness prescribed by the Constitution or statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signature of its Mayor; a facsimile of the corporate seal of the City to be imprinted hereon, attested by the manual or facsimile signature of the Clerk of Council of the City, and this Bond to be dated the date first above written.

CITY OF LYNCHBURG, VIRGINIA

[SEAL]

Mayor

Attest:

Clerk of Council

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds delivered pursuant to the within-mentioned proceedings.

By: _____
Director of Financial Services,
as Registrar and Paying Agent

Date of Authentication: _____

104K

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sell(s), assign(s) and transfer(s) unto _____

(Please print or typewrite name and address, including zip code, of Assignee)

PLEASE INSERT SOCIAL SECURITY OR
OTHER TAX IDENTIFYING NUMBER OF ASSIGNEE

the within-mentioned Bond and hereby irrevocably constitutes and appoints _____, agent, to transfer the same on the books of registry in the office of registrar with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a member firm of The New York Stock Exchange Inc. or a commercial bank or trust company.

(Signature of Registered Owner)
NOTICE: The signature to this assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever.

RESOLUTION

BE IT FURTHER RESOLVED THAT the FY 2018 General, Water, and Sewer Funds' Operating Budgets are amended; and \$169,000, \$130,000, and \$26,000 are appropriated respectively with resources of \$325,000 from refunding bond proceeds to fund issuance costs related to the General Obligation Public Improvement Refunding Bonds, Series 2017. City Administration is authorized to realign appropriations for issuance costs among the Funds as necessary due to this refunding. City Administration also is authorized to record appropriations associated with the underwriter's discounts and expenses as determined with the bond sale and funded with bond proceeds.

Introduced:

Adopted:

Certified:

Clerk of Council

103K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **August 8, 2017**

AGENDA ITEM #: **13**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Readoption of Council's Rules of Procedure

KEY ELEMENTS:

___Economic Development **X**Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Adoption of a resolution readopting City Council's Rules of Procedure which contain Council's schedule of regular meetings and work sessions for the upcoming year.

SUMMARY: The state code that provides that each year the local governing body shall prescribe by resolution the schedule of meetings for the upcoming year. City Council's schedule of meetings is set forth in City Council's Rules of Procedure, and the Rules of Procedure should be readopted to confirm Council's schedule of regular meetings and work sessions for the upcoming year.

PRIOR ACTION(S): City Council readopted its Rules of Procedure on July 12, 2016, to confirm Council's schedule of regular meetings and work sessions for 2016-2017.

FISCAL IMPACT: None

CONTACT(S): Walter Erwin, City Attorney 455-3973 and Bonnie Svrcek, City Manager 455-3990

ATTACHMENT(S): A resolution readopting City Council's Rules of Procedure.
Rules of Procedure

REVIEWED BY: bms

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Lynchburg City Council does hereby readopt Council's Rules of Procedure to confirm its schedule of regular meetings and work sessions for the upcoming year.

This resolution shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

106K

LYNCHBURG CITY COUNCIL RULES OF PROCEDURE

(Adopted September 23, 2008;
Amended August 11, 2009, July 9, 2010, July 3, 2012, May 14, 2013 and July 12, 2016)

Introduction

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council. Their purpose is to help City Council conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before City Council. Further, City Council reserves the right to suspend or amend the rules of procedure whenever a majority of Council decides to do so. When City Council's rules of procedure do not address a procedural issue, Council may consider the most recent edition of *Robert's Rules of Order* for guidance. The failure of City Council to strictly comply with the rules of procedure shall not invalidate any action of City Council.

SECTION 1 - PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of Rules of Procedure

- A. To enable the Lynchburg City Council to transact business fully, expeditiously and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Council member;
- C. To preserve a spirit of cooperation among Council members; and
- D. To determine the will of City Council on any matter.

Section 1-2. Basic Principles Underlying Rules of Procedure

- A. The business of the City Council should proceed in the most efficient manner possible;
- B. City Council's rules of procedure must be followed consistently;
- C. City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;

- D. Only one subject may claim the attention of City Council at one time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every member has equal rights to participate and vote on all issues;
- G. Every member must have equal opportunity to participate in decision making;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- I. The Council must act as a body.

SECTION 2 -- MEETINGS

Section 2-1. When and Where Regular Meetings are Held

The time and place of regular meetings of the Lynchburg City Council (hereinafter referred to as the Council) shall be established at each organizational meeting. Meetings shall be held in the City Council Chamber, on the first floor in City Hall, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m.; except, there will be no regular meeting on the fourth Tuesdays during the months of July, August, and December.

The Council may hold additional meetings at other locations and times, or may change the locations and times of regularly scheduled meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings shall be provided to the public and the press as required by State Code. Additional meetings shall be referred to as “additional scheduled meetings” and shall be approved by Council during a regularly scheduled meeting.

Section 2-1.1. Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor, is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the Council members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 2-2. Special Meetings

A. The Council may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Section 15.2-1417 of the Code of Virginia (1950), as amended, Section 9 of the City Charter and Section 2-19 of the City Code.

B. Special meetings may be called by the Mayor, the City Manager, or any two (2) members of the Council in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the members of the Council of the time and place designated and the purpose of the meeting. Written notice of the special meeting shall be delivered to each member of the Council by leaving a copy thereof at his or her place of abode or place of business at least twelve hours before the time scheduled for the special meeting. Only matters specified in the notice of the special meeting shall be considered unless (1) all of the members of the Council are present and (2) the Council determines in good faith at the meeting that it is essential to discuss or act on such additional item(s) immediately.

C. Notice to the public of any special meeting shall be given contemporaneously with the notice provided the members of the Council, the City Attorney, and the City Manager.

Section 2-3. Legal Holiday

When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is canceled by a majority vote of the Council.

Section 2-4. Adjourned or Recessed Meetings

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings and after the recess business is resumed where it left off.

B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, additional scheduled or special meeting.

Section 2-5. Cancellation or Rescheduling of Meetings

A regularly scheduled meeting may be cancelled or rescheduled, in special circumstances and for the convenience of Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change

and the remaining members of the Council shall be immediately notified of the change and the reason therefore. If any member of the Council objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no member of the Council objects, the public and the media shall be notified promptly of the change.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year in which a Council election is held shall be known as the organizational meeting. The Clerk of Council shall preside during the organizational meeting pending the election of the Mayor.

B. The Mayor shall be elected at the organizational meeting for a term of two years.

C. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

D. Following the election of the Vice Mayor, the Council shall:

1. Establish the dates, times and places for regular meetings; and
2. Adopt its Rules of Procedure.

Section 2-7. Procedure for Election of Mayor and Vice Mayor

A. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership.
2. Any Council member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. After all nominations have been made the presiding officer shall close the nominating process and open the floor for discussion.
4. After discussion the presiding officer shall call for the vote.
5. The membership shall vote by written ballot and the completed ballots shall immediately be passed to the Deputy Clerk who shall collect the ballots, read them aloud, publicly announce how each member of the Council voted and tally the respective votes.
6. Each member shall cast one vote for any one nominee.

7. In the case of three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.

8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining members of the Council shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Council. In the event that two or more Council members have equal seniority, the selection of seating for those members shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Council members present shall choose one of their members as temporary presiding officer.

Section 3-2. Clerk

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for Council meetings, shall attend all Council meetings, and shall keep an accurate record of the proceedings.

Section 3-3. Parliamentarian

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure and the Code of Virginia (1950), as amended, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Council members. If the City Attorney is unavailable, the City Manager shall serve as the Parliamentarian.

Section 3-4. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three powers listed above may be appealed to the Council upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two exceptions to this right of appeal. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members.

SECTION 4 – AGENDA

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the regularly scheduled meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Council member may request that items be placed on a meeting agenda by contacting the Clerk at least seven (7) days prior to the Council meeting for which they wish the item scheduled. The Clerk shall place requested items on the agenda for the next regular meeting following the request.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the following regular agenda for consideration.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Council. Members must use discretion in requesting the addition of items on the agenda. It is considered desirable to have items listed on the published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing on the item.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Wednesday preceding the Council meeting.

Section 4-3. Delivery of Agenda

The Council meeting package, including the agenda and related materials, shall be delivered to each member of the Council and the City Attorney the Thursday prior to the Tuesday Council meeting. Delivery by electronic means is the preferable method.

Section 4-4. Public Access to Agenda Materials

The Clerk of Council shall post the agenda documents for all Council meetings on the Internet for public information as promptly as possible. Copies of the agenda will also be available in the Main and Downtown branches of the Public Library and at the Front Information Desk in City Hall for public inspection. Furthermore, paper copies of agenda documents will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. At regular meetings of the Council on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. 4:00 p.m. Call to Order
2. Council Work Session
3. Roll Call
4. Recess
5. 7:30 p.m. Call to Order
6. Invocation & Pledge of Allegiance
7. Special Recognitions by the Mayor or Council (if any)
8. Consent Agenda
9. Public Hearings
10. Public Presentations (if requested)
11. General Business
12. Closed Meeting (if necessary)
13. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council.

Section 5-2. Consent Agenda

A. The consent agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.
2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The consent agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of consent agenda items to answer questions or clarify a matter. There shall be no lengthy debate or discussion of a consent agenda item.

D. Upon request of any Council member, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

Section 5-3. Citizen Participation

A. Every petition, communication or address to the Council shall be in respectful language and is encouraged to be in writing.

B. Public Presentations

1. Individuals or groups wishing to speak at a regular Council meeting shall submit a written request to the Clerk of Council by noon on the Wednesday prior to the regular meeting date.
2. Public presentations shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.

4. The presiding officer shall open the Public Presentations.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of 3 minutes.
7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.
8. Speakers are not permitted to donate time to other speakers.
9. There shall be no comment during Public Presentations on a matter for which a public hearing is scheduled during the same meeting.
10. There shall be no comment during Public Presentations on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.
12. Council members shall not discuss issues raised by the public except by consent of a majority of the Council members present.
13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of the Council present and voting.
14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Council members at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the members of the Council present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Council members present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit nine (9) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. Persons appearing before the Council will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures;
4. Use language which insults or demeans any person or which, when directed at a public official or employee is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane or frivolous statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
7. Engage in behavior that intimidates others;
8. Address the Council on issues that do not concern the services, policies or affairs of the city.

B. The presiding officer shall preserve order and decorum at Council meetings. He or she may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion a period not to exceed one year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Section 5-5. Public Hearings

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

B. The presiding officer shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.
2. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the City Manager. The presentation shall summarize the facts about the issue and the staff recommendation. Council members may seek clarification during the presentation.
3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.
4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.
5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.
6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Council members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

Section 5-6. General Business

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive unanimous vote upon introduction. After the

presiding officer has stated the item for consideration, staff may be asked to provide a brief summary.

Section 5-7. Items Not on the Agenda

With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

Section 5-8. Closed Meetings

A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.

B. No meeting shall become a Closed Meeting until the Council takes an affirmative record vote during the open meeting.

1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the Closed Meeting.

2. Members shall request the assistance of the City Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and;

2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue.

G. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

SECTION 6 – RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, a majority of the members of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. Quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia provide that a majority of the remaining members of the Council shall constitute a quorum.

Section 6-2. Priority in Speaking on the Council

When two or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments, Queries of Council Members

Council members are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. Council members may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Council members' questions. All legal questions should be addressed to the City Attorney.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all present, and the proposal will not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Council members present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

Section 6-5. Motions

A. Informal discussion of a subject is permitted while no motion is pending.

B. Any member, including the presiding officer, may make a motion.

C. Members are required to obtain the floor before making motions or speaking, which they can do while seated.

D. A member may make only one motion at a time.

E. Except for matters recommended by a Council committee, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6. Substantive Motions

A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.

B. A substantive motion is out of order while another substantive motion is pending.

Section 6-7. Procedural Motions

A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.

2. Motion To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending

4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of members present.

5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:

(a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.

(b) The motion to “postpone” delays debate on an item of business so that it may be considered at a later date. An item of business may be “postponed definitely,” when it is continued to a definite time or date or “postponed indefinitely” if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.

(c) Section 15.2-2286 of the State Code requires that a zoning petition must be “acted upon” within a “reasonable time,” not exceeding one year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.

6. Call the Question. The motion to call the question is not in order until every member of the Council has had an opportunity to speak once and the deliberation by the Council on an item of business has exceeded thirty (30) minutes. The motion is not amendable or debatable.

7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the new main motion will be considered and acted upon by Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions may be made. (Amended July 9, 2010)

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

10. Motion to Reconsider. The Council may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a member who voted with the prevailing side. In the event of a tie vote on the original motion any Council member may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. Motion to Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership (4) of the Council. If adopted, the restriction imposed by the motion remains in effect for six months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules

Section 6-8. Debate

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
4. A member of the Council may vote against his or her motion, but may not speak against his or her motion.
5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote.
6. Council members shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

Section 6-9. Duty to Vote

A. Each member of the Council who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of

Interests act or unless excused from voting by the other members of the Council. A member who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the member to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining for the record.

Section 6-10. Method of Voting

A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.

C. An “affirmative vote” by a majority of the Council present being necessary to adopt a motion, a tie vote means that the motion, resolution or issue has been rejected. When a motion fails on a tie vote, the “noes” prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

E. All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in Council chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any member may request a roll call vote. In any case, the presiding officer shall announce the results of the vote

Section 6-11. Decisions on Points of Order

Any Council member may raise a point of order without being recognized by the presiding officer. The presiding officer shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Council member may appeal the ruling of the presiding officer to the full Council which shall decide the matter by majority decision.

SECTION 7 -- BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES

Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees

A. Members of boards, authorities, commissions and committees shall be appointed by an affirmative vote of a majority of the members of the Council to serve specified terms as may be deemed to be appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two standing committees (Finance and Physical Development). Substitutes or alternates may participate on Council committees only if so authorized by the Mayor. Committee members will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time, for specific purposes, as determined by the Council.

Section 7-2. Standing Committees Roles and Guidelines

A. The roles of and the operating guidelines for the Finance and Physical Development committees shall be as adopted by a majority of the Council.

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Marketing at cost.

Section 8-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. Example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

The minutes of the Council meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record Council votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

Section 8-4. Amending the Rules of Procedure

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of four (4) members of the Council.

Section 8-5. Special Rules of Procedure

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

AMENDMENTS:

August 11, 2008: the time of Council meetings was changed to the present schedule.

July 9, 2010: amended Section 6-7, B (8) to stipulate that if a substitute motion passes it becomes the main motion for consideration and action and there may be no additional substitute motions.

July 3, 2012, amended as follows:

- Introduction; added a process to consider when the Rules of Procedure do not address a procedural issue.
- Section 2-1; adjustments reflecting the practice of no longer distinguishing separate “work session” meetings. The work session will be recognized as a part of Council’s regular meeting and that section will be separated from the rest of the meeting by a recess.
- Section 4-3 to 4-4; clarifying language reflecting that agendas are now prepared, delivered, and are available to the public electronically. Section 4-5 was deleted.
- Section 5-1; amended the order of business to reflect current practice.
- Section 5-3, B; added a restriction on speakers donating their time to other speakers.
- Section 6-8, A; added a restriction on electronic communication between Council members regarding an item under debate.
- Section 6-10. D; clarification that action on a zoning matter requires a majority vote of those present for resolution.
- Section 7-1, C; acknowledgement of the Mayor’s responsibility to appoint Council members to the Audit Committee.

May 14, 2013: amended Sections 5-3 and 5-5 to eliminate the requirement that a speaker provide his or her physical address and replace it with the requirement that the speaker identify his or her locality of residence when speaking in a public meeting.

July 12, 2016: amended Section 7-1(C) to eliminate provision providing for the appointment of Council members to serve on the Audit Committee.