

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of June, 2011, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

7

Absent:

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// City Manager Kimball Payne gave an overview of the Central Virginia United Soccer Club, Inc. (CVC) Agreement Amendment. Mr. Payne stated that last June 2010, Council approved an amendment to the agreement between CVU and the City regarding the soccer complex located on Route 501 just east of Lynchburg. Mr. Payne further stated that the amendment provided for the construction of two artificial turf fields in lieu of four natural grass fields and established a ten year window for repayment of the original loan, starting July 1, 2012. Mr. Payne went on to say that CVU is asking that the agreement be further amended in the two following aspects:

- CVU would build three natural grass fields instead of two artificial turf fields, taking advantage of a favorable environment for procuring contractor services; and
- The City would agree to take a second deed of trust position on the property until the construction loan for the new fields is repaid.

Mr. Payne stated that it should be noted that when the soccer complex was originally acquired by CVU's predecessor organization, the City was in a second deed of trust position until the debt to the original property owner was satisfied. Before Council's discussion Council Member Nelson stated that he no longer was involved with CVC and he can now participate in the discussion and vote on this item. After Council discussion, on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-11-078, as presented, approving the Central Virginia United Soccer Club, Inc. Agreement Amendment:

Ayes: Cary, Gillette, Johnson, Nelson, Foster

5

Noes: Helgeson, Perrow

2

Vice Mayor Johnson left the meeting at 4:50 p.m. to attend the retirement reception for Superintendent Dr. Paul McKendrick which was held between 4:00 p.m. until 6:00 p.m.

// Economic Development Director Marjette Upshur gave an update on the Arts & Cultural District. Ms. Upshur stated that the update included the creation of the Arts & Cultural Project Grant, designed to support arts and culture-related activities in the District. Ms. Upshur further stated the update will also include the presentation of a "Vision Plan" for the District, developed by a District stakeholder group.

// Assistant to the City Manager Leslie King, along with Simone Hamilton and Everett Heath members of the Advisory Board, provided an update on Many Voices – One Community, Community Dialogue on Race & Racism (MVOC). Ms. King stated that in 2007, the MVOC, Community Dialogue on Race and Racism initiative began with the leadership of a working group comprised of City employees and other leaders throughout the community. Ms. King went on to say that this group successfully organized over 50 study circles with over 1300 participants. As a result of the first round of study circles, action groups were formed to implement the ideas generated in study circles. Ms. King further stated that in 2008, the

working group transitioned to an advisory board which was endorsed by City Council to begin leading the efforts of the Community Dialogue on Race & Racism. MVOC continues to engage the community in study circles, action groups and to support organizations with similar missions as MVOC within the community. The mission of MVOC is to create a racially equitable community where race and/or ethnicity are not predictors of success in any aspect of life and where public policies, institutional practices and social structures no longer favor one group over another. MVOC is dedicated to making racial equity a reality in our community. Ms. King gave a report on the progress, outcomes and future activities of MVOC. Some of MVOC's future activities include: a community-wide update to inform the public about the group's progress which is being planned for September 2011, obtaining 501c(3) tax-exempt status and offering experimental Study Circles in the Fall.

// Human Resources Director Margaret Schmitt provided a summary of the Line of Duty Act Funding. Ms. Schmitt stated that the Line of Duty Act was created in 1966 to provide a death benefit to public safety employees killed in the line of duty. Ms. Schmitt further stated the Act has been amended over the years to expand the benefits, most notably to add the continuation of health care benefits. The public safety employees include law enforcement and correctional officers, firefighters, EMTs, paramedics and volunteer fire and rescue personnel. These benefits are in addition to others provided by the Virginia Retirement System (VRS) group life insurance and the public safety death benefits provided by the federal government. Ms. Schmitt went on to say in the 2010 session of the General Assembly, the budget conference committee introduced a budget amendment to shift the cost of the Line of Duty Act from the general fund of the state to the local governments. This amendment passed the General Assembly and the shift in costs became effective July 1, 2010. Ms. Schmitt explained that effective July 1, 2010, a Trust Fund was created in VRS to pay the FY 2011 costs of approximately \$9,500,000. The Trust Fund borrowed from the VRS Life Insurance program to fund the FY 2011 costs. These funds must be paid back to the life insurance fund starting in FY 2012. Ms. Schmitt went on to explain that the Line of Duty benefits is administered by the State Department of Accounts and claims are normally investigated by the State Police. The payments for benefits are now being made from the Line of Duty Trust Fund. Ms. Schmitt stated to Council that effective July 1, 2011, all local governments must either:

- 1) Start paying the Line of Duty Trust Fund at the currently advertised rate of \$233.89 per eligible paid employee and \$58.47 per eligible volunteer. If this option is chosen, the local government has until June 30, 2012 to opt out of the Trust Fund or the decision becomes irrevocable; or
- 2) Opt out of the Trust Fund and self-fund the benefit.

After Council discussion, on motion of Council Member Helgeson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-11-079, to opt out of the Trust Fund and self-fund the benefit:

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

6

Noes:

0

Absent: Johnson

1

// During roll call Council Member Helgeson stated he would like further discussion on the Lynchburg Real Estate Analysis report that he presented at the June 14 meeting regarding the investments in downtown and how well those investments are actually paying off for our citizens. Council Member Helgeson would like to bring this item to a future work session. Mayor Foster stated possible additional information regarding meal taxes, etc. Council Member Gillette stated that last Saturday was a great activity at the prospective location of our new dog park, making a film that puts the friends of the Lynchburg dog park in the running for a grant for construction costs and Council Member Gillette wanted to encourage everyone to vote for our film. Council Member Gillette further stated people can go to the City's website and find the link where to vote because this is going to be national voting and the film that gets the greatest number of votes will actually win the money. You can vote once a day, every day, so vote early and vote often. Council Member Cary stated that he had three items: 1) would like a copy of the Lynchburg Real Estate Analysis report that Council Member Helgeson passed out at the last meeting and Council Member Nelson did not receive a copy (who was not present at the council meeting). 2) the Cary children were in town and they are all going to Waterside tonight for pizza so they are downtown and enriching City coffers and 3) made a comment that it was unfortunate the Lynchburg City School Board held a retirement reception during City Council's scheduled work session for Superintendent Dr. Paul McKendrick. How easy it would have been to have the reception from 3:00 p.m. to 6:00 p.m. this would have afforded Council Members that wish to attend an opportunity to stop by and wish Dr. McKendrick well. Dr. McKendrick is a good man; he has done good things for the City school system despite that fact that he and I have had our differences, I like him and I wish him well. That said, in doing it this way, Lynchburg City Schools has sent a very clear message to Council and it's not one that builds better relationships and I think that is unfortunate. Council Member Nelson stated he had two items: 1) City Council, City Staff, Administration and so many people in the Lynchburg community have been very gracious and generous in their expressions of condolences and sympathy about the death of my mother and on behalf of myself and my family I want to publicly say thank you for those expressions of prayers and thoughts. They were very meaningful to my father, to me and to my family. 2) In March 2010, Mr. Robert Cary came before Council, as a representative of Virginia Department of Transportation (VDOT), explaining about the plans for the Route 460/29 Tyreeanna Project, and the plans to close the crossovers and construct the "jug handle". As of this date, the jug handle is complete, the crossovers are in the process of being closed, and the residents along with Council are still waiting for Mr. Cary to give statistics as to why the decision was made. I would like City staff to look into this matter. Council Member Cary stated that he has a meeting with Mr. Cary, VDOT representative, on Thursday, June 30 at 11:00 a.m.. Mr. Cary will be giving me a tour so I can see first hand what he is talking about. Mr. Cary stated that one crossover had been closed that had been generating the most accidents. I will let Council know what I find out after Thursday. Council Member Perrow would like an update on implementation of downtown Master Plan costs and benefits.

// On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and

Commissions, i.e., Youth Services Citizens Board, City Employees Appeal Board, Central Virginia Community College Board, Zoning Appeals Board, Dr. Martin Luther King, Jr./ Lynchburg Community Council, Economic Development Authority Board, Museum Advisory Board, Lynchburg Business Development Centre, Historic Preservation Commission and Regional Tourism Board; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

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

Noes: 0

Absent: Johnson 1

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

// Council Member Helgeson made the following motion:

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

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

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

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

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

Noes: 0

Absent: Johnson 1

// In the matter of Appointments, and on nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Teresa Billingsley, to serve on the Youth Services Citizens Board for a term to expire June 30, 2014:

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

Noes: 0

Absent: Johnson 1

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Clark K. Jefferson and Kaleb Matson to serve on the Youth Services Citizens Board for terms to expire June 30, 2014:

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

Noes: 0

Absent: Johnson 1

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Jacqueline Renee Eubanks-Lyons to serve on the Youth Services Citizens Board to fill an unexpired term ending June 30, 2012:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Dianne M. Mills to serve on the City Employees Appeal Board for a term to expire June 30, 2014:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Mylas A. Jackson to serve on the City Employee Appeal Board to fill an unexpired term ending June 30, 2012:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Vivian S. Brown to serve on the Central Virginia Community College Board for a term to expire June 30, 2015:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Veronica W. Callaham to serve on the Dr. Martin Luther King, Jr. /Lynchburg Community Council for a term to expire June 30, 2014:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Ronald G. Kidd, Jr. to serve on the Economic Development Authority Board for a term to expire June 30, 2015:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed John B. Arnold, Laura B. Crumbley, Elizabeth D. Hutter and Florence A. Perrow to serve on the Museum Advisory Board for terms to expire June 30, 2014:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Kay Butterfield and W. Scott Smith to serve on the Historic Preservation Commission for terms to expire June 30, 2014:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Lynn Fairchild Martin, Debby Ruffin and Greg Starbuck to serve on the Regional Tourism Board for terms to expire June 30, 2014:

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

// City Council recessed the meeting at 6:10 p.m.

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

The following Members were present:

Present: Cary, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Absent:	0

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

// Mayor Foster and Council Member Gillette presented a Certificate of Recognition to Addison Elizabeth Walker for Distinguished Young Woman of Virginia (formerly known as the Junior Miss Pageant) for 2011.

// Copies of the minutes of the June 14, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Police – General, Resolution #R-11-070 amending the FY 2011 City/Federal/State Aid Fund budget and appropriating \$16,040, fully reimbursable, to purchase a license plate reader (LPR) for criminal law enforcement use only, laid over from the June 14, 2011 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Police – Emergency Communications, Resolution #R-11-071 amending the FY 2011 City/Federal/State Aid Fund budget and appropriating \$85,554, fully reimbursable, to assist in financing the planning process of upgrading the regional radio system, laid over from the June 14, 2011 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

7

Noes:

0

// In the matter of City Code/Community Development – General, a public hearing was held regarding City Council Report #10 regarding amending the Zoning Ordinance by adding Section 35.1-20.1, Inspection Warrants. City Attorney Walter Erwin gave a summary of the request. There were 19 individuals that spoke in opposition regarding this item. Some of their concerns were rights as a home owner and this was unconstitutional. There was no one else present who wished to speak to this item, and the public hearing was closed.

After Council discussion, Council Member Helgeson made a motion and seconded by Council Member Perrow to deny the Zoning Inspection Warrants. Council Member Nelson stated that he had some changes and would like to add it to the ordinance that has been presented. First, the warrant would be brought only to a judge; the tenant and the occupant would have to have notice that the petition is being brought; a five days notice the City wants to present a warrant to a judge and give the tenant or property owner the opportunity to appear or file some objection as to why the warrant should not be issued; judge decide if there is still probable cause for the warrant to be issued; the City then has to send at least a five day notice before the date of the time of the inspection; notice mailed to the owner and posted on the door of the premises advising that at a certain time or within a period of time, on a certain day there will be an inspection only specified for certain types of offenses; those offenses that directly involve either a non-permitted use or excessive occupancy and no other zoning violation; if occupant refuses entry that is not a basis for forced entry; and if inspection is denied then that would be a basis for a separate charge. Council Member Nelson stated based on his observations and thoughts, I would like to make a substitute motion that the revisions to the ordinance be enacted by Council at this time. Council Member Helgeson stated that in light of the fact that Council Member Nelson had made amendments to the motion, and what is before us is clearly a decision, if you like this motion that is on the table right now and if you don't like that motion, you can vote against that motion and then bring up under the normal due process proper advertising, and send it back to the Planning Commission with the new language. Council Member Gillette stated this is a substitute motion, which has not been seconded, so you can't discuss whether or not you even want to vote for it. After referring to the City Attorney for clarification to the substitute motion, Vice Mayor Johnson seconded the substitute motion. City Attorney Erwin stated that the substitute motion replaces the original motion and that motion has to be acted on first. Council Member Gillette offered an amendment that we would hold this over until the August meeting after having the final, formal wording put forth in a way that can be viewed by the public and at that point take this item up again at our August scheduled Council meeting. Council Member Nelson accepted the change offered

by Council Member Gillette and Vice Mayor Johnson seconded the motion. City Manager Payne stated if I could attempt to clarify the motion so there is no confusion about it. The substitute motion would be to bring forth Council Member Nelson's language for public exposure and consideration through a public hearing before City Council on August 9th and then Council could act as it sees fit after receiving that input.

So the proposed new language would be publicized, advertise for a public hearing before Council who would make available for anybody who wanted to see it and Council would deal with it as it sees fit. Mayor Foster called for a vote up or down on the substitute motion; Council by the following recorded vote adopted the substitute motion:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

Mayor Foster called for a vote on the substitute motion with the friendly amendment; Council by the following recorded vote adopted the motion with the friendly amendment:

Ayes : Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// The meeting was adjourned at 9:30 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **LPD Additional Duties Bonus Program**

RECOMMENDATION: Approve the establishment of a Lynchburg Police Department (LPD) Additional Duties Bonus Program and appropriate \$141,200 from the FY 2011 Fund Balance to fund the program for certifications held in FY 2011.

SUMMARY: For the second year the LPD would like to use funds unspent in its annual budget to provide additional compensation to officers. Funds remaining from FY 2010 were used to fund a mid-year bonus last December. This year the proposal is to implement an additional duties bonus program similar to the certification pay program in the Fire Department. The issue of a bonus for additional duties has been of continuing concern in the LPD with the bonus being seen as a mechanism to reward those officers who perform essential duties that are outside of the regular job description. Because those officers typically have some tenure, the additional duties bonus is also seen as an incentive to enhance retention.

The attached documents provide more information on the structure of the proposed program.

Approval of the establishment of an Additional Duties Bonus Program would require ongoing funding in future fiscal years.

PRIOR ACTION(S): December 14, 2010 presentation on Public Safety Compensation mentioned certification pay as an issue.

FISCAL IMPACT: Estimated first year cost of \$141,200 would be funded by unspent funds from the FY 2011 Budget. Ongoing costs of as much as \$240,000 a year, if all authorized positions were certified, would have to be planned for in future budget years.

CONTACT(S): Kimball Payne, 455-3990; Col. Parks Snead, 455-6104

ATTACHMENT(S): Resolution; July 6, 2011 Memorandum from Chief Snead, with two attachments. (Attachment B is redacted as it contains information on individual officers by name.)

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2012 General Fund budget is amended and \$141,200 is appropriated with resources from the FY 2011 Fund Balance to fund the implementation of an Additional Duties Bonus Program in the Lynchburg Police Department.

Introduced:

Adopted:

Certified:

Clerk of Council

115L



MEMORANDUM

TO: Mr. L. Kimball Payne, City Manager
FROM: Colonel Parks H. Snead, Chief of Police
DATE: July 6, 2011
RE: LPD Additional Duties Bonus Program implementation

LPD Carry-forward funding: Taking into account all the information known to date, Lynchburg Police Department financial services staff project that the LPD will carry forward unexpended FY2011 personal services funding in the amount of approximately \$163,172. In addition, we project carrying forward approximately \$79,805 in FY2011 fleet funding. Closing out the LPD non-personal services expense code for FY2011 will be a very near thing – we currently project approximately \$6,164 in carry forward funding, but we will have invoices pending for two more weeks and it is possible that we could slightly over-expend in this category after a very tight budget year.

I will provide you with definitive end-of-year budget information as soon as I have it available.

LPD Additional Duties Bonus Program: I recommend that we use LPD FY11 carry-forward funding to cover the cost of implementing an Additional Duties Bonus Program for LPD employees. This program closely parallels the Fire Department's existing "Certification Pay" Program that I understand has been effect since FY05, and which appears to have been instrumental in rewarding and retaining employees who are providing significant functional capabilities above and beyond the scope of normal duties. These are the same performance reward and experience retention ends that we are seeking to enhance at the LPD.

You have reviewed the scope of this program, and your input from our most recent (July 1) meeting is incorporated within the final program implementation proposal (Attachment A). This program specifically defines a limited number of job functions and job certifications which are clearly beyond the scope of normal duties and which significantly enhance LPD operational effectiveness and public safety service delivery. Bonus payment will be provided only for defined skills and certifications that are being actively employed in LPD service. With one functional exception, employees may not receive bonus payment for more than one additional duties functional category – that exception is for employees providing foreign language translation services.

I recommend that we implement the Additional Duties Bonus Program by compensating LPD employees for the specified additional duties performed and certifications maintained during FY2011. Implementing this program based on FY2011 employee performance will cost a

calculated \$141,200 in bonus compensation. As noted above, we project that program implementation cost can be fully met using LPD FY2011 carry-forward funding, leaving a projected carry-forward surplus of approximately \$21,972. Program implementation costs are detailed in Attachment B.

I strongly recommend implementing this Additional Duties Bonus Program during August, based upon services rendered during FY2011. Rewarding LPD employees for their above-and-beyond service and functional expertise will serve as a positive retention mechanism at a time when retaining our experienced, highly capable Police Department employees must be a top City priority (see Attachment C).



MEMORANDUM

TO: Colonel P.H. Snead
FROM: Major J.P. Stokes
DATE: July 6, 2011
RE: Additional Duties Pay Proposal

This memorandum is submitted to provide a suggested plan for additional duties pay for LPD sworn staff. I anticipate this plan will have an impact on recruitment and, particularly, retention of sworn staff. I feel you will find the salient points of this summary helpful in determining what funding is needed to implement a plan similar to that outlined here.

Background:

The Lynchburg Fire and EMS Department (LFD) implemented a certification pay program in 2003. Throughout the years, the LPD has made efforts to implement a similar plan for its employees. The LPD has never been able to acquire the necessary funding to realize any such plan, no matter the scope. In recent years, the LPD has struggled with recruitment and retention of sworn employees. The ability of an organization to compensate employees for the value of the service they provide is a necessary part of employee compensation and strategic planning. This is particularly important when considering compensating employees who provide service above the minimum. Additional duties pay should be considered a means to compensate our employees in a fiscally responsible manner (bonus pay verses increased base salary and therefore requiring increasing recurring funding), while conversely recognizing value these employees provide. The hope is this bonus based compensation, or better named additional duties pay because it recognizes the extra tasks officers are certified or asked to perform, will assist with retaining those employees who are dedicated to the LPD mission and provide more than the minimum required of them during their employment as police officers.

Methodology:

In determining the amount of pay officers would receive I examined the long standing program employed by the LFD. The top pay offered their employees is currently \$4500 for paramedic, but they allow certification pay for 10 additional duties. The LPD proposes 13 additional duties in our program. Using their model, I determined top pay for LPD should be \$3000, based on a greater number of additional duties being compensated. You will see using this amount as a base places the funding needed for the LPD additional duties pay plan well within the same area of funding as that of the LFD. With that \$3000 figure as a base to work from, I have calculated a funding projection needed for certification pay alone at \$236,600 per year. I also calculated the value of each additional duty to the LPD by assessing each proposed certification or extra tasks in 11 categories to determine which additional duty may have more value than others. These calculations proportioned the pay certain additional duties receive in relation to the top pay rate.

Fitness Program:

At this time there exists a study completed by members of the LPD staff regarding a fitness program. This would be an extra bonus to the additional duties pay program. Police Officer generally struggle with health issues related to their employment, as recognized in the Heart-Lung Bill. By implementing this program officers will be encouraged to lead a healthier life style which in the long run will result in health care cost savings for the City. The best means to implement this program is under review.

Additional Duties Requirements:

To provide a means to assess and evaluate the positions and ensure those receiving the compensation are meeting a certain standard. These requirements, outlined below, would enable all those providing added value to the organization with a clear means to be identified as deserving of additional duties pay. Simply, they must meet our standards to receive the pay.

Tactical Officer

Number of slots – 20

Has completed Basic and Advanced Tactical Training

Has qualified with the M4 Commando Rifle

Accepted as a member of the Tactical Team

Crisis Negotiations Team Officer

Number of slots – 15

Has completed Negotiations III certification

Accepted as a member of CNT

Police Training Officer

Number of slots – 30

Has completed LPD PTO Training

Is assigned to FOB

Has served as a PTO Trainer or Evaluator within the last twelve months

IAI Certified Crime Scene Officer

Number of Slots – Up to 7

Meets the requirements of Crime Scene Officer

Has completed IAI Certification

Crime Scene Officer

Number of slots – Up to 7

Has completed Forensic Science Academy training

Accepted as a member of the Crime Scene Unit

Bilingual Officer

Number of slots – 10 estimate

Has passed the National Bilingual Officer Certification – recertify every 3 years

Traffic Specialist

Number of slots – 6

Has completed training/certification in Accident Reconstruction I and II, Motor Carrier, HazMat, and Crash Data Recovery

Accepted as a member of the Traffic Unit

Intoxilyzer Operator

Number of slots – 30 limit

Has completed certification with the VA Department of Forensic Sciences

Assigned to FOB

Child Interview Certification

Number of slots – 5 estimate

Has completed certification training in child interviewing

Forensic Data Recovery

Forensic Data Recovery Certification

Number of slots – 5 estimate

Has completed certification in forensic data recovery

Taser Master Instructor

Number of slots – 5 estimate

Has completed certification as a Taser Master Instructor with Taser International

VCIN Instructor

Number of slots – 5 estimate

Has completed DCJS certification as a VCIN Inst

Funding:

Obviously the most critical issue is funding of this program. I have attached a chart showing a funding projection using top pay at \$3000. The amount here is somewhat fluid as I am assuming a number of those eligible for additional duty compensation such as VCIN Instructor and Bilingual officers among others. This could cause the amount to fluctuate more or less depending on the number of officers that qualify; in general I estimated high numbers to provide an uppermost cost projection. I have placed a cap on the number of officers eligible for Intoxilyzer based on our discussions. Several of these jobs do have a set number; I have included numbers of officers who are assigned these functions through Lieutenant. I would suggest to you Captains would not be eligible for this pay.

My suggestion is officers would be eligible for only one certification category pay, with one exception. I feel payment for bilingual officers should be afforded anyone, no matter any other certification pay they receive. The importance of having officers capable of providing this service is enormous. We have very few true bilingual officers and a growing Hispanic population within the region that will continue to challenge us.

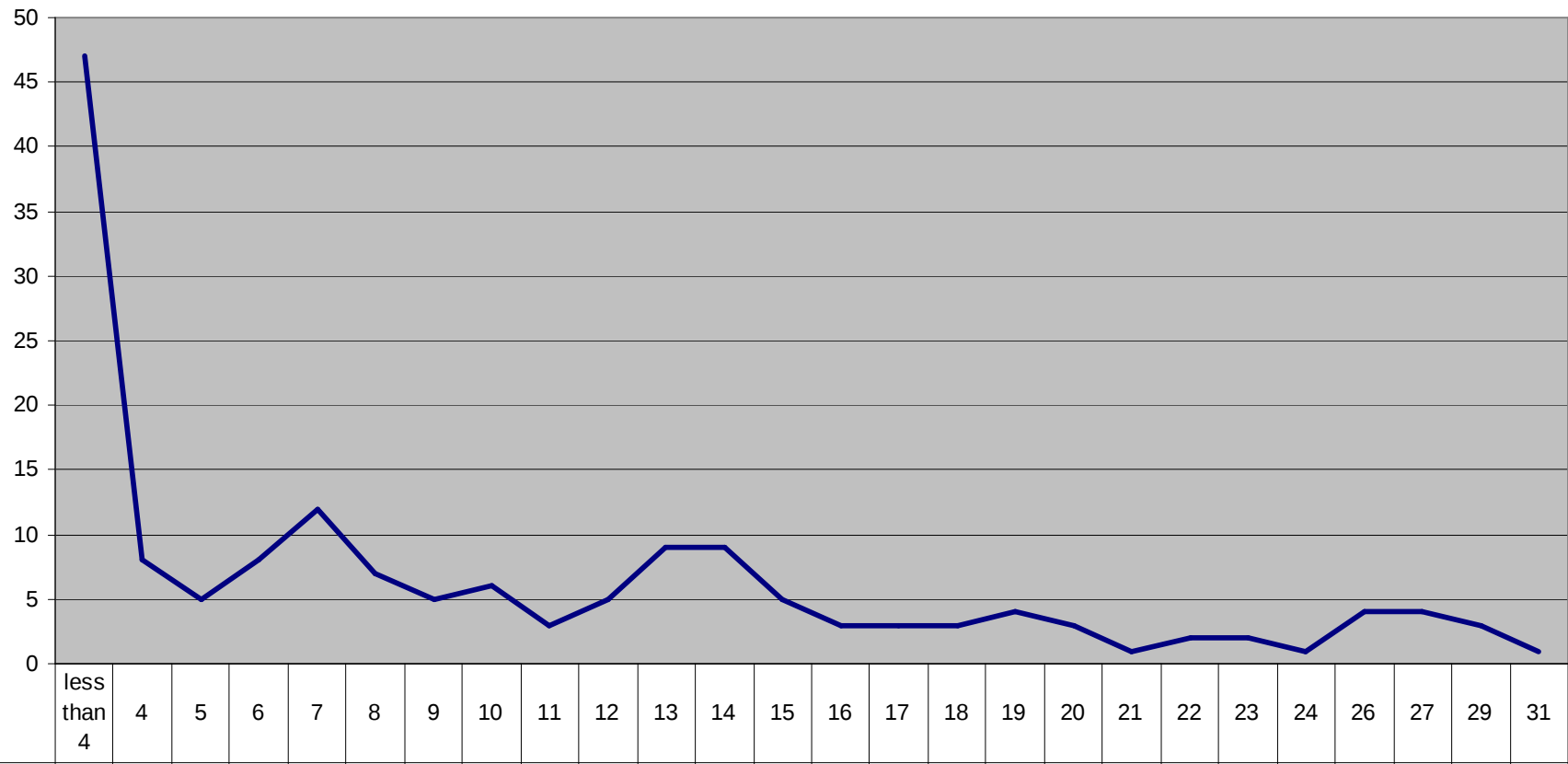
Additional Duties Pay Calculations Charts
Value Calculations

	Training Required	Training Availability	Continuing Training Needed	Scope of Supervision	Work Environment	Risk of Injury	Physical Skills Required	Subject to Call	Judgment	Initiative	Intellectual Skills
Tactical Officer	1	1	2	0	5	5	5	5	5	5	2
CNT Officer	2	2	2	0	4	3	3	5	5	5	5
PTO	1	1	0	5	0	0	0	0	5	5	5
IAI Certification	5	5	4	2	2	0	0	0	5	5	5
CSI Officer	3	3	3	0	2	0	0	0	3	3	4
Bilingual Officer	3	3	0	0	0	0	0	1	0	2	5
Traffic Specialist	5	5	3	0	0	0	0	0	1	3	2
Intoxilyzer Operator	1	1	1	0	0	0	0	0	0	0	1
Child Interviewer Cert.	3	3	1	0	0	0	0	1	1	1	1
Forensic Data Recovery	3	3	2	0	0	0	0	0	0	1	2
Taser Master Instructor	3	3	2	2	0	0	0	0	0	2	1
VCIN Instructor	1	1	1	1	0	0	0	0	0	1	1

Pay Calculations – additional duties pay only

	Points	%	Calculated Per Officer Payment	# of Officers	Yearly Pay/Officer (Rounded)	Total Cost
Tactical Officer	36	Top	\$3,000	20	\$3,000	\$60,000
CNT Officer	36	100%	\$2,833	15	\$3,000	\$45,000
PTO	22	61%	\$1,833	30	\$1,800	\$54,000
IAI Certification	33	92%	\$2,750	7	\$3,000	\$21,000
CSI Officer	21	58%	\$1,750	7	\$1,800	\$12,600
Bilingual Officer	16	44%	\$1,333	10	\$1,300	\$13,000
Traffic Specialist	19	53%	\$1,583	3	\$1,500	\$4,500
Intoxilyzer Operator	4	11%	\$333	30	\$300	\$9,000
Child Interviewer Cert.	11	31%	\$917	5	\$1,000	\$5,000
Forensic Data Recovery	11	31%	\$917	5	\$1,000	\$5,000
Taser Master Instructor	13	36%	\$1,083	5	\$1,000	\$5,000
VCIN Instructor	6	17%	\$500	5	\$500	\$2,500
Potential Points	55			Yearly Estimated Funding Projection		\$236,600

Current LPD Officer Experience Profile - June, 2011 **Attachment C**



Number of Officers	47	8	5	8	12	7	5	6	3	5	9	9	5	3	3	3	4	3	1	2	2	1	4	4	3	1
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LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 2

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Reduction of State Aid to Local Governments; a.k.a. "Local Aid to the Commonwealth"**

RECOMMENDATION: Decline to participate in the State's annual reduction in aid to local governments.

SUMMARY: For the fourth year local governments across the Commonwealth are being required by the Appropriations Act adopted by the General Assembly to choose a mechanism to facilitate a \$60 million reduction in State funding for State-mandated, locally-delivered services, commonly referred to at the Capital as "State Aid to the Localities." Please see the attached letter from the Department of Planning and Budget (DPB) as well as a spreadsheet showing the City's allocation of State funding that would be affected by the reduction.

Lynchburg's required reduction has grown from \$485,000 to over \$644,000 during a time when City revenue sources are stagnant, costs are rising, and demands for services are increasing. After this year, Lynchburg's reductions in State funding (actually, the City's payments to the Commonwealth) will total approximately \$2.25 million.

In the past, Lynchburg and a number of other localities have taken the option of sending a check to the State rather than identifying areas to be cut. It was hoped that this approach, what has been called "Local Aid to the Commonwealth," would shame the State into different behavior. To the contrary, what was once was thought to be a one-time action to address State funding challenges has seemingly become a simple mechanism to shift costs to the localities without taking any responsibility for suggesting what State-mandated, locally-delivered services should be reduced. Since this approach has not been successful, it is time to consider an alternate approach.

The other options that DPB has identified are for the locality to select those areas in which to apply the reduction in State funding or, to simply ignore the letter and let the State Comptroller withhold the City's rolling stock and recordation tax distributions. That would amount to \$84,536 and \$125,214, respectively, with the balance of \$430,684 (for a total of \$644,424) being "withdrawn from a local program that DPB deems most discretionary." It would be interesting to see which program DPB selected since the two largest amounts go for Financial Assistance for Child and Youth Services and HB599 (Law Enforcement) funding.

In a recent discussion with Virginia Municipal League (VML) staff it was learned that they and the Virginia Association of Counties (VACo) are considering recommending that localities no longer make this an easy process for the State but instead direct the State to spread the reduction to as many programs as possible. It seems reasonable that the State should bear the administrative burden of reducing aid to the localities. Localities are not obligated to make the collection of the funds a painless exercise for the State and a costly one for us. We believe that a large number of localities taking this action would send a strong message to the State.

It is our understanding that VML and VACo may be providing some guidance to localities as early as next week. In addition, they plan to petition the Governor to use some of the anticipated \$200 million surplus projected from FY 2011 to restore the \$60 million in cuts to localities. We will provide that information to Council as soon as possible.

In the meantime, we ask that Council consider ignoring the letter from DPB in anticipation of using the \$600,000 already budgeted to address this issue to offset any funding cuts imposed by the State.

PRIOR ACTION(S): In the past three fiscal years the City has chosen to write a check to the Commonwealth rather than identify areas to be cut.

FISCAL IMPACT: \$644,424, of which \$600,000 is already budgeted.

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Letter from Department of Planning and Budget; Spreadsheet showing City of Lynchburg reductions.

REVIEWED BY: lkp

114L



COMMONWEALTH of VIRGINIA

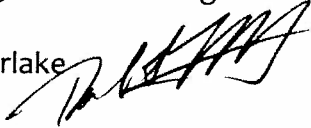
Department of Planning and Budget

DANIEL S. TIMBERLAKE
Director

1111 E. Broad Street
Room 5040
Richmond, VA 23219-1922

June 2, 2011

TO: Chief Operating Officers of Virginia Cities, Counties, and Regional Jails

FROM: Daniel S. Timberlake 

SUBJECT: State Aid to Local Governments

Item 473.10 of the 2012 Appropriation Act (Chapter 890) requires a \$60.0 million reduction in state aid to local governments in FY 2012. The act further requires that I, as Director of the Department of Planning and Budget (DPB), provide you a list of the state's aid-to-local-government programs that serves as the basis for calculating each locality's share of the \$60.0 million savings. This listing of programs and reduction amounts for FY 2012 is now available on DPB's Web site at <http://dpb.virginia.gov/>.

Official Form

Attached is the form that you must use to select your locality's reduction strategy for FY 2012, along with instructions.

Reduction Options

Similar to last year, your locality may achieve its reduction by using one of the below-listed methods. The option you select, along with the corresponding reduction amount for each program, if applicable, **must be submitted to DPB by August 30, 2011**. The reduction options are as follows:

- 1) You may designate that the reductions be withdrawn from the payments for one or more of the programs in the list provided by DPB,
- 2) You may make a reimbursement payment directly to the Commonwealth of Virginia for all of your locality's reductions, **or**
- 3) You may choose a combination of program reductions and a reimbursement payment.

Program Reduction(s)

Your form contains a list of the state programs from which you may choose to make reductions. Your share of the \$60.0 million reduction is based on FY 2012 projections of

locality distributions that DPB received from each of the cognizant state agencies responsible for the listed programs. This “estimate” is shown in the column entitled “FY 2012 Base”; however, actual funding may differ, especially in the case where local funding is made on a reimbursement basis.

A calculated reduction (based on proration) for each of these programs also is included for your reference in the column entitled “FY 2012 Calculated Reduction.” You are not obligated to use the amount listed for these individual programs. You must, however, ensure that the total of your elections adds up to the total calculated reduction for your locality.

To select a specific program, enter the amount in the applicable row for that program in the column entitled “FY 2012 Locality Elected Reduction.” If you wish to select a calculated reduction amount, simply copy the amount from the “FY 2012 Calculated Reduction” column to the “FY 2012 Locality Elected Reduction” column.

Payment

If you are making a direct payment to the Commonwealth for all or a portion of your locality’s share of the reduction, there is a row on the form entitled “FY 2012 Locality Elected Reduction” where you should enter the amount of the payment. The FY 2012 reimbursement amount **must be paid to the Commonwealth prior to January 8, 2012**. If you elect to reimburse the Commonwealth, you may pay by check or wire or you may deposit the funds directly into the state account in which you normally deposit state funds.

Instructions for making the reimbursement are found in Attachment A.

Important Note

Effective October 1, 2011, the State Comptroller will begin withholding your locality’s rolling stock and recordation tax distributions if you have not notified DPB of your reduction option. (The annual rolling stock distribution and the remaining recordation tax distributions will not be allocated until you have made your reduction selection.) If withholding your locality’s rolling stock and recordation tax distributions for FY 2012 is not sufficient to fully cover the reduction amount, the remaining balance will be withdrawn from a local program that DPB deems most discretionary.

Procedure for Submitting

After you have completed the form –

- 1) E-mail an electronic copy to budget@dpb.virginia.gov **and**
- 2) Mail a hard copy to DPB along with a memo/letter, signed by your city or county administrator or equivalent approval authority, certifying your locality’s reduction elections. Mail the hard copy of the form and the signed memo/letter, to the following address:

Chief Operating Officers of Virginia
Cities, Counties, and Regional Jails
June 2, 2011
Page 3

Aid-to-Locality Reductions
Virginia Department of Planning and Budget
1111 East Broad Street, Room 5040
Richmond, Virginia 23219-1922

The above-completed form and signed memo/letter **must be received by DPB no later than August 30, 2011**. Please make sure the electronic and hard copy versions reflect the same information and be aware that your elections will not be considered complete until both the electronic and hard copy versions have been submitted.

Deadline Recap

August 30, 2011

Email form to DPB; mail hard copy of form and signed memo/letter to DPB

October 1, 2011

State Comptroller to begin withholding local rolling stock and recordation tax distribution if required information has not been received by DPB

January 8, 2012

FY 2012 reimbursement must be paid to the Commonwealth of Virginia

Your cooperation is appreciated, and I encourage you to contact our Associate Budget Directors with your concerns and/or questions. The **budget team** is comprised of the following members:

Don Darr, Budget Operations, don.darr@dpb.virginia.gov, 804 786-1131
Jerry Edwards, Commerce and Trade, Natural Resources, Finance,
jerry.edwards@dpb.virginia.gov, 804 786-1817
Michael Maul, Education, Transportation, Public Safety,
michael.maul@dpb.virginia.gov, 804 786-6657
Mike Shook, Health and Human Resources, mike.shook@dpb.virginia.gov,
804 786-8853

Attachments

Attachment A
Reimbursement to the Commonwealth of Virginia

Due no later than January 8, 2012

Payment by Check

Check payable to: Treasurer of Virginia

Mail to: Department of Accounts
Post Office Box 1971
Richmond, Virginia 23218-1971
Attn: Melinda Pearson

Street address if sending overnight:
Department of Accounts
101 North 14th Street
Richmond, Virginia 23219
Attn: Melinda Pearson

Payment by Wire

Wire funds to the State Treasurer's account at the Bank of America.

Account Name: Treasurer of Virginia
Account Routing Number: 026009593
Account Number: 0000000026

On the day of the wire transfer, please notify Ken VanAuken at the Department of the Treasury with the amount, locality name, and purpose of the wire ("Locality Budget Reduction – Chapter 890"). H may be contacted by e-mail at ken.vanauken@trs.virginia.gov or by phone at 804 225-2221.

Payment by Deposit

Deposit funds in the State Treasurer's Account in which you normally deposit state funds.

Specific Deposit Certificate (DC) Coding:

Batch Agency: 998
Transaction Code: 001
Transaction Agency: 997
Fund: 0216
Revenue Source: 09005

Please ensure your FIPS Code is included on the DC. On the day of the deposit, please enter the DC into CARS and notify Melinda Pearson, Department of Accounts at melinda.pearson@doa.virginia.gov. If you have any questions regarding the deposit methodology, please contact Ms. Pearson by e-mail or by phone at 804-225-2376.

(June 2011)

State Reductions In Aid To Localities

City of Lynchburg

Distributing Agency	Distribution Title	FY 2012 Base	FY 2012 Calculated Reduction	FY 2012 Locality Elected Reduction
State Board of Elections	Financial Assistance for General Registrar Compensation	\$37,791	\$2,104	\$0
State Board of Elections	Financial Assistance for Local Electoral Board Compensation and Expenses	\$10,138	\$564	\$0
Compensation Board	Financial Assistance for Sheriffs' Offices and Regional Jails	\$1,064,085	\$59,236	\$0
Compensation Board	Financial Assistance for Local Commissioners of the Revenue	\$75,599	\$4,208	\$0
Compensation Board	Financial Assistance for Operations of Local Attorneys for the Commonwealth	\$784,257	\$43,658	\$0
Compensation Board	Financial Assistance for Circuit Court Clerks	\$389,060	\$21,658	\$0
Compensation Board	Financial Assistance for Local Treasurers	\$23,321	\$1,298	\$0
The Library of Virginia	State Formula Aid for Local Public Libraries	\$150,938	\$8,402	\$0
Department of Accounts Transfer Payments	Rolling Stock Taxes	\$84,536	\$4,706	\$0
Department of Accounts Transfer Payments	Distribution of Recordation Taxes	\$125,214	\$6,970	\$0
Comprehensive Services for At-Risk Youth and Families	Financial Assistance for Child and Youth Services	\$4,105,562	\$228,550	\$0
Department of Criminal Justice Services	CCCA and Pretrial	\$487,069	\$27,114	\$0
Department of Criminal Justice Services	HB599	\$2,930,790	\$163,152	\$0
Department of Juvenile Justice	Financial Assistance for Juvenile Confinement in Local Facilities	\$1,060,099	\$59,014	\$0
Department of Juvenile Justice	Financial Assistance for Community Based Alternative Treatment Services	\$247,716	\$13,790	\$0
	REIMBURSEMENT TO THE COMMONWEALTH	\$0	\$0	\$0
TOTALS		\$11,576,175	\$644,424	\$0
Amount Remaining To Elect:				\$644,424

State Reductions In Aid To Localities

Instructions For Completing Reduction Elections Form

Column Heading	Description	Instructions For Completing
Distributing Agency	This is the agency where the funding for the specific aid to locality payment is budgeted in the state budget.	Not Applicable. No Entry is required or allowed in this column.
Distribution Title	This is the service area in the state budget where the payment is budgeted.	Not Applicable. No Entry is required or allowed in this column.
FY 2012 Base	This is the original budgeted amount for the locality and distribution.	Not Applicable. No Entry is required or allowed in this column.
FY 2012 Calculated Reduction	This is the reduction calculation derived by using a specific percent of the "FY 2012 Base" for the specific distribution.	Not Applicable. No Entry is required or allowed in this column.
FY 2012 Locality Elected Reduction	This column is used by the locality to identify the reduction amount chosen for each distribution and/or the amount that the locality will pay the Commonwealth as a reimbursement rather than making a specific reduction to a program.	Enter the amount in the applicable row corresponding to the distribution that the locality has chosen to reduce. If the locality has chosen to make a reimbursement payment for all of or a part of the local reduction, this amount should be entered in the row labeled as "REIMBURSEMENT TO THE COMMONWEALTH" under the Distribution Title. Reduction amounts should be entered as positive numbers. Make sure the amount in the "Amount Remaining To Be Elected" row at the bottom of the sheet is Zero when you are done.

After the form has been completed, an Electronic Copy of the form should be transmitted via Email to:

budget@dpb.virginia.gov

In addition, a hard copy of the form along with a memo signed by the City or County Administrator, or other equivalent approval authority should be sent to:

Aid to Locality Reductions
Virginia Department of Planning and Budget
1111 E. Broad St., Room 5040
Richmond, VA 23219-1922



MEMORANDUM

TO: City Council

FROM: L. Kimball Payne, III, City Manager 

DATE: July 7, 2011

SUBJ: Downtown Revitalization Discussion

There is time during Council's work session agenda on Tuesday to provide Council Member Helgeson the opportunity that he requested to discuss the information that he provided in June regarding real estate assessments in the City and downtown. A copy of the document provided by Council Member Helgeson is attached.

During Council's last meeting, when this issue was raised by Council Member Helgeson, Council Member Perrow suggested a report on downtown revitalization activities. Attached is a document prepared by the Office of Economic Development that highlights those activities.

Both of these documents are provided as background to initiate Tuesday's discussion. If Council identifies a policy issue that it wants to consider staff will gather additional information that would inform that discussion.

fm JH 6/14/11

LYNCHBURG REAL ESTATE ANALYSIS

	2001	2010	Growth
TOTAL TAXABLE ASSESSED VALUE FOR ENTIRE CITY	\$2,751,034,135	\$4,972,300,500	80.74%
TAX RATE	\$1.11	\$1.05	
REHABILITATION EXEMPTION	\$26,635,850.00	\$45,286,850.00	
TOTAL TAXABLE ASSESSED VALUE FOR ENTIRE CITY LESS REHABS	\$2,724,398,285	\$4,927,013,650	80.85%
TOTAL TAX	\$30,240,821	\$51,733,643	71.07%
 TOTAL TAXABLE ASSESSED VALUE FOR DOWNTOWN	 \$80,687,650	 \$131,847,700	 63.41%
TAX RATE	\$1.11	\$1.05	
REHABILITATION EXEMPTION FOR DOWNTOWN	\$5,497,600	\$22,433,850	
TOTAL TAXABLE ASSESSED VALUE FOR DOWNTOWN LESS REHABS	\$75,190,050	\$109,413,850	45.52%
TOTAL TAX	\$834,610	\$1,148,845	37.65%

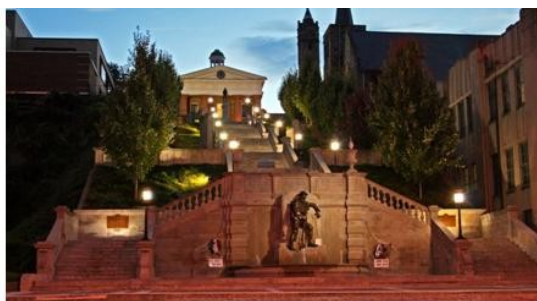
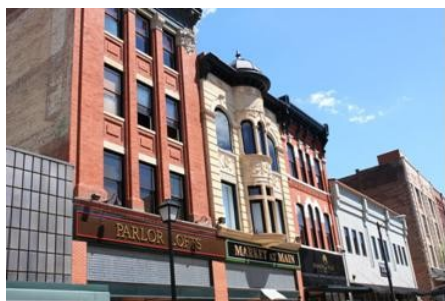


Downtown Revitalization: Investment in the Heart of Lynchburg

The downtown area of any city evidences its character and personality, and the traits reflected in Lynchburg indicate vibrancy, growth and economic sustainability. Both the public and private sectors have partnered to create coordinated development strategies, resulting in considerable investment and boasting successes evident in revitalized structures and rejuvenated residential and commercial environments.



- \$82 MM in private investment
- \$35.5 MM in public investment in buildings, utilities and infrastructure
- Property value appreciation of \$50 MM in five years
- 482 residential units created at 85% occupancy rate with rents ranging from \$600 to \$1200 per month
- Since 2004, 215 businesses opened and 530 jobs created
- Approximately 335 businesses with 4,500 employees
- Newly proposed projects estimated at more than \$20 MM now in closing stages, bringing 225 additional residents downtown.



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 8

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) to Pursue Acquisition of Blighted Property at 70 Federal Street**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 70 Federal Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

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

PRIOR ACTION(S):

N/A

FISCAL IMPACT:

N/A

CONTACT(S):

Edward H. McCann – 485-7200

ATTACHMENT(S):

- Resolution
- Letter from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 70 Federal Street, parcel 023-31-025 (i) has deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 70 Federal Street; (iv) that such structure is blighted property in accordance with §1-219.1 of the Code of Virginia in that the condition endangers the public health or safety, and the structure is a public nuisance or is beyond repair or unfit for human occupancy or use; (v) that the owner of 70 Federal Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (vi) that 70 Federal Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of 70 Federal Street by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring 70 Federal Street by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property located at 70 Federal Street by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 36-19.5 of the Code of Virginia, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 70 Federal Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the property at 70 Federal Street, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire the property located at 70 Federal Street through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Clerk of Council



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

June 8, 2011

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

Re: Spot Blight Property

Dear Mrs. Chambers,

Section 36-19.5 of the Code provides that an authority may acquire any single-family or multi-family dwelling unit in the city after public hearing by the governing body of the city wherein the property to be acquired is located. This is to request that City Council hold a public hearing to consider the Lynchburg Redevelopment and Housing Authority's request to acquire property at 70 Federal Street. This property is located within the City of Lynchburg and is in accordance with the provisions of Section 36-19.5 of the Code of Virginia.

Enclosed is a Report to City Council, copy of the resolution adopted by the Commissioners of the Lynchburg Redevelopment and Housing Authority, copy of notice sent to owner, response from owner and proposed resolution for Council's consideration.

Thank you for your time on this matter and please let me know should you have any questions or need additional information.

Sincerely,

Edward H. McCann

Executive Director

enclosures

RECEIVED
JUN 13 2011
Council/Manager
Offices

Report to City Council

June 8, 2011

As part of the collaborative effort between the City of Lynchburg and The Lynchburg Redevelopment and Housing Authority to address blighted residential properties in our City, the Authority brings to Council the property located at 70 Federal Street. This property was first identified as a blighted property by Authority staff in December 2010. On March 7, 2011, the listed owner was notified that the property had deteriorated to such an extent as to constitute an immediate, serious and growing menace to public health, safety and welfare. In that writing the owner was given a list of the conditions that required repair and it was requested that the owner:

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

Or

2. Correct the deficiencies and any other non-compliance items in regard to local building codes within sixty (60) days of receipt of the notice.

On March 28, 2011 the certified mailing was returned to the Authority as “unclaimed” and “unable to forward”. The Authority was informed by neighbors and friends of the family that the owner was deceased. On June 1, 2011 the Authority Commissioners were informed that the property owner was deceased and that Authority staff, having monitored the property on a regular basis since December, 2010 determined that the property has continued to deteriorate and constitutes an immediate and serious threat to the public’s health, safety and welfare. The Authority has seen no evidence of any work from December, 2010 to the date of this report. On June 1, 2011, the Authority Commissioners adopted Resolution No. 1056 requesting that City Council hold a public hearing to consider the request of the Authority to acquire the property. The Authority wishes to acquire this property for renovation, rehabilitation and disposition. Attached is a copy of the Authority’s Resolution, copy of the deficiency report accepted by the Commissioners, copy of the notice to the owner, copy of returned mail and a proposed resolution for City Council’s consideration.

Members of the Authority’s staff will be in attendance at the public hearing to answer any questions that may arise on this matter.

Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 70 Federal Street, Parcel 023-31-025, Lynchburg, Virginia pursuant to Code section 36-19.5

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

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

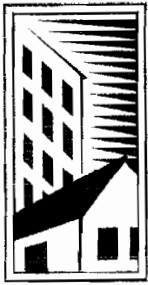
WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 70 Federal Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

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

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

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

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 70 Federal Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

March 7, 2011

Ms. Lillian S. Wayne
70 Federal Street
Lynchburg, Virginia 24502-4

Re: Parcel 023-31-025
70 Federal Street
Lynchburg, Virginia

Ms. Wayne,

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare. These properties are likely to continue to deteriorate and unless corrected, will contribute to the blighting of the surrounding area. We have been made aware of the above property which records show to be owned by you. We observed the dwelling on March 1, 2011, and found the following conditions:

- Sections of roof deteriorated
- Gutters and downspouts missing
- Front porch roof deteriorated
- Porch columns unstable and close to collapse
- Siding deteriorated with sections missing
- Broken windows
- Peeling paint on entire structure
- Window frames and sashes missing , deteriorated awnings close to collapse
- Foundation deteriorated
- Rear stairways and landings deteriorated, missing rails
- Chimney deteriorated
- Soffits and fascia deteriorated, large holes to exterior elements
- Basement door and windows open to elements

March 7, 2011
Lillian S. Wayne
page two

We are requesting at this time that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of the listed deficiencies. This plan should include a timetable, financial arrangements and identification of contractors who will be involved in completing the work.

Or

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

Should the above written plan not be received within thirty (30) days and subsequently the deficiencies are not corrected within the 60 day period, the Authority pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to authorize the Authority to acquire the above mentioned property. Should Council determine it appropriate, the Authority may acquire the property for the purpose of development or redevelopment, including but not limited to renovation, rehabilitation and disposition of the property.

Should you have any questions in regard to this matter please contact Robert Vincent at (434) 485-7200.

Sincerely,



Edward H. McCann

Certified Mail Return Receipt Requested



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

P.O. BOX 1298
LYNCHBURG, VA 24505

3-28

CERTIFIED MAIL™



7010 1670 0002 2914 2907

Ms Lillian S. Wayne
70 Federal Street
Lynchburg, Virginia *24505*

LN 3/29/11
52

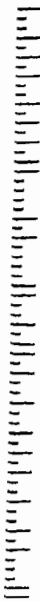
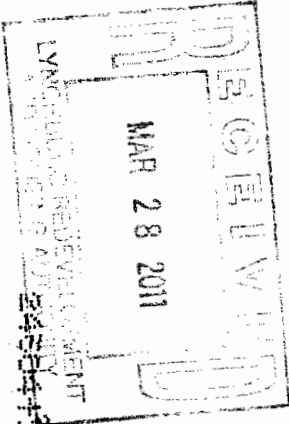
NIXIE

240 50 1 00 03/27/11

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 2450512988

*2950-01077-07-38



Spot Blight

Property Address: **70 Federal Street**
Parcel No: **023-31-025**
Date Entered: **12/22/2010**

Owner's Name: **Lillian S. Wayne**
Owner's Address: **70 Federal Street**
Assessed Value Land: \$3,000 Improvement: \$41,800 TOTAL: **\$44,800**



Date of Pictures: January 4, 2011

DEFICIENCIES:

- **Condemned 10/19/2010**
- **Peeling Paint throughout exterior of structure**
- **Front Porch ceiling collapsing and leaking water**
- **Front Porch railing deteriorated and falling down**
- **Chimney detaching from main structure**
- **Missing sections and deteriorated wall board**
- **Section of gutters are detached and falling**
- **Second floor dormer falling from main roof system**
- **Rear porch railing deteriorated and falling**
- **Rear porch steps deteriorated**
- **Basement access open**
- **Broken windows**







LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 7

CONSENT: **X**

REGULAR:

WORKSESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **2011 Edward Byrne Memorial Justice Assistance Grant (JAG)**

RECOMMENDATION: Approve the submittal of an application for the 2011 Edward Byrne Memorial Justice Assistance Grant in the amount of \$51,224, fully reimbursable, to purchase replacement digital in-car video recording equipment and computer tablets.

SUMMARY: The Lynchburg Police Department is eligible to receive \$51,224 in Edward Byrne Memorial Justice Assistance Grant (JAG) funding. Funding will be utilized to purchase replacement digital in-car video recording equipment for patrol vehicles (\$48,224) and computer tablets (\$3,000) for use by both the Commonwealth Attorney's Office and the Lynchburg Police Department. Total equipment cost is \$51,224, which is fully reimbursable by the grant. No local matching funds are required.

The grant requirements stipulate that the governing body must approve the application.

PRIOR ACTION(S): Finance Committee, July 12, 2011

FISCAL IMPACT: None, no local match is required.

CONTACT(S): Captain R.M. Zuidema, 455-6052

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

NOW, THEREFORE, BE IT RESOLVED THAT The Lynchburg City Council hereby authorizes the submission of an application for a 2011 Edward Byrne Memorial Justice Assistance Grant in the amount of \$51,224.

Adopted:

Certified:

Clerk of Council

107L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 9

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): 616 Court Street**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: KLM Properties, Inc. is petitioning for a CUP to allow two (2) residential apartment units in addition to the existing office use in a B-1, Limited Business District at 616 Court Street. The Planning Commission recommended approval of the CUP petition because:

- The petition agrees with the *Comprehensive Plan 2002-2020* which recommends a "Downtown" use for the property.
- The petition agrees with the *Zoning Ordinance* which permits any density or type of residential development other than single-family detached dwellings in a B-1, Limited Business District with approval of a CUP by City Council.
- The *Downtown and Riverfront Master Plan 2000* emphasizes the goal of strengthening the connection between the surrounding residential neighborhoods and downtown with additional housing along Court Street.

PRIOR ACTION(S):

June 8, 2011: Planning Division recommended approval of the proposed CUP petition.

Planning Commission recommended approval of the CUP (4-0 with three absences, Barnes, Hannon and Hooper).

FISCAL IMPACT: None

CONTACT(S):

Tom Martin, City Planner - 455-3900

Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Resolution – CUP
- Planning Commission Report – June 8, 2011
- Planning Commission Minutes – June 8, 2011
- Vicinity Zoning Pattern
- Vicinity Land Use
- Watershed Location Map
- Concept Plan
- Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO KLM PROPERTIES, INC., TO ALLOW TWO (2) RESIDENTIAL APARTMENTS WITHIN AN EXISTING OFFICE BUILDING IN A B-1, LIMITED BUSINESS DISTRICT AT 616 COURT STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of KLM Properties, Inc., to allow two (2) residential apartments within an existing office building in a B-1, Limited Business District at 616 Court Street, is hereby approved subject to the following conditions:

1. The property shall be developed for a maximum of two (2) apartment units in addition to the existing office uses.
2. A shared parking agreement shall be executed prior to the apartment units being occupied.

Adopted:

Certified:

Clerk of Council

111L

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

To: Planning Commission
From: Planning Division
Date: June 8, 2011
Re: Conditional Use Permit: KLM Properties – 616 Court Street

I. PETITIONER

KLM Properties, Inc., 616 Court Street, Lynchburg, Virginia 24504

Representative(s): Mr. Kelvin Moore, KLM Properties, Inc., 616 Court Street, Lynchburg, Virginia 24504

II. LOCATION

The subject property is a tract of approximately fifty-six thousandths (.056) of an acre located at 616 Court Street.

Property Owner: KLM Properties, Inc., 616 Court Street, Lynchburg, Virginia 24504

III. PURPOSE

The purpose of this petition is to allow two (2) residential apartments within an existing office building in a B-1, Limited Business District.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan 2002-2020* which recommends a “Downtown” use in this area.
- Petition agrees with the *Zoning Ordinance* which permits any density or type of residential development other than single-family detached dwellings in a B-1, Limited Business District with approval of a CUP by City Council.
- The *Downtown and Riverfront Master Plan 2000* emphasizes the goal of strengthening the connection between the surrounding residential neighborhoods and downtown with additional housing along Court Street.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

- 1. Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020* recommends a Downtown use in this area. “Downtown identifies the area that is governed by the policies and recommendations of the *Downtown and Riverfront Master Plan 2000*, which is incorporated into this *Comprehensive Plan 2002-2020* by reference. Downtown is the central commercial core of the City and appropriately contains a mix of retail, entertainment, restaurant, office, employment, residential, public, park and institutional uses. The form of these uses is to remain urban in character as now permitted in the Downtown and Riverfront areas.” (page 5.3)

Chapter 9 of the *Downtown and Riverfront Master Plan 2000* emphasizes the goal of strengthening the connection between the surrounding residential neighborhoods and downtown with additional housing along Court Street. The plan notes that “residential use in this part of downtown will complement the surrounding churches and adjacent residential uses on Church Street” (page 81) and that “renovation of existing buildings is a high priority.” (page 87).

2. **Zoning.** The subject property is part of the original City which was incorporated in 1786. The existing B-1, Limited Business District was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would 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 December 12, 2010, City Council approved Adama Faroh, LLC's, conditional use permit (CUP) petition to allow two (2) apartment units within an existing office building in a B-1, Limited Business District at 802 Court Street.
 - On December 11, 2007, City Council rezoned properties along the Fifth Street Corridor and adopted the Fifth Street Revitalization Corridor Overlay District to create land use regulations conducive to implementing the Vision, Goals & Objectives of the *Fifth Street Corridor Master Plan*.
 - On August 9, 2005, City Council approved The Daily Bread's CUP petition to allow the construction of a food preparation area in an R-2, Low-Medium Density, Single-Family Residential District at 721 Clay Street.
 - On October 14, 2003, Lynchburg City Council approved St. Paul's Episcopal Church's CUP petition for an eighteen (18)-space parking lot addition in an R-2, Low-Medium Density, Single-Family Residential District at 612 and 616 Madison Street.
 - On May 13, 2003, Lynchburg City Council approved Central City Home's petition to rezone twenty-nine hundredths (0.29) of an acre from R-2 Low-Medium Density Single-Family Residential District to R-4 Medium-High Density Multi-Family Residential District for the conversion of an existing residence into three apartments at 717 Madison Street.
 - On July 9, 2002, Lynchburg City Council approved St. Paul's Episcopal Church's CUP petition to allow for an existing structure to be used as a child care facility, ages two and a half (2 ½) to four (4) for up to fifteen (15) children in an R-2, Low-Medium Density Single-Family Residential District at 620 Madison Street.
 - On June 13, 1995, Lynchburg City Council approved Holy Cross Catholic Church's CUP petition for the construction of a three-story multi-purpose addition in an R-2, Low-Medium Density, Single-Family Residential District at 710 Clay Street.
 - On June 14, 1994, Lynchburg City Council approved Joseph A. and Brenda E. Sanzone's petition to rezone twenty-eight hundredths (0.28) of an acre from R-2, Low-Medium Density Single-Family Residential District to B-1(C), Limited Business District (Conditional) to allow the construction of an addition to the existing law office and additional parking spaces at 707 Clay Street.
 - On February 10, 1987, Lynchburg City Council approved Holy Cross Catholic Church's CUP petition for the construction of a building addition and associated parking in an R-2, Low-Medium Density, Single-Family Residential District at 710 and 720 Clay Street.

5. **Site Description.** The property contains a two (2) story, four thousand two hundred ninety-eight (4,298) square foot building constructed in 1907.
 6. **Proposed Use of Property.** The purpose of this petition is to allow the addition of two (2) apartment units in an existing apartment building located at 616 Court Street.
 7. **Traffic, Parking and Public Transit.** The project should have minimal impact upon the traffic conditions in the area. Section 35.1-25. Off-street parking and loading of the *Zoning Ordinance* requires one (1) space per residential unit and two (2) spaces per one thousand (1,000) square feet of office area. A total of five (5) spaces would be required for the uses as proposed. The petitioner has verbally indicated that five (5) parking spaces will be leased in an existing parking area located at Sixth and Court Streets. The *Zoning Ordinance* also provides that on-street parking located within one thousand (1,000) feet of the proposed use may be used to satisfy off-street parking requirements.

The property is served by Route 3D with a stop located at the intersection of Court and Eighth Streets, which is approximately four hundred and forty (440) feet from the subject property.

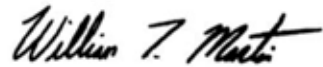
The leasing of off-street parking spaces, combined with available on-street parking spaces and the availability of mass transit to the property should be adequate for the uses as proposed.
 8. **Stormwater Management.** Disturbed areas will not exceed one thousand (1,000) square feet. As such a stormwater management plan will not be required.
 9. **Emergency Services.** The City Fire Marshal and Police Department had no comments of concern with the project as proposed.
 10. **Impact.** The proposed addition of two (2) apartment units to the exiting office building would have minimal impact on the surrounding area. There were no staff concerns regarding traffic, stormwater management or emergency services. The petitioner has verbally indicated that parking spaces will be leased in an exiting parking area located at Sixth and Court Streets which will satisfy off-street parking requirements. Although the property is located in the Court House Hill Historic District, the addition of the two (2) proposed apartment units will not require any exterior renovations. The addition of two (2) apartment units to the existing office building would result in the fulfillment of the private investment goal of the *Downtown and Riverfront Master Plan 2000*.
 11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the concept plan on May 17, 2011. Comments related to the proposal were minor in nature and have or will be addressed by the petitioner.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the conditional use permit petition of KLM Properties, Inc. to allow two (2) residential apartments in an existing office building subject to the following conditions:

1. **The property shall be developed for a maximum of two (2) apartment units in addition to the existing office uses.**
2. **A shared parking agreement shall be executed prior to the apartment units being occupied.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Douglas Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Kelvin Moore, KLM, Properties

VII. ATTACHMENTS

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

MINUTES FROM THE JUNE 8, 2011 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO MEETING ON JUNE 22, 2011):

- a. Petition of KLM Properties, Inc., for a conditional use permit at 616 Court Street to allow two (2) residential apartments in addition to the permitted office use in a B-1, Limited Business District.**

Mr. Henry had the following comments for the commissioners. The purpose of the conditional use permit application is to allow the use of two residential units in an existing office building in B-1 zoning. The *Comprehensive Plan* recommends Downtown use in this area. The Downtown and Riverfront Master Plan emphasizes the goal of strengthening the connection between the surrounding residential neighborhoods and downtown with additional housing along Court Street. The plan notes that residential uses in this part of downtown will complement the surrounding churches and adjacent residential uses on Church Street and renovation of buildings is a high priority.

One issue that has come up with this petition is off-street parking and loading. The *Zoning Ordinance* requires one space per residential unit and two spaces per 1,000 square feet of office area. A total of five (5) spaces would be required. The petitioner has verbally indicated that five (5) spaces will be leased in an existing parking lot located on Sixth and Court Streets. The leasing of the off-street parking spaces combined with available on-street parking spaces and the availability of mass transit to the property should alleviate the parking issue.

The property is located in the Courthouse Hill Historic District; however, the changes are all to the interior and will not require review by the Historic Preservation Committee. The Technical Review Committee reviewed the concept plan on May 17, 2011 and comments related to the proposed use were minor in nature and have or will be addressed. The Planning Division does recommend approval of the conditional use permit with the conditions outlined in the report.

Mr. Kelvin Moore came forward to represent the petition. He explained that the second floor and the basement levels of the building are currently vacant. There seems to be plenty of office space available and he would like to market the available space as residences. They have received a lot of response from possible tenants already. They currently lease five (5) parking spaces from English Construction next door and will continue to do so to meet the parking requirement.

There was no one else present to speak either in favor or in opposition to the petition. Chair Hamilton closed the public hearing portion of the petition.

Commissioner Coleman commented that he appreciates Mr. Moore's service to the community. Commissioner Coleman feels that this would be a good addition to Court Street and will certainly bring about revitalization.

Commissioner Swienton remarked that this is one of the more straightforward petitions he has seen in quite a while. It looks like all issues have been addressed. The prospect of having more residents downtown after 5:00 p.m. is good.

Commissioner Sale is glad to see this building renovated and redeveloped into the needs Lynchburg has now. The statements Mr. Moore is making about living downtown and living spaces speak well for all those that have gone before and will come after him on this venture.

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

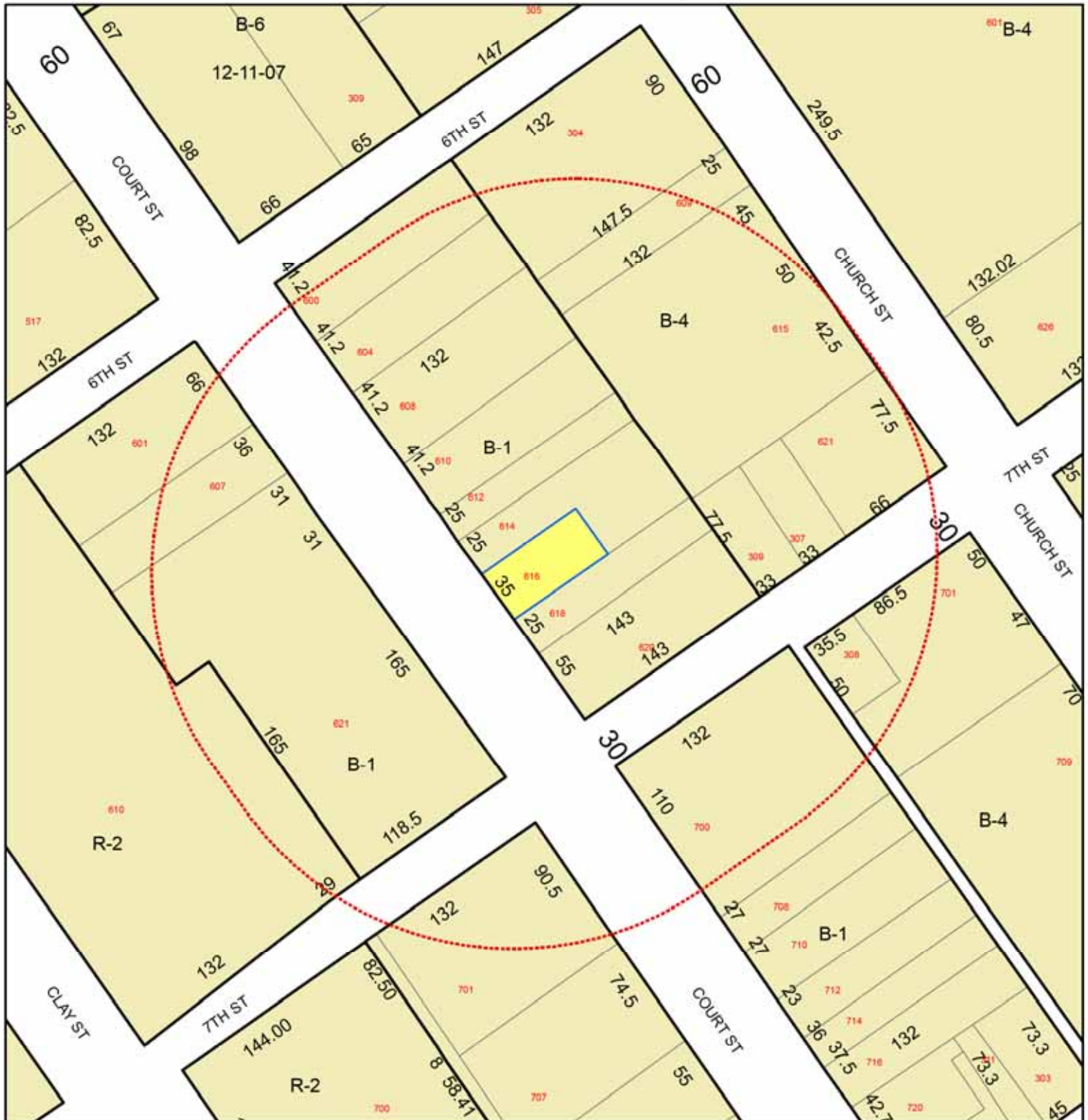
Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the conditional use permit petition of KLM Properties, Inc. to allow two (2) residential apartments in an existing office building subject to the following conditions:

- 1. The property shall be developed for a maximum of two (2) apartment units in addition to the existing office uses.**
- 2. A shared parking agreement shall be executed prior to the apartment units being occupied.**

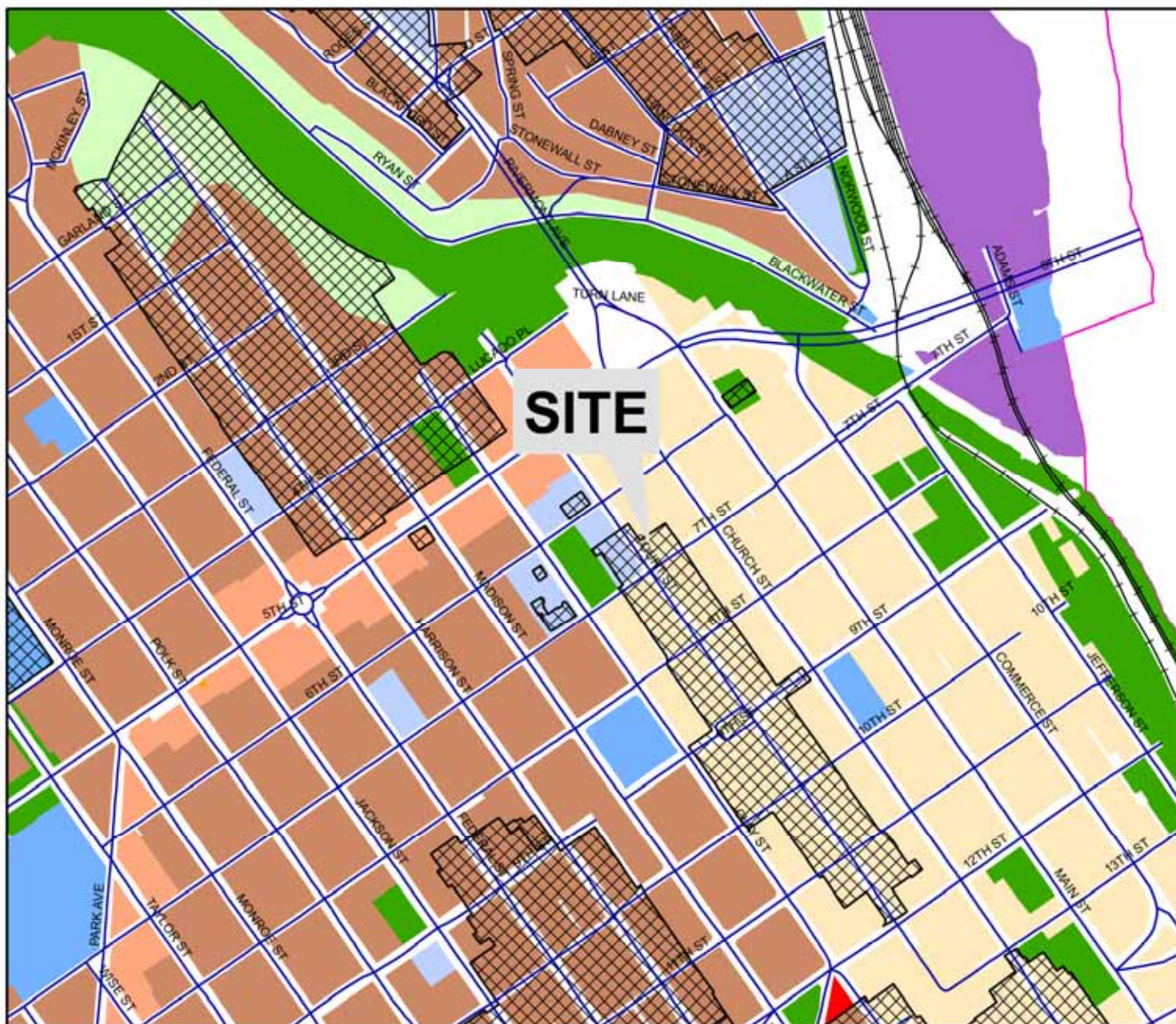
The motion passed by the following vote:

AYES:	Coleman, Hamilton, Sale and Swienton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes, Hannon and Hooper	3

 Subject Property
 200 Foot Buffer



PIN	Owner	Local Address
02436003	CENTRAL VIRGINIA COMMUNITY SERVICES BOARD	707 COURT ST
02430010	CENTRAL VIRGINIA COMMUNITY SERVICES BOARD	620 COURT ST
02430011	CENTRAL VIRGINIA COMMUNITY SERVICES BOARD	618 COURT ST
02429001	CITY OF LYNCHBURG C/O STEVE LAWSON	610 CLAY ST
02429004	COURT STREET UNITED METHODIST CH TRS	621 COURT ST
02429003	COURT STREET UNITED METHODIST CH TRS	607 COURT ST
02429002	COURT STREET UNITED METHODIST CH TRS	601 COURT ST
02436002	COURT STREET UNITED METHODIST CH TRUSTEES	701 COURT ST
02430008	DUNNAM, THADDEUS A & JILLIAN A & DUNNAM, JANE W	307 7TH ST
02430007	ENGLISH CONSTRUCTION CO INC	621 CHURCH ST
02430012	K L M PROPERTIES INC	616 COURT ST
02435019	M G LEATHERS INC	308 7TH ST
02435001	MAYDAY INVESTMENTS LLC C/O SENTINEL PROPERTIES	700 COURT ST
02435002	ROBINSON, L ANTHONY	701 CHURCH ST
02430009	SANCHEZ, GEORGE S	309 7TH ST
02436001	SULLIVAN, WALTER F THE MOST REV HOLY CROSS CATHOLIC CHURCH	700 CLAY ST
02430014	W C ENGLISH INC	612 COURT ST
02430015	W C ENGLISH INC	610 COURT ST
02430016	W C ENGLISH INC	608 COURT ST
02430017	W C ENGLISH INC	604 COURT ST
02430001	W C ENGLISH INC	600 COURT ST
02430003	W C ENGLISH INC	609 CHURCH ST
02430002	W C ENGLISH INC	304 6TH ST
02430004	W C ENGLISH INC	615 CHURCH ST
02430013	W C ENGLISH INC	614 COURT ST



-  Local Historic District
-  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

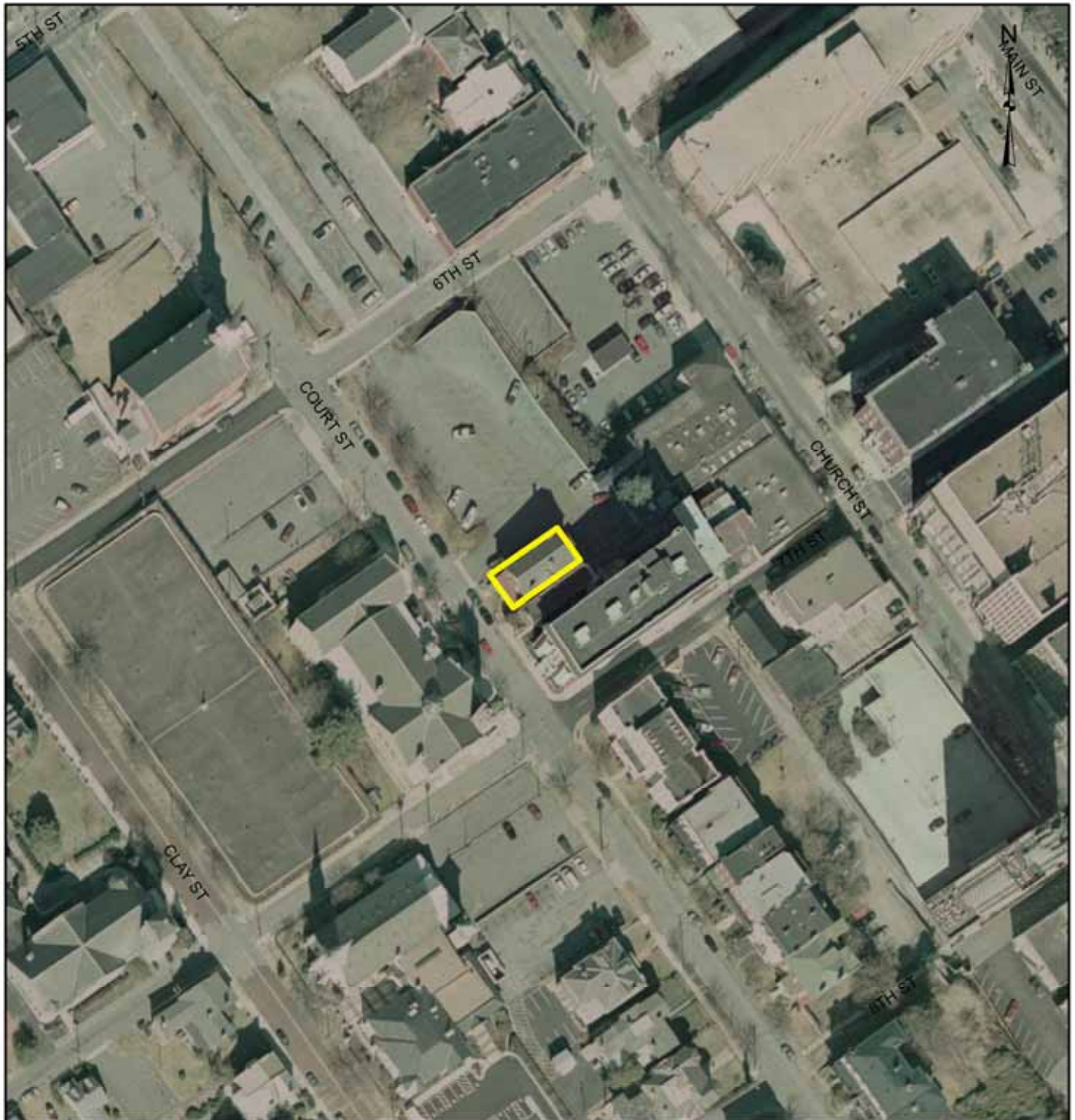
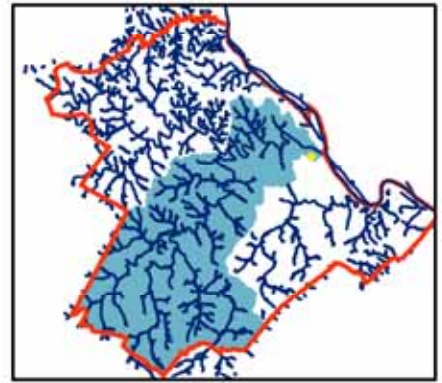
**KLM PROPERTIES, LLC
CONDITIONAL USE PERMIT
616 COURT STREET**



KLM Properties Inc

Watershed Location Map

-  Project Site
-  Blackwater Creek
-  Corporate Limit



Site Plan: Existing building footprint to remain unchanged.
Only interior walls and partitions will be impacted.

COURT ST

612

614



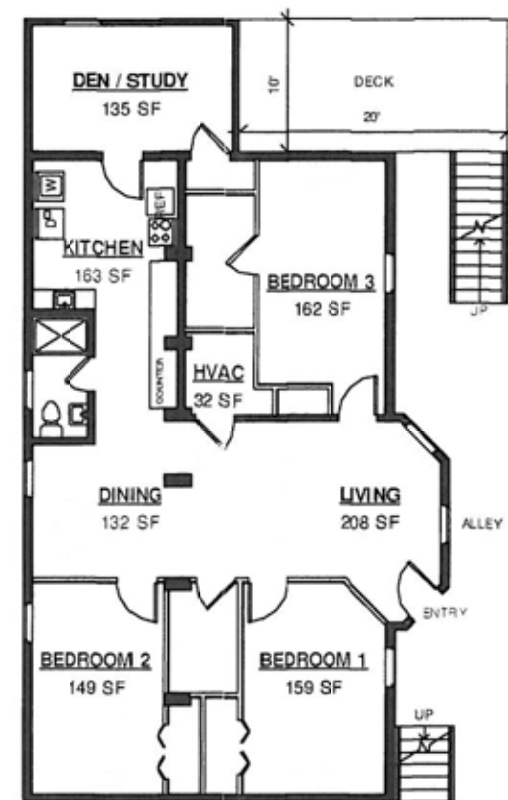
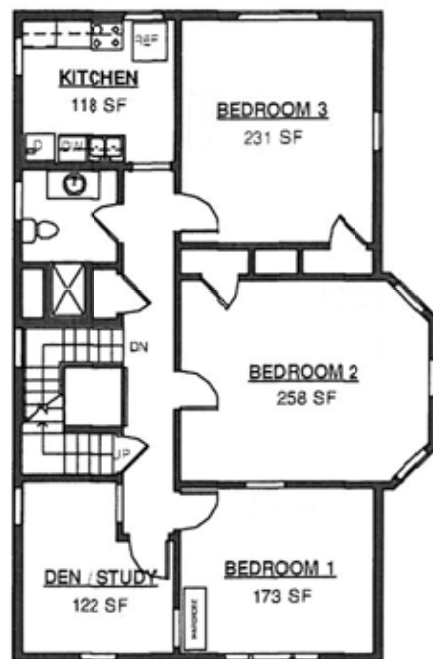
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620

RECEIVED

MAY 02 2011

COMMUNITY
DEVELOPMENT



616 COURT STREET

KLM Properties_____ **616 Court Street-CUP**

KLM Properties
616 Court Street
Lynchburg, Virginia 24504

Kelvin L. Moore
Phone: 434.846.7886
Fax: 434.846.7853

To: City of Lynchburg

Re: Conditional Use Permit for 616 Court Street

Purpose:

KLM Properties, a real estate management company, is seeking to assist in the revitalization of downtown Lynchburg by proposing that the building at 616 Court Street be adapted to serve mixed use, business and residential living. Currently the building is utilized as business only, with Moore Architecture occupying the main level. It is intended that one apartment would exist on the second level with three bedrooms and one apartment would exist on the basement level, also with three bedrooms. Court Street has a rich history and was once thriving with businesses and residential living. This type of usage further supports the effort to bring people back to downtown living. Also, all residents will have adjacent off-street parking provided by KLM Properties, at the adjacent lot of English Construction.

Best regards,

Kelvin L. Moore



616 Court Street

Conditional Use Permit
616 Court Street
June 8, 2011

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 10

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Alley Vacation – Portion of the alley between 121 & 131 Linden Avenue**

RECOMMENDATION: Vacate a portion of the alley between 121 and 131 Linden Avenue.

SUMMARY: William & Nancy Coursey, are petitioning to vacate a portion of an alley between two properties they own at 121 and 133 Linden Avenue. The portion of the unnamed alley extends the entire length of the front property line of 133 Linden Avenue, which is approximately eighty three (83) feet.

PRIOR ACTION(S):

May 20, 2011: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

June 14, 2011: The Physical Development Committee reviewed and forwarded the petition to City Council.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Ordinance
- Vicinity Map
- Technical Review Committee Report
- Application

REVIEWED BY: lkp

AN ORDINANCE VACATING A PORTION OF THE ALLEY BETWEEN 121 & 133 LINDEN AVENUE

WHEREAS, William Coursey and Nancy Coursey are petitioning to vacate a portion of the unnamed Alley located between the properties of 121 Linden Avenue and 133 Linden Avenue, which extends the entire length of the front property line of 133 Linden Avenue, approximately eighty three (83) feet; and

WHEREAS, City Council finds that no public inconvenience will result from vacating a portion of the unnamed Alley

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described alley be, and the same hereby is, discontinued and vacated, namely:

The portion of unnamed Alley right-of-way located between 121 Linden Avenue and 133 Linden Avenue, which extends the entire length of the front property line of 133 Linden Avenue approximately eighty three (83) feet.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

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

Adopted:

Certified:

Clerk of Council



Legend

 Alley Vacation Request

Alley Vacation Request
Portion of Unnamed Alley between 121 & 133 Linden Avenue
Request of William & Nancy Coursey



TRC Report Date

6/28/2011

Project Number **SUB1105-0001**
Project Name **Portion of Unnamed Alley**
Site Address 133 LINDEN AVE

Review Type	Contact	Notes
AEP	Tom G Woodford	No comments.
Assessor	Steve Boyer	No comments.
EngineeringDesign	Lee Newland	No comments.
EngineeringMapRoom	Debbie Stinson	An existing public sewer line is currently located in the alley. An easement needs to be retained before this alley is vacated.
Fire	Greg Wormser	No comments.
Neighbor Svcs	Rob Fowler	No comments.
Planning	Kevin Henry	No comments.
PWStreets	Dave Owen	No comments.
Traffic	Lee Newland	No comments.
Utilities	Greg Poff	No comments.
Verizon	George Almond	No comments.

APPLICATION FOR THE VACATION OF A

(Street/Alley)

LOCATED BETWEEN

The undersigned applicant, , pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain described as follows:

Portion of unopened alley between 133 Linden Avenue and
121 Linden Avenue.

067 - 01-004

067 - 01-009

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

Given under my hand this 6th day of May, 20 11

Applicant

W.S. Company

Way Slony

Address

121 Linden Ave.

Telephone Number

386. 9725

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

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 11

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Right of Way Vacation – Creekview Court Cul-de-sac**

RECOMMENDATION: Vacate the cul-de-sac of Creekview Court.

SUMMARY: Belleview Developers, LLC, is petitioning to vacate the outer edges of the Creekview Court cul-de-sac. The vacated right-of-way would include portions of 104, 106, 108, 110, 111, 112, 113, 114, 115 and 116 Creekview Court, as indicated on the attached plat.

PRIOR ACTION(S):

May 6, 2011: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

June 14, 2011: The Physical Development Committee reviewed and forwarded the petition to City Council.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Ordinance
- Vicinity Map
- Plat
- Technical Review Committee Report
- Application

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE VACATING PORTIONS OF THE CUL-DE-SAC AT CREEKVIEW COURT.

WHEREAS, Belleview Developers, LLC is petitioning to vacate a portion of the cul-de-sac located at Creekview Court as indicated on the attached exhibit, which encompasses an area approximately 0.128 acres, and affects the following parcels: Tax Map Numbers- 23413018, 23413017, 23413016, 23413014, 23413013, 23413012, 23413011, 23413010, 23413009, 23413001; and

WHEREAS, City Council finds that no public inconvenience will result from vacating a portion of the cul-de-sac;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described cul-de-sac be, and the same hereby is, discontinued and vacated, namely:

The vacated portions of cul-de-sac right-of-way located at Creekview Court as indicated on the attached exhibit, and encompass a total area of 0.128 acres, more or less.

Portion 1:

Beginning at an iron pin found along the southwestern right of way of Creekview Court at the southwest corner of Lot 8 (Tax Map No. 23413009); thence N 11° 08' 23" W 73.63 feet to a the true point of beginning; thence in a northeasterly direction along a curve having a radius of 25.00' and a delta of 53° 58' 05" for a distance of 23.55 feet to a point; thence in a northwesterly direction along a curve having a radius of 60.00' and a delta of 119° 20' 38" for a distance of 124.98 feet to a point; thence S 11° 08' 23" E 121.91 feet to the true point of beginning.

Portion 2:

Beginning at an iron pin found along the southwestern right of way of Creekview Court at the southwest corner of Lot 8 (Tax Map No. 23413009), thence N 11° 08' 23" W 73.63 feet; thence in a northeasterly direction along a curve having a radius of 25.00' and a delta of 53° 58' 05" for a distance of 23.55 feet to a point; thence in a northwesterly direction along a curve having a radius of 60.00' and a delta of 119° 20' 38" for a distance of 124.98 feet to a point; thence in a southwesterly direction along a curve having a radius of 60.00' and a delta of 49° 14' 55" for a distance of 51.57 feet to the true point of beginning; thence in a southeasterly direction along a curve having a radius of 60.00' and a delta of 119° 20' 38" for a distance of 124.98 feet to a point; thence in a southeasterly direction along a curve having a radius of 25.00' and a delta of 53° 58' 05" for a distance of 23.55 feet to a point; thence N 11° 08' 23" W 123.28 feet to the true point of beginning.

Said vacation is contingent upon the following: (1) that the proposed new subdivision configuration, which creates the need to vacate the aforementioned cul-de-sac, receives approval from the Lynchburg City Engineer and Lynchburg City Planner and (2) the failure to prepare, approve and record the necessary subdivision plat shall render the vacation of the above described portion of Creekview Court null and void. The vacation of the right-of-way shall become effective upon the date of approval of the subdivision plat.

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

Adopted:

Certified:

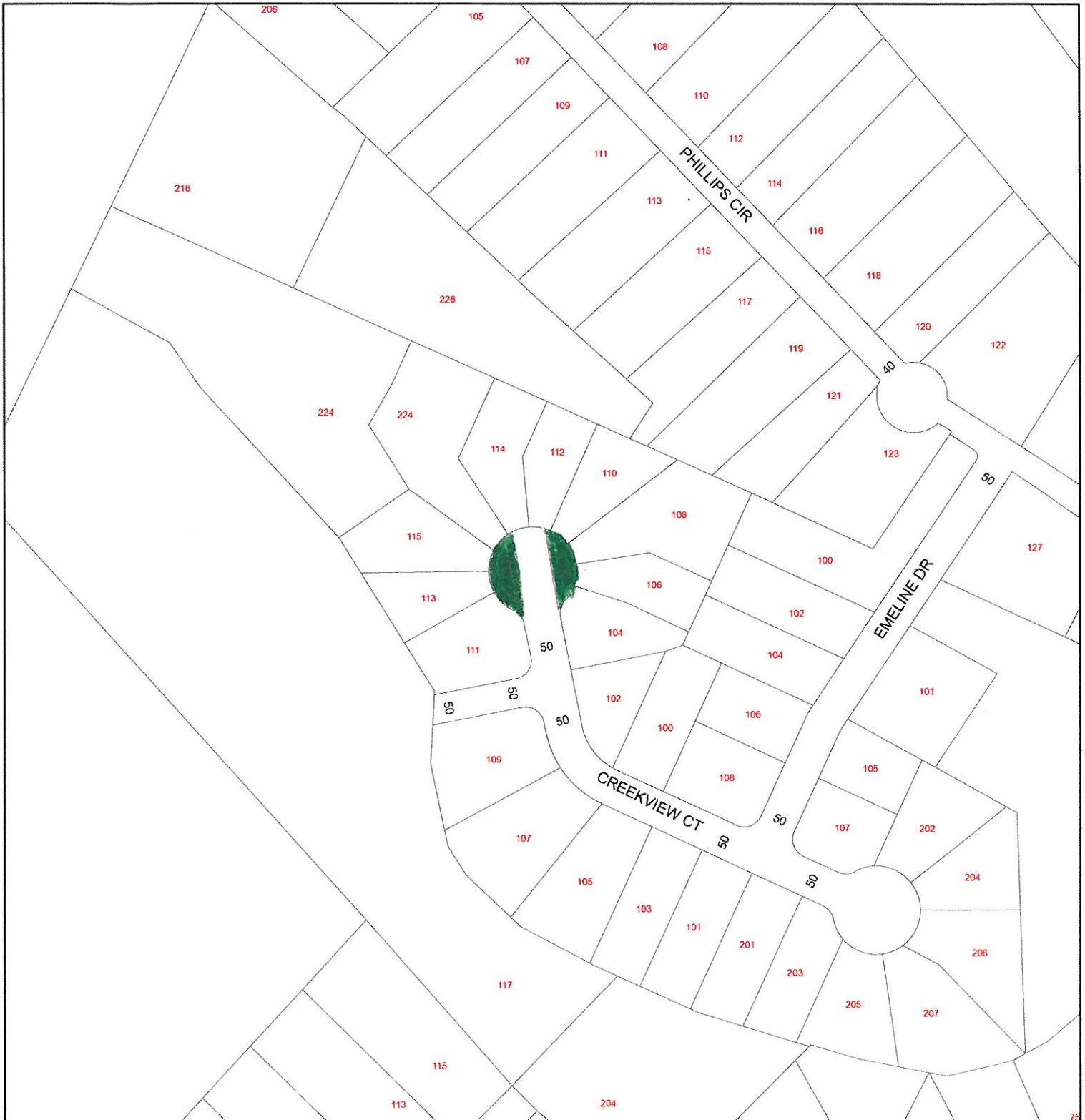
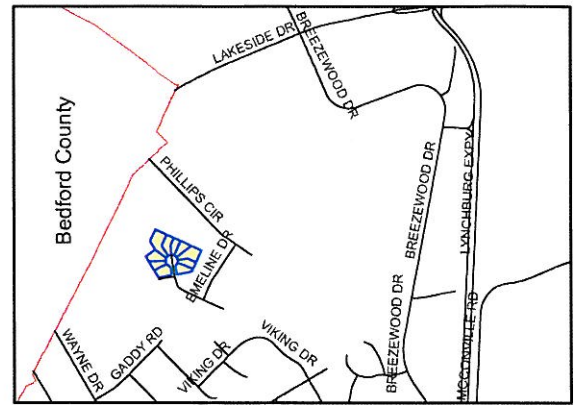
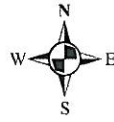
Clerk of Council

Creekview Court Cul-de-sac Vacation

Bellevue Subdivision



Right of way to be vacated



NOTES:

1. THE INTENT OF THIS EXHIBIT IS ONLY TO SHOW PROPOSED VACATION OF THE RIGHT-OF-WAY AS SHOWN HEREON.
2. ACTUAL VACATION WILL OCCUR UPON FINAL APPROVAL OF RE-SUBDIVISION PLAT BY PERKINS & ORRISON, INC.
3. THIS EXHIBIT HAS BEEN PREPARED FROM EXISTING RECORDS AND IS NOT THE RESULT OF A CURRENT FIELD SURVEY.
4. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL OF THE ENCUMBRANCES UPON THE PROPERTY.
5. THIS PROPERTY IS NOT WITHIN THE 100 YEAR FLOOD ZONE, ACCORDING TO FEMA PANEL NUMBER 5100930038D DATED JUNE 3, 2008.

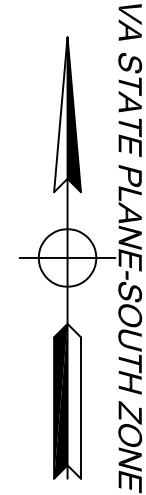
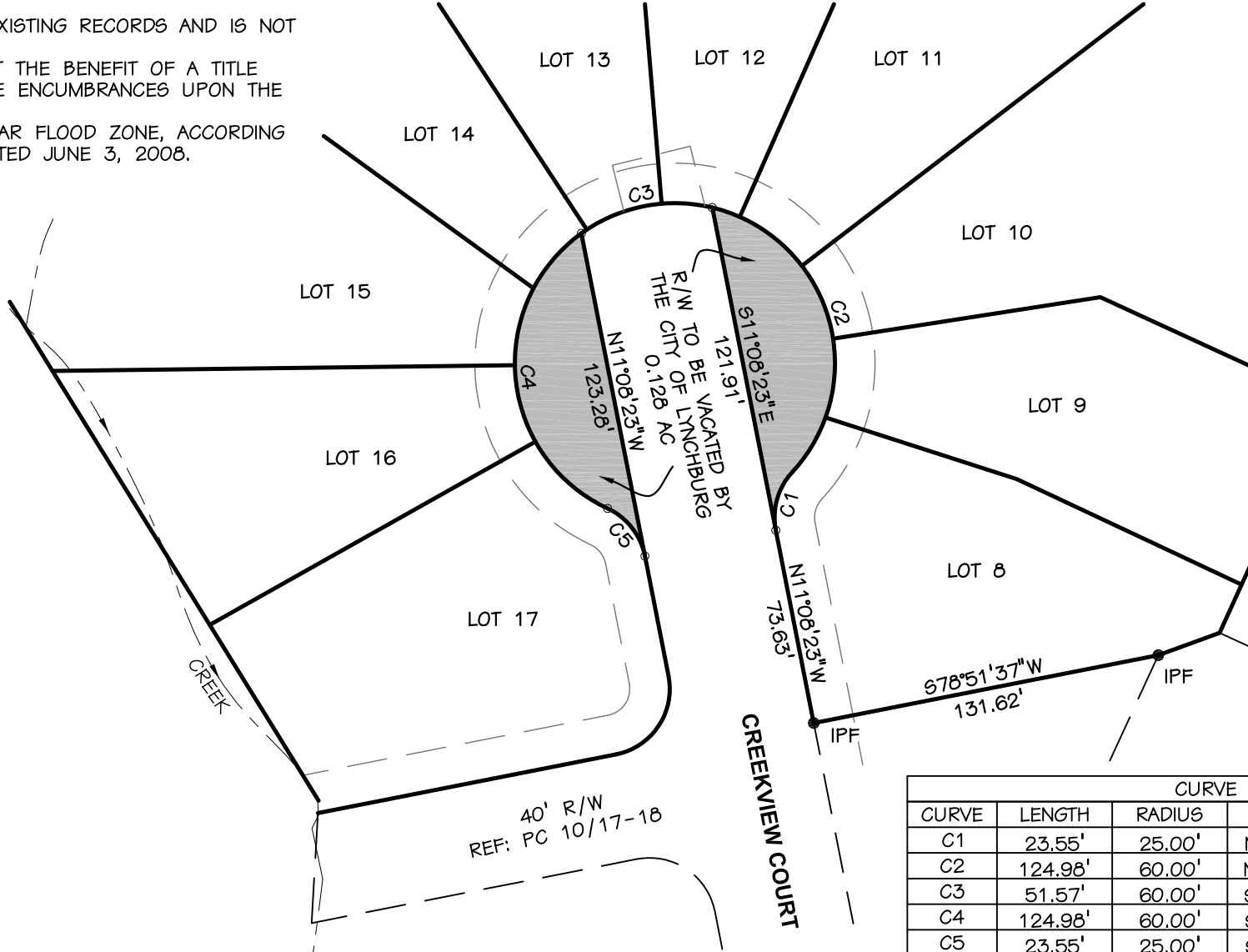
SOURCE OF TITLE:

BELLEVUE DEVELOPERS, LLC
PARCELS #23413008-23413017
INST# 100002227



**PERKINS
&
ORRISON**

ENGINEERS ▲ PLANNERS ▲ SURVEYORS

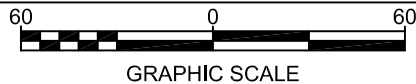


CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	23.55'	25.00'	N15°50'40"E	22.69'	53°58'05"
C2	124.98'	60.00'	N16°50'37"W	103.58'	119°20'36"
C3	51.57'	60.00'	S78°51'37"W	50.00'	49°14'55"
C4	124.98'	60.00'	S05°26'09"E	103.58'	119°20'36"
C5	23.55'	25.00'	S38°07'26"E	22.69'	53°58'05"

EXHIBIT SHOWING
PROPOSED RIGHT-OF-WAY VACATION
BELLEVUE - CREEKVIEW COURT
CITY OF LYNCHBURG, VIRGINIA

27 Green Hill Drive
Forest, Virginia 24551

Office: 434-525-5985
Fax: 434-525-5986
E-Mail: pno@perkins-orrison.com



DATE: 6/23/2011

JOB#: 11132
DWG: V-RV-11132
DWN: JMD

TRC Report Date

6/28/2011

Project Number **SUB1106-0001**
Project Name **Right-of-way vacation**
Site Address 104 CREEKVIEW CT

Review Type	Contact	Notes
AEP	Tom G Woodford	No comments.
Assessor	Steve Boyer	Please provide northing and easting somewhere along right-of-way of cul-de-sac.
EngineeringDesign	Lee Newland	Road, water and sewer plans required for the extension of the road. Plans will require showing demolition of existing cul-de-sac and relocation or addition of utility services.
EngineeringMapRoom	Debbie Stinson	No comments.
Fire	Greg Wormser	No comments.
Neighbor Svcs	Rob Fowler	No comments.
Planning	Kevin Henry	The right of way vacation shall not go into effect until the new subdivision configuration is approved by the City. Premature vacation of the cul-de-sac (right- of-way) will result in existing parcels not meeting road frontage requirements of the Subdivision Ordinance.
PWStreets	Dave Owen	No comments.
Traffic	Lee Newland	No comments.
Utilities	Eric E Schrader	No comments.
Verizon	George Almond	No comments.

APPLICATION FOR THE VACATION OF A

Right of Way

Street/Alley/Right-of-way

LOCATED BETWEEN

Emeline Dr & Cul-de-Sac of Creekview Ct

The undersigned applicant, Bellevue Developers, LLC.
pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950,
as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg
City Code, 1981, as amended, respectfully makes application to the
Lynchburg City Council for the vacation of that certain 0.128 Ac.
described as follows:

Vacation of the outer edges of the cul-de-sac to allow for the street
extension of Creekview Ct. The parcels that will be affected are 104, 106,
108, 110, 111, 112, 113, 114, 115 and 116 Creekview Court. All of these
parcels are currently owned by Bellevue Developers, LLC.

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

Given under my hand this _____ day of _____,
20____.

Belleveiw Developers, LLC
Applicant

224 Lake Crest Lane

Lynchburg, Va 24502
Address

(434) 660-9054
Telephone Number

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

TL P Bell
Adjoining Property Owner

Adjoining Property Owner

Adjoining Property Owner

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Regional Water Supply Plan; Public Hearing and Approval**

RECOMMENDATION: Pending comments during the public hearing, pass a resolution approving the Region 2000 Regional Water Supply Plan, the "Plan".

SUMMARY: On November 2, 2005, Title 62.1 of the Code of Virginia 9 VAC 25-780 et seq. Local and Regional Water Planning Regulations became effective. These regulations required that all local governments in the Commonwealth of Virginia submit a local or regional water supply plan to the State Water Control Board.

The purpose of this was multi-fold and included:

1. Ensure that adequate and safe drinking water is available to all citizens in the region;
2. Encourage, promote, and protect all other beneficial uses of the region's water resources;
3. Encourage, promote, and develop incentives for alternate water sources; and
4. Promote conservation.

Region 2000 recognized the benefits of a regional plan. As a result, the Region 2000 regional water supply planning group comprised the City of Lynchburg and 11 other local governments and four service authorities was formed and began working on the Plan in January, 2006. A draft of the Plan was submitted to the Department of Environmental Quality (DEQ) on March 18, 2008. In February, 2011, Region 2000 received comments of the draft of the Plan which have since been addressed.

A public hearing must be held and the Plan formally adopted by City Council. The plan includes a Drought Response and Contingency Plan (which is modeled after the existing City Code Section 39-90, "Water Emergencies"). The final adopted Plan must then be submitted to DEQ by the November 2, 2011 deadline.

PRIOR ACTION(S):

- City Council previously authorized the City of Lynchburg to participate in a regional water supply plan.
- May 10, 2011 Work Session, Draper Aden Associates and staff presented an overview of the Plan. A copy of the Council Report for that meeting is attached.

FISCAL IMPACT: There is no fiscal impact that results from the adoption of the Regional Water Supply Plan.

CONTACT(S):

Tim Mitchell, Director of Utilities

455-4252

ATTACHMENT(S):

Attachment #1: A Resolution Approving the Region 2000 Regional Water Supply Plan

Attachment #2: Access to the Region 2000 Regional Water Supply Plan through the Draper Aden FTP website may be gained by following the directions in this attachment.

A copy of the Region 2000 Regional Water Supply Plan may also be viewed at the Utilities Department located at 525 Taylor Street, Lynchburg, Virginia 24501.

Attachment #3: May 10, 2011 Council report which includes an Executive Summary of the plan.

REVIEWED BY: lkp

A RESOLUTION APPROVING THE REGION 2000 REGIONAL WATER SUPPLY PLAN.

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and

WHEREAS, The City of Lynchburg is a participant in the Region 2000 Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on July 12, 2011, the City of Lynchburg held a public hearing to accept public comment on the Regional Water Supply Plan; and

WHEREAS, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Lynchburg hereby adopts the Region 2000 Regional Water Supply Plan as it pertains to the City of Lynchburg. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. The City of Lynchburg reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. The City of Lynchburg will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

BE IT FURTHER RESOLVED that the City Council of the City of Lynchburg intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

Adopted:

Certified:

Clerk of Council

1.1 Accessing the Draper Aden Associates FTP Site

1.1.1 Using Windows Explorer (Recommended Method)

1. Open Windows Explorer
 - a. Double click on "My Computer"
 - b. Alternatively, go to Start -> "My Computer"
 - c. Alternatively, go to Start -> "All Programs" -> "Accessories" and click on "Windows Explorer"
2. Copy this link: **ftp://daauser:pascal675@ftp.daa.com/**
3. Paste it into the Address Bar of Window Explorer and click on Go
 - a. If the above link doesn't work, enter **ftp://ftp.daa.com** in the Address Bar of Windows Explorer and click on Go
 - b. When asked, supply the username and password to login to the FTP site:

Username:	daauser
Password:	pascal675
4. Browse to the folder containing the needed files

LYNCHBURG CITY COUNCIL
Agenda Item Summary**MEETING DATE: May 10, 2011****AGENDA ITEM NO.: 2****CONSENT:** **REGULAR:** **WORK SESSION: X****CLOSED SESSION:**
(Confidential)**ACTION:** **INFORMATION: X****ITEM TITLE: Region 2000 Water Supply Plan****RECOMMENDATION:** Receive a report on the Draft Region 2000 Water Supply Plan.

SUMMARY: On November 2, 2005, Title 62.1 of the Code of Virginia 9 VAC 25-780 et seq. Local and Regional Water Planning Regulations became effective. These regulations required that all local governments in the Commonwealth of Virginia submit a local or regional water supply plan to the State Water Control Board.

The purpose of this was multi-fold and included:

1. Ensure that adequate and safe drinking water is available to all citizens in the region;
2. Encourage, promote, and protect all other beneficial uses of the region's water resources;
3. Encourage, promote, and develop incentives for alternate water sources; and
4. Promote conservation.

Region 2000 recognized the benefits of a regional plan. As a result, the Region 2000 regional water supply planning group, comprised the City of Lynchburg and 11 other local governments and four service authorities, was formed and began working on the Plan in January, 2006. A draft of the Plan was submitted to the Department of Environmental Quality (DEQ) on March 18, 2008. In February, 2011, Region 2000 received comments of the draft of the Plan which have since been addressed.

A public hearing must be held and the Plan, which includes a Drought Response and Contingency Plan (which is modeled after the existing City Code Section 39-90. "Water Emergencies"), formally adopted by City Council,. The final adopted Plan must then be submitted to DEQ by the November 2, 2011 deadline.

Draper Aden Associates will provide an overview of the Plan and the process.

The attachments provide an Executive Summary of the plan and Lynchburg specific information. The complete plan is 406 pages long and will be made available upon request.

PRIOR ACTION(S): City Council previously authorized the City of Lynchburg to participate in a regional water supply plan.

FISCAL IMPACT: There is no fiscal impact that results from the adoption of the Regional Water Supply Plan.

CONTACT(S): Tim Mitchell, Director of Utilities 455-4252

ATTACHMENT(S): Draper Aden Associates Memorandum
 Locality Specific Executive Summaries of the Regional Water Supply Plan
 Draft Resolution to adopt the Regional Water Supply Plan
 Current Water Emergencies ordinance
 Locality specific portions of the Drought Response and Contingency Plan
 Water supply planning history
 Required actions and schedule of activities

REVIEWED BY: lkp

Memorandum

To: County Administrators, City Managers, Town Managers, Elected Officials
From: Mike Lawless
Date: April 14, 2011
Project Name: Region 2000 Regional Water Supply Plan
Project Number: B06144-03
Subject: Briefing Packet
cc: Bob White, Region 2000

Contents:

- Locality-specific Executive Summaries of Regional Water Supply Plan
- Draft Resolution to Adopt Regional Water Supply Plan
- Draft Drought Ordinance or Recommended Revisions to Current Ordinance, if any
- Locality-specific portions of Drought Response and Contingency Plan
- Water Supply Planning History
- Required Actions and Schedule of Activities

Required actions by each governing body:

- Adopt a Drought Management Ordinance which includes the components recommended by DEQ.
- Adopt a Drought Response and Contingency Plan which will be included in the Regional Water Supply Plan and will be adopted upon adoption of the Water Supply Plan; this does not need separate adoption.
- Hold a public hearing and pass a resolution adopting the Regional Water Supply Plan.

Region 2000 and/or Draper Aden Associates will make initial presentations to governing bodies in the spring if requested. The presentation will summarize the Regional Water Supply Plan, Drought Response and Contingency Plan, and Drought Management Ordinance, and respond to questions in order to facilitate the required actions. DEQ can attend these meetings as well if desired.

Schedule of activities:

March 2011 Meeting with administrators and managers to review the plan and actions required by elected officials

April/May	Presentations of the plan to governing bodies.
June/July	Public hearings and adoption of Drought Management Ordinance and Water Supply Plan Resolution
October	Submit Regional Water Supply Plan to DEQ, including Drought Response and Contingency Plan and Drought Management Ordinance

This schedule can be adjusted to meet local requirements. The ultimate deadline for submitting the plan to DEQ is November 2, 2011.

EXECUTIVE SUMMARY

Organization of the Region 2000 Regional Water Supply Plan (Plan) generally follows the State Water Control Board's regulation 9 VAC 25-780, Local and Regional Water Supply Planning. The major sections in the Plan include information on water sources, water use, and natural resources in the region; water demand management information including population and demand projections, water conservation practices, and drought response and contingency planning; a statement of need and alternatives analysis; and information on public participation. This executive summary provides a summary of the regional approach as well as a summary for each of the twelve participating jurisdictions. In addition, a separate table of contents is provided for each locality for ease in finding information regarding each locality.

The Plan complies with the State Water Control Board's regulation 9 VAC 25-780, Local and Regional Water Supply Planning, and is a functional plan supporting sustainable growth and economic development. The purpose of the regulation is to establish a comprehensive water supply planning process for the development of local, regional, and state water supply plans. This process is designed to:

- ◆ Ensure that adequate and safe drinking water is available to all citizens within the region;
- ◆ Encourage, promote, and protect all other beneficial uses of the region's water resources;
- ◆ Encourage, promote, and develop incentives for alternative water sources; and
- ◆ Promote conservation.

Local governments participating in the regional plan notified VDEQ of their intent to participate in the Plan before the November 2, 2008 deadline. The Plan will be submitted to the VDEQ prior to the November 2, 2011 deadline. A public hearing will be held by each participating jurisdiction and the local governments will pass resolutions approving the Plan and adopting other policies or ordinances that were developed during the planning process.

The Region 2000 regional water supply planning group (Region 2000) is made up of twelve local governments. Participating jurisdictions include the counties of Amherst, Appomattox, Bedford, Campbell, and Nelson; cities of Bedford and Lynchburg; and the towns of Altavista, Amherst, Appomattox, Brookneal, and Pamplin. The Amherst County Service Authority

(ACSA), Bedford County Public Service Authority (BCPSA), Campbell County Utilities and Service Authority (CCUSA), and Nelson County Service Authority (NCSA) also participate.

Region 2000 recognized the benefits of a regional plan and began developing their Plan in January 2006. Region 2000 was one of the first regions in the Commonwealth of Virginia to begin developing a Plan. Beginning in April 2006 through August 2006, the Region 2000 Local Government Council conducted a series of four workshops with representatives from the Region 2000 participants. The representatives for the Region 2000 participants included utility directors, water plant operators, county administrators, and city and town managers. The purpose of the workshops was to develop a consensus scope of services, work plan, and budget for completing the Plan.

Many of the participants in the region are already working together on water supply issues; therefore, it made sense for the region to continue to work together. One of the most important benefits to result from this regional planning effort is continued communication between participants. Many of the utility directors and water plant operators in the region are getting together on a regular basis (once a month or at least once a quarter) to share information with one another.

Region 2000 is located in the central portion of Virginia in the Blue Ridge Mountains and western piedmont region. According to an estimate provided by the U.S. Census Bureau, the total population for the region in 2000 was estimated to be 243,068, but has increased to an estimated 258,125 in 2007. The region is served by both surface water and groundwater sources. The major streams utilized in the region as water sources include the James River, Big Otter River, Buffalo River, Harris Creek, Reed Creek, and Staunton River. The major reservoirs in the region utilized as water sources include Smith Mountain Lake, Pedlar Reservoir, Graham Creek Reservoir, Black Creek Reservoir, Stoney Creek Reservoir, and Phelps Creek Reservoir. Much of the region is also dependent upon groundwater as well as several springs. The City of Lynchburg is one of the major water providers in the region selling water to the ACSA, BCPSA, and CCUSA.

Overall the region is considered to be a water rich region. Based on projected demands and the total existing public community water system capacities for the each locality, Region 2000 is

projected to experience a water supply surplus of approximately 2.0 MGD by the year 2060. This surplus is based on current limiting capacities and total demands (excluding sales to jurisdictions). The majority of this surplus is due to the large surplus from the City of Lynchburg, which provides support to potential alternatives that involve an interconnection with the Lynchburg system. In addition, additional private demand (from groundwater and surface water sources) of approximately 17.0 MGD may be needed to supply residential and agricultural users outside the service areas of the public community water systems. It is important to note should any of the private community water systems become part of a public community water system; this may increase the future public community water system deficit projections.

City of Lynchburg

The City of Lynchburg is located in the heart of Region 2000 at the intersections of Route 29 and Route 460. According to the U.S. Census Bureau, the population in 2000 was 65,269. The two major water sources for the City of Lynchburg are the Pedlar Reservoir, located in Amherst County, and the James River. The College Hill WTP and Abert WTP both receive raw water from the Pedlar Reservoir. Additionally, each WTP can withdraw water from the James River from the Abert raw water pump station. The College Hill WTP can also receive raw water from the Downtown Pump Station.

The City of Lynchburg serves approximately 66,000 people and has an average daily withdrawal of 11.25 MGD. In addition, the City of Lynchburg sells water to the ACSA, BCPSA, and CCUSA. The City of Lynchburg is water rich and will have sufficient water supply through 2060, even when including current sales to the ACSA, BCPSA, and CCUSA.

Please note that the Plan generally follows the Regional Water Supply Planning regulation (9 VAC 25-780). The major sections in the Plan, in order, are as follows: information on water sources, water use, and natural resources in the region; water demand management information including population and demand projections, water conservation practices, and drought response and contingency planning; a statement of need and alternatives analysis; and information on public participation. A separate table

of contents (including figures and tables) is supplied for City of Lynchburg for ease in finding information specific to City of Lynchburg.

A RESOLUTION APPROVING THE REGION 2000 REGIONAL WATER SUPPLY PLAN.

WHEREAS, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and

WHEREAS, [JURISDICTION] is a participant in the Region 2000 Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

WHEREAS, on [DATE], [JURISDICTION] held a public hearing to accept public comment on the Regional Water Supply Plan; and

WHEREAS, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

NOW, THEREFORE BE IT RESOLVED that the [GOVERNING BODY] of the [JURISDICTION] hereby adopts the Region 2000 Regional Water Supply Plan as it pertains to [JURISDICTION] . Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. [JURISDICTION] reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. [JURISDICTION] will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

BE IT FURTHER RESOLVED that the [GOVERNING BODY] of the [JURISDICTION] intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

PASSED, APPROVED AND ADOPTED by the [GOVERNING BODY] of the [JURISDICTION] at a meeting held on [DATE].

CITY OF LYNCHBURG

Sec. 39-90. Authority to declare water emergencies.

During the continued existence of climatic, hydrological and other extraordinary conditions the protection of the health, safety and welfare of the residents of the City of Lynchburg may require that certain uses of water, not essential to public health, safety and welfare, be reduced, restricted or curtailed. As the shortage of raw or potable water becomes increasingly more critical, conservation measures to reduce consumption or curtail nonessential water use may be necessary.

The city manager, with the approval of the mayor, is authorized to declare a water emergency in the city restricting the use of water in any area of the city. All water stages are built upon and require compliance with previous water stages. For example when stage 3 is declared all provisions of stage 2 are in effect. Also the city manager may declare any of the four stages, they do not have to be declared sequentially. (Ord. No. O-02-175, 9-24-02)

Sec. 39-91. Publication of declaration.

Upon the declaration of a water emergency, the city manager shall immediately post a written notice of the emergency at the front door of the city hall and shall place a notice in a newspaper of general circulation in the area in which such emergency has been declared. (Ord. No. O-02-175, 9-24-02)

Sec. 39-92. Water use considerations.

Upon the declaration of a water shortage or emergency, the city manager is authorized and directed to implement conservation measures by ordering the restricted use or absolute curtailment of the use of water for certain nonessential purposes for the duration of the water shortage or emergency in the manner hereinafter set out. In exercising this discretionary authority, and making the determinations set forth hereof, the city manager shall give due consideration to water levels, available/usable storage on hand, draw down rates and the projected supply capability in Pedlar reservoir and available James River flows; system purification and pumping capacity; daily water consumption and consumption projections of the system's customers; prevailing and forecast weather conditions; fire service requirements; pipeline conditions including breakages, stoppages and leaks; supplementary source data; estimates of minimum essential supplies to preserve public health and safety and such other data pertinent to the past, current and projected water demands. (Ord. No. O-02-175, 9-24-02)

Sec. 39-93. Limitation of restrictions.

The provisions of this article shall not apply to any governmental activity, institution, business or industry which shall be declared by the city manager, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment. Any activity, institution, business or industry aggrieved by the

finding of the city manager may appeal that decision to the city council. (Ord. No. O-02-175, 9-24-02)

Sec. 39-94. Water conservation measures.

Upon a determination by the city manager of the existence of the following conditions, the city manager shall take the following actions that shall apply to any person whose water supply is furnished from the city water system:

(a) Stage 1: When moderate but limited supplies of water are available, the city manager shall, through appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by whatever methods available.

(b) Stage 2: When very limited supplies of water are available, the city manager shall order curtailment of less essential usages of water, including, but not limited to, one or more of the following:

(1) The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except indoor plantings, greenhouse or nursery stocks and except limited watering for new lawns and watering by commercial nurseries of freshly planted plants upon planting and once a week for five (5) weeks following planting. Athletic fields are also exempt but shall only be watered to match the evaporation-transpiration rate. In all cases where the above exceptions apply, the watering is not to occur between the hours of 8:00 a.m. and 8:00 p.m. Watering with buckets that have a capacity of five (5) or fewer gallons is permitted at any time.

(2) The washing of automobiles, trucks, trailers, boats, buses, airplanes, or any other type of mobile equipment, except in facilities operating with a water recycling system. The facility shall post a notice in public view that a recycling system is in operation. Exceptions are for vector trucks, refuse trucks, septage haulers and city buses. Other exceptions must be approved by the director of utilities or a designee and be demonstrated to be necessary for health and safety purposes.

(3) The washing of sidewalks, streets, driveways, parking lots, service stations aprons, office buildings, exteriors of homes or apartments, or other outdoor surfaces, unless the use is approved by the director of utilities for health and safety.

(4) The operation of any ornamental fountain or other structure making a similar use of water.

(5) The use of water from fire hydrants for any purpose other than fire suppression unless the use has been approved by the director of utilities.

(6) Water service lines from the meter box to the home or structure shall be maintained and have no visible leaks.

(7) Restaurants may serve water to customers only upon request.

(c) Stage 3: When critically limited supplies of water are available, the city manager shall institute a water surcharge on each residential and commercial customer as follows:

The maximum allowable water use at the prevailing city rate will be the average water billed in November through April of the previous year. The actual water use will be recorded for each month and the sum divided by the number of months. The result is the allowable water use in hcf. The result will be rounded down to the nearest whole hcf. This is the maximum amount of water use that will be allowed at the prevailing rate in hcf and is termed the base amount. Use of water over this amount is subject to a surcharge of twenty-five percent (25%) up to one hundred percent (100%). The surcharge is calculated by subtracting the base amount from the actual water use and the remaining hcf is multiplied by the prevailing water rate multiplied by as an example 1.25. The total water portion of the bill is the base amount times the prevailing rate, the amount in excess of the base amount at the surcharge rate plus other applicable fees. For accounts less than one year old the base amount is fixed at 11 hcf. Failure to pay the full amount of the bill, when due, can result in water service termination. A fifty dollar (\$50.00) charge will be collected prior to service reconnection.

(d) Stage 4: When crucially limited supplies of water are available, the city manager shall restrict the use of water to purposes which are absolutely essential to life, health and safety. (Ord. No. O-02-175, 9-24-02)

Sec. 39-95. Penalty and enforcement.

(a) Any person who violates any provision of this article shall be subject to the following civil penalties:

(1) For the first offense, violators shall receive a written warning delivered in person or posted by a representative of the City of Lynchburg utilities division.

(2) For the second offense, violators shall be fined fifty dollars (\$50.00), the fine to be imposed on the violator's next water bill, or in the case of violators not on the city's public water system, in a written notice.

(3) For the third and each subsequent offense, violators shall be fined one hundred dollars (\$100.00) for each offense, the fine to be imposed on the violator's next water bill, or in the case of violators not on the city's public water system, in a written notice.

(4) Each violation by a person shall be counted as a separate violation by that person, irrespective of the location at which the violation occurs.

(5) The city manager may suspend water service to any person continuing to violate the provisions of this article or the regulations promulgated thereunder. If such water service is terminated, the person shall pay a reconnection fee of fifty dollars (\$50.00) before service is restored.

(b) Persons who have been assessed a penalty shall have the right to challenge the assessment by providing a written notice to the director of utilities within ten (10) days of the date of the assessment of the penalty. The director or his designee shall determine that the penalty was properly assessed and notify the complaining person in writing of his determination. Should the director or his designee determine that the penalty was properly assessed, the person may appeal that determination by providing written notice to the public works director within ten (10) days of receiving the notice determination. The public works director or his designee shall determine whether the penalty was properly assessed and notify the complaining person in writing of his determination.

(c) The director of utilities or his designee may waive the penalty if he determines that the violation occurred due to no fault of the person. (Ord. No. O-02-175, 9-24-02)

Sec. 39-96. Notification of end of water emergency.

The city manager shall notify the city council when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the city council, the water emergency shall be declared to have ended. When this declaration is made, the information shall be conveyed to the general public through the news media. (Ord. No. O-02-175, 9-24-02)

3.7 City of Lynchburg

The City of Lynchburg's primary public water supply is the Pedlar Reservoir. Additional supply is available from two intakes on the James River. The City may also withdraw all or a portion of its water from the James River through either or both intakes. The City's Utilities Department may chose to use either source solely or in combination as it deems best for the overall operation of the system based on a variety of situations including, but not limited to: drought (reservoir levels), water quality, system limitations, or emergencies.

Drought conditions will be monitored by reservoir level and stream flow. The reservoir level will be monitored based on the water level in inches below the spillway. To ensure adequate storage for emergency purposes, the City does not typically allow the level in the reservoir to drop more than 160 inches below the spillway. The James River will be monitored based on actual stream flow using the USGS stream gauging station No. 02025500 located on the James River at Holcomb Rock. This stream gauging station is located between the City's two stream intakes on the James River.

3.7.1 Drought Declaration and Notice

In the event of the onset of drought conditions, the City Manager may declare the appropriate drought response stage in the City in accordance with Virginia Code § 15.2-923, Local water-saving ordinances. Drought stages will be declared as appropriate and do not have to be declared sequentially. All water stages are built upon and require compliance with previous water stages. For example, when Stage 3 is declared all provisions of Stage 2 and Stage 1 are in effect.

The City currently sells water to the ACSA, BCPSA, and CCUSA; therefore, prior to declaring a drought response stage, the City will collaborate with the ACSA, BCPSA, and CCUSA as those authorities follow the City's drought response stages as referenced in their respective water purchase agreements.

In declaring a drought response stage, the City will run an item in a newspaper of general circulation in the affected area. Public notice of water use restrictions will be published in the Lynchburg News & Advance for a period of once per week while the restrictions are in effect.

Water use restrictions shall not apply to any governmental activity, institution, business or industry which by determination of the City Manager, upon a proper showing, to be necessary for the public health, safety and welfare or the prevention of severe economic hardship or the substantial loss of employment.

In the event that the Governor or the Virginia Drought Coordinator declares a drought emergency in a region that includes the City of Lynchburg, the mandatory conservation measures detailed in Section 3.7.2.2 will be implemented, unless the Governor's restrictions are more restrictive, or unless local conditions differ.

3.7.2 Drought Stages

In the City of Lynchburg, there are four drought stages that are governed by reservoir level and stream flow. The criteria for the Pedlar Reservoir are based on the reservoir level being greater than 160 inches below the spillway. The criteria for the James River are based on the instantaneous flow in the river and the average daily demands on the City's water system as a percentage of that stream flow (Please refer to Section 2.4.7 for a discussion on the City of Lynchburg's water rights). Please note to initiate any of the four drought stages both the criteria for the Pedlar Reservoir and the criteria for the James River must be met. The criteria for these stages are as follows:

Table 1: City of Lynchburg - Drought Stages

Drought Stage	Criteria
Stage 1	The reservoir level is greater than 160 inches below spillway AND the average daily demand is 80-84% of the 20% of actual river flow.
Stage 2	The reservoir level is greater than 160 inches below spillway AND the average daily demand is 85-89% of the 20% of actual river flow.
Stage 3	The reservoir level is greater than 160 inches below spillway AND the average daily demand is 90-94% of the 20% of actual river flow.
Stage 4	The reservoir level is greater than 160 inches below spillway AND the average daily demand is 95-100% of the 20% of actual river flow.

EXAMPLE

The following is to be used as an example only. Please note that the instantaneous stream flow for the James River at the Holcomb Rock stream gauge will change daily.

For example, the instantaneous stream flow for the James River at Holcomb Rock on November 19, 2008 was 765 cubic feet per second (cfs).

1. Calculate 20% of the “actual stream flow” or 20% of instantaneous stream flow:

$$765 \text{ cfs (instantaneous stream flow on November 19, 2008)} \times 20\% = 153 \text{ cfs}$$

2. Convert 20% of “actual stream flow” from cfs to MGD (1 cfs = 646,320 gallons per day):

$$153 \text{ cfs} \times 646,320 \text{ gallons per day} = 98,886,960 \text{ gallons per day or } 98.89 \text{ MGD}$$

3. Calculate the percent of demand indicators for each drought stage:

- a. Stage 1: 80-84% of 98.89 MGD = 79.11 – 83.07 MGD
- b. Stage 2 – 85-89% of 98.89 MGD = 84.07 – 88.01 MGD
- c. Stage 3 – 90-94% of 98.89 MGD = 89.00 – 92.96 MGD
- d. Stage 4 – 95-100% of 98.89 MGD = 93.95 – 98.89 MGD

When the criteria for the Pedlar Reservoir and the percent of demand indicators are added back, the drought stages for November 19, 2008 would translate to:

Stage 1 – The reservoir is greater than 160 inches below spillway AND the average daily demand is 80-84% of the 20% of actual river flow (79.11-83.07 MGD).

Stage 2 – The reservoir is greater than 160 inches below spillway AND the average daily demand is 85-89% of the 20% of actual river flow (84.07-88.01 MGD).

Stage 3 – The reservoir is greater than 160 inches below spillway AND the average daily demand is 90-94% of the 20% of actual river flow (89.00-92.96 MGD).

Stage 4 – The reservoir is greater than 160 inches below spillway AND the average daily demand is 95-100% of the 20% of actual river flow (93.95-98.89 MGD).

3.7.2.1 Stage 1

Stage 1 is intended to increase public awareness of climatic conditions that are likely to precede the occurrence of a significant drought event and to encourage voluntary water conservation. When moderate but limited supplies of water are available, the City Manager shall, through

appropriate means, call upon the general population to employ prudent restraint in water usage, and to conserve water voluntarily by whatever methods available.

3.7.2.2 Stage 2

When very limited supplies of water are available, the City Manager shall order curtailment of less essential usages of water, including, but not limited to, one or more of the following:

- ◆ The watering of shrubbery, trees, lawns, grass, plants, or any other vegetation, except indoor plantings, greenhouse or nursery stocks and except limited watering for new lawns and watering by commercial nurseries of freshly planted plants upon planting and once a week for five (5) weeks following planting. Athletic fields are also exempt but shall only be watered to match the evaporation-transpiration rate. In all cases where the above exceptions apply, the watering is not to occur between the hours of 8:00 a.m. and 8:00 p.m. Watering with buckets that have a capacity of five (5) or fewer gallons is permitted at any time.
- ◆ The washing of automobiles, trucks, trailers, boats, buses, airplanes, or any other type of mobile equipment, except in facilities operating with a water recycling system. The facility shall post a notice in public view that a recycling system is in operation. Exceptions are for vector trucks, refuse trucks, septage haulers and city buses. Other exceptions must be approved by the director of utilities or a designee and be demonstrated to be necessary for health and safety purposes.
- ◆ The washing of sidewalks, streets, driveways, parking lots, service stations aprons, office buildings, exteriors of homes or apartments, or other outdoor surfaces, unless the use is approved by the director of utilities for health and safety.
- ◆ The operation of any ornamental fountain or other structure making a similar use of water.
- ◆ The use of water from fire hydrants for any purpose other than fire suppression unless the use has been approved by the director of utilities.
- ◆ Water service lines from the meter box to the home or structure shall be maintained and have no visible leaks.
- ◆ Restaurants may serve water to customers only upon request.

3.7.2.3 Stage 3

When critically limited supplies of water are available, the City Manager shall institute a water surcharge on each residential and commercial customer as follows:

- ◆ The maximum allowable water use at the prevailing city rate will be the average water billed in November through April of the previous year. The actual water use will be recorded for each month and the sum divided by the number of months. The result is the allowable water use in hundred cubic feet (hcf). The result will be rounded down to the nearest whole hcf. This is the maximum amount of water use that will be allowed at the prevailing rate in hcf and is termed the base amount. Use of water over this amount is subject to a surcharge of twenty-five percent (25%) up

to one hundred percent (100%). The surcharge is calculated by subtracting the base amount from the actual water use and the remaining hcf is multiplied by the prevailing water rate multiplied by as an example 1.25. The total water portion of the bill is the base amount times the prevailing rate, the amount in excess of the base amount at the surcharge rate plus other applicable fees. For accounts less than one year old the base amount is fixed at 11 hcf. Failure to pay the full amount of the bill, when due, can result in water service termination. A fifty dollar (\$50.00) charge will be collected prior to service reconnection.

3.7.2.4 Stage 4

When crucially limited supplies of water are available, the City Manager shall restrict the use of water to purposes which are absolutely essential to life, health and safety.

3.7.2.5 Other

The City reserves the right to declare a drought stage based on other factors independent of the drought stage criteria discussed above. Other factors independent of the criteria described above include, but are not limited to, major water main breaks, equipment failure, long range forecasts, time of the year, and/or peak demands.

In addition, the City may issue a public advisory in an effort to reduce peak water demands based on high City customer demand, chemical supply availability, or be issued during periods of high demand from the ACSA, BCPSA, or CCUSA. The purpose of an advisory is to increase public awareness in an effort to reduce water demands without specifically requesting voluntary water conservation from customers.

3.7.3 Enforcement

Enforcement of this plan will be conducted in accordance with the Water Emergency Ordinance (Appendix H).

Water Supply Planning History

Development of the Regulations

- In the Fall of 2002, a Water Policy Technical Advisory Committee (TAC) was formed to address ways to improve water supply planning in Virginia in response to the drought of 1999-2002.
- The General Assembly enacted SB1221 in 2003, which required the Virginia Department of Environmental Quality (DEQ) to develop criteria for local and regional planning and a preliminary state water resources plan.
- The Water Policy TAC completed a draft of the water supply planning regulation on October 1, 2004. The draft regulation was endorsed by the State Water Commission on November 22, 2004 and approved for public comment by the State Water Control Board on December 2, 2004.
- Title 62.1 of the Code of Virginia 9 VAC 25-780 et seq. Local and Regional Water Supply Planning Regulations became effective on November 2, 2005.
- The regulations require all local governments in the Commonwealth of Virginia to submit a local or regional water supply plan to the State Water Control Board.
- The purpose of the regulations is to:
 - Establish a comprehensive water supply planning process;
 - Ensure that adequate and safe drinking water is available;
 - Encourage, promote, and protect all other beneficial uses; and
 - Encourage, promote, and develop incentives for alternative water sources.

Development of the Region 2000 Regional Water Supply Plan

- Region 2000 began developing the Regional Water Supply Plan (Plan) in January 2006 and was one of the first regions in the Commonwealth to begin developing a Plan.
- Benefits to completing a regional plan include:
 - Participants in the region were already working together on water supply issues;
 - Continued communication between participants; and
 - A November 2, 2011 submittal date for regional plans compared to submittal for local plans beginning in November 2008.
 - DEQ encouraged regional approaches to plan development, including giving preference to regions in their evaluation of grant awards.
- Local governments participating in the Plan provided notification of their intent to participate in the Plan to DEQ by November 2, 2008.

- Beginning in April 2006 through August 2006, four workshops were conducted with representatives from the Region 2000 participants (e.g., utility directors, water plant operators, county administrators, and city and town managers). The purpose of the workshops was to develop a consensus scope of services, work plan, and budget for completing the Plan.
- Beginning in November 2006, presentations to introduce the regulatory requirements and scope of the planning process were made to the local governments in the region.
- Beginning in February 2008 through July 2008, a series of workshops were held to seek input from regional stakeholders (e.g., elected officials, planning commissioners, Economic Development Authorities, and Industrial Development Authorities).
- Region 2000 submitted a draft of the Plan on March 18, 2009.
- In February 2011, Region 2000 received comments on the draft Plan from DEQ.
- The Plan was revised based on DEQ comments in March 2011 and final comments from the planning group in April 2011.

The Region 2000 Regional Water Supply Plan (Plan) was developed in 2007-2008 and submitted to the Virginia Department of Environmental Quality (DEQ) for review and comment on March 18, 2009. Comments from DEQ regarding the Plan were received in February 2011. The 2000 U.S. Census data and jurisdictional water source and use data from 2006 and 2007 were used in the preparation of this Plan. Consistent with the Water Supply Planning Regulations (9 VAC 25-780), this Plan represents a starting point on water supply planning for the participating jurisdictions in the region and represents a snapshot of water supply and planning alternatives. Region 2000 and the participating jurisdictions in the Plan recognize that certain data and information are now dated. The final Plan must be submitted to DEQ no later than November 2, 2011; therefore, there is insufficient time to revise all aspects of Plan to incorporate current (2011) conditions. However, an addendum will be submitted with the Plan that will include revised population (2010 U.S. Census data) and associated demand projections. The Water Supply Planning Regulations (9 VAC 25-870) require the Plan be reviewed every 5 years and re-submitted to DEQ every 10 years. Region 2000 and the participating jurisdictions in the Plan reserve the right to review and update the Plan sooner should they choose to do so.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 13

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Governor's Opportunity Fund Grant for Delta Star, Inc. Expansion**

RECOMMENDATION:

Adopt a resolution to amend the FY 2012 City/Federal/State Aid Fund budget and appropriate \$100,000 with resources from the Commonwealth of Virginia's Governor's Opportunity Fund to provide Delta Star, Inc. with an incentive to expand its operation in Lynchburg.

SUMMARY:

An application for the Governor's Opportunity Fund grant in the amount of \$100,000 to provide an incentive for Delta Star, Inc. to expand its operation in Lynchburg was submitted to the Commonwealth in May 2011. The application was approved and funds submitted to the City in June 2011. Once appropriated, the funds will be transferred to the Lynchburg Economic Development Authority to be disbursed to Delta Star per an executed Performance Agreement.

PRIOR ACTION(S):

None

FISCAL IMPACT:

The Governor's Opportunity Fund grant requires an equivalent local match which will be provided by the Lynchburg Economic Development Authority once certain performance goals are met by the company.

CONTACT(S):

Marjette G. Upshur, 455-4492

ATTACHMENT(S):

Resolution

Performance Agreement

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2012 City/Federal/State Aid Fund budget is amended and \$100,000 is appropriated with resources from the Commonwealth of Virginia's Governor's Opportunity Fund to provide Delta Star, Inc. with an incentive to expand its operation in Lynchburg.

Introduced:

Adopted:

Certified:

Clerk of Council

117L

GOVERNOR'S DEVELOPMENT OPPORTUNITY FUND

PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** made and entered this ____ day of April, 2011, by and among the **CITY OF LYNCHBURG, VIRGINIA** (the "Locality") a political subdivision of the Commonwealth of Virginia (the "Commonwealth"), **DELTA STAR, INC.** (the "Company"), a Delaware corporation authorized to transact business in the Commonwealth, and the **ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA** (the "Authority"), a political subdivision of the Commonwealth.

WITNESSETH:

WHEREAS, the Locality has received a grant of and expects to receive \$100,000 from the Governor's Development Opportunity Fund (a "GOF Grant") through the Virginia Economic Development Partnership Authority ("VEDP") for the purpose of inducing the Company to expand, equip and improve an electrical transformer manufacturing facility in the Locality (the "Facility"), thereby making a significant Capital Investment, as hereinafter defined, and creating a significant number of New Jobs, as hereinafter defined;

WHEREAS, the Locality is willing to provide the funds to the Authority with the expectation that the Authority will provide the funds to or for the use of the Company, provided that the Company meets certain criteria relating to Capital Investment and New Jobs;

WHEREAS, the Locality, the Authority and the Company desire to set forth their understanding and agreement as to the payout of the GOF Grant, the use of the GOF Grant proceeds, the obligations of the Company regarding Capital Investment and New Job creation, and the repayment by the Company of all or part of the GOF Grant under certain circumstances;

WHEREAS, the expansion, equipping and operation of the Facility will entail a capital expenditure by the Company of approximately \$10,000,000, of which approximately \$7,400,000 will be invested in machinery and equipment, and approximately \$2,600,000 will be invested in the expansion and up-fit of an existing building;

WHEREAS, the expansion, equipping and operation of the Facility will further entail the creation of 78 New Jobs at the Facility; and

WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment and New Jobs constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the GOF Grant:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows:

Section 1. Definitions.

For the purposes of this Agreement, the following terms shall have the following definitions:

“Capital Investment” means a capital expenditure by the Company in taxable real property, taxable tangible personal property, or both, at the Facility. The Capital Investment must be in addition to the capital improvements at the Facility as of March 1, 2011.

“Maintain” means that the New Jobs created pursuant to the GOF Grant will continue without interruption from the date of creation through the Performance Date. Positions for the New Jobs will be treated as Maintained during periods in which such positions are not filled due to temporary reductions in the Company’s employment levels in connection with recruitment for open positions or strikes and other work stoppages.

“New Job” means new permanent full-time employment of an indefinite duration at the Facility for which the standard fringe benefits are paid by the Company for the employee, and for which the Company pays an average annual wage of at least \$34,715. Each New Job must require a minimum of either (i) 35 hours of an employee’s time per week for the entire normal year of the Company’s operations, which “normal year” must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, vendors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs. The New Jobs must be in addition to the 299 full-time jobs at the Facility as of March 1, 2011.

“Performance Date” means December 1, 2014. If the Locality, in consultation with the Authority and VEDP, deems that good faith and reasonable efforts have been made and are being made by the Company to achieve the Targets, the Locality may agree to extend the Performance Date by up to 15 months. If the Performance Date is extended, the Locality shall send written notice of the extension to the Authority, the Company and VEDP and the date to which the Performance Date has been extended shall be the “Performance Date” for the purposes of this Agreement.

“Targets” means the Company’s obligations to make Capital Investments at the Facility of at least \$10,000,000 and to create and Maintain at least 78 New Jobs at the Facility, all as of the Performance Date.

“Virginia Code” means the Code of Virginia of 1950, as amended.

Section 2. Targets.

The Company will improve, equip and operate the Facility in the Locality, make a Capital Investment of at least \$10,000,000, and create and Maintain at least 78 New Jobs at the Facility, all as of the Performance Date.

The average annual wage of the New Jobs of at least \$34,715 is less than the prevailing average annual wage in the Locality of \$38,877, but is more than 85% of that prevailing average annual wage (\$33,045). The Locality is a high-unemployment locality, with an unemployment rate for 2009, which is the last year for which such data is available, of 8.0% as compared to the 2009 statewide unemployment rate for 2009 of 6.7%.

Section 3. Disbursement of GOF Grant.

The GOF Grant in the amount of \$100,000 will be paid to the Locality, upon its request. Within 30 days of its receipt of the GOF Grant proceeds, the Locality will disburse the GOF Grant proceeds to the Authority. Within 30 days of its receipt of the GOF Grant proceeds, the Authority will disburse the GOF Grant proceeds to the Company as an inducement to the Company to achieve the Targets at the Facility. The Company will use the GOF Grant proceeds for the build-out of a privately-owned building, as permitted by Section 2.2-115(C) of the Virginia Code.

By no later than June 30, 2011, the Locality will request the disbursement to it of the GOF Grant. If not so requested by the Locality by June 30, 2011, this Agreement will terminate. The Locality and the Company will be entitled to reapply for a GOF Grant thereafter, based upon the terms, conditions and availability of funds at that time.

Section 4. Break-Even Point; State and Local Incentives.

VEDP has estimated that the Commonwealth will reach its “break-even point” by the Performance Date. The break-even point compares new revenues realized as a result of the Capital Investment and New Jobs at the Facility with the Commonwealth’s expenditures on incentives, including but not limited to the GOF Grant. With regard to the Facility, the Commonwealth expects to provide incentives in the following amounts:

<u>Category of Incentive:</u>	<u>Total Amount</u>
GOF Grant	\$100,000
Virginia Jobs Investment Program (“VJIP”) (Estimated)	62,400
Enterprise Zone Job Creation Grant (“JCG”)(Estimated)	281,600
Enterprise Zone Real Property Investment Grant (“RPIG”)(Estimated)	92,000
Rail Industrial Access Program Grant (“Rail”)(Estimated)	300,000

The Locality has committed to provide the following incentives, as matching grants or otherwise, for the Facility:

<u>Category of Incentive:</u>	<u>Total Amount</u>
City of Lynchburg Cash Grant	\$100,000

The proceeds of the GOF Grant shall be used for the purposes described in Section 3. The VJIP grant proceeds shall be used by the Company to pay or reimburse itself for recruitment

and training costs. The Enterprise Zone JCG and RPIG Grant proceeds may be used by the Company for any lawful purpose. The Rail Grant may be used by or on behalf of the Company to improve rail infrastructure at or around the Facility. The proceeds of the Locality's Grant may be used by the Company for any lawful purpose.

Section 5. Repayment Obligation.

(a) *If Statutory Minimum Requirements are Not Met:* Section 2.2-115 of the Virginia Code requires that the Company make a Capital Investment of at least \$5,000,000 in the Facility and create and Maintain at least 50 New Jobs at the Facility in order to be eligible for the GOF Grant. Failure by the Company to meet either of these eligibility requirements by the Performance Date shall constitute a breach of this Agreement and the entire GOF Grant must be repaid by the Company to the Authority.

(b) *If Statutory Minimum Requirements are Met:* For purposes of repayment, the GOF Grant is to be allocated as \$50,000 (50%) for the Company's Capital Investment Target and \$50,000 (50%) for its New Jobs Target. If the Company has met at least ninety percent (90%) of both of the Targets at the Performance Date, then and thereafter the Company is no longer obligated to repay any portion the GOF Grant. If the Company has not met at least ninety percent (90%) of either or both of its Targets, the Company shall repay to the Authority that part of the GOF Grant that is proportional to the Target or Targets for which there is a shortfall. For example, if at the Performance Date, the Capital Investment is only \$6,000,000 and only 60 New Jobs have been created and Maintained, the Company shall repay to the Authority forty percent (40%) of the moneys allocated to the Capital Investment Target (\$20,000) and twenty-three percent (23%) of the moneys allocated to the New Jobs Target (\$11,500).

(c) *Determination of Inability to Comply:* If the Locality or VEDP shall determine at any time prior to the Performance Date (a "Determination Date") that the Company is unable or unwilling to meet and Maintain its Targets by and through the Performance Date, and if the Locality, the Authority or VEDP shall have promptly notified the Company of such determination, the Company must repay the entire GOF Grant to the Authority. Such a determination will be based on such circumstances as a filing by or on behalf of the Company under Chapter 7 of the U.S. Bankruptcy Code, the liquidation of the Company, the closing of the Facility or other similar significant events that demonstrate that the Company will be unable or may be unwilling to satisfy the Targets.

(d) *Repayment Dates:* ***Such repayment shall be due from the Company to the Authority within thirty days of the Performance Date or the Determination Date, as applicable.*** Any moneys repaid by the Company to the Authority hereunder shall be repaid by the Authority to the Locality and shall be repaid by the Locality promptly to VEDP for redeposit into the Governor's Development Opportunity Fund. The Locality and the Authority shall use their best efforts to recover such funds, including legal action for breach of this Agreement. Neither the Locality nor the Authority shall have any responsibility for the repayment of any sums hereunder unless said sums have been received by the Authority from the Company.

Section 8. Miscellaneous.

(a) *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement among the parties hereto as to the GOF Grant and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights and obligations under this Agreement without the prior written consent of the Locality, the Authority and VEDP.

(b) *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced by the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the City of Lynchburg, and such litigation shall be brought only in such court.

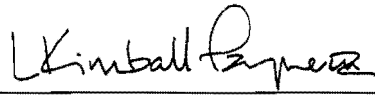
(c) *Counterparts:* This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) *Severability:* If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

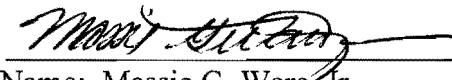
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IN WITNESS WHEREOF, the parties hereto have executed this Performance Agreement as of the date first written above.

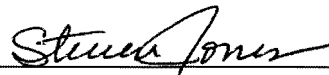
CITY OF LYNCHBURG, VIRGINIA

By 
Name: L. Kimball Payne, III
Title: City Manager
Date: 4/12/11

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

By 
Name: Massie G. Ware, Jr.
Title: Chairman
Date: 4/18/11

DELTA STAR, INC.

By 
Name: Steve Jones
Title: Chief Financial Officer
Date: 4/18/11

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 14

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amendment to the City Code: Update the ordinance authoring criminal background check for applicants for certain positions**

RECOMMENDATION: Adoption of the attached ordinance.

SUMMARY: The State Code requires the City to conduct criminal background checks on applicants for certain positions. For example, social workers that investigate child abuse and neglect reports must undergo criminal background checks. In other instances the State Code does not require criminal background checks on applicants but in the interest of the public welfare or safety it is a good idea to conduct background checks on applicants to determine if the applicant has engaged in criminal conduct that would be incompatible with a particular position. For example, the City would not want to hire someone who had been convicted of embezzlement to handle City funds or the City would not want to hire someone who had been convicted of certain types of criminal offenses to work in one of the City's recreational facilities.

The State Code allows local governments to adopt ordinances authorizing criminal background checks for applicants for public employment to determine if the past criminal conduct of a person would be compatible with the nature of the employment. On September 24, 1991, the City adopted such an ordinance. In light of recent amendments to the State Code the City needs to amend its current ordinance in order that it will be consistent with the State Code. The City does not conduct criminal background checks for all applicants but does conduct background checks on applicants for those positions where past criminal conduct would be incompatible with the nature of the position.

PRIOR ACTION(S): The ordinance allowing the City to conduct criminal background checks on applicants for certain positions was first adopted by City Council on September 24, 1991

FISCAL IMPACT: None

CONTACT(S): Walter C. Erwin, City Attorney's Office, 455-3973

ATTACHMENT(S): An ordinance amending Section 2-89 of the City Code

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY AMENDING SECTION 2-89, RELATING TO CONDUCTING CRIMINAL BACKGROUND CHECKS ON APPLICANTS FOR EMPLOYMENT.

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

1. That Section 2-89 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 2-89. Authority to obtain criminal history record information.

Pursuant to the authority of Sections 15.2-1505.1 and 19.2-389 of the Code of Virginia 1950, as amended, in the conduct of investigations of applicants for public employment with the city, permits or licenses, or for public employment with the Lynchburg school system, whenever, in the interest of the public welfare or safety, it is necessary to determine if the past criminal conduct of a person would be compatible with the nature of the employment, permit or license under consideration, the city manager or the superintendent of schools or their designees shall be authorized to request the chief of police or other appropriate person to obtain the criminal history records of such applicant from the Virginia Central Criminal Records Exchange, the Federal Bureau of Investigation or other appropriate sources, and the chief of police or other appropriate person shall be authorized to obtain and disseminate such criminal history record to the city manager or the superintendent of schools or their designees. If an applicant is denied employment because of information appearing in his criminal history record, the applicant shall be notified that information from his criminal history record contributed to such denial.

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

Adopted:

Certified:

Clerk of Council

108L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 12, 2011**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Amendment to the City Code: Section 25-310 Relating to Parking in Parking Spaces that are reserved for Persons with Disabilities; Increase the Fine from \$100 to \$250

RECOMMENDATION: Adopt the proposed ordinance to increase the fine for violation of Section 25-310 of the City Code relating to parking in parking spaces that are reserved for persons with disabilities.

SUMMARY: The State Code allows for the fine imposed for a violation of restrictions regarding parking for individuals with disabilities in an amount of between \$100 and \$500. The City currently imposes a fine of \$100. A representative of the disabled community asked the Parking Authority to consider recommending that City Council increase the amount of the fine to provide a greater deterrence to those who might violate the ordinance. The Parking Authority considered the matter and agreed to recommend an increase in the amount of the fine to \$250. This would be consistent with the amount of the fine for a violation of the permit parking regulations.

The proposed ordinance also makes it clear that the City's Parking Ambassadors have the authority to ticket violations of this section of the City Code.

PRIOR ACTION(S): The current fine amount has been in the City Code at least since 1997. The Parking Authority recommended increasing the fines for violation of the handicapped parking regulations from \$100 to \$250 during its meeting of June 14, 2011.

FISCAL IMPACT: Between 150 and 200 tickets are issued annually for violations of the handicapped parking regulations. About two-thirds of them are issued in the Central Business District. Revenue from paid fines would increase proportionally to the increase adopted in the ordinance.

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Proposed Ordinance.

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 25-310 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO PARKING IN PARKING SPACES THAT ARE RESERVED FOR PERSONS WITH DISABILITIES.

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

1. That Section 25-310 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 25-310. Parking in spaces reserved for persons with disabilities; penalty.

(a) No vehicles other than those displaying disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, or temporary removable windshield placards issued under §46.2-1241 of the state code, or DV disabled parking license plates issued under subsection B of §46.2-739 of the state code, shall park in any parking spaces reserved for persons with disabilities.

(1) No person without a disability that limits or impairs his ability to walk shall park a vehicle with disabled parking license plates, organizational removable windshield placards, permanent removable windshield placards, temporary removable windshield placards, or DV disabled parking license plates issued under subsection B of §46.2-739 of the state code in a parking space reserved for persons with disabilities that limit or impair their ability to walk except when transporting a disabled person in the vehicle.

(2) A summons or parking ticket for the offense may be issued by law-enforcement officers or ~~uniformed law-enforcement department~~ duly designated city employees without the necessity of a warrant's being obtained by the owner of any private parking area.

(3) Parking a vehicle in a space reserved for persons with disabilities in violation of this section shall be punishable by a fine of ~~one~~ two hundred fifty dollars (~~\$100~~250.00).

(b) No person shall use or display an organizational removable windshield placard, permanent removable windshield placard or temporary removable windshield placard beyond its expiration date. A violation of this section shall be punishable by a fine of ~~one~~ two hundred fifty dollars (~~\$100~~250.00).

(c) Organizational removable windshield placards, permanent removable windshield placards and temporary removable windshield placards shall be displayed in such a manner that they may be viewed from the front and rear of the vehicle and be hanging from the rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities that limit or impair their ability to walk. When there is no rearview mirror, the placard shall be displayed on the vehicle's dashboard. No placard shall be displayed from the rearview mirror while a vehicle is in motion. A violation of this section shall be punishable by a fine of ~~one~~ two hundred fifty dollars (~~\$100~~250.00).

(d) In any prosecution charging a violation of this section, proof that the vehicle described in the complaint, summons, parking ticket, citation, or warrant was parked in violation of this section, together with proof that the defendant was at the time the registered owner of the vehicle, shall constitute prima facie evidence that the registered owner of the vehicle was the person who committed the violation.

(e) No violation of this section shall be dismissed for a property owner's failure to comply strictly with the requirements for disabled parking signs set forth in §36-99.11 of the state code, provided the space is clearly distinguishable as a parking space reserved for persons with disabilities that limit or impair their ability to walk.

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

Adopted:

Certified:

Clerk of Council