LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010** AGENDA ITEM NO.: 1

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

ACTION: INFORMATION: **X**

ITEM TITLE: **Annual Report on the Activities of the Planning Commission for the Fiscal Year Ending June 30, 2010, including the implementation of the status of the *City of Lynchburg Comprehensive Plan 2002-2020*.**

RECOMMENDATION: Acceptance of the annual report.

SUMMARY: The attached annual report is intended to brief the City Council on the activities of the Planning Commission, as well as the status of implementing the City's *Comprehensive Plan 2002-2020*. This report is also intended to supplement the plan by suggesting priorities as City Departments determine Capital Improvement Project (CIP) requests for existing and planned projects. While approval of this Annual Report will encourage its use in the CIP and Budget development process, the report does not mandate new funds or projects.

PRIOR ACTION(S): June 23, 2010: Planning Commission recommended (6-0 with one abstention, Coleman) forwarding the annual report to the City Council for review.

FISCAL IMPACT: N/A

CONTACT(S): Laura Hamilton, Planning Commission Chair - 386-3089; Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):
- Annual Report
- Planning Commission Minutes

REVIEWED BY: lkp

088L

MINUTES FROM THE JUNE 23, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Annual Report on the Activities of the Planning Commission: There were a few questions about the report. Commissioner Swienton asked if the Citizens Steering Committee met during the past year. Mr. Martin said they reviewed the Transportation Plan in July 2009. Mr. Martin reminded them that the Committee only meets when they are directed to do so by the Planning Commission.

Commissioner Barnes asked if the Tyreeanna Gateway Plan has in it consideration of the Concord Turnpike as an entrance to the City. Mr. Martin said the plan involves a gateway into the City from the 29/Madison Heights bypass, as well as identification signs for the Tyreeanna/Pleasant Valley neighborhood. Mr. Martin said staff has been meeting to develop standards for neighborhood and city gateway signs and that something could come out of those meetings in terms of design standards.

Commissioner Barnes thought it should be clarified that the donations being sought for the roundabout feature on Fifth Street are to be used for the feature in the center and not for the roundabout itself (page nine).

A motion was made by Commissioner Sale and seconded by Commissioner Swienton to make the above correction and forward the report to City Council. Chair Hamilton will present the report at the first meeting in July. The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Hooper, Swienton and Sale	6
NOES:		0
ABSTENTIONS:	Coleman (has not taken oath of office at this time)	1
ABSENT:		0

Commissioner Hooper commented that he attended the Citizens Planning Education Association of Virginia training recently. Mr. Mike Chandler had mentioned that the worst thing Blacksburg ever decided to do was to rewrite their *Zoning Ordinance* without any consultants. It took them four years to do it. Chair Hamilton will mention this to City Council when she presents this report.

Annual Report on the Activities of the Planning Commission
Including Implementation of the
City ofLynchburg: Comprehensive Plan 2002 - 2020
For the Fiscal Year Ending June 30, 2010

Approved by the Lynchburg Planning Commission: June 23, 2010

Laura Hamilton, Chair
Andy Sale, Vice Chair
Richard Barnes
Ted Hannon
Kevin Hooper
Gerry Swienton

Report Summary

This is the seventh (7th) annual report submitted outlining the implementation of the *Comprehensive Plan 2002-2020*. The report is being submitted at the end of the City's fiscal year, June 30, 2010 and covers the fiscal year *2009/2010.*

In addition to a review of the Planning Commission's activities, included is a report on the implementation of the *Comprehensive Plan 2002-2020.* In agreement with the City Manager and the Deputy City Manager are items and programs approved as part of the *Comprehensive Plan* that may be considered for the FY 2010 Capital Improvements Program (CIP) by various departments.

The Planning Commission considered and fOlwarded to City Council thirty-three (33) petitions from July 1, 2009 through June 30, 2010.

Petitions considered and forwarded to the City Council:

- Conditional Use Permits - 17
- Rezoning Petitions - 6
- *Zoning Ordinance* Amendments - 1
- *Subdivision Ordinance* Amendments – 1
- *Erosion and Sediment Control Ordinance* Amendments - 1
- *Comprehensive Plan* Amendments - 1
- *Future Land Use Map* Amendments - 4
- Historic District Designations – 0
- Street Namings/Dedications - 2

Highlighted petitions:

- July 22, 2009 - Holly Hills Townhouses; 1700 Graves Mill Road
- September 9, 2009 - Pittman City Centre Educational Use; 2323 Memorial Avenue

- October 14, 2009 – Lynchburg College Doctor of Physical Therapy; 300 Monticello Avenue
- November 11, 2009 - Residential Apartments in a Downtown Office Building; 802 Court Street
- December 10,2008 - Jennings Dorm Apartments, 1300 Campbell Avenue
- January 13,2010 - Hydro Street Rezoning - 1-2 Light Industrial District to R-2 Low Medium Density Single-Family Residential District
- February 10,2010 – Rock Castle Park Phase 3; 101 Peggy Bowen Drive and 126 Nationwide Drive
- March 10,2010 – Lynchburg Midtown Lofts; 2734 Fort Avenue
- April 14, 2010 - Redeemer Presbyterian Church; 2021 and 2025 Mimosa Drive
- May 26,2010 - Old Forest Road Baptist Church Pavilion; 3630 Old Forest Road
- June 9,2009 - Lynchburg College Master Plan Amendment, 315 College Street and 431 Lakewood Street

Miscellaneous:

- The Planning Commission recommended revisions to Chapter 35.1-25 Off-Street Parking and Loading of the *Zoning Ordinance* to City Council for adoption.
- The Planning Commission recommended revisions to the *Comprehensive Plan 2002-2020* - Wards Road Pedestrian & Bicycle Study to City Council for adoption.
- The Planning Commission discussed the City of Lynchburg's Sustainable City Initiative.
- The Planning Commission reviewed their meeting Policies, Procedures and By-Laws.
- The Planning Commission recommended revisions to the *Comprehensive Plan 2002-2020* Amendment – Chapter 14 Transportation to City Council for adoption.
- The Planning Commission recommended revisions to Chapter 24.1 – Subdivisions to City Council for adoption.
- The Planning Commission reviewed discussed the Greater Lynchburg Transit Company's Transfer Center site selection process.
- The Planning Commission hosted a forum to discuss Institutional Zoning with stakeholders.

Table of Contents

I. Introduction

History & Adoption of the Comprehensive Plan

The City of Lynchburg *Comprehensive Plan 2002 - 2020* was adopted by the City Council on September 10, 2002. The final chapter ofthe plan outlined a five (5)-year implementation program made up ofthose tasks that the City needs to implement first in order to reach the vision ofthe City in the year 2020. This Annual Report gives a status report on the seventh (7th) year of the implementation program.

Five Year Review of the *Comprehensive Plan 2002-2020.*

At the January 8, 2008 City Council work session, Planning Commission Chair, Laura Hamilton presented the Five (5)-Year Review of the *Comprehensive Plan 2002-2020.* The five year review of the Comprehensive Plan was required by §15.2-2230 ofthe Code of Virginia and was completed by the Planning Commission on December 12, 2007. The following represents a status of the prioritized list of recommendations set forth in the five (5)-year review:

1. Reaffirm the vision of the Comprehensive Plan -- February 26,2008
2. Identify vacant land and land suitable for redevelopment -- Complete
3. Conduct analysis of vacant land to determine which areas are suitable for conservation or development. Developable tracts would be identified for traditional neighborhood developments, planned unit developments, commercial, industrial and typical residential developments -- Under Development by Staff
4. Develop Transportation Master Plan policies - Chapter 14: Transportation of the *Comprehensive Plan 2002-2020* adopted by City Council on June 8, 2010.
5. Revise Natural Systems chapter of the *Comprehensive Plan 2002-2020* - Chapter 12: Natural Systems of the *Comprehensive Plan 2002-2020* adopted by City Council on October 13,2009.
6. Revise the *Future Land Use Map* to coordinate with vacant land analysis - Following Completion of the Vacant Land Analysis
7. Complete Housing Plan - Following Completion of Other Priorities
8. Comprehensive rewrite of the *Zoning Ordinance* – Following Completion of Other Priorities

Goals, Objectives & Strategies in the Plan

Each chapter in the *Comprehensive Plan,* beginning with Chapter 5, Citywide Land Use and Development, concludes with a series of Goals, Objectives & Strategies. In addition to Citywide Land Use, these goals address:

- Design, Character & Quality
- Economic Development & Redevelopment
- Downtown & Riverfront Master Plan 2000
- Commercial & Employment Areas
- Neighborhoods & Housing

- History, Culture, Education & the Arts
- Natural Systems
- Parks & Recreation
- Transportation
- Public Utilities
- Public Facilities

The goals outline broad policies for future action to protect, improve and enhance various aspects of the City'S character and its quality of life while the objectives identify more detailed initiatives. The strategies are specific actions that need to be or policies that need to be followed to fulfill the vision presented in the plan. There are three (3) types of strategies. The first are the sixteen (16) strategies, one from each element of the plan, that have been selected for inclusion in the five (5)-year implementation program. The second type of strategy directs that a certain action be taken, but is not included in the five (5)-year program. These strategies will be undertaken if unexpected opportunities, such as grant funding or volunteer efforts arise. The third type of strategy is intended to give overall policy guidance and therefore does not address a specific project.

The Implementation Matrix

Chapter] 7 of the *Comprehensive Plan* includes an implementation matrix with the direction that it be revised and completed following adoption of the plan. The matrix was revised and presented to the Planning Commission in January 2003. This Annual Report is based on that revised matrix. Information in this report is on a fiscal year basis, July 1 through June 30.

II. Status of Implementation Matrix Tasks: FY 2010 & FY 2011

Strategy from Implementation Matrix	Completed in FY 2010 July 1, 2009 – June 30, 2010	Projected for FY 2011 July 1, 2010 - June 30, 2011
1. Prepare for Plan ImpJementation	• The Planning Commission continues to be involved in plan implementation.	• Continued participation expected.
	• The Citizen Steering Committee (CSC) continues to review policies and ordinances identified during the 5-year update to the *Comprehensive Plan 2002-2020* and at the direction of Planning Commission.	• Continued participation expected.
	• The City continues to enhance the website to increase public awareness. Planning Commission and City Council meetings, as well as select public forums, are available for on-line viewing.	• Track the number of times the public accesses the *Comprehensive Plan 2002-2020* and Map Viewer pages on the City's website.

	• The City's Sustainable City group developed a DRAFT matrix identifying the elements of a sustainable city and the goals necessary to achieve them. • Vacant Land Analysis to determine suitable lands for development or conservation underway. • Planning Commission reviewed the Annual Report on the Activities of the Planning Commission on June 22,2010. The report was forwarded to City Council for review in July 2010.	• The Sustainable City group will solicit input from various stakeholder groups to determine specific objectives for each goal. • Vacant Land Analysis to be completed Fall 2010.
2. Prepare the TyreeannalPleasant Valley Neighborhood Plan	• Adopted in July 2003. Continued to work with land owners and developers to implement plan. Focused on "Access Management" along U.S. Route 460.	• Begin Tyreeanna Gateway Plans.
3. Implement the Downtown & Riverfront Master Plan 2000	• Phase II construction of the Academy of Fine Arts underway. • Renovation of the former Pride of VA building at 1000 Jefferson Street is ongoing. Building currently being marketed. • The Parking Authority implemented an operational plan for the management of the Clay Street Parking Deck in Spring 2009. • Lower Bluffwalk Phase I design scheduled for Summer 2010 completion. Acquisition of right-of-way initiated. • Structural assessment of City Market parking deck complete. Funding deferred. • Riverfront Park re-opened in May 2010.	• Fundraising and design of Phase III to continue through Summer 2010. • Initiation of a phased downtown parking management system to begin Summer 20IO. System will include pay stations, handheld ticket issuance computers and a permit management system. • Continue design and acquisition of right-of-way. • A new assessment will be completed in FY 2011.

4. Revise the Zoning & Subdivision Ordinances	• City Council approved *Zoning Ordinance* amendments for Off-Street Parking & Loading Areas in September 2009. • City Council approved *Zoning Ordinance* amendments for Large Format Retail Establishments in September 2009. • City Council approved *Subdivision Ordinance* amendments. Ordinance will take effect July 2010. • The Lower Bluffwalk Overlay District Committee has completed a draft of the overlay ordinance and design guidelines. • Reviewed standards for established neighborhoods for proposed Traditional Residential Overlay Ordinance. • Planning Division currently preparing a plan for the comprehensive re-write of the City'S *Zoning Ordinance* for review by Planning Commission in July 201 0.	• The drafts will be reviewed and finalized by the committee once the balance of the Bluffwalk right-of-way has been acquired from private property owners. Following approval by the committee, the drafts will be forwarded to Planning Commission and City Council for review. • Traditional Residential Overlay Ordinance to be presented and drafted for adoption in fiscal year 2011. • *Zoning Ordinance* re-write projected for Fall 2012 completion.
5. Prepare Citywide Design Standards.	• Design guidelines will be included *Zoning Ordinance* and *Subdivision Ordinance* revisions, as allowed by the Code of Virginia.	• Include design guidelines as part of proposed Lower Bluffwalk Overlay District revision to the *Zoning Ordinance.*
6. Prepared Comprehensive Citywide Economic Development! Redevelopment Strategic Plan	• Office of Economic Development (OED) continues to engage the local business community to determine their needs. • City of Lynchburg featured in US Air Magazine in November 2009.	• Develop and maintain initiatives that engage and assist City businesses.

	• OED sponsored two (2) Business Appreciation Week events in May 2010 in collaboration with the City's Marketing Partnership.	
	• OED held informational meetings for businesses on Enterprise Zone & downtown development.	
	• Lynchburg Economic Development Authority & the Office of Economic Development updated the City of Lynchburg's Business Incentive Policy.	• "Fields of Opportunity" Workshop meeting planned for 2010 to provide information to development, business and real estate professionals on brownfields redevelopment initiatives.
	• Completed the second amendment of the City's Enterprise Zone #2 to include an additional 246 acres within the City. In 2009 commercial property owners received $974,364 in Enterprise Zone grants.	• Third amendment planned for Enterprise Zone #2 in 2010.
	• Office of Economic Development created an Arts and Cultural District which was adopted by City Council in April of201O.	• Collaborate with stakeholders to brand and market the Arts & Cultural District.
	• Economic Development Authority authorized a Site Development Plan study for their property located on Wiggington Road.	• New Commercial Property Database scheduled to be launched Summer of201O.
	• Obtained input from stakeholders on amending the Technology Zones.	• Amend and enhance the City's existing Technology Zones
	• Mailed "welcome" letters to each new business owner that holds a license in the City of Lynchburg.	• Streamline "How to Start a Business in Lynchburg" guide and promote "one stop" concept for obtaining a business license.
	• Minority Business Council has meeting monthly at OED.	
	• Forbes.com ranked Lynchburg as the 28th Best Place for Business & Careers.	

	• Continue Master Partnership with the Lynchburg City Schools for the Workforce Development ONE programs to engage students and businesses. • Development Coordination Meetings continue to provide valuable information and collaboration between city departments to promote and facilitate development.	• Vacant Land Analysis completed for the Planning Commission will be shared with the EDA in 2010.
7. Commercial Areas: Revitalization of Fifth Street	• Public meetings held quarterly to update business owners and residences about construction schedule. • Lynchburg Economic Development Authority created a Business Assistance Grant during the construction on 5th Street. This grant was used to provide advertising for businesses during infrastructure & streetscape improvements. • Phase 1 Fifth Street Corridor improvements construction completed September 2009.	• Phase II Utility installation scheduled for Spring 2011. Complete funding for streetscape has not been secured. • The CDC continues to seek private donations for the center feature of the roundabout and will coordinate final design.
8. Commercial Areas: Revitalization of Midtown Area	• Renovation continues on Kemper Street Mixed Use project. • GLTC presented site selection process to Planning Commission. Kemper Street Station, Cohen Place and the current GLTC Maintenance Facility selected as preferred locations for transfer center.	• GLTC to work with City to obtain purchase options on project sites. Apply for National Environmental Policy Act permitting and complete 30% plan design.
9. Conduct Midtown Connector Corridor Study	• Centra Health installed replacement Midtown banners in July 2009. • Midtown Connector Phase I design and right-of-way acquisition underway.	• Phase I design and right-of-way acquisition to continue through Fall 2010.

	Phase I scope would widen Kemper StreetlPark Avenue from Business 29 to Langhorne Road, improve Langhorne Road and incorporate Context Sensitive Design into the corridor. • Midtown Connector Phase II on hold, pending outcome of Lakeside Centre project and proposed improvements to surrounding area. Phase II would improve Intersection of U.S. 501 and Lakeside Drive to a one-way pair and widen Lakeside Drive from U.S. 501 to Wyndale Drive.	Construction to begin Winter 2010.
10. Establish short and long term priorities through a Transportation Master Plan (TMP)	• City Council approved amendments to Transportation Chapter of Comprehensive Plan 2002-2020 in June 2010. • Breezewood Drive Phase II project on hold, pending outcome of Lakeside Centre project and proposed improvements to surrounding area. Phase II would improve the two-lane alignment of Breezewood Drive and add sidewalk from the Heritage Baptist Church entrance to the end of the road. • Greenview Drive Phase I construction completed Winter 2009. This project included the widening of Greenview Drive to four lanes from Frederick Drive to Hermitage Road. • Greenview Drive Phase II design underway. Phase II would widen Greenview Drive from Hermitage Road to Leesville Road. This project would also include improvements to the intersection of Leesville Road and Greenview Drive by adding turn lanes at all approaches.	• Right-of-way acquisition scheduled to begin when adequate Virginia Department of Transportation funding is available.

	• Improvements to the Lakeside DrivelPark Avenue/Memorial Avenue intersection design underway. This project would provide efficient and safer pedestrian and traffic flows through the intersection.	• Design to continue through 2010 with construction estimated to begin in Spring 2011.
	• Construction of a new traffic signal at the Enterprise Drive and Paulette Circle complete.	
	• Wards Road traffic signal retiming study completed. This study analyzed the timings of seven intersections on Wards Road to optimize the efficiency of the system.	
	• Design of Phase I Wards Road Pedestrian and Bicycle Study plan 90% complete. City currently discussing alternatives with Liberty University.	• Implementation of Phase I Wards Road Pedestrian and Bicycle Study Plan and design of Phase II plan slated for Summer 2011.
	• Kings Drive construction complete. The project included the addition of a full size cul-de-sac at the terminus of the road adjacent to the Areva parking lot as well as the construction of sidewalk and a traffic signal at the intersection of Kings Drive and Old Forest Road.	
	• Rivermont Bridge design complete. The project involves a major rehabilitation of the driving deck and the upgrade of the lighting and parapet rail system.	• Construction scheduled to continue through Winter 2010.
	• D Street Bridge construction underway. The project involves the re-construction of the bridge.	• Construction scheduled to continue through Winter 2010.
t1. Manage Natural Systems/ **Maintain comprehensive approach to stormwater management**	• The Central Virginia Erosion and Sediment Control Committee meets twice a year to gauge regional consistency in inspection and plan review programs.	• Continue semi-annual meetings.

	• The James River Association and City completed a series of water quality projects within the Blackwater Creek watershed as part of the week-long "Extreme Stream Makeover" project. • The City won third place in the Virginia Municipal League's "Green Government Challenge for local governments with populations between 15,001 and 90,000 individuals. The competition encourages the implementation of specific policies and practical actions to reduce carbon emissions. • The Virginia Department of Conservation and Recreation (OCR) issued a consistent rating for the City of Lynchburg's Erosion and Sediment Control Program.	
	• The City's NonPoint Discharge Elimination System (NPDES) Phase II stormwater permit is in effect until June 2013. Operators of regulated small municipal separate storm sewer systems (MS4s), such as the City of Lynchburg, are required to obtain a NPDES permit and develop a stormwater management program designed to prevent harmful pollutants from being washed by stormwater runoff into local water bodies. The City submitted its first annual report on the status of the NPDES Phase II permit requirements in Fall 2009.	• The City will submit its second annual report on the status of the NPDES Phase II permit requirements in Fall 2010.
	• As part of the Local Governments for Sustainability (lCLEI) initiative, the City continues to inventory public facilities and operations to gather baseline data on energy efficiency.	• City staffwill continue to inventory City facilities and establish new performance goals for energy management.

	• Representatives of the Stormwater Advisory Committee (SWAC) began development of stormwater priorities to meet state and federal water quality standards. • The Natural Resources Advisory Committee (NRAC) continues to meet regularly to discuss resources issues associated with *Comprehensive Plan 2002-2020.*	• SWAC to submit recommendations in early 2011. • Continued participation expected.
12. Establish 8 Neighborhood TaskForce	• The Code Enforcement Task Force continues to meet quarterly and as needed. The task force meets with neighborhood groups to insure adequate communication between residents and the City.	
13. Preserve City-owned historic buildings and sites	• Interior work needs assessment for Dependency at 405 Cabell Street underway. • Biggers Park Monument installed Spring 2009. • The Thornhill Wagonworks building is damaged beyond repair. The City received a Brownfields Pilot Grant to survey and inventory buildings for reusable and recyclable materials. • Designs completed for renovation of former Janet Snead School. Schematic plans include assessment of eligibility for State Historical Tax Credits.	• City Council will be updated on the progress of the project and a future request made for additional CIP funds and Community Development Block Grant [CDBG] funds. • Deconstruction of the building is scheduled for Summer 2010.
14. Plan and implement a greenway program	• The City and Lynchburg College have partnered on a trail from Blackwater Creek Athletic Area (BWCAA) to Sandusky Park. • Trails at Ivy Creek Park partially completed by volunteers. The trails are proposed as part of the first phase of Ivy Creek Park construction.	• Work to continue through Summer 2011. • Work to continue through Summer 2011.

	• Regional GreenwayslBlueways Advisory Committee continues to meet twice a year.	
15. Provide adequate public facilities to support the City's long-range planning goals	This is a general, ongoing strategy. Planning activities related to the City's infrastructure include: • Continued implementation of Fire & EMS Department 2015 Plan and the Accreditation Commission. • Region 2000 Services Authority began operation in Summer 2008. The authority includes the Counties of Campbell, Appomattox and Nelson and the Cities of Lynchburg and Bedford and provides for the regionalization of solid waste disposal. • Post closure uses of existing landfill as identified in Tyreeannal Pleasant Valley Neighborhood Plan to be studied in greater detail in the future.	
16. Support efforts to improve the quality of Lynchburg City Schools	• Construction of Sandusky Middle School facilities to continue through October 2010. School will open for students in August 2010, as scheduled. • Scope of roof repair at Heritage High School under development. Construction scheduled for Winter 2010 completion. • Replacement of gym floor and new bleachers at Heritage High School underway. Construction to be completed November 2010.	

III. Other Comprehensive Plan Strategies: Underway or Completed

The following chart lists the strategies that various City departments or other groups are working on. In addition to these strategies, there has been a continued interest expressed in the goals, objectives, and strategies included in the *Comprehensive Plan.*

Comp Plan Page #	Plan Element: Goal/Objective/ Strategy	Department/Group & Activity
5.12-13	Element: Citywide Land Use & Development Objective l.A. Regulations and Guidelines 3) Incorporate drawings and photographs as references in ordinances to help clarify concepts for the general public, local officials, and the development community. Objective l.B. Park & Facility Upgrade. 7) Renovate City Stadium, at a minimum to comply with the American Disabilities Act (ADA) and standards of the National Association of Professional Baseball Leagues.	Drawings and photos included as references in Large Format Retail section of the *Zoning Ordinance,* as well as the proposed revisions to the *Subdivision Ordinance.* Baseball complex complete. Funding allocated for an Engineering study of the City football stadium.

	Objective 2.B. Integrated Data Systems 3) Coordinate and standardize internal city collection and reporting procedures. 4) Explore opportunities to build a common base of planning-related data between City departments and regional agencies. 6) Expand the City's Geographic Infonnation System (GIS) to incorporate natural systems and environmental data that can be compiled on the small area, neighborhood, citywide and regional basis.	Updates proposed for the Trak-It system currently used by Community Development, Public Works, Utilities, Assessors Office and the Fire Marshal's Office in Spring 2011. Approved site plans, small infrastructure plans and subdivision plats are scanned and attached to TrakIt projects, making them accessible by all departments. Parcel, street centerline, and address data is shared with adjacent localities. National Wetland Inventory data and National Flood Insurance Program Letters of Map Revision data available through the City's GIS.
5.15	Element: Citywide Land Use & Development Objective 5.A. Regional Collaboration Increase level of coordination between area localities and state agencies.	The City continues to foster regional cooperation where appropriate. Quarterly meetings between Planning Directors of neighboring localities continue. The Planning Division notifies adjacent locality Planning Departments when *Future Land Use Map [FLUM]* amendments, rezonings or conditional use permit petitions are near jurisdictional boundaries.
6.23	Element: Design, Character & Quality Objective l.H. Property Maintenance 2) Target code enforcement activities in areas experiencing the highest levels of deterioration and disinvestment. 4) Develop a program to address the maintenance of properties owned by out-of-state, absentee landlords.	In cooperation with the City'S Inspection Division, Lynchburg Redevelopment and Housing Authority (LRHA) is continuing the Spot Blight Abatement Program which requires owners to repair properties or face acquisition by the LRHA. Properties acquired within the Fifth Street Corridor will be marketed to private developers. Community Development staff in both Neighborhood Services and Inspections Divisions are consolidating efforts to cite violations for housing enforcement, weeds, inoperable automobiles and trash. Inspections staff continues to update maps and tables showing housing code enforcement data including condemned

	5) Develop a citywide Rental Housing Program to address all rental properties that do not meet building code standards.	buildings and graphics of the City's Rental Housing Program. Rental Housing Program adopted by City Council in February 2005. Inspections of rental units are ongoing.
10.14	Element: Neigbborhoods/Housing Objective 2.n. Rental Housing I) Establish public/private partnerships to improve the quality of rental housing serving low and moderate income residents.	The Lynchburg Neighborhood Development Foundation (LNDF) continues to renovate older single-family homes into well designed apartments in older neighborhoods. Lynchburg Housing and Redevelopment Authority (LHRA) continues to administer its public housing apartments along with the Section 8 Housing Choice Voucher program. LRHA is operating a Rental Rehabilitation Program in which matching grants are provided to landlords to improve rental properties in the downtown residential areas.
	Objective 2.E. Homeownersbip Opportunities 2) Develop a program of incentives and financing to enable low-income households to become homeowners.	Habitat for Humanity and LNDF continue to build new homes in the City. LNDF Finance and Development Program encouraged the development of single-family homes for re-sale. Several programs, such as Rebuilding Together and LNDF's Lynchburg Supportive Loan Program, continue to renovate homes.
	Objective 2.F. Special Needs Housing 5) Work with the Redevelopment and Housing Authority and social service providers to assess the needs of the City's homeless population.	LNDF, Rush Lifetime Homes and Lynchburg Community Action Group (LYNCAG) continue to sponsor rental housing assistance program for homeless disabled households for the City's Shelter Plus Care program, each with a service component provided by Miriam's House. LNDF and Rush also have a site-based, permanent housing project for homeless called Cornerstone. The Homeless and Housing coalition provide a "continuum of care" program. The City conducts periodic homeless street counts and a "point in time" surveys at shelters.

	Objective 2.G. Employer-Assisted Housing. I) Encourage major employers to develop programs to help the City infonn employees about housing opportunities and housing assistance within the City.	LNDF received one million dollars in funds through the state's Neighborhood Stabilization Program (NSP) which is intended to mitigate deleterious effects of increased foreclosures in defined neighborhoods. The resulting coalition, Lynchburg- NSP, comprised of LNDF, Habitat, LYNCAG, Rush Homes, and Region 2000 Local Govennnent Council, is active in six (6) census tracts and has generated interest by major employers in partnerships with the program to give their employees direct access to homeownership counseling and opportunities to purchase homes through the program.
	Objective 3.A. Residential Mixed-Use Zones Goal 3. Promote the creation or re-creation of mixed-use residential communities that incorporate a mix of housing types with pedestrian-oriented streets, small-scale neighborhood oriented office and commercial uses and neighborhood parks and squares.	Cornerstone Traditional Neighborhood Development currently under construction; plans for all blocks approved or currently in review process.
13.4-6	Element: Parks & Recreation Objective 1.B. Park & Facility Upgrade I) Prepare master plans for Miller Park, Riverside Park, City Stadium area and other City parks to guide and appropriately locate needed upgrades and improvements.	Funding for master planning of Blackwater Creek Natural Area deferred. Master Plans complete for Miller Riverside Younger College Perrymont Park and Blackwater Creek Athletic Area.
	3) Prepare plans, including cost estimates and schedules, to bring all park facilities into compliance with the Americans with Disabilities Act (ADA).	Schematic design complete for renovation of Miller Center, to include compliance with the ADA. ADA improvements complete at Peaks View Park tennis courts.
	4) Prepare a plan to bring all playgrounds and play equipment into compliance with published national standards for recreation equipment, while offering a diversity of physical experiences for all ages. Seek community and private sector support for improvements.	Yoder Center playground complete. Sprayground under construction at Riverside Park.
	Objective 1.D. New Park & Recreation Facilities 2) Master plan and develop a new park as an environmental education center on donated land in the Lynchpin Industrial Center.	The Ivy Creek Master Plan is complete and the property has been transferred to the City. Phase I construction to begin summer 2010.

	3) Master plan Schenkel and Allen-Morrison properties, in conjunction with the City Stadium area, for recreational purposes. Objective 1.F. Water Recreation 4) Participate in local, regional, and state water quality improvement programs for the James River and regional streams. Objective 2.B. Indoor & Special Facilities 1) Rehabilitate the current Parks and Recreation Department headquarters building at 30I Grove Street to meet current codes and to serve as a central facility for classes in the arts and other interests. Objective 2.A. Community Centers 2) Develop a program to bring all buildings into compliance with the ADA and current fire and building codes, correct mechanical or other system deficiencies and address functional constraints to full programmed use. The program should include the improvement of mechanical systems, interior and exterior finishes, lighting, and furnishings. Objective 3.B. School Recreation Facilities I) Institute a program offield renovation and improvement at all middle school and selected elementary school athletic fields, improving turf and providing adequate fencing, backstops, and other safety features. Objective 4.D. Private Sector Funding & Assistance 2) Seek donations from private individuals, businesses, industries and leagues through a trust fund or foundation. 3) Use volunteers to assist staff in the delivery of recreational programs, in staffing special events and in contributing to trail maintenance through the "Adopt a Trail" program.	Buildings at Allen-Morrison scheduled for demolition and deconstruction in Summer 2010. U.S. Environmental Protection Agency approved the Region 2000's Total Maximum Daily Load (TMDL) plan and initiated study. Region 2000 hosting meetings with stakeholders. Schematic design completed Spring 2010. Design/development phase of project currently underway. Design of Aubrey Barbour Park (Yoder Center grounds) underway. Peaks View Park improvements complete. Completed addition the Aubrey Barbour Education Center at the Yoder Center. Volunteer support of trails work ongoing. Increasing use of volunteers in all recreation programs.
15.8-10	Element: Public Utilities Objective I.A. Maintenance & Replacement 1) Continue the Utility Department's focus on maintenance of the existing water system and replacement of old mains. 2) Continue the replacement of smaIl diameter residential mains coordinated with Combined Sewer Overflow (CSO) projects, while	The City has installed thousands of feet of replacement water main and continues to fund additional "small water main" replacement projects. At least $1,000,000 has been budgeted every year to replace small water mains.

	addressing new development needs and resident complaints. Objective LB. Drinking Water I) Protect the Pedlar Reservoir as the primary source of drinking water for the citizens of Lynchburg.	City Council adopted a resolution supporting revisions to the U.S. Forest Service's 1993 *Land and Resource Management Plan* related to the protection of the drinking water resources in the George Washington National Forest. The Utilities Department is completing design for improvements to the Pedlar Dam to meet VA Dam Safety Regulations during significant flood events. The required Emergency Action Plan has been completed.
	Objective I.e. Water Rates 1) Structure water rates to provide incentives for development within the City as compared to counties, especially for large industrial users.	City water rates continue to be lower than most Virginia localities. However, to address the aging water infrastructure, water rates will continue to rise to fund much needed improvements to the distribution system. The study and design phases for the Downtown Waterline Replacement Program have started.
	Objective I.D. City Benefits 2) Prior to entering into additional agreements for service outside the City, assess the impact such provision will have on the long-tenn water supply and the capacity of water and sewer systems.	The Utilities Department continues to use a "Cost of Service" methodology with adjacent counties to more equally share in the costs of treatment and delivery. Water contracts for the counties served are in place.
	Objective I.E. Water System Master Plan 1) Maintain sufficient treatment capacity to sustain City growth, while meeting regulatory water quality requirements. 3) Assess the condition of the raw water transmission line from Pedlar Reservoir and make appropriate recommendations for its ultimate replacement.	The City is participating in a Regional Water Supply Plan involving fifteen (15) localities and service authorities. This plan is required by the State in order to develop a state-wide water supply plan. The Plan has been submitted to the Department of Environmental Quality and continues to be under review. The Utilities Department is conducting a study of the condition and continued use of the raw waterline from Pedlar Lake.
	4) Implement, to the maximum extent feasible, the Water System Master Plan update recommendations for the long-tenn maintenance of water supply and transmission capacity.	The Utility Department has recently calibrated its water model to be able to predict impacts of new development on the water system.

	Objective l.F. Sewer Service Extension l) Develop a plan for needed extensions of sanitary sewer to unsewered areas within the City.	The Utility Department continues to study the feasibility of sewer extensions into unserved areas of the City as well as an overall restructuring of the current Sewer Extension Policy. Overall capital costs and implementation policies along with impacts to the City's CSO Special Order are significant issues. Recommendations to City Council and the Planning Commission will be made in the future.
	Objective 2.A. Commitment l) Continue pursuit of federal and state grant funding related to implementation of the program.	The City is conducting an update to its CSO Long Term Control Plan. Viable options and alternatives to completing the program are the main focus of the update study.
	2) Maximize the utilization of sewer funds for execution of the CSO program.	The City is currently utilizing its Stimulus Sewer Funding to complete CSO projects primarily replacement of the James River Interceptor. The City continues to apply for no interest long term loans from the state to complete CSO projects.
	Objective 4.A. Surplus Capacity l) Actively monitor the need for solid waste facility expansion and proceed with design and implementation at the appropriate time.	The City of Lynchburg has partnered with Region 2000 and the neighboring localities to create a regional solid waste authority. The regional solid waste management plan has been approved by Virginia Department of Environmental Quality and will review opportunities for regional waste disposal.
	Objective 4.C. Recycling 1) Evaluate curbside recycling service and implement such service, if appropriate.	Consideration was given to residential curbside recycling collection; however due to high cost, the City has decided to continue to provide drop off recycling sites for the collection of residential recycling materials. The City continues to work with Region 2000 regarding regional recycling options and also has partnered with a private business to provide residential curbside collection (Recycle-Easy).
	2) Actively encourage residential, commercial and industrial participation in recycling programs.	Consideration being given to a regional approach to recycling by the Regional Solid Waste Authority.

IV. *Comprehensive Plan* Activities to be included in the Fiscal Year 2010 CIP

It is the City's intent that all entries in the Capital Improvement Program be based on the City's *Comprehensive Plan.* This Annual Report is the place where items and programs proposed for inclusion in the next fiscal year's CIP are identified. The following items/programs have been identified for consideration for the FY 2010 crp.

- Work on Midtown Connector as identified by the Midtown Area Plan.
- Continue implementation of the Fifth Street Corridor Plan.
- Continue Downtown and Riverfront Master Plan projects.
- Obtain real estate options on properties for future locations bus transfer station. Submit application for National Environmental Policy Act evaluation and prepare 30% plans.

The following items and programs are requested for inclusion in the FY 2011 CIP or thereafter:

- Conduct crosswalk study to enhance pedestrian safety.
- Add audible signals as part ofthe City's ongoing addition and maintenance of pedestrian facilities. The priority area for new audible signals should focus on Downtown, especially along Main and Church streets.
- Implement the Sewer Master Plan.
- Wards Ferry Road Traffic Study.
- Continued implementation of Midtown Area Plan.
- Continued implementation of City's Greenway Program.
- Continued implementation of Downtown and Riverfront Master Plan projects.
- Continued implementation of Fifth Street Corridor Plan projects.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010**			AGENDA ITEM NO.: 2
CONSENT:	REGULAR:	WORK SESSION: **X**	CLOSED SESSION: (Confidential)
ACTION:		INFORMATION: **X**	

ITEM TITLE: **Refuse, Brush and Bulk Collection Changes**

RECOMMENDATION: No Action necessary – staff update

SUMMARY: The Public Works Department continually reviews its trash and bulk/brush collection systems to ensure customer satisfaction and cost-effectiveness. During the City's recent budget process, Public Works made the decision to institute several changes to the systems to improve service delivery and reduce cost.

Bulk and Brush Collection

In the past, residents were asked to call the City's Citizens First Call Center (856-2489) to schedule bulk and brush pick ups. Beginning July 1, 2010, residents will no longer have to schedule these pick-ups. Refuse collectors will pick up these items during regular trash collection. If the pile is too large for the refuse collectors, they will use smart phone technology to communicate to knuckle boom operators and schedule the pick up. In many cases, these trucks will be able to pick up the bulk/brush that day. At other times, the pickup will be completed within a week of being placed at the curb.

White Goods Collection

White goods are large household appliances like refrigerators, air conditioners, freezers, etc. that contain regulated compounds such as Freon. In order to comply with federal regulations, these goods must be collected and handled differently than other bulk items. Residents must continue to call Citizens First to have those items collected and are encouraged to do so before the items are placed at curbside.

Friday Trash Collection Moves to Wednesdays

The last major change with trash collection is a change in the schedule for residents who now receive Friday collection. Beginning on Wednesday, July 14, these residents will begin to have Wednesday trash collection. Refuse collectors will work four 10-hour days (Monday-Thursday) beginning in July. The new schedule coupled with the changes in bulk/brush collection is expected to result in cost savings and improved efficiencies.

In order to accommodate these changes, it is necessary to move Friday trash collection to Wednesdays. Residents will receive regular Friday collection for the last time on Friday, July 9. These same residents will also receive trash collection on Wednesday, July 14 and every Wednesday afterwards.

PRIOR ACTION(S): Proposed changes were discussed with City Council during recent budget deliberations

FISCAL IMPACT: Savings should be realized in fuel, reduced vehicle and equipment maintenance and less overtime costs.

CONTACT(S): Dave Owen, Director of Public Works, 455-4469

ATTACHMENT(S): Copy of City Source, Copy of Door Hanger

REVIEWED BY: lkp

082L

The City Source

Get Ready!

The Lynchburg Public Works Department continuously reviews its trash and bulk/brush collection systems to ensure customer satisfaction and cost-effectiveness. During the City's recent budget process, a decision was made to institute several changes to the systems to improve service delivery and reduce cost.

Bulk & Brush Collection

No Need to Call!

In the past, residents were asked to call the Citizens First Info Center (856-2489) to schedule bulk and brush pick-ups. As of July 1, 2010, residents no longer have to schedule these pick-ups. Refuse collectors will pick up these items during regular trash collection. If the pile is too large for the refuse collectors, they will use Smartphone technology to communicate to knuckle boom operators and schedule the items to be picked up, usually within the same week. During times of heavy usage of the service, the pick-up time may be extended.

This change in bulk and brush collection is being implemented to improve customer service. It should also result in cost efficiencies with savings in fuel, reduced wear and tear of equipment and less overtime costs.

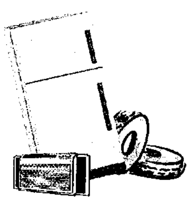
Friday Trash Collection Moves to Wednesday

The other major change with trash collection is the schedule for residents who now receive Friday collection. Refuse collectors will work four 10-hour days (Mon.-Thurs.) beginning this month. On Wednesday, July 14, residents on the Friday trash collection schedule will receive Wednesday trash collection instead. The new schedule, coupled with the changes in bulk/brush collection, is expected to result in cost savings and improved efficiencies.

Residents will receive regular Friday collection for the last time on Friday, July 9. These same residents will also receive trash collection on Wednesday, July 14 and every Wednesday thereafter. City workers will place notices on the doors of residents who will be affected by this change. Additional information will also be available in the July water utility bills. We ask for your patience as these changes are implemented. Please call Citizens First at 856-CITY (2489) with any questions.

NOTE: The Central Business District (CBD) area will continue to have trash collected on Tuesday and Friday. There will be no schedule change. (CBD includes Commerce, Main, and Church Streets and associated numbered streets).

Special Collections



In order to comply with federal regulations regarding the disposition and recycling of Freon, large household appliances like refrigerators, air conditioners, and freezers must be handled differently than other bulk items.

Additionally, tires must be collected separately from other bulk items and are recycled as well. If you wish to dispose of any of these "special collections," you must call Citizens First for a collection date **BEFORE** placing the items curbside. Call Citizens First at 856-CITY (2489).

For more information about Lynchburg City services, visit our web site at www.lynchburgva.gov

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010** AGENDA ITEM NO.: 3

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

ACTION: INFORMATION: **X**

ITEM TITLE: **Update on Stormwater Management Initiative**

RECOMMENDATION: No action required.

SUMMARY: Utilities Director Tim Mitchell and CSO Program Manager Jeff Scarano will update Council on the work of the Stormwater Advisory Committee (SWAC). The attachments provide background information.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Tim Mitchell, 455-4252; Jeff Scarano, 455-4281

ATTACHMENT(S): SWAC Presentation, Charter, and Membership List

REVIEWED BY: lkp

092L

City of Lynchburg

Stormwater Management

Stormwater Advisory Committee

July 13, 2010

Work Session

THE CITY OF LYNCHBURG

CDM

Agenda

- Purpose of SWAC
- What is Stormwater?
- Stormwater versus Combined Sewer
- Stormwater management drivers
- Current city stormwater management activities
- Level of service, cost of service

Purpose of the SWAC

- To represent a wide cross-section of interest groups
- To engage public participation
- To make recommendations on the following:
  - Stormwater management priorities;
  - Appropriate and affordable level of service;
  - Level of interest in public participation in stormwater management program activities;
  - Recommendations of various stormwater management needs assessments, regulations and policies, financial requirements, and funding mechanisms

SWAC Process and Schedule

- Stormwater Management Overview: May 20 – 6:00 p.m.
- Program Components & Expenditures: June 24 - 6:00 p.m.
- **Level of Service Analysis & Alternatives: July 15 – 6:00 p.m.**
- Stormwater Funding Options: September 16 - 6:00 p.m.
- Revenue Scenarios: October 21 - 6:00 p.m.
- Review Recommendations: November 18 - 6:00 p.m.
- Evaluate/Modify Recommendations for Council: December 16 - 6:00 p.m.
- Finalize Recommendations for Council: January 20, 2011 - 6:00 p.m.

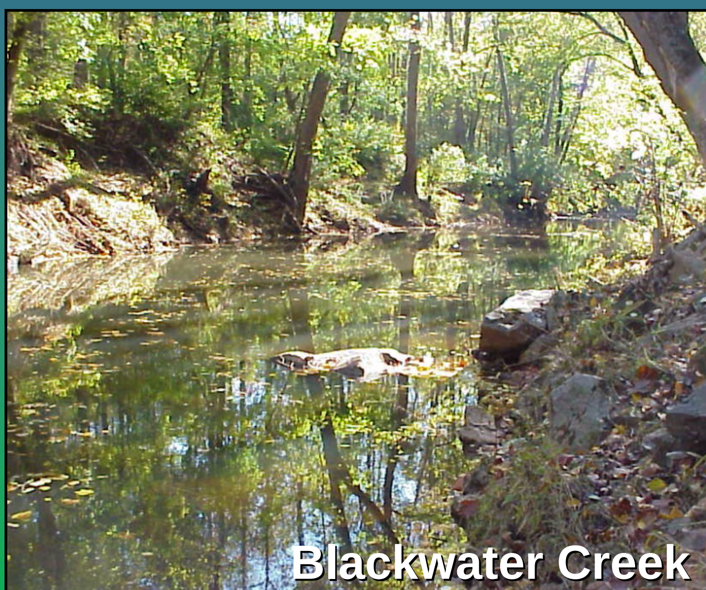
What is Stormwater?

The portion of precipitation (rain, snow, etc.) that runs off pavement, rooftops, and lawns in urban areas.

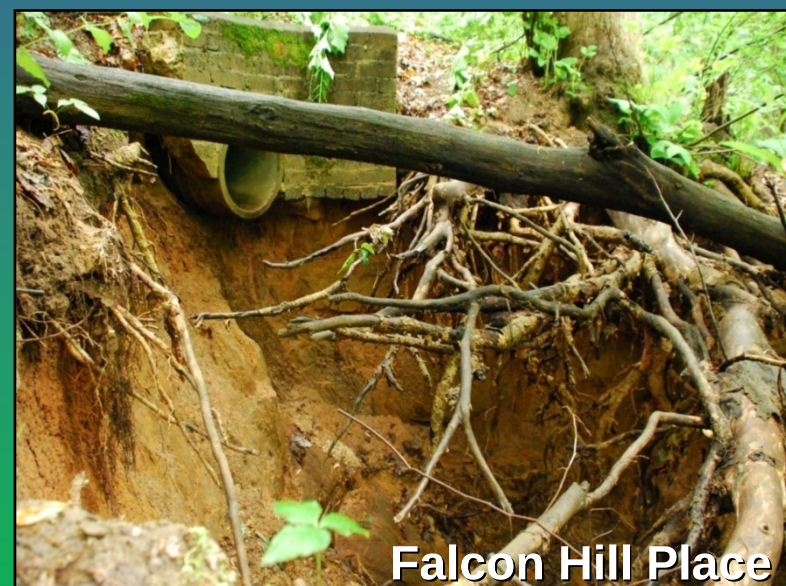
James River Watershed

Natural vs. Unnatural

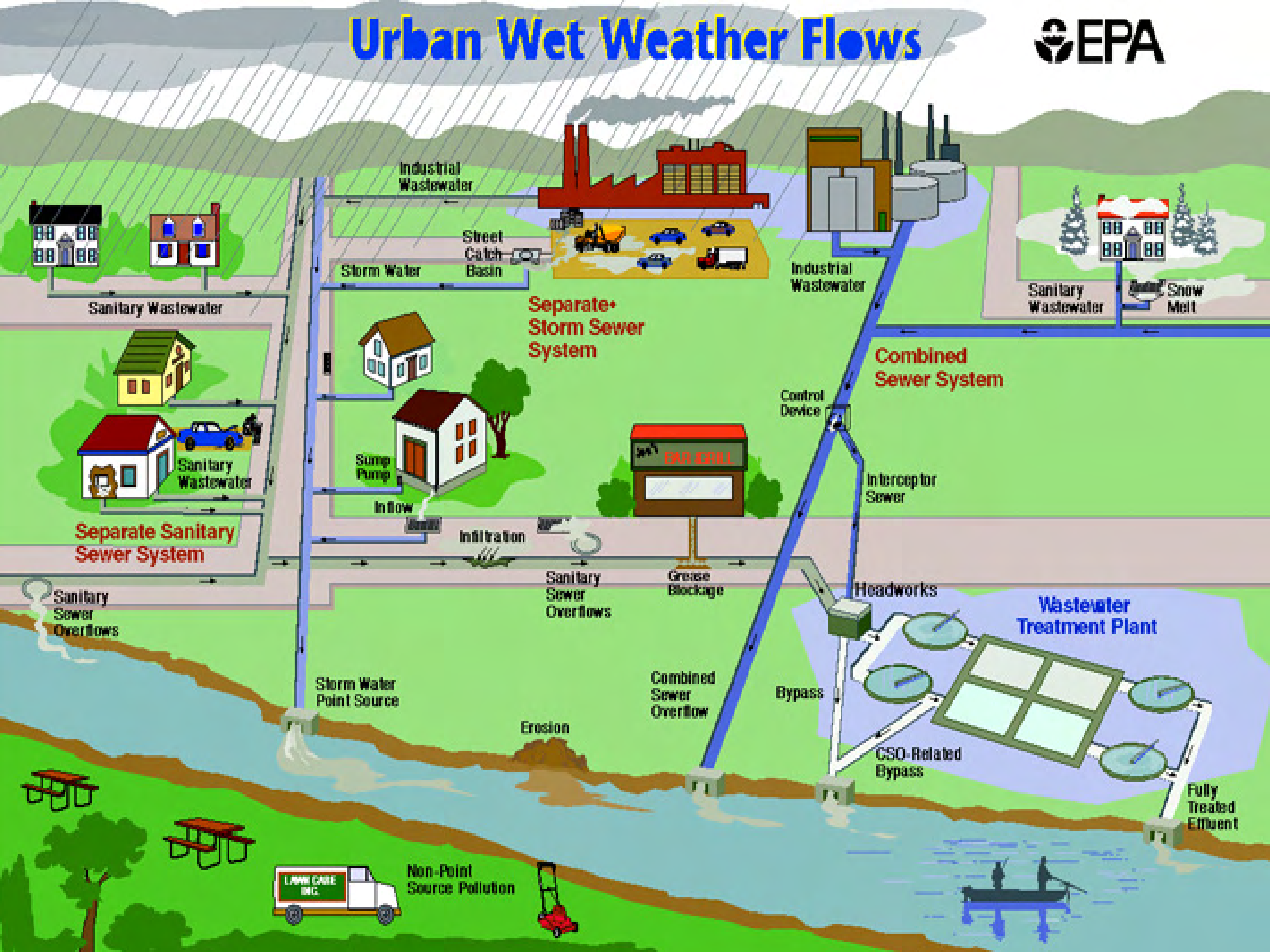
- Stormwater runoff is natural
- What urbanization does to runoff is not



Natural Systems

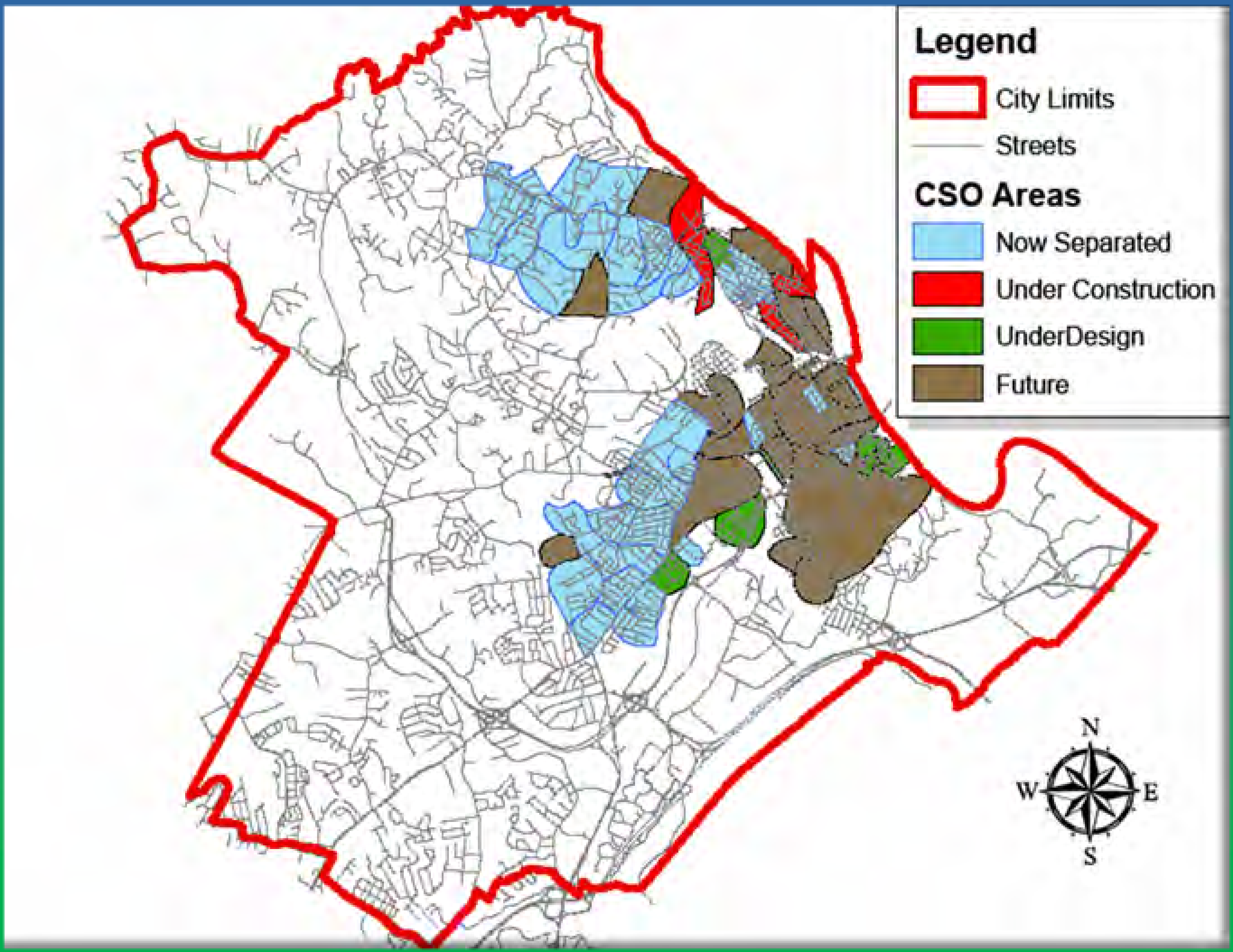


Urban Systems



Urban Wet Weather Flows
EPA
Industrial Wastewater
Street Catch Basin
Storm Water
Sanitary Wastewater
Separate+ Storm Sewer System
Industrial Wastewater
Sanitary Wastewater
Snow Melt
Combined Sewer System
Control Device
Sanitary Wastewater
Sump Pump
Inflow
Interceptor Sewer
Separate Sanitary Sewer System
Infiltration
Sanitary Sewer Overflows
Grease Blockage
Headworks
Wastewater Treatment Plant
Sanitary Sewer Overflows
Storm Water Point Source
Combined Sewer Overflow
Bypass
Erosion
CSO-Related Bypass
Fully Treated Effluent
LAWN CARE INC.
Non-Point Source Pollution

Combined Sewer vs. Stormwater



CSO Program is Wastewater with Stormwater

Stormwater Program is ONLY Stormwater

Stormwater Management Affects Quality of Life and Economic Growth:

Erosion/Flooding

- Public safety
- Insurance costs
- Development costs

Water Quality

- Drinking water
- Recreation
- Regulations

Stream Condition

- Public safety
- Habitat
- Aesthetics

Why Do We Care About Stormwater?

Typically Citizens Expect…

- Clean water & healthy streams
- No flooding or erosion and safe environment
- High level of service at low individual cost

Typically Citizens Believe…

- City prevents development impact
- City maintains the entire stormwater system
- City takes lead role in assisting private sector with regulatory requirements

Why Do We Care About Stormwater?

Regulatory Drivers

- National Pollutant Discharge Elimination System (NPDES)
- Chesapeake Bay Protection Rules
- National & State Stormwater Regulations
- Total Maximum Daily Loads (TMDLs)

Current Chesapeake Bay Regulations

Point Source

- NPDES
- Wastewater Treatment Plants
- Municipal separate storm sewer system (MS4)

Non Point Source

- Stormwater
- Erosion and Sedimentation (E&S)
- Best Management Practices (BMPs)

Phase II NPDES Stormwater Regulation

Phase II Purpose

- Lynchburg is in the second year of their second five-year permit cycle
  - First permit issued in 2003
  - Current permit expires June 30, 2013
  - Reduce the discharge of pollutants to "maximum extent practicable" (MEP)
- Protect water quality and aquatic habitat
- Satisfy the appropriate water quality requirements of the Clean Water Act
- "Six Minimum Measures"
- Maximum of $10,000 fine per violation

The Phase II Rules apply to @ 100 stormwater system operators in Virginia

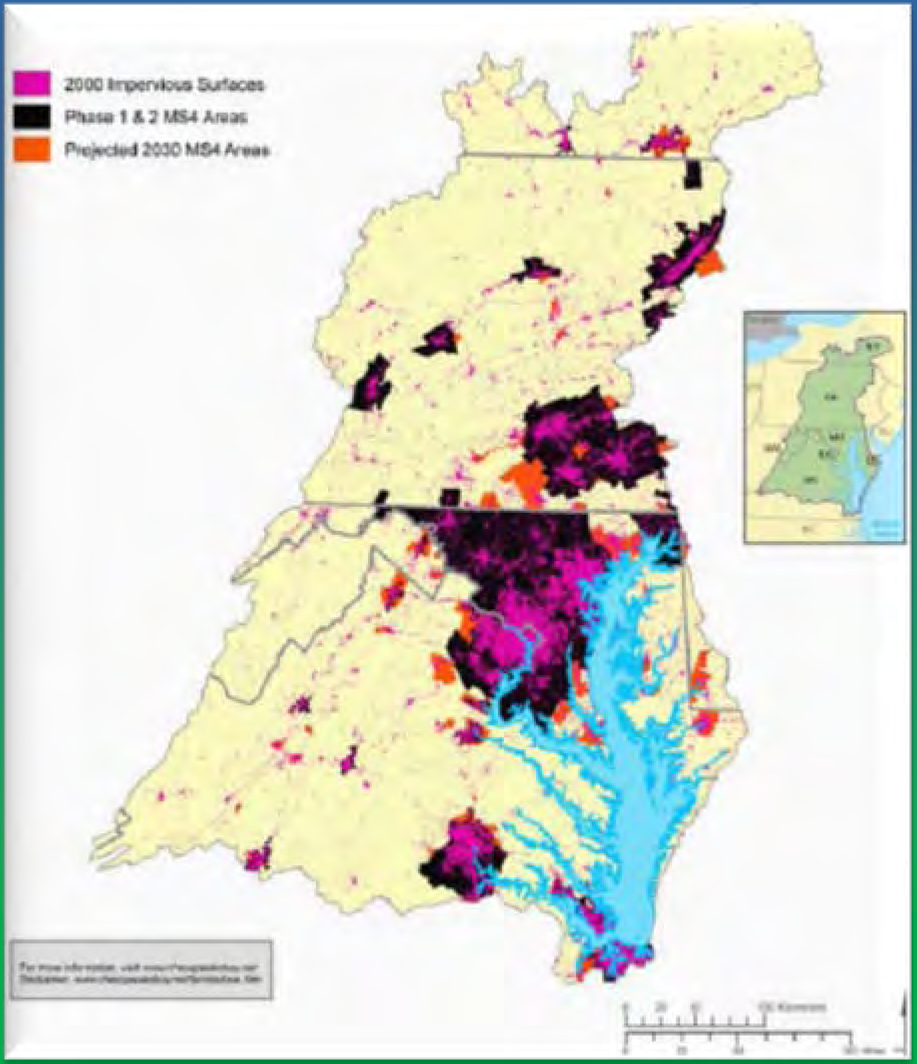
Chesapeake Bay TMDL

The U.S. Environmental Protection Agency is leading a major initiative to establish and oversee achievement of a strict "pollution diet" to restore the Chesapeake Bay and its network of local rivers, streams and creeks.

– US EPA Fact Sheet

Chesapeake Bay TMDL

- Initiative resulting in additional regulations
- 64,000 mi^2 watershed
- Covers six states
- Approximately 17,000,000 people



Lynchburg Impaired Streams

- **10 streams (45 miles in length) identified as impaired by the State**
- **Primary impairments**
  - Nutrients
  - Bacteria

Future Regulatory Impacts to Lynchburg

Chesapeake Bay TMDL and other TMDLs and regulations:

- Chesapeake Bay- "pollution diet," 2-yr milestones begin 2013, 2025 completion date
- Revised State stormwater regulations pending (2012)
- Bacterial TMDL for the James River and Lynchburg Creeks (2010)
- Chlorophyll A TMDL for the James River (pending)
- MS4 permit with focus on urban stormwater
- National stormwater regulations proposed (2012)

Stormwater Management - A City-wide Function

Stormwater Management Functional Areas

Program Management

- Master planning
- Complaint response
- Development review

Operations & Maintenance

- Storm sewer cleaning
- Street sweeping
- Culvert, ditch, pipe cleaning and repair

Regulatory Compliance

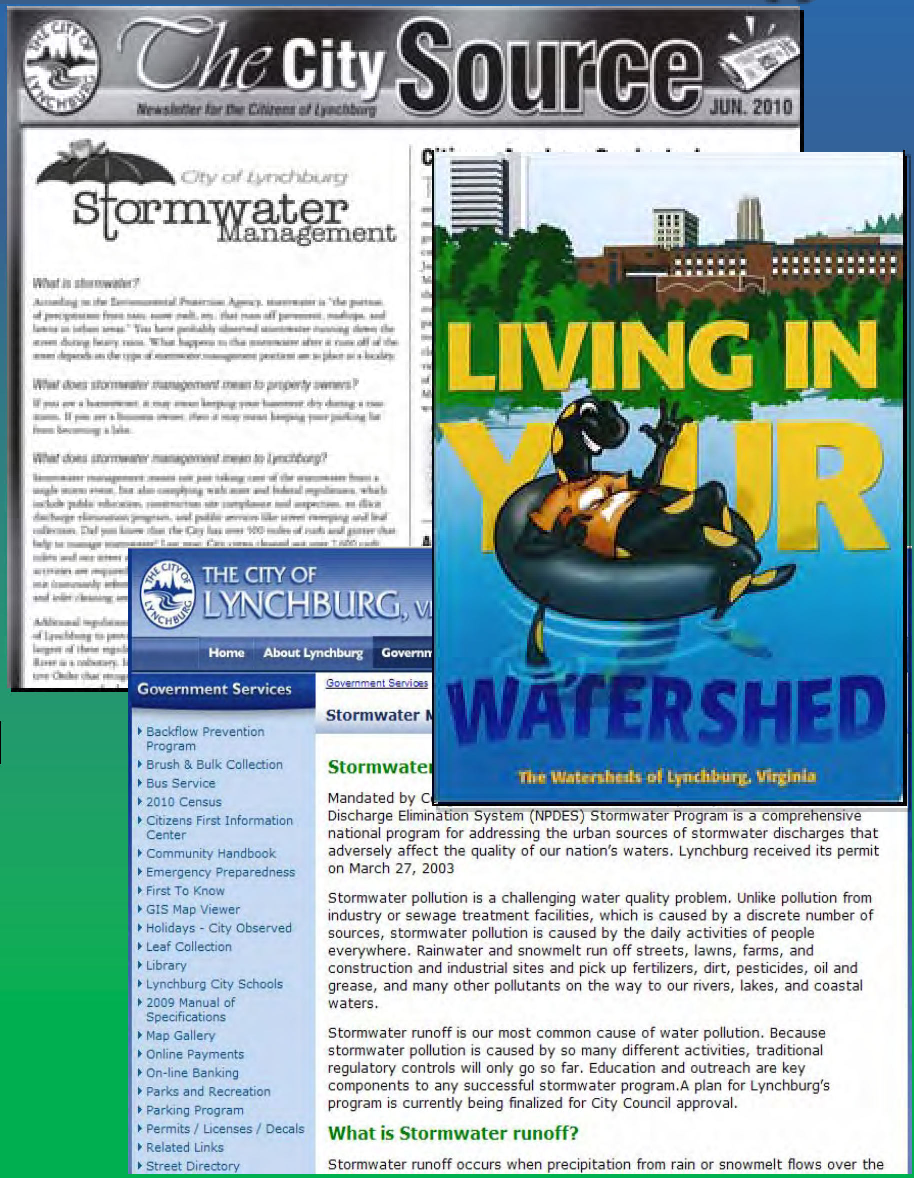
- Post-construction
- E&S control
- Public Education

Capital Improvement Projects (CIP)

- Culvert, ditch, pipe upgrades and replacement
- Stream restoration, erosion control, BMPs

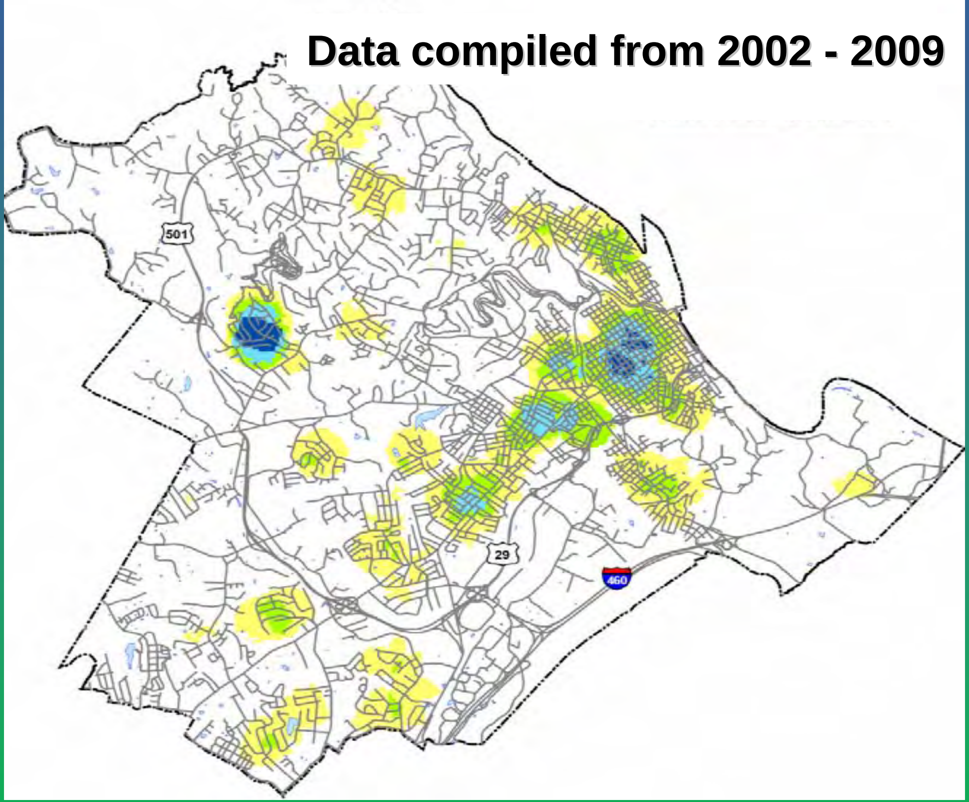
Measure #1: Public Education and Outreach

- *The City Source, Changing Times*
- Stormwater website
- Community workshops for developers
- *Living in Your Watershed* campaign for students
- Regional Household Hazardous Waste (HHW) events
- Publicize NPDES MS4 Permit and Reports



Measure #2:
Public Involvement and Participation

- Meet with volunteer groups to recruit participants in stormwater management volunteer activities
- Sponsor local Environmental Group Activities
- Establish a hotline for Stormwater Management Issues



- Approximately 300 calls annually
- 80 percent of calls related to clogged inlets and ditch maintenance

Measure #3:
Illicit Discharge Detection and Elimination

- Develop, implement and enforce a program to detect and eliminate illicit discharges
- Develop a storm sewer system map, showing the location of all known outfalls
- Inspect 148 regulated outfalls (36” diameter and larger) annually

Illicit Discharges: non-storm-water discharges to waters of the US or the MS4.

Measure #4:
Construction Site Runoff Controls

- Establish a certified erosion and sediment control (ESC) program via ordinance
- Perform plan reviews and routine site inspections
- Maintain a Monthly Activity Report of disturbed areas and BMPs
- Participate in regional ES Committee

Stormwater-Related Activity	# Completed (3-yr Avg)
Plans Reviewed	46
Agreement in Lieu	72
Projects Implemented	119
Inspections Performed	2421

Measure #5:
Post Construction Site Runoff Controls

- Implement requirements of Virginia Stormwater Management Handbook
- Develop ordinances to address post-construction runoff
- Develop a plan review and approval process
- Develop guidelines for developers via BMP Design Manual
- Require maintenance agreements for private BMPs
- Perform BMP inspections
- Enhance trail and buffer system along streams
- Enforce City Stormwater Management Ordinance

BMP Annual Reporting	Number
Documented BMPs in City	124
Annual Inspection Notices	75
Response Rate	50%


Wards Road - Walmart

Measure #6: Municipal Operations – Pollution Prevention & Good Housekeeping

- Develop and enforce good housekeeping procedures for all City facilities
- Perform training for operations personnel
- Perform street sweeping and document pollutant removal
- Use certified City employees for herbicide and pesticide applications

Current Operation and Maintenance Services

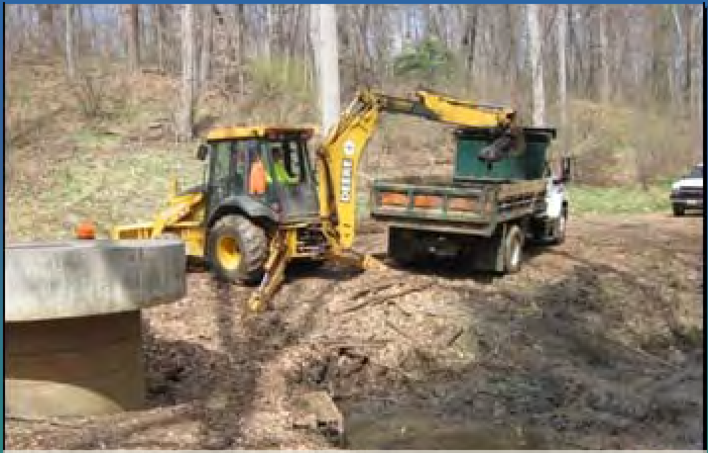
Service Area = 50 sq. mi.

900+ lane miles of roadway

30+ miles of storm sewer

4,200+ storm inlets

10+ miles of culverts



Pond Maintenance

Infrastructure Cleaning & Repair

Ditch Repair

Stormwater System Maintenance

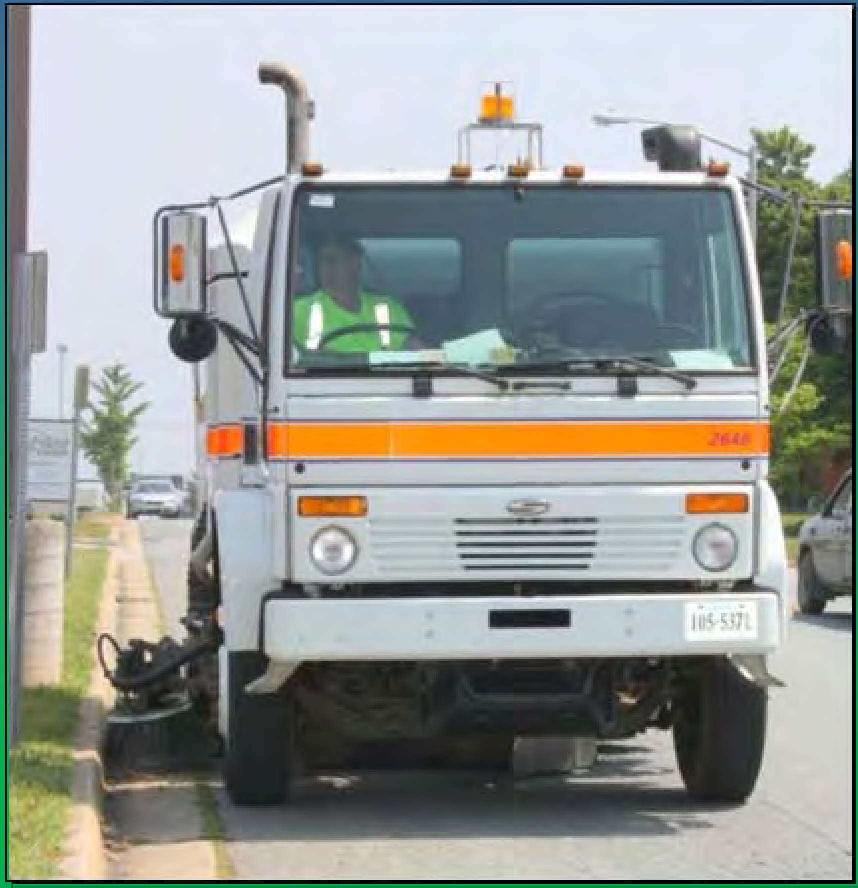
- 42 inlets/grates/screens/sumps cleaned weekly and after storms (366 tons of material removed in the past year)
- 37 City-owned BMPs inspected/maintained on regular basis
- 30 driveway pipes installed per year
- 20,000 feet of ditches cleaned per year
- Other pipes and inlets cleaned or repaired as needed

Maintenance Activity	2006	2007	2008	3-YR Average
Stormwater Inlet Repairs	261	101	84	150
Storm Sewer Pipe Repairs	166	156	157	160
Stormwater Inlet Cleaning	6,931	7,468	5,465	6,600

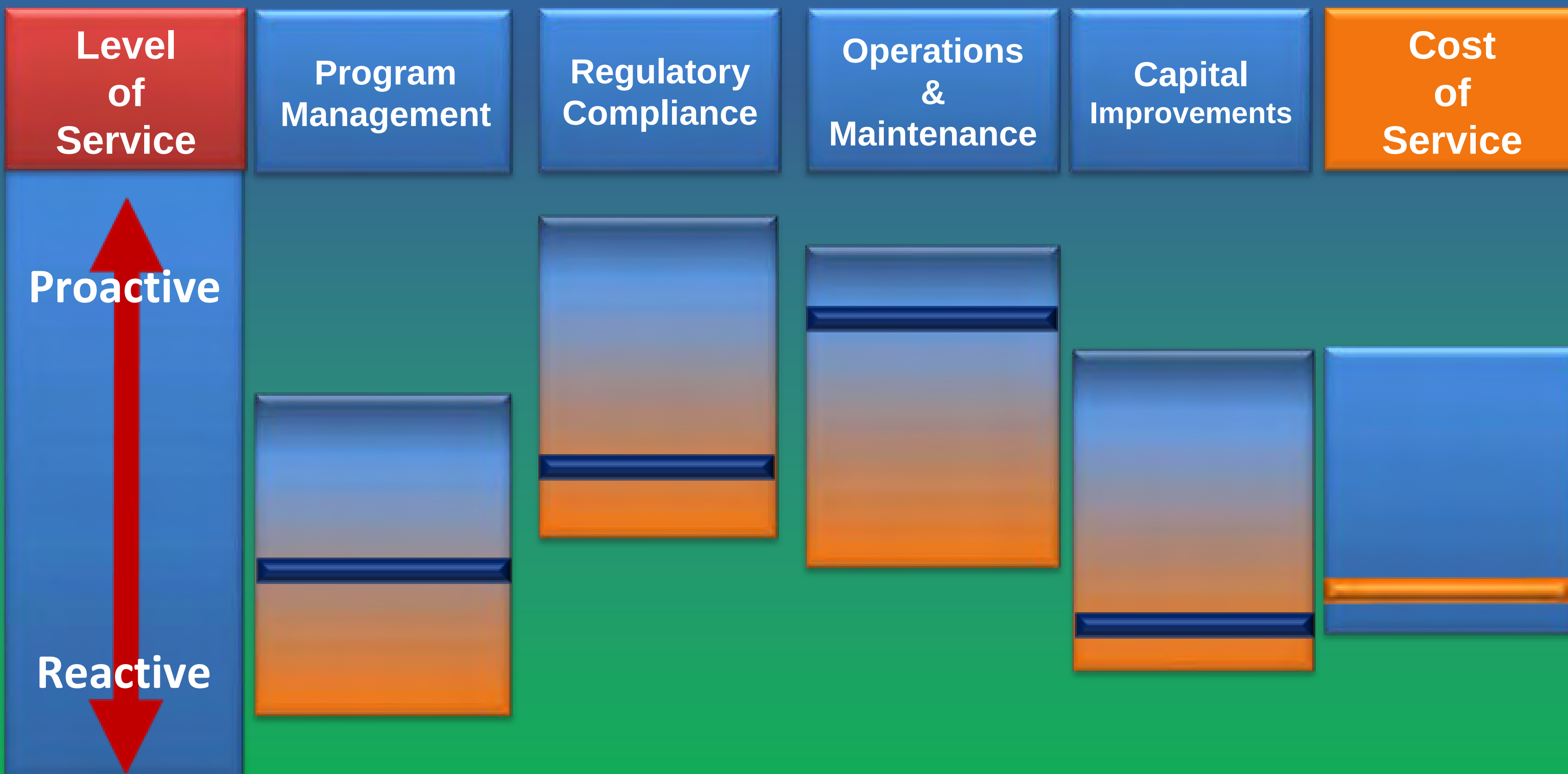
Street Sweeping Program

- Downtown streets swept weekly
- Remaining streets swept three times per year
- 1,800 miles of streets swept in 2009
- Approximately 400 tons of sediment and debris removed annually

1-man crew
2 sweepers



Level of Service & Cost of Service Analysis

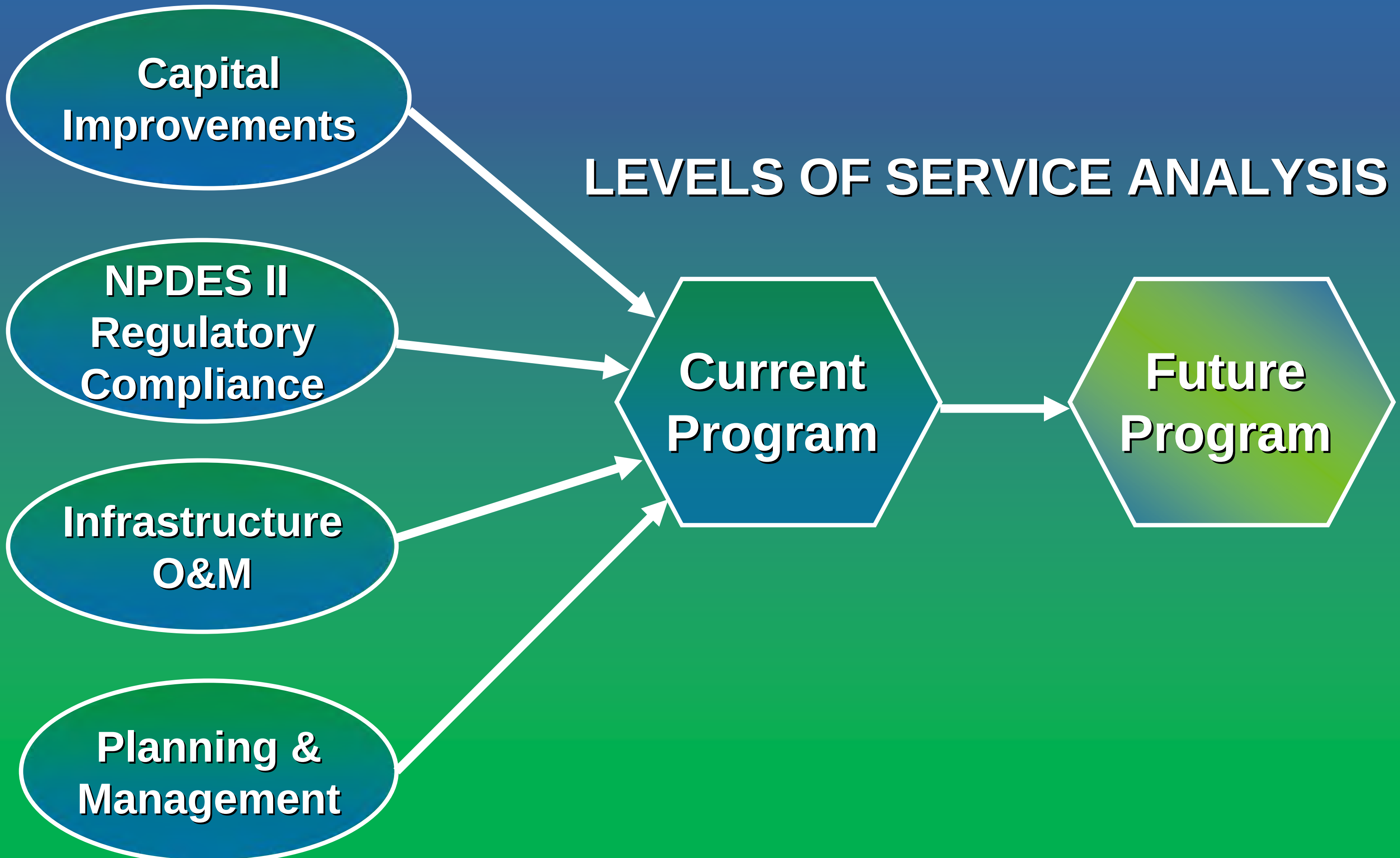


Level of Service Matrix is Used to Evaluate City Services and to Perform Gap Analysis

Level of Service	*Program Management*	*Regulatory Compliance*	*Operation and Maintenance*	*Capital Improvement Projects*
5	Comprehensive Planning & Full Implementation Capabilities	Exemplary Permit Compliance	Fully Preventative/ 100% Routine	Prioritized / Fully-Funded
4	Pro-Active Planning & Systematic CIP Implementation Capabilities	Pro-Active Permit Compliance	Mixture of Routine and Inspection Based	Phased Implementation / Allocated Budgets
3	Priority Planning & Partial CIP Implementation Capabilities	Minimal Permit Compliance	Mixture of Inspection and Responsive Based	Complaint, Inspection-Based / Moderate Budget
2	Reactionary Planning & Minimal CIP Implementation Capabilities	Below Minimum Permit Compliance	Responsive Only	Critical Needs Only / Minimum Budget
1	No Planning & No CIP Implementation Capabilities	Non-Compliance	Non-Responsive	No Planning / No Budget

Future Levels of Service

Driven by Gap Analysis



City of Lynchburg
Stormwater Advisory Committee

Charter

Background

The City of Lynchburg is committed to involving its citizens in projects and processes that contribute to and enhance their quality of life.

The City has recently begun evaluating stormwater management and related services in the City to ensure that the needs of the Citizens and the requirements of upcoming, unfunded state and federal mandated stormwater requirements can both be met effectively and efficiently. This study will be conducted by the consulting team from Camp Dresser & McKee Inc. (CDM). This consulting team will report directly to City staff and both parties will comprise the Project Team.

As part of this study, a Stormwater Advisory Committee (SWAC) will be formed to provide a forum for key stakeholders from the community to be involved early and throughout the decision-making process. Other interested and affected citizens will also be invited to provide feedback at key times during the study at public information centers, possible "open house" forums, and via the City website.

Charge

The charge for the SWAC is to make recommendations on the following:

- Stormwater management priorities;
- Appropriate and affordable level of service;
- Level of interest in public participation in stormwater management program activities;
- Preliminary recommendations of various stormwater management needs assessments, regulations and policies, financial requirements, and funding mechanisms.

Additional, the SWAC members will represent the views of their constituencies as best as they can; assist the Project Team in its understanding of community goals and issues through participation in a process of open dialogue and discussions; and assist the Project Team in presenting the recommendations of the SWAC to City Council, if appropriate.

Project Team Objectives

The Project Team will work with the SWAC to accomplish the following objectives:

- Educate the SWAC on the City's current and anticipated stormwater management program needs and expenditures;
- Ensure stakeholder concerns and views are identified, understood, and considered in the decision-making process;

- Act as a forum for the exchange of information, stakeholder views, and preferences;
- Address the key issues and concerns raised by SWAC members;
- Encourage consensus on the relevant issues, policies, and recommendations;
- Present recommendations of the SWAC to City Council.

Membership

Representatives of key stakeholders representing appropriate a cross-section of community interests have been invited to participate in the SWAC, namely members of:

- Residents and other public interest groups;
- Institutional and other tax-exempt entities, including universities, schools, churches and hospitals;
- The business community, including commercial and industrial property owners, malls and business associations.

A total of 20-25 SWAC members are anticipated.

Alternate Members

It is the City's intention that the same stakeholder representatives be actively involved throughout the project. This continuity will aid in the effectiveness of the process. In the event a participant is unable to attend one or more meetings, a designated alternate will be assigned to take their place. In the event that a participant and their alternate are both unable to attend a meeting, their input should be submitted to the Project Team prior to the meeting.

Roles and Responsibilities

The overall roles and responsibilities of those involved in this project include:

Project Team

- Provide adequate background information to enable participation;
- Provide overviews/presentations on the key issues;
- Facilitate and act as a resource for the main discussion and breakout sessions;
- Identify ways in which stakeholder recommendations have influenced the study process.

Note: The Project Team will receive and consider all submissions made by stakeholders. However, decision-making authority ultimately rests with the City Council.

SWAC Members

- Review materials presented;
- Identify key concerns and issues with the City's stormwater management program;
- Provide and present input, advice and feedback on pertinent issues;
- Explore potential areas of agreement around key issues;

- Provide advice on the most effective way of involving the general public at key points in the project;
- Participate in all meetings.

Meetings

SWAC meetings are to be convened at approximate monthly intervals throughout the project duration. A total of 6 to 8 sessions are planned to take place between May 20, 2010 and March/April 2011. All meetings will be held on the third Thursday of the month, from 6pm to 8pm. The first meeting will be held at the James River Conference Center. Meetings will not be held in July, August or December.

Consultation Process Support

The consultant team will take the lead in preparing meeting materials, providing technical assistance, facilitation and reporting of the SWAC meetings. Assistance in identifying issues where discussion will be of benefit, exploring stakeholder views, and identifying any common ground are key parts of the facilitation role. The consultant team will draft meeting notes and reports that document discussions and stakeholder submissions received during this process, as well as any areas of agreement that are reached. This reporting will form part of the Project Team report to City Council.

Volunteer Time

Although the City cannot offer payment for participation on the SWAC, support services such as any related photocopying can be provided.

Accountability

Responsibility for the SWAC and public consultation program rests with the Project Team. All participants are to be governed according to the policies/procedures of their respective organizations. In the event that agreements are reached during the consultation process, they must be consistent with relevant policies of the respective organizations.

Contact Information

Should you have any questions about the Stormwater Advisory Committee or the City of Lynchburg's evaluation of stormwater management and related services, please contact the following:

Project Manager (City)

Jeff Scarano, City of Lynchburg, Utilities Department, Tel: (434) 455-4281
E-mail: Jeff.Scarano@lynchburgva.gov

Project Manager (Consultant Team)

Chris Tabor, CDM, Tel: (804) 916-6832
E-mail: Taborcw@cdm.com

Stormwater Advisory Committee Members

	Category	Company Name	Member Name	Alternate Member
1	Large Industry	RR Donnelly	David Rakes	Reese Booth
2	Large Business	Genworth Financial	Mike Minnick	Wendell Carwile
3	Small Business	Boxley Block	Andy Reel	Ed Craighill
4		True Value	Charles "Chuck" Overstreet	
5	Hospitals	Centra Health	Joe Archambeault P.E.	David Vandonsel
6	City Schools		Sonny Witt	Steve Gatzke
7	Churches	downtown church		
8		Crosspoint Church	Pastor John Williamson	
9	Housing Authority		Edward McCann	
10	Commercial Realtor/Developer		Gary Case	
11	Residential Realtor	Blickenstaff and Associates	Jane Blickenstaff	
12	Multifamily	Brownstone Properties Inc.	Mike Lucado	
13	Universities	Liberty University	Maggie Cossman	
14	College/Chamber	LC/Chamber Board Member	Dr. Ken Garren	
15	Mall	River Ridge Mall		
16	Builders	Gordon T Cudd Construction Inc	Gordon Cudd	
17	Contractors	CL Lewis	Preston Craighill	
18	Non-profit	United Way	Marie Martin	
19	Environmental Group		Ken Smith	
20	EDA		Louise Mitchell	
21	Residential	annexed areas-Richland Hills	Chris Wiley	
22	Residential	downtown	Michelle Jackson	
23		Fort Ave	Tammy Driskill	
24		Rivermont	Eugene (Gino) Palladino	
25	Downtown Special Interest	LNDF	Laura Dupuy	
26		Lyn. Com. Action Group	Dr. Jim Mundy	Tom Daniel
27	Downtown		Rodney Taylor	
28	Institutional	Presbyterian Home	Jeff Creekmore	
29	Local engineering firm	Wiley|Wilson	Tom Fitzgerald	

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010** AGENDA ITEM NO.: 4

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Discussion Regarding Filling the Vacancy on the School Board**

RECOMMENDATION: Determine the process to be followed in filling the current vacancy on the School Board for the remainder of the unexpired term.

SUMMARY: The current vacancy on the School Board provides Council with the opportunity to appoint an individual to full the unexpired term. The individual appointed will represent District 3 for a term that will expire on June 30, 2012.

Council has the discretion to determine the process it will follow to fill the vacancy. There is no time deadline and the only statutory requirement is that candidates' names be announced at a public hearing at least seven days prior to the appointment.

The City Attorney has provided further guidance which is attached.

As of July 7th, one application for the vacant seat had been received.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Walter Erwin, 455-3973; Valeria Chambers, 455-3990

ATTACHMENT(S): Memo from the City Attorney dated July 1, 2010.

REVIEWED BY: lkp

091L

THE CITY OF LYNCHBURG, VIRGINIA

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OFFICE OF THE CITY ATTORNEY

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ELEANOR A. PUTNAM DUNN
DEPUTY CITY ATTORNEY

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ASSISTANT CITY ATTORNEY

HOPE R.TOWNES
ASSISTANT CITY ATTORNEY

July 1, 2010

The Honorable City Council
Lynchburg, Virginia

Re: School Board Appointment

Dear Council:

At an upcoming meeting City Council will discuss filling the vacancy on the School Board that was created when a School Board Member moved outside of her School District. This memo addresses some of the issues that may come up when filling the vacancy.

First, Section 22.1-50 of the State Code provides that "a vacancy occurring on the school board at any time other than by expiration of term shall be filled by the governing body for the unexpired term." However, the State Code does not prescribe any specific procedure that City Council must use to fill the vacancy. Council can fill the vacancy in whatever manner Council determines is appropriate. For example, Council can invite interested residents of School District 3 to submit applications and choose the applicant Council decides is the most qualified. Or, if Council prefers, you can simply discuss the vacancy among yourselves and select the individual you believe is best qualified to fill the remainder of the term on the School Board.

Second, when filling a vacancy caused by the expiration of a School Board member's term the State Code provides that "within thirty days preceding July 1 of each year, the governing body shall appoint a successor to each member whose term expires on June 30 of that year." There is no time requirement when Council fills a vacant seat on the School Board for reasons other than the expiration of a term. Therefore, Council can take as much time as it wishes to fill the vacancy.

Third, just as the State Code requires City Council to hold a public hearing before filling a vacancy caused by the expiration of a School Board member's term, the State Code also requires Council to hold a public hearing before it can appoint someone to fill the current vacancy. Council is required to hold a public hearing whenever it fills a vacancy on the School Board, regardless of how the vacancy occurred. The public hearing must be held at least seven days prior to making the appointment and only an individual whose name was announced at the public hearing can be appointed to the School Board.

If any of the members of Council have any questions concerning these issues, please do not hesitate to contact me.

Respectfully,

Walter C. Erwin

Cc: L. Kimball Payne, City Manager

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of June, 2010, at 1:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: Helgeson 1

// Council Member Helgeson arrive at 1:05.

// In the matter of Rock Castle Creek Rezoning City Manager Kimball Payne stated the purpose of the work session is to answer Council questions. Mr. Payne went on to say that this was not a public hearing but a work session and Council could allow anyone to speak regarding this item. Mr. Payne stated that the public hearing was left open to see if additional proffers would be received which was a requirement, at this time no additional proffers have been received.

City Planner Tom Martin made a brief presentation restating the purpose of the petition. Mr. Martin also gave background information on the proffers that had been submitted by the developer, stating that there were no additional proffers submitted. Mr. Martin also explained the terminology of the following: (1) RC (Conservation District), basically a conservation district which is a zoning category which is a regulatory district that dictates the types of uses that can be placed on the property; (2) Resource Conservation which is similar to Conservation District but is very different. Resource conservation is a future land use map designation which is a visual guide that is used in conjunction with the goals and objectives of the Comprehensive Plan for decision making; and, (3) Conservation Easement that is an encumbrance placed on the property that goes with the title of the property that transfers and is also legally enforceable.

During Council discussion, Council Member Perrow asked that Mr. Gary Case, representing the petitioner, explain the conservation easement that had been recently sent to Council. Mr. Case explained that legally the 23.11 acres would be a conservation easement on top of the property that is already zoned RC. It is the property along the creek area. Eighteen (18) acres is on the zoning petition and the other four (4) is an additional piece of property that one of the petitioner's own. Mr. Case read a list of items that would be prohibited by the easement, (1) no commercial development, (2) no telecommunication towers, (3) no harvesting of trees, (4) no livestock, farming or related activities, (5) no private recreation facilities, (6) grantor to retain the right to access utilities and discharge storm drainage, and (7) grantor will allow grantee access to the property for mitigation of streams.

Council Member Nelson explained about the harvesting of the trees on the property stating that it was more of a commercial term that embodies a large scale removal of trees so that if harvesting is prohibited it does not mean you cannot cut down other things that is less than a commercial harvesting stating that he was concerned about the destruction of forests which would be adverse to the interest of Sandusky that does not rise to the level of a harvesting. Council Member Nelson went on to say that he had taken language from other conservation easements designed to protect forests and put them together to see if the owners could insert that into the document. Mr. Case stated that the petitioner's were agreeable to place this in the current easement that is now being discussed. Council Member Johnson explained that he felt that this easement and the additional language on harvesting of trees would ensure a better deal for the citizens if they would accept this easement.

Mayor Foster asked Mr. Jim Whitaker to come and speak about this issue. Mr. Whitaker expressed some of the concerns the citizens had with the petitioner's conservation easement document which are: (1) the easement should be held by a non-partisan non-profit organization that would not have future interest in the development of the property, (2) the accuracy of the boundaries described in the document, (3) a title exam requirement wording does not exist, (4) what happens if the RC zoning language changes in the future, future modification possibilities, (5) does not address future subdivision of the property, (6) the easement does not mention public recreation facilities, (7) no mention of a Riparian Buffer (protect water quality), (8) no language pertaining to grading, blasting, filling, or mining, (9) no wording prohibiting accumulation of trash, (10) no language for Right of Inspection included, (11) no enforcement wording in the document, (12) no prohibition of public roads and bridges in the area, (13) who will be responsible for clearing the steams of debris, (14) possible successors to the city, (15) item (g) under additional restrictions should grant access to property for the mitigation of the stream(s) not just one stream, and (16) additional changes included after review the same deed.

After further discussion from Council, City Manager Kimball Payne asked Council if there were a majority of Council that would like to proceed with the discussion to get this resolved. Council Member Perrow moved to deny the petition, seconded by Council Member Gillette. Council Member Nelson stated that the quality, the detail of the easement is what makes the proposal work or not work and wanted to leave the whole area better off than it is. Council Member Nelson further stated that he believes the added language to the proffer answered most of the objections raised by the citizens so most of the objections go away.

Council Member Helgeson questioned the motion on the table because there is a public hearing open this evening on this matter and wanted to know if this motion is in order. City Attorney Walter Erwin stated that the only reason the public hearing was left open is because if the developer offered any additional proffers you have to give citizens an opportunity to comment on those new proffers at a public hearing. If there are no new proffers then Council could vote on this item.

After additional discussion Council Members' Johnson, Nelson, Helgeson, Vice Mayor Dodson and Mayor Foster stated their support to continue discussion of this petition. Council Member Gillette stated he would support the motion because he felt the conservation easement did not achieves the function of environmental protection but has the potential to and Council by the following recorded vote defeated the motion and will continue with the discussion on this matter:

Ayes: Gillette, Perrow 2

Noes: Dodson, Helgeson, Johnson, Nelson, Foster 5

Council Member Perrow stated that he felt it was very important to get all the right information into the conservation easement and added if these items were cleared up it would offer the best protection Sandusky neighborhood would have and his position is absolutely to protect the integrity of the neighborhood. Council Member Gillette stated his agreement with Council Member Perrow. Council went on to discuss the concerns submitted by the Sandusky neighborhood and identified the items listed that still needed further discussion and also identified changes that needed to be made to the easement and asked the petitioner for his approval. Council Member Perrow asked if the developer would be willing to incorporate this into a proffer. City Attorney Walter Erwin stated he had worked up some language that could be added to proffer #E, "rezoning this property is contingent upon the petitioner granting the city a conservation easement on the 18.888 acres. Such conservation easement must be in a form that is acceptable to and approved by the City Attorney and the City Manager. No permits will be issued for the development of the 25.04 acres until the conservation easement has been executed and recorded in the land records of the office of the Clerk of the Circuit Court." The developer said they would accept that and that it was like 23 acres, 18 plus Ms. Jamerson's property. Mr. Case said that the developer agreed with Council.

// In the matter of the Request to Revise the Central Virginia United Soccer Agreement. Council Member Nelson informed that he would abstain from this item because he was involved in the soccer club, and assisted in the negotiation and writing of the agreement and was involved in the initiative to bring this to the Council before he was on Council. City Manager Kimball Payne gave a brief overview of the request stating the main points of the agreement. Mr. Payne further stated that two fields had been built which are in Campbell County and the Central Virginia United Soccer Club, Inc. (CVU) would like to amend this agreement by (1) reduce the fields from 6 to 4, two of which would be artificial turf and (2) the beginning date for the 15-year period for the forgiveness or repayment be reset to July 1, 2012 which gives them 10 more years on this agreement.

Council Member Helgeson asked had the payments been coming back annually. Mr. Payne stated that the agreement doesn't call for a payment; there is a balloon at the end of the 15 years that has to be repaid. Council Member Perrow stated that he liked the idea of the turf fields and that he is supportive of dropping the number of fields to four if they are synthetic fields. Council Member Perrow also stated that there had not been any significant growth in the program towards the soccer complex. Council Member Perrow went on to say that he would support increasing the payback window to ten (10) years.

Council Member Johnson stated he would support the extension of this contract and would like to hear about the specific need for the sports complex. Council Member Johnson felt like there was no need for a complex at this time due to the many fields already available. Mayor Foster stated that she would like to see a multi-sports complex being discussed with the Board whereby not just soccer but other sports could use this complex. Council Member Helgeson stated that making changes to the agreement is a bad precedent and the City needs to stay with the current contract and has not heard a compelling reason as to why there should be changes or amendments. Council Member Gillette stated that he would be willing to amend some but not others and that one turf field could be more valuable as seven (7) grass fields. Council Member Gillette stated that he was comfortable with Council Member Perrow's suggestion to adjust the number of fields and give a little bit of leeway on the payback period.

Council Member Perrow made the following motion "that the agreement be amended to include two (2) natural turf fields and two (2) synthetic turf fields and extending the term of payment to twenty (20) years." The motion was seconded by Council Member Gillette. Council Member Helgeson stated that he was not going to support the motion because the City had already had a contract that everybody agreed to and after eight (8) years felt there should have been more progress made and believes it would be setting a bad precedent. After further discussion Council by the following recorded vote passed the motion:

Ayes: Dodson, Gillette, Johnson, Perrow, Foster	5
Noes: Helgeson,	1
Abstention: Nelson	1

// In the matter of the Midtown Connector Engineer Project Manager J. P. Morris gave a brief overview of the project stating that one of the biggest components that needed to be worked on before advertising for construction and work on during the construction and road work is external utility locations. Mr. Morris reported on the following process to date on the Midtown Connector:

Engineering

June 2008 – Eng. & R/W work commences

- Significant updates to base mapping
- Substantial design elements completed
- Staffing – Seven consulting firms
- 15 to 25 individuals
- June 2010 – plans 97% complete

Right of Way

- 101 parcels evaluated / addressed
- 4 Residential relocations completed
- 5 Business / nonprofit relocations completed
- 11 Demolitions completed
- Staffing – Four consulting firms
- Up to 10 individuals

External Utilities

- AEP
- Verizon
- nTelos
- Comcast
- Zayo Bandwidth

// City Council recessed the meeting at 3:57 p.m.

// City Council reconvened the meeting at 5:00 p.m.

The following Members were present:

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

Absent: 0

// Acting Director of Community Development and Deputy City Manager Bonnie Svrcek made a brief presentation regarding the Community Development Block Grant (CDBG) and HOME 2010-2011 Allocation and Adoption. Ms. Svrcek stated that a public hearing was held on June 8 for the funding recommendations as proposed by the Council-appointed Community Development Advisory Committee (CDAC). Ms. Svrcek stated that City Council received a letter from the Housing Authority noting errors in its original request for funding that was discovered following the May 11 CDAC meeting. Ms. Svrcek explained the changes requested by the Housing Authority leaves a negative balance in the CDAC recommended CDBG non-public service allocation of $11,332.00. Ms. Svrcek stated to resolve this issue, staff suggests that Council consider reducing Spot Blight by this amount and it would be balanced. Ms. Svrcek informed that Council Member Gillette serves as the chair of CDAC and Council Member Helgeson serves as the vice chair.

Council Member Gillette stated that the CDAC is a citizen-based group that maintains membership across the affected districts and also has a large number and is a diverse group of citizens who come together to evaluate box-loads full of applications and to make recommendations that come to Council.

Council Member Perrow called to Council's attention a letter written by Shanda Rowe who is the vice chairman of the Lynchburg Redevelopment and Housing Authority (LRHA), pointing out that one of the items listed comes from the February 24, 2009 Work Session says "It is proposed that the annual priority for the use of the CDBG funds should be as follows (1) city administrative costs, (2) LRHA Spot Blight and Rental Rehab programs, (3) payments on the Sections 108 HUD Loan if necessary, and (4) other items produced by Council. Mr. Perrow pointed out that on the allocation zero dollars appropriated to the LRHA Rental Rehab efforts. They received $100,000 last year and they requested $75,000 this year and they received zero. Council Member Perrow stated that the Housing Authority works with Federal Funds and the staff knows the process inside and out and are absolute professionals. Council Member Perrow also stated that he believes there is too much effort by some of these smaller awards, the administrative costs the City has to spend does not cover the actual value of the award, and that the following awards should not be used by Federal funds and should be lined through: Interfaith Outreach $5,000, United Way's Small Beginnings $10,722.55, the YWCA Town Center $4,000.00, Virginia University of Lynchburg $14,319.55. Council Member Perrow moved that Council approve the allocations as recommended by City staff which made the adjustment for the Housing Authority numbers and withdraw funding for the items just mentioned and seconded by Council Member Helgeson. During Council discussion Vice Mayor Dodson stated he could not vote for the motion, Council Member Johnson stated that the LRHA could get additional monies if they applied for it and would not vote for the motion.

Council Member Helgeson stated that CDAC recommended the Spot Blight program instead of the Rental Rehab program, Council Member Helgeson went on to say when you give money for one thing then you have to take away from another and you have to decide where the money is coming from and some of these small awards the City has been dinged because these small awards still have the administration, monitoring and oversight as you do for the larger awards. Council Member Gillette gave a brief overview of some of the things that CDAC considers when handing out these awards and that some of the organizations were sitting on old money, unspent, and other organizations had a proven track record and that some of the smaller awards were probably handed out because they had proven track records and Council Member Gillette was uncomfortable with removing four more organizations and would not support the motion. Council Member Nelson stated that work needs to begin to rework the system and make it more effective and efficient. After further discussion and by the following recorded vote Council defeated the motion:

Ayes: Perrow 1

Noes: Dodson, Gillette, Helgeson, Johnson, Nelson, Foster 6

Council Member Gillette made the following motion to accept the CDAC recommendations as they came to Council with the amendments provided in the gray boxes where delivery and acquisitions of $107,787.00 is reduced to $96,455.00 that puts $80,000 into Spot Blight, seconded by Vice Mayor Dodson. Council Member Helgeson stated that he could not support this motion because he would like to see Council not reduce the LRHA but to move the funding up and not down. After further discussion Council by the following recorded vote passed the motion:

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

Noes: Helgeson, Perrow 2

// City Manager Kimball Payne stated that the General Assembly made some changes to the Virginia Retirement System (VRS) which created a separate class of employees at the State and local levels and created what is called a Plan 2 for those employees hired after July 1, 2010. Plan 2 employees will have different standards for retirement in terms of years of service and the combination of age and the years of service that will count towards retirement benefits. Public Safety employees were excluded from some of those changes with respect to the years of service. Mr. Payne explained that there was a proposal put in that gave localities the option of addressing the 5% employee share of the VRS contribution. In the 80's many localities picked up the 5% employee share in lieu of raises for employees and ultimately the state law was changed to provide that that employee share would be paid by the employers. Mr. Payne went on to say that Legislation adopted by the General Assembly this year changed that and gave localities the option of charging some or all of that 5% to the employees and every locality has to make a choice. After the legislation was approved by the General Assembly the governor changed the legislation so that that 5% only applies to the Plan 2 employee, not to the existing employees who were hired prior to July 1, 2010. The VRS has asked localities to indicate what choice the City of Lynchburg will be making. If we choose to go with the legislation and have the employees pay the 5% there is no need for any action on the part of City Council. If Council wishes to pay the 5% or any portion of the 5%, then Council would need to adopt a resolution to indicate that and provide it to VRS by July 1.

Finance Committee chair Council Member Helgeson stated that this issued was discussed in the Finance Committee and further stated that he was glad to see this change. Staff is now recommending that the employee pick up their 5%. Council Member Helgeson further stated that this is a tool that can help keep the current employees and also allows the City to help treat the current employees the best way possible and made a motion to follow staff recommendation to where the employee would pay their 5% employee share, seconded by Council Member Perrow.

During further discussion Vice Mayor Dodson expressed concerns about how this would affect the public safety employees and the disparity in pay and that he would oppose this recommendation. Council Member Johnson stated he could not vote for this because the City is going to hurt its least able members of the city's workforce and that it adds an extra burden to new employees. Council Member Nelson asked what impact would this have on the budget. Council Member Gillette asked why the City couldn't give the employee a 5% salary increase and let the employee pay the 5% VRS contribution which would keep the total package value the same for new employees. Council Member Perrow wanted to know if there was a way that the City could opt out of VRS in the future and further stated that the City would be more fiscally responsible by making this change now and if it does not work it can be changed in the future.

Council Member Helgeson restated his motion and by the following recorded vote passed the motion:

Ayes: Gillette, Helgeson, Nelson, Perrow 4

Noes: Dodson, Johnson, Foster 3

// During Roll Call Council Member Helgeson stated that this item was under our School leadership but looking at the Virginia Department of Education where they look at the graduation, it looks like this last time there were 867 students that were starting 9th Grade four (4) years ago and just recently, 2010 we had 536 actually graduated and completed. That is a 61.8% on time graduation record and Council should address it somehow. Council Member Gillette stated that at the very bottom of Surry Place there is a storm drain and the pipe from that storm drain empties in a hill down in the woods, the pipe does not run all the way to the stream it seems to run halfway down the hill thereby creating a rut of erosion leading into the stream bed and could eat away the backyard of some of the neighbors. Council Member Perrow stated he was driving through Tyreeanna and there is a significant amount of land that has pretty good development potential and as a City are not doing anything to encourage that and would like Physical Development Committee (PDC) to possibly take a look at extending the sewer out to the Tyreeanna area.

// City Council recessed the meeting at 7:10 p.m.

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

The following Members were present:

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

Absent: 0

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

// Lisa Dibble Chair of the Greater Lynchburg Transit Company (GLTC) and Mike Carroll President of GLTC presented Vice Mayor Dodson with a Proclamation for his outstanding service to the GLTC Board.

// City Council presented to Vice Mayor Dodson a print of Monument Terrance along with a key to the City.

Communications and Marketing presented to Vice Mayor Dodson a video during his time on City Council.

Vice Mayor Dodson thank everyone for his time on City Council and presented each council member with a small token of his appreciated to have served with his fellow council members.

// Copies of the minutes of the June 8, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

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

// Copies of the minutes of the June 11, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Fire - General, Resolution #R-10-069 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $97,974 with resources of $91,443 for a regional fire department training initiative, laid over from the June 8, 2010 meeting, was again presented and read, and on motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #10 to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire a fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road in the City of Lynchburg, designated as tax map no. 003-34-016, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Gillette,

Council by the following recorded vote adopted Resolution #R-10-074 approving a fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road, designated as tax map no. 003-34-016, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Kemper Street in the City of Lynchburg, designated as tax map no. 026-29-012, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-10-075 to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Kemper Street, designated as tax map no. 026-29-012, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire a temporary construction easement on a parcel of land fronting on Kemper street in the City of Lynchburg, designated as tax map no. 026-14-017, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-10-076 to acquire a temporary construction easement on a parcel of land fronting on Kemper Street, designated as tax map no. 026-14-017, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way, a temporary construction easements and permanent drainage easements on a parcel of land fronting on Kemper Street and Park Avenue in the City of Lynchburg, designated as tax map no. 010-57-001, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-10-077 to acquire a fee simple right-of-way, a temporary construction easements and permanent drainage easements on a parcel of land fronting on Kemper Street and Park Avenue, designated as tax map no. 010-57-001, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Park Avenue in the City of Lynchburg, designated as tax map no. 011-21-001, for the construction of the mid-town connector from the Lynchburg U.S. Route

29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-10-078 to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Park Avenue, designated as tax map no. 011-21-001, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road in the City of Lynchburg, designated as tax map no. 003-36-011, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-10-079 to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road, designated as tax map no. 003-36-011, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road in the City of Lynchburg, designated as tax map no. 003-36-010, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-10-080 to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road, designated as tax map no. 003-36-010, as presented:

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

A public hearing was held to receive citizen comments regarding a resolution authorizing condemnation proceedings by the City of Lynchburg to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road in the City of Lynchburg, designated as Tax map no. 003-36-006, for the construction of the mid-town connector from the Lynchburg U.S. Route 29 Bypass to the intersection of Langhorne Road and Murrell Road (U.S. 501 Business). There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-10-081 to acquire fee simple right-of-way and a temporary construction easement on a parcel of land fronting on Langhorne Road, designated as tax map no. 003-36-006, as presented:

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

// In the matter of Community Planning – Zoning Amendments, a continuation of the public hearing was held regarding City Council Report #11 (if new proffers are received) regarding the petition of Gary Case to amend the Future Land Use Map from Resource Conservation to Office use and to rezone 25.04 acres from R-C, Resource Conservation District to B-1C, Limited Business District (Conditional) to allow the construction of office buildings and other uses permitted in a B-1, Limited Business District at 101 Peggy Bowen Drive and 126 Nationwide Drive. There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #O-10-082, as presented, amending the Future Land Use Map:

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

On motion of Vice Mayor Dodson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-10-083, as presented, rezoning 25.04 acres from R-C, Resource Conservation District to B-1C, at 101 Peggy Bowen Drive and 126 Nationwide Drive:

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

// Michael Bowers was not present at this meeting.

// In the matter of Library - General, City Council Report #13 was considered. On motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote approved the Lynchburg Public Library Five-Year Plan and Technology Plan:

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

// On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members concerning the cases of <u>Samuel McConville v. Joel B.Currin and Scott Bradner</u> and <u>Mary Beard Peterson v. Michael Eagle, et als.;</u> to consider appointments to Council-appointed Boards and Commissions, i.e., Central Virginia Community College, School Board, Dr. Martin Luther King, Jr./ Lynchburg Community Council, Planning Commission, Transit Company Board (GLTC), Lynchburg Parking Authority, Lynchburg Regional Airport Commission and Regional Tourism Board; and to conduct performance evaluations of the City Manager, City Attorney and Interim Clerk of Council, respectively, pursuant to Section 2.2-3711(A.)(7) and (1), respectively, of the <u>Code of Virginia</u>, 1950, as amended:

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

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

// Council Member Helgeson left during the closed meeting.

// Council Member Perrow made the following motion:

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

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

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

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

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

Noes: 0

Absent: Helgeson 1

// In the matter of Appointments, and on nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Robert C. Mason, to serve on the Central Virginia Community College Board for a term to expire June 30, 2014:

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

Noes: 0

Absent: Helgeson 1

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote re-appointed Mary Ann Barker and Albert L. Billingsly to serve on the Lynchburg School Board for terms to expire June 30, 2013:

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

Noes: 0

Absent: Helgeson 1

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Jettie Marie Waller to serve on the Lynchburg School Board for a term to expire June 30, 2013:

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

Noes: 0

Absent: Helgeson 1

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Ramona Battle to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council for a term to expire June 30, 2013:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Michael D. Moore to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council to fill an unexpired term ending June 30, 2011:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Dr. James E. Coleman, Jr. to serve on the Planning Commission to fill an unexpired term ending December 31, 2011:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Lee Beaumont to serve on the Transit Company Board to fill an unexpired term ending October 31, 2012:

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

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote appointed Perry Ahmed and Phyllistine Mosley to serve on the Regional Tourism Board for terms to expire June 30, 2013:

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

// The meeting was adjourned at 11:32 P.M.

Interim Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010**		AGENDA ITEM NO.: 7
CONSENT: **X**	REGULAR:	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	

ITEM TITLE: **Central Virginia Community Services FY 2011 Performance Contract**

RECOMMENDATION:

Adopt a resolution approving the Central Virginia Community Services FY 2011 Performance Contract

SUMMARY:

Section 37.2-508(B) of the Code of Virginia requires City Council approval of the Central Virginia Community Services FY 2011 Performance Contract. Localities are asked to consider such action by September 30; and if approval is not received by then, the FY 2011 Performance Contract will be deemed approved by the State. This is a routine matter. There is nothing extraordinary in the proposed performance contract.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

Kelly Baldwin 485-8882
Beth Ludeman-Hopkins

ATTACHMENT(S):

Resolution
FY 2011 Performance Contract

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the Lynchburg City Council does hereby approve the Central Virginia Community Services FY 2011 Performance Contract as required by Section 37.2-508(B) of the Code of Virginia.

Adopted:

Certified: ______________________________
Interim Clerk of Council

080L

FY2011 Community Services Performance Contract

Exhibit A

Central Virginia Community Services

Consolidated Budget				
Revenue Source	**Mental Health**	**Developmental Services**	**Substance Abuse**	**TOTAL**
State Funds	313,659	163,005	1,077,720	1,554,384
State Restricted Funds	4,127,610	0	280,224	4,407,834
Local Matching Funds	831,039	0	23,630	854,669
Total Fees	21,582,185	6,607,801	366,411	28,556,397
Transfer Fees (To)/From	200,000	0	-200,000	0
Federal Funds	160,511	0	1,551,089	1,711,600
Other Funds	380,078	2,808	208,557	591,443
State Retained Earnings	118,659	0	0	118,659
Federal Retained Earnings	0		0	0
Other Retained Earnings	0	0	0	0
Subtotal Funds	**27,713,741**	**6,773,614**	**3,307,631**	**37,794,986**
State Funds One-Time	0		0	0
State Restricted Funds One-Time		0		0
Federal Funds One-Time	0		0	0
Subtotal One -Time Funds	**0**	**0**	**0**	**0**
TOTAL ALL FUNDS	**27,713,741**	**6,773,614**	**3,307,631**	**37,794,986**

Cost for MH/DVS/SA	**26,824,600**	**6,105,105**	**1,890,866**	**34,820,571**
Cost for Services Available Outside of a Program Area				**2,974,415**

Total Cost	**37,794,986**

Local Match Computation	
Total State Funds	5,962,218
Local Matching Funds	854,669
Total State and Local Funds	6,816,887
% Local Match	**12.54%**

Administration Expenses	
Total Admin. Expenses	3,656,007
Total Expenses	37,794,986
% Administration	**9.67%**

FY2011 Community Services Performance Contract

Central Virginia Community Services

Comments

Comment1	MH State Retained - $118,659 - Consists of $10,000 MH Juvenile Detention,
Comment2	$33,659 MH Law Reform, and $75,000 MH Discharge Assistance.
Comment3	
Comment4	
Comment5	
Comment6	
Comment7	
Comment8	
Comment9	
Comment10	
Comment11	
Comment12	
Comment13	
Comment14	
Comment15	
Comment16	
Comment17	
Comment18	
Comment19	
Comment20	
Comment21	
Comment22	
Comment23	
Comment24	
Comment25	

FY 2011 Performance Contract Financial Summary

Mental Health

Central Virginia Community Services

Revenue Source	Revenue
Fees	
MH Medicaid Fees	20,012,285
MH Fees: Other	1,569,900
Total MH Fees	21,582,185
MH Transfer Fees (To)/From	200,000
MH Net Fees	21,782,185
Restricted Funds	
Federal	
MH FBG SED C & A	143,408
MH FBG SMI	17,103
MH FBG PACT	0
MH FBG Geriatrics	0
MH FBG Consumer Services	0
MH Fed PATH	0
MH Other Federal - DBHDS	0
MH Other Federal - CSB	0
Total Federal Restricted MH Funds	160,511
State	
MH Acute Care (Fiscal Agent)	0
MH Transfer In/(Out) Acute Care	157,600
MH Net Acute Care	157,600
MH Regional DAP (Fiscal Agent)	720
MH Transfer In/(Out) Regional DAP	0
MH Net Regional DAP	720
MH Facility Reinvestment (Fiscal Agent)	217,324
MH Transfer In/(Out) Facility Reinvestment	0
MH Net Facility Reinvestment	217,324
MH Regional DAD/Wintex (Fiscal Agent)	0
MH Transfer In/(Out) Regional DAD/Wintex	0
MH Net Regional DAD/Wintex	0
MH Crisis Stabilization (Fiscal Agent)	374,500
MH Transfer In/(Out) Crisis Stabilization	0
MH Net Crisis Stabilization	374,500
MH Recovery (Fiscal Agent)	0
MH Transfer In/(Out) Recovery	0
MH Net Recovery	0
MH Transformation (Fiscal Agent)	983,210
MH Transfer In/(Out) Transformation	62,400
MH Net Transformation	1,045,610
MH DAD/Wintex	0
MH PACT	700,000
MH Discharge Assistance (DAP)	521,038

FY 2011 Performance Contract Financial Summary

Mental Health

Central Virginia Community Services

Revenue Source	Revenue
MH Child & Adolescent Services Initiative	199,524
MH Pharmacy	399,705
MH Demo Proj-System of Care (Child)	0
MH Juvenile Detention	98,403
MH Jail Diversion/Service	30,000
MH Geriatrics	0
MH Law Reform	331,492
MH Children's Outpatient	51,694
Total State Restricted MH Funds	4,127,610
Other Funds	
MH Other Funds	380,078
MH Federal Retained Earnings	0
MH State Retained Earnings	118,659
MH State Retained Earnings - Regional Prog	0
MH Other Retained Earnings	0
Total Other MH Funds	498,737
State Funds	
MH State General Funds	288,659
MH State Regional Deaf Services	0
MH State NGRI	0
MH State Children's Services	25,000
Total State MH Funds	313,659
Local Matching Funds	
MH In-Kind	0
MH Contributions	0
MH Local Other	0
MH Local Government	831,039
Total Local MH Funds	831,039
Total MH Revenue	27,713,741
MH One Time Funds	
MH FBG SWVMH Board	0
MH FBG SMI	0
MH FBG SED C & A	0
MH FBG Consumer Services	0
MH Fed Emergency Preparedness and Response	0
MH State General Funds	0
Total One Time MH Funds	0
Total All MH Revenue	27,713,741

FY 2011 Performance Contract Financial Summary

Developmental Services (DVS)

Central Virginia Community Services

Revenue Sources	Revenue
Fees	
DVS Medicaid Fees	4,620,446
DVS Medicaid ICF/DVS	1,563,355
DVS Fees: Other	424,000
Total DVS Fees	6,607,801
DVS Transfer Fees (To)/From	0
DVS Net Fees	6,607,801
Restricted Funds	
Federal	
DVS Other Federal - DBHDS	0
DVS Other Federal - CSB	0
Total Federal Restricted DVS Funds	0
State	
DVS Facility Reinvestment (Fiscal Agent)	0
DVS Transfer In/(Out) Facility Reinvestment	0
DVS Net Facility Reinvestment	0
DVS Transformation	0
Total State Restricted DVS Funds	0
Other Funds	
DVS Workshop Sales	0
DVS Other Funds	2,808
DVS State Retained Earnings	0
DVS Other Retained Earnings	0
Total Other DVS Funds	2,808
State Funds	
DVS State General Funds	103,217
DVS OBRA	59,788
DVS Family Support	0
DVS Children's Family Support	0
Total State DVS Funds	163,005

FY 2011 Performance Contract Financial Summary

Developmental Services (DVS)

Central Virginia Community Services

Revenue Sources	Revenue
Local Matching Funds	
DVS In-Kind	0
DVS Contributions	0
DVS Local Other	0
DVS Local Government	0
Total Local DVS Funds	0
Total DVS Revenue	6,773,614
DVS One Time Funds	
DVS Waiver-Start Up	0
Total One Time DVS Funds	0
Total ALL DVS Revenue	6,773,614

FY 2011 Performance Contract Financial Summary

Substance Abuse

Central Virginia Community Services

Revenue Sources	Revenue
Fees	
SA Medicaid Fees	76,225
SA Fees: Other	290,186
Total SA Fees	366,411
SA Transfer Fees (To)/From	-200,000
SA Net Fees	166,411
Restricted Funds	
Federal	
SA FBG Alcohol/Drug Trmt	796,856
SA FBG Women (Includes LINK-6 CSBs)	74,115
SA FBG Prevention-Women (LINK)	0
SA FBG SARPOS	132,797
SA FBG Facility Diversion	54,451
SA FBG Jail Services	0
SA FBG Crisis Intervention	200,000
SA FBG Prevention	192,870
SA FBG Co-Occurring	0
SA FBG Prev-Strengthening Families	100,000
SA FBG New Directions	0
SA FBG Recovery	0
SA Fed VASIP/COSIG (Fiscal Agent)	0
SA Fed Transfer In/(Out) VASIP/COSIG	0
SA Net VASIP/COSIG	0
SA Fed Project REMOTE	0
SA Fed "Returning to Work"	0
SA Fed Project TREAT	0
SA Other Federal - DBHDS	0
SA Other Federal - CSB	0
Total Federal Restricted SA Funds	1,551,089
State	
SA Facility Reinvestment (Fiscal Agent)	0
SA Transfer In/(Out) Facility Reinvestment	0
SA Net Facility Reinvestment	0
SA Facility Diversion	235,000
SA Women (Includes LINK - 4 CSBs)	0
SA Crisis Stabilization	0
SA MAT	0
SA Transformation	0
SA SARPOS	45,224
SA Recovery	0
SA HIV/AIDS	0
Total State Restricted SA Funds	280,224

FY 2011 Performance Contract Financial Summary

Substance Abuse

Central Virginia Community Services

Revenue Sources	Revenue
Other Funds	
SA Other Funds	208,557
SA Federal Retained Earnings	0
SA State Retained Earnings	0
SA State Retained Earnings-Regional Prog	0
SA Other Retained Earnings	0
Total Other SA Funds	208,557
State Funds	
SA State General Funds	1,058,520
SA Region V Residential	0
SA Postpartum - Women	19,200
SA Jail Services/Juv Detention	0
Total State SA Funds	1,077,720
Local Matching Funds	
SA In-Kind	0
SA Contributions	0
SA Local Other	0
SA Local Government	23,630
Total Local SA Funds	23,630
Total SA Revenue	3,307,631
SA One Time Funds	
SA FBG Alcohol/Drug Trmt	0
SA FBG Women (includes LINK-6 CSBs)	0
SA FBG Prevention	0
SA State General Funds	0
Total One Time SA Funds	0
Total ALL SA Revenue	3,307,631

FY 2011 Community Services Performance Contract

Local Government Tax Appropriations

Central Virginia Community Services

City/County	Tax Appropriation
Lynchburg City	439,953
Bedford City	6,144
Campbell County	157,404
Bedford County	104,386
Appomattox County	40,228
Amherst County	106,554
Total Local Government Tax Funds:	854,669

FY 2011 Community Services Performance Contract

Supplemental Information

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

Central Virginia Community Services

	MH	DVS	SA	Services Outside Prog. Area	Total
Financial Report Revenue	27,713,741	6,773,614	3,307,631	[redacted]	37,794,986
Utilization Data Expenses	26,824,600	6,105,105	1,890,866	2,974,415	37,794,986
Difference	889,141	668,509	1,416,765	-2,974,415	0

Difference results from

Other	0

Explanation of Other:

FY 2011 Community Services Performance Contract
CSB 100 Mental Health Services
Central Virginia Community Services

Report for Form 11

Core Services Code	Costs
310 Outpatient Services	$6,300,495
350 Assertive Community Treatment	$1,269,722
320 Case Management Services	$6,748,700
410 Day Treatment/Partial Hospitalization	$8,682,165
420 Ambulatory Crisis Stabilization Services	$259,840
425 Rehabilitation/Habilitation	$594,856
510 Residential Crisis Stabilization Services	$982,798
551 Supervised Residential Services	$656,765
581 Supportive Residential Services	$1,226,948
610 Prevention Services	$102,311
Total Costs	**$26,824,600**

FY 2011 Community Services Performance Contract
CSB 200 Developmental Services
Central Virginia Community Services

Report for Form 21

Core Services Code	Costs
320 Case Management Services	$2,066,440
501 Highly Intensive Residential Services	$1,789,507
521 Intensive Residential Services	$2,159,192
581 Supportive Residential Services	$89,966
Total Costs	**$6,105,105**

FY 2011 Community Services Performance Contract
CSB 300 Substance Abuse Services
Central Virginia Community Services

Report for Form 31

Core Services Code	Costs
310 Outpatient Services	$388,586
320 Case Management Services	$92,578
501 Highly Intensive Residential Services	$1,048,967
610 Prevention Services	$360,735
Total Costs	**$1,890,866**

FY 2011 Community Services Performance Contract
CSB 400 Services Available Outside of a Program Area
Central Virginia Community Services

Report for Form 01

Core Services Code	Costs
100 Emergency Services	$2,551,263
318 Motivational Treatment Services	$191,187
720 Assessment and Evaluation Services	$194,644
730 Consumer Run Services	$37,321
Total Costs	**$2,974,415**

FY 2011 Community Services Performance Contract Supplement

Table 1: Board of Directors Membership Characteristics

Name of CSB:	Central Virginia Community Services				
Total Appointments:	15	**Vacancies:**	0	**Filled Appointments:**	15
Number of Consumers:	1			**Number of Family Members:**	5

FY 2011 Community Services Performance Contract

Exhibit D: CSB Board of Directors Membership List

Central Virginia Community Services

Name	Address	Phone Number	Start Date	End Date	Term No.
Clyde Clark	517 Maplewood Road Lynchburg, VA 24503	(434) 845-6576	1/1/2007	12/31/2012	2
William Craft	P.O. Box 181 Appomattox, VA 24522	(434) 352-2172	11/30/2005	12/31/2011	2
Debbie Drake	119 East Main St. Bedford, VA 24523	(540) 586-7750	2/28/2006	12/31/2011	2
Stan Goldsmith	6344 Bedford Highway Lynch Station, VA 24571	(434) 369-5181	9/4/2007	12/31/2012	2
Jeff Helgeson	100 Warren Ave Lynchburg, VA 24501	(434) 528-3532	1/1/2006	12/31/2011	2
Krystal Hullette	122 E Main St. Ste G01 Beford, VA 24523	(540) 586-7652	2/9/2009	12/31/2011	1
Dana Koenig	3294 Hopper Road Forest, VA 24551	(434) 384-3843	1/11/2010	12/31/2012	1
Gary Marple	500 Ivy Lake Dr. Forest, VA 24551	(434) 534-9657	1/1/2007	12/31/2012	2
Leon Parrish	200 9th Street Madison Heights, VA 24572	(434) 845-6130	3/6/2010	12/31/2012	1
Marsha Rose	136 Rose Petals Lane Amherst, VA 24521	(434) 946-9718	4/27/2005	12/31/2010	2
William Schneider	337 Wild Turkey Road Lynchburg, VA 24502	(434) 385-0424	1/27/2008	12/31/2010	1
Mary Lou Spiggle	Pine Street Appomattox, VA 24522	(434) 352-8202	1/1/2010	12/31/2012	1
Terry Stelle	1265 Runaway Bay Road Lynch Station, VA 24571	(434) 309-9989	1/1/2010	12/31/2012	1
Phil Theisen	708 Lake Vista Dr. Forest, VA 24551	(434) 385-0747	1/25/2006	12/31/2011	2

FY 2011 Community Services Performance Contract Supplement

Central Virginia Community Services

Table 2: Board Management Salary Costs

Explanations for Table 2a

Table 2b: Community Service Board Employees

1.	2.	3.	4.	5.	6.	7.
No. of FTE CSB Employees	**MH**	**MR**	**SA**	**Srv Outside Pgm**	**ADMIN**	**TOTAL**
Consumer Service FTEs	327.00	102.00	9.00	32.00		470.00
Peer Staff Service FTEs	1.00	0.00	0.00	0.00		1.00
Support Staff FTEs	120.00	8.00	15.00	22.00	42.00	207.00
TOTAL FTE CSB Employees	448.00	110.00	24.00	54.00	42.00	678.00

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010**			AGENDA ITEM NO.: 8
CONSENT: **X**	REGULAR:	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **James River Interceptor Divisions 2 & 6 – Approval of Increased Costs In Excess Of 25 Percent of Base Contract**

RECOMMENDATION: Approve changes to the fixed-price contract which will increase the cost for construction of Divisions 2 & 6 of the James River Interceptor by an amount greater than 25 percent of the original price.

SUMMARY: The Public Procurement Act of the Code of Virginia requires that changes to a fixed-price contract that exceed 25% of the original price or $50,000, whichever is greater, be approved by the governing body. It is anticipated that total change orders for the contract for the James River Interceptor Divisions 2 & 6 will exceed the 25% limitation.

Below is a brief summary of the change orders to this project. Due to a combination of poor soil conditions, excessive wet weather and additional CSXT Railroad requirements, several significant change orders have been necessary to complete this construction work. Other change orders were executed to ensure the best price for the City on this project.

Division 2 and 6
- The base contract assumed a nominal amount ($10,000) for Railroad Protective Liability (RPL) insurance to ensure that the City only paid an exact amount for insurance, which was $110,000. A change order of $100,000 was executed to cover the difference.

Division 2
- To facilitate construction of the project, the 96 inch diameter portion of this Division was reduced to 72 inch diameter and portions of the former Foundry Building at Garnet St were demolished. A change order credit of $191,316 was offered by the contractor for these items. We estimate that the demolition of the Foundry buildings saved approximately $750,000 on the construction of this project.
- During construction, it was determined by the railroad that the native soils along Division 2, once removed from the trench, may be unsuitable for use as backfill due to their lack of cohesion and potential inability to achieve the railroad's required 95% compaction. As a result, it may be necessary to remove the unsuitable materials and use imported backfill along the entire trench length of Division 2- approximately 4,800 linear feet. The cost for this material would be $1,625,520.
- Due to requirements by CSXT Railroad and site conditions, additional sheet piling was installed. The fixed-price contract had included a base amount of sheet piling as well as a specific line item price for adjustments to that quantity to ensure that City only paid for exact quantity installed. This line item price was $12/sf (note that engineer's estimate for sheet piling was about $60/sf) and a total of $66,984.

Division 6
- The waterline on Hydro St was determined to be undersized and in poor condition. Replacement of this waterline to 8 inch to ensure adequate fire protection and reliable water service was added to this contract at a cost of $287,869.
- Poor soil conditions were encountered in the sewer trench along Hydro St. and the Buncher Rail access road. Proper compaction of the backfilled native material could not be obtained. To ensure a stable subsurface for the roadway, we directed the contractor to remove the unsuitable material and install 57 stone backfill in the trench for approximately 5,000 linear feet at a cost of $165,958.
- During this past winter, portions of the bank of the James River collapsed along the Division 6 project due to extremely saturated ground conditions caused by excessive wet weather and unusually high

river levels. To stabilize the bank, allow for construction activities and ensure the long-term protection of our interceptor, the sheet piling was replaced with rip rap. Approximately 2,700 feet of rip rap is being placed. Anticipated cost for this work is $2,600,000.

To date, only $2,497,962 in change orders have been executed and/or requested by the contractor (15 percent of the base contract). However, a total change order amount of approximately $4,654,995 is possible on this contract (28 percent of base contract) when all items listed above are completed. Additional change orders may also be necessary to mitigate any other unforeseen conditions encountered on each project.

PRIOR ACTION(S): None.

FISCAL IMPACT: All funds for this project, including change orders, have been previously appropriated in the FY 09 and FY 10 Sewer Capital Projects Fund.

CONTACT(S):

Jeff Scarano, CSO Program Manager, 455-4281
Timothy Mitchell, Director of Utilities, 455-4252

ATTACHMENT(S):

JRI Div 2 & 6 Budget Review Document

REVIEWED BY: lkp

089L

James River Interceptor Divisions 2 & 6

Budget Review Worksheet

June 25, 2010

Prepared by Jeff Scarano and Charles Ripley

Item	Description	Issued	Status	Project Amount	Days
CO 1	Railroad Protective Liability Insurance	09/23/09	Executed	$100,000.00	0
CO 2	Div. 2 Demo Garnet St. Bldg./ Reduce pipe 96" to 72	12/08/09	Executed	($191,316.00)	30
CO 3	Rip-Rap Div. 6	01/26/10	Executed	$90,250.00	
CO 4	Sheet. Adj. Div. 2, Rip-Rap Div. 6, #57 Stone Div. 6	3/1/10	Executed	$480,858.57	
CO 5	Replace Water Main on Hydro St. / Div. 6	3/23/10	Executed	$287,869.00	30
CO 6	RipRap Div. 6 May -10 / Sheeting Restocking Fees	5/27/10	Executed	$451,440.00	0
CO 7	Rip-Rap Div. 6		Claimed	$1,278,860.55	
CO 7	Provide suitable backfill Div 2 (estimate)		Estimate	$1,625,520.00	
Change Order Totals				**$4,123,482.12**	**60**

Contingency Summary	
Base Contingency	$0.00
Change Orders	$4,123,482.12
Contract / Payment Summary	
Contract Extension	$16,659,000.00
Contract Adjustment	$0.00
Change Orders	**$4,123,482.12**
Adjusted Contract Extension	$20,782,482.12
Payments - 8	$8,229,755.36
Balance	$12,552,726.76
Retainage	$411,487.77
Balance plus Retainage	$12,964,214.53

Contract Completion Date Summary	
Total Days Affecting Completion Date form CO	60
Notice to Proceed Date	9/24/09
Consecutive Calendar Days in Contract	630
Original Completion Date =	6/15/11
Current Contract Completion Date/all Exec CO =	8/14/11

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010** AGENDA ITEM NO.: 9

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): Lynchburg College Master Plan Amendment, 315 College Street and 431 Lakewood Street**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Lynchburg College is petitioning to add the properties at 315 College Street and 431 Lakewood Street to the Lynchburg College Master Plan and allow the conversion of the two (2) existing single-family dwellings to housing for a total of thirteen (13) students. If approved, the building at 315 College Street would house seven (7) students and the building at 431 Lakewood Street would house six (6) students. Parking will be provided in an existing gravel lot behind the residence or in an existing parking lot owned and operated by Lynchburg College to prevent the overflow of cars into the adjacent residential neighborhood.

The Planning Commission recommended approval of the CUP petition because:

- The *City of Lynchburg Comprehensive Plan 2002-2020* recommends a Low Density Residential use for the area. Institutional uses **(page 5.5)** that are compatible in scale with residential homes are appropriate in these areas.
- The petition agrees with the *Zoning Ordinance* in that schools and colleges are allowed in an R-2, Low-Medium Density Single-Family Residential District with approval of a CUP by City Council.
- The Lynchburg *Comprehensive Plan 2002-2020* **(page 10.11)** notes that the City places a high value on its colleges and will work with them in coordinating City planning with campus master planning.

PRIOR ACTION(S):

June 9, 2010: The Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval of the CUP petition (5-0, with 1 member absent, Hooper, and 1 position vacant) subject to the following conditions:

1. The property will be developed in substantial compliance with the “Lynchburg College Revised Master Plan for Conditional Use Permit” received on May 14, 2010.
2. All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Concept Plan
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNCHBURG COLLEGE TO ADD THE PROPERTIES AT 315 COLLEGE STREET AND 431 LAKEWOOD STREET TO THE LYNCHBURG COLLEGE MASTER PLAN AND ALLOW THE CONVERSION OF THE BUILDING AT 315 COLLEGE STREET TO HOUSE SEVEN (7) STUDENTS AND THE BUILDING AT 431 LAKEWOOD STREET TO HOUSE SIX (6) STUDENT IN AN R-2, LOW-MEDIUM DENSITY TWO-FAMILY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Lynchburg College to add the properties at 315 College Street and 431 Lakewood Street to the Lynchburg College Master Plan and allow the conversion of the building at 315 College Street to house seven (7) students and the building at 431 Lakewood Street to house six (6) students be, and the same is hereby approved, subject to the following conditions:

1. The property will be developed in substantial compliance with the “Lynchburg College Revised Master Plan for Conditional Use Permit” received on May 14, 2010.
2. All exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.

Adopted:

Certified: ______________________________
Interim Clerk of Council

087L

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: June 9, 2010
Re: **CONDITIONAL USE PERMIT (CUP): Lynchburg College Master Plan Amendment, 315 College Street and 431 Lakewood Street**

I. PETITIONER

Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501
Representative: John C. Lewis, Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

II. LOCATION

The subject properties include two (2) tracts. The property located at 315 College Street totals seventeen hundredths (0.17) of an acre and the property at 431 Lakewood Street includes twenty-two hundredths (0.22) of an acre.

Property Owner: Lynchburg College, 1501 Lakeside Drive, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to add the properties at 315 College Street and 431 Lakewood Street to the Lynchburg College Master Plan and to allow the conversion of the two (2) existing single-family dwellings to housing for a total of thirteen (13) students.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020* recommends Low Density Residential land uses in this area.
- The petition agrees with the *Zoning Ordinance* in that schools and colleges are allowed in an R-2, Low-Medium Density Single-Family Residential District with approval of a CUP by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020* recommends Low Density Residential uses for the area. Low Density Residential **(page 5.5)** areas are dominated by single-family homes at densities of four (4) dwelling units per acre. Institutional uses that are compatible in scale with residential homes are appropriate in these areas.

   Throughout the public forums held for the preparation of the *Comprehensive Plan 2002-2020* **(page 11.8),** citizens emphasized the value they place on education. Quality education opportunities must be provided for youth at the secondary school level and college level and for adults as part of continuing education. The City places a high value on its colleges and will continue to support their presence within the City and to work with them in coordinating City planning with campus master planning.

Neighborhoods & Housing, Objective 1.C **(page 10.11)** states that all institutions should be encouraged to prepare master plans showing the location of existing and proposed facilities. Institutions are also encouraged to work with surrounding neighborhoods to ensure that the master plan will have neighborhood support.

In addition to the proposed homes at College Street and Lakewood Street, the petition originally included a third property located at 332 Langhorne Lane. The college sent a project notification letter to the surrounding property owners and hosted a neighborhood meeting on April 22, 2010. Four (4) families attended the meeting and noted their opposition to the conversion of the Langhorne Lane property to student housing. The college agreed to remove the property from their CUP petition. The college has not received any notification of concerns about the properties at 315 College Street or 431 Lakewood Street.

2. **Zoning.** The subject properties were annexed into the City in 1926. The existing R-2, Low-Medium Density Single-Family Residential District, zoning was established in 1978 with the adoption of the *Zoning Ordinance*. The petition does not propose to change the existing zoning.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On March 10, 2009, City Council approved Lynchburg College's petition for a CUP to amend the previously approved master plan to allow the construction of a softball batting cage for "Moon" field at 1501 Lakeside Drive and the conversion of an existing single-family dwelling to housing for seven (7) students at 408 Lakewood Street in an R-2, Low-Medium Density Two-Family Residential District.
- On August 12, 2008, City Council approved William and Darlene Brown's petition to rezone one and thirty-eight hundredths (1.38) acres from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) at 2022 Lakeside Drive to amend the proffers for the subject property to allow additional retail uses within the existing Aztec Rental building.
- On February 12, 2008, City Council approved Lynchburg College's petition for a CUP to allow the construction of a three thousand (3,000) square foot addition to Thompson Hall and the construction of a four hundred and eighty (480)-square foot press box for baseball on Fox Field in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.
- On July 10, 2007, City Council approved Milton & Neal Realty's petition to rezone two and two tenths (2.2) acres from R-2, Low-Medium Density, Single-Family Residential District to B-1C, Limited Business District (Conditional) at 1600, 1604 and 1608 Lakeside Drive to allow the construction of a Veteran's Administration Clinic and a future office building.
- On February 13, 2007, City Council approved Lynchburg College's petition for a CUP to allow a consolidated sign package for nine (9) way-finding signs in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive and 503 Brevard Street.
- On November 14, 2006, City Council approved Milton & Neal Properties' petition to rezone one and fourteen hundredths (1.14) acres from B-5C, General Business District (Conditional) to B-3C, Community Business District (Conditional) at 2108 Lakeside Drive to allow the construction of a U.S. Armed Forces Recruiting Center.
- On June 13, 2006, City Council approved Lynchburg College's petition for a CUP to allow college-supervised student housing in an R-2, Low-Medium Density Two-Family Residential District at 217 Bell Street, 209 Amelia Street, 317 College Street, 402, 417, 419 Lakewood Street, 1115 McCausland Street, 518 Brevard Street and 324 Vernon Street.
- On June 13, 2006, City Council approved DSZ Properties' petition to rezone three and eighty-seven hundredths (3.87) acres at 2009 Lakeside Drive from R-2, Low-Medium Density Single-Family

Residential District, to R-4C, Medium-High Density Multi-Family Residential District (Conditional) to allow the construction of a thirty-six (36)-unit townhouse complex with associated parking.

- On July 12, 2005, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing in an R-2, Low-Medium Density Two-Family Residential District at 404, 428 Lakewood Street., 185, 307 Vernon Street and 214 Bell Street.
- On December 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing in an R-2, Low-Medium Density Two-Family Residential District at 201 Bell Street, 224, 350 Vernon Street, 1123 McCausland Street, 121 Thomas Road, 310, 416, 432 Lakewood Street and 333 College Street.
- On October 12, 2004, City Council approved Lynchburg College's petition for a CUP to allow the construction of student housing and associated parking areas in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.
- On June 8, 2004 City Council approved Lynchburg College's petition for a CUP to allow the conversion of existing residences to student housing in an R-2, Low-Medium Density Two-Family Residential District at 191, 225, 235, 246, 302, 310, 311, 331, 348 Vernon Street, 316 and 426 Lakewood Street.
- On June 12, 2001, City Council approved Lynchburg College's petition for a CUP to allow the development of student housing in an R-2, Low-Medium Density Two-Family Residential District at 511 Brevard Street, 312, 420, 425 Lakewood Street and 504 Westwood Avenue.
- On March 14, 2000, City Council approved Lynchburg College's petition for a CUP to amend its master development plan to allow the construction of student townhomes in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.
- On July 13, 1999, City Council approved Lynchburg College's petition for a CUP to allow the development of a college office and student housing in an R-2, Low-Medium Density Two-Family Residential District at 341 College Street, 504 Brevard Street and 245 Vernon Street.
- On September 8, 1998, City Council approved Otis and Jean Brent's petition to rezone one and two tenths (1.2) acres at 2108 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow the use of an existing building for office and retail use.
- On August 11, 1998, City Council approved Lynchburg College's petition for a CUP to allow the use of an existing residence for student housing in an R-2, Low-Medium Density Two-Family Residential District at 215 Vernon Street.
- On June 9, 1998, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of a gym and physical plant storage building in an R-2, Low-Medium Density Two-Family Residential District at 1501 Lakeside Drive.
- On May 12, 1998, City Council approved Lynchburg College's petition for a CUP to allow the development of special interest student housing in an R-2, Low-Medium Density Two-Family Residential District at 512 Brevard Street.
- On July 8, 1997, City Council approved The Salvation Army's petition to rezone one and one tenth (1.1) acres at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction and use of a thrift store.
- On May 14, 1997, City Council approved Robert Kerr's petition to rezone seventy-five hundredths (0.75) of an acre at 2108 Lakeside Drive from I-2, Light Industrial District, to B-5C, General Business District (Conditional), to allow construction of a building for auto parts sales and commercial uses.

- On December 12, 1995, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow conversion of an existing residence for supervised student housing in an R-2, Low-Medium Density Two-Family Residential District at 511 Brevard Street.
- On January 12, 1993, City Council approved Lynchburg College's petition for a CUP to amend its master plan to allow the construction of the School of Business in an R-2, Low-Medium Density Two-Family Residential District within the 300 Block of College Street.
- On June 11, 1991, City Council approved James Mitchel's petition to rezone approximately one and three tenths (1.3) acres at 2022 Lakeside Drive from B-5C, General Business District (Conditional), to B-5C, General Business District (Conditional), to amend a previously approved proffer to allow general equipment rental, sales, service and outside storage.
- On August 1, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of college offices and student housing in an R-2, Low-Medium Density Two-Family Residential District on College, McCausland Street and Brevard Street.
- On February 14, 1989, City Council approved Lynchburg College's petition for a CUP to allow the development of faculty offices in an R-2, Low-Medium Density Two-Family Residential District at 505 Brevard Street.
- On November 8, 1988, City Council approved Farris and Iseman's petition for a CUP to allow the expansion of a mobile home park in an R-2, Low-Medium Density Two-Family Residential District at 2134 Lakeside Drive.
- On August 9, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of a dormitory and office in an R-2, Low-Medium Density Two-Family Residential District at 349 College Street.
- On July 12, 1988, City Council approved Lynchburg College's petition for a CUP to allow the construction of office space in an R-2, Low-Medium Density Two-Family Residential District at 185 Vernon Street and 500 Westwood Avenue.
- On April 12, 1988, City Council approved Don Gay's petition to rezone approximately two tenths (0.2) of an acre at 2018 Lakeside Drive from B-3, Community Business District, to B-5C, General Business District (Conditional), to allow the operation of an automobile sales and rental business in an existing structure.
- On October 14, 1986, City Council approved Lynchburg College's petition for a CUP to allow the construction of three (3) athletic practice fields, parking area and a restroom/storage building in an R-2, Low-Medium Density Two-Family Residential District at the intersection of Lakeside Drive and Faculty Drive.
- On June 10, 1986: City Council approved Knight Gallery LTD's petition for a CUP to allow the construction of a building and parking lot addition in an R-2, Low-Medium Density Two-Family Residential District at 2034 Lakeside Drive.
- On August 13, 1985, City Council approved Lynchburg College's petition for a CUP to allow the conversion of an existing residence hall to offices and construction of new classrooms/parking in an R-2, Low-Medium Density Two-Family Residential District on College Street.
- On September 25, 1984, City Council approved Lynchburg College's petition for a CUP to allow the development of an alumni house in an R-2, Low-Medium Density Two-Family Residential District off Lakeside Drive.
- On October 28, 1980, City Council approved Lester Heyer's petition for a CUP to allow a Family

Amusement Center in an R-2, Low-Medium Density Two-Family Residential District off Lakeside Drive.

5. **Site Description.** The subject properties include existing single-family homes. They are bound to the north by the main campus of Lynchburg College; to the east by a combination of parking areas and single-family homes; to the south by single-family homes; and to the west by single-family homes and the former Thomas Road Baptist Church site.

6. **Proposed Use of Property.** The purpose of the CUP petition is to amend the existing master plan to allow the addition of two (2) properties and conversion of the existing single-family dwellings to housing for seven (7) students at 315 College Street and six (6) students at 431 Lakewood Street. The respective projects require no new City water or sewer connections. Existing landscaping will be preserved to meet the requirements of the City's *Zoning Ordinance* for parking area screening and parking area landscaping for the existing gravel parking areas.

   The College currently requires that "traditional" aged students live in college-owned housing until their senior year. During their senior year, a student may live in off-campus housing; however, the housing must be in an area zoned R-4 or R-5. These requirements have eliminated the ability of the students to rent single-family dwellings not under the ownership of the college. This has greatly reduced the potential for students to generate noise or cause other disruptive activities.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no concerns regarding the proposed CUP petition.

   Section 35.1-25 of the City's *Zoning Ordinance* provides that the parking need for colleges exceeding one hundred (100) on campus and commuting students shall be determined by the petitioner and approved as part of a CUP. Lynchburg College's current student population is two thousand, five hundred eighty-nine (2,589) students, with six hundred eighty (680) faculty and staff. The college has determined that this would require one thousand, four hundred and eighty-nine (1,489) parking spaces. The Lynchburg College Master Plan provides for one thousand, seven hundred and eighty-one (1,781) parking spaces, two hundred and ninety-two (292) more than required.

   The Greater Lynchburg Transit Company Bus Route 6 has two (2) stops located approximately five hundred (500) feet from the proposed student residences at the intersections of Thomas Road/McCausland Street and Thomas Road/Westwood Avenue, respectively.

8. **Stormwater Management.** No new impervious area is proposed for the conversion of the existing residences to student housing; as such, stormwater management is not required for this project.

9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the CUP.

   The City Police Department recommended lighting and "No Trespassing" signs for the proposed student residences. Lynchburg College noted that adequate exterior lighting and dusk-to-dawn lights would be provided for the residences. In addition, Lynchburg College currently uses "No Trespassing" signs throughout the campus and routinely sends warning letters to trespassers that the property owner will prosecute persons on the property without legitimate reasons and permission.

10. **Impact.** The proposed conversion of the residences to student housing would have limited impact on the surrounding area. The concept plan indicates that parking will be provided in an existing gravel lot behind the residence or in an existing parking lot owned and operated by Lynchburg College to prevent the overflow of cars into the adjacent residential neighborhood. Emergency Service concerns have been addressed to the satisfaction of City staff, and the result is a project that would fit into the fabric of the existing campus and surrounding neighborhood.

11. **Technical Review Committee (TRC).** The TRC reviewed the concept plan on May 4, 2010. Comments related to the proposed use were minor in nature and 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 Lynchburg College's petition for a conditional use permit (CUP) to amend the existing master plan to include two (2) properties at 315 College Street and 431 Lakewood Street within an R-2, Low-Medium Density, Single Family Residential District, and to allow the conversion of an existing single-family dwelling to housing for seven (7) students at 315 College Street and the conversion of an existing single-family dwelling to housing for six (6) students at 431 Lakewood Street, subject to the following conditions:

1. **The property will be developed in substantial compliance with the "Lynchburg College Revised Master Plan for Conditional Use Permit" received on May 14, 2010.**
2. **All exterior lighting shall be shall be controlled so that no direct illumination will occur beyond any property line.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Keith Wright, Zoning Official
Mr. Kent White, Senior Planner
Mr. Jacob Dorman, Environmental Reviewer
Mr. John C. Lewis, Petitioner, Lynchburg College

VII. ATTACHMENTS

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

MINUTES FROM THE JUNE 9, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. **Petition of Lynchburg College for a conditional use permit to amend the existing master plan to allow the conversion of two existing single-family dwellings to housing for up to thirteen students within an R-2, Low-Medium Density, Single Family Residential District at 431 Lakewood Street and 315 College Street.**

Mr. Martin gave a brief summary of the petition and Planning Commission report. Both of the houses are owned by Lynchburg College. 315 College Street is proposed to house seven students and the parking for the students will be on the adjacent existing gravel lot. 315 College Street is adjacent to other Lynchburg College student housing.

The parking for 431 Lakewood Street will be in an existing gravel lot behind the house. It is proposed to house six students and is across the street from other Lynchburg College student housing.

The City's Transportation Engineer did not have any concerns with additional traffic. The fire department did not have any concerns. The police department recommended "No Trespassing" signs and additional lighting.

The petitioner conducted a neighborhood meeting on April 22, 2010. After hearing concerns from residents, the petitioner removed 332 Langhorne Lane from its original petition.

This request is in keeping with the *Comprehensive Plan.* Mr. Martin commented that Lynchburg College should be commended for listening to the residents, as the *Comprehensive Plan* encourages institutions to work with the surrounding neighborhoods to ensure support for their master plans. This is a prime example of where an Institutional Overlay District would have helped this process move a little bit quicker. The Planning Division does recommend approval of the conditional use permit petition.

Mr. John Lewis of Lynchburg College came forward to represent the petition. Mr. Lewis remarked that this proposal is repetitious of other petitions they have brought forward in the past. Mr. Lewis agrees this is a good example of why Lynchburg College thinks the Institutional Overlay District proposal could be a good thing for all of us for something fairly simple and straightforward and within the same area where Lynchburg College already has student housing. There are only a few houses left that Lynchburg College does not own in that area. The college is very proud of the fact that it seems to have solved the problem of students living in rental housing that the college does not own. The college does not take that for granted and is very diligent in continuing its community patrols every weekends and supervising these houses. The college believes it is at its maximum enrollment but would like the flexibility to grow a little bit as it can.

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

Chair Hamilton asked Mr. Lewis to comment on the Langhorne Lane property. He explained that the college will be using it to house staff rather than students. At the neighborhood meeting the college held, ten to twelve people showed up and voiced their concerns about having college students living in the neighborhood. The neighborhood has become an area for young families as opposed to absentee landlords. Their concern is about their property values when it comes time for them to sell their homes. The college listened and understood; it wants there to be an attractive neighborhood around the college. It wants their students to feel safe and do not want to see the neighborhood go back to what it was twenty years ago. Chair Hamilton commented that was very commendable.

Commissioner Sale asked Mr. Lewis about the process of selecting students for the rental housing. Mr. Lewis explained that the college can house their freshman and sophomore classes in typical residential facilities on campus. After one to two years in these facilities, the students can apply to live in a particular unit off campus. The students are then placed according to their choices after looking at things like their grade point average and activities, both good and bad, that he or she has been involved in at the college. If the student acts up in some way in the off-campus housing, he or she will be evicted by the college and placed back in the residential hall. It is a reward to be able to live in college-owned off-campus housing.

Commissioner Barnes asked if there is a channel of communication with the neighbors in the area of these two homes. Is there a way for them to voice any concerns or issues they might have? Mr. Lewis said he has talked to them over the years and they have his name and number. The college's residence life office publishes a newsletter at the beginning of each academic year. They are invited to a community picnic. The college is even doing a "Trading Spaces" type of program where the students decorate a room in someone's home and the neighbors decorate one of the student housing rooms. Their community patrol vehicles have the number of the college on them as well.

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

"That the Planning Commission recommends to City Council approval of Lynchburg College's petition for a conditional use permit (CUP) to amend the existing master plan to include two (2) properties at 315 College Street and 431 Lakewood Street within an R-2, Low-Medium Density, Single Family Residential District, and to allow the conversion of an existing single-family dwelling to housing for seven (7) students at 315 College Street and the conversion of an existing single-family dwelling to housing for six (6) students at 431 Lakewood Street, subject to the following conditions:

3. The property will be developed in substantial compliance with the "Lynchburg College Revised Master Plan for Conditional Use Permit" received on May 14, 2010.

4. All exterior lighting shall be shall be controlled so that no direct illumination will occur beyond any property line."

AYES:	Barnes, Hamilton, Hannon, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hooper	1
VACANCIES:		1

Commissioner Swienton noted that when he made his site visits, he was impressed with how nice the college-owned homes looked and the difference between how they looked before they were owned by the college and now. He thinks the college-owned homes have enhanced the neighborhoods and the college has done a great job as landowners and caretakers of these homes. Mr. Lewis thanked him and the other commissioners agreed with Commissioner Swienton's comment.

Lynchburg College Master Plan Amendment

Conditional Use Permit

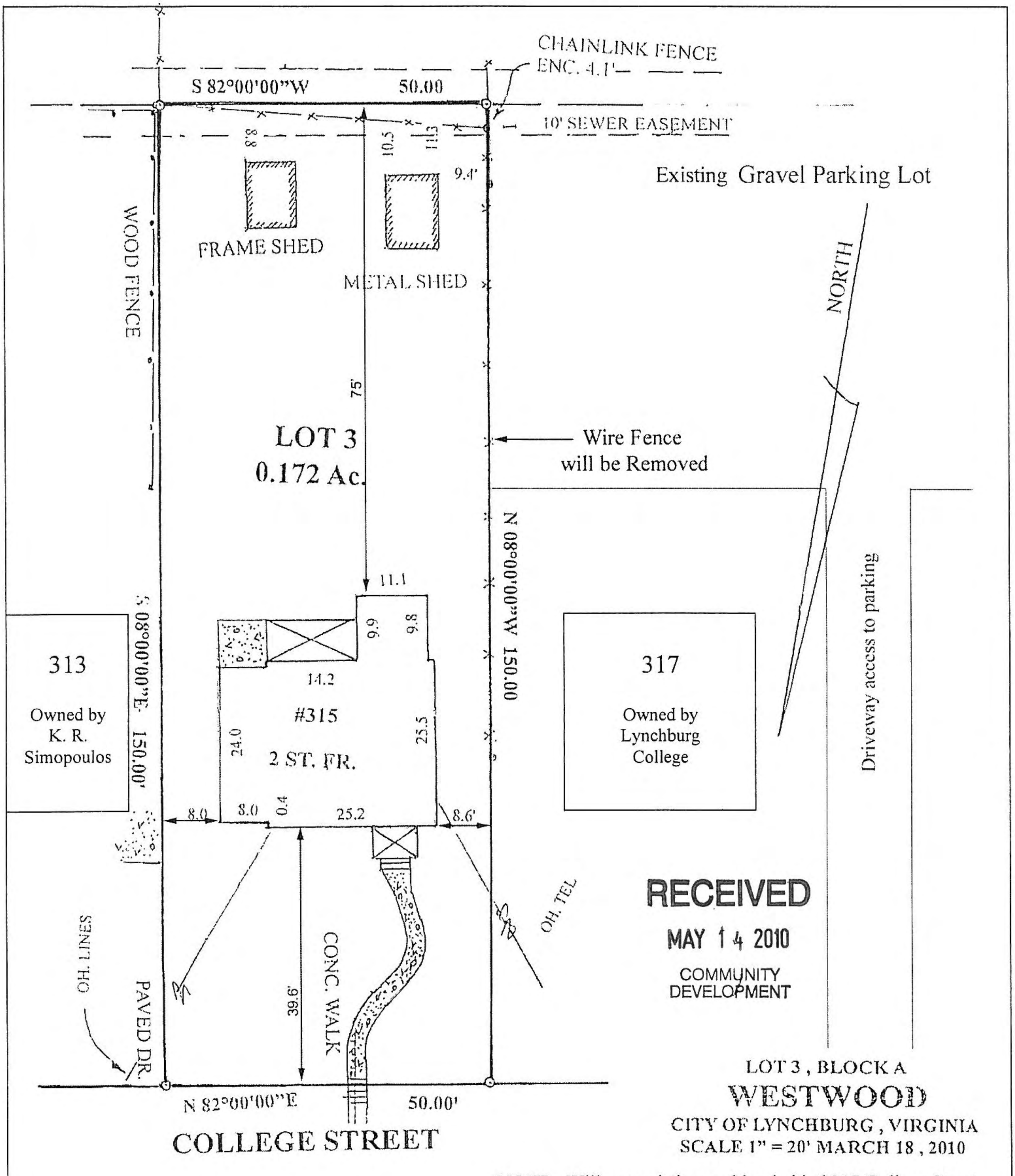
June 9, 2010

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
JOHN C. LEWIS	1501 LAKESIDE DR.	544-8212	✓		

REVISED
5-14-10

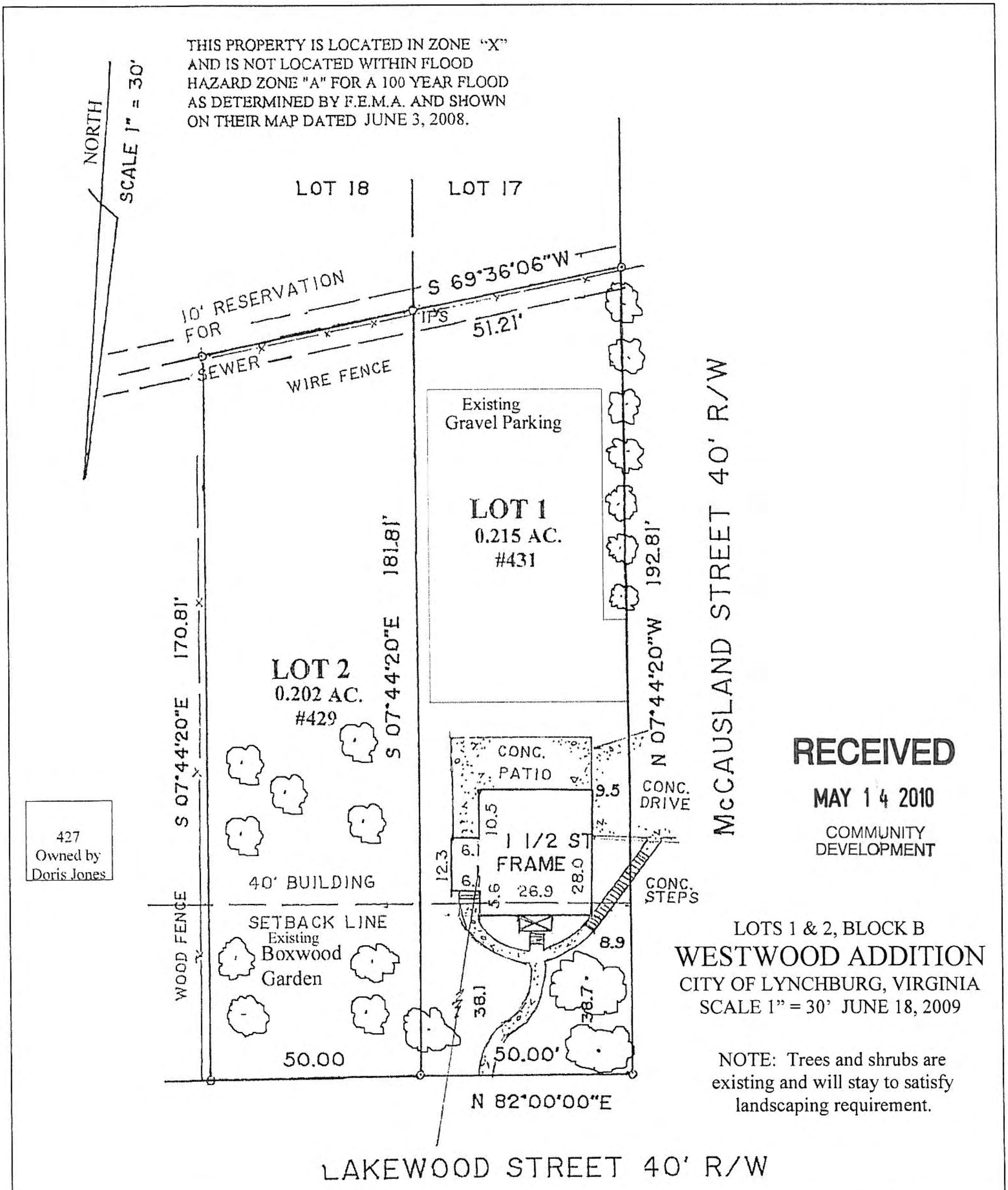
Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 315 College Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 7 students)



NOTE: Will use existing parking behind 317 College Street

REVISED
5-14-10

Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 431 Lakewood Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 6 students)



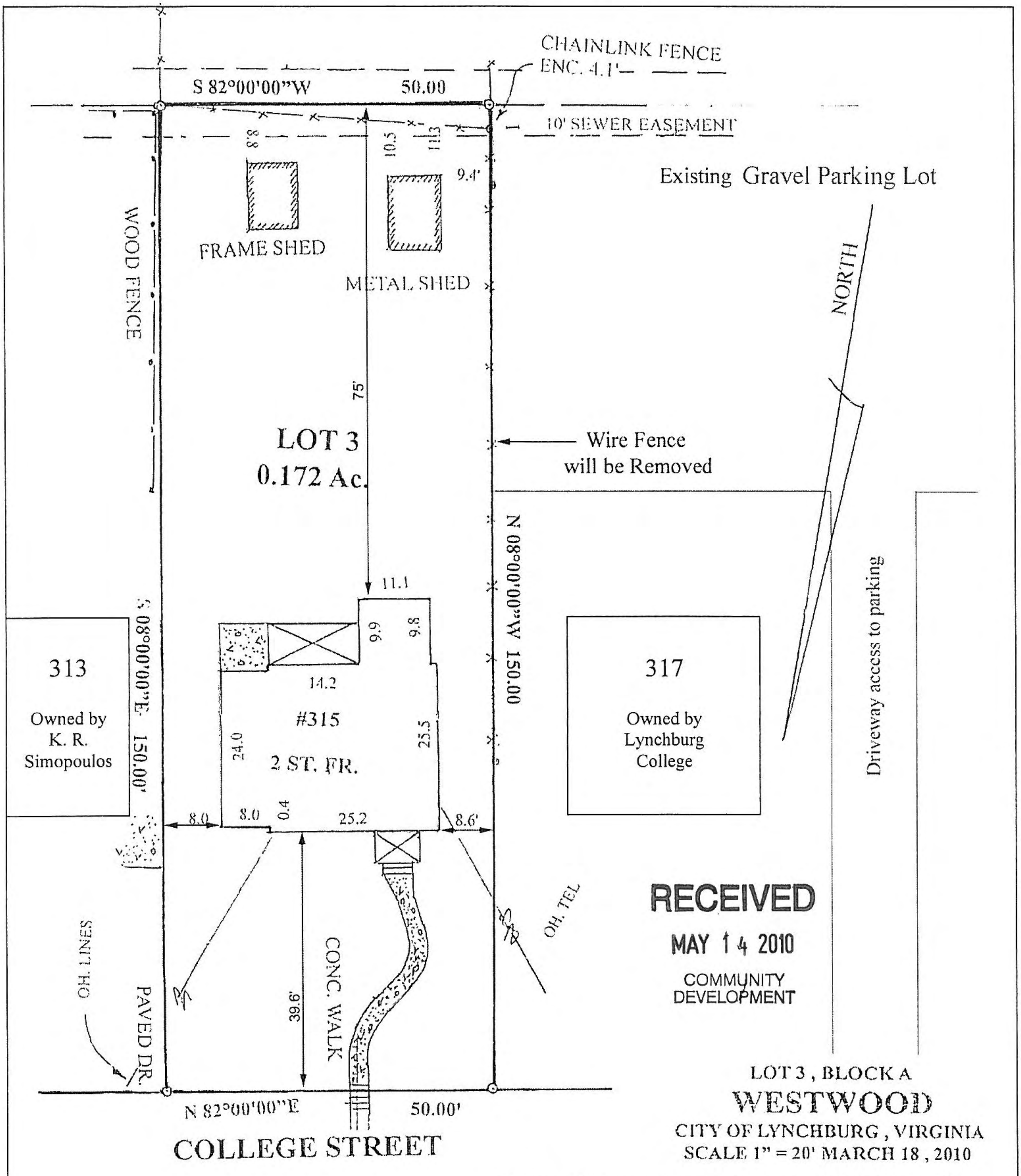
RECEIVED
MAY 14 2010
COMMUNITY DEVELOPMENT

LOTS 1 & 2, BLOCK B
WESTWOOD ADDITION
CITY OF LYNCHBURG, VIRGINIA
SCALE 1" = 30' JUNE 18, 2009

NOTE: Trees and shrubs are existing and will stay to satisfy landscaping requirement.

REVISED
5-14-10

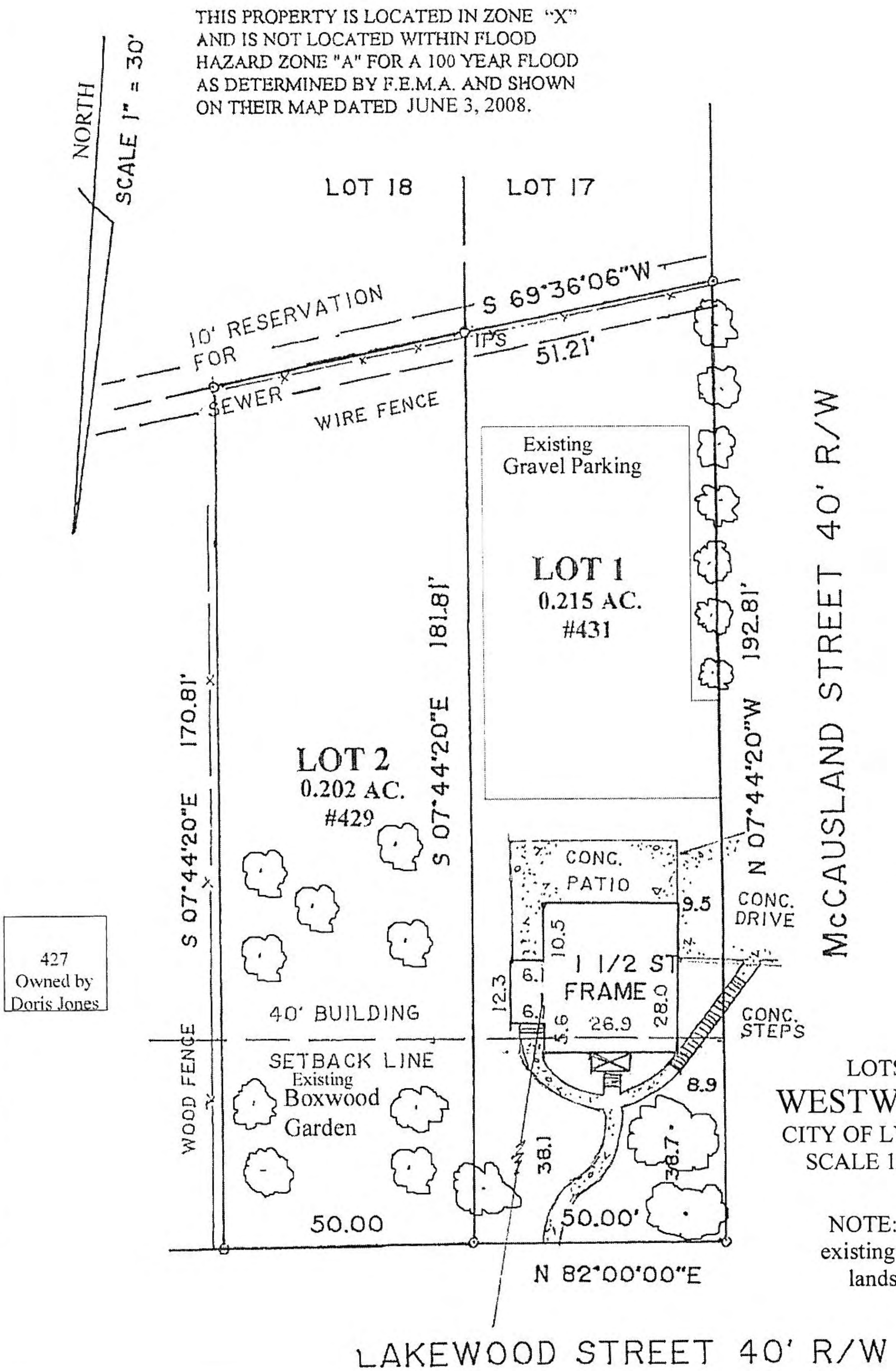
Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 315 College Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 7 students)



NOTE: Will use existing parking behind 317 College Street

REVISED
5-14-10

Petitioner and Owner: Lynchburg College, 1501 Lakeside Drive; Lynchburg, VA 24501
Location: 431 Lakewood Street **Existing Zoning:** R-2
Proposed Use: Student Residence in Existing Structure (for 6 students)



RECEIVED
MAY 14 2010
COMMUNITY DEVELOPMENT

LOTS 1 & 2, BLOCK B
WESTWOOD ADDITION
CITY OF LYNCHBURG, VIRGINIA
SCALE 1" = 30' JUNE 18, 2009

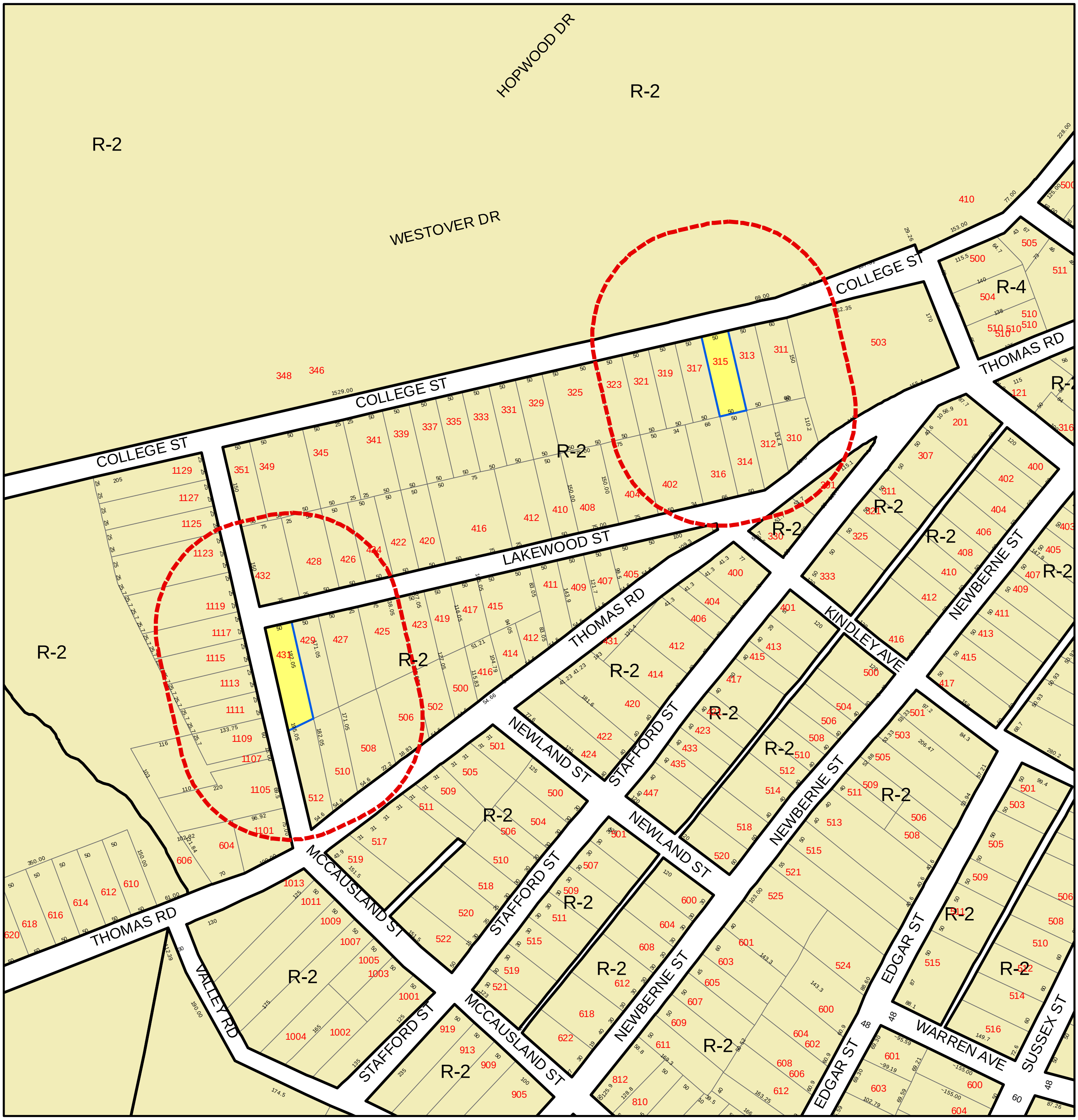
NOTE: Trees and shrubs are existing and will stay to satisfy landscaping requirement.

LYNCHBURG COLLEGE STUDENT HOUSING

315 College Street, 431 Lakewood Street
PIN# 03102003, 03106001
Conditional Use Permit Request
Petitioner-Lynchburg College

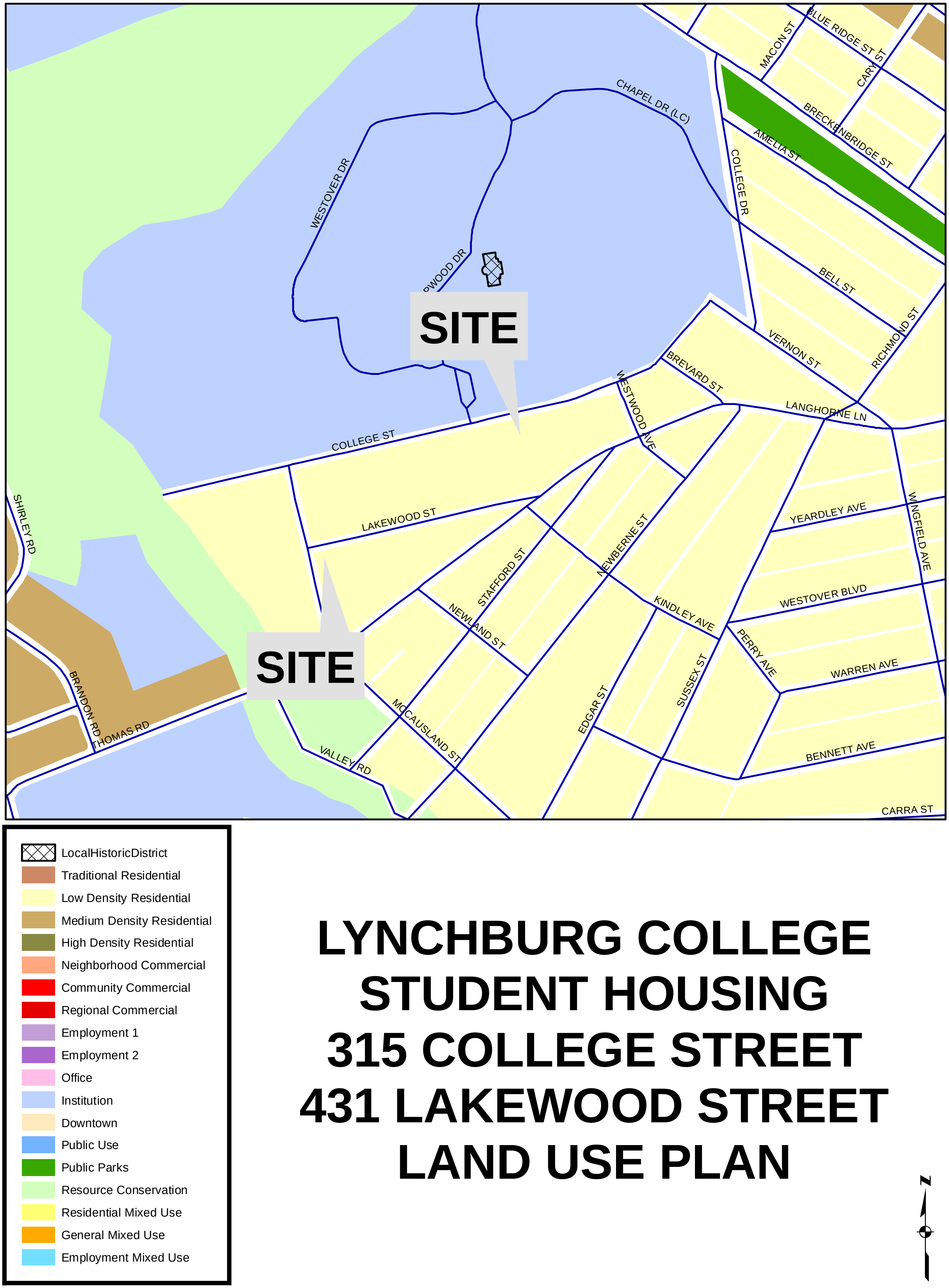
Subject Property

200 FT Buffer



LYNCHBURG COLLEGE ADJOINING OWNERS

PIN	Owner	LocAddr
03101022	ABBOTT JUSTIN W	1109 MCCAUSLAND ST
03106014	BRADSHAW ELIZABETH D & BRAGG PATRICIA	405 LAKEWOOD ST
03101011	BROOKS RUTH M	1119 MCCAUSLAND ST
03106019	CAMPBELL SEAN A & KRISTIN C	508 THOMAS RD
03101024	CAMPBELL TIMOTHY P	1107 MCCAUSLAND ST
01326001	CITY OF LYNCHBURG C/O STEVE LAWSON	301 THOMAS RD
01326002	DOOLEY TIMOTHY L JR &HEATHER FLORES	330 STAFFORD ST
03101026	FOSTER LAURA E	1105 MCCAUSLAND ST
03106022	HALT LLC	502 THOMAS RD
03101014	HARRIS ANN STANCIL	1117 MCCAUSLAND ST
03101030	HUNT JUNE B & BOOTH BETH A	604 THOMAS RD
03106003	JONES DORIS E	427 LAKEWOOD ST
03101018	JONES TRYNEQUA S & JAWAN L	1113 MCCAUSLAND ST
03106001	LYNCHBURG COLLEGE	431 LAKEWOOD ST
03102008	LYNCHBURG COLLEGE	325 COLLEGE ST
03106002	LYNCHBURG COLLEGE	429 LAKEWOOD ST
03101016	LYNCHBURG COLLEGE	1115 MCCAUSLAND ST
03106005	LYNCHBURG COLLEGE	425 LAKEWOOD ST
03106006	LYNCHBURG COLLEGE	423 LAKEWOOD ST
03101008	LYNCHBURG COLLEGE	1123 MCCAUSLAND ST
03102022	LYNCHBURG COLLEGE	432 LAKEWOOD ST
03102023	LYNCHBURG COLLEGE	428 LAKEWOOD ST
03101006	LYNCHBURG COLLEGE	1125 MCCAUSLAND ST
03102025	LYNCHBURG COLLEGE	426 LAKEWOOD ST
03102026	LYNCHBURG COLLEGE	424 LAKEWOOD ST
03102021	LYNCHBURG COLLEGE	351 COLLEGE ST
03102036	LYNCHBURG COLLEGE	404 LAKEWOOD ST
03102019	LYNCHBURG COLLEGE	349 COLLEGE ST
03102037	LYNCHBURG COLLEGE	402 LAKEWOOD ST
03102039	LYNCHBURG COLLEGE	316 LAKEWOOD ST
03102041	LYNCHBURG COLLEGE	312 LAKEWOOD ST
03102042	LYNCHBURG COLLEGE	310 LAKEWOOD ST
03102006	LYNCHBURG COLLEGE	321 COLLEGE ST
03102005	LYNCHBURG COLLEGE	319 COLLEGE ST
03102004	LYNCHBURG COLLEGE	317 COLLEGE ST
03102003	LYNCHBURG COLLEGE	315 COLLEGE ST
03102043	LYNCHBURG COLLEGE	503 WESTWOOD AVE
03103001	LYNCHBURG COLLEGE	1501 LAKESIDE DR
03102007	MAY DANIEL S & ROSE W	323 COLLEGE ST
03106017	PETERSON BERT M JR	512 THOMAS RD
03106018	PETERSON BERT M JR	510 THOMAS RD
03102040	SCHOMAKER ROBERT J & MARGARET	314 LAKEWOOD ST
03101029	SHULL TERESA M	1101 MCCAUSLAND ST
03102002	SIMOPOULOS KANELLA K IRREVOCABLE TR	313 COLLEGE ST
03102001	SIMOPOULOS KANELLA K IRREVOCABLE TR	311 COLLEGE ST
03106021	SUNWALL ANDERS P	506 THOMAS RD
03101001	THOMAS ROAD BAPTIST CHURCH	606 THOMAS RD
03101020	WILLIAMS JOHN W & FLORA P	1111 MCCAUSLAND ST
Owner	LYNCHBURG COLLEGE	
Petitioner	LYNCHBURG COLLEGE	
Representative	JOHN LEWIS/LYNCHBURG COLLEGE	

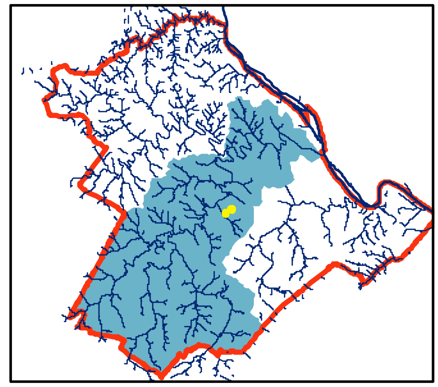


LYNCHBURG COLLEGE STUDENT HOUSING 315 COLLEGE STREET 431 LAKEWOOD STREET LAND USE PLAN

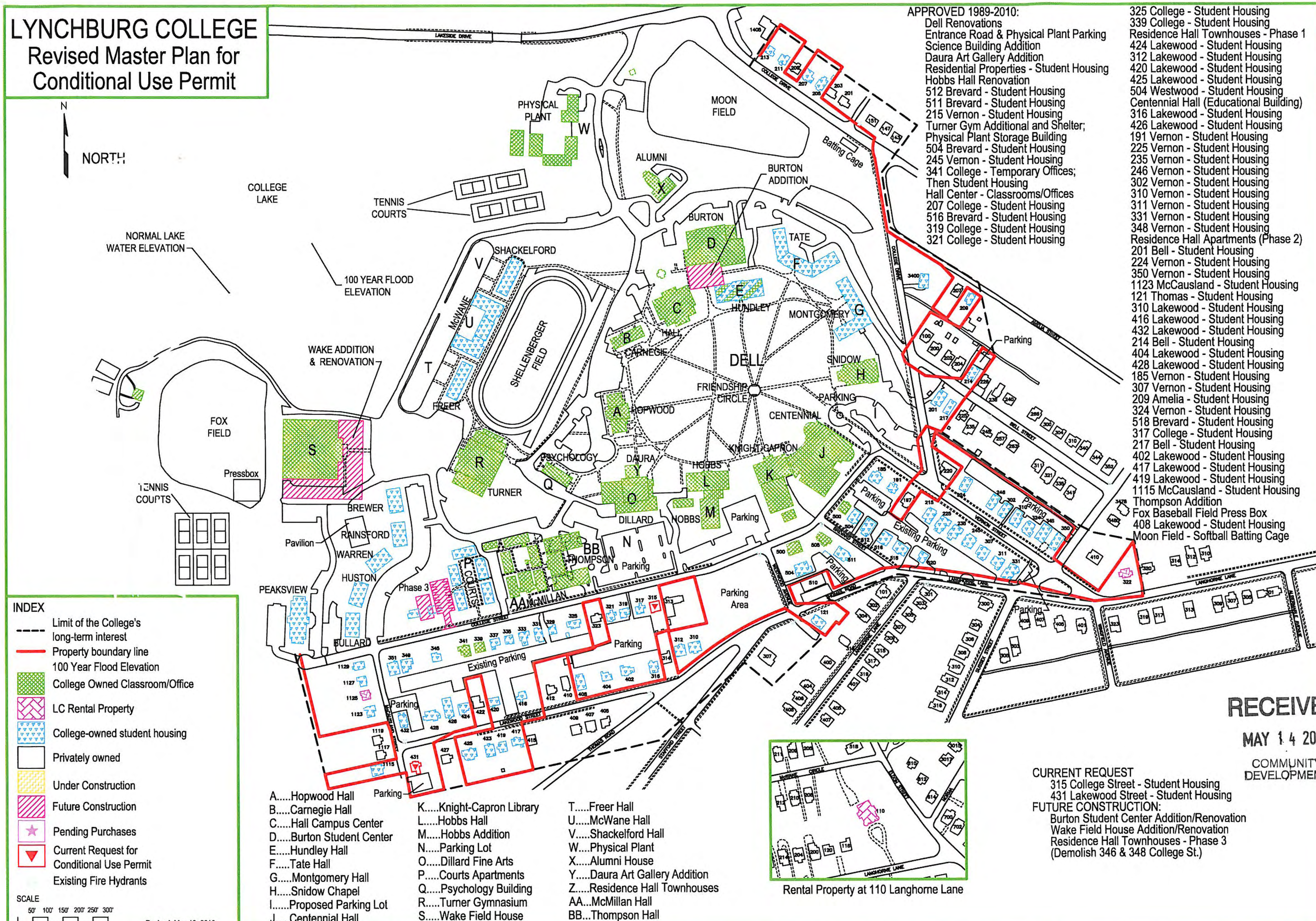
Lynchburg College

Watershed Location Map

- Project Site
- Blackwater Creek
- FloodzoneAE
- Corporate Limit



LYNCHBURG COLLEGE
Revised Master Plan for Conditional Use Permit



INDEX

- Limit of the College's long-term interest
- Property boundary line
- 100 Year Flood Elevation
- College Owned Classroom/Office
- LC Rental Property
- College-owned student housing
- Privately owned
- Under Construction
- Future Construction
- Pending Purchases
- Current Request for Conditional Use Permit
- Existing Fire Hydrants

SCALE 50' 100' 150' 200' 250' 300'

Revised: May 13, 2010

A.....Hopwood Hall
B.....Carnegie Hall
C.....Hall Campus Center
D.....Burton Student Center
E.....Hundley Hall
F.....Tate Hall
G.....Montgomery Hall
H.....Snidow Chapel
I......Proposed Parking Lot
J.....Centennial Hall
K.....Knight-Capron Library
L.....Hobbs Hall
M.....Hobbs Addition
N.....Parking Lot
O.....Dillard Fine Arts
P.....Courts Apartments
Q.....Psychology Building
R.....Turner Gymnasium
S.....Wake Field House
T.....Freer Hall
U.....McWane Hall
V.....Shackelford Hall
W....Physical Plant
X.....Alumni House
Y.....Daura Art Gallery Addition
Z.....Residence Hall Townhouses
AA...McMillan Hall
BB...Thompson Hall

Rental Property at 110 Langhorne Lane

APPROVED 1989-2010:
Dell Renovations
Entrance Road & Physical Plant Parking
Science Building Addition
Daura Art Gallery Addition
Residential Properties - Student Housing
Hobbs Hall Renovation
512 Brevard - Student Housing
511 Brevard - Student Housing
215 Vernon - Student Housing
Turner Gym Additional and Shelter;
Physical Plant Storage Building
504 Brevard - Student Housing
245 Vernon - Student Housing
341 College - Temporary Offices;
Then Student Housing
Hall Center - Classrooms/Offices
207 College - Student Housing
516 Brevard - Student Housing
319 College - Student Housing
321 College - Student Housing
325 College - Student Housing
339 College - Student Housing
Residence Hall Townhouses - Phase 1
424 Lakewood - Student Housing
312 Lakewood - Student Housing
420 Lakewood - Student Housing
425 Lakewood - Student Housing
504 Westwood - Student Housing
Centennial Hall (Educational Building)
316 Lakewood - Student Housing
426 Lakewood - Student Housing
191 Vernon - Student Housing
225 Vernon - Student Housing
235 Vernon - Student Housing
246 Vernon - Student Housing
302 Vernon - Student Housing
310 Vernon - Student Housing
311 Vernon - Student Housing
331 Vernon - Student Housing
348 Vernon - Student Housing
Residence Hall Apartments (Phase 2)
201 Bell - Student Housing
224 Vernon - Student Housing
350 Vernon - Student Housing
1123 McCausland - Student Housing
121 Thomas - Student Housing
310 Lakewood - Student Housing
416 Lakewood - Student Housing
432 Lakewood - Student Housing
214 Bell - Student Housing
404 Lakewood - Student Housing
428 Lakewood - Student Housing
185 Vernon - Student Housing
307 Vernon - Student Housing
209 Amelia - Student Housing
324 Vernon - Student Housing
518 Brevard - Student Housing
317 College - Student Housing
217 Bell - Student Housing
402 Lakewood - Student Housing
417 Lakewood - Student Housing
419 Lakewood - Student Housing
1115 McCausland - Student Housing
Thompson Addition
Fox Baseball Field Press Box
408 Lakewood - Student Housing
Moon Field - Softball Batting Cage

RECEIVED
MAY 14 2010
COMMUNITY DEVELOPMENT

CURRENT REQUEST
315 College Street - Student Housing
431 Lakewood Street - Student Housing

FUTURE CONSTRUCTION:
Burton Student Center Addition/Renovation
Wake Field House Addition/Renovation
Residence Hall Townhouses - Phase 3
(Demolish 346 & 348 College St.)

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010**			AGENDA ITEM NO.: 10
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **Conditional Use Permit (CUP): Central Virginia Orthodontics Comprehensive Sign Plan, 7802 Timberlake Road**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Brooke's Bros., LLC is petitioning to allow the implementation of a comprehensive sign package for an office building in a B-1, Limited Business District. The purpose of the CUP petition is to allow a sixty-three (63) square foot building mounted sign and a twenty-four (24) square foot monument sign, both of which would front on Timberlake Road. Although the proposed wall sign is larger than the existing zoning district allows, the combined size of the proposed wall sign and monument sign is still fifty-seven (57) square feet less than the cumulative total of the signage permitted (one hundred forty-four {144} square feet) on the subject property.

The Planning Commission recommended approval of the CUP petition because:
- The petition agrees with the *Comprehensive Plan* which recommends an Office use in this area.
- The petition agrees with Section 35.1-26.16 of the *Zoning Ordinance* which allows a comprehensive signage plan in all zoning districts, except historic districts, with approval of a CUP from City Council.
- The signage would be located on the Timberlake Road side of the building, which will provide some distinction between the business dynamic of that corridor and the residential character of Dreaming Creek Drive.

PRIOR ACTION(S):
June 23, 2010: Planning Division recommended approval of the CUP petition.
Planning Commission recommended approval of the CUP petition (5-1 with one abstention - Coleman), subject to the following condition:
1. The signs shall be constructed in substantial compliance to the size and materials identified within the sign "mock-ups" submitted by VC Design & Build, Inc., received by the Department of Community Development on June 14, 2010.

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):
- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Concept Plan
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO BROOKE'S BROS., LLC TO ALLOW THE IMPLEMENTATION OF A COMPREHENSIVE SIGN PLAN IN A B-1, LIMITED BUSINESS DISTRICT AT 7802 TIMBERLAKE ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Brooke's Bros., LLC to allow the implementation of a comprehensive signage plan that would allow a sixty-three (63) square foot building mounted sign and a twenty-four (24) square foot monument sign, both of which would front on Timberlake Road, in lieu of all other signage permitted in a B-1, Limited Business District, at 7802 Timberlake Road be, and the same is hereby approved subject to the following condition:

1. The signs shall be constructed in substantial compliance to the size and materials identified within the sign "mock-ups" submitted by VC Design & Build, Inc., received by the Department of Community Development on June 14, 2010.

Adopted:

Certified: ________________________
Interim Clerk of Council

086L

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: June 23, 2010
Re: **CONDITIONAL USE PERMIT [CUP]: Central Virginia Orthodontics Comprehensive Sign Plan, 7802 Timberlake Road**

I. PETITIONER

Brooke's Bros., LLC, 209 Trents Ferry Road, Lynchburg, Virginia 24503
Representative: Linda Bentley, Brooke's Bros., LLC, 209 Trents Ferry Road, Lynchburg, Virginia 24503

II. LOCATION

The subject property includes eight tenths (0.8) of an acre at 7802 Timberlake Road.
Property Owner: Brooke's Bros., LLC, 209 Trents Ferry Road, Lynchburg, Virginia 24503

III. PURPOSE

The purpose of this petition is to allow the implementation of a comprehensive sign package for an office building in a B-1, Limited Business District.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends an Office use in this area.
- Petition agrees with Section 35.1-26.16 of the *Zoning Ordinance* which allows a comprehensive signage plan in all zoning districts, except historic districts, with approval of a CUP from City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020* recommends an Office use for the subject property. Office uses **(page 5.3)** "are intended for small-scale office buildings with building floorplates not exceeding 20,000 square feet and building heights not exceeding four stories. Office uses are generally located in lower density areas of the City, often adjacent to low density residential areas, and therefore are intended to be more compatible in scale with single family homes than the urban office uses of downtown or the office parks of employment areas."

   Chapter 6 **(page 6.1)** of the Lynchburg *Comprehensive Plan 2002-2020* references how "the design, character and quality of Lynchburg's built environment strongly influences its livability and economic vitality." The plan **(pages 6.4 and 6.11)** provides that "over 175 residents participated in the Community Character Survey" during public workshops … in July 2001" and noted that "survey participants responded more favorably to smaller scale monument signs." The petitioner is requesting a sixty-three (63) square foot wall mounted sign and a twenty-four (24) square foot monument sign.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-1, Limited Business District zoning was established on February 14, 1989 with the approval of revisions to the Timberlake Road Corridor Study by City Council.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
   - On April 9, 2002, City Council approved Lynchburg Computer Systems, Inc.'s petition to rezone approximately forty-seven hundredths (0.47) of an acre from B-1, Limited Business District to B-3C, Community Business District (Conditional) to allow the use of an existing building for sale and repair of computers at 7605 Timberlake Road.
   - On February 13, 2001, City Council approved Medallion Home's petition for a CUP to allow the construction of a Planned Unit Development for eighty-eight (88) single-family homes in an R-1, Low Density Single-Family Residential District at 305 and 325 Old Graves Mill Road.
   - On December 13, 1994, City Council approved The Michael C. Phillips Company's petition to rezone approximately two (2) acres from R-2, Low-Medium Density Single-Family Residential District to B-3, Community Business District to allow the construction and operation of a grocery store at the end of Quail Lane.
   - On November 12, 1991, City Council approved National Business College's petition for a CUP to allow the use of an existing building as a business college in an B-3, Community Business District at 104 Candlewood Court.
   - On February 14, 1989, City Council approved the rezoning of property along Timberlake Road from B-3C, Community Business District (Conditional), I-1, Restricted Industrial District, B-2, Local Neighborhood Business District, R-2, Low-Medium Density Single-Family Residential District, and R-3, Medium Density Two-Family Residential District to B-3, Community Business District, as part of the Timberlake Road Corridor Study.
   - On September 13, 1988, City Council approved The Corley Company, Inc.'s petition to rezone approximately sixty-four (64) acres from R-1, Low Density Single-Family Residential District to R-2, Low-Medium Density Single-Family Residential District to allow the subdivision and residential development of the property at 412 Old Graves Mill Road.
   - On April 12, 1988, City Council approved Emmett K. and Hazel H. Simpson's petition to rezone approximately three (3) acres from R-1, Low Density Single-Family Residential District to R-4, Medium-High Density Multi-Family Residential District to allow the construction of a thirty-two (32)-unit townhouse development at 203 Timbrook Place.
   - On May 13, 1986, City Council approved First Southern Methodist Church's petition for a CUP to allow the construction of a pavilion, a softball field and a new sign for an existing church in an R-1, Low Density Single-Family Residential District at 7808 Timberlake Road.
   - On May 25, 1980, City Council approved the City of Lynchburg's petition for a CUP to allow the construction of a fire station in an R-1, Low Density Single-Family Residential District at 213 Old Graves Mill Road.
   - On July 10, 1979, City Council approved George Fralin, Jr.'s petition for a CUP to allow the operation of a family billiard center in a B-3, Community Business District at 7705 Timberlake Road.

- On May 22, 1979, City Council amended the *Official Zoning Map* of the City of Lynchburg to effect the rezoning of the Timberlake Road area as shown by the map "Timberlake Road Study, Proposed Zoning, Recommended by the Planning Commission, and Further Revised by City Council May 22, 1979."
- On March 8, 1979, petitioner J.L. Mosby, Jr. withdrew his petition for a CUP to allow the construction of offices and a convenience store in an R-1, Low Density Single-Family Residential District at 7802 Timberlake Road.

5. **Site Description.** The subject property includes a two (2)-story office building and associated parking. It is bound to the north by commercial businesses and institutional uses; to the east by commercial businesses, single-family homes and multi-family apartments; to the south by single-family homes; and to the west by commercial businesses, institutional uses and single-family homes.

6. **Proposed Use of Property.** The purpose of the CUP petition is to allow a sixty-three (63) square foot building mounted sign and a twenty-four (24) square foot monument sign, both of which would front on Timberlake Road. Section 35.1-26.9 of the *Zoning Ordinance* permits one (1), twenty-four (24) square foot building mounted sign on each street or parking area that the building fronts upon, as well as, one (1), twenty-four (24) square foot free-standing sign along each street. Since the lot fronts on both Timberlake Road and Dreaming Creek Drive and has parking areas on the rear and side of the building, the project would be permitted a total of one hundred forty-four (144) square feet of signage in the form of up to six (6), twenty-four (24) square foot signs – four (4) building mounted and two (2) free-standing signs.

   Section 35.1-26.16 of the *Zoning Ordinanc*e provides that "modified signs are permitted in all zoning districts, except historic districts, by CUP approving a comprehensive signage plan." "City Council may grant a conditional use permit upon a determination that (1) There is good cause for deviating from a strict application of the requirements of the *Zoning Ordinance*; (2) The modification(s), as proposed, will serve the public purposes and objectives set forth in the *Zoning Ordinance* at least as well, or better, than the signage that would otherwise be required under the zoning standards and requirements; (3) … the number, characteristics, and/or location(s) of one (1) or more signs referenced in the plan do not comply with the requirements of the *Zoning Ordinance*." The ordinance also specifically references that "City Council will not grant a modification of any standard or requirement for a sign if "the requested modification would create a special privilege or convenience for the applicant."

   The petitioner is requesting a modified sign based on the size, scale and location of the building. The two (2) proposed signs would total eighty-seven (87) square feet, much less than the cumulative signage that is currently allowed for the property. The petitioner would consolidate the signage on the Timberlake Road side of the property, preserving the residential character of Dreaming Creek Drive corridor.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the petition.

8. **Stormwater Management.** The City's Environmental Reviewer had no comments of concern regarding the petition.

9. **Emergency Services.** The City's Fire Marshal had no comments of concern regarding the petition.

   The City Police Department had no comments of concern regarding the petition.

10. **Impact.** Although the proposed wall sign is larger than the existing zoning district allows, the combined size of the proposed wall sign and monument sign is still fifty-seven (57) square feet less than the cumulative total of the signage permitted on the subject property. The signage would be located on the Timberlake Road side of the building, which will provide some distinction between the business dynamic of that corridor and the residential character of Dreaming Creek Drive. The City's Traffic Engineer, Environmental Reviewer and Public Safety representatives had no comments of concern regarding the CUP and the result would be a sign

package that balances the size and number of signs for the office while defining the respective business and residential districts of the Timberlake area of the City.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on June 4, 2010. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to application for the sign permit.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Brooke's Bros., LLC.'s petition for a conditional use permit to allow the implementation of a comprehensive sign plan at 7802 Timberlake Road that would allow a sixty-three (63) square foot building mounted sign and a twenty-four (24) square foot monument sign, both of which would front on Timberlake Road, subject to the following condition:

1. **The signs shall be constructed in substantial compliance to the size and materials identified within the sign "mock-ups" submitted by VC Design & Build, Inc., received by the Department of Community Development on June 14, 2010.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transporation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Keith Wright, Zoning Official
Mr. Kent White, Senior Planner
Mr. Jacob Dorman, Environmental Reviewer
Ms. Linda Bentley, Representative, Brooke's Bros., LLC.
Mr. Vince Phelps, Representative, V.C. Design & Build, Inc.

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern**
2. **Vicinity Proposed Land Use**
3. **Watershed Location Map**
4. **Central Virginia Orthodontics Comprehensive Sign Plan and Narrative**

MINUTES FROM THE JUNE 23, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of Brookes' Brothers, LLC, for a conditional use permit to allow the implementation of a comprehensive sign plan in a B-1, Limited Business District at 7802 Timberlake Road.

Mr. Martin gave a brief summary of the petition and Planning Commission report. Mr. Martin explained there are three reasons stated in the *Zoning Ordinance* that are reasons for granting a modified signage plan by conditional use permit. The first is that there is a good cause for deviating from the strict application of the requirement of the *Zoning Ordinance.* Secondly, the modifications, as proposed, will serve the public purpose as well as those that are set forth in the ordinance. The third is that the number of characteristics and locations of the signs would not comply with the requirements of the *Zoning Ordinance.*

The proposal is a total of 87 square feet of signage; a total of 144 square feet of signage would be permitted under the *Zoning Ordinance,* if broken up into different locations. Four 24-square foot signs would be permitted on four sides of the building and two 24-square foot freestanding signs would be permitted. The petitioner is proposing is a 63-square foot sign to be placed on the wall and one 24- square foot freestanding monument sign. Staff recommends approval of the petition.

Mr. Vince Phelps of VC Design and Build came forward to represent the petition. Ms. Linda Bentley, one of the owners of Central Virginia Orthodontics was also present. Mr. Phelps thanked the commissioners for hearing the petition and City staff for assisting them with the petition. It has been a privilege for Mr. Phelps to build this building. He believes his client has made a tremendous addition to Lynchburg.

In looking at the signage that was going to be allowed for the building, it was determined that it would be difficult to get signage on the building that would allow individuals on the road to identify the building and that would be within the scale of the building. They also did not want to cause sight impediments to people entering the Windsor Hills area. This petition tries to address all three of these items, as well as provide a tasteful design.

Ms. Bentley stated that they had made a conscious effort to build a building that Lynchburg could be proud of and one that stand for a long time. The building was designed to have the signage on the building and they did not realize that the sign was designed too large. The owners believe they have unique reasons for wanting a larger sign. There are two separate businesses in the office and both business names are wordy. The sign was designed to be an appropriate size for the building, as well as readable from Graves Mill Road. If one is coming from Graves Mill Road, the monument sign on Timberlake Road will not be visible. There is so much traffic, there is not a lot of time to read a sign.

Chair Hamilton asked for anyone else present to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition to the petition. Mr. Mike Nilles came forward to speak. He lives in Windsor Hills. He likes the building but his concern is with the size of the sign on the building. He also wanted to make sure that the placement of the monument sign has been considered because the construction signs that were placed made it difficult to turn onto Timberlake Road from Dreaming Creek Drive.

Mr. Nilles feels that the size of the sign on the building is too large. He realizes they can put signs all around the building but that is not very useful. Mr. Nilles does not agree with the rationale for a larger sign based on the fact that the total square footage is still less than what they are allowed under the *Zoning Ordinance.* He thinks that the businesses in the building rely on referral and not on people driving by, seeing the sign and coming in to see an orthodontist. Directions are handed out when a person gets a referral for an orthodontist. Mr. Nilles did acknowledge that what is allowed under the *Zoning Ordinance* does not look appropriate.

Mr. Merle Claybrook came forward to speak. He lives at 103 Dreaming Creek Drive. He thinks the building is unique and good looking. His main concern is the approach from Dreaming Creek Drive toward Timberlake Road. He was told that the monument sign would be on Timberlake Road. Mr. Claybrook feels there is a traffic concern with cars on Graves Mill Road. He feels the sign will capture someone's attention and take it away from driving.

Chair Hamilton asked Mr. Phelps and Ms. Bentley to come back and address these concerns. Mr. Phelps acknowledged that during construction there were quite a few signs that might have caused sight problems. There probably should not have been that many there. The monument sign is being placed inside of the sidewalk and there is a new turning lane onto Dreaming Creek Drive. That puts the sign far enough back to not be a sight problem. It was also placed a little downhill to help with sight distance as well.

Mr. Phelps pointed out that branding works well for a business. A business spends a great deal of money on advertising. The more a business can show their logo with consistency, it helps to build a brand. The branding on this building will be very important to this business.

Mr. Phelps also pointed out that the owners could put signs everywhere they were allowed all around the building but that it would not be tasteful or functional.

Ms. Bentley added that they wanted the sign as big as it is proposed to make it safer for drivers trying to figure out where they are going. She also pointed out that many of their patients do come from referrals but many of them come from outside the Lynchburg area. They need to be able to determine the location of the practice. Ms. Bentley also commented that they are very proud of what they have built and would like people to know it is their building.

Mr. Phelps thanked the neighbors of Windsor Hills for their cooperation and assistance during the construction process.

Chair Hamilton asked Mr. Nilles if he wanted to comment any further. He reiterated that he thought the sign on the building is too large. The *Zoning Ordinance* is an attempt to control signage and not allow for a wide range of signs. If the reason for varying from the ordinance is aesthetics, then say so, but that could set a precedent for other developments that may go in on Timberlake Road. The commissioners need to take that into consideration. Mr. Nilles agrees the building does need a larger sign than it is allowed, but he thinks it is too big.

Chair Hamilton closed the public hearing portion of the petition.

Chair Hamilton asked Mr. Phelps to justify the largeness of the sign request. Mr. Phelps said they had worked with the sign company and tried to get an idea from a visual standpoint how large the letters needed to be in order to read them from an intersection. This sign is the appropriate size to be readable. Mr. Phelps pointed out that Kroger's across the street has a very large monument sign. Bojangles and TGI Fridays both have signs that exceed 24 square feet. The proximity this office building has to these other businesses at that intersection makes the proposed sign very much within the scale of what is there.

Ms. Bentley also pointed that the sign is just aluminum lettering and is not neon or gaudy. It will be illuminated by lights on the ground. It will be very tasteful.

Commissioner Swienton commented that he lives in Windsor Hills and would like to complement them on the design of the building. He thinks it is a great addition to the Timberlake Road corridor.

Commissioner Swienton questioned the fact that the sign had always been planned for this location and this size on the building. Commissioner Swienton presented a picture from a website that showed there to be a window in this location. The picture is supposed to be a final rendering of the building. Mr. Phelps stated that the window was eliminated after the rendering was complete. When you are trying to get financing for a project, one of the first things you have to do is prepare a rendering. The window was eliminated in preparation for a sign to be placed there.

Commissioner Swienton asked Mr. Martin if signage was discussed at the Technical Review Committee (TRC). Mr. Martin said it was not; signage typically comes after site plan review. Mr. Martin could not address that with certainty but said signage is usually not discussed at TRC.

Commissioner Swienton mentioned that he had considered the other businesses around this intersection. However, this site is B-1 and adjacent to residences; the Shell and Kroger are not. He tried to find out when the Shell was constructed but was unable to do so due to error messages. Even if that was built before annexation, there is now an ordinance that they have to work with today. Commissioner Swienton acknowledged that he initially thought the proposal would be fine, but then thought about the precedent this would set for other B-1 property in the City.

Commissioner Swienton also pointed out that other similar businesses in the City are complying with the ordinance. Commissioner Swienton asked some other dental businesses if they provide directions with their referral and was told that they do provide directions as well as a map. Commissioner Swienton noted that Central Virginia Orthodontics has thrived at their current location behind Wendy's. He thinks people can find them at their new location. Commissioner Swienton noted that their website has a map and directions and a feature to type in an address and get directions. He does see getting there as a major issue. He really does not want to set a precedent for other businesses in the City.

Commissioner Swienton asked how they had measured the sign and arrived at 63 square feet. Mr. Phelps said the square footage around each letter was measured to arrive at the number. Commissioner Swienton wondered how large the sign would be if there were a wall sign behind the letters. Mr. Phelps did not know. Commissioner Swienton thought it would be significantly greater than 63 square feet.

Commissioner Swienton pointed out that although there is not a monument sign proposed for Dreaming Creek Drive, there is an egress planned. That makes the fact that there will not be a sign a neutral point for him.

Mr. Phelps commented that he respects the idea of setting a precedent. Mr. Phelps asked if there have been consolidated sign packages done in the past and if there is already a precedent set for this type of petition. He wondered if Mr. Martin might be able to answer that question. Mr. Phelps pointed out that this site has been available for many years. No one has built a building of this scale on Timberlake Road. Mr. Phelps thinks that the chance of having another building of this scale and stature that would need this type of signage is probably very small. If the building only housed one practice, the larger signage would not be needed.

Chair Hamilton recalled Holy Cross's consolidated sign petition in recent memory. She asked Mr. Martin if he could provide a synopsis of sign petitions. Mr. Martin pointed out that any conditional use permit has to be considered on its own merits. There have been several of these types of petitions that have come before the Planning Commission and City Council. Mr. Martin mentioned Holy Cross, the Church of the Nazarene on Wards Ferry Road, Lynchburg College, Liberty University and the Texas Inn (although this one never went to Council). He thinks that the commission has considered the special characteristics of each use and its surrounding area. Mr. Martin thought this was similar to the petition of Holy Cross. The sign it would have been allowed by right was not in scale with the businesses around it. As far as setting a precedent, just because you approve one does not mean that you have to approve every other petition that comes before them. Each one should be considered on its own merits.

Chair Hamilton asked if Gerry Harter had reviewed the monument sign and wall sign and if he had any safety or traffic concerns. Mr. Martin said Mr. Harter does not typically review wall signs. He reviews other sign applications at the discretion of the Zoning Administrator. In this instance, the monument sign will be required to be two feet off the property line. With the sidewalk and the turn lane, it will be about thirteen feet away from the main lanes of Timberlake Road. Visibility will be looked at if it is an issue. Mr. Martin reminded them that they could place a condition on the petition that the monument sign be reviewed by the Traffic Engineer before final placement. Commissioner Swienton mentioned that he had talked to Mr. Harter and that condition was also a recommendation of Mr. Harter.

There was some discussion about the rendering of the monument sign. Commissioner Swienton wanted to make sure that it complies with the ordinance. Mr. Martin said there are not measurements on this rendering. If the sign is 24 square feet, the surrounds could not be more than six square feet (three square feet per side). Mr. Phelps said that could be scaled back; they are not asking for a variance for the monument sign. This rendering is an attempt to show what the sign will look like rather than the actual dimensions.

Commissioner Sale asked Ms. Bentley if there is an alternative plan if this proposal is not approved. She said there is really not another plan. What is allowed is too small. Commissioner Sale acknowledged that the location proposed does beg for a sign. The question is why the building was built for this sign before this conditional use permit process. It does seem to him though that this sign will fit architecturally and aesthetically. The precedent issue has already been addressed in his opinion. He is inclined to agree with the petition and thinks it will be attractive. However, it is an afterthought and he had hoped they would have come forward earlier. Ms. Bentley acknowledged that it was a lesson learned and takes responsibility for the lateness of the petition. Commissioner Sale remarked that the size and style of the building and the competing commercial interests make this a reasonable request.

Commissioner Hooper asked for clarification from Mr. Martin that this consolidated sign package is allowable and that it would not show favoritism. Mr. Martin stated that the three reasons he read earlier are what make this petition allowable. Mr. Martin reiterated that it he feels it is important for the commission to consider each request individually on its own merits and consider the surrounding area. If all the other property around this area was zoned B-1 and all were complying with this ordinance, that would be creating a special privilege for this applicant if this petition were allowed. However, there are B-3 uses all around this business which allows for larger signs. That is something for the commission to consider. Commissioner Swienton pointed out that the property directly across from this business is zoned B-1. He also pointed out that Holy Cross was built in the 1960s and constructed before the current sign ordinance. When Commissioner Swienton speaks of precedent, he is referring to parcels bought and buildings constructed after the current sign ordinance was adopted.

Commissioner Coleman remarked that what he knows of Mr. Phelps' work is all excellent. He is appreciative of Mr. Phelps' willingness to answer their questions.

Commissioner Hannon thinks the building is an impeccable design. If the allowed square footage of signage were placed on the building, it would look silly. It is clear that the sign needs to be bigger and he is willing to defer to the property owner and the signage consultants and the experts on City staff and vote to approve this petition.

Commissioner Swienton stated that his vote would be the same wherever it was in the City. He cannot stress enough the addition that this building is to Timberlake Road but is concerned with where this could lead to down the road. Commissioner Swienton added that he is glad to see that one of the practices is currently located in Bedford County and is moving to Lynchburg. He has mixed emotions about this petition and thanks them for relocating its practice to the City.

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

"That the Planning Commission recommends to City Council approval of Brooke's Bros., LLC.'s petition for a conditional use permit to allow the implementation of a comprehensive sign plan at 7802 Timberlake Road that would allow a sixty-three (63) square foot building mounted sign and a twenty-four (24) square foot monument sign, both of which would front on Timberlake Road, subject to the following condition:

2. The signs shall be constructed in substantial compliance to the size and materials identified within the sign "mock-ups" submitted by VC Design & Build, Inc., received by the Department of Community Development on June 14, 2010.

There was some discussion about adding the condition about final monument placement being approved by the Traffic Engineer. Commission Hannon did not think an amendment to the motion was necessary. They are not approving or disapproving a site plan. A sign application will be submitted and reviewed by the Traffic Engineer.

Chair Hamilton thought they had all put a lot of work into the sign ordinance but there are always exceptions. Consolidated sign plans that come in that are thoughtful and give rationale for an exception should be considered. They should not be discounted because they don't fit the model as stated. She is in favor of the petition because it is more of a safety issue that is too small that causes motorists to stop and try and see what it says.

Commissioner Hooper does not think they are creating any special privilege if they approve the petition. The motion then passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Hooper and Sale	5
NOES:	Swienton	1
ABSTENTIONS:	Coleman (has not taken oath of office at this time)	1
ABSENT:		0

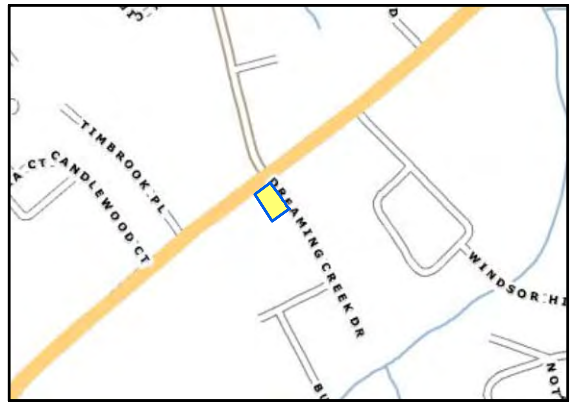
MINUTES FROM THE JUNE 23, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

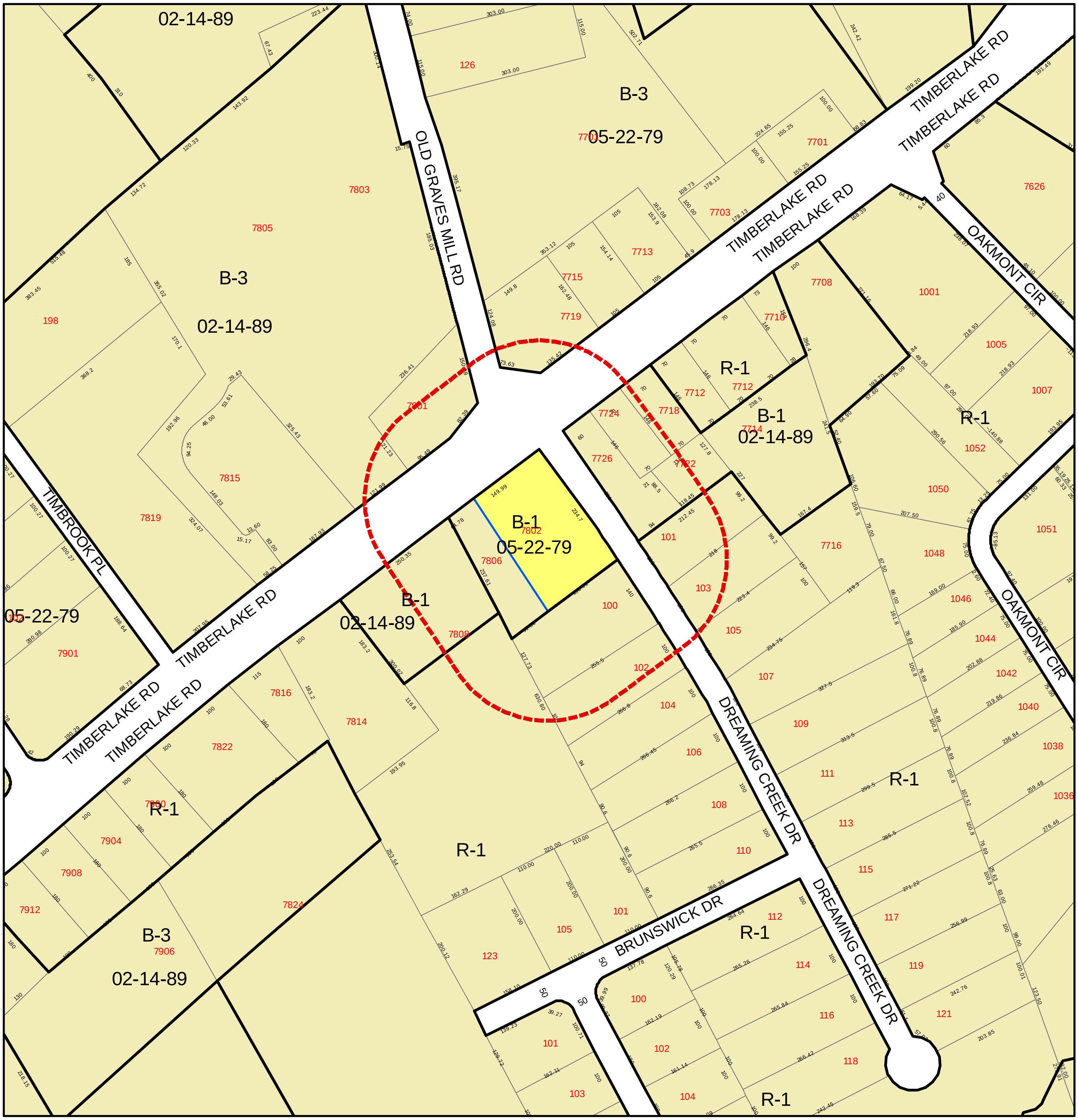
CENTRAL VIRGINIA ORTHODONTIC

7802 Timberlake Road
PIN# 25413007
Conditional Use Permit Request
Petitioner-Brookes Brothers, LLC

Subject Property

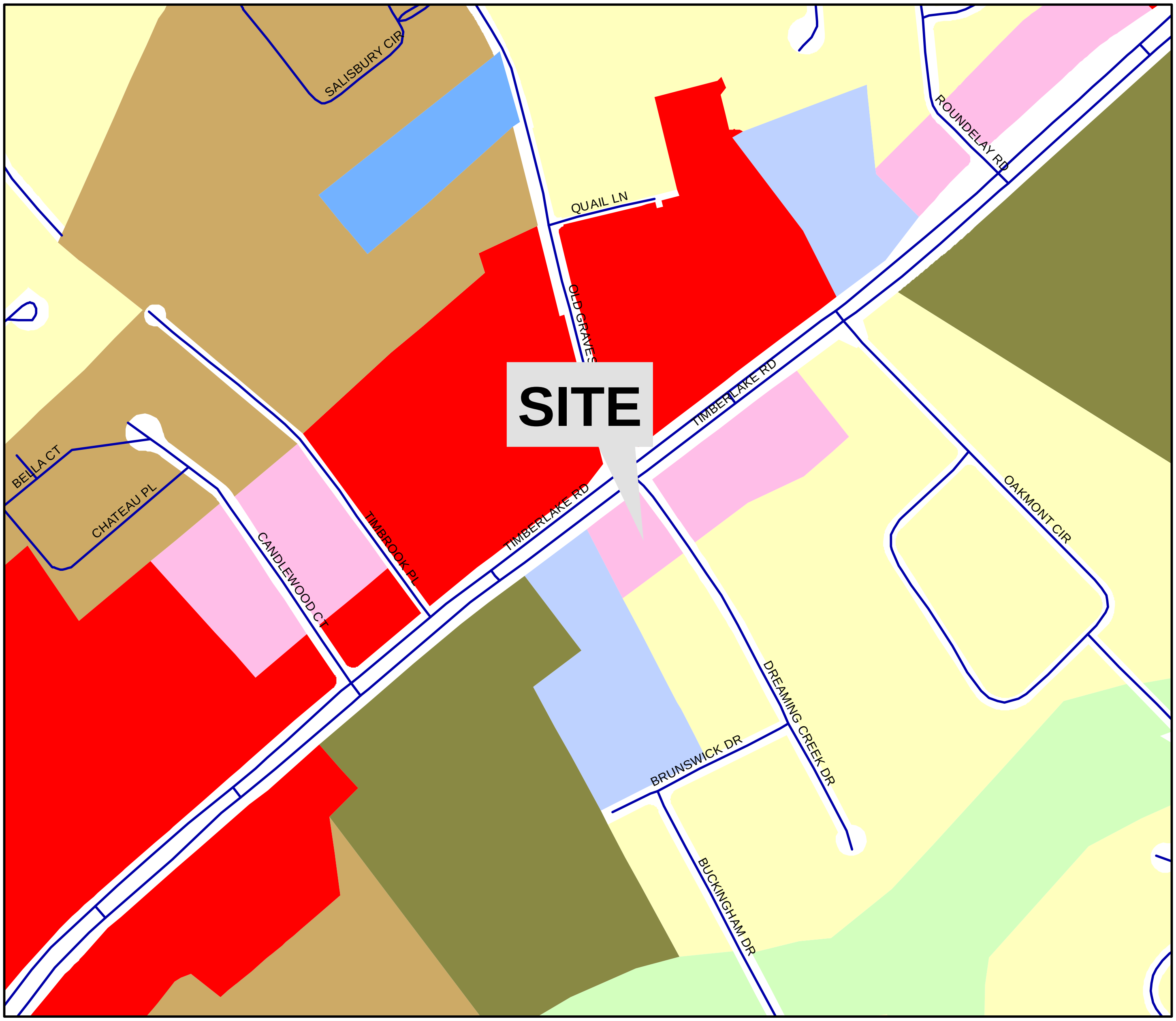
200 FT Buffer





Central Virginia Orthodontic Adjoining Owners

PIN	Owner	LocAddr
25413006	AXIOTIS ALEXANDER & YVONNE J	100 DREAMING CREEK DR
25409008	BAUCHOU EDWARD A JR	7722 TIMBERLAKE RD
25409007	BAUCHOU EDWARD A JR	7726 TIMBERLAKE RD
25409006	BAUCHOU EDWARD A JR	7724 TIMBERLAKE RD
25409005	BAUCHOU EDWARD A JR	7718 TIMBERLAKE RD
25411007	BIRMINGHAM LLC	7719 TIMBERLAKE RD
25413007	BROOKES BROTHERS LLC	7802 TIMBERLAKE RD
25409012	CLAYBROOK MURRELL T & JOYCE F	103 DREAMING CREEK DR
25413009	FAITH ALLIANCE CHURCH	7808 TIMBERLAKE RD
25409013	GILES TERRY L	105 DREAMING CREEK DR
25413005	GILLISPIE ROBERT E	102 DREAMING CREEK DR
25412003	KROGER LIMITED PARTNERSHIP	7805 TIMBERLAKE RD
25412001	LAND NORMAN T & LAND BEVERLY A TRS	7801 TIMBERLAKE RD
25409011	MOORE WILLIAM H JR	101 DREAMING CREEK DR
25413008	V C 7806 TIMBERLAKE ROAD LLC	7806 TIMBERLAKE RD
Owner	BROOKES BROTHERS LLC	
Petitioner	BROOKES BROTHERS LLC	
Representative	LINDA BENTLEY	



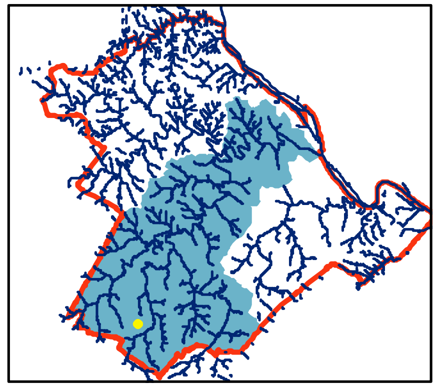
- LocalHistoricDistrict
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Employment 1
- Employment 2
- Office
- Institution
- Downtown
- Public Use
- Public Parks
- Resource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

CENTRAL VIRGINIA ORTHODONTIC
7802 TIMBERLAKE ROAD
LAND USE PLAN

N

Central Virginia Orthodontic
Watershed Location Map

Project Site
Blackwater Creek
Corporate Limit



Central Virginia Orthodontics Consolidated Sign Plan Conditional Use Permit

7802 Timberlake Road

June 23, 2010

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Vincent Phelps	1118 Matthew Talbot RD Forest VA 24551	434 841-3219	✓		
Linda Bentley	209 Trents Ferry Rd. L. Va 24503	434-386-0004	✓		
Michael Willes	109 Hunterdale	434-239-2065		✓	
Murrell Blackburn	103 Dreaming Creek Dr	434-239-3833		✓	

DESIGN BUILD INC
"Building from the Customer's Perspective"

RECEIVED
JUN 14 2010
COMMUNITY DEVELOPMENT

June 13, 2010

Planning Division, Attn: Kent While
City Hall, 900 Church Street
Lynchburg, VA 24504

Re: Central Virginia Orthodontics – Consolidated Sign Package: CUP1005-0001

Narrative Description:

The current zoning ordinance for 7802 Timberlake Road allows for multiple sign locations totaling 144 square feet of signage on the site. Our consolidated sign request seeks to utilize only two of the allowed sign locations reallocating the square footage from other areas in making the utilized locations more functional. The result will be a single tombstone sign along Timberlake Road comprised of 24 square feet of signage combined with lettering on the face of the building fronting Timberlake Road comprised of approximately 63 square feet of signage. Our plan offers several benefits for both the business owners and surrounding neighbors including:

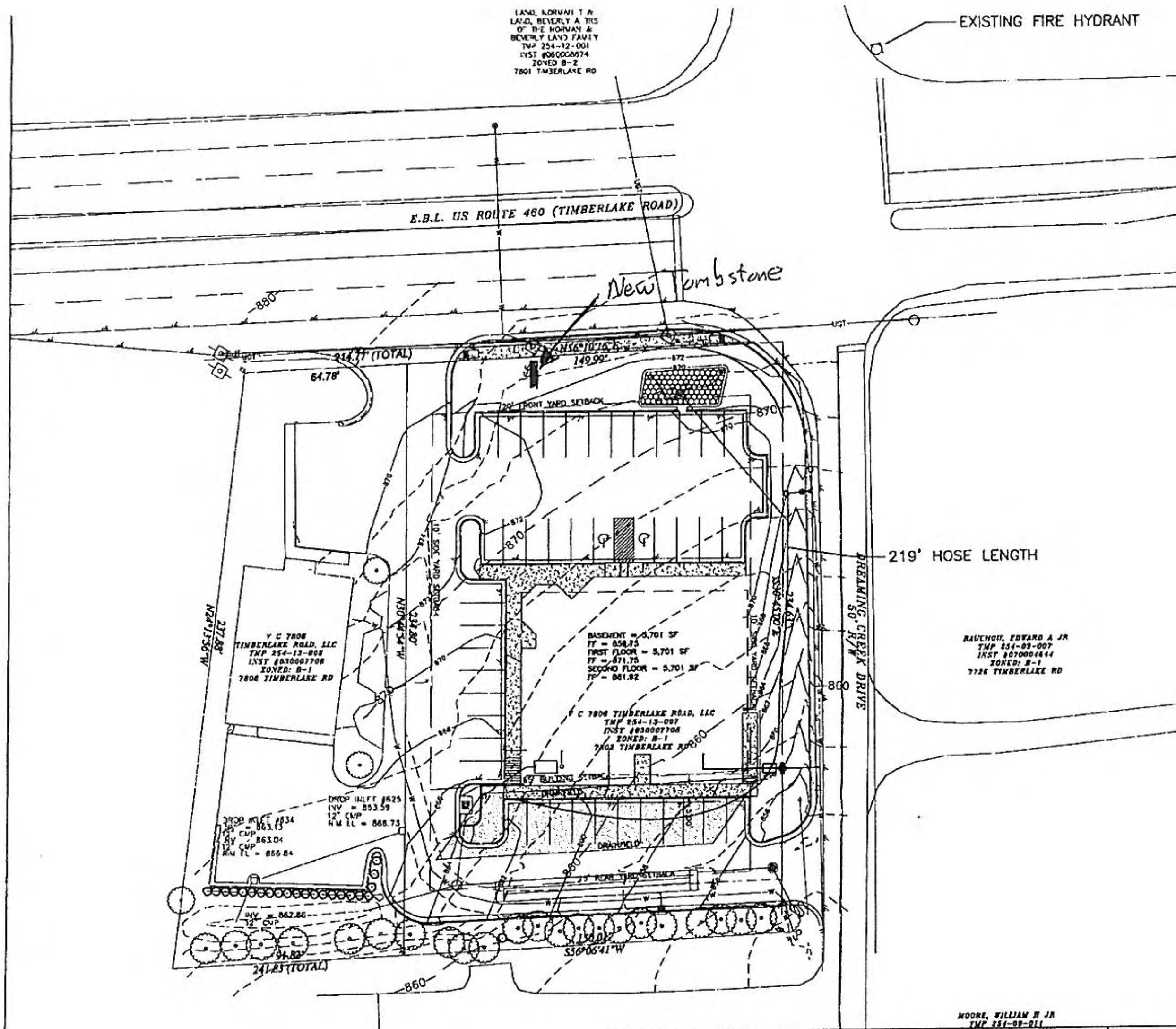
- By eliminating the tombstone sign that is allowed by right along Dreaming Creek we are helping to protect the residential feel of this entry point into Windsor Hills. This change will also help site lines for those exiting the parking area onto Dreaming Creek Road.
- Our proposal does not seek to increase the allowed total square feet of signage, but merely seeks to change the way we allocate its use. In fact under this request we will actually use only 60% of the total signage allowed by right under the ordinance.
- The business owners will have more visible signage that fits the scale of the building. There are two separate practices that will occupy the new office and the signage that is allowed by right on the building does not adequately serve the needs of these two practices. The proposed signage is complimentary to the building and will serve patrons by making the business location easier to locate.

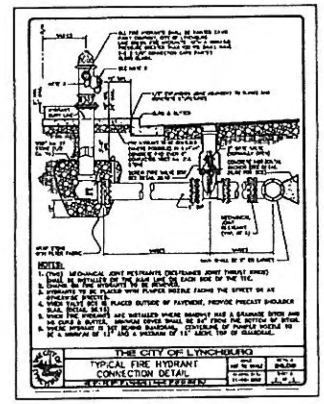
On behalf of Brookes Brothers, LLC I would like to thank you for your consideration.

Best Regards,

Vincent A. Phelps

Vince Phelps
President, VC Design and Build





FIRE FLOW CALCULATIONS SUMMARY TABLE	
BUILDING TYPE	WOOD
CONSTRUCTION TYPE	IIB
BUILDING FLOOR AREA (FOOTPRINT)	5,701 SF
USE OF BUILDING	DENTAL OFFICE
NUMBER OF STORIES	2
NUMBER OF HYDRANTS REQ'D	1
NUMBER OF HYDRANTS SHOWN	1
HYDRANT SPACING REQUIRED	500' MAX
HYDRANT SPACING	180'
DOMESTIC FLOW MEASURED (GPM)	1,305 GPM
REQUIRED FIRE FLOW AT 20 psi (GPM)	1,750 GPM
SPECIALIZED FLOW DEMANDS (GPM)	0 GPM (SPRINKLED)
TOTAL REQUIRED FLOW AT 20 psi (GPM)	1,750 GPM
CALCULATED FLOW AT 20 psi (GPM)	4,070 GPM

IF THIS DRAWING IS A REDUCTION GRAPHIC SCALE MUST BE USED

20' 0 20'

NO.	REVISION	BY	DATE
2	CHANGES MADE PER CITY COMMENTS RECEIVED JUNE 15, 2009	TMP	6-23-09
1	CHANGES MADE PER CITY COMMENTS RECEIVED MAY 12, 2009	TMP	6-1-09

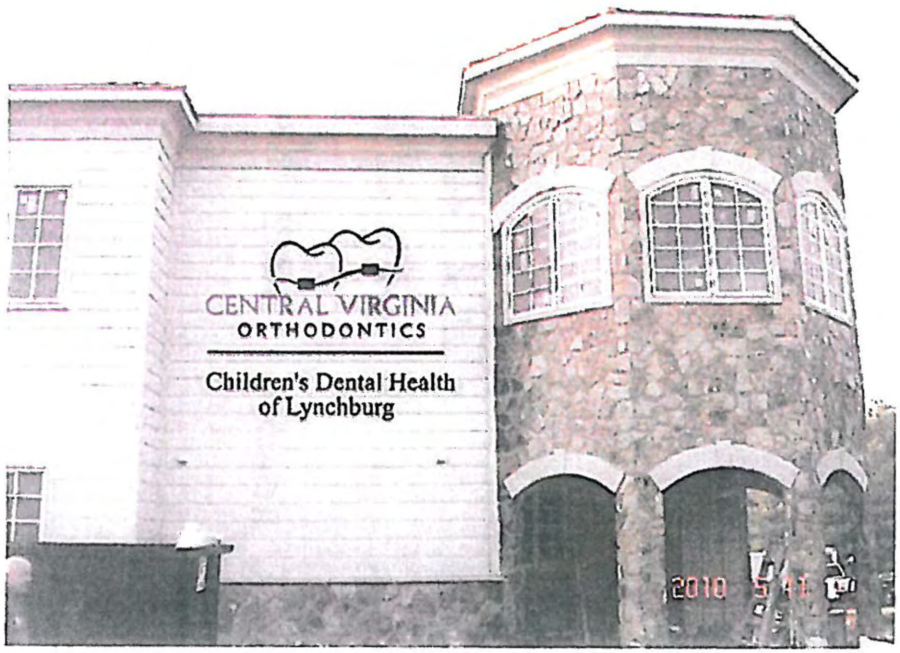
GUFFEY WARNER & ASSOCIATES
ENGINEERS & SURVEYORS
21 TIMBER OAK CT - SUITE B
OAKDALE CIRCLE
LYNCHBURG, VA 24502
PHONE: 434-239-8000
FAX: 434-239-8001

DRAWN BY: TMP
REVIEWED BY: TJW
PROJECT No. 09010.00
FILE NAME: SitePlanV02.DWG
SCALE: GRAPHIC

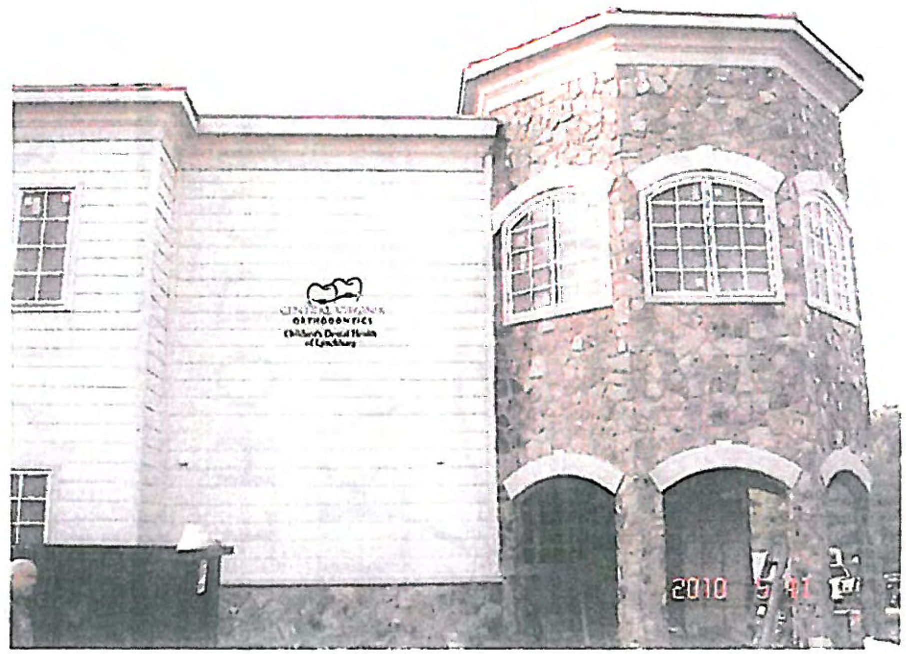
PROJECT: TIMBERLAKE ROAD ORTHODONTIST OFFICES
LYNCHBURG, VIRGINIA

TITLE: FIRE DATA SUMMARY SHEET

DATE: REV: 6-23-09
4-20-09
DRAWING No: G 2
SHEET NUMBER: 3 OF 9



As Proposed



Currently Allowed

OUTSIDE TOP WALL DIMENSION

194"

OUTSIDE SIDE WALL DIMENSION

252"

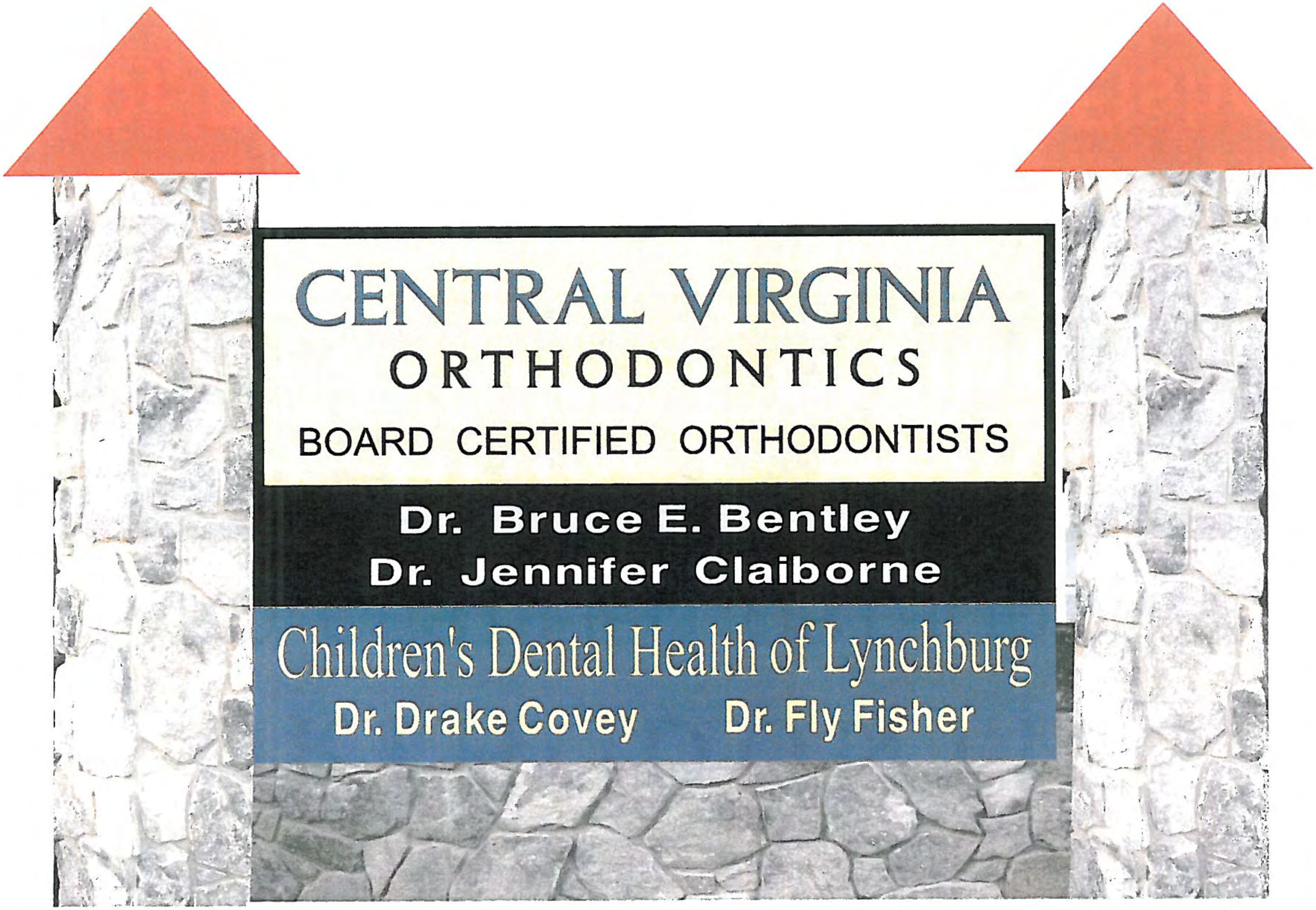
CENTRAL VIRGINIA

ORTHODONTICS

20"

Children's Dental Health
of Lynchburg

CENTRAL VIRGINIA	15 @ 12" x 13"	1.08# x 15	16.2#
ORTHODONTICS	12 @ 8" x 7 5/8"	.42# x 12	5.04#
BAR	1 @ 2" x 146"	2.02	2.02#
TOOTH GRAPHIC	1 @ 41 5/8" x 82 5/8"	23.88	23.88#
CHILDRENS DENTAL HEALTH OF LYNCHBURG	32 @ 9" x 7 7/8"	.5 x 32	16#
			63#


CENTRAL VIRGINIA
ORTHODONTICS
BOARD CERTIFIED ORTHODONTISTS
Dr. Bruce E. Bentley
Dr. Jennifer Claiborne
Children's Dental Health of Lynchburg
Dr. Drake Covey
Dr. Fly Fisher

72"

CENTRAL VIRGINIA
ORTHODONTICS

BOARD CERTIFIED ORTHODONTISTS

Dr. Bruce E. Bentley
Dr. Jennifer Claiborne

Children's Dental Health of Lynchburg

Dr. Drake Covey Dr. Fly Fisher

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010** AGENDA ITEM NO.: 11

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Intellifiber Networks, Inc., Request for Approval for Installation of Fiber Optic Cable from 629 Church Street to 725 Church Street**

RECOMMENDATION: After a public hearing, approve the attached Resolution to grant Intellifiber Networks, Inc., a License Agreement to place fiber optic cable in City-owned right-of-way.

SUMMARY:

Intellifiber Networks, Inc., has submitted a request for installation of approximately 1,000 feet of fiber optic cable from 629 Church Street (the Comcast building) to 725 Church Street. The fiber optic cable installation will allow Intellifiber Networks to provide high bandwidth services to their customer located at 725 Church Street. The fiber optic cable will be in the City's right-of-way.

PRIOR ACTION(S):

PDC – July 13, 2010

FISCAL IMPACT:

None

CONTACT(S):

Steve Lawson, Real Estate Manager, 455-3945
Lee Newland – City Engineer – 455-3947
Bonnie Svrcek – Deputy City Manager and Acting Director of Community Development – 455-33987

ATTACHMENT(S):

Resolution
Map Route

REVIEWED BY: lkp

RESOLUTION

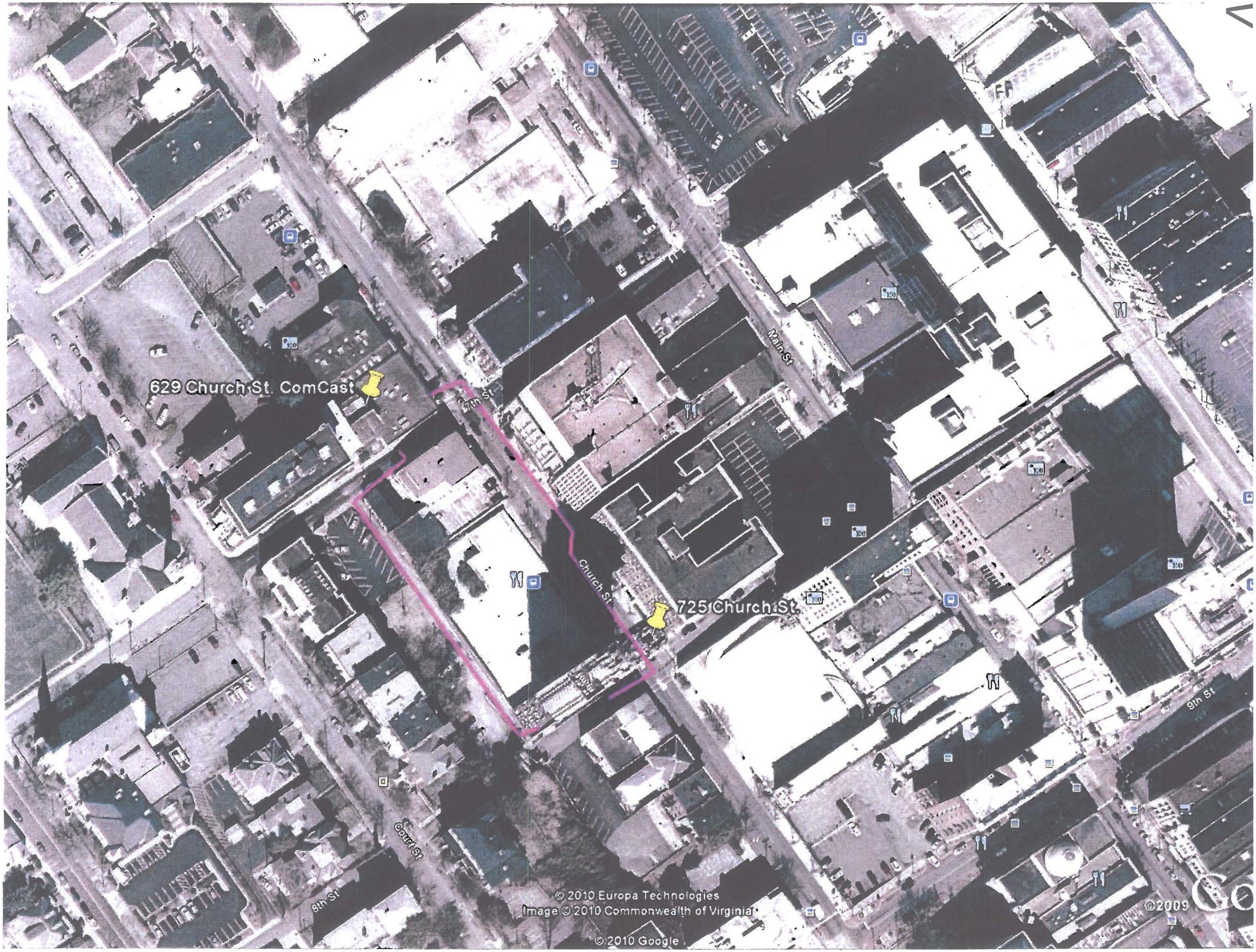
BE IT RESOLVED That the City Manager is hereby authorized to execute a license agreement with Intellifiber Networks, Inc. allowing Intellifiber Networks to install approximately 1,000 feet of fiber optic cable in the City's right-of-way from 629 Church Street to 725 Church Street in order to provide high bandwidth services.

Adopted:

Certified: ______________________________
Interim Clerk of Council

079L

V



629 Church St. ComCast
725 Church St.
7th St
Church St
Main St
Court St
8th St
9th St
© 2010 Europa Technologies
Image © 2010 Commonwealth of Virginia
© 2010 Google
©2009

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010** AGENDA ITEM NO.: 12

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Agrium, Inc. Request for Approval for Installation of an Electrical Bank from 2410 Mayflower Drive across Mayflower Drive to their new facility at 2501 Mayflower Drive**

RECOMMENDATION: After a public hearing, approve the attached Resolution to grant Agrium, Inc. a License Agreement to place an electrical bank in City-owned right-of-way.

SUMMARY:

Agrium, Inc., has submitted plans to TRC for installation of an underground electrical bank to serve their new facility at 2501 Mayflower Drive. This project requires installation of an underground electrical bank from the Agrium, Inc. property at 2410 Mayflower Drive to their new facility at 2501 Mayflower Drive. The electrical bank will be in the City's right-of-way.

PRIOR ACTION(S):

PDC – July 13, 2010

TRC Approved the Agrium, Inc. site plan.

FISCAL IMPACT:

None

CONTACT(S):

Steve Lawson, Real Estate Manager, 455-3945
Lee Newland – City Engineer – 455-3947
Bonnie Svrcek – Deputy City Manager and Acting Director of Community Development – 455-3987

ATTACHMENT(S):

Resolution
Site Addendum for Agrium, Inc. (which includes location of conduit bank).
Aerial Showing location of conduit bank

REVIEWED BY: lkp

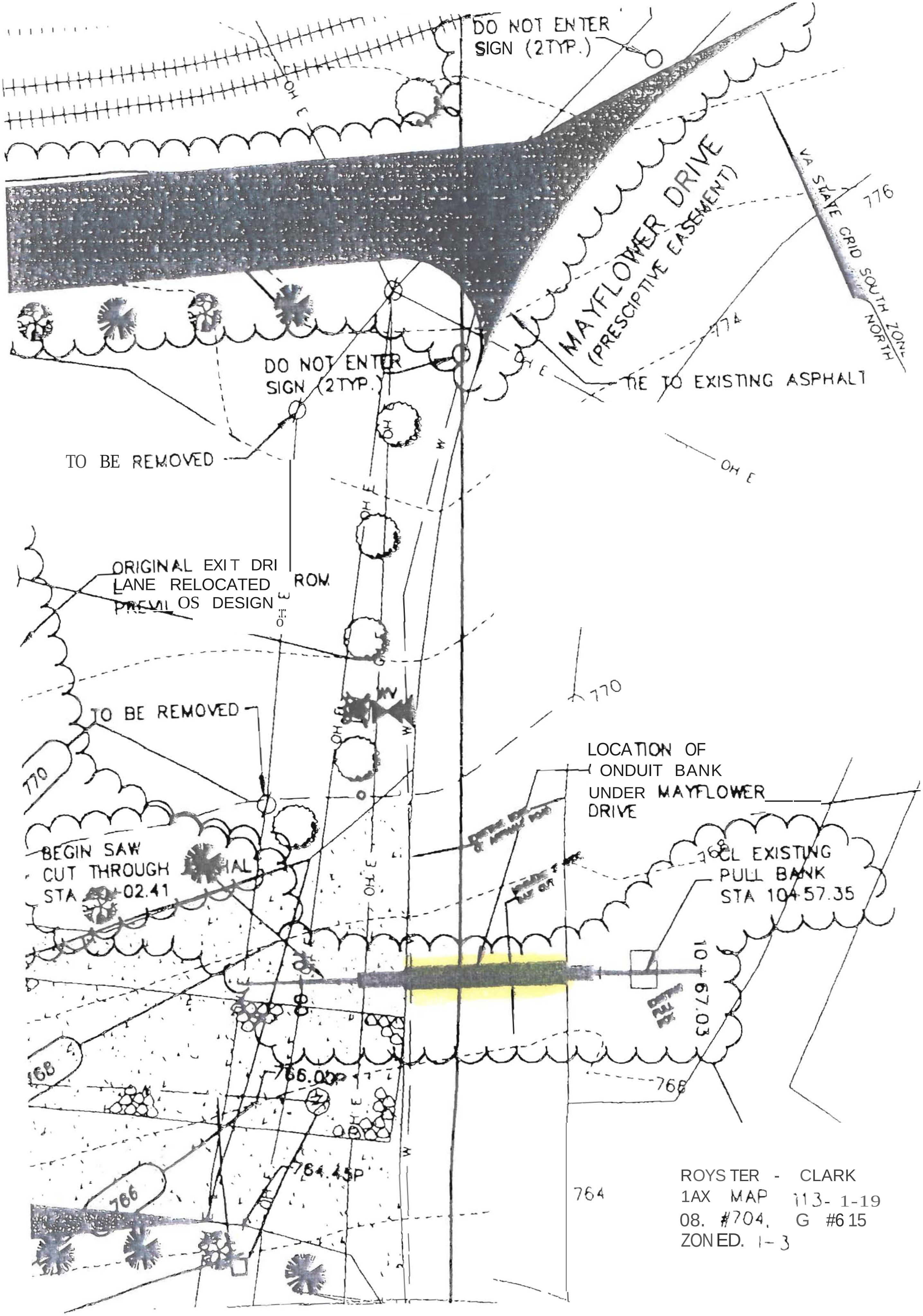
RESOLUTION

BE IT RESOLVED That the City Manager is hereby authorized to execute a license agreement with Agrium, Inc. allowing Agrium to install an underground electrical bank in the Mayflower Drive right-of-way from Agrium's existing facility located at 2410 Mayflower Drive to Agrium's new facility located at 2501 Mayflower Drive.

Adopted:

Certified: ______________________________
Interim Clerk of Council

078L



ROYSTER - CLARK
1AX MAP 113-1-19
08. #704, G #615
ZONED. I-3

AGENDA ITEM # 13

Clerk of Lynchburg, VA City Council
City Hall
Lynchburg, VA 24504
29 Jun 2010

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

Greetings,

Mr. Norris would like to exercise his constitutional 1st Amendment rights and petition City Council concerning separate and unequal treatment of citizens with regards to boarding of Greater Lynchburg Transit Company buses. Mr. Norris reserves all rights guaranteed by all applicable laws of the United States of America.

Sincerely yours,

W. J. Norris
434-250-9939

RECEIVED
JUN 2 9 2010
Council / Manager
Offices

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010**			AGENDA ITEM NO.: 14
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **Public Street Renaming: Hillcrest Drive, Irvington Lane and Mountain View Lane, off Boonsboro Road**

RECOMMENDATION: Approval of the renaming requests.

SUMMARY: The purpose of this petition is to rename the unopened paper streets known as Hillcrest Avenue to Hillcrest Drive, Irvington Street to Irvington Lane and Mountain View Road to Mountain View Lane. The area in which the paper streets are located was annexed into the City in 1976 and at that time the unopened paper streets had duplicate street names. The proposed new suffixes would distinguish these currently undeveloped streets from duplicates in the city, which would provide unique addressing. The other Hillcrest Avenue is in the Dearington neighborhood off Page Street, the other Irvington Street is off Rivermont Avenue and the other Mountain View Road is a private street within the Liberty University campus.

Both of the owners who own property fronting on the unimproved streets were contacted by City staff and were asked for new street name suggestions. Neither one responded.

The Planning Commission recommended approval of the renaming requests because:

- Request complies with the City Code Section 35-106 requirement that states “all street names submitted for consideration… shall be unique to the city in that they shall not duplicate or sound like an existing street name.”
- Request complies with the City Code Section 35-111 requirement that states the “proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council.”

PRIOR ACTION(S):
June 23, 2010: Planning Commission recommended approval of the renaming requests (5-1 with one abstention - Coleman) as submitted.
Planning Division recommended approval of the renaming requests.

FISCAL IMPACT: Minimal cost associated with replacing street sign at public right-of-way.

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map Showing Streets to be Renamed
- Vicinity Map Showing Duplicate Mountain View Rd
- Vicinity Map Showing Duplicate Hillcrest Ave
- Vicinity Map Showing Duplicate Irvington St
- Copy of the Letters from 2008 and 2010 to Adjoining Property Owners

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION APPROVING THE RENAMINGS OF THREE EXISTING UNOPENED PUBLIC STREETS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the name of the existing unopened public streets called “Hillcrest Avenue” be changed to “Hillcrest Drive,” “Irvington Street” to “Irvington Lane” and “Mountain View Road” to “Mountain View Lane.”

Adopted:

Certified: ______________________________
Interim Clerk of Council

085L

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: June 23, 2010
Re: **STREET RENAMING REQUESTS: From "Hillcrest Avenue" to "Hillcrest Drive," "Irvington Street" to "Irvington Lane" and "Mountain View Road" to "Mountain View Lane."**

I. PETITIONER

City of Lynchburg, Department of Community Development, Planning Division
Representative: Tom Martin, AICP, City Planner, 900 Church Street, Lynchburg, Virginia 24504

II. LOCATION

The three unopened paper streets are located off Boonsboro Road between Wateron Drive and the Lynchburg Expressway.
Property Owners: City of Lynchburg, 900 Church Street, Lynchburg, Virginia

III. PURPOSE

The purpose of this petition is to rename the duplicate streets known as Hillcrest Avenue to Hillcrest Drive, Irvington Street to Irvington Lane and Mountain View Road to Mountain View Lane.

IV. SUMMARY

- Request complies with the City Code Section 35-106 requirement that states "all street names submitted for consideration… shall be unique to the city in that they shall not duplicate or sound like an existing street name."
- Request complies with the City Code 35-111 requirement that states the "proposed street name will be reviewed by the Technical Review Committee, Planning Commission and City Council, with the final decision resting with Council."

The Planning Division recommends approval of the street renaming requests.

V. FINDINGS OF FACT

1. **Background.** The area was annexed into the city in 1976 and at that time, the unopened paper streets had duplicate street names. There are no buildings fronting any of the streets which are proposed to be renamed; all three are undeveloped paper streets. Developments with assigned addresses currently exist on the other streets which possess the same names, with the exception of Hillcrest Avenue. The other Hillcrest Avenue is in the Dearington neighborhood off of Page Street, the other Irvington Street is off of Rivermont Avenue and the other Mountain View Road is a private street in the Liberty University campus.

The proposed new suffixes would distinguish these currently undeveloped streets from duplicates in the city, which would provide unique addressing. Steve Boyer, GIS Analyst in the Assessors office, recommended that the City rename the three duplicate paper streets. The proposed renamings are Hillcrest Avenue to Hillcrest Drive, Irvington Street to Irvington Lane and Mountain View Road to Mountain View Lane.

Both of the owners who own property fronting on the unimproved streets, Mr. Christopher C. Langley and Irvington Properties, LLC, were contacted by City staff. In the letters, staff notified them of the renamings and asked the owners for new street name suggestions. Neither one responded.

2. **Zoning.** N/A
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the street renaming request.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
   - On November 10, 2000, City Council approved CFW nTelos' petition for a CUP for use of the property to locate a ground equipment cabinet larger than the normal permitted size as an accessory use for a telecommunications antenna and to raise the existing antenna approximately 6 to 10 feet at an existing AEP Tower at 5126 and 5134 Boonsboro Road.
   - On October 10, 2000, City Council approved Holcomb Rock Baptist Church's petition for a CUP to allow the construction of an additional parking area at 5184 Boonsboro Road.
   - On April 14, 1998, City Council approved the James River Day School's petition for a CUP for master development plan amendments at 5039 Boonsboro Road.
   - On January 13, 1998, City Council approved the Women in Crisis, Inc's petition for a CUP for a group home at 5077 Boonsboro Road.
   - On April 9, 1996, City Council approved the James River Day School's petition for a CUP for a master development plan at 5039 Boonsboro Road.
   - On October 11, 1994, City Council approved Baptist General Association of Virginia's petition for a CUP for a master development plan at 5077 Boonsboro Road.
   - On August 14, 1990, City Council approved Frank Gough and Charles J. Catalano's petition for a CUP for a planned unit development on Irvington Springs Road.
   - On September 12, 1989, City Council approved the ordinance amending the zoning map of the City of Lynchburg to reflect the rezoning of the Northwest Expressway Area.
   - On March 10, 1987, City Council approved Lynchburg Day School's petition for a CUP for a building addition at 5039 Boonsboro Road.

5. **Site Description**. The three unopened paper streets are bound to the north by single-family dwellings and forestal lands, to the east by the Lynchburg Expressway/U.S. 501, and to the south and west by single-family dwellings and forestal lands.
6. **Proposed Use of Property.** The paper streets are currently unimproved and serve undeveloped land.
7. **Traffic, Parking and Public Transit.** The Transportation Engineer reviewed the private street naming request on May 7, 2010. There was no conflict with any existing street names.
8. **Stormwater Management.** N/A
9. **Emergency Services.** The Emergency Communications Administrator and the Fire Marshall reviewed the private street naming request on May 7, 2010. There were no concerns with the proposed street names.

10. **Impact.** The paper streets are currently unimproved and provide future access to currently undeveloped property. The majority of City staff concerns have been addressed and the proposed names will fit well with the surrounding area.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the street names on May 7, 2010. There were no comments related to the proposed street names.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends City Council approve the Planning Division's petition for the street renaming requests from "Hillcrest Avenue" to "Hillcrest Drive," "Irvington Street" to "Irvington Lane" and "Mountain View Road" to "Mountain View Lane."

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transporation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent White, Senior Planner
Ms. Rebecca McCharen, Planner II
Mr. Steve Boyer, GIS Analyst
Mr. Christopher C. Langley, Adjoining Property Owner
Irvington Properties, LLC, Adjoining Property Owner

VII. ATTACHMENTS

1. **Vicinity Map Showing Streets to be Renamed**
2. **Vicinity Map Showing Duplicate Mountain View Rd**
3. **Vicinity Map Showing Duplicate Hillcrest Ave**
4. **Vicinity Map Showing Duplicate Irvington St**
5. **Copy of the Letters from 2008 and 2010 to Adjoining Property Owner Mr. Christopher C. Langley**
6. **Copy of the Letters from 2008 and 2010 to Adjoining Property Owner Irvington Properties, LLC**

MINUTES FROM THE JUNE 23, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. A petition to rename the duplicate streets known as Hillcrest Avenue to Hillcrest Drive, Irvington Street to Irvington Lane and Mountain View Road to Mountain View Lane.

Mr. Martin explained that the Planning Commission will continue to see street dedications and namings but they will no longer go to City Council. This petition will need to go to City Council since it is a street renaming.

Mr. Martin explained that these are three duplicate street names of other streets currently existing in the City. These are paper streets and have no structures fronting on them. The other streets with duplicate names in the City are opened. In order to clean up the street names, staff is recommending the renaming of these streets as outlined in the report. Mr. Martin remarked that the reason these streets were chosen instead of the other streets is because these are unopened and no one will have to change their address.

Commissioner Sale asked why they did not choose another name instead of just changing the suffixes. Mr. Martin thought that was a valid point but staff felt the easiest way to clean them up was change the suffixes. Someone would have to choose the names and normally the names are chosen by the subdivider and not the City. Mr. Martin is not sure how they would go about choosing the names for the streets. Commissioner Sale asked if the people who originally named the streets had been consulted. Mr. Martin said staff tried to contact the property owners by letter on two occasions and there has been no response.

Commissioner Sale thought that just changing the suffixes is creating a redundancy. Chair Hamilton pointed out that it does make a difference for 911 calls. Commissioner Sale thought that cleaning up data is done to make it unique and useful. He finds this continuing a redundancy that already exists.
Mr. Martin stated that the purpose of doing this is so that the addresses would show up differently for 911 calls and on all City records.

Commissioner Swienton said he is fine with proceeding with this and should there be a recommendation down the road or some way to come up with changing the names later to make them unique, he would be open to that down the road.

Commissioner Hannon asked why this had come up, since there would not be any 911 calls to these streets. Mr. Martin explained that this request came to them from the assessor's office. Commissioner Hannon asked if these streets are dedicated; Mr. Martin said the right-of-way is owned by the City. They are just not built.

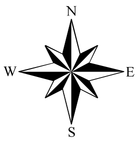
Commissioner Swienton made the following motion, which was seconded by Commission Hooper and passed by the following vote:

"That the Planning Commission recommends City Council approve the Planning Division's petition for the street renaming requests from "Hillcrest Avenue" to "Hillcrest Drive," "Irvington Street" to "Irvington Lane" and "Mountain View Road" to "Mountain View Lane."

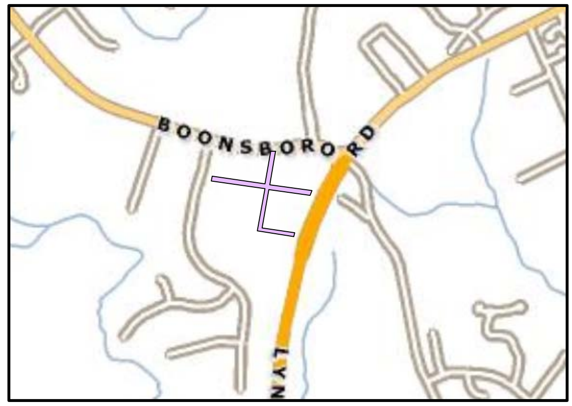
AYES:	Barnes,Hamilton, Hannon, Hooper and Swienton	5
NOES:	Sale	1
ABSTENTIONS:	Coleman (has not taken oath of office at this time)	1
ABSENT:		0

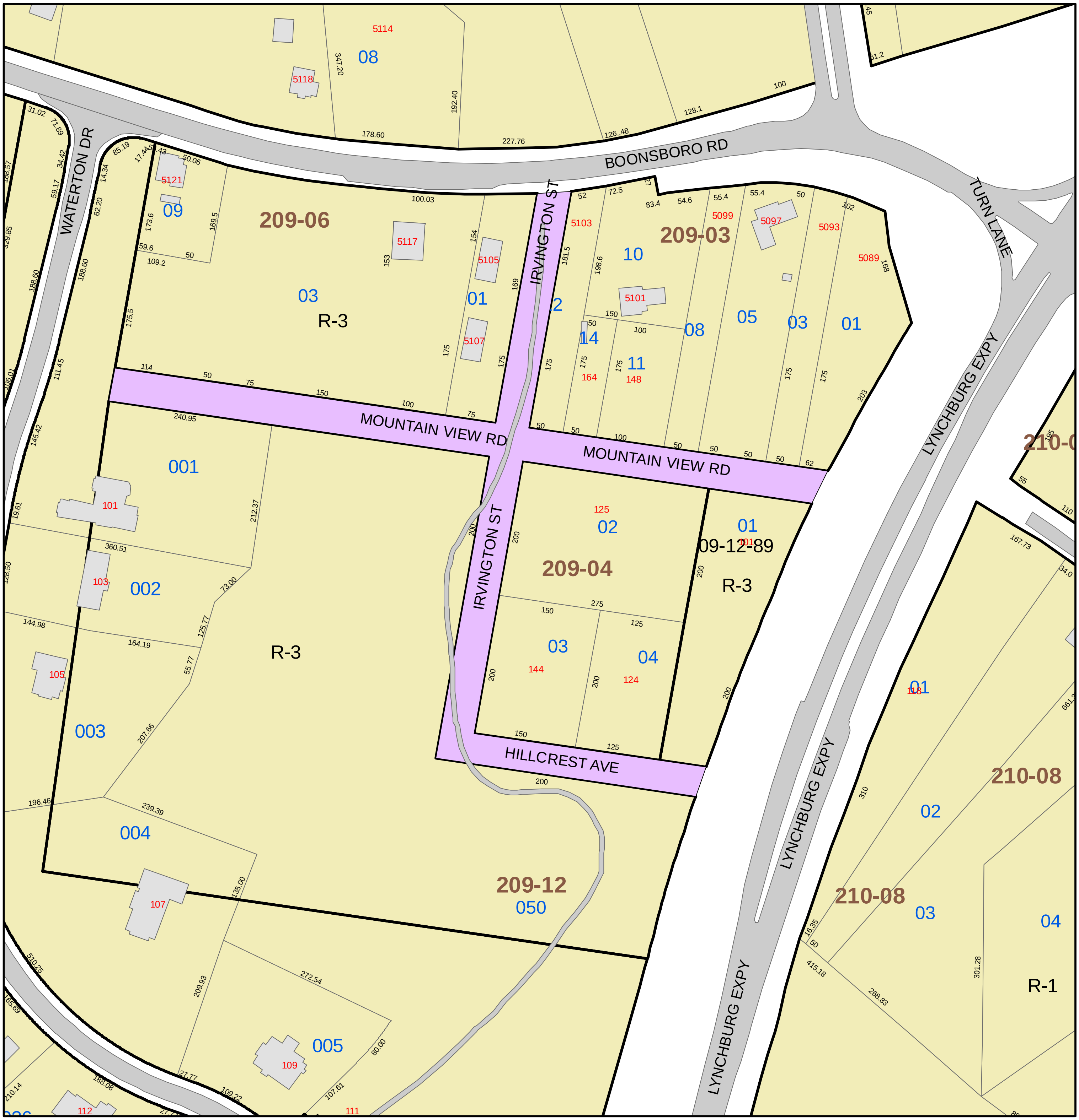
HILLCREST AVENUE, IRVINGTON STREET, MOUNTAIN VIEW ROAD STREET RENAMING

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



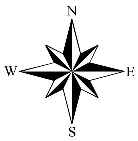
Proposed Street



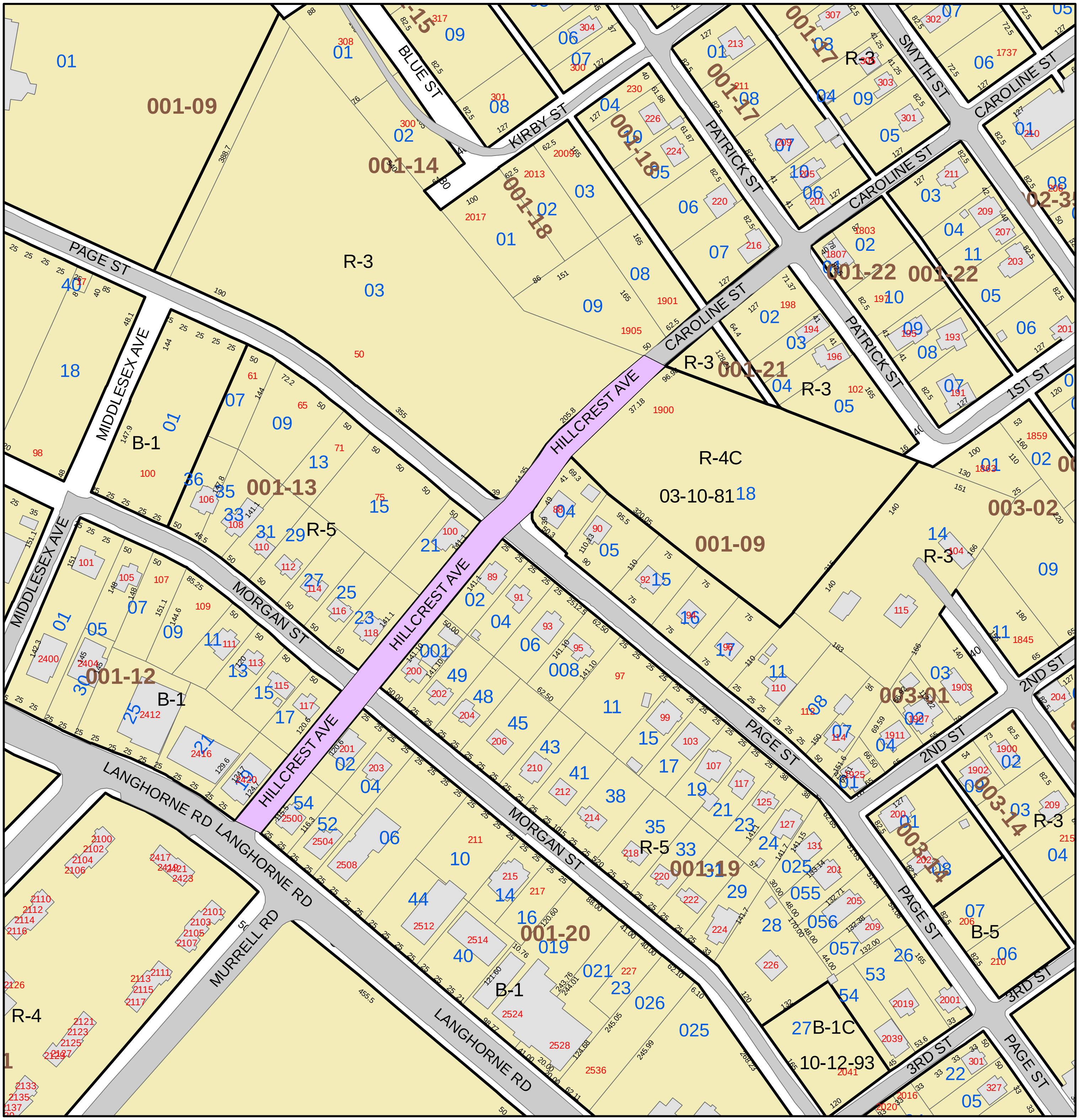


HILLCREST AVENUE STREET RENAMING

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



Existing Duplicate Street



IRVINGTON STREET STREET RENAMING

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

N
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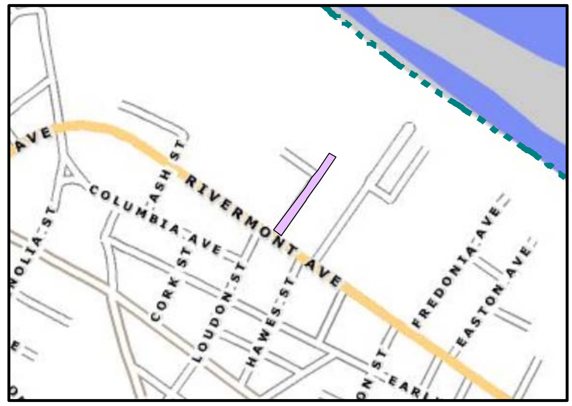
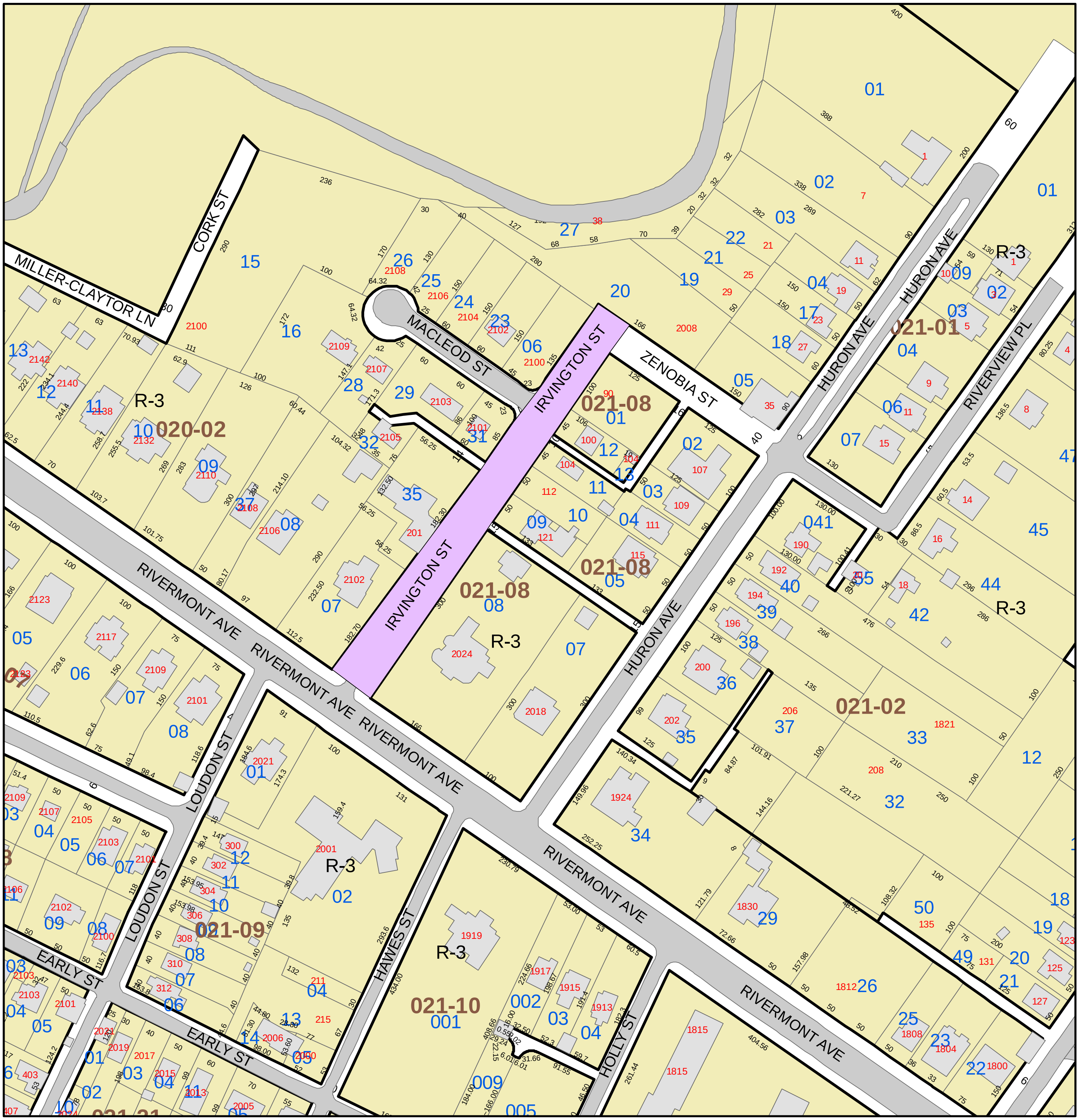
S

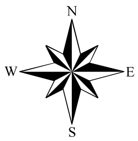
Existing Duplicate Street





MOUNTAIN VIEW ROAD STREET RENAMING

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



Existing Duplicate Street

THE CITY OF LYNCHBURG, VIRGINIA

City Hall, 900 Church Street
Lynchburg, Virginia 24504 ● (434) 455-3900
FAX ● (434) 845-7630

Historic Preservation Commission

May 7, 2010

Mr. Christopher C. Langley
102 Oakley Ave Ste 506
Lynchburg, VA 24501-3203

Re: Duplicate Street Name- Mountain View Road, Hillcrest Avenue and Irvington Street

To Whom It May Concern:

You own property fronting on the subject street as follows:

- 125, 148 and 164 Mountain View Road
- 124 and 144 Hillcrest Ave

Mountain View Road, Hillcrest Avenue and Irvington Street have duplicate street names in another area of the city. Since your properties are currently undeveloped and front on a paper street, these streets would be least affected by renaming them. One other property owner would be affected by renaming Mountain View Road- Irvington Properties. We will also contact this owner for any input.

I am writing to let you know that Steve Boyer, Assessor, has proposed Mountain View Road be renamed to Mountain View *Lane,* Hillcrest Avenue to Hillcrest *Drive,* and Irvington *Street* to Irvington *Lane*. The new suffixs will be reviewed by Planning Commission and City Council. Council will make the final decision (Section 35-105 b. of the City Code). During the process, several City departments and the Post Office will review the names to determine whether they duplicate or sound similar to the existing street names. If you would prefer we propose new names, please let me know.

Please feel free to contact me at (434) 455-3915 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Rebecca McCharen
Planner II and Secretary to the HPC

pc: Tom Martin, City Planner
Steve Boyer, Assessor

THE CITY OF LYNCHBURG, VIRGINIA

City Hall, 900 Church Street
Lynchburg, Virginia 24504 • (434) 455-3900

FAX • (434) 845-7630

Community Development Department
Planning Division

November 19, 2008

Mr. Christopher C. Langley
201 Paddington Court
Lynchburg, VA 24503-2120

Dear Mr. Langley:

Subject: Duplicate Street Names—Mountain View Road and Hillcrest Avenue, off Boonsboro Road

You own property fronting on the subject streets as follows:
- 125, 148 and 164 Mountain View Road
- 124 and 144 Hillcrest Avenue

Both Mountain View Road and Hillcrest Avenue have duplicate street names in other areas of the city. Since your properties are currently undeveloped and front on paper streets, these streets would be least affected by renaming them. One other property owner would be affected by renaming Mountain View Road—Irvington Properties, LLC. We will also contact this owner for any input.

I am writing to see if you are interested in selecting a new name for either or both of these streets. Please provide me with at least two proposed alternate names for each street. We will choose one new name for each street and process it through the Planning Commission and City Council. Council will make the final decision (Section 35-105 b. of the City Code). During the process, several City departments and the Post Office will review the names to determine whether they duplicate or sound similar to existing street names. Steve Boyer, GIS Analyst in the Assessor's Office, has a list of street names to help you avoid duplication. He can be reached at (434) 455-3825. If you would prefer that we propose new names, just let me know. My direct number is (434) 455-3894.

Thanks for your attention to this matter.

Sincerely,

Annette M. Chenault,
Planner II

Enclosure: map showing subject streets

Pc: Tom Martin, City Planner
Steve Boyer, GIS Analyst

THE CITY OF LYNCHBURG, VIRGINIA

City Hall, 900 Church Street
Lynchburg, Virginia 24504 • (434) 455-3900
FAX • (434) 845-7630

Historic Preservation Commission

May 7, 2010

Irvington Properties, LLC
PO Box 1256
Amherst, VA 24521-1256

Re: Duplicate Street Name- Mountain View Road

To Whom It May Concern:

You own property fronting on the subject street as follows:

- 101 Mountain View Road

Mountain View Road has a duplicate street name in another area of the city. Since your property is currently undeveloped and fronts on a paper street, this street would be least affected by renaming it. One other property owner would be affected by renaming Mountain View Road- Christopher C. Langley. We will also contact this owner for any input.

I am writing to let you know that Steve Boyer, Assessor, has proposed this street be renamed to Mountain View *Lane*. The new suffix will be reviewed by Planning Commission and City Council. Council will make the final decision (Section 35-105 b. of the City Code). During the process, several City departments and the Post Office will review the names to determine whether they duplicate or sound similar to the existing street name. If you would prefer we propose a new name, please let me know.

Please feel free to contact me at (434) 455-3915 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Rebecca McCharen
Planner II and Secretary to the HPC

pc: Tom Martin, City Planner
Steve Boyer, Assessor

THE CITY OF LYNCHBURG, VIRGINIA

City Hall, 900 Church Street
Lynchburg, Virginia 24504 • (434) 455-3900

Community Development Department
Planning Division

FAX • (434) 845-7630

November 19, 2008

Irvington Properties, LLC
P O Box 1256
Amherst, VA 24521-1256

Dear Ladies and Gentlemen:

Subject: Duplicate Street Name—Mountain View Road

You own property fronting on the subject street as follows:
- 101 Mountain View Road

Mountain View Road has a duplicate street name in another area of the city. Since your property is currently undeveloped and fronts on a paper street, this street would be least affected by renaming it. One other property owner would be affected by renaming Mountain View Road—Christopher C. Langley. We will also contact this owner for any input.

I am writing to see if you are interested in selecting a new name for this street. Please provide me with at least two proposed alternate names. We will choose one new name and process it through the Planning Commission and City Council. Council will make the final decision (Section 35-105 b. of the City Code). During the process, several City departments and the Post Office will review the names to determine whether they duplicate or sound similar to the existing street name. Steve Boyer, GIS Analyst in the Assessor's Office, has a list of street names to help you avoid duplication. He can be reached at (434) 455-3825. If you would prefer that we propose a new name, just let me know. My direct number is (434) 455-3894.

Thanks for your attention to this matter.

Sincerely,

Annette M. Chenault,
Planner II

Enclosure: map showing subject street

Pc: Tom Martin, City Planner
Steve Boyer, GIS Analyst

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010** AGENDA ITEM NO.: 15

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Review Narrative Requirement for 2010 Edward Byrne Memorial Justice Assistance Grant Program (JAG)**

RECOMMENDATION: Review the submittal of an application for the 2010 Edward Byrne Memorial Justice Assistance Grant Program funding of $59,914, fully reimbursable, to purchase computer equipment/related software, licensing, training, and office equipment for the Lynchburg Police Department's Computer Evidence Recovery Unit and Vice/Narcotics Unit.

SUMMARY: The Lynchburg Police Department has recently applied for funding through the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The Department applies for this grant on a yearly basis and money has already been allocated to our jurisdiction through this program ($59,914), though we must still submit an application and provide a viable need for the funding. All applicants for the 2010 JAG Grant must ensure their application is made available for review by the governing body. Applicants must also provide an opportunity for citizens to comment on the application for funds as well to the extent applicable law or established procedures make such an opportunity available. Our intent would be to meet both of these requirements at this Council Meeting.

Note: Although no public hearing is required, when this matter is considered by Council and opportunity for any member of the public to comment will be provided.

PRIOR ACTION(S): None

FISCAL IMPACT: None. No local match is required.

CONTACT(S): Captain K.T. Swisher, Police Department (455-6052)

ATTACHMENT(S): Application

REVIEWED BY: lkp

083L

DCJS Grant Application
Byrne Justice Assistance Grant Program
Project Goals and Objectives Form
Department of Criminal Justices Services
202 North 9th Street, Richmond, VA 23219

Goal: Improve the level of equipment / training within the Lynchburg Police Department's Computer Evidence Recovery Unit to afford it the ability to conduct more forensic examinations of computers. Improve the capability of the Department's Vice/Narcotics Unit to utilize tracking devices to more effectively and efficiently conduct narcotic investigations.

Objectives: Enhance the digital evidence recovery capabilities of both our Computer Evidence Recovery Unit and Vice/Narcotics Unit.

Implementation Activities/Quarter: 1st quarter – purchase the equipment detailed in this application as it relates to the Computer Evidence Recovery Unit and Vice/Narcotics Unit. 2nd quarter – schedule training for personnel who will be utilizing equipment. 3rd quarter – continue to train personnel in the usage of equipment. 4th quarter – continue to train personnel in the usage of equipment.

Person Responsible: Captain K.T. Swisher

Performance Measures: We will assess of project's success by utilizing the performance measures to include: number of forensic examinations of computers conducted and comparing that to the number of examinations completed in the last 2 years; comparing statistical information regarding our Vice/Narcotics Unit to include arrests and seizures of illegal drugs, weapons, currency, etc. seized as a result of drug investigations.

Project Narrative

Program Title:

Criminal Justice System Improvement

Needs Justification:

The Lynchburg Police Department is an effective, skilled and progressive organization made up of men and women who are dedicated to exemplifying our core values of Leadership, Professionalism, and Dedication. We are dedicated and committed to improving the quality of life in our community through a spirit of service. Our officers and civilian employees possess the highest standards of personal and professional integrity, enabling them to prevent crime, enforce our laws, work as community problem-solvers, and serve as examples to our citizens. The Lynchburg Police Department became the 124th law enforcement agency in the nation to be accredited by the Commission of Accreditation of Law Enforcement Agencies. The Lynchburg Police Department's mission is to preserve the peace and maintain order in our city. We can best achieve this by working cooperatively with other governmental agencies, businesses, the faith community, and all citizens. We must form meaningful, working partnerships with others in the community to make it a safer and better place in which to live. The Virginia Department of Criminal Justice Services has recognized Lynchburg as one of thirteen Certified Crime Prevention Communities in the Commonwealth of Virginia. This distinction is the result of the efforts of our partnerships with the community to ensure our city is a safe place.

In recent years the Lynchburg Police Department has worked to establish a Computer Evidence Recovery Unit (CERU). Through the purchase of pertinent equipment and related training our agency can now conduct some forensic examinations of computers "in-house". In the past we have had to utilize the Virginia State Police CERU to conduct forensic examinations of computers. This involved transporting the computers to Richmond, VA, where they would remain for eight to ten months until the examination was completed. Certainly, this was not a very efficient method of operation. However, by conducting these examinations "in-house" we are able to examine evidence much faster and more efficiently. Adding equipment (F.R.E.D. System, Guidance Software and related licenses, training for the new F.R.E.D. System, Access Data FTK, Fernico FAR, Microsoft 2007, Linksys Wireless Router/W print server, HP Office printer/scanner, and HON 38000 Series Desk) and training afforded by this funding would enable us to better train and better equip the members of our Computer Evidence Recovery Unit, thus improving their ability to conduct forensic examinations of computers. Our current level of equipment affords us limited success in this area, for we can only conduct one examination at a time and these exams can be extremely lengthy to complete. By adding the equipment specified in this grant application we would be able to conduct more examinations and at a quicker pace.

There are a number of items listed in the grant application that would be utilized specifically by the Department's Vice/Narcotics Unit. The Western Digital "My Book" external hard drives are needed to allow detectives to back up information that they are saving on their desktop computers. This information includes video files, audio files, and other digital information. Most of the information that the detectives are saving cannot be placed on the existing server as a backup location due to the sensitive nature of the files – and this is problematic. The COB HAM 820 GPS would simply serve as an additional tracking device that is in need. This unit utilizes GPS devices on a consistent basis based on the nature of the work they perform. The additional laptop computers and air cards are needed to allow detectives to monitor the GPS devices in use.

It is also important to note that the requests aforementioned would benefit not only the City of Lynchburg, but the region as well. So much of the work that is performed by the Vice/Narcotics Unit and Computer Evidence Recovery Unit is done on a regional scale as we work closely with our regional partners. Therefore any positive impact resulting from the additional equipment would be felt throughout the greater Lynchburg area. We strive to provide the best service delivery to our citizens, however our operational budget is inadequate to purchase this necessary equipment, which will improve and further develop our positive relationship with our citizenry as well.

Budget Detail Worksheet

Purpose: The Budget Detail Worksheet may be used as a guide to assist you in the preparation of the budget and budget narrative. You may submit the budget and budget narrative using this form or in the format of your choice (plain sheets, your own form, or a variation of this form). However, all required information (including the budget narrative) must be provided. Any category of expense not applicable to your budget may be deleted.

A. Personnel - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Name/Position	Computation	Cost

SUB-TOTAL $0.00

B. Fringe Benefits - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

Name/Position	Computation	Cost
Fringe benefit 1, each benefit entry is limited to one line		
Fringe benefit 2		
Fringe benefit 3		
Fringe benefit 4		
Fringe benefit 5		

SUB-TOTAL $0.00

Total Personnel & Fringe Benefits $0.00

Budget Summary- When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

Budget Category	Amount
A. Personnel	$0.00
B. Fringe Benefits	$0.00
C. Travel	$1,500.00
D. Equipment	$46,819.00
E. Supplies	$10,831.00
F. Construction	$0.00
G. Consultants/Contracts	$0.00
H. Other	$0.00
Total Direct Costs	$59,150.00
I. Indirect Costs	$0.00
TOTAL PROJECT COSTS	$59,150.00

Federal Request ____________

Non-Federal Amount ____________

H. Other Costs - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, or provide a monthly rental cost and how many months to rent.

Description	Computation	Cost
four lines per entry, use boxes below or an additional page for more space if required		

TOTAL $0.00

I. Indirect Costs - Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
one line per entry		
one line per entry		

TOTAL $0.00

G. Consultants/Contracts - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Consultant Fees: For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project. Consultant fees in excess of $450 per day require additional justification and prior approval from OJP.

Name of Consultant	Service Provided	Computation	Cost
Supply item 1, one line per entry	maximum of three lines		
Supply item 1, one line per entry			
Supply item 1, one line per entry			
Supply item 1, one line per entry			

Subtotal $0.00

Consultant Expenses: List all expenses to be paid from the grant to the individual consultants in addition to their fees (i.e., travel, meals, lodging, etc.)

Item	Location	Computation	Cost
Consultant expense entry 1, one line pe	maximum of three lines		
	maximum of three lines		
Consultant expense entry 1, one line pe	maximum of three lines		

Subtotal $0.00

Contracts: Provide a description of the product or service to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of $100,000.

Item	Cost
maximum of four lines, additional information should be attached on a separate sheet(s)	
maximum of four lines	

Subtotal $0.00

TOTAL $0.00

E. Supplies - List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less that $5,000, such as books, hand held tape recorders) and show the basis for computation. (Note: Organization's own capitalization policy may be used for items costing less than $5,000). Generally, supplies include any materials that are expendable or consumed during the course of the project.

Supply Items	Computation	Cost
Training for EnCase and F.R.E.D.		$2,295.00
Access Date FTK		$3,835.00
Microsoft Office 2007		$1,000.00
Linksys Wireless Router w/ print server		$500.00
HP Office Jet all-in-one printer/scanner		$225.00
HON 38000 Series Desk		$918.00
Western Digital "My Book" 1 Terabyte external HD		$1,308.00
RICOH all-in-printer/scanner/copier		$750.00
supply item 9		

TOTAL $10,831.00

F. Construction - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Check with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost
four lines per entry, use boxes below or an additional page for more space if required		

TOTAL $0.00

C. Travel - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at $X airfare, $X lodging, $X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

Purpose of Travel	Location	Item	Computation	Cost
Travel for training on EnCase/FRED				$1,500.00
Travel entry 2				
Travel entry 3				
Travel entry 4				
Travel entry 5				
Travel entry 6				
Travel entry 7				

TOTAL $1,500.00

D. Equipment - List non-expendable items that are to be purchased. Non-expendable equipment is tangible property having a useful life of more than two years and an acquisition cost of $5,000 or more per unit. (Note: Organization's own capitalization policy may be used for items costing less than $5,000). Expendable items should be included either in the "supplies" category or in the "Other" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advances. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
Digital Intelligence F.R.E.D. System with Dual RAID		$9,929.00
Guidance Software EnCase Forensic Version 6		$11,400.00
8 HP Laptop Computers w/ air cards		$12,000.00
Fernico FAR (Forensic Archive and Restore)		$6,295.00
COB HAM 820 GPS		$7,195.00

TOTAL $46,819.00

Project Budget Narrative

$38,647 **Digital Intelligence F.R.E.D. System with Dual RAID**
Guidance Software EnCase Forensic Version 6
Fernico FAR (Forensic Archive and Restore)
Training for EnCase and F.R.E.D. / Travel Costs
Access Data FTK
Microsoft Office 2007
Linksys Wireless Router w/ print server
HP Office Jet printer/scanner
HON 38000 Series Desk
RICOH printer/scanner

The aforementioned equipment would serve to better equip and better train the members of our department's Computer Evidence Recovery Unit. We have begun conducting "in-house" forensic examinations of computers in recent years. However, our current level of equipment and training affords us limited success in this area, for we cannot handle the volume of work with existing resources. By adding the equipment/training specified in this grant application, we would be able to conduct more examinations and at a quicker pace.

$20,503 **8 HP Laptop Computers w/ air cards**
COB HAM 820 GPS
Western Digital "My Book" 1 Tarabyte external HD

These items would be utilized specifically be our Vice/Narcotics Unit. The "My Book" external hard drives are needed to allow detectives to back up information that they are currently saving on their desktop computers. This information includes video files, audio files, and other digital information. Most of the information that the detectives are saving cannot be placed on the existing server as a backup location due to the restricted-information nature of the files. The GPS device would simply serve as an additional tracking device that is needed and the additional laptop computers and air cards are needed to allow detectives to monitor the GPS devices in operation.

$59,150 **Total**

Review Narrative

The City of Lynchburg requires an award letter prior to scheduling public hearings to appropriate funds, which is done via City Council meetings. This requirement insures the city does not appropriate funds that are ultimately not awarded. This proposed grant will be listed on the consent agenda for public viewing in the near future. Permission to apply for the grant was provided by the City Council Finance Committee on May 25, 2010 and this will be added to the City Council Agenda for their scheduled meeting on July 13, 2010. The agenda will then be copied and placed in the grant file to show proof of public notice.

Though this funding would be utilized in a number of different areas, most of the requested funding would be utilized to purchase computer equipment and related software, licensing, training, and office equipment for the Department's Computer Evidence Recovery Unit (CERU). This unit is essential to the Department because it provides the ability to retrieve computer-related (digital) evidence according to best professional practices. In the past, the Department has had to utilize the Virginia State Police CERU in order to attempt to locate and seize digital evidence. Computers seized by LPD detectives had to be transported to Richmond, where they would remain for 8 to 10 months before the examination was completed. With our own equipment and training, the LPD will able to examine evidence in a much more timely fashion. Currently, we have a FRED (Forensic Recovery of Evidence Device) System that has been in use since 2008. To date, we have forensically analyzed a number of seized computers using this equipment. This grant funding would enable the LPD to purchase upgraded equipment that will significantly enhance our digital forensic examination capabilities.

Some of the funding would enable us to purchase additional laptop computers for the Department's Vice/Narcotics Unit and another GPS System. This unit uses GPS capabilities on a consistent basis and there is a definitive need for another GPS and the laptops are needed to allow detectives to monitor the system.

Lastly, the purchase of the Western Digital "My Book" external hard drives is needed to allow detectives to back up information that they are saving on their desktop computers. Most of the information that the detectives are saving cannot be placed on the existing server as a backup location due to the sensitive nature of the files.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010** AGENDA ITEM NO.: 16

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Donation of Used Body Armor to Ten Four Ministries "Armor of God" Project**

RECOMMENDATION: Grant approval for the Lynchburg Police Department to donate all used body armor that is out of warranty to Ten Four Ministries, Armor of God Project.

SUMMARY: The Lynchburg Police Department currently replaces body armor for each sworn officer every five years (5-year warranty on the body armor) on a rotating basis. When body armor is no longer in warranty it has typically been shredded. Recently, we have discovered an organization that recycles used ballistic vests and provides them to officers that need them – for free. We would like to donate our old vests that are no longer in use through this program to other officers throughout the nation who do not have them. There are measures in place to ensure that no liability is incurred by departments that donate vests.

PRIOR ACTION(S): None

FISCAL IMPACT: None. This would be done at no cost to the Lynchburg Police Department.

CONTACT(S): Captain K.T. Swisher, Police Department (455-6052)

ATTACHMENT(S): None

REVIEWED BY: lkp

081L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 13, 2010** AGENDA ITEM NO.: 17

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Adoption of a Reimbursement Resolution for Debt Financing of Capital Improvement Project Expenditures**

RECOMMENDATION: Adopt a resolution authorizing reimbursement from future bond proceeds for expenditures made by the City in advance of the issuance and receipt of the bond proceeds in accordance with Treasury Regulation Section 1.150-2.

SUMMARY: On May 21, 2010, the City was notified by SunTrust Bank that the non-bank qualified line of credit interim capital financing facility would be extended only to May 20, 2011 instead of March 2013 as was provided in the Financing Agreement. Financial Services staff along with Davenport & Company, LLC, the City's financial advisor, will distribute a request for proposals for a bank qualified line of credit for $15,000,000 in August to replace the existing line of credit. Also, Staff will cancel the line of credit with SunTrust because it no longer provides the duration and flexibility needed.

The attached reimbursement resolution provides for City Council's authorization to temporarily fund capital expenditures using existing cash until the line of credit is established. The City will be reimbursed from the line of credit proceeds for the cash used to temporarily fund any necessary capital expenditures. The line of credit will be permanently financed from a future bond issue.

PRIOR ACTION(S): N/A

FISCAL IMPACT: Utilizing the line of credit allows the City to control the timing of future bond issues and results in lower issuance costs and some savings on interest rates.

CONTACT(S): Donna S. Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Resolution Authorizing Reimbursement

REVIEWED BY: lkp

RESOLUTION OF THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, TO AUTHORIZE THE REIMBURSEMENT FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS OF EXPENDITURES TO BE MADE BY THE CITY IN ADVANCE OF THE ISSUANCE AND RECEIPT OF THE PROCEEDS OF SUCH TAX-EXEMPT OBLIGATIONS

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA, AS FOLLOWS:

SECTION 1. The Council (the "Council") of the City of Lynchburg, Virginia (the "City"), hereby approves the financing of the acquisition, construction, installation, furnishing and equipping of capital improvement projects of and for the City, including public school improvement projects and public buildings, streets and bridges and general municipal improvement projects and water and sewer improvement projects of and for the City (collectively, the "Projects"), through the issuance and from the proceeds of an issue of not to exceed $15,000,000 principal amount of tax-exempt obligations of the City. Of such total amount of $15,000,000, subject to reallocation by the City from time to time, the amount of $11,000,000 shall be allocable to public school improvement projects and public buildings, streets and bridges and general municipal improvement projects and the amount of $4,000,000 shall be allocable to water and sewer improvement projects of and for the City.

SECTION 2. The Council hereby authorizes the City to make expenditures on the Projects in advance of the issuance and receipt of the proceeds of tax-exempt obligations of the City and to reimburse such expenditures from the proceeds of such tax-exempt obligations. The adoption of this resolution shall be considered as an "official intent" within the meaning of Treasury Regulation Section 1.150-2 promulgated under the Internal Revenue Code of 1986.

SECTION 3. This resolution shall take effect upon its adoption.

Adopted:

Certified: ______________________________

Interim Clerk of Council

084L