LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 22, 2010** AGENDA ITEM NO.: 2

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Request from Central Virginia United Soccer Club, Inc. (CVU) to Amend the Existing Agreement Between the City and CVU**

RECOMMENDATION: Consider a request to amend the agreement between the City and Central Virginia United Soccer Club, Inc. (CVU, formerly Lynchburg United Soccer Club, Inc.) to change the number and type of fields to be constructed and to provide for additional time for compliance.

SUMMARY: In May of 2002 the City entered into an agreement with the Lynchburg United Soccer Club (LUS) that memorialized the terms and mutual obligations related to the City's contribution of funds in support of the development of additional soccer fields in the community. That agreement is attached for Council's reference.

The agreement's main points included:

- A City contribution of $500,000 to support the development of a ten-field soccer complex
- A fifteen year term for the repayment of the contribution
- Forgiveness of the repayment obligation in annual installments of $38,500 for every year that LUS operates at least six fields in the complex
- Repayment of any balance after 15 years

CVU has asked to appear on Council's agenda to discuss a proposal outlined in a letter dated June 14, 2010 that would amend the agreement to provide for the construction of two artificial turf fields in lieu of four natural grass fields and to reset the start date for the fifteen year repayment period to July 1, 2012.

PRIOR ACTION(S): May 2002 Agreement

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): May 20, 2002 Agreement; Letter from CVU dated June 14, 2010

REVIEWED BY: lkp

073L

June 14, 2010

Mr. Kimball Payne
City Manager
City of Lynchburg

Dear Kim:

As the Commissioner of Central Virginia Soccer Club, Inc. (formerly Lynchburg United Soccer Club, Inc.), I request to be added to agenda for the June 22, 2010 City Council meeting.

Together with other members of our Board of Directors, I wish to petition Council to amend CVU's existing Agreement with the City (dated May 20, 2002) in two ways:

1. To amend Article II., Section (c) such that the minimum number of fields required to begin forgiveness of the City's contribution is reduced from six to four, provided that the two remaining to be built are of field turf – type construction (similar to those at E.C. Glass and Heritage High Schools) rather than grass as originally planned.

This is an important change made possible by advances in the field turf technology over the last few years and validated by our own experience with the turf fields at Glass and Heritage. For instance, our Spring Tournament would have been cancelled completely due to wet field conditions and the ensuing damage and safety concerns had we not secured the opportunity to fulfill a partial schedule at E.C. Glass. The economic impact our tournaments have on the City was well documented in our last report to the City (amounting to over $2M in the last three years using standard economic multipliers); to cancel tournaments due to unplayable field conditions dramatically reduces their positive economic impact and makes it difficult to compete against other cities and clubs which do offer turf fields. In short, the economic and program advantages of two turf fields far outweigh the importance of the four grass fields that were originally contemplated.

2. To amend Article II., Section (d) such that the beginning date for the fifteen year period for the forgiveness or repayment of the City's contribution is re-set to July 1, 2012.

The financial and philanthropic climate has changed greatly since the creation of this agreement. The ability of non-profit organizations in Lynchburg and throughout the country to raise capital funds has been severely limited in the years since our agreement was created. During these years, we have focused our efforts on improving the breadth and quality of our programs. The results have been significant: our travel program has grown to over 20 teams which have achieved success at some of the most prestigious tournaments in the country; our new Academy program has grown to over 40 players in its first year; and our recreation program serves over 600 participants annually.

Much of this success may be attributed to the hiring of a full-time Club Director and subsequently a full-time Technical Director. We have also focused on expanding the club's geographic horizons, and now serve players from throughout the Region 2000 area.

The Complex has already paid dividends to the City, in that our entire recreation program is now conducted at the Complex – which relieves the City's schools, parks and public areas from having to be maintained and prepared as they were in the past. This is a cost savings to the City from a maintenance and personnel perspective, and opens up City spaces on weekends for other sports or family activities. The resulting tangible and intangible public relations benefit to the City and its taxpayers was not contemplated nor promised by CVU when the agreement was drafted. In fact, when the agreement was first made with the City, not only was travel practice to be prohibited on the fields at the Complex but no recreational competition was ever planned to be held at the Complex and the City would have continued to be responsible to maintain its venues for that purpose.

I would point out as well that the Complex has allowed the City to use the two lighted fields at Peaks View #4 and #5 for softball competition. The Complex was originally planned to be only a "showcase" site for weekend matches and special competition, not a routine practice site nor a recreational facility. By enabling our travel teams to practice and play matches at the Complex instead of Peaks View #4 and #5, the City has been able to devote these fields for softball league competition – which provides more income to the City but results in significantly higher maintenance fees for CVU due to increased usage.

Our club has borne the complete expense of Complex maintenance throughout its existence. We have also made a number of capital improvements, including the addition of more parking lots, new drainage areas and requisite fencing, and additional pump and watering facilities.

Over the course of the last two years, our Board of Directors has engaged in a series of strategic planning exercises which have identified the addition of two turf fields at the Complex as our most pressing need. Additional field space will facilitate the continued growth and development of the club, as well as ensuring the continued growth and success of our tournaments. A Complex Advisory Board is now being formed which will oversee a capital campaign aimed at adding two new turf fields to the Complex, should Council agree to amend our existing agreement to allow this change in design.

In May, we hosted a fundraising event – raising over $25,000 – which will enable us to update the master plan for the Complex. We expect the new engineering study to demonstrate that the addition of two turf fields will enable us to achieve our growth and service objectives more efficiently than would the addition of four grass fields. Importantly, the turf fields dramatically reduce the need for water, which should negate the originally planned need for a dam and reservoir.

Further, by re-setting the beginning date for the fifteen year period for the forgiveness or repayment of the City's contribution, Council will enable CVU to raise funds for a reasonable period in which potential donors need not fear that their contributions will be used to repay the debt to the City.

In short, we ask Council to amend our agreement with the City in recognition of the fact that the original intent of the agreement has already been accomplished. We are already hosting tournaments which have made a significant economic impact in the region, and commercial enterprises throughout the City are already enjoying the benefits from them.

We are a non-profit entity that has and continues to serve the children, families, educational, social and commercial interests of the community, fulfilling a need for youth sports activities that makes the City of Lynchburg and the surrounding area a more attractive place to live and raise children. We ask that you support our mission and continued growth and success by amending our agreement as we have outlined above.

Sincerely,

Chuck Flournoy

Chuck Flournoy
Commissioner

AGREEMENT

THIS AGREEMENT is made and entered into this 20TH day of MAY, 2002, by and between the **CITY OF LYNCHBURG**, a municipal corporation of the Commonwealth of Virginia, hereinafter referred to as the "**City**" and **LYNCHBURG UNITED SOCCER, INC.**, a non-stock, non-profit Virginia corporation, hereinafter referred to as "**LUS.**"

WITNESSETH:

WHEREAS, the City and LUS entered into an agreement dated December 9, 1998 regarding the terms for acquisition and development of a soccer complex to benefit the citizens of Lynchburg; and

WHEREAS, the performance of the terms of that agreement were delayed for reasons mutually beneficial to both the City and LUS; and

WHEREAS, LUS has contracted to acquire and develop real property suitable for a soccer complex , which real property is more particularly described in the attachment described as "EXHIBIT A" (hereinafter referred to as "Site"), as contemplated in the aforesaid agreement; and

WHEREAS, said delays and the terms of LUS's contract to purchase the Site necessitate the City to consent and approve of the same.

WHEREAS, LUS proposes to build a ten field soccer complex on the Site in order to promote and encourage soccer opportunities for youth in the City of Lynchburg and the Central Virginia region; and

WHEREAS, the City approves of the acquisition of the Site by LUS and is willing to complete performance of its previous agreement to make a contribution to LUS for the development of a soccer complex at the Site if LUS meets the terms and conditions contained in this agreement.

NOW, THEREFORE, in consideration of the said payments previously made by the City to LUS, the agreement of LUS to purchase the Site using funds other than those provided by the City, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

ARTICLE I. TERM

This agreement shall begin on the date it is executed by the City and LUS and shall continue for as long as LUS owns or operates the proposed soccer complex.

ARTICLE II. CONTRIBUTION BY CITY

(a) The City agrees to pay the balance of the previously agreed-upon contribution of $500,000.00 to LUS if such funds will be only used for engineering and construction of a soccer complex capable of containing at least ten soccer fields at the Site. The City's contribution may not be used by LUS for any other purposes without the prior written approval of the City. The City has paid $141,880 to LUS. The balance of the contribution ($358,120.00) shall be payable to LUS on January 2, 2004 or whenever two full-size (70 yard x 120 yard) soccer fields have been completed and are operational at the Site, whichever event or date shall last occur.

(b) The City's contribution shall be evidenced by a fifteen-year note secured by a deed of trust lien on the Site. Once LUS has acquired the Site, LUS agrees, at its expense, to prepare, execute and record whatever documents are necessary to give the City a deed of trust lien on the Site to secure the $141,880.00 initial payment from the City. Upon receipt of the balance of the contribution ($358,120.00), LUS agrees, at its expense, to prepare, execute and record whatever documents are necessary to amend the note and deed of trust to include the entire amount of the $500,000 payment.

(c) The City will forgive the $500,000 contribution in annual installments of $38,500 for each year LUS operates a minimum of six (6) soccer fields at the Site on a regular and sustained basis and complies with all of the other terms and conditions of this agreement. The City will not begin forgiving the $500,000.00 contribution until LUS has constructed and is operating a minimum of six (6) soccer fields at the Site. The City will not forgive any portion of the $500,000 contribution during any year in which LUS does not operate a minimum of six (6) soccer fields at the Site or fails to comply with the other terms and conditions of this agreement. At the end of the fifteen (15) year period, LUS must repay any portion of the $500,000.00 contribution that has not been forgiven by the City.

(d) The fifteen year period for the forgiveness or repayment of the City's contribution shall begin with LUS's receipt of the balance of the contribution payment from the City.

(e) Beginning July 15, 2002, and on January 15th and July 15th of each year thereafter, LUS shall file semi-annual reports with the City, which shall include information showing LUS's progress in constructing the soccer complex, its budget for estimated construction, operation and maintenance costs for the soccer complex, its plans to raise the necessary revenues for the construction, operation and maintenance of the sports complex, the status of its fund raising efforts, its efforts in making the sports complex available to City residents and such other information that will give the City an accurate summary of the activities of LUS in the construction, operation and maintenance of the soccer complex.

ARTICLE III. CONSTRUCTION AND MAINTENANCE OF THE SOCCER COMPLEX

LUS shall purchase the Site and construct soccer fields thereon in a timely manner. The soccer complex at the Site will ultimately include at least ten (10) full size fields (each having a minimum width of approximately 65 yards and a minimum length of approximately 100 yards), parking facilities, restroom facilities and a concession facility.

The City shall have no obligation to provide any funding to LUS beyond the initial contribution of $500,000. However, during the first five years of the operation of the soccer complex, the City may consider sharing in the maintenance costs of the soccer fields with Bedford County and Campbell County. The sharing of the maintenance costs by the City is contingent upon LUS and the City developing mutually agreeable field development and field maintenance standards for the soccer complex and upon Bedford County and Campbell County agreeing to share in the maintenance costs on an equal basis with the City. In exchange for such maintenance, LUS will give due consideration to requests from the City to use the soccer fields for soccer activities sponsored or endorsed by the City if usage is compatible with field availability and LUS's policies regarding use of the fields.

ARTICLE IV. CITY'S RIGHT OF FIRST REFUSAL

In the event LUS decides to sell or otherwise transfer the property during the term of this agreement, the City shall have a ninety (90) day right of first refusal to purchase the property at its fair market value as a soccer complex. To determine the fair market value, the City will hire a M.A.I. designated appraiser to appraise the property and LUS will hire a M.A.I. designated appraiser to appraise the property. The fair market value of the soccer complex will be reached by averaging the two appraisals. In determining its fair market value, the property will be appraised as its highest and best use being a soccer complex, and other possible uses of the property shall not be considered in determining its fair market value as a soccer complex.

If the City does not elect to exercise its right of first refusal, LUS may sell or otherwise transfer the property acquired for the soccer complex once LUS has completely retired the $500,000.00 contribution from the City by either forgiveness of the contribution as provided in

Article (II.) (c) and (d), above, or by repayment of any portion of the remaining balance of the $500,000.00 contribution that has not been forgiven by the City.

ARTICLE V. SITE APPROVAL

Subject to the conditions imposed upon LUS for future development of the Site, the City does hereby approve the Site as appropriate for LUS to develop the same as a soccer complex in accordance with the aforesaid agreement made between the City and LUS.

ARTICLE VI. NONDISCRIMINATION

LUS agrees that in the use and operation of the soccer complex, it will not, on the grounds of race, color, religion, sex or national origin, discriminate or permit discrimination against any person or groups of persons.

ARTICLE VII. ACTION PLAN

LUS agrees that it will develop and update, as needed, an action plan to make sure the soccer complex will be available to all City residents, and that under-served residents of the City, particularly the youth in the inner City, will be proactively recruited to participate in LUS's soccer programs. A copy of such action plan and updates shall be filed with the City's Parks and Recreation Division by April 1 of each year this agreement remains in effect. LUS will consult with and use the Lynchburg Hunton Young Men's Christian Association as a resource in developing and updating the action plan.

ARTICLE VIII. AUDIT

LUS shall retain the services of an independent, certified public accountant to perform an organization-wide audit for each year this agreement remains in effect. The annual audit shall be performed in accordance within the following standards: (a) the generally accepted Government Operations, Programs, Activities and Functions issued by the Comptroller General of the United States; (b) the standards and specifications as prescribed by the Auditor of Public Accounts for the Commonwealth of Virginia; (c) the generally accepted auditing standards as defined by the American Institute of Certified Public Accountants; (d) the Single Audit Act of 1984; and (e) the OMB Circular A-133. Each annual audit shall be for the calendar year beginning January 1, of each year this agreement remains in effect. The independent auditor shall, after completing the audit examination, submit a formal written report of the audit to the City's Director of Finance.

LUS shall keep true and accurate accounts, records, books and data of its activities, and the City and its representatives shall have the right at all reasonable times to inspect, examine and copy such accounts, records, books and other data related to the soccer complex.

ARTICLE IX. ASSIGNMENT

LUS shall not assign or transfer any of its rights, interests or obligations under this agreement and shall not assign or transfer the operation of the Soccer Complex to any other person, organization, corporation or other entity without the prior written consent of the City.

ARTICLE X. TERMINATION OF AGREEMENT

If LUS (1) has not constructed at least two soccer fields on the Site within three years of the execution of this agreement, or (2) fails to fulfill in a timely and proper manner its obligations under this agreement, or (3) violates any of the terms and conditions of this agreement, and fails to remedy such deficiencies within a period of sixty (60) days after receipt from the City Manager, or his designee, of written notice to remedy the same; the City shall have the right to terminate this agreement at the end of the sixty (60) day notice period and the parties shall have no further rights, liabilities or obligations to one another hereunder, other than that the entire remaining balance of the $500,000.00 contribution paid to LUS shall at once become due and payable, without notice, to the City. The City's failure to exercise this option in the event of default shall not constitute a waiver of the City's right to exercise the same in the event of any subsequent default.

ARTICLE XI. COMPLAINTS AND NON-COMPLIANCE

In the event the City receives a written complaint from a disclosed source concerning LUS's activities in fulfilling its obligations under this agreement, or if the City discovers a material violation of this agreement by LUS, the City Manager, or his designee, will immediately notify LUS indicating the specific nature of the complaint or the violation. LUS shall respond directly to the complainant or to the City, as appropriate, within ten calendar days of LUS's receipt of notification from the City. Should the complainant or the City determine that LUS's response is inadequate, a meeting shall be held to discuss the matter. If the matter is resolved, LUS will confirm the resolution of the matter in writing to the City and the complainant. If the matter is not resolved at the meeting, the City will confirm in writing to LUS the areas of dispute and request a response from LUS within ten calendar days. The City will then make a final determination of the resolution of the dispute and transmit its determination to LUS.

ARTICLE XII. FINANCIAL INTEREST

LUS covenants that, in the acquiring of the Site for a soccer complex and constructing and operating the soccer complex, no employee, agent, consultant, officer, or board member of LUS has or shall have any personal, financial interest.

ARTICLE XIII. NOTICE

Notices to LUS under this agreement shall be sufficient if sent, by registered mail, postage prepaid, addressed to the Commissioner, Lynchburg United Soccer, P. O. Box 738, Lynchburg, Virginia 24505-0738, or to such other person as LUS may designate in writing from time to time. Notices to the City shall be sufficient if mailed, by registered mail, postage prepaid, addressed to the City Manager, P. O. Box 60, Lynchburg, Virginia 24505, or to such other person as the City may designate in writing from time to time.

ARTICLE XIV. GENERAL PROVISIONS

(a) Marginal headings contained in this agreement are for convenience only and shall not be considered to amplify, relate to, modify or otherwise affect any of the terms, provisions, or conditions of this agreement.

(b) This agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

(c) All terms and conditions with respect to this agreement are expressly contained herein, and both parties agree that no representative or agent of the City or LUS have made any oral representations or promises with respect to this agreement not expressly contained herein.

(d) In the event any provision of this agreement shall be considered to be invalid or unenforceable, then the remaining portions shall remain in full force and effect.

(e) This agreement and the deed of trust and the note referenced herein constitute the entire agreement between the City and LUS. The terms and conditions of this agreement, the deed of trust and note may be amended by a written document executed by both the City and LUS.

(f) LUS agrees to observe and obey during the term of this agreement all federal, state, and local laws, ordinances, rules and regulations, currently in force or subsequently adopted, that apply to the construction and operation of the soccer complex.

(g) While the City is willing to make a contribution to LUS to assist in the development of the soccer complex, the development and operation of the soccer complex is not a joint venture between the City and LUS. Except for the contributions made to LUS by the City, LUS is solely responsible for the construction and maintenance costs, taxes, utilities, trash removal, environmental problems, insurance costs, liabilities, etc. associated with the soccer complex.

(h) LUS cannot use the Site for any purpose other than a soccer complex and related purposes without the prior written approval of the City.

(i) If LUS ceases to exist or operate as a 501(c)(3) corporation before the City's $500,000,000 contribution has been forgiven by the City or repaid by LUS, the entire remaining balance of the contribution shall at once became due and payable, without notice, to the City.

Executed this 22nd day of May, 2002, by Kimball Payne, City Manager, representing the City of Lynchburg, and Mark Rinckel, Commissioner, representing Lynchburg United Soccer, Inc.

CITY OF LYNCHBURG

BY L Kimball Payne
City Manager

LYNCHBURG UNITED SOCCER, INC.

BY Mark A. Rinckel
Commissioner

Susan P. Robinson
Secretary

EXHIBIT A

All that tract or portion of land located in Long Mountain Magisterial District, Campbell County, Virginia, which originally contained 102.512 acres of land as shown by Plat of Survey made by Ernest C. Hawkins, Jr., C.L.S., dated March 16, 1973, and entitled "Plat Showing a Portion of F. L. Hege Estate", said plat being attached to this deed and made a part hereof by reference; LESS AND EXCEPT those two parcels of land previously conveyed to the Estate of F. L. Hege as follows: (a) 4.40 acres conveyed to the Commonwealth of Virginia by deed dated June 20, 1979, and of record in the Clerk's Office of the Circuit Court of Campbell County, Virginia, in Deed Book 554, Page 634; and (b) 1.273 acres conveyed to Frank L. Hege, Jr., by deed dated February 11, 1985, and of record in the aforesaid Clerk's Office in Deed Book 612, Page 664.

The property herein intended to be conveyed contains 96.839 acres, more or less, said land being sold by the boundary and not by the acre.

The property herein conveyed is a portion of that lot or parcel of land conveyed unto Frank L. Hege by deed dated August 12, 1909, and of record in the aforesaid Clerk's Office in Deed Book 86, Page 442. Frank L. Hege is now deceased and by will recorded in the aforesaid Clerk's Office in Will Book 48, Page 646, conveyed all of his estate to five of his children, namely: Felix D. Hege, Fred W. Hege, Hubert S. Hege, Winnie H. Brown and Effie H. Montgomery, subject to the life estate of Effie Williams Hege, widow. Effie Williams Hege is now

deceased, thereby vesting title to the aforesaid property in the five children of Frank L. Hege. Fred W. Hege is now deceased, and by will of record in the aforesaid Clerk's Office in Will Book 72, Page 112, conveyed all of his property to his wife, Evelyn Manley Hege; Hubert S. Hege is now deceased, and by will of record in the aforesaid Clerk's Office in Will Book 71, Page 231, left all of his property to his widow, Mary Taylor Hege. Effie Hege Montgomery, now being remarried, is now Effie M. Sandridge.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 22, 2010** AGENDA ITEM NO.: 4

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

ACTION: **X** INFORMATION:

ITEM TITLE: **WORK SESSION REGARDING THE FY 2011 ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAM FUNDS**

RECOMMENDATION: Review and approve the FY 2011 (2010/2011 Program Year) allocation and available funding of Community Development Block Grant (CDBG) monies in the amount of $1,049,262.10 and $459,516.32 in available HOME Program funds.

SUMMARY: The U.S. Department of Housing and Urban Development (HUD) funds the CDBG and HOME Programs. The City has available the following funds to use for eligible CDBG and HOME activities during the FY 2011 program year:

CDBG AVAILABLE FUNDING/SOURCE	AMOUNT
HUD Allocation	$904,817.00
Reprogrammed Funds	142,415.10
Anticipated Program Income	2,030.00
Total CDBG Funding Available	**$1,049,262.10**

HOME AVAILABLE FUNDING/SOURCE	AMOUNT
HUD Allocation	$467,942.00
Anticipated Program Income	(8,425.68)
Total HOME Funding Available	**$459,516.32**

The following lists of projects have been recommended for funding by the Community Development Advisory Committee (CDAC):

CDBG PROJECTS RECOMMENDED FOR FUNDING BY THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Non-Public Service	**Recommendations**
Bluffwalk Section 108 Loan	$310,283.00
City Administration	$125,979.00
Fifth Street Community Development Corporation/City of Lynchburg	$100,000.00
Lynchburg Community Action Group (Lyn-CAG) Housing Improvement	$70,000.00
Lynchburg Redevelopment and Housing Authority (LRHA) - Administration	$40,000.00
LRHA - Delivery: Acquisition	$14,479.00
LRHA - Delivery: Disposition	$14,479.00
LRHA Spot Blight Abatement and Acquisition-Tinbridge Hill	$180,000.00
Rebuilding Together Lynchburg	$70,000.00
Virginia University of Lynchburg	$14,319.55
YWCA - Town Center	$4,000.00
Subtotal Non-Public Service	**$943,539.55**
Public Service	**Recommendations**
Camp Kum-Ba-Yah	$20,000.00
The Gateway House, Inc	$25,000.00
Interfaith Outreach Association	$5,000.00
Miriam’s House	$20,000.00
Smart Beginnings	$10,772.55
YWCA - Domestic Violence Prevention Center	$25,000.00
Subtotal Public Service	**$105,722.55**
TOTAL CDBG PROJECTS	**$1,049,262.10**

HOME PROJECTS RECOMMENDED FOR FUNDING
BY THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

City Administration	$16,353.00
Greater Lynchburg Habitat for Humanity	$65,000.00
Lyn-CAG CHDO - First time Homebuyer	$75,000.00
Lyn-CAG – Homeowner Substantial Rehabilitation	$150,000.00
Lynchburg Neighborhood Development Foundation (LNDF) CHDO - Hilltop Homes	$48,163.32
LNDF Tinbridge Hill New Construction	$105,000.00
TOTAL HOME PROJECTS	**$459.516.32**

Following the May 11, 2010 Community Development Advisory Committee, Edward H. McCann, Executive Director of the Lynchburg Redevelopment and Housing Authority sent a letter dated May 12, 2010 to CDAC Chairman and Councilman Michael A. Gillette and Councilman Jeff S. Helgeson, Vice Chairman noting most particularly that LRHA's request for CDBG funding was incorrect or mislabeled in their CDBG application. Following is a chart that compares the initial CDBG application request regarding Administration and Delivery Costs with what Mr. McCann states is the corrected request:

LRHA Activity	FY 2011 CDBG Application Request	FY 2011 CDAC Recommendation	May 12, 2010 Corrected Request	Difference between CDAC Recommendation and Corrected Request
Administration	$43,545	$40,000	$43,545	$3,545
Delivery Costs:				
Acquisition	14,479	14,479	107,787	93,308
Disposition	14,479	14,479	14,479	0
Rehabilitation	107,787	0	14,479	14,479
Total	**$180,290**	**$68,958**	**$180,290**	**$111,332**

Additional LRHA funds requested and considered by CDAC include the following:

LRHA Activity	FY 2011 CDBG Application Request	FY 2011 CDAC Recommendation	May 12, 2010 Corrected Request	Difference between CDAC Recommendation and Corrected Request
Spot Blight-Abatement and Acquisition: Tinbridge Hill	$293,900	$180,000	$80,000 - $100,000	($80,000-100,000)
Rental Rehab.	$75,000	$0	No correction	$0

Mr. McCann also noted in his letter that an annual allocation of $80,000 - $100,000 should be adequate to address spot blight. CDAC's recommendation for Spot Blight Abatement and Acquisition: Tinbridge Hill is $180,000. Based on a conversation on June 2, 2010 with Mr. McCann, staff recommends that City Council consider reallocating $93,308 of the Spot Blight funds in FY 2011 to Delivery Costs: Acquisition. This action would result in a revised allocation for Spot Blight - Abatement and Acquisition Tinbridge Hill of $86,692 and would meet the corrected request for LRHA Delivery Costs: Acquisition of $107,787.

Attachment D reflects the LRHA's corrections as noted in the May 12, 2010 letter to Council members Gillette and Helgeson. If Council wishes to fund the corrected request from LRHA, $11,332 will need to be reallocated from another subrecipient.

All CDBG and HOME funds will be expended in accordance with primary objectives of these programs. Further, the City estimates that over 70 percent of the total funds for 2010/11 funding will benefit low/moderate income persons.

Copies of all applications submitted for funding consideration are available in the Department of Community Development, Second Floor, City Hall.

PRIOR ACTION(S): May 11, 2010 – Community Development Advisory Committee (CDAC) Public Comment and Consideration of Allocation of Funds, May 11, 2010
June 8, 2010 – City Council Public Hearing on CDAC Recommended Funding

FISCAL IMPACT: N/A

CONTACTS: Bonnie Svrcek, Acting Director of Community Development and Deputy City Manager, 455-3913
Melva Walker, Grants Manager, 455-3913

ATTACHMENT(S): Attachment A: CDBG and HOME Allocations Worksheet 2010-2011
Attachment B: Summary of CDBG and HOME Applications
Attachment C: May 12, 2010 Letter from Edward H. McCann, Executive Director, Lynchburg Redevelopment and Housing Authority to Councilman Michael A. Gillette, Chairman; Councilman Jeff S. Helgeson, Vice Chairman; Community Development Advisory Committee
Attachment D: Revised CDBG and HOME Allocations Worksheet indicating Lynchburg Redevelopment and Housing Authority's request dated May 12, 2010

REVIEWED BY: lkp

077L

ATTACHMENT A

CDBG and HOME Allocations Worksheet 2010-2011

5/11/2010

Total CDBG Available $1,049,262.10

CDBG
Non-Public Service
Amount Available to Award
943,539.55

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	Amount to Award	% of Amount Available
Bluffwalk Section 108		318,284.00	310,283.00	310,283.00	32.89%
City Administration		150,000.00	137,824.40	125,979.00	13.35%
LRHA Administration		24,718.00	43,545.00	40,000.00	4.24%
LRHA Delivery-Rehabilitation	LMH	0.00	107,787.00	0.00	0.00%
LRHA Delivery-Disposition	LMH	0.00	14,479.00	14,479.00	1.53%
LRHA Delivery-Acquisition	LMH	0.00	14,479.00	14,479.00	1.53%
LRHA Spot Blight	LMH	288,425.41	293,900.00	180,000.00	19.08%
LRHA Rental Rehab	LMH	100,000.00	75,000.00	0.00	0.00%
5th Street CDC - City	LMA	54,800.00	392,987.00	100,000.00	10.60%
Business Development Center	LMC	0.00	25,000.00	0.00	0.00%
Lyn-Cag Housing Improvement	LMH	70,000.00	100,000.00	70,000.00	7.42%
Lynchburg Covenant Fellowship	LMA	0.00	31,650.00	0.00	0.00%
Mary Bethune Academy	LMC	0.00	115,000.00	0.00	0.00%
PRIS,PLC	LMC	0.00	200,000.00	0.00	0.00%
Rebuilding Together	LMH	61,663.60	80,000.00	70,000.00	7.42%
Virginia Unversity	LMA	0.00	53,100.00	14,319.55	1.52%
YWCA-Town Center	LMC	0.00	12,000.00	4,000.00	0.42%
C.Street Zion Baptist Church	LMC	0.00	183,580.00	0.00	0.00%
Totals		1,067,891.01	2,190,614.40	943,539.55	
Available				943,539.55	
Balance				0.00	

CDBG
Public Service 15% Allocation
Amount Available to Award
105,722.55

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	Amount to Award	% of Amount Available
Camp Kum Ba Yah	LMC	0.00	20,000.00	20,000.00	18.92%
The Gateway House, Inc.	LMC	25,000.00	35,000.00	25,000.00	23.65%
Hill City Football & Cheerleading	LMC	0.00	25,000.00	0.00	0.00%
Interfaith Outreach	LMC	9,000.00	5,000.00	5,000.00	4.73%
Jubilee Development Center	LMA	20,000.00	30,000.00	0.00	0.00%
Miriams House	LMC	20,000.00	42,028.09	20,000.00	18.92%
United Way-Smart Beginnings	LMC	18,200.00	84,222.00	10,722.55	10.14%
YWCA DVPC	LMC	23,651.20	35,133.00	25,000.00	23.65%
Totals		1,183,742.21	2,650,577.49	105,722.55	
Available				105,722.55	
Balance				0.00	

HOME
Amount Available to Award
459,516.32

CHDO Requirement 70,191.30

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	Amount to Award	% of Amount Available
City Administration		54,294.00	46,794.20	16,353.00	3.56%
Greater Lynch Habitat Humanity	LMH	0.00	65,000.00	65,000.00	14.15%
Lyn-Cag CHDO-Homebuyer	LMH	70,000.00	75,000.00	75,000.00	16.32%
Lyn-Cag Substantial Rehab	LMH	110,000.00	150,000.00	150,000.00	32.64%
LNDF CHDO Hilltop Homes	LMH	0.00	165,000.00	48,163.32	10.48%
LNDF Tinbridge Hill	LMH	0.00	105,000.00	105,000.00	22.85%
LNDF Home Buyer Cnslng and Ed.	LMH	0.00	25,500.00	0.00	0.00%
					#REF!
Totals		234,294.00	632,294.20	459,516.32	#REF!
Available				459,516.32	
Balance				0.00	

(green)	CHDO
(orange)	Not HOME eligible; CDBG eligible
(yellow)	Prior Year ARRA (Stimulus) Funds

Legend for National Objectives

LMA	LOW/MOD Area Benefit
LMC	LOW/MOD Limited Clientele Activities
LMH	LOW/MOD Housing Activities

Summary of CDBG/HOME requests FY 2011

Following is a brief summary of each of the applications received for consideration of CDBG and HOME funding. Entire applications are available and can be reviewed in the Department of Community Development.

Community Development Block Grant Non-Public Service Applicants

Bluffwalk

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$318,284	$310,283	$310,283

Funding is reserved to make principal and interest payments on this property in the event the owner cannot make the payment. This is in compliance with a commitment approved by City Council on January 29, 2002.

Business Development Center

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$25,000	$0

Funding is requested to assist the Business Development Centre, Inc. in transitioning from a training based program with loan funding to a loan based program with development services.

C Street Zion Baptist Church

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$183,580	$0

C Street Zion Church proposes to use CDBG funding to create an early learning center at the Church. CDBG funds are proposed to be used to renovate existing space and purchase start-up equipment and supplies to implement the early learning program.

City Administration

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$150,000	$137,824.40	$125,979

Funding is requested to fully fund the personnel, operating, and training costs associated with managing the CDBG program.

Fifth Street Community Development Corporation

FY 2010 ARRA Award	FY 2011 Request	CDAC Recommendation
$54,800	$392,987	$100,000

Funding is requested to implement Phase II of the 5th Street Master Plan. Phase II of the Master Plan mirrors many of the elements of Phase I with wider sidewalks, installation of street trees, installation of street lighting and the consolidation of overhead utility lines. Phase II includes a four block area from Harrison Street to Church Street.

Lynchburg Community Action Group (Lyn-CAG) – Housing Improvement Program

FY 2010 ARRA Award	FY 2011 Request	CDAC Recommendation
$70,000	$100,000	$70,000

The Housing Improvement Program provides eligible low-to-moderate income persons with grant funds to remove health and safety hazards in their homes. Typical requests for services include electrical, plumbing, and roof repair/replacement. This program is projected to provide housing improvement services at an average cost of $10,000 per unit.

Lynchburg Covenant Fellowship

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$31,650	$0

Lynchburg Covenant Fellowship, Inc. is requesting funds to complete the final phases of the brick restoration at The Western Hotel/Joseph Nichols Tavern. The focus of the work consists of masonry re-pointing to the exterior walls and the rebuilding of one chimney and the re-pointing of the remaining chimneys.

Lynchburg Redevelopment and Housing Authority (LRHA) – Administration

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$24,718	$43,545	$40,000

Funding is requested for the payment of the pro-rata share of salaries, benefits, travel and operating costs attributable to duties associated with the CDBG program.

Lynchburg Redevelopment and Housing Authority Delivery (LRHA) – Acquisition

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$14,479	$14,479

Funding is requested for technical services associated with acquiring real property and coordinating work with appraisers and legal counsel under contract to LRHA.

Lynchburg Redevelopment and Housing Authority (LRHA): Delivery – Disposition

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$14,479	$14,479

Funding is requested for technical services associated with the securing and maintaining of acquired properties which are improved or unimproved. All of the improved residential properties are intended for rehabilitation as owner-occupied, re-sale or rental purposes.

Lynchburg Redevelopment and Housing Authority (LRHA): Delivery – Rehabilitation

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$107,787	$0

Funding is requested for technical services associated with identifying and monitoring spot blight properties and coordinating rehabilitation activities with owners.

Lynchburg Redevelopment and Housing Authority (LRHA) – Spot Blight Abatement and Acquisition: Tinbridge Hill

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$288,425.41	$293,900	$180,000

Funding is requested to address seven (7) vacant, deteriorated properties within the Tinbridge Hill neighborhood. This is part of a larger collaboration of eight (8) other organizations and the City to concentrate efforts in this area to make a significant impact in the neighborhood.

Lynchburg Redevelopment and Housing Authority (LRHA) – Rental Rehabilitation

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$100,000	$75,000	$0

This program issues grants to owners of rental property that have Code violations cited by a City Property Maintenance Code Inspector or have Housing Quality Standards deficiencies. The grant is a matching grant of 50% or $5,000 whichever is the lesser for the correction of all Code and/or Housing Quality deficiencies.

Mary Bethune Academy – Building Renovation/Upgrade Phase III

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$115,000	$0

Funding is requested to continue renovation of this City-owned building. Renovation of the laundry area, entrance, and children's bathroom ($42,900), grading and paving of a new parking area ($30,000), paving of existing driveway and parking area ($20,000), and playscape improvements ($17,400) are the primary elements of the requested funding.

PRIS, PLC

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$200,000	$0

Funding is requested to support site planning ($100,000) and new construction ($100,000) of a medical office for a multi-specialty practice to provide comprehensive health care in an area that is currently underserved. The total construction cost is estimated at $820,000.

Rebuilding Together Lynchburg

FY 2010 ARRA Award	FY 2011 Request	CDAC Recommendation
$61,663.60	$80,000	$70,000

Funding is requested for home repairs and/or home modifications to assist approximately 60 eligible persons. Materials and labor ($64,000) and salaries and expenses ($16,000) are requested to support this program.

Virginia University of Lynchburg (VUL) – Historic Preservation: Mary Jane Cachelin Science and Library Building Roof

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$53,100	$14,319.55

Funding is requested for replacement of the 64 year old roof on the historic Mary Jane Cachelin Science and Library Building at VUL.

YWCA – Town Center

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$12,000	$4,000

Funding is requested to repair the YWCA gymnasium. Replacement wiring and new fixtures ($4,500) and painting (7,500) are requested for this facility.

Community Development Block Grant Public Service Applicants

Camp Kum-Ba-Yah – Outdoor Summer Day Camp Scholarships

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$20,000	$20,000

Camp Kum-Ba-Yah provides scholarships for low-to-moderate income children to attend a Summer Day Camp. In 2009, 404 campers attended Camp Kum-Ba-Yah; 43% of those attending were able to attend because of Campership Assistance (scholarships).

The Gateway House, Inc.

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$25,000	$35,000	$25,000

The Gateway House, Inc. provides transitional housing and supportive services to homeless men in recovery from drug and/or alcohol addiction. The Gateway House serves approximately 45 men per year. Funding is requested for ongoing operating costs.

Hill City Youth Football and Cheerleading Association, Inc.

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$25,000	$0

Hill City Youth Football and Cheerleading Association, Inc. is requesting $25,000 to purchase new equipment ($18,070) and to provide funding for an audit ($2,500), marketing ($3,430) and storage ($1,000). The goal of this Association is to increase the level of low-to-moderate income youth participation in outside activities via football and cheerleading.

Interfaith Outreach Association

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$9,000	$5,000	$5,000

Funding is requested to provide heating assistance to the elderly. Interfaith Outreach anticipates assisting up to 30 low-to-moderate income households, depending on the market price of fuel.

Jubilee Family Development Center (STEM Program)

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$20,000	$30,000	$0

Funding is requested for the Science, Technology, Engineering & Mathematics (STEM) program at the Jubilee Family Development Center. This program seeks to improve basic skills in school aged youth/parents and adults by addressing the development of reading and writing skills and the development of advanced skills in STEM.

Miriam’s House

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$20,000	$42,028.09	$20,000

Miriam’s House is a transitional and supportive housing program with a mission of empowering women to overcome obstacles and move to permanent housing. Funding is requested for operating costs associated with providing Life Skills Training for residents.

Smart Beginnings Central Virginia

FY 2010 ARRA Award	FY 2011 Request	CDAC Recommendation
$18,200	$84,222	$10,722.55

Funding is requested to support two converted school buses, Gus the Learning Bus and Rex the Resource Bus, in visiting at-risk children and parents. Gus the Learning Bus provides a completely furnished preschool classroom that children who are not enrolled in preschool can visit on a weekly basis. Rex the Resource Bus is a parent resource center with educational materials that parents can check out to use in preparation as their child's first teacher. Funds are requested for a teacher ($37,021), Assistant Teacher ($22,100), fuel/maintenance ($2,000), and materials ($3,000).

YWCA – Domestic Violence Prevention Center

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$23,651.20	$35,133	$25,000

Funding is requested to support new outreach services to vulnerable populations where YWCA has determined there is an increased need for services. CDBG funding will provide expanded services particularly in the areas of teen dating violence prevention and education and services for male victims of domestic violence.

<u>HOME Program Applicants</u>

City Administration

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$54,294	$46,794.20	$16,353

Funding is requested to fully fund the personnel, operating and training costs associated with managing the HOME program.

Greater Lynchburg Habitat for Humanity – Homeownership Program

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$65,000	$65,000

Funding is requested to provide the down payment or the first year and real estate taxes that are required for mortgage closing for low-to-moderate income persons.

Lynchburg Community Action Group (Lyn-CAG – CHDO) – First-time Homebuyers Program

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$70,000	$75,000	$75,000

The First Time Homebuyers Program provides funds for rehabilitation of vacant properties to sell to eligible first-time homebuyers. This program provides a level of subsidy to keep the property affordable for low-to-moderate income families.

Lynchburg Community Action Group (Lyn-CAG) – Homeowner Substantial Rehabilitation

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$110,000	$150,000	$150,000

The Homeowner Substantial Rehabilitation Program provides substantial rehabilitation for eligible low-to-moderate income owned properties. Funding is requested for labor/material ($135,000) and administration ($15,000). Lyn-CAG projects that four (4) low-to-moderate income homeowners will be served with substantial rehabilitation funds.

Housing 2000, Inc., c/o Lynchburg Neighborhood Development Foundation (LNDF-CHDO) – Hilltop Homes

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$165,000	$48,163.32

Hilltop Homes is a scattered-site, multi-family rental project that Housing 2000, Inc. has been working on for several years. It consists of 12 parcels with 13 buildings that will be completely renovated to create 24 affordable, quality rental units in the downtown neighborhoods of Lynchburg. Funding is requested for soft costs/reserves, financing and legal/syndication fees. The total projects costs are approximately $5.1 million.

Lynchburg Neighborhood Development Foundation (LNDF) – Tinbridge Hill New Construction

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$105,000	$105,000

Funding is requested to provide gap financing for the construction of three (3) new energy – efficient homes for sale in Tinbridge Hill along Polk and Jackson Streets as they end at Hollins Street. Funds are requested for predevelopment ($5,000), construction ($80,000), and soft costs ($20,000). The total project estimate for the three (3) new homes is $450,000 and will benefit low-to-moderate income persons.

Housing 2000, Inc. c/o Lynchburg Neighborhood Development Foundation (LNDF) – Homebuyer Counseling and Education *(NOT HOME eligible; CDBG eligible)*

FY 2010 Award	FY 2011 Request	CDAC Recommendation
$0	$25,500	$0

Funding is requested to support the delivery of homeownership education and counseling to increase the number of qualified and prepared homebuyers in the region. The proposed curriculum will include pre-purchase education, pre-purchase counseling, and post-purchase education and post-purchase counseling. Funds are requested for software ($500), one-on-one training ($20,000) and materials ($5,000).

ATTACHMENT C

LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

RECEIVED
MAY 17 2010
COMMUNITY
DEVELOPMENT

May 12, 2010

Councilman Michael A. Gillette, Chairman
Councilman Jeff S. Helgeson, Vice Chairman
Community Development Advisory Committee
900 Church Street
Lynchburg, Virginia 24504

Re: 2010-2011 Community Development
Block Grant application

Gentlemen:

I am writing to clarify two (2) matters concerning the Authority's application for Community Development Block Grant (CDBG) funds for the 2010-2011 fiscal year.

During yesterday's public hearing before your committee, Melva Walker correctly related our conversation in a meeting late last month concerning the Authority's Spot Blight Abatement Program. After reviewing HUD's monitoring comments, the status of properties we have been monitoring, the annual rate of expenditures and the Authority's process of obligating funds for Spot Blight properties, it was my conclusion that an annual allocation of $ 80,000 - $ 100,000 on a revolving basis should be adequate to address blighted properties. I apologize for not correctly recalling the details of this discussion yesterday.

In another matter, our staff discovered after the meeting yesterday that the cost allocation for our Administration and Delivery Costs for the CDBG program contained in our application was incorrectly listed. Enclosed is a photocopy of our Finance Director's worksheet showing the correct breakdown for Acquisition - $ 107, 787, Disposition/Maintenance - $ 14,479, Rehab - $ 14, 479, Admin. - $ 43, 545 for a total of $ 180,290. I cannot explain how these figures were mislabeled in our application.

Although I understand that your committee has finalized its recommendations for presentation to City Council, perhaps within the amount recommended for the Spot Blight Program, funds could be distributed between the program and its delivery costs - acquisition.

We appreciate the support that each of you has expressed for the Authority's Spot Blight Program over the past several years. I think this joint effort by the City Inspections Division and the Authority has made a difference in a number of neighborhoods in our City. If I can provide you with any additional information, please let me know. Thank you.

Very truly yours,

enclosure

cc: Ms. Bonnie Svrcek
Mrs. Melva Walker

CDBG ACTUAL EXPENSE JANUARY 1, 2009 - DECEMBER 31, 2009
CDBG EXPENSE ALLOCATION 2010-2011

TOTAL 2009 PROGRAM EXPENDITURES:			Direct	
Acquisition	Disposition/Maintenance	Rehab	Admin	Total
$108,072.54	$14,008.95	$14,643.00	$23,938.35	$160,662.84
67%	9%	9%	15%	100%
TOTAL 2008 PERSONNEL EXPENDITURES:				
Expenditures include: Salaries, Benefits, Travel, Office Rent, W/C Insurance				$139,781.20
Personnel Expenditures Allocated by Program Percent:				
67%	9%	9%	15%	100%
$93,653.40	$12,580.31	$12,580.31	$20,967.18	$139,781.20
TOTAL 2008 EXPENDITURES:				
$201,725.94	$26,589.26	$27,223.31	$44,905.53	$300,444.04
PERCENTAGE:				
67%	9%	9%	15%	100%
CDBG ADMINISTRATION FUNDING ESTIMATE 2010-2011:				$180,290.00
Allocated by Percent:	$160,876			
67%	9%	9%	15%	100%
$107,787	$14,479	$14,479	$24,131	$160,876
*Direct Administration:			$19,414	$19,414
TOTAL FUNDING ESTIMATE:				
Acquisition	Disposition/Maintenance	Rehab	*Admin	Total
$107,787	$14,479	$14,479	$43,545	$180,290

*Direct Admin expenses include the following categories:
Dues, Publications, and Advertisements
Legal
Audit
Sundry (Printing, Stationary, Office Supplies, Telephone, Computer Maintenance, etc)
Other Insurance

CDBG Expense Allocation 2010-2011

CDBG 2010-2011 Budget	Allocated by Percent	Direct	
Salaries	$95,754		
Benefits	$38,906		
Travel/Training	$2,976		
Office Maintenance	$21,931		
W/C Insurance	$1,309		
TOTAL ALLOCATED	$160,876		
Legal		$6,187	
Audit		$1,203	
Sundry		$9,720	
Other Insurance		$468	
Contingency		$1,836	
TOTAL DIRECT		$19,414	
TOTAL CDBG FUNDING REQUEST:			$180,290

A. Use of Funds List all expenses included in your project/ program budget	B. Total Project/Program Cost List the cost of each Expense	C. Sources Identify the funding source(s) for each expense	D. FY 2008-09 Award Amount List the funding being provided by each source listed in column "C".	E. Gap Financing CDBG or HOME funds being requested for each cost
Example: Postage		United Way		
Salaries	$ 95,754	-----	-----	95,754
Employer Medicare	$ 1,014	-----	-----	$ 1,014
Unemployment Comp	$ 38	-----	-----	$ 38
Worker's Comp	$ 1,309	-----	-----	$ 1,309
Employee Insurance	$ 11,815	-----	-----	$ 11,815
Other Employee Benefits	$ 26,039	-----	-----	$ 26,039
Subtotal	**$ 135,969**	-----	-----	**$ 135,969**
Rent	$ 21,931	-----	-----	$ 21,931
Telephone	$ 427	-----	-----	$ 427
Utilities	$ 0	-----	-----	$ 0
Supplies	$ 7,408	-----	-----	$ 7,408
Maintenance	$ 0	-----	-----	$ 0
New Equipment	$ 0	-----	-----	$ 0
Insurance/Bonds	$ 468	-----	-----	$ 468
Travel & Training	$ 2,976	-----	-----	$ 2,976
Subtotal	**$ 33,210**	-----	-----	**$ 33,210**
Accounting Services	$ 0	-----	-----	$ 0
Legal Services	$ 6,187	-----	-----	$ 6,187
Audit	$ 1,203	-----	-----	$ 1,203
Other Professional Services	$ 0	-----	-----	$ 0
Subtotal	**$ 7,390**	-----	-----	**$ 7,390**
Publications	$ 14	-----	-----	$ 14
Membership Fees/Dues	$ 411	-----	-----	$ 411
Advertising	$ 854	-----	-----	$ 854
Sundry	$ 2,442	-----	-----	$ 2,442
Subtotal	**$ 3,721**	-----	-----	**$ 3,721**
Total Agency Request	**$ 180,290**	-----	-----	**$ 180,290**

CDBG and HOME Allocations Worksheet 2010-2011

June 15, 2010 — **REVISED WITH LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY CORRECTIONS**

Total CDBG Available $1,049,262.10

CDBG Non-Public Service

Amount Available to Award: $ 943,539.55

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	CDAC Recommended Amount to Award	May 12, 2010 Corrected Amount Requested by LRHA
Bluffwalk Section 108		$ 318,284.00	$ 310,283.00	$ 310,283.00	$ 310,283.00
City Administration		150,000.00	137,824.40	125,979.00	125,979.00
City Administration - ARRA		23,740.40	0.00	0.00	0.00
LRHA Administration		24,718.00	43,545.00	40,000.00	43,545.00
LRHA Delivery-Rehabilitation	LMH	0.00	107,787.00	0.00	14,479.00
LRHA Delivery-Disposition	LMH	0.00	14,479.00	14,479.00	14,479.00
LRHA Delivery-Acquisition	LMH	0.00	14,479.00	14,479.00	107,787.00
LRHA Spot Blight	LMH	288,425.41	293,900.00	180,000.00	80,000.00
LRHA Rental Rehab	LMH	100,000.00	75,000.00	0.00	0.00
5th Street CDC - City	LMA	54,800.00	392,987.00	100,000.00	100,000.00
Business Development Center	LMC	0.00	25,000.00	0.00	0.00
Lyn-Cag Housing Improvement	LMH	70,000.00	100,000.00	70,000.00	70,000.00
Lynchburg Covenant Fellowship	LMA	0.00	31,650.00	0.00	0.00
Mary Bethune Academy	LMC	0.00	115,000.00	0.00	0.00
PRIS,PLC	LMC	0.00	200,000.00	0.00	0.00
Rebuilding Together	LMH	61,663.60	80,000.00	70,000.00	70,000.00
Virginia Unversity	LMA	0.00	53,100.00	14,319.55	14,319.55
YWCA-Town Center	LMC	0.00	12,000.00	4,000.00	4,000.00
C.Street Zion Baptist Church	LMC	0.00	183,580.00	0.00	0.00
Totals		$ 1,091,631.41	$ 2,190,614.40	$ 943,539.55	$ 954,871.55
Available				$ 943,539.55	$ 943,539.55
Balance				$ -	$ (11,332.00)

HOME

CHDO Requirement: $ 70,191.30

Amount Available to Award: $ 459,516.32

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	CDAC Recommended Amount to Award
City Administration		$ 54,294.00	$ 46,794.20	$ 16,353.00
Greater Lynch Habitat Humanity	LMH	0.00	65,000.00	65,000.00
Lyn-CAG CHDO-Homebuyer	LMH	70,000.00	75,000.00	75,000.00
Lyn-CAG CHDO-Homebuyer	LMH	110,000.00	150,000.00	150,000.00
LNDF CHDO Hilltop Homes	LMH	0.00	165,000.00	48,163.32
LNDF Tinbridge Hill	LMH	0.00	105,000.00	105,000.00
LNDF Home Buyer Cnslng and Ed.	LMH	0.00	25,500.00	0.00
LNDF Neighborhood Stabilization	LMH	180,000.00	0.00	0.00
Rush Homes - Victoria Ridge	LMH	128,647.19	0.00	0.00
Totals		$ 542,941.19	$ 632,294.20	$ 459,516.32
Available				$ 459,516.32
Balance				$ -

CHDO

Not HOME eligible; CDBG eligible

Prior Year ARRA (Stimulus) Funds

Legend for National Objectives

LMA	LOW/MOD Area Benefit
LMC	LOW/MOD Limited Clientele Activities
LMH	LOW/MOD Housing Activities

CDBG Public Service 15% Allocation

Amount Available to Award: $ 105,722.55

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	CDAC Recommended Amount to Award
Camp Kum Ba Yah	LMC	$ -	$ 20,000.00	$ 20,000.00
The Gateway House, Inc.	LMC	25,000.00	35,000.00	25,000.00
Hill City Football & Cheerleading	LMC	0.00	25,000.00	0.00
Interfaith Outreach	LMC	9,000.00	5,000.00	5,000.00
Jubilee Development Center	LMA	20,000.00	30,000.00	0.00
Miriams House	LMC	20,000.00	42,028.09	20,000.00
United Way-Smart Beginnings	LMC	18,200.00	84,222.00	10,722.55
YWCA DVPC	LMC	23,651.20	35,133.00	25,000.00
Totals		$ 1,207,482.61	$ 2,650,577.49	$ 105,722.55
Available				$ 105,722.55
Balance				$ -

CDBG and HOME Allocations Worksheet 2010-2011

June 15, 2010

REVISED WITH LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY CORRECTIONS

Total CDBG Available $1,049,262.10

CDBG Non-Public Service

Amount Available to Award: $ 943,539.55

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	CDAC Recommended Amount to Award	May 12, 2010 Corrected Amount Requested by LRHA
Bluffwalk Section 108		$ 318,284.00	$ 310,283.00	$ 310,283.00	$ 310,283.00
City Administration		150,000.00	137,824.40	125,979.00	125,979.00
City Administration - ARRA		23,740.40	0.00	0.00	0.00
LRHA Administration		24,718.00	43,545.00	40,000.00	43,545.00
LRHA Delivery-Rehabilitation	LMH	0.00	107,787.00	0.00	14,479.00
LRHA Delivery-Disposition	LMH	0.00	14,479.00	14,479.00	14,479.00
LRHA Delivery-Acquisition	LMH	0.00	14,479.00	14,479.00	107,787.00
LRHA Spot Blight	LMH	288,425.41	293,900.00	180,000.00	80,000.00
LRHA Rental Rehab	LMH	100,000.00	75,000.00	0.00	0.00
5th Street CDC - City	LMA	54,800.00	392,987.00	100,000.00	100,000.00
Business Development Center	LMC	0.00	25,000.00	0.00	0.00
Lyn-Cag Housing Improvement	LMH	70,000.00	100,000.00	70,000.00	70,000.00
Lynchburg Covenant Fellowship	LMA	0.00	31,650.00	0.00	0.00
Mary Bethune Academy	LMC	0.00	115,000.00	0.00	0.00
PRIS,PLC	LMC	0.00	200,000.00	0.00	0.00
Rebuilding Together	LMH	61,663.60	80,000.00	70,000.00	70,000.00
Virginia Unversity	LMA	0.00	53,100.00	14,319.55	14,319.55
YWCA-Town Center	LMC	0.00	12,000.00	4,000.00	4,000.00
C.Street Zion Baptist Church	LMC	0.00	183,580.00	0.00	0.00
Totals		$ 1,091,631.41	$ 2,190,614.40	$ 943,539.55	$ 954,871.55
Available				$ 943,539.55	$ 943,539.55
Balance				$ -	$ (11,332.00)

HOME

CHDO Requirement $ 70,191.30

Amount Available to Award: $ 459,516.32

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	CDAC Recommended Amount to Award
City Administration		$ 54,294.00	$ 46,794.20	$ 16,353.00
Greater Lynch Habitat Humanity	LMH	0.00	65,000.00	65,000.00
Lyn-CAG CHDO-Homebuyer	LMH	70,000.00	75,000.00	75,000.00
Lyn-CAG CHDO-Homebuyer	LMH	110,000.00	150,000.00	150,000.00
LNDF CHDO Hilltop Homes	LMH	0.00	165,000.00	48,163.32
LNDF Tinbridge Hill	LMH	0.00	105,000.00	105,000.00
LNDF Home Buyer Cnslng and Ed.	LMH	0.00	25,500.00	0.00
LNDF Neighborhood Stabilization	LMH	180,000.00	0.00	0.00
Rush Homes - Victoria Ridge	LMH	128,647.19	0.00	0.00
Totals		$ 542,941.19	$ 632,294.20	$ 459,516.32
Available				$ 459,516.32
Balance				$ -

CHDO

Not HOME eligible; CDBG eligible

Prior Year ARRA (Stimulus) Funds

CDBG Public Service 15% Allocation

Amount Available to Award: $ 105,722.55

NAME	NAT. OBJ.	Prior Year 09/10 Award	Amount Requested	CDAC Recommended Amount to Award
Camp Kum Ba Yah	LMC	$ -	$ 20,000.00	$ 20,000.00
The Gateway House, Inc.	LMC	25,000.00	35,000.00	25,000.00
Hill City Football & Cheerleading	LMC	0.00	25,000.00	0.00
Interfaith Outreach	LMC	9,000.00	5,000.00	5,000.00
Jubilee Development Center	LMA	20,000.00	30,000.00	0.00
Miriams House	LMC	20,000.00	42,028.09	20,000.00
United Way-Smart Beginnings	LMC	18,200.00	84,222.00	10,722.55
YWCA DVPC	LMC	23,651.20	35,133.00	25,000.00
Totals		$ 1,207,482.61	$ 2,650,577.49	$ 105,722.55
Available				$ 105,722.55
Balance				$ -

Legend for National Objectives	
LMA	LOW/MOD Area Benefit
LMC	LOW/MOD Limited Clientele Activities
LMH	LOW/MOD Housing Activities

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 22, 2010** AGENDA ITEM NO.: 5

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Employee Contributions to VRS**

RECOMMENDATION: The 2010 General Assembly passed legislation that gives Virginia Retirement System (VRS) member organizations the option to deduct from 1 – 5% of the pay of an employee hired on or after July 1, 2010 to pay the employee contribution to VRS **or** to "pick-up" the contribution. Staff recommends having new employees pay the 5% employee share of the contribution to VRS.

SUMMARY: The Virginia General Assembly, in its 2010 session, passed legislation implementing new plan provisions for employees hired or rehired on or after July 1, 2010 with no prior Virginia Retirement System (VRS) service. The new plan is called the VRS Plan 2. The legislation stipulates that Plan 2 employees will pay the 5 percent member contribution through salary reduction on a pre-tax basis according to Internal Revenue Code §414(h). However, individual localities may elect to pay some or all of the five (5) percent member contribution on behalf of their Plan 2 employees. To do so, localities must submit a resolution to VRS. If localities take no action new employees will have the 5% deducted from their pay by default. The School Board must take similar action and may have done so by the time this matter comes to Council.

The decision made regarding member contributions remains in effect for fiscal year 2011 (July 1, 2010 – June 30, 2011) and may be modified by resolution of the governing body for future fiscal years. Payment decisions affect all Plan 2 members hired on or after July 1, 2010. Plan 2 members will remain in a distinct group and must all be treated the same in the future, unless the General Assembly adopts legislation changing the program again.

The recommendation to have new employees pay the 5% contribution toward retirement is a change from the recommendation provided to Council for its previous meeting. After further reflection it is felt that this change instituted by the General Assembly, and which will apply to all new state employees, is necessary to begin to control escalating costs of the VRS program. Although, there is some concern about unintended consequences related to recruitment and retention it is believed that these can be resolved over time. There is also the chance that the General Assembly may further amend the VRS program to provide greater flexibility to localities as was provided in the original legislation which Governor McDonnell amended. A review of other Virginia localities indicates that many of them plan to "pick-up" the member contribution for employees hired on or after July 1, 2010. The City's FY2011 budget includes resources to pay the full 5% member contribution for funded positions.

PRIOR ACTION(S):
Resolution passed on May 25, 1982 initially approved City funding of the 5% employee contribution to VRS.
Resolution passed August 12, 2008 reaffirming the City's intent to fund the 5% employee contribution to VRS.
Discussed with the Finance Committee May 25, 2010 as an informational item.

FISCAL IMPACT: Funds to continue paying the 5% were included in the FY 2011 Budget. The only impact would be with new employees hired after July 1, 2010 and would depend on the salary. The estimated average impact would be between $1500 and $2000 per employee.

CONTACT(S): Kimball Payne, 455-3990; Margaret Schmitt, 455-4208

ATTACHMENT(S): Memo from VRS; VRS Plan 2 Pick-Up Resolution and Form

REVIEWED BY: lkp

076L

Virginia Retirement System

P.O. Box 2500, Richmond, Virginia 23218-2500
Toll free: 1-888-VARETIR (827-3847)
Web site: www.varetire.org
E-mail: vrs@varetire.org

Memorandum

TO: Administrative Heads and Fiscal Officers

FROM: Robert P. Schultze, Director, Virginia Retirement System

DATE: May 24, 2010

SUBJ: Member Contribution Pick-Up Guide Resolution

The Virginia General Assembly, in its 2010 session, passed legislation implementing new plan provisions for employees hired or rehired on or after July 1, 2010 with no prior Virginia Retirement System (VRS) service. The new plan is called the VRS Plan 2. The legislation stipulates that Plan 2 employees will pay the 5 percent member contribution through salary reduction on a pre-tax basis according to Internal Revenue Code §414(h). However, you may elect to pay some or all of the 5 percent member contribution on behalf of your Plan 2 employees. To do so, you must submit a resolution to VRS.

Attached is a guide resolution. Here are your options regarding payment of the member contribution:

- Your employees pay the 5 percent member contribution. This option does not require action by your governing body. Check the first box in the attachment, fill in the blank with the name of your political subdivision and sign by **June 30, 2010**. The resolution is due to VRS **by no later than August 1, 2010**.
- You elect to pick up between 1 percent and 5 percent of the member contribution with the balance paid by your employee. Check the second box in the attachment and have your governing body complete and duly authorize the rest of the resolution by **June 30, 2010**. The resolution is due to VRS **by no later than August 1, 2010.**
- You elect to pick up the full 5 percent member contribution on a six-year, phase-in schedule. To implement this option, contact one of the individuals listed below for a separate guide resolution (not attached). Your governing body must complete and duly authorize this resolution by **June 30, 2010**. The resolution is due to VRS **by no later than August 1, 2010.**

Once you elect a payment option for member contributions, send the resolution to the attention of the VRS Employer Representatives listed below **by no later than August 1, 2010**. If we do not receive your resolution by August 1, VRS will hold your payroll and contact you to see if you have elected an option. If your governing body does not approve a pick up of member contributions before June 30, your employees will pay the 5 percent member contribution on a pre-tax salary reduction basis. Your payroll system will need to accommodate this. Once your governing body sends a resolution to VRS electing one of the above options, VRS will process the payroll to reflect your governing body's decision regarding member contributions.

The decision you make regarding member contributions remains in effect for fiscal year 2011 (July 1, 2010 – June 30, 2011). Your election remains in effect until you submit another resolution. Any change becomes effective the beginning of the next fiscal year. Payment decisions affect all Plan 2 members hired on or after July 1, 2010.

Resources:

Contact VRS Employer Representatives:

- Rohn Brown at *rbrown@varetire.org* or (804) 775-3228
- Marie Daniels at *mdaniels@varetire.org* or (804) 344-3197

View more information about the new plan design provisions in the June issue of *Employer Update,* available on the VRS Web site at *www.varetire.org.* Select the Employer tab.

Enclosure

MSLETT

The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2" employees). The legislation amended VA Code § 51.1-144 to provide that Plan 2 employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h). Internal Revenue Code § 414 (h) provides that a governmental employer may "pick-up" mandatory employee contributions and thereby cause the contributions to be made on a pre-tax basis. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up has been taken by the General Assembly with the Governor's signature.

The legislation also permits each county, city, town, local public school board or other local employer to pick-up, in whole or in part (in 1 percent increments), the 5 percent member contribution as an additional benefit not paid as salary. The employer's optional payment of the 5 percent member contribution may be phased in over a period approved by the VRS Board not to exceed 6 years and may only be made on a uniform basis for all its Plan 2 employees. The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up using the alternatives permitted by the legislation must be taken by the governing body of the specific employing entity and must be effective only on a prospective basis.

Please indicate, by selecting one option below, how member contributions will be paid:

_√_This is to acknowledge that__The City of Lynchburg (Employer Name) will have the employees pay the 5 percent member contribution according to the terms of the legislation. This action does not require action by your governing body. __________________________(Authorized Signature)____________(Date)

___This is to acknowledge that the City of Lynchburg elects to pick-up some or all of the 5 percent member contributions as detailed in the following duly approved resolution.

RESOLUTION

Authorization to Pick-up the Employee's Contribution to VRS Under § 414(h) of the Internal Revenue Code For Plan 2 Employees

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including City of Lynchburg, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, City of Lynchburg desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to five (5) percent of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of July, 2010, the City of Lynchburg shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to five (5) percent of creditable compensation subject to the terms and conditions described above; and it is further

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

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the City of Lynchburg directly instead of having them paid to VRS.

Adopted in ________________, Virginia this ______ day of _____________, ________.

____
Authorized Signature Title

1947006v1

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of June, 2010, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: 0

// City Manager Kimball Payne gave a brief overview of the request regarding the proposed policy to License the Use of the City Logo. Mr. Payne stated that the City had received a request from a gift shop that was located at the Holiday Inn to use the City logo for placement on souvenir merchandise.

Mr. Payne stated that the City's practice in the past has been not to allow the use of the City Logo because it's a copyrighted symbol. Mr. Payne went on to say that the City does not have a policy in place and it is appropriate to ask Council's input. Mr. Payne went on to say the City is concerned about improper use of the logo. Communications and Marketing Director JoAnn Martin stated that surveys were sent out to organizations and so far there has not been a City that allows the commercial use of their logo. Ms. Martin did state that the City does allow the Visitor's Center and non-profit organizations to use the logo if the City is co-sponsoring an event or a program they are doing and the City does allow some businesses to use the logo if the City is contracted with them. Ms. Martin also asked Council to decide if there should be a usage policy and what that policy should be. Council Member Gillette asked if there was any reason why the City couldn't take merchandise that the City is already producing through the Tourism program and sell it at wholesale to another store and allow them to sell it which would give the City complete control over how it looks. Ms. Martin responded that it was a possibility. Council Member Gillette stated that he was wondering if the City wanted to control how the logo was used and how it appears on an item rather than licensing the logo to another organization that creates its own merchandise and the City could wholesale out our merchandise to private stores and then they could resell it at profit then the City would have absolute control over what the item looks like. Ms. Martin responded the problem with that is it would take a lot of staff time in doing that, storing the items, having to keep up with what different shops have and what they want to sell. Council Member Perrow stated that when he sees someone wearing a t-shirt with a City logo he thinks it is a City of Lynchburg employee, someone he can talk to and asked questions. Council Member Perrow asked if there could be a derivative of the official logo that could be marketed. Ms. Martin replied that if it was Council's pleasure one could be designed. Council Member Johnson stated that the logo was already being used and sees it as an opportunity for small businesses who would like to come in and pay some fees to the City and if it doesn't work then Council has the right to withdraw the contract. Mayor Foster stated that she wanted to do something commercially where the City could design a logo and let small businesses and the Visitor's Center to use. Council Member Helgeson stated the problem with that is that anyone could design something a little bit different then they could use it. Council Member Helgeson went on to say that what people want is to use the official logo.

Mr. Payne stated that this should be handled administratively and not a legislative process, in that way Council would not have to deal with appeals or complaints. Council Member Nelson stated that he liked the idea but that it needed some work and that there were people waiting on their decision. Council Member Nelson moved that City Council delegate to the City Manager and staff the authority to address the issue that has been raised on this request, and move forward and to further investigate an overall policy to deal with future actions dealing with the City logo. Council Member Johnson seconded the motion. After further discussion Council by the following recorded vote passed the motion:

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

// City Manager Kimball Payne gave a brief overview of the Attendance Standards for Council Appointed Boards and Commissions stating that on the application there is a statement that says Council requires appointees to attend at least 75% of the yearly committee meetings. The word “yearly” is on the applications and also on other documents that the City provides to appointees. Mr. Payne stated routinely when Council reviews appointments Council is looking at a 3 year experience in which is a typical term and there is no real mechanism in place when you appoint a person and they just don’t attend meetings in year one. Mr. Payne went on say currently there have been three instances where there have been some concerns raised about people who have not been meeting the 75% yearly requirement. Mr. Payne further stated that once Council has given its feedback moving forward with a draft policy for Council’s consideration and adoption would be written. Council Member Helgeson stated that Council should not be micromanaging attendance. Mr. Payne stated that a request was received from the Tourism Board asking for action to be taken because a member has not been attending meetings at all, which the Board is operating with less than a full Board and request that something be done. Mr. Payne stated that there was no procedure in place to deal with that request at this time. Mr. Payne went on to say that there are different rules established by State Code. Council Member Helgeson asked what the differences are. City Attorney Walter Erwin explained that City Council-created Boards and Commissions; Council has the absolute right to remove those appointments whenever Council wishes. Council has to decide how and when they wish to exercise that right. For State created Boards and Commissions even though the State allows local governments to make those appointments, their authority to remove appointees depends on what the State Code says. It does say that in the Community Services Board Council can remove an appointee if they are not doing a good job after giving them a hearing; for the Planning Commission it says that Council can remove an appointee for malfeasance in office or if they do not attend a certain number or miss a certain number of meetings; for the School Board there is no removal powers; for a State-created Board and Commission whether or not Council can do anything about poor attendance depends upon the sections of the State Code that set up that Commission. Mr. Erwin went on to say that he had received a complaint from the Library about a member not attending meetings. Mr. Erwin explained that the Board wanted Council to deal with that issue before the full three year term was ended so they could have a full functioning Board. Council Member Helgeson stated that Council may want to deal with this simply on a complaint basis with regard to Council-created Boards and Commissions. Council Member Gillette stated that Council should make it clear at the outset when a person is appointed that Council expects that appointee to be there for at least 75% of the meetings. One possibility is to say that Council

expects 75% attendance during the term of your appointment and at least 2/3rds or 66% attendance in any given year, if not then action should be taken in that year. This would only apply to Council-appointed Boards and Commissions and not the ones appointed by State law. Vice Mayor Dodson stated that Council does not look over most Boards and Commissions. Vice Mayor Dodson raised the question regarding the Planning Commission, stating that sometimes the Planning Commission hardly has a quorum and the Tourism Board is also having issues. Vice Mayor Dodson went on to say that some type of checks and balances should be put into place. Council Member Gillette stated that the solution to bringing all of this together is to say Council expects 75% attendance. Council Member Gillette stated that if the body as a group votes for action against one of its members for failure to meet that 75% then Council will respond to that issue. The Board has to act as a body and vote to ask Council to deal with an attendance issue and then leave the threshold at 75% and Council would only respond when there was a concern and there have been times when people have asked for a suspended status. Mayor Foster asked do we need a motion on this. Mr. Payne stated that he has Council's direction and a policy will be drafted and brought back to Council for adoption and then would be shared with each Board appointees.
// Council Member Gillette received complaints regarding Hollywood Video "going out of business" signs in the City's right of way and asked the City Attorney to contact Hollywood Video and remind them of our sign ordinance. Council Member Helgeson asked about the Parking Ticket Report stating that before there were 3,000 parking tickets issued and its now down to 800 and wanted to know what could be done about the downtown parking situation and felt it was eye opening to see that report and that Council may want to look at that again. Vice Mayor Dodson stated that the Peaks View Park sign off the northwest expressway is covered with foliage and also the sign is worn out. Mayor Foster announced that the Mayor from Bramwell, West Virginia visited the City and presented a proclamation to the City talking about our commonality which was that the poet Anne Spencer had spent her childhood in Bramwell, West Virginia. Mayor Foster also spoke about the new regulations for parking downtown stating that a citizen had come into the Council/Manager's Office and was not aware that there is a new regulation in place that even though you move your car you must move it beyond a certain footage from where you were the first time and if you don't you will receive a ticket. Mayor Foster asked if that was correct, and has the public been informed about that. In answering the questions regarding parking, City Manager Kimball Payne indicated the Parking Manager Norman Hale had talked with the citizen and found out that in fact the citizen did know about the rules and had to move the vehicle to the next spot over to avoid the restriction. Mr. Payne stated that the code does say you have to be parked outside of that parking zone and explained this will go away when pay stations are put on the street. Mr. Payne went on to say there were a series of stakeholder meetings held downtown regarding parking. The regulations for parking did not go into effect until January 2010 to give the citizens ample time to learn about the new parking regulations.
Mayor Forster stated that the City Manager had an item to bring before Council. City Manager Kimball Payne gave Council an update on the project that the City and Liberty University were doing. Mr. Payne stated that a public hearing will be held on Thursday night at 6:00 p.m., June 10, 2010 at the IT building

regarding the design of the Wards Road Pedestrian Improvements Project. That project is basically designed and will be at 90% design documents by June 15th. Mr. Payne explained that a grant from Virginia Department of Transportation (VDOT) A VDOT had been applied for to help pay for some of the improvements in the corridor an in anticipation that the City would be successful in getting that grant. In the meantime, the City has not received the grant and this has delayed the construction start up time.
A series of discussions with Liberty University was held. It had been anticipated that Liberty would be getting a permit from the railroad for the tunnel and the permit has not been granted. The City and Liberty has agreed to delay the bidding for this project until next spring. There are several alternatives being explored, the Tunnel is still on the table assuming Liberty gets a permit from the railroad, but the other alternative that they have expressed an interest in exploring is: (1) bridge the entire Wards Road corridor from the Liberty Campus over the railroad track and across Wards Road with a bridge and an elevator system. There are concerns with what that might cost; and (2) would be like a hybrid, instead of going under the railroad tracks, we build a bridge and an elevator system over the railroad tracks at about the same location as the tunnel outlet, drop the pedestrians into the parking lot and then our project would be to continue to get them across Wards Road.

// City Council recessed the meeting at 6:03 p.m.

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

The following Members were present:

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

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

// Mayor Foster and Vice Mayor Dodson presented a Certificate of Recognition to Virginia's Junior Miss 2010 – Brina Gabryel.

// Mayor Foster and Vice Mayor Dodson presented a Certificate of Recognition to the 2010 Hill Climbers recipients.

// Copies of the minutes of the May 25, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Central Virginia Mental Health, City Council Report # 5 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote approved the appointment of Col. Parks H. Snead to the Central Virginia Services Board of Directors:

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

// In the matter of Sheriff, City Council Report # 6 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution

#R-10-068, as presented, to re-appoint City Manager L. Kimball Payne, III and Police Chief Parks Snead to the Blue Ridge Regional Jail Authority Board:

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

Noes: 0

// In the matter of Fire – General, City Council Report #7 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-069, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $97,974 with resources of $91,443 for a regional fire department training initiative:

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

Noes: 0

// In the matter of Community Planning – CDBG, a public hearing was held regarding City Council Report #8 regarding the FY 2011 Community Development Block Grant (CDBG) and HOME Programs Funds allocation. Acting Director of Community Development and Deputy City Manager Bonnie Svrcek provided a brief summary of the CDBG and Home Program Funds. Ms. Svrcek stated that the City was in its thirty-six years (36) of being a Community Development Block Grant Entitlement Community and seventeen (17) with the HOME program. Ms. Svrcek went on to say that the total CDBG projects funding for FY 2011 is $1,049,262.10 and the HOME Program total funding for FY 2011 is $459,516.32. Eight (8) individuals spoke in support of the following projects: Miriam's House, Camp Kum-Ba-Yah, The Gateway House, Inc., Lynchburg Neighborhood Development Foundation (LNDF) – Hilltop Homes, LNDF Tinbridge Hill New Construction, Interfaith Outreach Association, YWCA – Town Center, Smart Beginnings, Lynchburg Redevelopment and Housing Authority. Six (6) individuals spoke expressing their concerns regarding the funding request for the following projects: PRIS, PLC, C. Street Zion Baptist Church, Hill City Football and Cheerleading. There was no one else present who wished to speak to this item, and the public hearing was closed. Mayor Foster announced that a work session would be held on June 22.

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #9 outlining the petition of Old Forest Road Baptist Church for a Conditional Use Permit (CUP) to allow the construction of a church pavilion/recreational facility in an R-5, High Density Multi-Family Residential District at 3630 Old Forest Road. City Planner Tom Martin provided a brief summary regarding the petition, stating that the Planning Commission recommended approval of the CUP. Mr. Charlie Hesse a member of Old Forest Road Baptist Church outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-10-070, as presented, granting the Conditional Use Permit:

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

Noes: 0

// In the matter of Community Planning – Zoning Amendments, a public hearing was held regarding City Council Report #10 regarding the petition of Gary Case to amend the Future Land Use Map from Resource Conservation to Office use and to rezone 25.04 acres from R-C, Resource Conservation District to B-1C, Limited Business District (Conditional) to allow the construction of office buildings and other uses permitted in a B-1, Limited Business District at 101 Peggy Bowen Drive and 126 Nationwide Drive.

City Planner Tom Martin gave a brief overview of the request stating that the Planning Commission at its February 10, 2010 meeting recommended denial of the petition at that time. Mr. Martin went on to say that since the Planning Commission public hearing the petitioner has voluntarily amended the submitted proffers to limit building heights to 55 feet, and to place a conservation easement on 23 acres. The conservation easement would insure that this property would remain in a natural state; however the petitioners would reserve the right to access utilities and discharge stormwater into this area if needed. Mr. Martin stated that the Zoning Ordinance provides that proffers may be offered and considered by Council if they are submitted in writing by the petitioner. The Planning Commission has not considered the revised proffers. Mr. Martin stated that the petitioner conducted a neighborhood meeting on June 1 at the Sandusky Elementary School. Primary concerns voiced by citizens included the protection of the view from the existing neighborhoods, stormwater management and the potential for increase flooding to the creeks. Since the plan is conceptual final engineering and design of stormwater management facilities have not been completed, however City Code requires the treatment of stormwater for quality and also requires the detention of 2 and 10 year storm events to meet pre-development conditions. Due to the location of the property within the Blackwater Creek watershed, release of the peak stormwater discharge in accordance with principles of low impact development may also be a viable alternative. Mr. Bill Jamerson and Mr. Gary Case representing the petitioner gave a brief presentation in support of the petition and asked Council for approval. Five individuals spoke in favor of the petition for Council approval. Twenty-three (23) individuals spoke in opposition to the petition stating the following reasons: environmental impacts on college lake, flooding and erosion, wetland impact, property value, impact on Sandusky residents, building on steep slopes, rehabilitation of buildings and use vacant buildings instead of constructing new buildings, and stormwater management. There was no one else present who wished to speak to this item, and the public hearing was closed. After Council discussion it was decided that this item would be placed on the June 22 work session.

// At the beginning of Agenda Item #11, City Manager Payne asked to address the previous public hearing and requested that Council not close the previous public hearing in case there are additional proffers offered by the developer. Mr. Payne stated he wanted to keep the previous public hearing open in case there are additional proffers that can be received and commented on. Council Member Perrow made a motion to leave the prior public hearing open and be continued to the next meeting, seconded by Council Member Helgeson and Council by the following recorded vote left the previous public hearing (City Council Report #10 regarding the petition of Gary Case to amend the Future Land Use Map from Resource Conservation to Office use and to rezone 25.04 acres from R-C, Resource Conservation District to B-1C, Limited Business District (Conditional) to allow the construction of office buildings and other uses permitted in a B-1, Limited Business District at 101 Peggy Bowen Drive and 126 Nationwide Drive) open.

// In the matter of Community Planning – General, a public hearing was held regarding City Council Report #11 regarding consideration of adopting amendments to "Chapter 14 Transportation" of the City of Lynchburg Comprehensive Plan 2002-2020. There was no one present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-10-071 amending "Chapter 14 Transportation as presented:

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

// In the matter of Public Works – General, City Council Report # 12 was considered. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-10-072, as presented, approving the renaming of a private street from "Ericsson Drive" to "Evans Boulevard":

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

// In the matter of Public Works – General, City Council Report # 13 was considered. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-10-073, as presented, to support a $1.0 million grant application to Virginia Department of Transportation (VDOT) to compete in the Revenue Sharing Grant Program:

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

// In the matter of Human Resources – General, City Council Report #14 was postponed due to time constraints until June 22 work session.

// Council Member Helgeson made a motion not to go into closed session. Motion died for lack of a second. On motion of Vice Mayor Dodson, seconded by Council Member Johnson, 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, Region 2000 Local Government Council, Zoning Appeals Board, Dr. Martin Luther King, Jr.,/Lynchburg Community Council, Economic Development Authority, Museum Advisory Board, Sister City Liaison, Transit Company Board, Lynchburg Parking Authority, Historic Preservation Commission, Lynchburg Regional Airport Commission and Regional Tourism Board; and for discussion and consideration of candidates for the position of the Clerk of Council, respectively, pursuant to Section 2.2-3711(A)(1), of the Code of Virginia (1950), as amended:

Ayes: Dodson, Gillette, Johnson, Nelson, Foster 5
Noes: Helgeson, Perrow 2

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

// In the matter of Appointments, Council Report #15 was considered. On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Barry K. Armstrong and Diane S. Swain to serve on the Youth Services Citizens Board for terms to expire June 30, 2013:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Walter M. Fore, Jr., to serve on the Youth Services Citizens Board for a term to expire June 30, 2013:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Troy W. Deacon and Bryan E. Tiller to serve on the City Employees Appeal Board for a terms to expire June 30, 2013:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Patricia R. Lovern to serve on the Zoning Appeals Board for a term to expire June 30, 2015:

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

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

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Mark Varah and Massie G. Ware, Jr. to serve on the Economic Development Authority for terms to expire June 30, 2014:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Robert B. Craighill, Michael R. Doucette, Langhorne L. McCarthy, J. Marie Waller and Sandra S. Whitehead to serve on the Museum Advisory Board for terms to expire June 30, 2013:

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

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Bert Dodson, Jr., to serve on the Sister City Liaison to fill an unexpired term ending December 31, 2011.

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Neil W. Bohnert and Gary E. Harvey to serve on the Historic Preservation Commission for terms to expire June 30, 2013:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote appointed Bert Dodson, Jr. to serve on the Lynchburg Regional Airport Commission for a term to expire December 31, 2013:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Paul A. Heckman to serve on the Regional Tourism Board for a term to expire June 30, 2013:

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

Noes: 0

// 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 <u>Code of Virginia</u> requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

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

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

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

Noes: 0

// The meeting was adjourned at 12:24 A.M.

Interim Clerk of Council

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 11th day of June, 2010, at 12:00 Noon, Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to interview candidates interested in serving on the Lynchburg School Board. The following Members were present:

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

Absent: Perrow 1

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

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

Noes: 0

Absent: Perrow 1

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

// Council Member Johnson made the following motion:

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

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

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

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

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

Noes: 0

Absent: Perrow 1

// The meeting was adjourned at 3:15 p.m.

Interim Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 22, 2010**		AGENDA ITEM NO.: 10
CONSENT:	REGULAR: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**	INFORMATION:	
ITEM TITLE: **Midtown Connector Phase I – Completion of Right of Way Acquisitions**		

RECOMMENDATION: Hold a public hearing to initiate condemnation proceedings and adopt resolutions authorizing condemnation of eight parcels, or portions thereof, required for Phase I of the Midtown Connector Project.

SUMMARY: The purpose of this agenda item is to present to Council a list of eight right of way acquisitions for the Midtown Connector that are unable to be closed and require a Certificate of Take be filed with the Circuit Court. Legal technicalities (deceased property owners, non-responsive lien holders, non-responsive property owners) prevent closing these acquisitions and necessitate the condemnations. While staff is requesting this authorization, it is important to note that all reasonable and prudent efforts have been taken to move each parcel to closing and avoid filing Certificate of Take on these parcels. Those efforts will continue to the greatest extent possible.

The Midtown Connector – Phase I encompasses the reconstruction of 1.2 miles of urban minor arterial roadway, water lines, sanitary sewers, storm sewers, and landscaping. Commencing near the intersection of Kemper St. and 16th St., the project continues along Kemper St., Park Ave., and Langhorne Road. The project ends at the intersection of Murrell Road and Langhorne Road. Final design engineering services and right of way acquisition services commenced on the project in November 2008. Over 100 separate parcels have been evaluated and addressed by engineering and right of way teams contracted to perform the work, of these, approximately 70 have been acquired administratively.

As the plans have now reached the final review stage, staff and consultants are working to complete right of way acquisition and the administrative requirements necessary prior to advertising the plans for construction bidding. One requirement prior to receiving VDOT and FHWA authorization to advertise the project is that the City certify completion of the right of way phase. Specifically, the certification statement must include: *"In accordance with State and Federal Code, all necessary rights of way have been acquired or legal right of entry onto each parcel has been obtained for the advertisement and construction of this project."* To make this statement, right of way acquisitions for each parcel must be closed, or a Certificate of Take must be filed with the Circuit Court.

A detailed resolution for each parcel is attached to this report and includes the plat referenced there in. In addition to these, staff continues to negotiate with approximately 15 to 20 property owners that may require future council action.

PRIOR ACTION(S):
March 25, 1986 - Request to VDOT for Crosstown Connector Programming
January 9, 1990 - Dedication of street right-of-way on Park Avenue
March 12, 1996 - Reprogramming of Crosstown Connector
September 13, 2005 - Update on the Crosstown Connector Project
July 11, 2006 - Work Session, update on "Midtown Connector"
August 8, 2006 - Revised programming resolution with VDOT for Midtown Connector
February 13, 2007 - Dedication of street right-of-way for Midtown Connector, Phase Ia and Ic
March 25, 2008 – Resolution approving location and design public hearing adopted.

FISCAL IMPACT: Fair market compensation for each take is included in each property specific resolution. Costs will be paid by project funds.

CONTACT(S):
Lee Newland, P.E., City Engineer – 455-3947
J. P. Morris, P.E., Engineering Project Manager – Midtown Connector Project – 455-3918

ATTACHMENT(S): Condemnation resolution and acquisition plat for each parcel.

REVIEWED BY: lkp

075L

RESOLUTION

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS BY THE CITY OF LYNCHBURG TO ACQUIRE FEE SIMPLE RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT ON A PARCEL OF LAND FRONTING ON LANGHORNE ROAD IN THE CITY OF LYNCHBURG, DESIGNATED AS TAX MAP NO. 003-34-016 FOR THE CONSTRUCTION OF THE MID-TOWN CONNECTOR FROM THE LYNCHBURG U.S. ROUTE 29 BYPASS TO THE INTERSECTION OF LANGHORNE ROAD AND MURRELL ROAD (U.S. 501 BUSINESS).

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of Section 38-B(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire the fee simple title, and to acquire a temporary construction easement on the property owned by Lucy M. Wagner as described according to a plat made by NXL, Engineers, Surveyors, Construction Managers, dated August 12, 2009, a copy of which is attached;

WHEREAS, in order to do so, it will be necessary to acquire fee simple right-of-way, and a temporary construction easement across said property;

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

1. That the City Attorney be, and he is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-B(2) of the Charter of the City of Lynchburg to acquire the fee simple title and a temporary construction easement on the property owned by Lucy M. Wagner which property is described in the hereinabove mentioned plat as follows:

Fee Simple Right-of-Way

All that lot or parcel shown on the attached plat as “Right of Way Acquisition 0.009Ac.”

Temporary Construction Easement

Area shown on the attached plat as “Temporary Construction Easement 0.010 Ac.”

2. That in the opinion of the City Council, a public necessity exists for the acquisition of said right-of-way and temporary construction easement.

3. That in order to provide the total estimated necessary funds to compensate the owners of the property for the fee simple right of way and temporary construction easement to be acquired, and for any damages, the sum of which is determined to be $3,500 which has been heretofore appropriated, and the Director of Finance be, and she is hereby, authorized and directed when so directed by the City Attorney to present a check for deposit with the Clerk’s Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

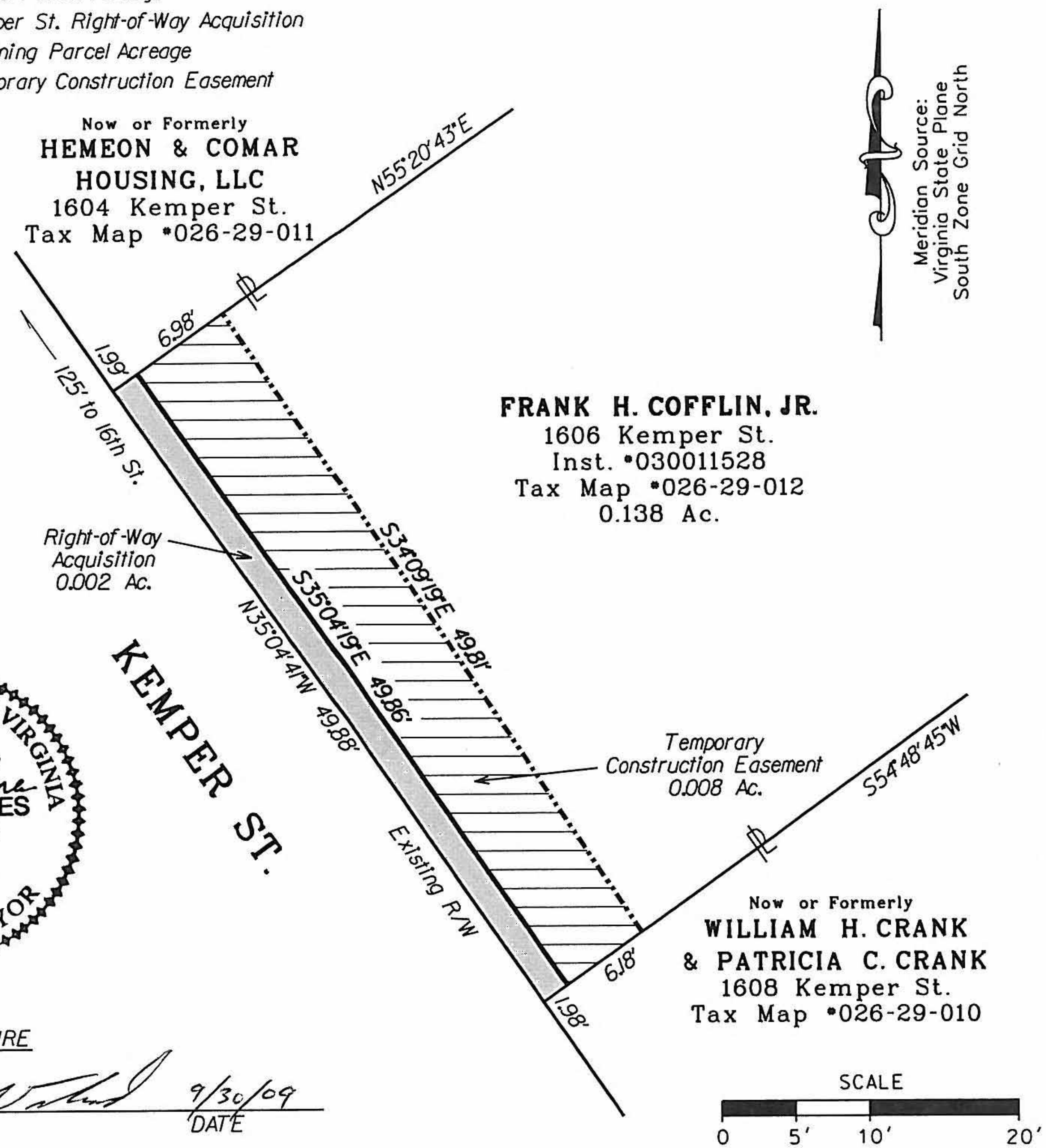
That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owners of said property upon the compensation to be paid therefore within the limits of the funds provided herein for that purpose and the Mayor, Vice Mayor, or City Manager is authorized to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified: ______________________________
Interim Clerk of Council

075LRes01

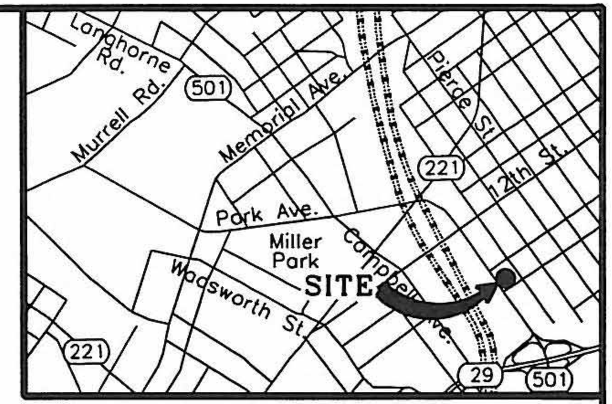
0.138 Acres - Original Parcel Acreage
-0.002 Acres - Kemper St. Right-of-Way Acquisition
0.136 Acres - Remaining Parcel Acreage
0.008 Acres - Temporary Construction Easement



COMMONWEALTH OF VIRGINIA
DAVID L. JONES
Lic. No. 1800
9/21/09
LAND SURVEYOR

APPROVAL SIGNATURE

CITY ENGINEER 9/30/09
DATE



VICINITY MAP - NOT TO SCALE

Notes:

1. Current Owner: Frank H. Cofflin, Jr.
   1606 Kemper St.
   Inst. #030011528
   Tax Map #026-29-012
2. Meridian Source: Virginia State Plane South Zone Grid North. Taken from survey files for Lynchburg Midtown Connector, Phase I project.
3. Project Reference: Lynchburg Midtown Connector, Phase I Project; Parcel 003
4. Existing Right-of-Way and Property Lines Taken from VDOT Survey Files Received from AECOM.
5. Proposed Right-of-Way and Easement Information Taken from r8759rw.dgn Received from AECOM on August 11, 2009.

ACQUISITION PLAT SHOWING RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF

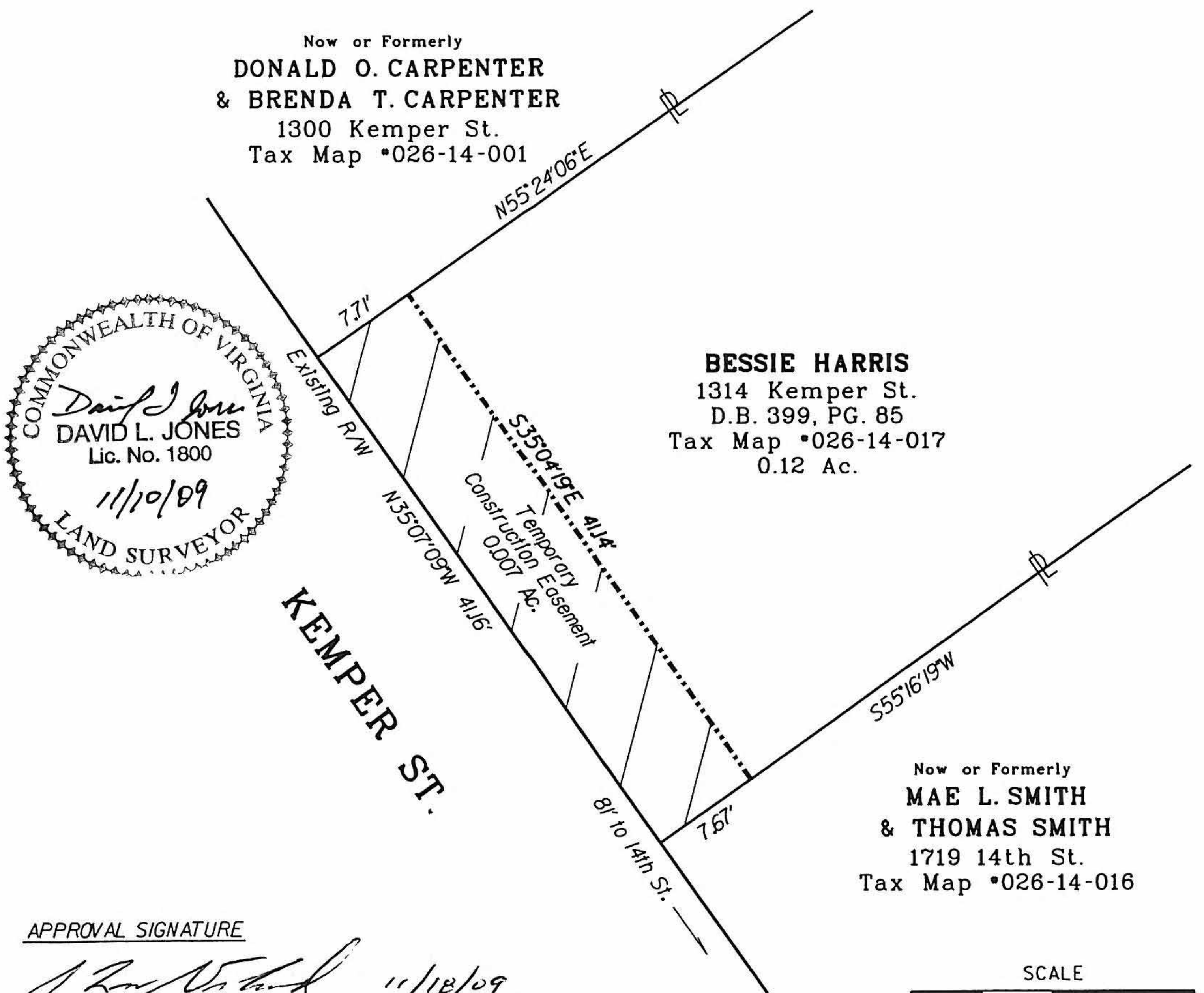
FRANK H. COFFLIN, JR.

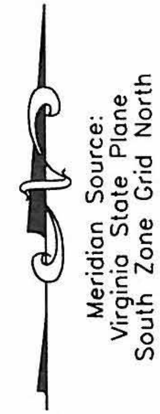
1606 KEMPER STREET
CITY OF LYNCHBURG, VIRGINIA

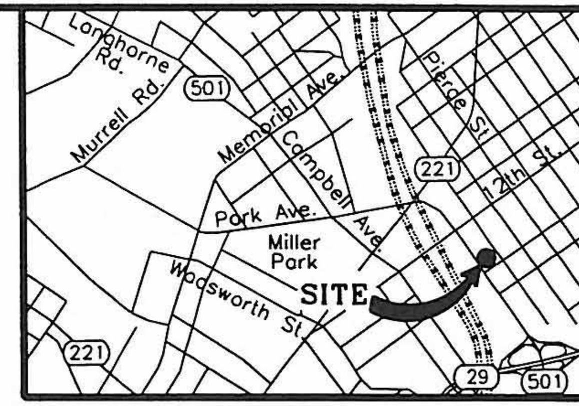
nxd Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	CITY FILE NO.
003	1"=10'	August 12, 2009	0810155L	A-3155

0.12 Acres - Parcel Acreage
0.007 Acres - Temporary Construction Easement







VICINITY MAP – NOT TO SCALE

Notes:

1. Current Owner: Bessie Harris
   1314 Kemper St.
   D.B. 399, PG. 85
   Tax Map #026-14-017
2. Meridian Source: Virginia State Plane South Zone Grid North. Taken from survey files for Lynchburg Midtown Connector, Phase I project.
3. Project Reference: Lynchburg Midtown Connector, Phase I Project; Parcel 017
4. Existing Right-of-Way and Property Lines Taken from VDOT Survey Files Received from AECOM.
5. Proposed Right-of-Way and Easement Information Taken from r8759rw.dgn Received from AECOM on August 25, 2009.

PLAT SHOWING
TEMPORARY CONSTRUCTION EASEMENT
ON THE PROPERTY OF

BESSIE HARRIS

1314 KEMPER STREET
CITY OF LYNCHBURG, VIRGINIA

mxd Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	CITY FILE NO.
017	1"=10'	August 26, 2009	0810155L	A-3169

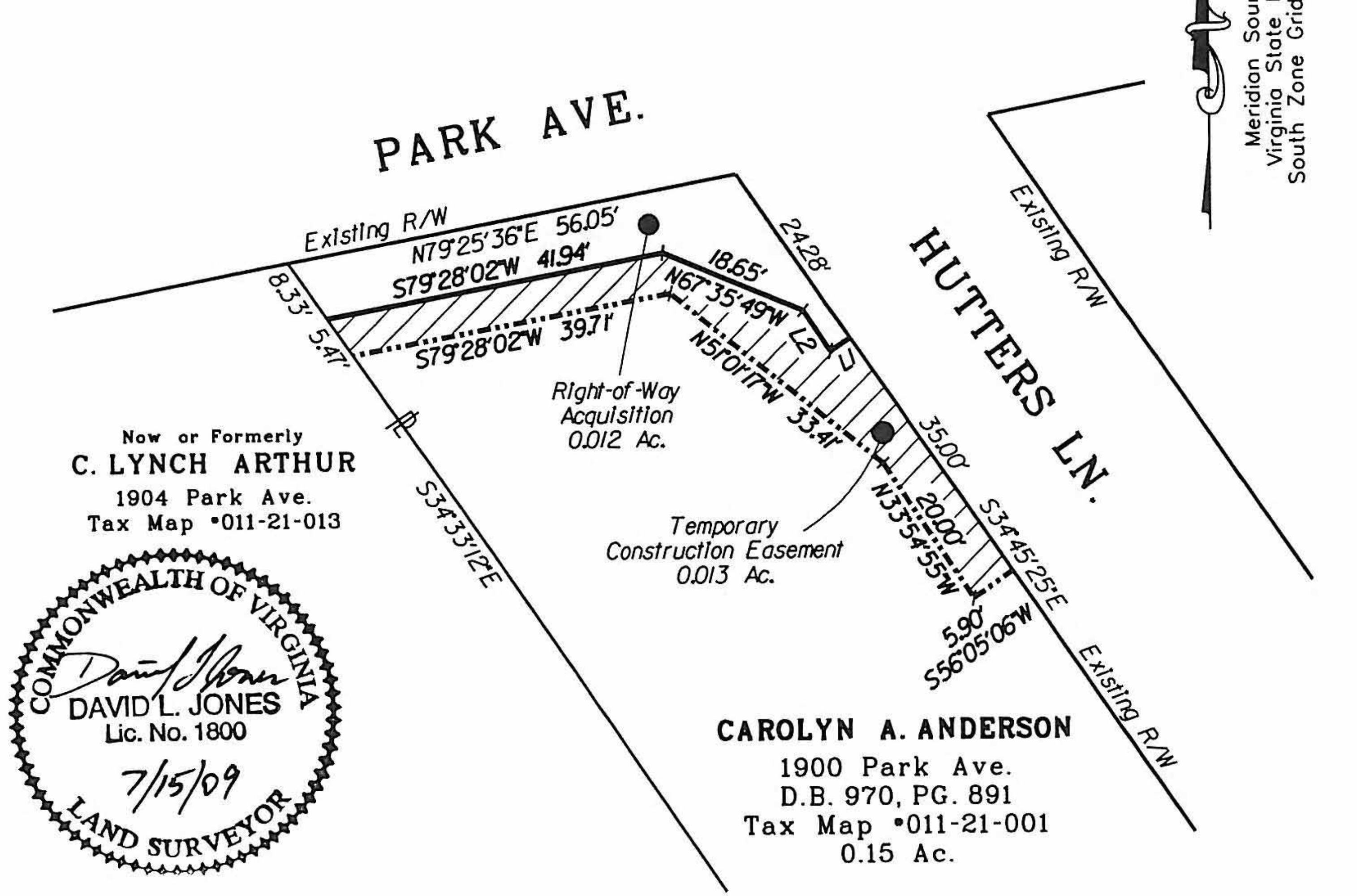
APPROVAL SIGNATURE

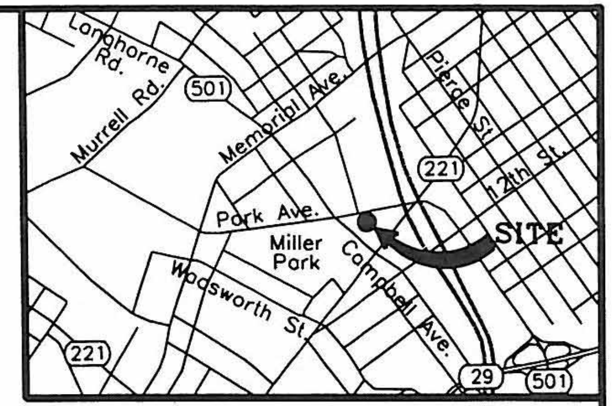
[signature] 11/18/09
CITY ENGINEER DATE

0.15 Acres - Original Parcel Acreage
-0.012 Acres - Park Ave. Right-of-Way Acquisition
0.138 Acres - Remaining Parcel Acreage
0.013 Acres - Temporary Construction Easement

Line Table

L1	S56°05'06"W	2.89'
L2	N33°54'54"W	6.00'





VICINITY MAP – NOT TO SCALE

Notes:

1. Current Owner: Carolyn A. Anderson
   1900 Park Ave.
   D.B. 970, PG. 891
   Tax Map #011-21-001
2. Meridian Source: Virginia State Plane South Zone Grid North. Taken from survey files for Lynchburg Midtown Connector, Phase I project.
3. Project Reference: Lynchburg Midtown Connector, Phase I Project; Parcel 039
4. Existing Right-of-Way and Property Lines Taken from VDOT Survey Files Received from AECOM.
5. Proposed Right-of-Way and Easement Information Taken from r8759rw.dgn Received from AECOM on April 23, 2009.

APPROVAL SIGNATURE

J. Lee Walker 7/17/09

CITY ENGINEER DATE

SCALE

0 10' 20' 40'

ACQUISITION PLAT SHOWING RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF

CAROLYN A. ANDERSON

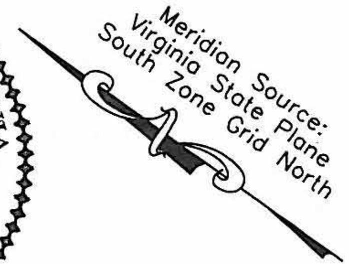
1900 PARK AVENUE
CITY OF LYNCHBURG, VIRGINIA

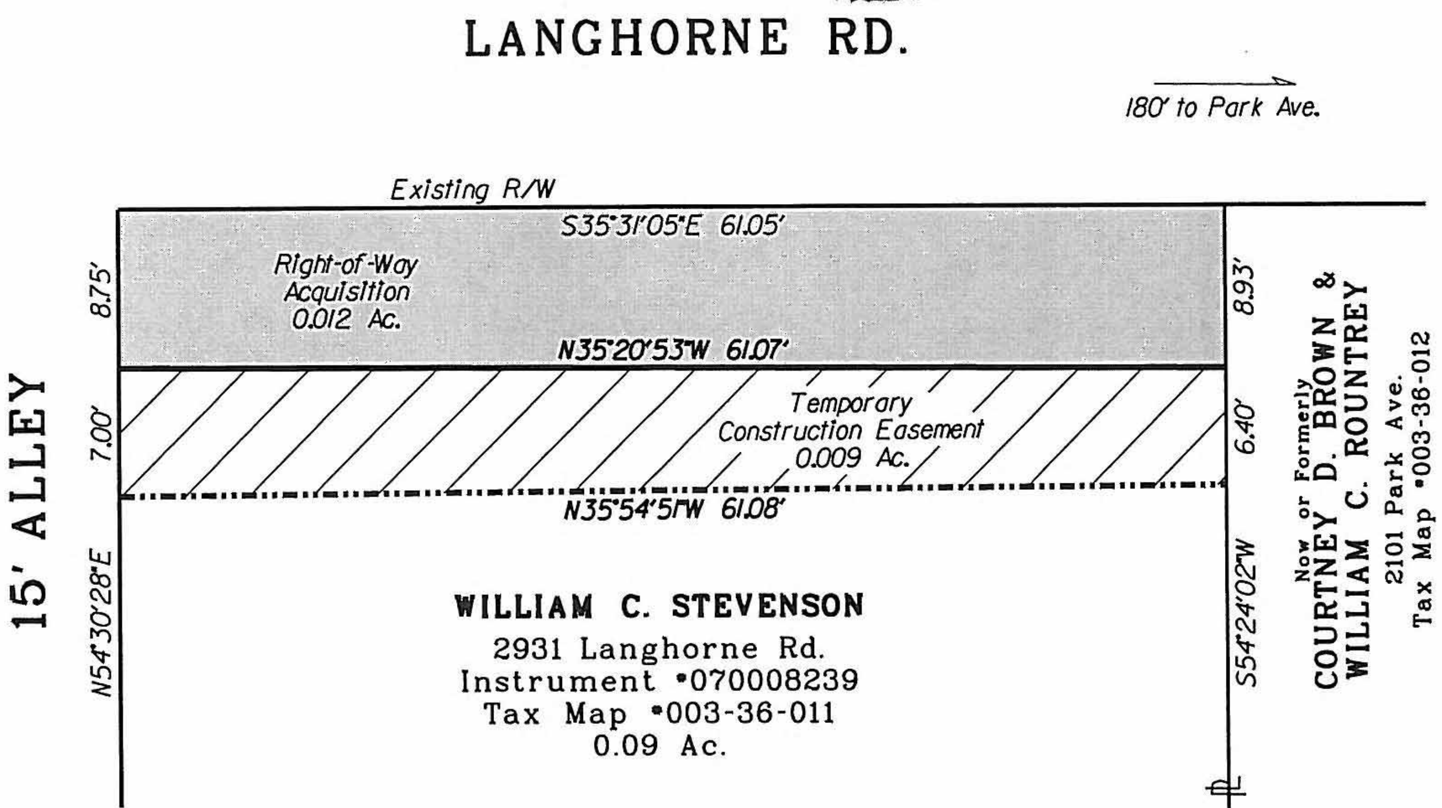
nxd | Engineers, Surveyors Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

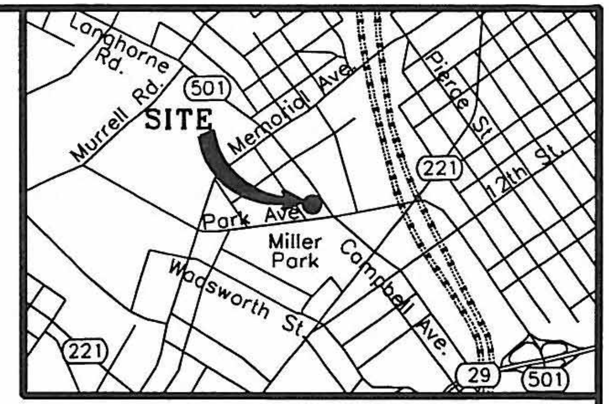
FILE NAME	SCALE	DATE	JOB NO.	CITY FILE NO.
039	1"=20'	July 10, 2009	0810155L	A-3194

0.09 Acres - Original Parcel Acreage
-0.012 Acres - Langhorne Rd. Right-of-Way Acquisition
0.078 Acres - Remaining Parcel Acreage
0.009 Acres - Temporary Construction Easement

COMMONWEALTH OF VIRGINIA
DAVID L. JONES
Lic. No. 1800
9/21/09
LAND SURVEYOR







VICINITY MAP – NOT TO SCALE

Notes:

1. Current Owner: William C. Stevenson
   2931 Langhorne Rd.
   Instrument #070008239
   Tax Map #003-36-011
2. Meridian Source: Virginia State Plane South Zone Grid North. Taken from survey files for Lynchburg Midtown Connector, Phase I project.
3. Project Reference: Lynchburg Midtown Connector, Phase I Project; Parcel 054
4. Existing Right-of-Way and Property Lines Taken from VDOT Survey Files Received from AECOM.
5. Proposed Right-of-Way and Easement Information Taken from r8759rw.dgn Received from AECOM on August 12, 2009.

APPROVAL SIGNATURE

9/30/09

CITY ENGINEER DATE

SCALE

0 5' 10' 20'

ACQUISITION PLAT SHOWING RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF

WILLIAM C. STEVENSON

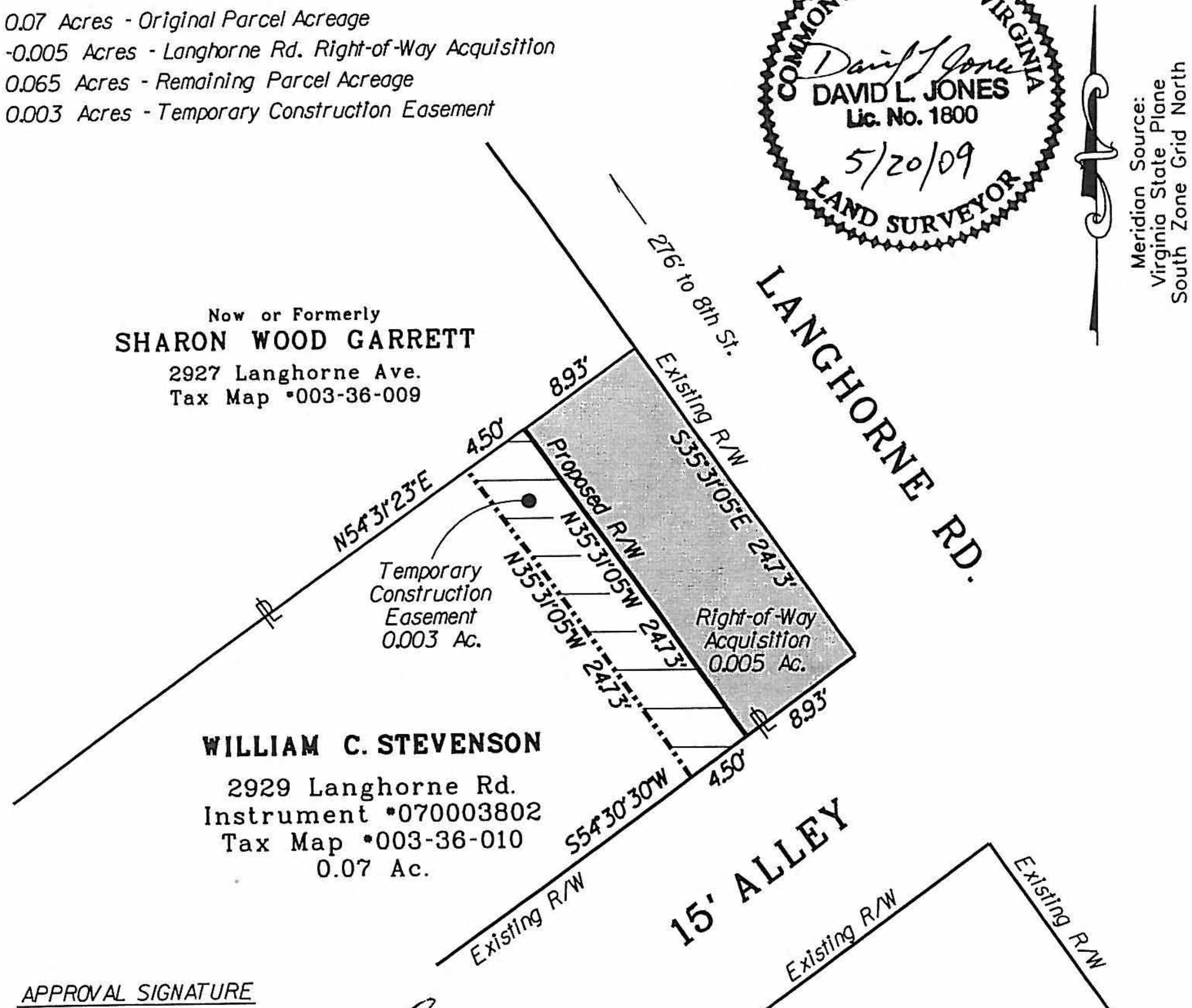
2931 LANGHORNE ROAD
CITY OF LYNCHBURG, VIRGINIA

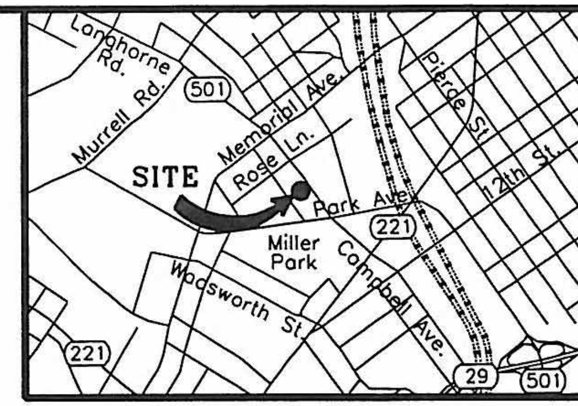
nxl | Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	CITY FILE NO.
054	1"=10'	Aug 12, 2009	0810155L	A-3209

0.07 Acres - Original Parcel Acreage
-0.005 Acres - Langhorne Rd. Right-of-Way Acquisition
0.065 Acres - Remaining Parcel Acreage
0.003 Acres - Temporary Construction Easement

COMMONWEALTH OF VIRGINIA
DAVID L. JONES
Lic. No. 1800
5/20/09
LAND SURVEYOR





VICINITY MAP – NOT TO SCALE

Notes:

1. Current Owner: William C. Stevenson
   2929 Langhorne Rd.
   Instrument #070003802
   Tax Map #003-36-010
2. Meridian Source: Virginia State Plane South Zone Grid North. Taken from survey files for Lynchburg Midtown Connector, Phase I project.
3. Project Reference: Lynchburg Midtown Connector, Phase I Project; Parcel 056
4. Existing Right-of-Way and Property Lines Taken from VDOT Survey Files Received from AECOM.
5. Proposed Right-of-Way and Easement Information Taken from r8759rw.dgn Received from AECOM on April 23, 2009.

ACQUISITION PLAT SHOWING RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF

WILLIAM C. STEVENSON

2929 LANGHORNE ROAD
CITY OF LYNCHBURG, VIRGINIA

mbd | Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

APPROVAL SIGNATURE

5/28/09

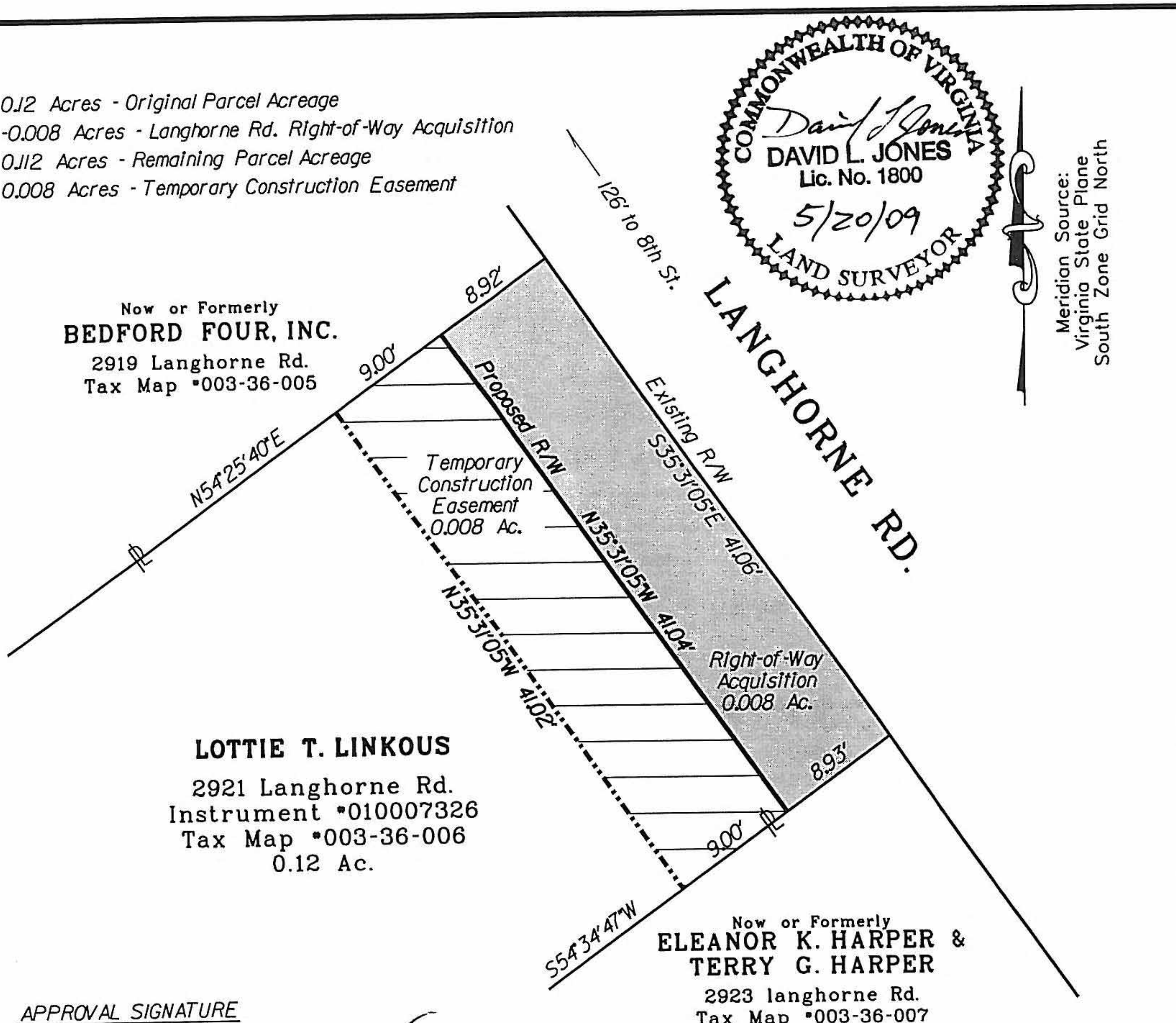
CITY ENGINEER DATE

SCALE

0 5 10' 20'

FILE NAME	SCALE	DATE	JOB NO.	CITY FILE NO.
056	1"=10'	May 5, 2009	0810155L	A-3211

0.12 Acres - Original Parcel Acreage
-0.008 Acres - Langhorne Rd. Right-of-Way Acquisition
0.112 Acres - Remaining Parcel Acreage
0.008 Acres - Temporary Construction Easement

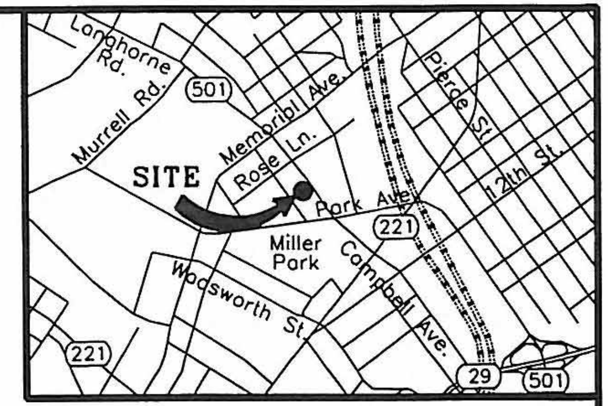


SCALE
0 5 10' 20'

APPROVAL SIGNATURE

5/28/09

CITY ENGINEER DATE



VICINITY MAP - NOT TO SCALE

Notes:

1. Current Owner: Lottie T. Linkous
   2921 Langhorne Rd.
   Instrument #010007326
   Tax Map #003-36-006
2. Meridian Source: Virginia State Plane South Zone Grid North. Taken from survey files for Lynchburg Midtown Connector, Phase I project.
3. Project Reference: Lynchburg Midtown Connector, Phase I Project; Parcel 062
4. Existing Right-of-Way and Property Lines Taken from VDOT Survey Files Received from AECOM.
5. Proposed Right-of-Way and Easement Information Taken from r8759rw.dgn Received from AECOM on April 23, 2009.

ACQUISITION PLAT SHOWING RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF

LOTTIE T. LINKOUS

2921 LANGHORNE ROAD
CITY OF LYNCHBURG, VIRGINIA

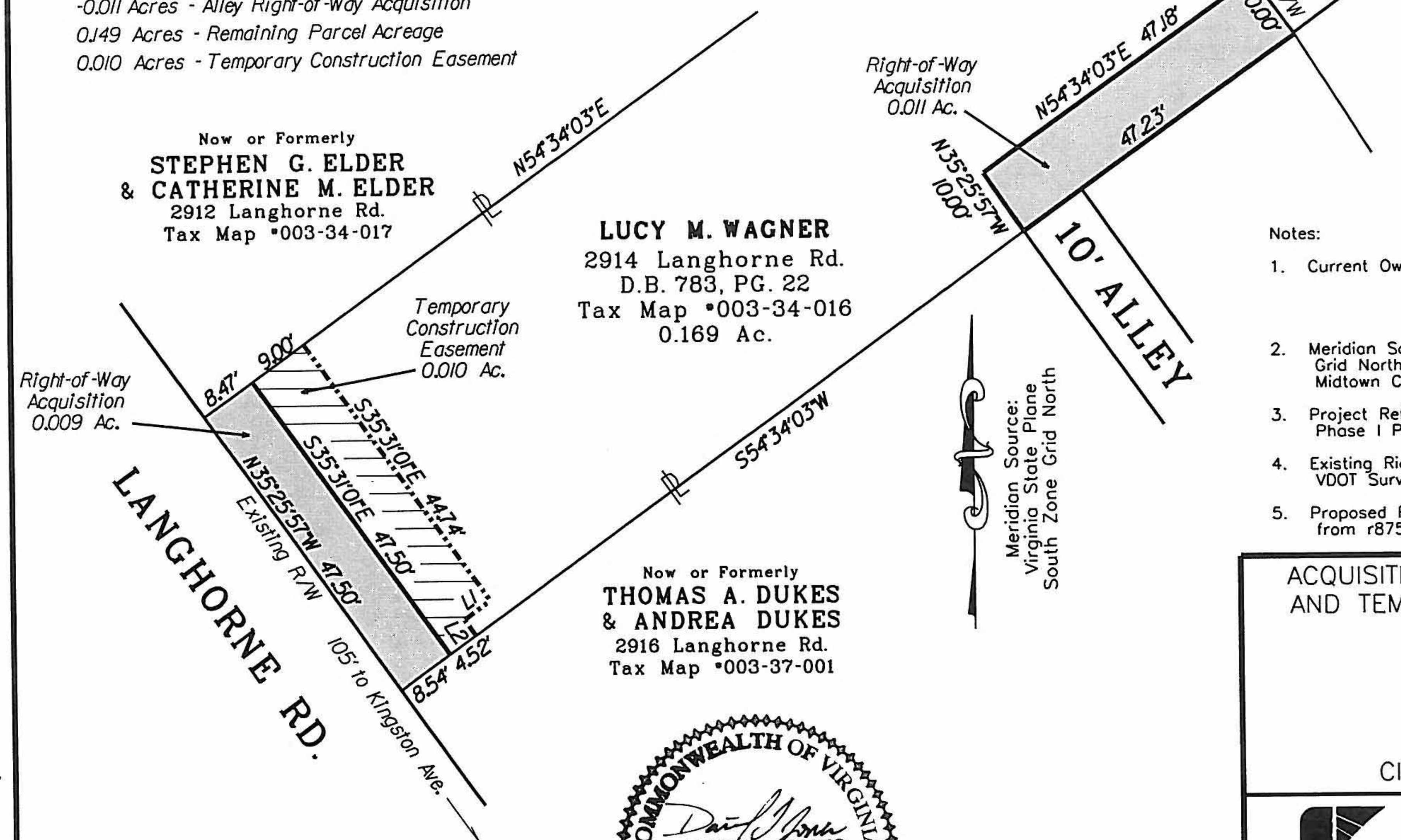
nxl Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

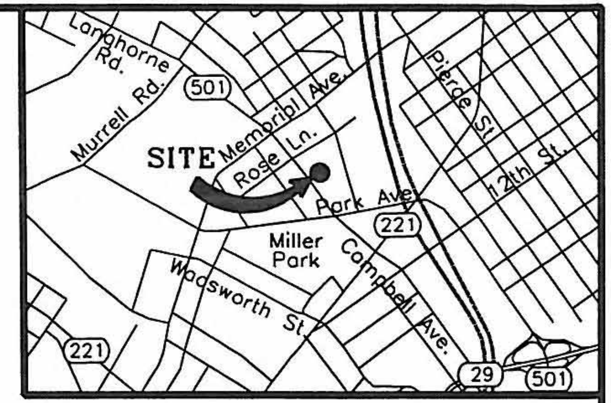
FILE NAME	SCALE	DATE	JOB NO.	CITY FILE NO.
062	1"=10'	May 4, 2009	0810155L	A-3217

0.169 Acres - Original Parcel Acreage
-0.009 Acres - Langhorne Rd. Right-of-Way Acquisition
-0.011 Acres - Alley Right-of-Way Acquisition
0.149 Acres - Remaining Parcel Acreage
0.010 Acres - Temporary Construction Easement

Line Table

L1	S53°32'29"W	4.50'
L2	S35°47'28"E	2.68'





VICINITY MAP - NOT TO SCALE

Notes:

1. Current Owner: Lucy M. Wagner
 2914 Langhorne Rd.
 D.B. 783, Pg. 22
 Tax Map #003-34-016
2. Meridian Source: Virginia State Plane South Zone Grid North. Taken from survey files for Lynchburg Midtown Connector, Phase I project.
3. Project Reference: Lynchburg Midtown Connector, Phase I Project; Parcel 065
4. Existing Right-of-Way and Property Lines Taken from VDOT Survey Files Received from AECOM.
5. Proposed Right-of-Way and Easement Information Taken from r8759rw.dgn Received from AECOM on August 11, 2009.

ACQUISITION PLAT SHOWING RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT ON THE PROPERTY OF

LUCY M. WAGNER

2914 LANGHORNE ROAD
CITY OF LYNCHBURG, VIRGINIA

nxl Engineers, Surveyors Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

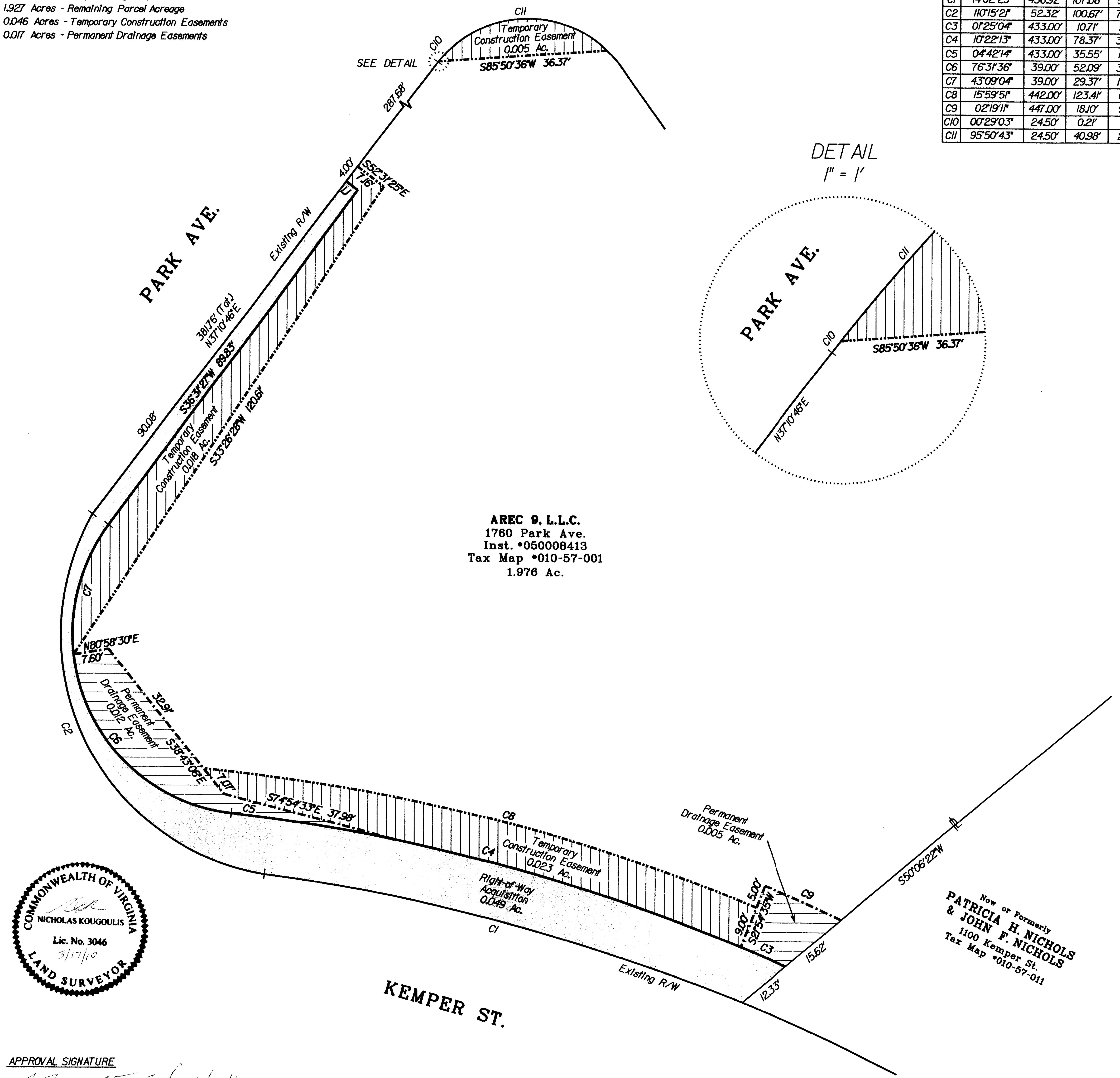
FILE NAME	SCALE	DATE	JOB NO.	CITY FILE NO.
065	1"=20'	August 12, 2009	0810155L	A-3220

COMMONWEALTH OF VIRGINIA
DAVID L. JONES
Lic. No. 1800
9/21/09
LAND SURVEYOR

SCALE
0 10' 20' 40'

APPROVAL SIGNATURE
9/30/09
CITY ENGINEER DATE

1.976 Acres - Original Parcel Acreage
-0.049 Acres - Right-of-Way Acquisition
1.927 Acres - Remaining Parcel Acreage
0.046 Acres - Temporary Construction Easements
0.017 Acres - Permanent Drainage Easements

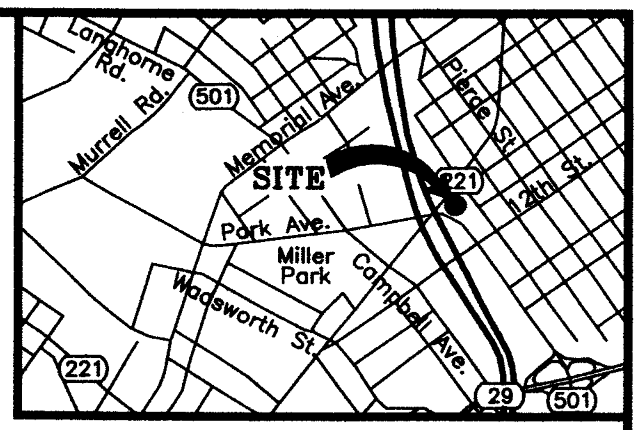


Curve Table

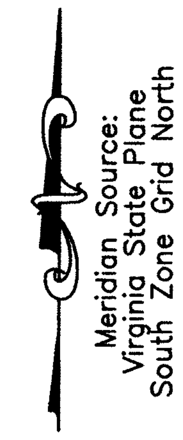
	Delta	Radius	Length	Tangent	Chord	Chord Bearing
C1	14°02'29"	436.92'	107.08'	53.81'	106.81'	N75°15'09"W
C2	110°15'21"	52.32'	100.67'	75.07'	85.84'	N25°47'02"W
C3	01°25'04"	433.00'	10.71'	5.36'	10.71'	S67°22'54"E
C4	10°22'13"	433.00'	78.37'	39.29'	78.26'	S73°16'32"E
C5	04°42'14"	433.00'	35.55'	17.78'	35.54'	S80°48'45"E
C6	76°31'36"	39.00'	52.09'	30.76'	48.30'	S44°54'05"E
C7	43°09'04"	39.00'	29.37'	15.42'	28.68'	S14°56'14"W
C8	15°59'51"	442.00'	123.41'	62.11'	123.01'	S76°05'21"E
C9	02°19'11"	447.00'	18.10'	9.05'	18.10'	S66°55'50"E
C10	00°29'03"	24.50'	0.21'	0.10'	0.21'	N37°40'43"E
C11	95°50'43"	24.50'	40.98'	27.14'	36.37'	N85°50'36"E

Line Table

L1	S52°31'25"E	3.14'



VICINITY MAP – NOT TO SCALE



Notes:

1. Current Owner: AREC 9, LLC
   1760 Park Ave.
   Inst. #050008413
   Tax Map #010-57-001
2. Meridian Source: Virginia State Plane South Zone Grid North. Taken from survey files for Lynchburg Midtown Connector, Phase I project.
3. Project Reference: Lynchburg Midtown Connector, Phase I Project; Parcel 026
4. Existing Right-of-Way and Property Lines Taken from VDOT Survey Files Received from AECOM.
5. Proposed Right-of-Way and Easement Information Taken from r8759rw.dgn Received from AECOM on January 8, 2010.

APPROVAL SIGNATURE

[signature] 3/18/10

CITY ENGINEER DATE

SCALE

0 7.5' 15' 30'

ACQUISITION PLAT SHOWING RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS, AND PERMANENT DRAINAGE EASEMENTS ON THE PROPERTY OF

AREC 9, L.L.C.

1760 PARK AVENUE
CITY OF LYNCHBURG, VIRGINIA

Engineers, Surveyors
Construction Managers
114 east cary street, suite 200
richmond, virginia 23219
(804) 644-4600

FILE NAME	SCALE	DATE	JOB NO.	CITY FILE NO.
026	1"=15'	Jan. 17, 2010	0810155L	A-3180

RESOLUTION

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS BY THE CITY OF LYNCHBURG TO ACQUIRE FEE SIMPLE RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT ON A PARCEL OF LAND FRONTING ON KEMPER STREET IN THE CITY OF LYNCHBURG, DESIGNATED AS TAX MAP NO. 026-29-012 FOR THE CONSTRUCTION OF THE MID-TOWN CONNECTOR FROM THE LYNCHBURG U.S. ROUTE 29 BYPASS TO THE INTERSECTION OF LANGHORNE ROAD AND MURRELL ROAD (U.S. 501 BUSINESS).

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of Section 38-B(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire the fee simple title, and to acquire a temporary construction easement on the property owned by Frank H. Cofflin, Jr. as described according to a plat made by NXL, Engineers, Surveyors, Construction Managers, dated August 12, 2009, a copy of which is attached;

WHEREAS, in order to do so, it will be necessary to acquire fee simple right-of-way, and a temporary construction easement across said property;

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

1. That the City Attorney be, and he is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-B(2) of the Charter of the City of Lynchburg to acquire the fee simple title and a temporary construction easement on the property owned by Frank H. Cofflin, Jr. which property is described in the hereinabove mentioned plat as follows:

Fee Simple Right-of-Way

All that lot or parcel shown on the attached plat as “Right of Way Acquisition 0.002 Ac.”

Temporary Construction Easement

Area shown on the attached plat as “Temporary Construction Easement 0.008 Ac.”

2. That in the opinion of the City Council, a public necessity exists for the acquisition of said right-of-way and temporary construction easement.

3. That in order to provide the total estimated necessary funds to compensate the owners of the property for the fee simple right of way and temporary construction easement to be acquired, and for any damages, the sum of which is determined to be $500.00 which has been heretofore appropriated, and the Director of Finance be, and she is hereby, authorized and directed when so directed by the City Attorney to present a check for deposit with the Clerk’s Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owners of said property upon the compensation to be paid therefore within the limits of the funds provided herein for that purpose and the Mayor, Vice Mayor, or City Manager is authorized to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified: ____________________________
Interim Clerk of Council

075LRes02

RESOLUTION

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS BY THE CITY OF LYNCHBURG TO ACQUIRE A TEMPORARY CONSTRUCTION EASEMENT ON A PARCEL OF LAND FRONTING ON KEMPER STREET IN THE CITY OF LYNCHBURG, DESIGNATED AS TAX MAP NO. 026-14-017 FOR THE CONSTRUCTION OF THE MID-TOWN CONNECTOR FROM THE LYNCHBURG U.S. ROUTE 29 BYPASS TO THE INTERSECTION OF LANGHORNE ROAD AND MURRELL ROAD (U.S. 501 BUSINESS).

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of Section 38-B(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire a temporary construction easement on the property owned by Bessie Harris as described according to a plat made by NXL, Engineers, Surveyors, Construction Managers, dated August 26, 2009, a copy of which is attached;

WHEREAS, in order to do so, it will be necessary to acquire a temporary construction easement across said property;

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

1. That the City Attorney be, and he is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-B(2) of the Charter of the City of Lynchburg to acquire a temporary construction easement on the property owned by Bessie Harris which property is described in the hereinabove mentioned plat as follows:

Temporary Construction Easement

Area shown on the attached plat as "Temporary Construction Easement 0.007 Ac."

2. That in the opinion of the City Council, a public necessity exists for the acquisition of said temporary construction easement.

3. That in order to provide the total estimated necessary funds to compensate the owners of the property for a temporary construction easement to be acquired, and for any damages, the sum of which is determined to be $674.00 which has been heretofore appropriated, and the Director of Finance be, and she is hereby, authorized and directed when so directed by the City Attorney to present a check for deposit with the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owners of said property upon the compensation to be paid therefore within the limits of the funds provided herein for that purpose and the Mayor, Vice Mayor, or City Manager is authorized to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified: ______________________________
Interim Clerk of Council

075LRes03

RESOLUTION

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS BY THE CITY OF LYNCHBURG TO ACQUIRE FEE SIMPLE RIGHT-OF-WAY, A TEMPORARY CONSTRUCTION EASEMENTS AND PERMANENT DRAINAGE EASEMENTS ON A PARCEL OF LAND FRONTING ON KEMPER STREET AND PARK AVENUE IN THE CITY OF LYNCHBURG, DESIGNATED AS TAX MAP NO. 010-57-001 FOR THE CONSTRUCTION OF THE MID-TOWN CONNECTOR FROM THE LYNCHBURG U.S. ROUTE 29 BYPASS TO THE INTERSECTION OF LANGHORNE ROAD AND MURRELL ROAD (U.S. 501 BUSINESS).

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is hereby, authorized and

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of Section 38-B(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire the fee simple title, to acquire temporary construction easements and permanent drainage easements on the property owned by AREC 9, L.L.C. as described according to a plat made by NXL, Engineers, Surveyors, Construction Managers, dated January 17, 2010, a copy of which is attached.

WHEREAS, in order to do so, it will be necessary to acquire fee simple right-of-way, temporary construction easements and permanent drainage easements across said property;

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

1. That the City Attorney be, and he is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-B(2) of the Charter of the City of Lynchburg to acquire the fee simple title, temporary construction easements and permanent drainage easements on the property owned by AREC 9, L.L.C. which property is described in the hereinabove mentioned plat as follows:

Fee Simple Right-of-Way

All that lot or parcel shown on the attached plat as “Right of Way Acquisition 0.049 Ac.”

Temporary Construction Easements

All those two parcels shown on the attached plat as “Temporary Construction Easement 0.023 Ac. and Temporary Construction Easement 0.018 Ac. and Temporary Construction Easement 0.005 Ac.”

Permanent Drainage Easements

All those two parcels shown on the attached plat as “Permanent Drainage Easement 0.012 Ac. and Permanent Drainage Easement 0.005 Ac.”

2. That in the opinion of the City Council, a public necessity exists for the acquisition of said right-of-way, temporary construction easements and permanent drainage easements.

3. That in order to provide the total estimated necessary funds to compensate the owners of the property for the fee simple right of way, temporary construction easements and permanent drainage easements to be acquired, and for any damages, the sum of which is determined to be $9,819.00 which has been heretofore appropriated, and the Director of Finance be, and she is hereby, authorized and directed when so directed by the City Attorney to present a check for deposit with the Clerk’s Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owners of said property upon the compensation to be paid therefore within the limits of the funds provided herein for that purpose and the Mayor, Vice Mayor, or City Manager is authorized to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified: ____________________________
Interim Clerk of Council

075LRes04

RESOLUTION

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS BY THE CITY OF LYNCHBURG TO ACQUIRE FEE SIMPLE RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT ON A PARCEL OF LAND FRONTING ON PARK AVENUE IN THE CITY OF LYNCHBURG, DESIGNATED AS TAX MAP NO. 011-21-001 FOR THE CONSTRUCTION OF THE MID-TOWN CONNECTOR FROM THE LYNCHBURG U.S. ROUTE 29 BYPASS TO THE INTERSECTION OF LANGHORNE ROAD AND MURRELL ROAD (U.S. 501 BUSINESS).

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of Section 38-B(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire the fee simple title, and to acquire a temporary construction easement on the property owned by Carolyn A. Anderson as described according to a plat made by NXL, Engineers, Surveyors, Construction Managers, dated July 10, 2009, a copy of which is attached;

WHEREAS, in order to do so, it will be necessary to acquire fee simple right-of-way, and a temporary construction easement across said property;

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

1. That the City Attorney be, and he is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-B(2) of the Charter of the City of Lynchburg to acquire the fee simple title and a temporary construction easement on the property owned by Carolyn A. Anderson which property is described in the hereinabove mentioned plat as follows:

Fee Simple Right-of-Way

All that lot or parcel shown on the attached plat as “Right of Way Acquisition 0.012 Ac.”

Temporary Construction Easement

Area shown on the attached plat as “Temporary Construction Easement 0.013 Ac.”

2. That in the opinion of the City Council, a public necessity exists for the acquisition of said right-of-way and temporary construction easement.

3. That in order to provide the total estimated necessary funds to compensate the owners of the property for the fee simple right of way and temporary construction easement to be acquired, and for any damages, the sum of which is determined to be $2,945.00 which has been heretofore appropriated, and the Director of Finance be, and she is hereby, authorized and directed when so directed by the City Attorney to present a check for deposit with the Clerk’s Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owners of said property upon the compensation to be paid therefore within the limits of the funds provided herein for that purpose and the Mayor, Vice Mayor, or City Manager is authorized to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified: __________________________
Interim Clerk of Council

075LRes05

RESOLUTION

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS BY THE CITY OF LYNCHBURG TO ACQUIRE FEE SIMPLE RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT ON A PARCEL OF LAND FRONTING ON LANGHORNE ROAD IN THE CITY OF LYNCHBURG, DESIGNATED AS TAX MAP NO. 003-36-011 FOR THE CONSTRUCTION OF THE MID-TOWN CONNECTOR FROM THE LYNCHBURG U.S. ROUTE 29 BYPASS TO THE INTERSECTION OF LANGHORNE ROAD AND MURRELL ROAD (U.S. 501 BUSINESS).

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of Section 38-B(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire the fee simple title, and to acquire a temporary construction easement on the property owned by William C. Stevenson as described according to a plat made by NXL, Engineers, Surveyors, Construction Managers, dated August 12, 2009, a copy of which is attached;

WHEREAS, in order to do so, it will be necessary to acquire fee simple right-of-way, and a temporary construction easement across said property;

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

1. That the City Attorney be, and he is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-B(2) of the Charter of the City of Lynchburg to acquire the fee simple title and a temporary construction easement on the property owned by William C. Stevenson which property is described in the hereinabove mentioned plat as follows:

Fee Simple Right-of-Way

All that lot or parcel shown on the attached plat as “Right of Way Acquisition 0.012 Ac.”

Temporary Construction Easement

Area shown on the attached plat as “Temporary Construction Easement 0.009 Ac.”

2. That in the opinion of the City Council, a public necessity exists for the acquisition of said right-of-way and temporary construction easement.

3. That in order to provide the total estimated necessary funds to compensate the owners of the property for the fee simple right of way and temporary construction easement to be acquired, and for any damages, the sum of which is determined to be $434.00 which has been heretofore appropriated, and the Director of Finance be, and she is hereby, authorized and directed when so directed by the City Attorney to present a check for deposit with the Clerk’s Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owners of said property upon the compensation to be paid therefore within the limits of the funds provided herein for that purpose and the Mayor, Vice Mayor, or City Manager is authorized to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified: ____________________________
Interim Clerk of Council

075LRes06

RESOLUTION

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS BY THE CITY OF LYNCHBURG TO ACQUIRE FEE SIMPLE RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT ON A PARCEL OF LAND FRONTING ON LANGHORNE ROAD IN THE CITY OF LYNCHBURG, DESIGNATED AS TAX MAP NO. 003-36-010 FOR THE CONSTRUCTION OF THE MID-TOWN CONNECTOR FROM THE LYNCHBURG U.S. ROUTE 29 BYPASS TO THE INTERSECTION OF LANGHORNE ROAD AND MURRELL ROAD (U.S. 501 BUSINESS).

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of Section 38-B(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire the fee simple title, and to acquire a temporary construction easement on the property owned by William C. Stevenson as described according to a plat made by NXL, Engineers, Surveyors, Construction Managers, dated May 5, 2009, a copy of which is attached;

WHEREAS, in order to do so, it will be necessary to acquire fee simple right-of-way, and a temporary construction easement across said property;

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

1. That the City Attorney be, and he is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-B(2) of the Charter of the City of Lynchburg to acquire the fee simple title and a temporary construction easement on the property owned by William C. Stevenson which property is described in the hereinabove mentioned plat as follows:

Fee Simple Right-of-Way

All that lot or parcel shown on the attached plat as “Right of Way Acquisition 0.005 Ac.”

Temporary Construction Easement

Area shown on the attached plat as “Temporary Construction Easement 0.003 Ac.”

2. That in the opinion of the City Council, a public necessity exists for the acquisition of said right-of-way and temporary construction easement.

3. That in order to provide the total estimated necessary funds to compensate the owners of the property for the fee simple right of way and temporary construction easement to be acquired, and for any damages, the sum of which is determined to be $637.00 which has been heretofore appropriated, and the Director of Finance be, and she is hereby, authorized and directed when so directed by the City Attorney to present a check for deposit with the Clerk’s Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owners of said property upon the compensation to be paid therefore within the limits of the funds provided herein for that purpose and the Mayor, Vice Mayor, or City Manager is authorized to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified: __________________________
Interim Clerk of Council

075LRes07

RESOLUTION

A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS BY THE CITY OF LYNCHBURG TO ACQUIRE FEE SIMPLE RIGHT-OF-WAY AND A TEMPORARY CONSTRUCTION EASEMENT ON A PARCEL OF LAND FRONTING ON LANGHORNE ROAD IN THE CITY OF LYNCHBURG, DESIGNATED AS TAX MAP NO. 003-36-006 FOR THE CONSTRUCTION OF THE MID-TOWN CONNECTOR FROM THE LYNCHBURG U.S. ROUTE 29 BYPASS TO THE INTERSECTION OF LANGHORNE ROAD AND MURRELL ROAD (U.S. 501 BUSINESS).

WHEREAS, in the opinion of the Council of the City of Lynchburg, it is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of Section 38-B(2) of the Charter of the City of Lynchburg (Acts of Assembly, 1968, Chapter 22, page 49), to acquire the fee simple title, and to acquire a temporary construction easement on the property owned by Lottie T. Linkous as described according to a plat made by NXL, Engineers, Surveyors, Construction Managers, dated May 4, 2009, a copy of which is attached;

WHEREAS, in order to do so, it will be necessary to acquire fee simple right-of-way, and a temporary construction easement across said property;

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

1. That the City Attorney be, and he is hereby, authorized and directed to institute and prosecute condemnation proceedings in accordance with the provisions of 38-B(2) of the Charter of the City of Lynchburg to acquire the fee simple title and a temporary construction easement on the property owned by Lottie T. Linkous which property is described in the hereinabove mentioned plat as follows:

Fee Simple Right-of-Way

All that lot or parcel shown on the attached plat as “Right of Way Acquisition 0.008 Ac.”

Temporary Construction Easement

Area shown on the attached plat as “Temporary Construction Easement 0.008 Ac.”

2. That in the opinion of the City Council, a public necessity exists for the acquisition of said right-of-way and temporary construction easement.

3. That in order to provide the total estimated necessary funds to compensate the owners of the property for the fee simple right of way and temporary construction easement to be acquired, and for any damages, the sum of which is determined to be $1,402.00 which has been heretofore appropriated, and the Director of Finance be, and she is hereby, authorized and directed when so directed by the City Attorney to present a check for deposit with the Clerk’s Office of the Circuit Court for the City of Lynchburg, Virginia, for such condemnation proceedings.

That the City Attorney is fully authorized and directed to act for and on behalf of the City of Lynchburg in agreeing or disagreeing with the owners of said property upon the compensation to be paid therefore within the limits of the funds provided herein for that purpose and the Mayor, Vice Mayor, or City Manager is authorized to sign, in the name of the City, any proper petitions, pleadings, or necessary documents to be filed or presented at any stage of the proceedings.

Adopted:

Certified: ______________________________
Interim Clerk of Council

075LRes08

AGENDA ITEM # 12

Michael S. Bowers
Sterling Park Unit #51
3600 Old Forest Road
Lynchburg, VA 24501

June 14, 2010

City of Lynchburg
Clerk of Council
900 Church Street
Lynchburg, VA 24504

SUBJ: STERLING PARK DEVELOPMENT MULTIPLE CODE VIOLATION ISSUES

Dear Ms. Valerie Chambers:

I am writing you to make a request to come before the City Council and the scheduled meeting on June 22, 2010 to discuss what I believe are continuing code violations at the Sterling Park development that were never satisfactorily corrected as conditions of the development.

Since I will be representing a group, I request a 5-minute time period on the Council Agenda under General Business.

Thank you for your attention. If you need additional information from me, my contact information via cell phone is (503) 523-9417 and my email address is nbengineering@aol.com.

Respectfully,

Michael Bowers

RECEIVED
JUN 15 2010
Council [illegible]anager

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 22, 2010** AGENDA ITEM NO.: 13

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Approval of Lynchburg Public Library Five-Year Plan and Technology Plan**

RECOMMENDATION: Approve the Lynchburg City Library Five-Year Plan and Technology Plan

SUMMARY: The *Virginia Administrative Code* 17 VAC 15-110-10 (also known as the *Requirements Which Must Be Met In Order to Receive Grants-In-Aid)* requires that a public library receiving State Aid must submit a Five-Year Plan. The Library of Virginia Division of Library Networking and Development requires that a Technology Plan be submitted as well. The documents are attached for Council's review. They are similar to plans previously approved by Council.

PRIOR ACTION(S): Council approval of prior plans.

FISCAL IMPACT: None

CONTACT(S): Lynn Dodge, Director of Libraries and Museums, 455-6301

ATTACHMENT(S):
Lynchburg Public Library Five-Year Plan Narrative, FY 2011 -2015
Lynchburg Public Library Five-Year Plan Timeline, FY 2011-2015
Lynchburg Public Library Technology Plan, FY 2011-2015

REVIEWED BY: lkp

LYNCHBURG PUBLIC LIBRARY
FIVE-YEAR PLAN NARRATIVE
2011-2015

BACKGROUND

Lynchburg is an independent city of 50 sq. miles and some 72,000 residents. From 1910-1966 public library service was provided to the "white citizens" of Lynchburg by a privately- endowed library. In the early 1960's, a diverse group of citizens, representing a cross-section of the community, joined together to form the Friends of the Lynchburg Public Library. Their goal was the establishment of a tax-supported public library that would serve all of Lynchburg's citizens equally. After a City-wide campaign that saw 5,000 individuals and families join the Friends, City Council approved the establishment of the Library. A State of Virginia Demonstration Library Program provided 18 months of funding for equipment, and staff and an opening day 25,000 volume book collection; the city provided the building. The Lynchburg Public Library opened in April 1966.

The Library is an operating department of city government. The Library Director serves as Director of the Department of Libraries and Museums and serves on the City Manager's Leadership Team. As permitted by *Virginia State Code*, the City has chosen not to have a Citizens Advisory Board; the active Friends of the Lynchburg Public Library provides citizen input.

The Library was initially housed on 2 floors (16,000 sq. ft.) of a former warehouse at 914 Main Street, in the downtown, central business district. In the early 1980's City Council again responded to a citizens' call for a larger and more centrally located facility and appropriated $2 million to purchase and remodel a former Sears' retail store (36,000 sq. ft.) at 2315 Memorial Avenue. The new Main Library opened in October, 1984. In 1987, the Downtown Branch and Public Law Library opened in the lower level of City Hall. In 2010, the Library has 30,000 registered borrowers. FY 2009 was the busiest year in the Library's history, with 560,000 items circulated.

There are approximately 150,000 items in the Library's collections, including books, DVDs, videos, magazines, books on CD's, etc. A web page (www.lynchburgva.gov) provides users with information about the Library, access to electronic databases and the Library's catalog of holdings and links to related sites. In 2010, the Library added a *Facebook* account. Public Internet access has been provided since 2000. The Library has received two major grants from the Bill and Melinda Gates Foundation to add and upgrade public use Personal Computers (PC) and install an 11-seat PC Lab.

The Friends of the Lynchburg Public Library continues to provide substantial citizen input and financial support. In 2006, the Friends celebrated the Library's 40th anniversary with a series of programs and an Endowment Fund Campaign which raised $150,000.

The Library has been a member of the Lynchburg Information On-Line Network (LION) since its inception in 1990. Originally a consortium comprising the libraries of Lynchburg College, Randolph-Macon Woman's College, Sweet Briar College and the

Public Library, LION was established with grant funds to provide a shared automated library system to the members. Working in partnership enabled the institutions to purchase high-quality library software and operate it very economically and efficiently. In 2005, Lynchburg College withdrew from LION and the Amherst County Public Library joined. This offered an opportunity for the two Public Libraries to work collaboratively, sharing resources and allowing each others citizens' free access to both collections.

The Main Library houses the Dr. Martin Luther King, Jr. (MLK) Center for Human Rights. The Center was established in 1992 by City Council to commemorate the life and work of Dr. King. The Center is under the direction of the Martin Luther King, Jr. Lynchburg Community Council, whose seven (7) members are appointed by City Council. The Library Director serves as staff liaison and secretary to the MLK Community Council.

ORGANIZATIONAL OVERVIEW

Lynchburg City Council has established a *Vision* and a *Mission* for *Lynchburg 2020*. Its key points are*:* 1) stable, productive, inspired families, 2) dynamic economic development, 3) maintaining a superior education community, 4) developing a community environment second to none and 5) providing a responsive, effective local government.

Lynchburg is a member of the Virginia First Cities, the State advocacy coalition comprised of 14 of the State's oldest and most historic cities, the core communities of the Commonwealth. The First Cities' web site states, "These Cities are proud centers of business, commerce and culture with a diversity of opportunity for everyone. Virginia cities receive relatively little state aid in serving this dual role of cultural center and serving a concentration of lower income people. Most state aid to localities is based on per student K-12 education formulas – and most cities have been losing students. Other local budget needs that are critical to cities -- law enforcement, health and welfare, and public infrastructure -- receive relatively little state assistance. This causes our central cities to have to rely on locally generated revenues far in excess of surrounding jurisdictions despite the fact the tax base of the cities is narrow and weak. This is why tax rates and burdens are uniformly higher in the central cities than the surrounding counties, placing cities at a competitive disadvantage."

In FY 2009, the City's population was 33% minority and 67% white. The median income was $42,000 and 58% of the City's children qualified for the free lunch program. The unprecedented national economic downturn of 2009-present has been felt in Lynchburg, as in other localities.

All City departments are charged with regularly reviewing their internal systems for opportunities for increased efficiencies and cost effectiveness. They are challenged to maintain service delivery and effectiveness while faced with significantly decreasing resources. Quality customer service is always emphasized.

The City has been pro-active in embracing new technologies. In the mid-1990's, the Department of Information Technology was established and the City built its own fiber optic network to provide the highest quality and up-to-date technology to its workforce and the City schools. The City supports PCs and software centrally through the Department of Information Technology. All PCs and software are purchased, upgraded and maintained at no cost to the departments. The Library has 27 public use PCs and 40 staff PCs.

In planning the FY 2011 budget, all City departments were asked to submit budgets at 90% of their FY 2010 allocation. To reduce the budget by the necessary $164,000, the Library Director recommended closing the Branch Library and reducing-in-force two professorial positions. After City revenue projections improved and the Friends of the Library offered $20,000 to help keep the Branch open, one professional position was restored and City Council provided an additional $14,00 to maintain youth programming at FY 2010 levels and an additional $69,000 to keep the Branch open full-time. For FY 2011, the Library budget was cut by only 3.8%.

SERVICES

These are exciting and challenging times for public libraries - use is soaring while resources are shrinking. All the while libraries are being challenged to balance the provision of traditional library services, while moving to maximize the opportunities afforded by the evolving technologies, dealing with significant reductions in local and State aid, and serving users who are fighting for their economic lives. In May 2010, the *ICMA (*International City Management Association) *Newsletter* reporting on a recent national study of public library use, Ron Carlee, ICMA Director of Strategic Initiatives and Executive-in-Residence at ICMA and the former City Manager of Arlington, VA, said, "This study confirms that libraries are first responders in an economic crisis. In the continuing economic downturn, local governments are struggling with budget cuts, some for the third consecutive year. The road to economic recovery will hinge on people's ability to make connections, enhance their skills, and apply for and get jobs. The way people do that is through the Internet. Public libraries have emerged as a core service of local governments by providing citizens with Internet access to find employment, which is the linchpin to economic recovery."

In the past 10 years, the Lynchburg Public Library has evolved from a library that relied primarily on its extensive book collections and one electronic database to meet user needs and offered only staff access to the Internet, to one that now provides 27 public use PCs and 65,000 PC user sessions annually. Wireless access is offered in both Libraries. Its experience mirrors that of public libraries around the country who report that as the use of technology has exploded, the use of traditional services is also growing. Story Time attendance is up, the circulation of youth materials is increasing, and the circulation of all other materials continues to rise. FY 2009 was the busiest year in the Library's history and FY 2010 will be among the top 5 years, the slight downturn directly attributable to security concerns which occurred during 2009. And, the economic downturn and an 8%+ unemployment rate have brought many first time users to the Library to search and apply for jobs; many have limited computer skills and require one-one-one assistance and training in mouse and keyboard, résumé preparation, job searching, etc.

COLLECTIONS

Staff is committed to continuing the development of the Library's diverse collections of books, DVDs, magazines, books on CD's, etc. No one medium can provide all the answers or meet all the needs. Even the Internet, as ubiquitous as it is, is simply another tool to be used to meet the evolving educational, informational and recreational needs of the community. Emphasis will be placed on collection evaluation, changing technologies, and responding to user demand. The Library's collections budget is funded almost exclusively with State Aid, which is, also, decreasing. Opportunities for collaboration with other libraries, such as the 2010 partnership with the Amherst County Public Library to provide two on-line products, MANGO (a foreign language study program) and TUMBLEBOOKS (online books for children in several languages), will be pursued.

FACILITIES

The Library is fortunate to have two modern and, basically, adequate facilities. Both have accommodated the new technologies. Over the past 10 years, the Main Library has been re-carpeted, re-painted, and the three large public service desks re-refurbished. In FY 2009 and FY 2010 exterior and interior security cameras and exterior music were added to address security issues. Being located in City Hall, the Branch Library infrastructure is not an issue; its carpet has been replaced. The public seating in both the Main and Branch Libraries needs updating, but is still serviceable. Long-term needs at the Main Library include re-designing the front entrance for better functionality, adding several small conference rooms for public use and expanding the young adult area. The Main Library's aging HVAC system will be rebuilt in FY 2011 with federal stimulus funds.

PROGRAMS

Services will be provided to all segments of the population. The long-established and highly popular youth programming will continue at 2010 levels. Adult programming activities will be maintained.

In FY 2009, the staff of the Youth Services Department reached over 14,000 children with 325 programs. The commitment to serve the city's youth with a wide variety of programs will be supported. Current youth programs include the highly successful *Born to Read*, which provides a book and information about reading to the parents of all newborns at Virginia Baptist Hospital (2,400 a year). Lap-sit programs for infants and toddler story times continue to be in high demand. Outreach efforts to City elementary schools, Head Start and Bethune Academy (day care), among many others, will continue. Programs for older elementary children and teens will be expanded. The addition of I-VAN, a small *Information and Innovation* van, has enabled a summer outreach to inner-city neighborhoods.

Adult reading is promoted through activities such as an adult book discussion group, an adult summer reading program, LYNCHBURG READS, a community-wide reading program that promotes and encourages the public's interest in reading. Through LYNCHBURG READS, the library and Friends developed continuing partnerships with Lynchburg College, Randolph College, the City schools, and the Holocaust Education Foundation.

The Gates PC Lab is a major asset. Support of general PC users and those needing assistance with basic skills building and job searches will be emphasized. The library will expand its partnerships with organizations such as the Virginia Employment Commission (VEC) to bring in outside trainers.

Volunteer Program

The Volunteer Program was established in 1995 with a major gift from the Friends, who continue to contribute $14,500 annually to support it. In 2009, 80 volunteers provided 3,200 hours of service; since the program's inception in 1995, 63,000 hours have been donated. The hiring freeze would have been crippling, except for the aid of volunteers who stepped in and assisted staff.

The Volunteer Coordinator also manages the Outreach to Senior Citizens program, with assistance from the volunteers. Some 20 senior residential units, nursing homes and other senior sites are visited regularly with books, books on CD, and DVDs that are left on deposit for 30-60 days.

TECHNOLOGY

As with so many businesses, the Library is dependent on technology to provide its core services. The LION system software is the Library's internal backbone. The SirsiDynix software was upgraded in 2005 to a server-based platform. The vendor will support the current version for the foreseeable future and no major expenditures are anticipated. The LION Joint Venture contract with Randolph College, Sweet Briar College and Amherst County Public Library was renewed for another 5 years in 2010. A self check station will be installed in late FY 2010. The capability to accept credit cards is a high priority; the Finance Department is actively working on that feature.

PERSONNEL and TRAINING

The staff is the Library's greatest asset. The Library has historically enjoyed a stable and long-lived workforce, but many are "older" and less conversant with the new technologies. The challenge is to keep staff abreast of the new technologies so as to be ready and able to embrace them successfully, while continuing to provide traditional services. The use of webinars and on site training will be stressed. The loss of a full-time professional in July, 2010, offers an opportunity to re-think the organizational structure and move to a more fluid, cross-trained professional staff.

REGIONALIZATION

The Region 2000 City and County Managers meet regularly and seek to identify operational areas which can be consolidated to provide efficiencies and save money. At their request, the Directors of the Amherst, Appomattox, Bedford and Campbell and Lynchburg Public Libraries in May, 2010, initiated a study of the feasibility of establishing a regional Library system. The goal is to offer improved service at less cost. The study, facilitated by the Local Government Council, will take 6-9 months.

LYNCHBURG PUBLIC LIBRARY
FIVE-YEAR PLAN
FY 2011 –FY 2015

TIMELINE & TASK LIST

Assumptions

- Economic uncertainties will continue to impact the City of Lynchburg and the Lynchburg Public Library
- Public demand for services will continue at all-time highs
- Users will expect convenient access to a wide variety of materials, formats and delivery options
- The Lynchburg Public Library will actively pursue partnerships and grants
- The Friends of the Lynchburg Public Library will continue to support the Library Volunteer Program, Youth programming, the Adult materials collection and other special programs
- The Regionalization of Library Services Study will be concluded no later than FY 2012
- A formal planning process should not be undertaken until after the completion of the Regionalization of Library Services Study
- With continued economic uncertainty and rapid technological advances, this planning document should cover in-depth no more than a three year period

GOALS

Goal 1: To maintain a high level of service and customer satisfaction in the face of unprecedented demands for service while dealing with significant reductions in state and local funding

Goal 2: To maintain all Library facilities to provide a comfortable and welcoming environment for users and functional space for staff

Goal 3: To support staff development

Goal 4: To strengthen relationships with the Friends of the Lynchburg Public Library and seek partnerships with other civic and business organizations

FY 2011 – Objectives and Tasks

SERVICES

- Enhance services for personal computer (PC) users with additional classes and added emphasis on personal assistance
  - Open PC Lab additional hours
- Maintain Youth programming at FY 2010 levels
- Establish a Collection Development Team to review all selection practices to align reduced funding to meet user needs and demands
- Initiate a Comment/Suggestion Box program
- Complete work on Library logo
- Complete work on Library web page
- Increase number of Library borrowers cards issue by 5%
- Increase circulation by 3%

FACILITIES

- Major renovation of Main Library HVAC system begins
- Reconfigure Circulation workroom for improved functionality
- Initiate a Public Art project to enhance the Lakeside Drive side of the main library; in conjunction with the redesign of the Memorial Ave./Lakeside Dr. intersection

STAFF DEVELOPMENT

- Implement a technology skills-building program for Youth and Adult staff
- Cross-train Adult Reference staff to work at the Branch Library and enhance legal materials skills
- Provide access to webinars
- Support participation in Virginia Library Association Para-Professional Conference

PARTNERSHIPS

- Support the Friends of the Library
  - Semi-annual Shredder Fund-raiser
- Support the Martin Luther King, Jr. Lynchburg Community Council
  - 13th Annual MLK Birthday Breakfast
  - Develop and install a new exhibit in the King Center

ADMINISTRATIVE

- Public Library Regionalization Study continues
- Revise Library organizational structure
- Work with Finance Department to initiate use of credit/debit cards

FY 2012 – Objectives and Tasks

SERVICES

- o Review Law Library use patterns and consider moving it to the Main Library
- o Add additional public use PCs at Main Library
- o Add printing capability for wireless users

FACILITIES

- o Initiate study of the Adult public areas to improve and enhance service
  - Consider moving the Adult Information Desk closer to the front entrance or merging it with the Circulation Desk
  - Consider adding small conference/study rooms
- o Refurbish or replace public seating
- o HVAC renovation completed
- o Add automatic opener to Meeting Room doors

STAFF DEVELOPMENT

- o Continue Adult Reference Staff cross-training with Branch and legal materials skill-building
- o Establish Staff Training Advisory Committee
- o Provide access to webinars
- o Support participation in Virginia Library Association Para-Professional Conference

PARTNERSHIPS

- o Support biennial *Lynchburg Reads*
- o Support the Martin Luther King, Jr. Lynchburg Community Council
  - 14th Annual MLK Birthday Breakfast
  - Install new exhibit in the King Center
- o Support the Friends of the Library
  - Semi-annual Shredder Fund-raiser

ADMINISTRATIVE

- o Support implementation of Regional Library Study, as directed by City Council

FY 2013 – Objectives and Tasks

- Support the Friends of the Library
  - Semi-annual Shredder Fund-raiser
- Support the Martin Luther King, Jr. Lynchburg Community Council
  - 15th Annual MLK Birthday Breakfast
- Assess facility needs
  - Remodel front entrance
  - Additional young adult space

FY 2014 – Objectives and Tasks

- Support biennial *Lynchburg Reads*
- Support the Martin Luther King, Jr. Lynchburg Community Council
  - 16th Annual MLK Birthday Breakfast
  - Develop and install a new exhibit in the King Center
- Support the Friends of the Library

FY 2015 – Objectives and Tasks

- Support *Lynchburg Reads*
- Support the Martin Luther King, Jr. Lynchburg Community Council
  - 17th Annual MLK Birthday Breakfast
- Support the Friends of the Library

LYNCHBURG PUBLIC LIBRARY

TECHNOLOGY

Five-Year Plan

FY 2011 – FY 2015

Technology at the Lynchburg Public Library is viewed as a set of tools that assist in accomplishing the mission of the Library. Technology will be used wherever possible to improve services to users and to help manage the Library.

The term “technology” has an evolving definition. At present, it includes many library functions: the library automation system, the provision of public use personal computers (PCs) and public Internet access, the classes taught in the Gates Computer Lab, the Library phone system, the provision of electronic databases, the business software used in managing the library, the Library web site and Facebook account, etc. As an operating division of City government, the administrative functions – payroll, accounting, etc. – are provided by the City of Lynchburg.

Current Environment

Library Automated System: In 1990, Lynchburg College, Randolph-Macon Woman’s College and Sweet Briar College invited the Lynchburg Public Library to join them in establishing a shared automated system, the Lynchburg Information Online Network (LION). A $360,000 grant from the Jesse Ball DuPont Foundation to the colleges provided the initial funding for the software and mainframe computer. Operating under a Joint Venture agreement, the common operating costs, e.g. system administration, hardware and software maintenance, etc., are shared equally among the members. Each institution is responsible for its own unique expenses. DYNIX library software was purchased in 1990 and upgraded to SIRSIDYNIX *Horizon* software in 2005. The Joint Venture agreement was renewed in 1995, 2000 and 2005. In 2005, Lynchburg College withdrew from LION and the Amherst County Public Library joined.

Wireless access was added at the Main Library in FY 2005 and at the branch in FY 2009 through the generosity of Ntelos, the City’s technology partner, which donates an independent wireless feed at both facilities (an added benefit is that the City network does not need to support public access wireless). A City network wireless feed located at the main library is used by the Police and others city employees. In FY 2007, the Library purchased the EnvisionWare PC Management Software for the Main Library. In FY 2010 the Library Friends donated $17,000, half of which was a grant from the Lynchburg Community Trust, to purchase a Self-check Station for the Main Library.

Information Technology/Infrastructure: As an operating department of the City of Lynchburg, the Library benefits from the City's innovative technological advances. In the mid-1990's, the City built its own fiber optic network to serve all City departments and the City schools. A centrally-funded department of Information Technology (IT) was established to maintain the network and all telecommunications, set hardware and software standards, and provide LAN technical support, at no direct cost to the individual departments. The IT Department supports all office applications: including centralized accounting software, *Lotus Notes* e-mail and Microsoft Office software. Generally, once City funds are used to purchase a PC, the IT Department assumes responsibility for maintaining and replacing it, at no cost to the department.

Bill and Melinda Gates Foundation Support: In 2001, the Library benefited from the Gates' program to distribute PCs to all public libraries across the nation. Lynchburg's Library received 8 public access PCs and was one of 17 Virginia libraries to receive an 11-seat Computer Lab. The IT Department maintains all of the Gates equipment. In FY 2009, a second, 2-year Gates grant provided 4 new PCs to the Branch Library and in 2010 replaced 3 older PCs there. The 2009 Grant also provided a new child's Early Learning Station (ELS) for the Branch and the Branch's older ELS was transferred to the Main Library; the Main Library now has 4 ELSs. The Main Library also qualified for the 2009 Gates program, but did not meet all the eligibility requirements, because its PCs had been recently replaced by the City.

Phone System and other Communications: The Library's Cisco phone system is part of the larger City phone system and is managed by the IT Department. The Main Library Adult Information Desk has a cordless phone for staff flexibility. No one on Library staff has a City-provided cell phone. The Director has a Blackberry for connecting to the Lotus Notes e-mail system.

Web Site and Facebook: The Library maintains a web site on the City's web page. It includes access to the Library's catalog of holdings, FINDITVA, and the Friends of the Library, as well as links to other sites. In FY 2010, a *Social Networking Policy* was adopted by the City. The Library established a Facebook page in FY 2010. In late FY 2010 a redesign of the Library web site was begun by the City's graphic artist.

Electronic Databases: The Library provides access to FINDITVA, a database of electronic resources, from public access PCs in the Library and through its web page. FINDITVA is provided to all public libraries by the Library of Virginia, utilizing federal Library Services and Technology Act (LSTA) funds. The Library also offers, at its expense, ALL DATA (auto manuals), and in FY 2010 added MANGO (foreign language study) and TUMBLEBOOK (books in multiple languages for children). By purchasing MANGO and TUMBLEBOOK in partnership with the Amherst County Public Library, the cost was discounted.

The Public Law Library, located in the Branch Library, provides in-house access to WESTLAW, an electronic database of legal materials. It is used by the legal community and lay citizens. The court fees that are assessed for its support cover all costs associated with the Law Library.

Gates Computer Lab: Free classes are offered in the basics of PC use: "What Are a Mouse and Keyboard?," "Basic Word Processing," "Introductory Internet Searching," "Job Searching," etc. Library staff and volunteers often teach the classes. Partnerships with the Jones Memorial Library (genealogy), the City's Parks and Recreation Department (basic skills) and the Virginia Employment Commission (VEC) expand the scope of the offerings.

Access to the Internet: Public access to the Internet is a major core service. In FY 2010, the Main Library has 22 public use PCs and the Branch Library houses 7 PCs. Daily, over 250 individuals use the Library's PC's for e-mail, information, educational games and activities as diverse as Division of Motor Vehicles (DMV) test taking. Many of the 65,000 annual user sessions are focused on job searching and filing applications.

Other Technology Services: Word Processing capability is offered at both libraries (the Main Library has 2 dedicated PCs, as well as the use of an IBM typewriter). The Main Library has 2 Canon microfilm-reader printers for use with its extensive collection of Lynchburg newspapers. The Main and Branch Libraries also have electronic magnifiers for the visually impaired.

In FY 2006, the Library Friends donated 4 Early Learning Stations (ELS), 3 for the Main Library and 1 for the Branch. These freestanding PCs are loaded with 20-25 award-winning children's software packages. They are used nearly nonstop by children from ages 3-10+. With the 2009 Gates Foundation Grant, a new ELS was bought for the Branch and its older model was transferred to the Main Library to enable it to serve even more children.

Staff Training: Because technology is evolving so quickly, there is a continuing need for training. In FY 2011, special emphasis will be given to building skills in the Adult and Youth public service staff. Staff will be surveyed to determine which skills they need to enhance to better assist users and perform their own work. Webinars and City-provided classes will be available. During 2011, the Library plans to employ a part-time Para-professional, Library Assistant III as an in-house technology resource. This person will be responsible for the Library web site and Facebook account, teach classes in various PC skills to the public and staff, and assist in developing a staff training program.