

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
Tuesday, May 14, 2013
10:00 a.m.**

Information Items

Recent/Pending Contract Awards

<u>Project/Phase</u>	<u>Contractor/Consultant</u>	<u>Budgeted Amount</u>	<u>Contract Amount</u>
Miller Center Renovation	Iron Bridge Construction	\$5,450,000	\$4,725,916
Stormwater Mapping Updates	Worldview for GIS	N/A	\$299,700

Update on priority projects – see attached.

General Business

1. Vacate Unopened Right-of-Way Lying Between
3540 Young Place and 4000 Mayflower Drive Tom Martin
2. Right-of-way Vacation – Unnamed alley between
Huron Avenue and Irvington Street Kevin Henry
3. Lease of City-owned Property Located at
3813 Old Forest Road Steve Lawson
4. Discussion of Capital Improvement Program Projects Lee Newland
5. Roll Call

Pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Dave Owen, Director of Public Works
News & Advance
File

Next Meeting: June 11, 2013

Lynchburg Capital Projects (General Fund)

May 14, 2013

Projects of Interest		Status		Notes
Rivermont Ave. Bridge		Construction	July 2012	Revised schedule has finials being installed first week in May.
Wards Road Pedestrian X-ing 2B		Construction	May 2013	Trail phase 2B Acquiring Easements (2 of 4 remaining)
Midtown Connector		Construction	March 2015	Under Construction
Greenview Drive Phase 2		R/W	August 2014	Project schedule is dependent on available funds from VDOT. R/W Authorization granted by FHWA. Considering Revenue Sharing Funds
Kemper Street Bridge / Interchange		Design	March 2013	Finalizing a design exception request to VDOT - Planned to bid in Nov.
Lower Bluffwalk Phase 1 (lower bluffwalk, 12th St. & Jefferson St. south)		Construction	December 2012	Scheduled for completion in early spring.
Lower Bluffwalk Phase 2		Construction	October 2014	Underway
Memorial - Park - Lakeside Intersection		R/W	April 2013	Working on acquiring R/W . Progress with owner being made.
Multiple Bridge Maintenance Work		Construction	September 2013	Underway
Expressway Drainage		Construction	February 2013	Closeout
Holiday Inn Parking Deck Repairs		Construction	June 2013	Contract executed. Plans to remove and reinstall beam early June.
Fifth Street Phase 2 Utilities w/ streetscapes		Construction	August 2013	Working within final two blocks

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Vacate unopened right-of-way lying between 3540 Young Place and 4000 Mayflower Drive**

RECOMMENDATION: Vacate unopened right-of-way and quitclaim any City interest to Liberty University

SUMMARY: Mr. Paul J. Feinman, Petty, Livingston, Dawson & Richards is representing Liberty University in requesting the City quitclaim any interest it has in a strip of land lying between 3540 Young Place and 4000 Mayflower Drive to the University. The strip of land is approximately three hundred thirty-five (335) feet in length and forty-six (46) feet in width. The property was conveyed to the City by deed on August 1, 1968 by Mr. and Mrs. Frank A. Young, Jr. The deed contained a reversionary clause that if the land was not used as a public street within fifteen (15) years its ownership would revert back to the Youngs. A small portion of the property was used in the construction of Young Place and the remainder is currently mapped as unopened right-of-way. The Youngs or their successors in interest have never taken any action to have ownership of the land revert back. Both 3540 Young Place and 4000 Mayflower Drive are currently owned by Liberty University. The only other property that could be accessed by the unopened right-of-way is located at 3550 Young Place. 3550 Young Place is currently owned by the City, used by the Department of Information Technology and has adequate access from Young Place.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner - 455-3900
Walter Erwin, City Attorney – 455-3973

ATTACHMENT(S):

- April 12, 2013 letter from Paul Feinman
- Deed and Plat
- Area Map

REVIEWED BY

PETTY,
LIVINGSTON,
DAWSON
&
RICHARDS

Individual & Corporate Counsel

PAUL J. FEINMAN
pfeinman@pldrllaw.com
TEL. 434-846-2768
FAX 434-847-8195

www.pldrllaw.com

Mailing Address:
P.O. Box 1080
Lynchburg, VA 24505

Street Address:
725 Church Street
Suite 1200
Lynchburg, VA 24504

April 12, 2013

Kimball Payne, III
City Manager
900 Church Street
Lynchburg, VA 24504



Re: Property Between Intersection of Mayflower Drive and Young Place

Dear Kim:

I am writing on behalf of Liberty University, Inc., to request that the City of Lynchburg quitclaim its interest in an unused strip of land located at the intersection of Mayflower Drive and Young Place, to the University. The strip of land is approximately 46 feet in width, and appears to have a length of from 330 to 335 feet, and is located between 4000 Mayflower Drive and 3540 Young Place. I have enclosed the plat used to convey the strip to the City, and also an aerial view with an overlay of the strip of land where it now lies in relation to Young Place and Mayflower Drive. (Please note that this overlay was not done by a surveyor.)

Mr. and Mrs. Frank A. Young, Jr. conveyed the full ownership of this strip of land to the City by deed dated August 1, 1968, recorded in Deed Book 430, at page 249. That deed contained a reversionary clause, stating that the strip was to be used for the City's public streets, but that if it was not so used within 15 years, its ownership would revert to the Youngs. I have also included a copy of that deed.

Mayflower Drive already existed at the time of the Young deed. It appears that VDOT subsequently put in Young Place, within the 15 year period, and then at some point after that, transferred Young Place to the City. The overlay demonstrates that part of the strip of land was used at the eventual location of the intersection of Young Place and Mayflower Drive. The rest of the strip of land has not been used at all.

Our legal analysis is that the City still owns this strip of land, by virtue of part of the strip having been used for Young Place. Even if it did not receive Young Place from the Commonwealth until after the end of the 15 year period (which is possible), or even if the attempted map overlay done on Parcel 2 were shown to be incorrect by an actual field survey, the Youngs and their successors in interest have not taken any steps to take back

this parcel. Thus, the statute of limitations period regarding their right to enforce their reversionary interest has already run, and they no longer have an interest either (we are asking them for a quitclaim deed too, just to remove any possible cloud on the title).

Liberty University owns the properties on both sides of this strip of land, and has already been in discussion with the folks in the GIS section of the Assessor's Office about its desire to acquire this strip and thereby remove this peninsula between its two surrounding parcels by adding it to one or the other. I have discussed this with Walter Erwin's Office as well, and he is familiar with it.

Please let me know if you have any questions about this, or simply need some more information or documentation, and whether there are other steps I need to take to move this forward in addition to this request.

Thank you very much for your consideration. With kindest regards, I am

Sincerely yours,

A handwritten signature in blue ink that reads "Paul".

Paul J. Feinman

cc: Walter C. Erwin
David M. Corry

1584

THIS DEED, made this 1st day of August, 1968, by and between FRANK A. YOUNG JR. and ETELLE C. YOUNG, husband and wife, respectively, parties of the first part; CITY OF LYNCHBURG, a municipal corporation of the Commonwealth of Virginia, party of the second part; S. THOMAS MARTIN and WILLIAM S. ADAMS, TRUSTEES, as hereinafter shown, parties of the third part; and FIDELITY NATIONAL BANK, of Lynchburg, Virginia, party of the fourth part:

W I T N E S S E T H :

That for and in consideration of the sum of FIVE DOLLARS (\$5.00) cash and other valuable considerations in hand paid and delivered by the party of the second part to the parties of the first part, the receipt of which is hereby acknowledged, and the agreement by and on behalf of the party of the second part, evidenced by its acceptance of the delivery of this deed, that upon the application of the parties of the first part their successors or assigns, the party of the second part agrees to provide at the City's expense a tap to the existing sanitary sewer line as shown on the attached plat and further agrees to extend said tap line across the property hereby conveyed to the new property line hereby created of the parties of the first part; and the further agreement by the party of the second part that, at its sole expense, it will extend, or cause to be extended, a water line in Mayflower Drive shown on said plat to the point where the same will be available for use as an appurtenance to the said adjoining property of the parties of the first part or their successors, the said parties of the first part do hereby grant and convey, with General Warranty of Title, unto the party of the second part, the following described real estate, to-wit:

That certain strip or parcel of land approximately 30 feet wide, situate, lying and being in the City of Lynchburg, Virginia, adjoining and on the southeasterly side of Mayflower Drive in the City of Lynchburg, Virginia and which said strip or parcel of land is outlined in red on a plat prepared by the Department of Public Works of the City of Lynchburg, Virginia, entitled "Mayflower Drive Land To Be Acquired By The City Of Lynchburg From Frank A. Young Jr. and Etelle C. Young--Part Of Carrollton Farm", dated May 25, 1968, designated File A-1706, a copy of which plat is attached hereto and made a part hereof. Said property being more particularly described according to said plat as follows:

Beginning at an iron on the southerly side of Mayflower Drive, which point is corner to the property of the parties of the first part and the property of Lynchburg Area Development Corporation; thence along said dividing line S. $27^{\circ} 16'$ W. 328.96 feet to a point; thence S. $14^{\circ} 39'$ W. 147.30 feet to a point corner of the property owned by the parties of the first part and property owned by the Lynchburg Area Development Corporation and property owned by the Rental Uniform Service of Roanoke, Inc.; thence along the dividing line between the property of the parties of the first part and the property of Rental Uniform Service of Roanoke, Inc. N. $59^{\circ} 30'$ W. 26 feet to a point; thence along a new line N. $12^{\circ} 32'$ E. 143.54 feet to a point; thence N. $27^{\circ} 16'$ E. 189.92 feet to a point; thence along a curved line in a westerly direction with a radius of 25 feet for a distance of 65.23 feet to P. C. on the southerly line of Mayflower Drive, thence along the southerly line of Mayflower Drive on a curved line in an easterly direction with a radius of 1939.86 feet for a distance of 151.50 feet to an iron at the point of beginning; and being part of the same property conveyed to the parties of the first part, by deed from Lynchburg Industrial Enterprises Inc., dated December 7, 1967, recorded in the Lynchburg Clerk's Office in Deed Book 423, at page 491.

TO HAVE AND TO HOLD the above described property unto the party of the second part, its successors and assigns forever, as and for a part of the public streets of the City of Lynchburg, provided, however, that if no such use of said property shall be made within fifteen years from the date of this deed, then said property shall at the expiration of fifteen years from the date of this deed, immediately revert to the parties of the first part or their successors in interest, in fee simple estate.

WHEREAS, by deed of trust dated December 27, 1967, of record in the Clerk's Office of the Corporation Court of the City of Lynchburg, Virginia, in Deed Book 423, page 495, the parties of the first part conveyed to S. Thomas Martin and William S. Adams, Trustees, certain property including the property hereinbefore described and conveyed, in trust to secure the payment of a certain debt more fully described therein; and

WHEREAS, Fidelity National Bank, Lynchburg, Virginia, is the holder of the debt secured by the deed of trust aforesaid; and

WHEREAS, the holder, party of the fourth part hereto, regards the conveyance of the parcel of land here in before described and conveyed as not reducing the security for the debt secured by the deed of trust aforesaid and is willing to release the lien of said deed of trust as to the parcel of land hereinbefore described and conveyed, and has directed the parties of the third part, Trustees, to release the said deed of trust as to the same, as evidenced by the execution of this deed by the said party of the fourth part hereto;

NOW, THEREFORE, THIS DEED FURTHER WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid, by the party of the second part to the party of the fourth part, the receipt whereof is hereby acknowledged, the parties of the third part, Trustees, at the direction of the party of the fourth part, do hereby release, with Special Warranty of Title, unto the party of the second part, the parcel of land hereinbefore described and conveyed, free from the lien of said deed of trust, but it is expressly understood and agreed that as to the residue of the property conveyed by the aforesaid deed of trust, the lien thereof shall remain in full force and effect.

WITNESS the following signatures and seals, as of the day and
year first above written.

Frank A. Young Jr. (SEAL)

Estelle C. Young (SEAL)

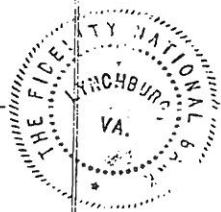
J. C. Young

Trustee

William S. Adams
Trustee

FIDELITY NATIONAL BANK, Lynchburg,
Virginia

By D. D. Bonistead
Its Vice-President



Attest:

W. H. Morgan
Its Asst. Cashier

CITY ATTORNEY
LYNCHBURG, VA.

STATE OF VIRGINIA,

CITY OF LYNCHBURG, to-wit:

I, Mary Willie Carson, a Notary Public in
and for the City of Lynchburg, in the State of Virginia, do hereby certify
that FRANK A. YOUNG JR. and ETELLE C. YOUNG, husband and wife,
respectively, whose names are signed to the foregoing writing, bearing
date the 1st day of August, 1968, have acknowledged the same before me
in my City and State aforesaid.

My commission expires the 3rd day of May, 1970.

Given under my hand this 5th day of August, 1968.

Mary Willie Carson
Notary Public

STATE OF VIRGINIA,

CITY OF LYNCHBURG, to-wit:

I, Mary Willie Carson, a Notary Public in
and for the City of Lynchburg, in the State of Virginia, do hereby certify
that S. THOMAS MARTIN and WILLIAM S. ADAMS, whose names as
Trustees are signed to the foregoing writing, bearing date the 1st day of
August, 1968, have acknowledged the same before me in my City and State
aforesaid.

My commission expires the 3rd day of May, 1970.

Given under my hand this 6th day of August, 1968.

Mary Willie Carson
Notary Public

4000 Mayflower Dr. & 3540 Young Pl.

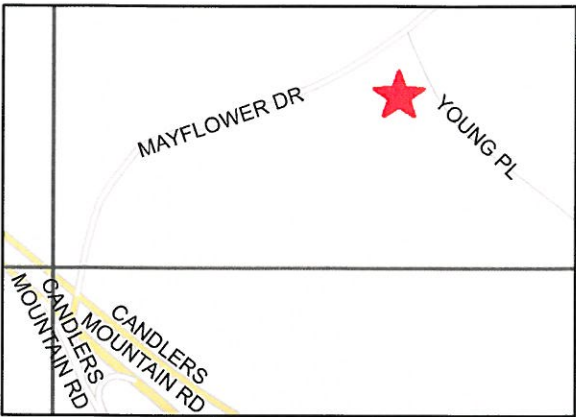
Right-of-Way Vacation



Property



Property adjoining right of way



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013 PDC**

AGENDA ITEM NO.:

CONSENT:

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION:

ITEM TITLE: **Right of Way Vacation – Unnamed alley between Huron Avenue and Irvington Street**

RECOMMENDATION: Forward to full Council for public hearing.

SUMMARY: Mr. & Mrs. Michael McLeroy, are petitioning to vacate an unnamed alley between Huron Avenue and Irvington Street, more particularly situated between the properties of 2018, 2024 Rivermont Avenue, 115 Huron Avenue, and 121 Irvington Street. The portion of the right of way they desire to vacate is two hundred sixty six (266) feet in length and fifteen (15) feet wide.

Each of the aforementioned parcels will extend their current boundary with the right of way to the center-line of the alley. The applicant has requested this vacation to limit pedestrian through traffic.

The four (4) parcels that adjoin the alley are the only properties served by the alley, therefore there is no impact by the proposed vacation since all properties currently front existing City-maintained streets.

PRIOR ACTION(S):

April 30, 2013: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

CONTACT(S):

Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Vicinity Maps
- Application
- Photos

REVIEWED BY: lkp

AN ORDINANCE VACATING AN UNNAMED ALLEY BETWEEN 2018, 2024 RIVERMONT AVENUE, 115 HURON AVENUE, AND 121 IRVINGTON STREET.

WHEREAS, Mr. & Mrs. Michael McLeroy are petitioning to vacate an unnamed alley located between the properties of 2018, 2024 Rivermont Avenue, 115 Huron Avenue, and 121 Irvington Street, which extends two hundred sixty six (266) feet; and

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

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

The unnamed alley located between 2018, 2024 Rivermont Avenue, 115 Huron Avenue, and 121 Irvington Street, which extends two hundred sixty six (266) feet.

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

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

Adopted:

Certified:

Clerk of Council

**2018 & 2024 Rivermont Avenue
121 Irvington Street
115 Huron Avenue**

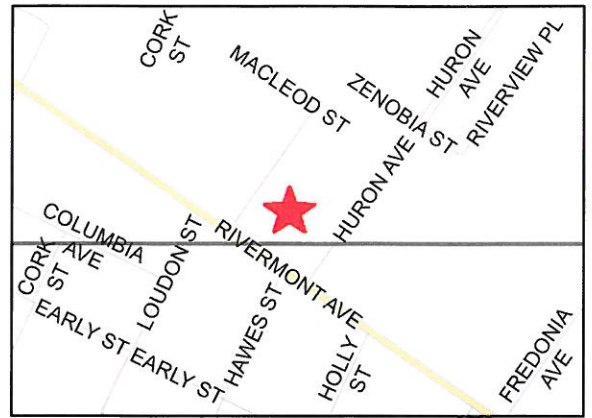
Right-of-Way Vacation



Property



Property adjoining right of way

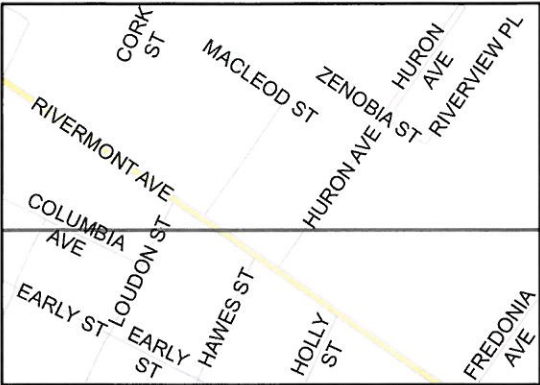


2018 & 2024 Rivermont Avenue
121 Irvington Street
115 Huron Avenue

Right-of-Way Vacation



Area to be vacated



APPLICATION FOR THE VACATION OF A

Alley
(Street/Alley)

LOCATED BETWEEN

Huron Ave. and Irvington Ave.

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

Alley extends from Huron Ave. (Lat: 37°26'06.47"N Lon: 79°09'34.95"W) to Irvington Ave. (Lat: 37°26'07.92"N Lon: 79°09'37.40"W) in Lynchburg, VA. Alley is approx. 15 x 266 feet.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on May 7th, 2013, at 7:30 p.m., or as soon

thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described Alley.

Given under my hand this 7th day of April, 2013.


Michael and Jennifer McLeroy
Applicant

2018 Rivermont Ave., Lynchburg, VA 24503
Address

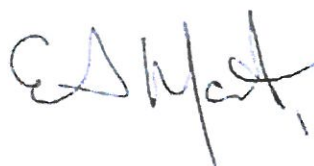
434-382-1818
Telephone Number

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

*Peter & Norcen Parker are willing to allow the portion
along the McLeroy property to revert to the McLeroys.*

 Norcen Parker
115 Hudson Ave, Lynchburg VA 24503

April 7, 2013

 Elizabeth Martin 4/7/13
121 Irvington St. Lynchburg, VA 24503

*I waive my portion of the back Alley which
is used as Beth Martin's driveway to Beth Martin
2024 Rivermont Ave. — Maureen Deal
4/18/13*









LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013 (PDC)**

AGENDA ITEM NO.:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Lease of City-owned property located at 3813 Old Forest Road**

RECOMMENDATION: Forward to full Council to hold a public hearing for consideration of leasing City-owned property located at 3813 Old Forest Road.

SUMMARY: Ramp Church International has requested to lease the City of Lynchburg's property at 3813 Old Forest Road on a year-to-year lease beginning June 1, 2013. The building will be used for a day care center.

PRIOR ACTION(S): None

FISCAL IMPACT: Lease revenue \$21,000 for the first year of the lease.

CONTACT(S): Steve Lawson, Real Estate Manager – 455-3945
Lee Newland, City Engineer – 455-3947
David Owen, Director of Public Works – 455-4469

ATTACHMENT(S): None

REVIEWED BY:

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Heritage High School**

RECOMMENDATION: N/A

SUMMARY: The Proposed FY 2014-2018 Capital Improvement Program (CIP) includes the Heritage High School (HHS) Project with a FY 2015 appropriation of \$83.25 million. Prior appropriations total \$3.48 million, resulting in proposed total project appropriations of \$86.73 million.

The School Board has approved a conceptual plan for the replacement of the current HHS with a new building on the existing site. Assistant Superintendent for Operations and Administration Ben Copeland will present the plan to City Council and will explain the process moving forward. Representatives from the architectural firm providing design services will also be present. Mr. Copeland will also discuss plans for the use of a third party for cost estimation and value engineering services.

NOTE: Mr. Copeland and the architects will be present in Council's Chamber at 3:30 p.m. to allow for an informal review of the plan documents. This will provide Council members a closer look at the documents in preparation for the presentation and discussion that will occur after the meeting is called to order.

This project is at the point that the next steps are the completion of design development, the preparation of construction documents and the acquisition of adjoining property. These activities will incur substantial costs with funding to come from future appropriations of resources previously set aside in the Heritage High School Reserve.

Approval of the FY 2014-2018 CIP, with the associated appropriations, will allow this project to proceed to the necessary next steps. Council will be kept advised of the project's progress, including the cost estimates.

PRIOR ACTION(S): Numerous.

FISCAL IMPACT: Substantial, as has been previously discussed.

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): The attachment for this item is a very large file that has been placed separately in Council's Dropbox.

REVIEWED BY: lkp

071K

City Council Presentation – Update of Project

May 14, 2013

Agenda

- Review of the Design Workshop Process
- Update on Post-Design Workshop development and direction from the School Board
- Questions

Design Workshop

February 27, 2013 – March 1, 2013

Idea Mining





The best definition for the "New" Heritage High School must include.....

SAFETY & SECURITY

SAFETY & SECURITY

SHOWCASE FOR LYNCHBURG

VISIBLE FROM TIMBERLAKE ROAD

OBVIOUS QUALITY CONSTRUCTION

SCHOOL LOOKS NICE

NEW COMMUNITY MEMBERS WANT TO GO THERE

COMMUNITY INVOLVEMENT

VISIBLE SCHOOL

DESIGNED FOR FUTURE TECHNOLOGY

STATE OF THE ART TECHNOLOGY

INTEGRATED TECHNOLOGY

ABILITY TO EXPAND TECHNOLOGY

TECHNOLOGY

UP-TO-DATE VO. TECH

COLLABORATIVE LEARNING ART / CTE

COLLABORATING

STUDENT ACHIEVEMENT

ACADEMIC ACHIEVEMENT

PROBLEM-BASED LEARNING

QUALITY STRUCTURE

LOW MAINTENANCE

MAINTAINING & REPAIRING

COST EFFECTIVE DESIGN

UPGRADED AUDITORIUM & THEATER

AUDITORIUM AS JEWEL OF THE SCHOOL

CAPACITY TO MOVE OVERSIZE ITEMS (BAND)

PROXIMITY OF BAND TO PRACTICE FACILITIES

HALLWAYS- SPACIOUS, WELL-LIT, INVITING

MORE NATURAL LIGHTING

WINDOWS IN EVERY CLASSROOM

WIDER HALLWAYS

ENERGY EFFICIENCY

GREEN BUILDING

SEPERATE STUDENT PARKING FROM TEACHER PARKING FROM BUS PARKING

BETTER TRAFFIC FLOW (SITE)

IMPROVE ACCESS TO SCHOOL

BETTER ACCESS TO SURROUND GREETHS

CONNECTION & ACCESS TO NEIGHBORHOOD

EXPANDED PRACTICE SPACE (2ND GYM)

BETTER USE OF SPACE

DEDICATED SPACES FOR EACH ACTIVITY

LARGE CLASSROOMS

LARGER ORCHESTRA ROOM

FLEXIBLE SPACES

MULTI-USE FACILITY

SPECIAL ED APPROPRIATE SPACES

SCIENCE LABS

SPORTS

LIFTING WEIGHTS

ORGANIZED DEPARTMENTS

ACCESSIBLE

ART

CLUBS

VOCATIONAL ED

THEATER

Mission Statement:

The new Heritage High School will be a showcase for Lynchburg dedicated to exceptional student achievement by providing

- safe buildings of high-quality, energy-efficient construction with low maintenance demands;
- academic classrooms, hallways, and vocational arts areas that are spacious, well-lit, and inviting, and equipped with the latest in educational technology designed to accommodate its rapidly evolving nature;
- spaces dedicated for each student activity, including sports fields and gyms, a band practice field, and an auditorium with a well-equipped theatre;
- all of which will be more visible and accessible to the community at large.

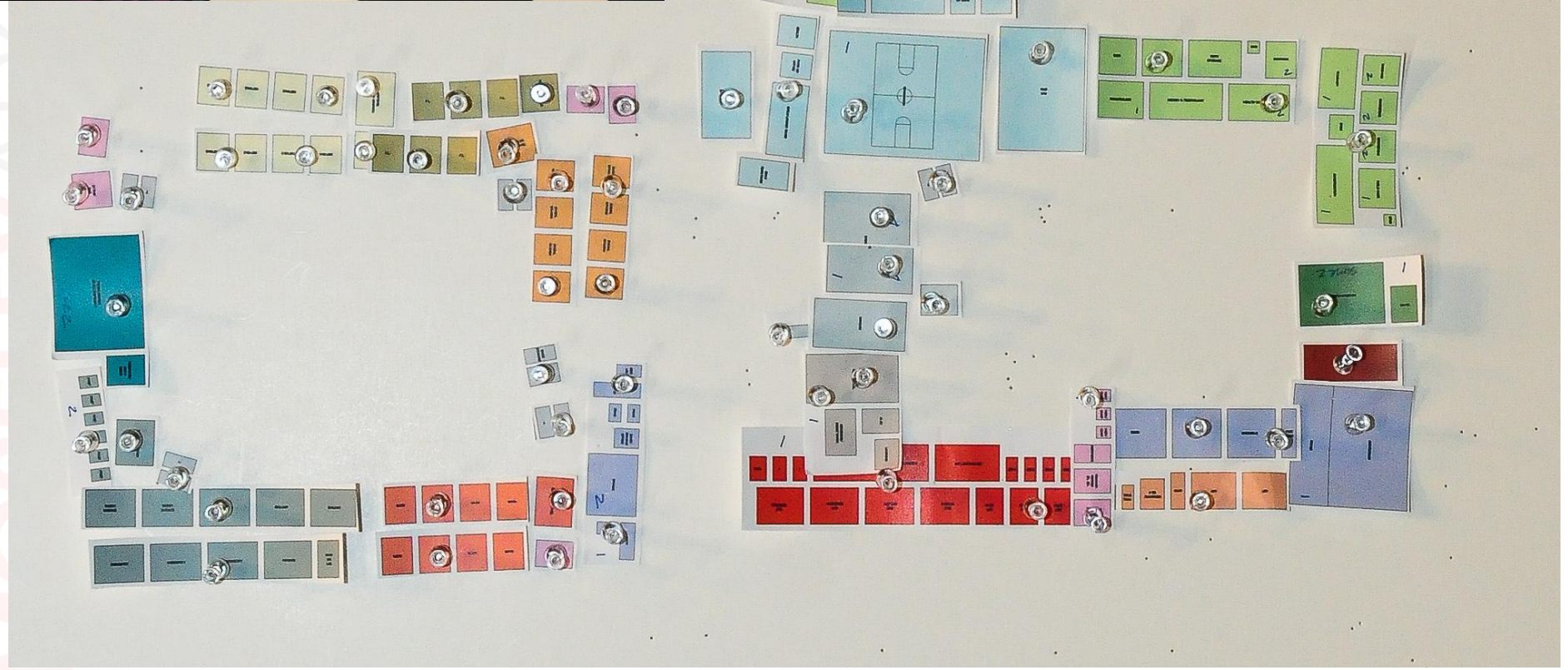
Sharon Wright
English Dept. Chair, HHS

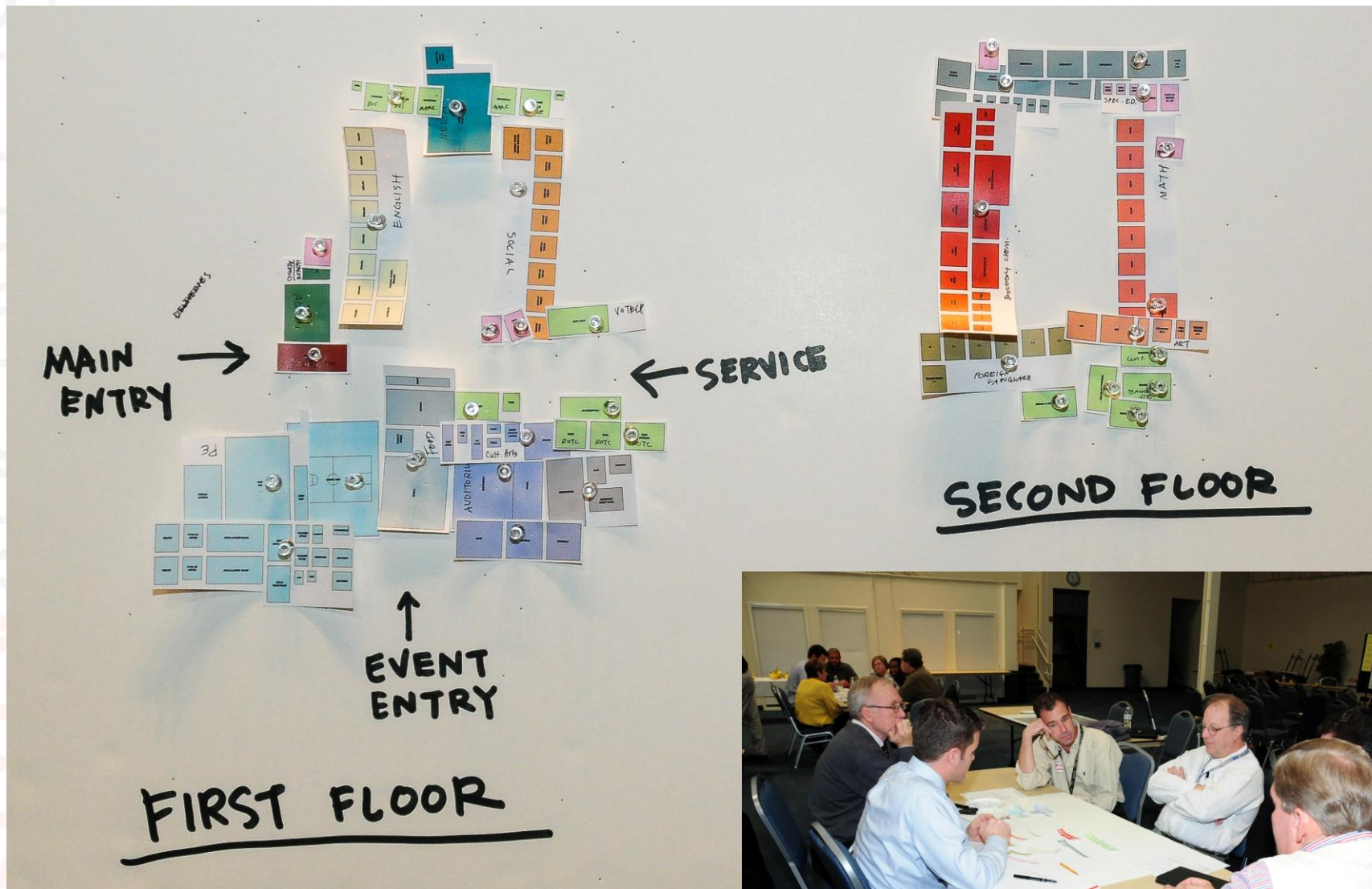
Site Diagrams

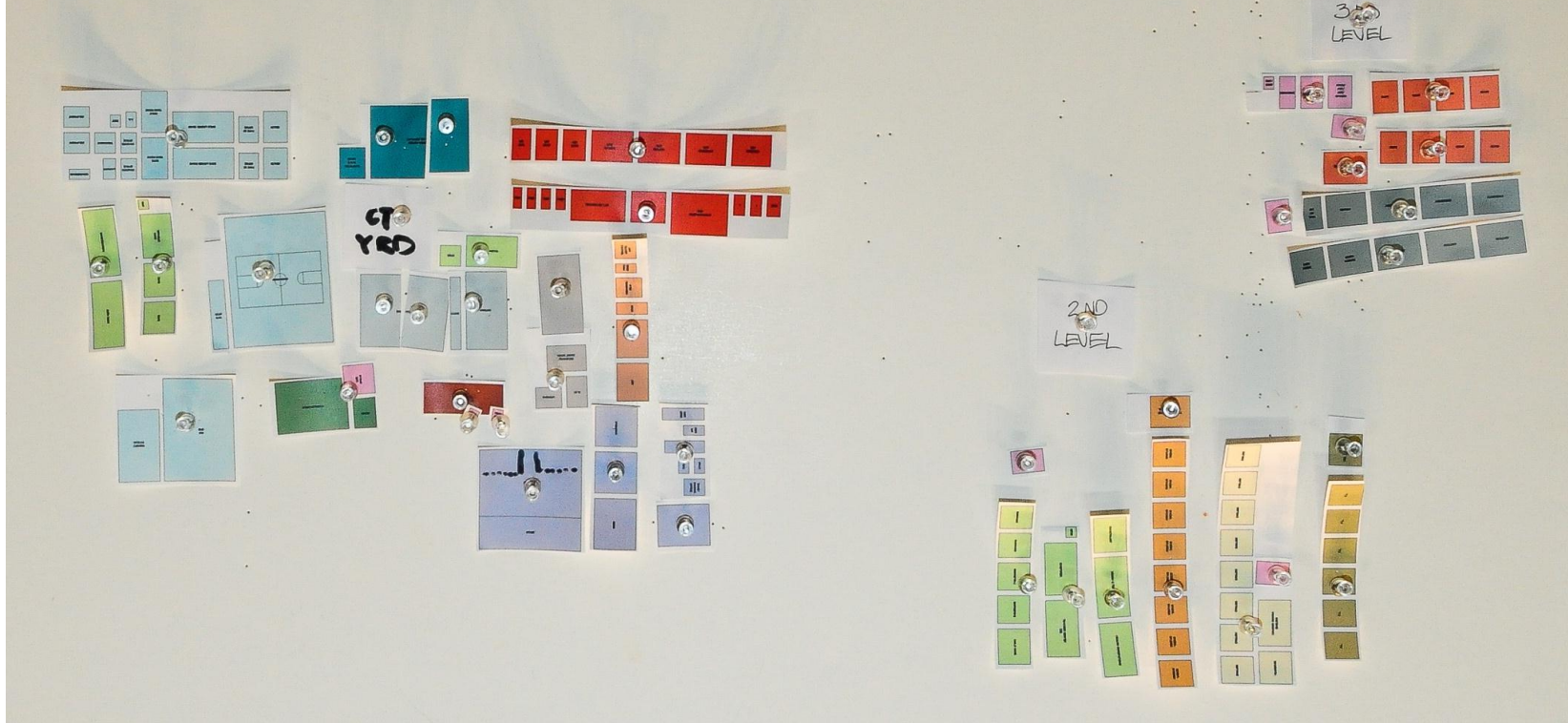




Building Diagrams

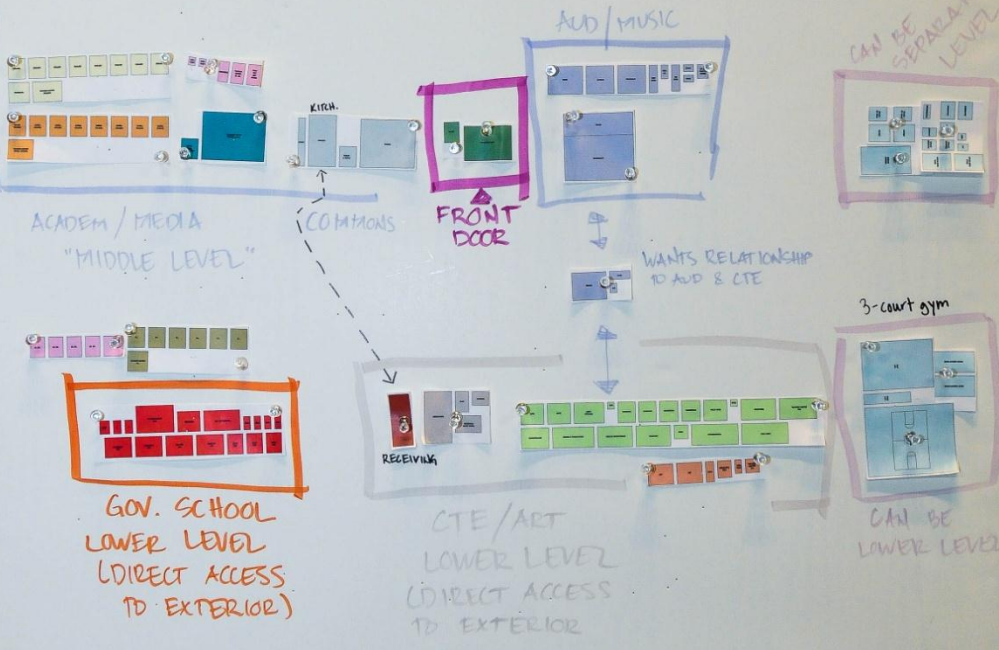
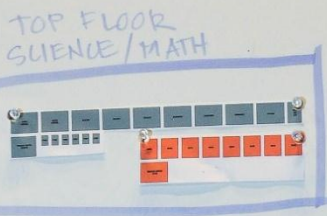
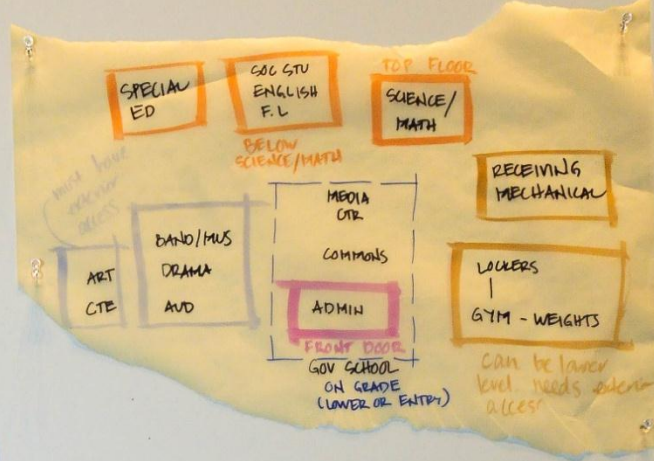




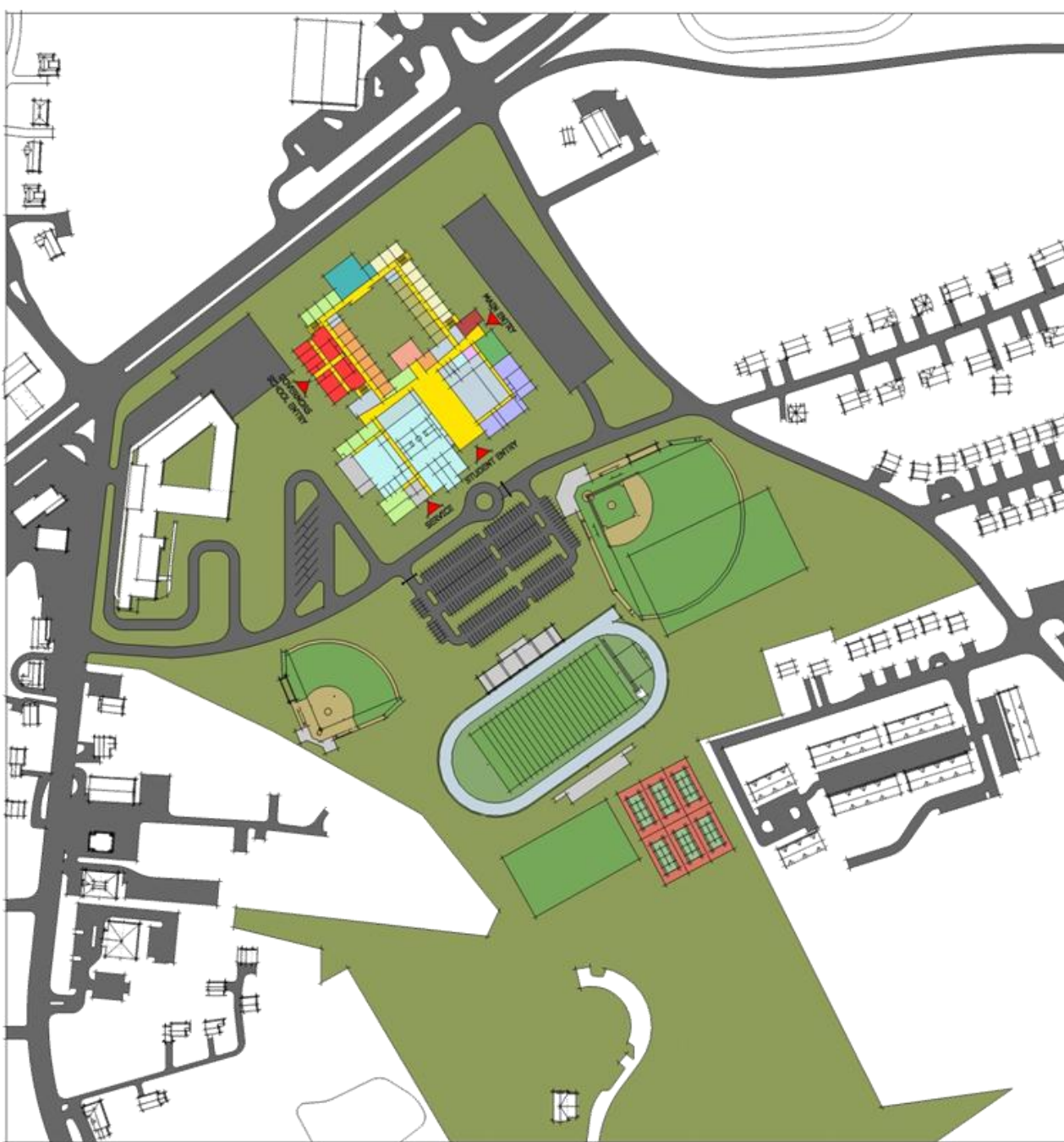




3-STORY

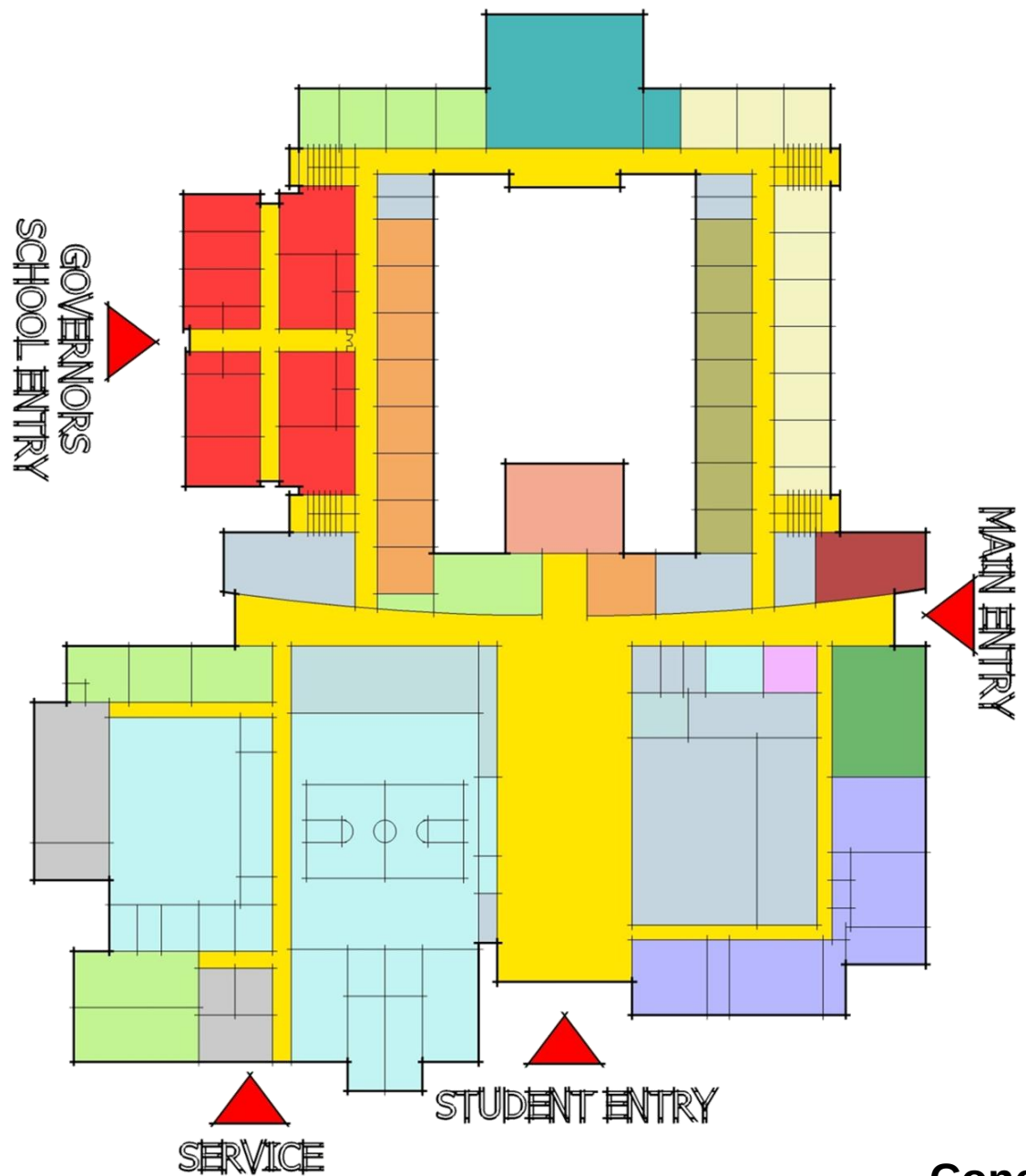


Further Developed Building/Site Diagrams



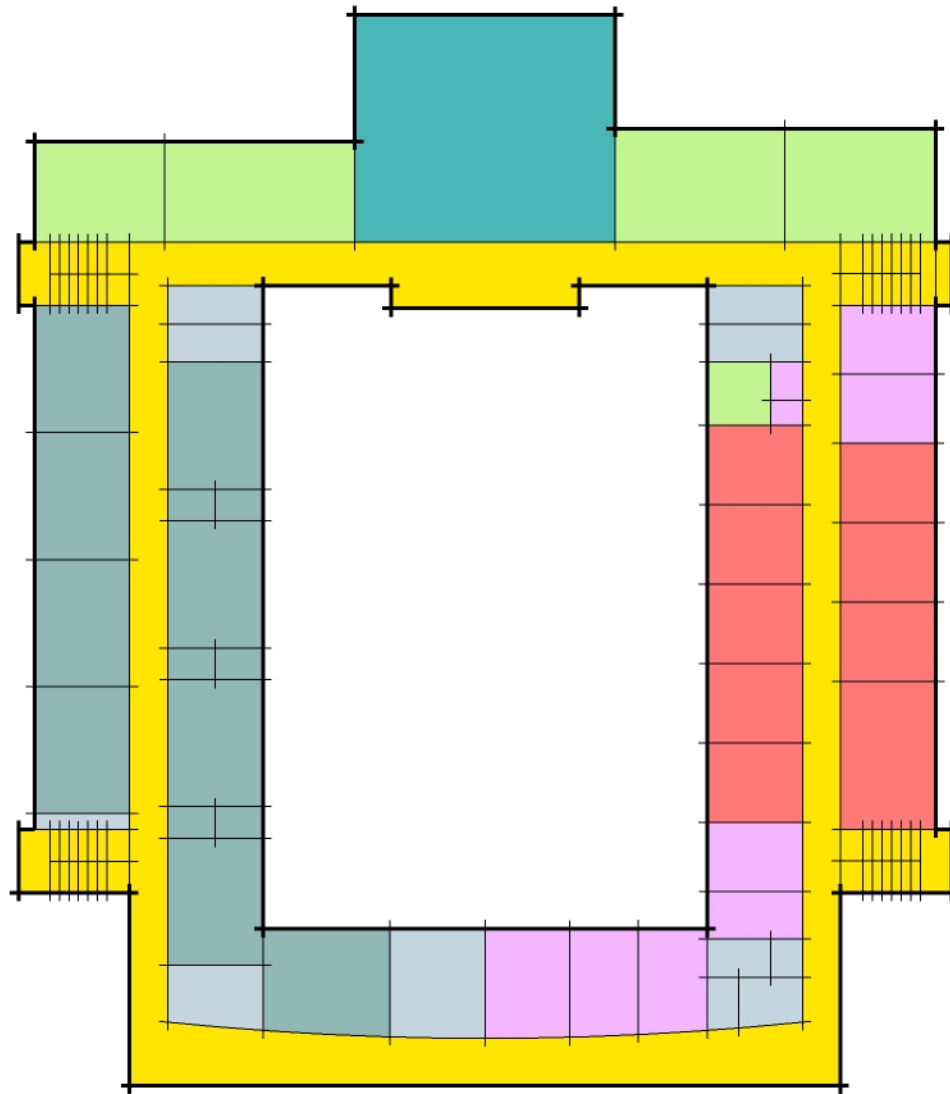
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- ENGLISH
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- GOV SCHOOL

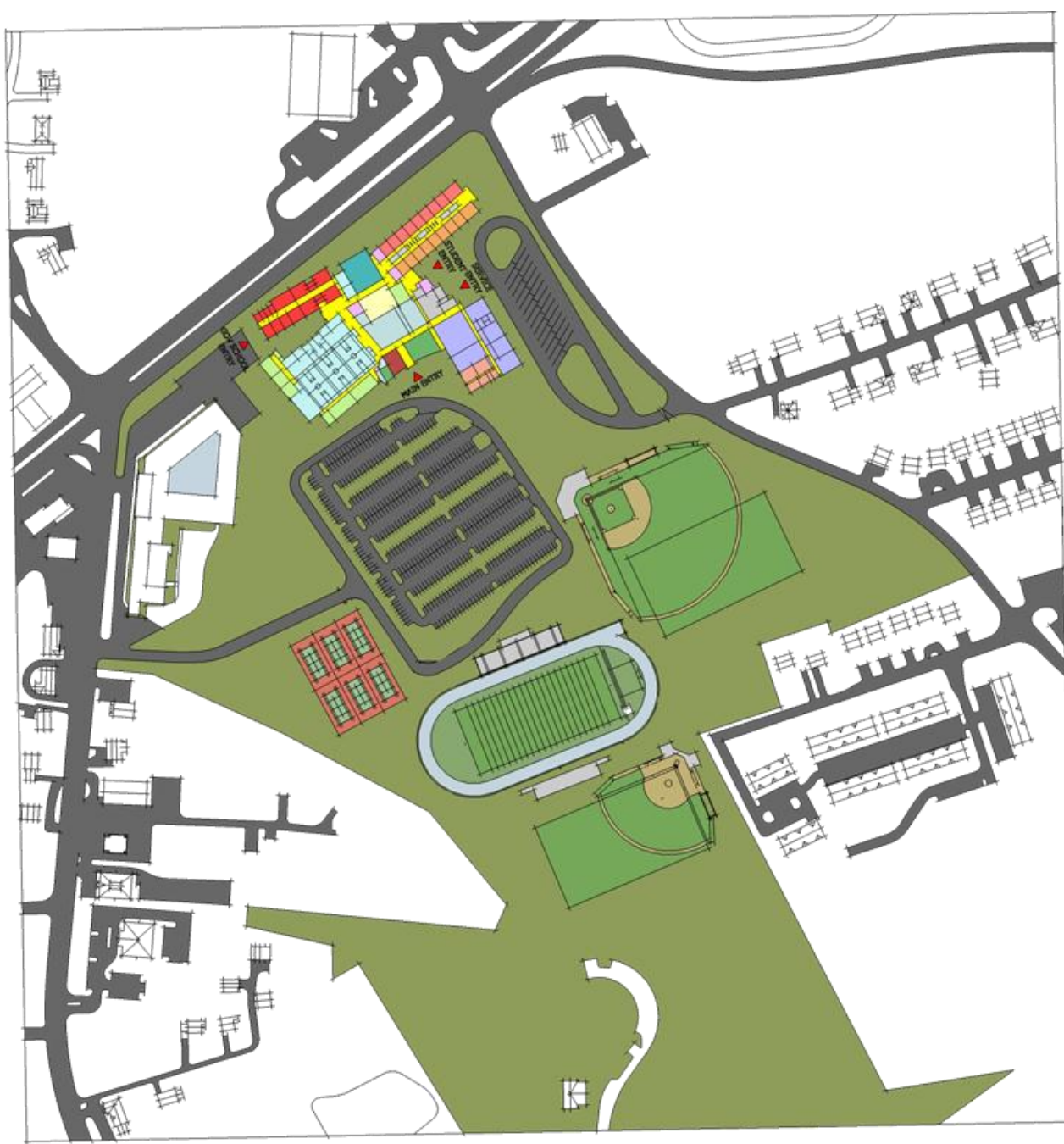


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Concept A



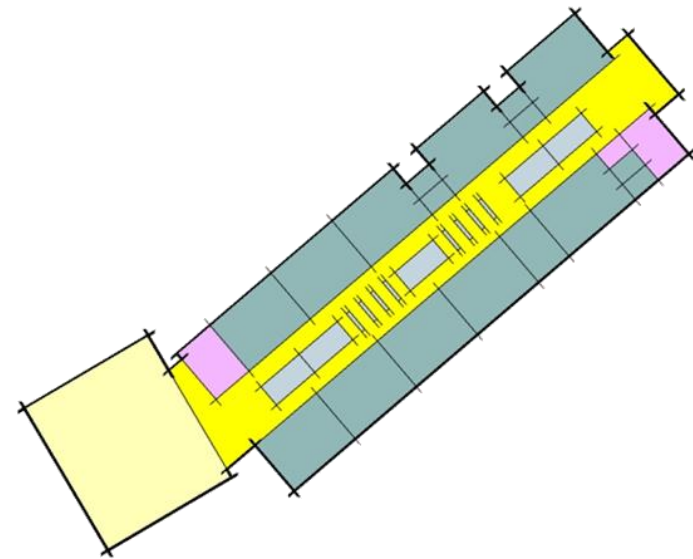
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Concept B

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Concept B



Concept C

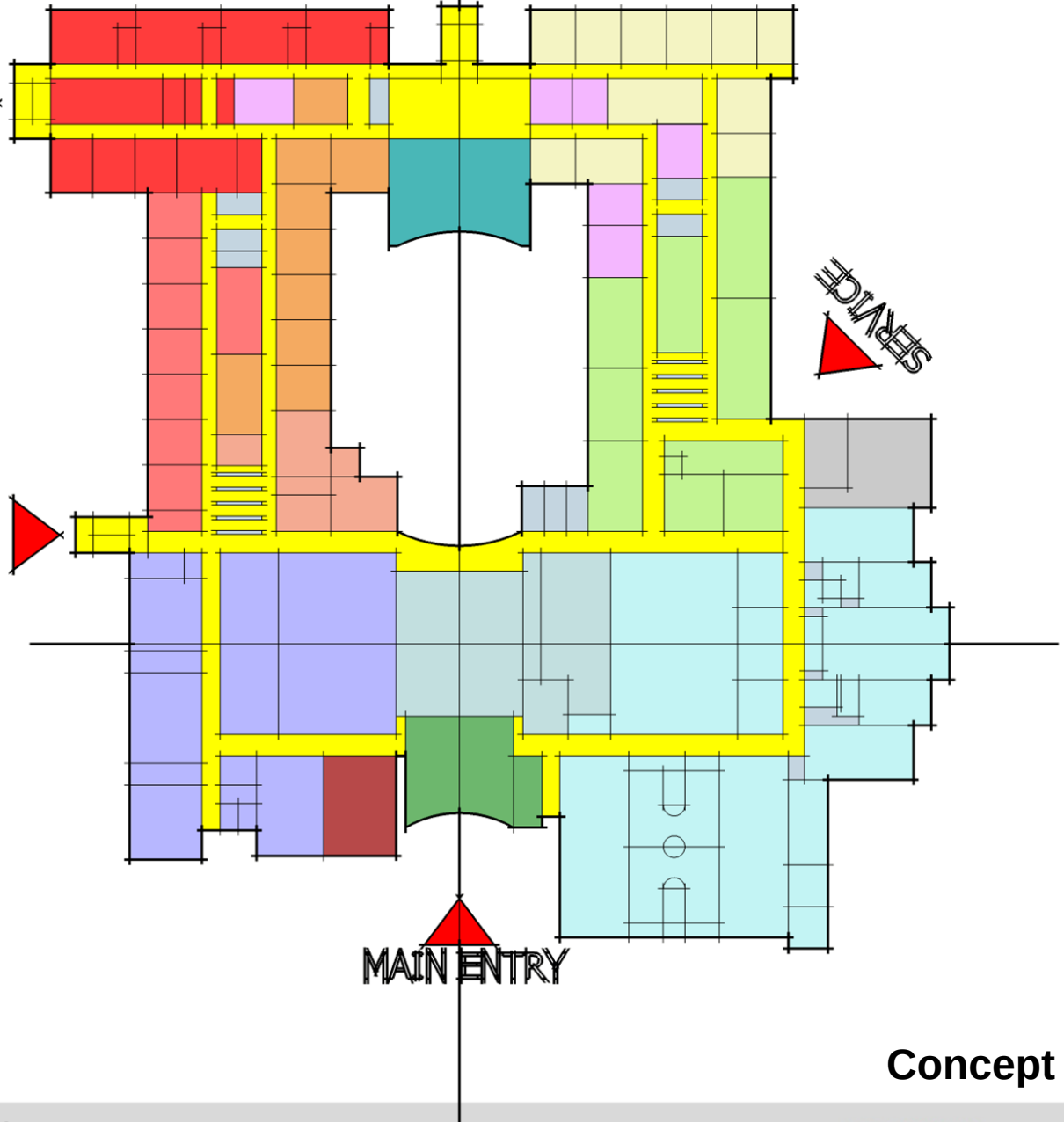
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**GOVERNORS
SCHOOL ENTRY**

STUDENT ENTRY

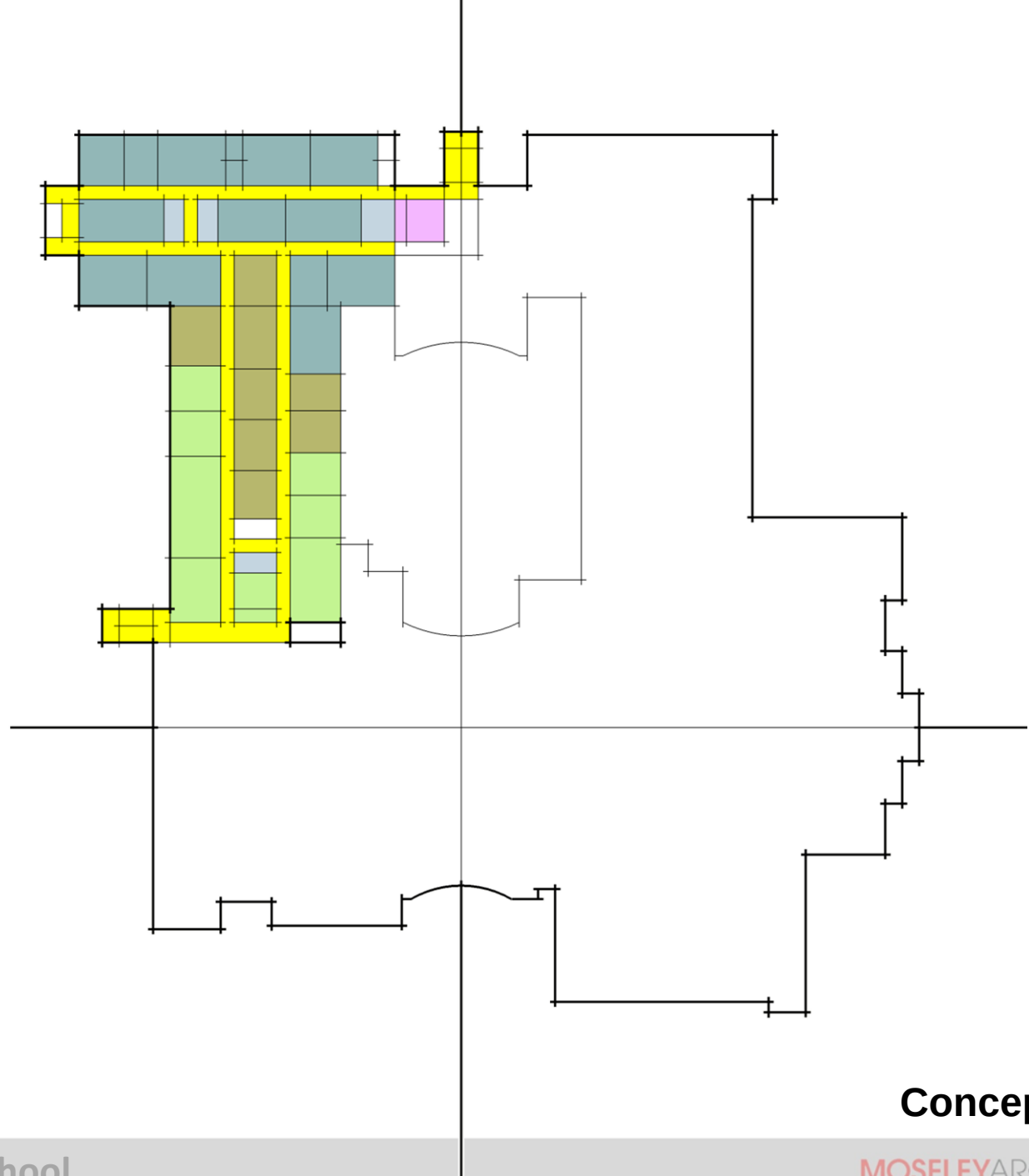
MAIN ENTRY

SERVICE



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Concept C



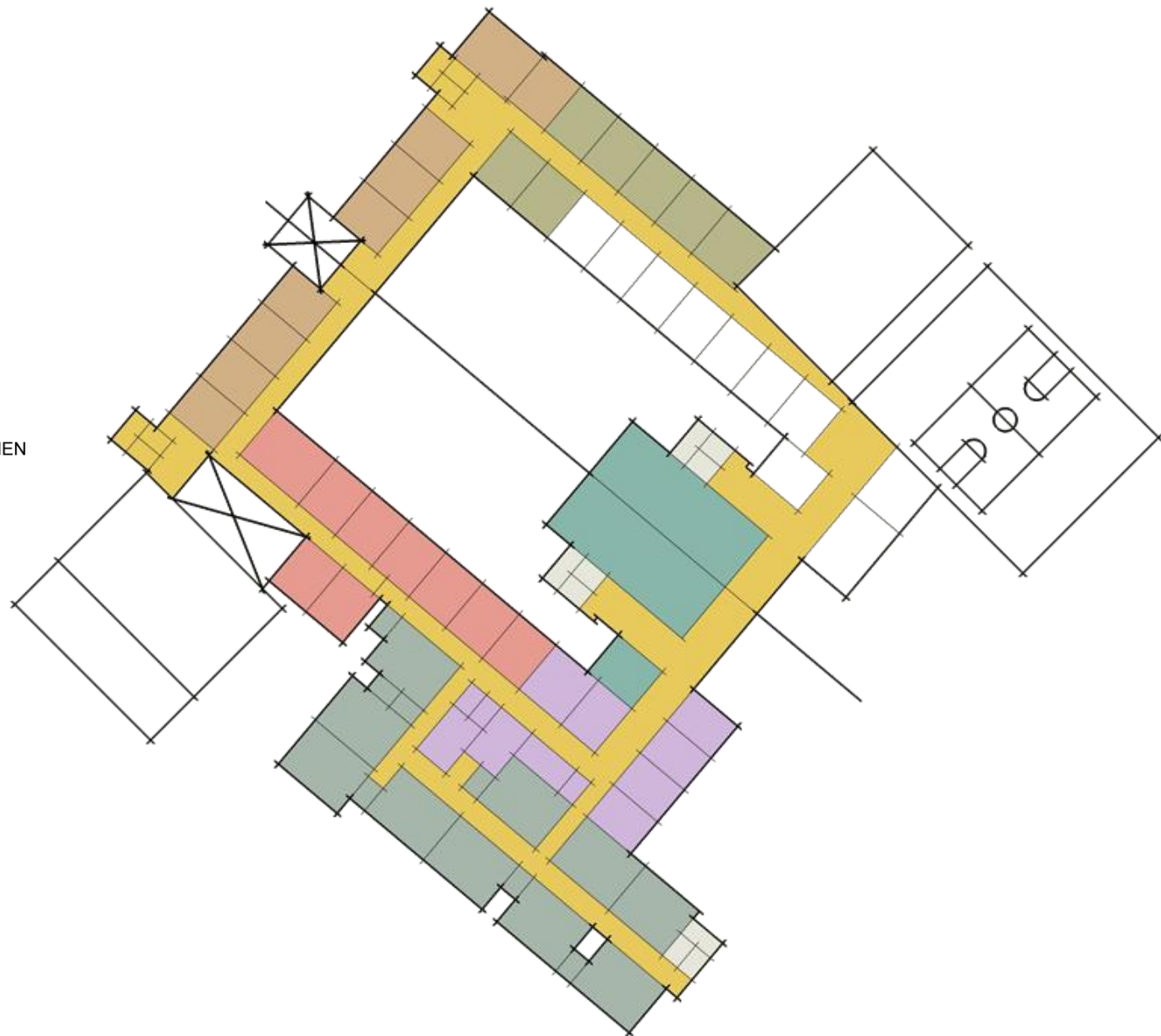
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Concept D

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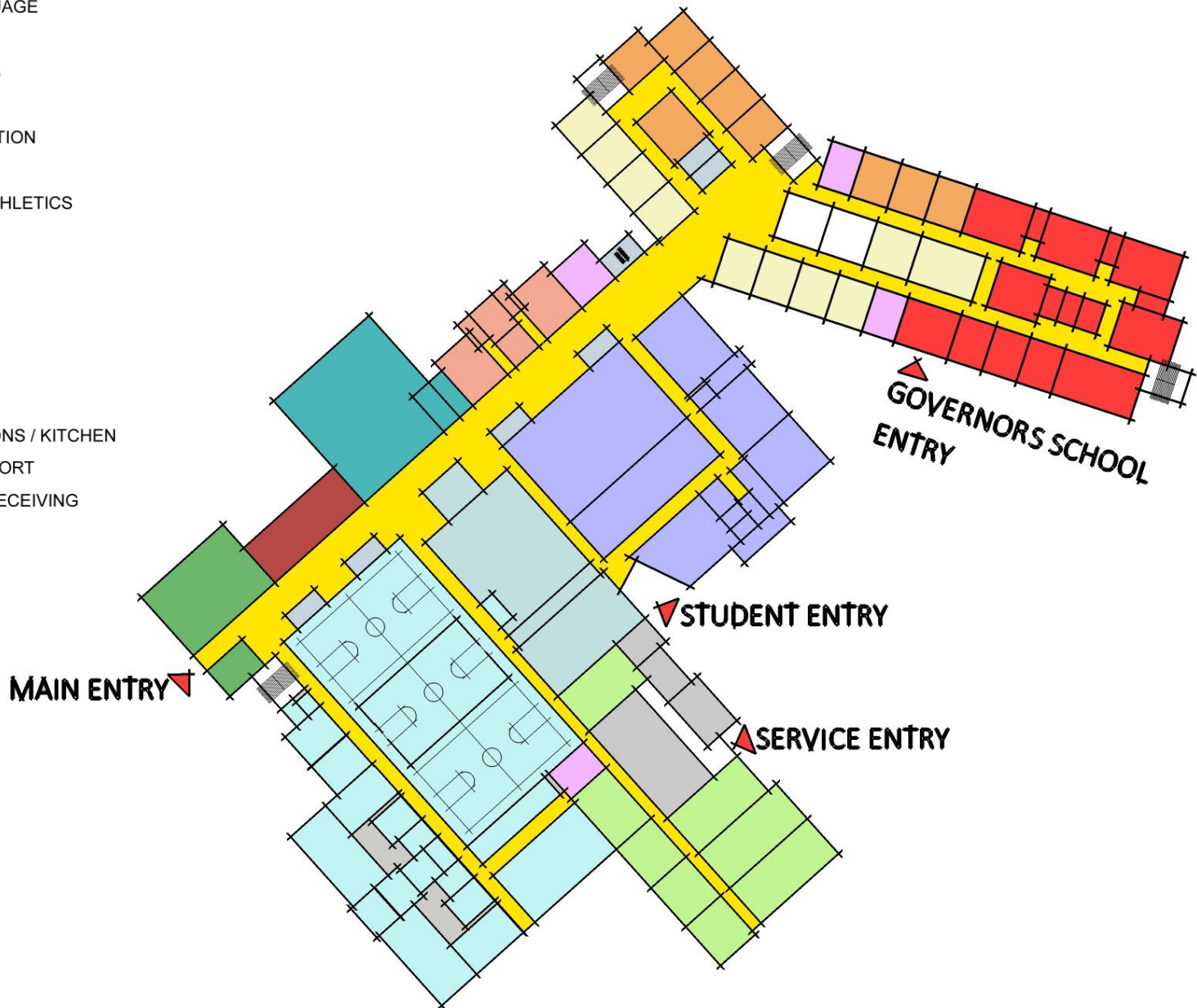


Concept D



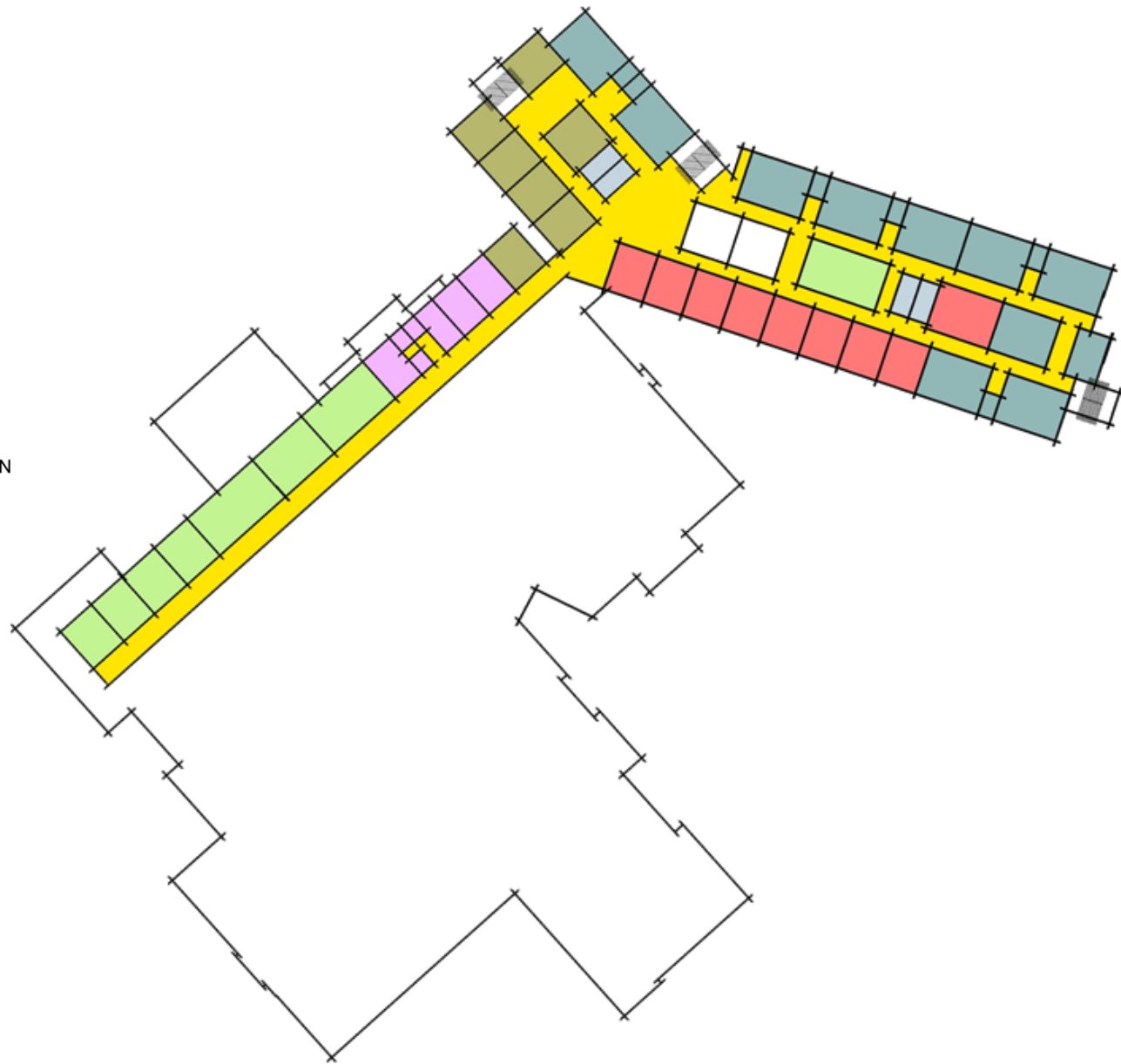
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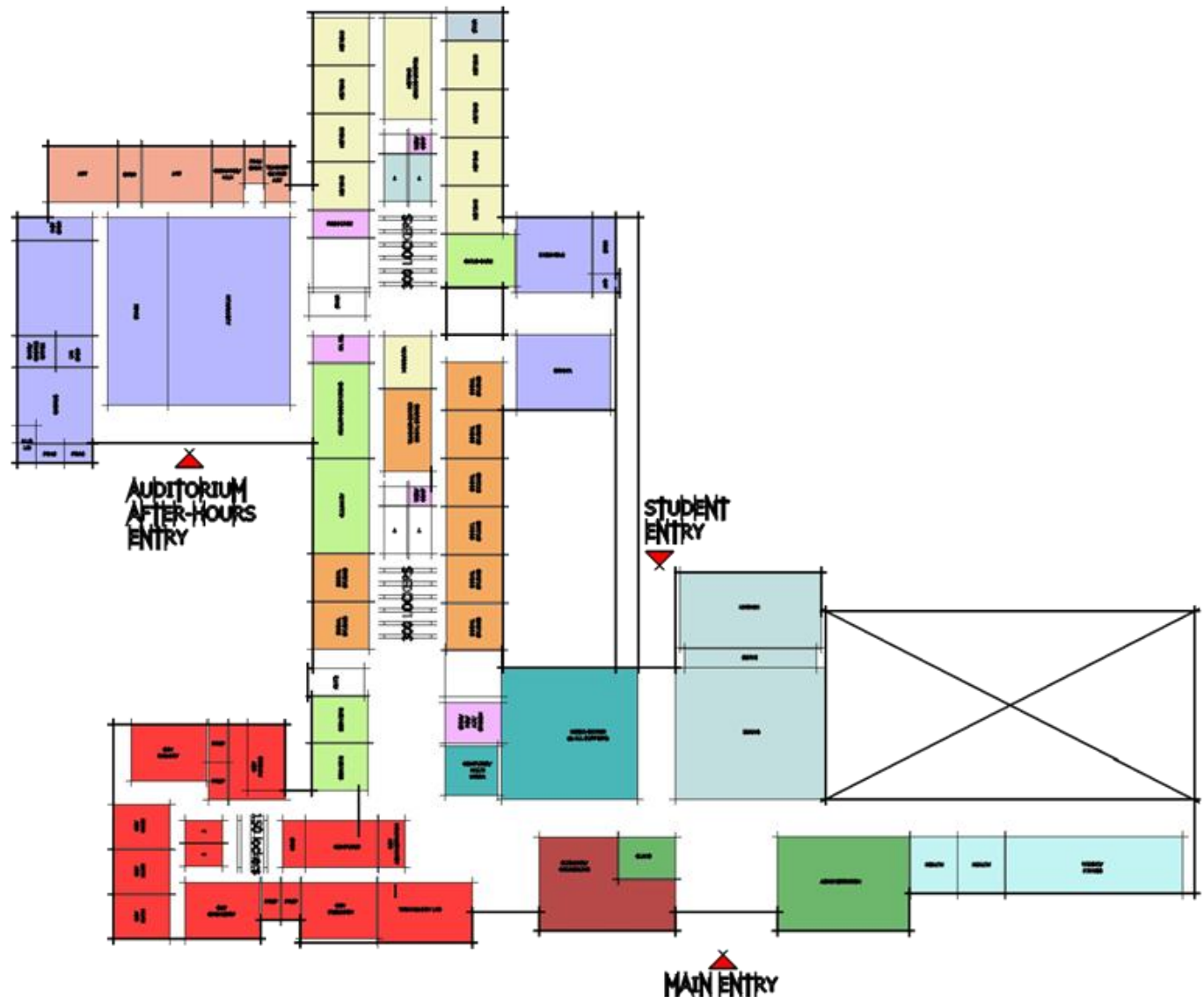


Concept E



Concept F

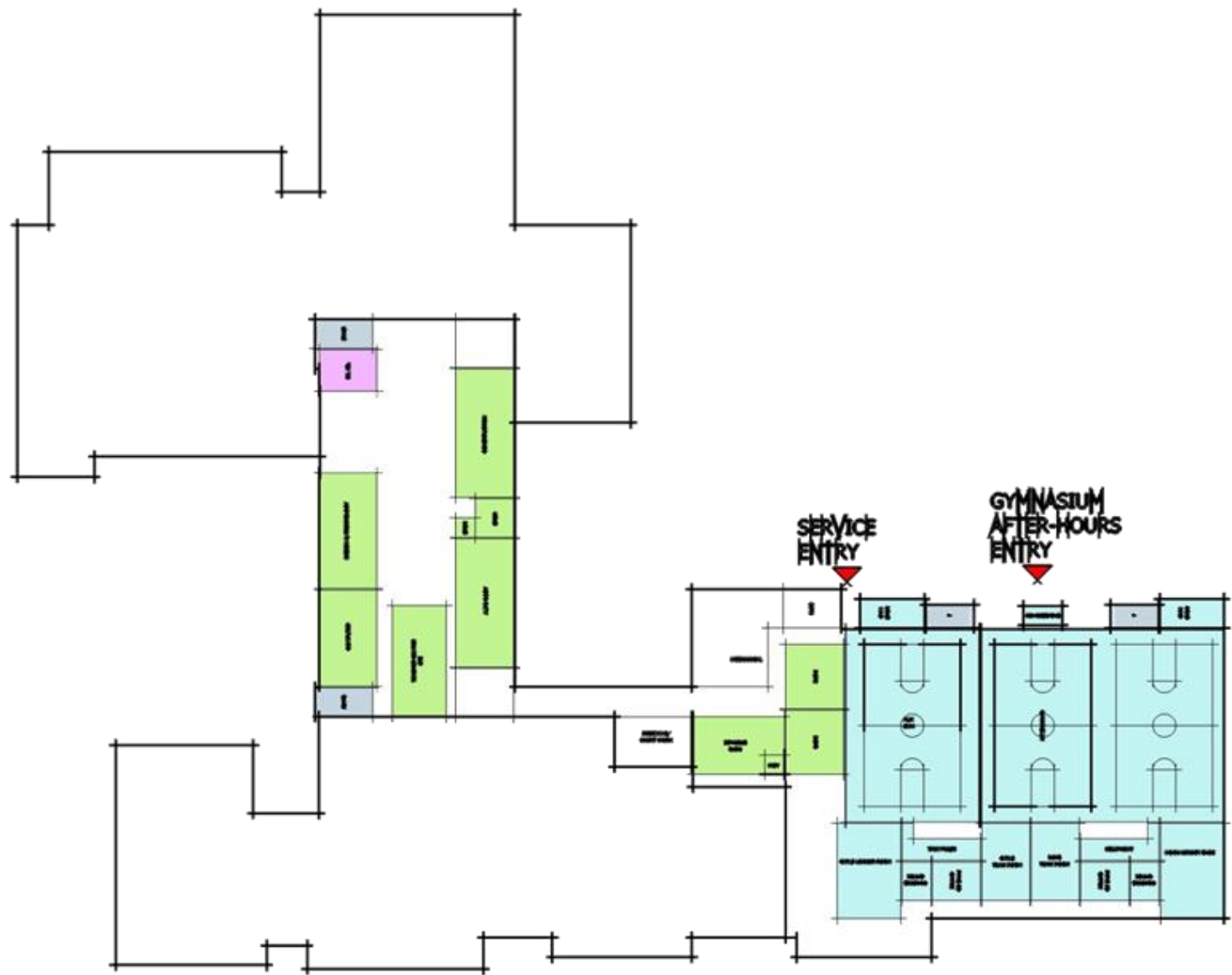
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ENTRY LEVEL

Concept F

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LOWER LEVEL

Concept F

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UPPER ACADEMIC LEVEL

Concept F

Input from design committee

GENERAL COMMENTS / MAJOR THEMES

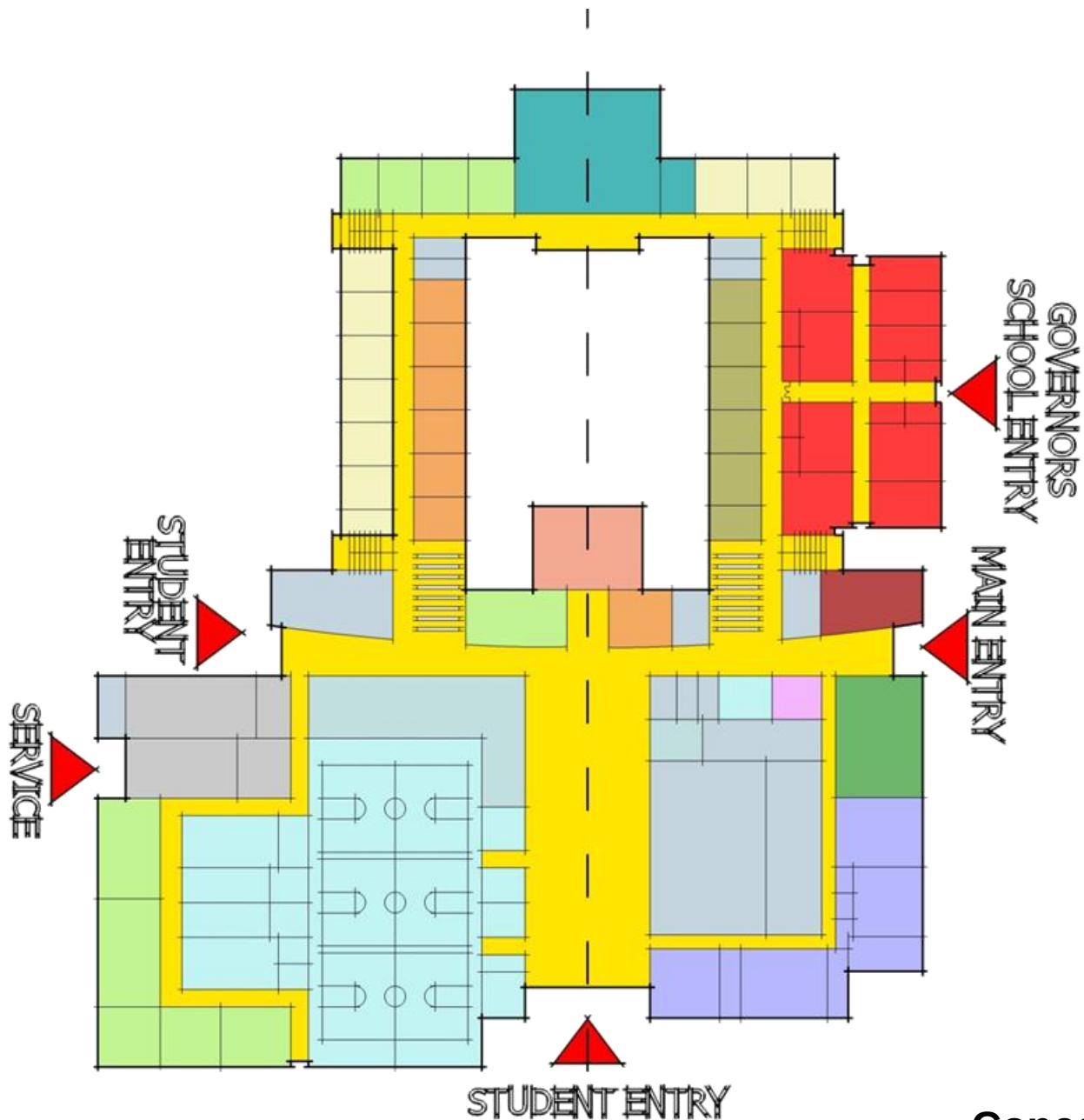
- Site at Northern Building Location is preferred because it allows for maximum visibility / civic presence
 - Must address field use during construction
 - Must address parking during construction
- 3-court gym, not 2-court + auxiliary gym
- Locker bays, not lockers lining corridors
- No shared bus loop with elementary school
- Elementary school parent drop-off increase capacity will be addressed
- No thru-traffic drives (across site)
- Media Center relationship to academic wings and potential after-hours' use. Visible location from the community is desired
- Enclosed courtyard design is desired
- Grass practice area for Band desired
- Separate / autonomous entrance for Governor's School
- One commons space; if Gym and Auditorium are separated, Commons 'belongs' to Gym

Further Developed Building/Site Diagrams



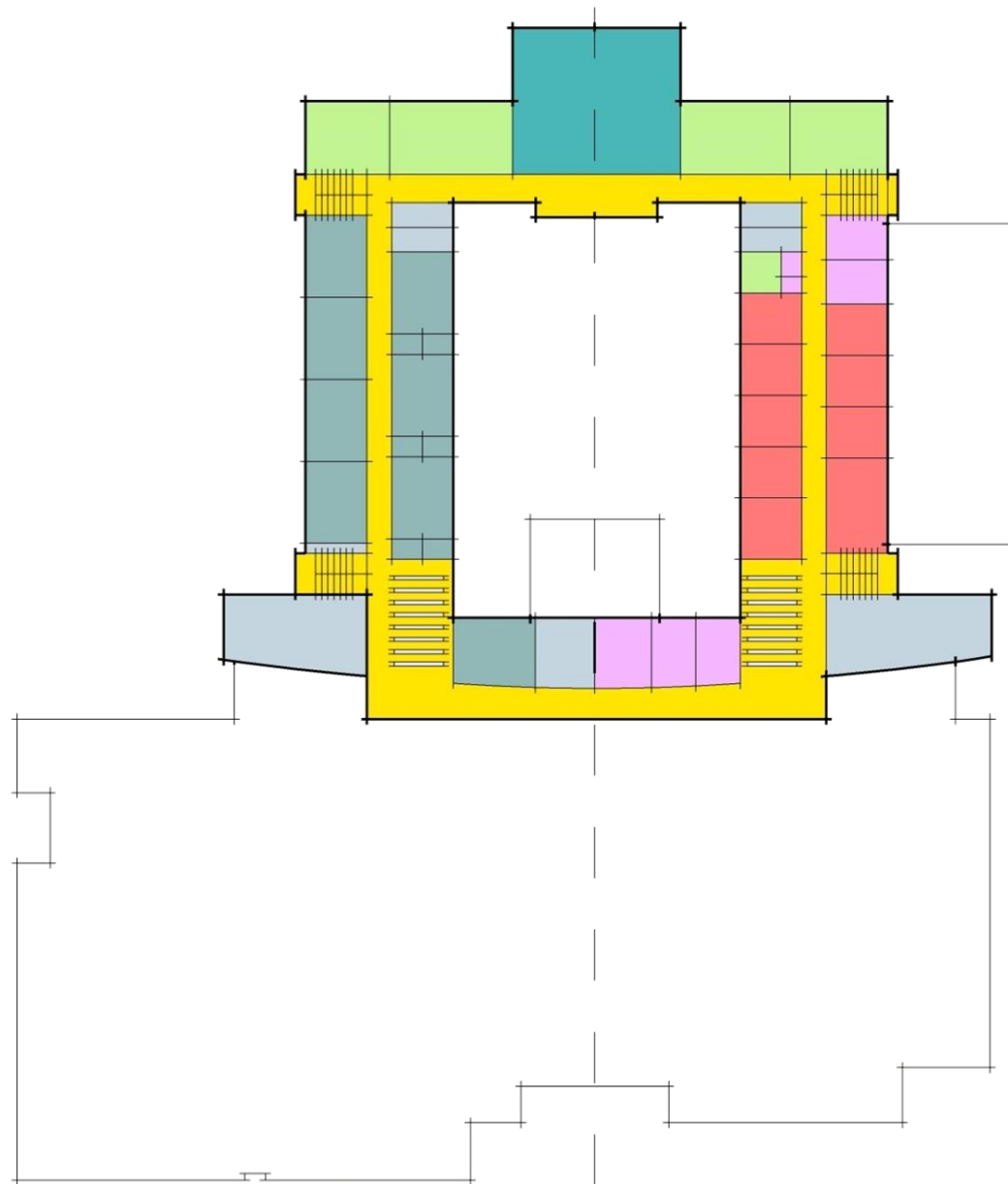
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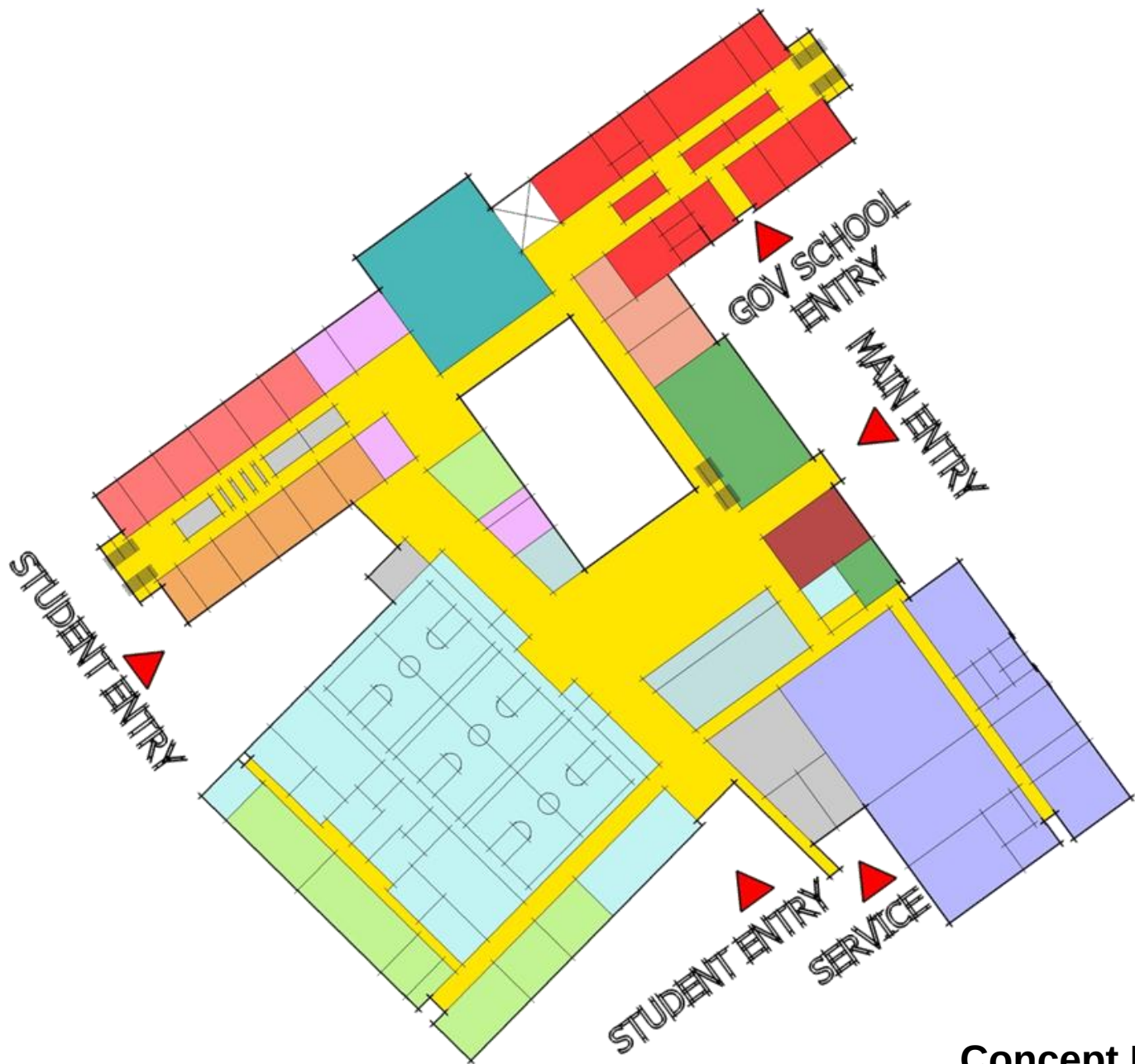






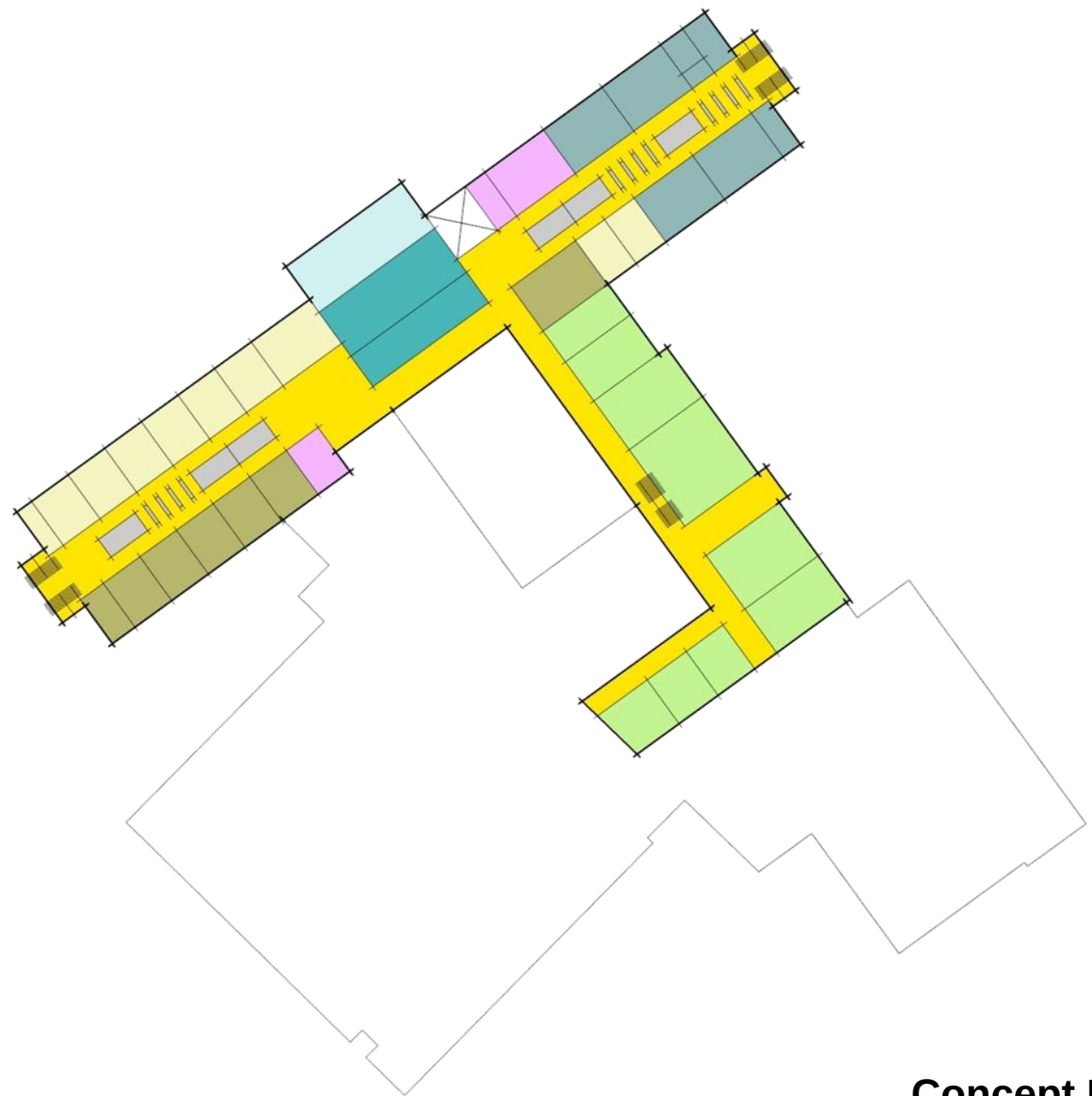
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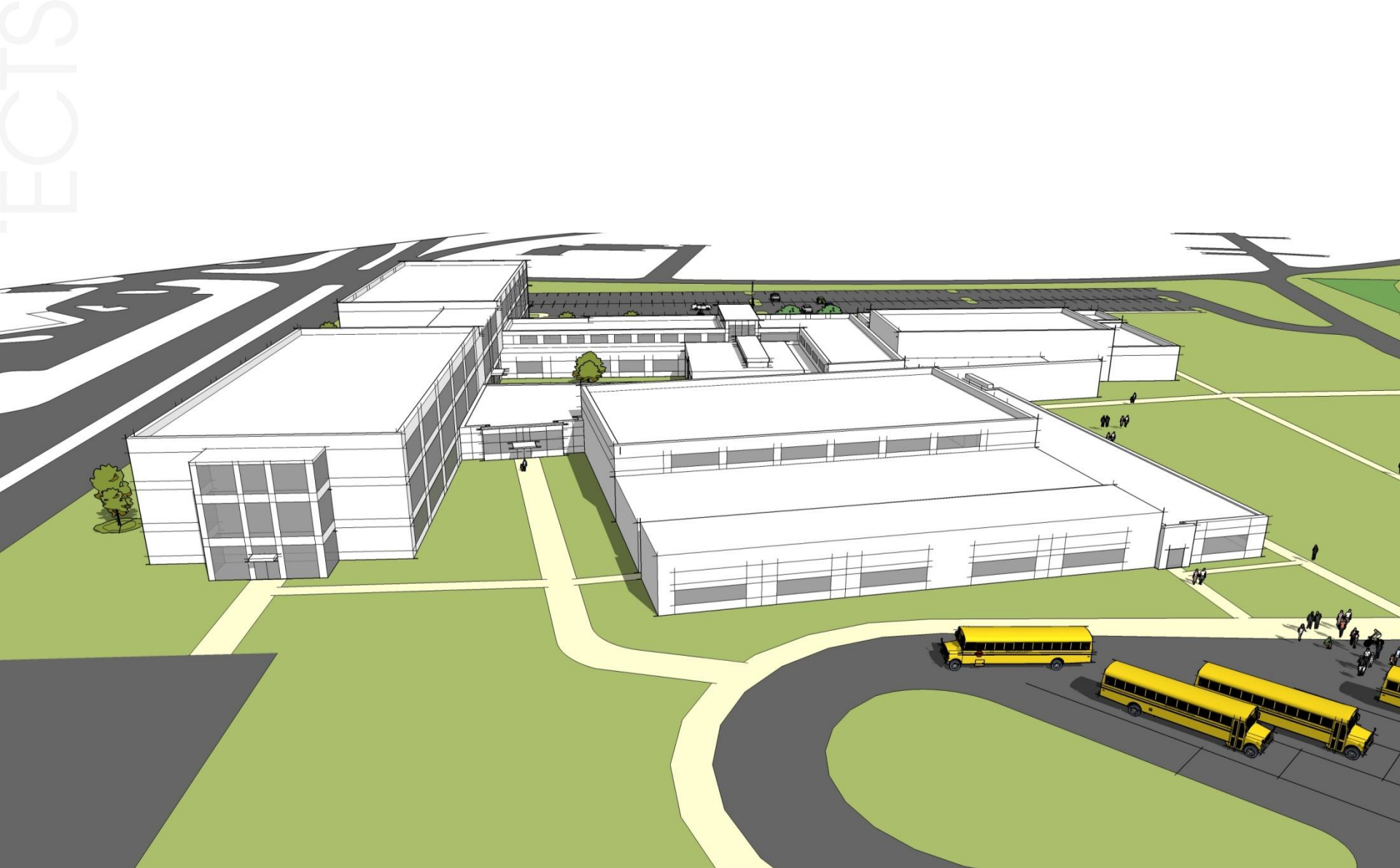
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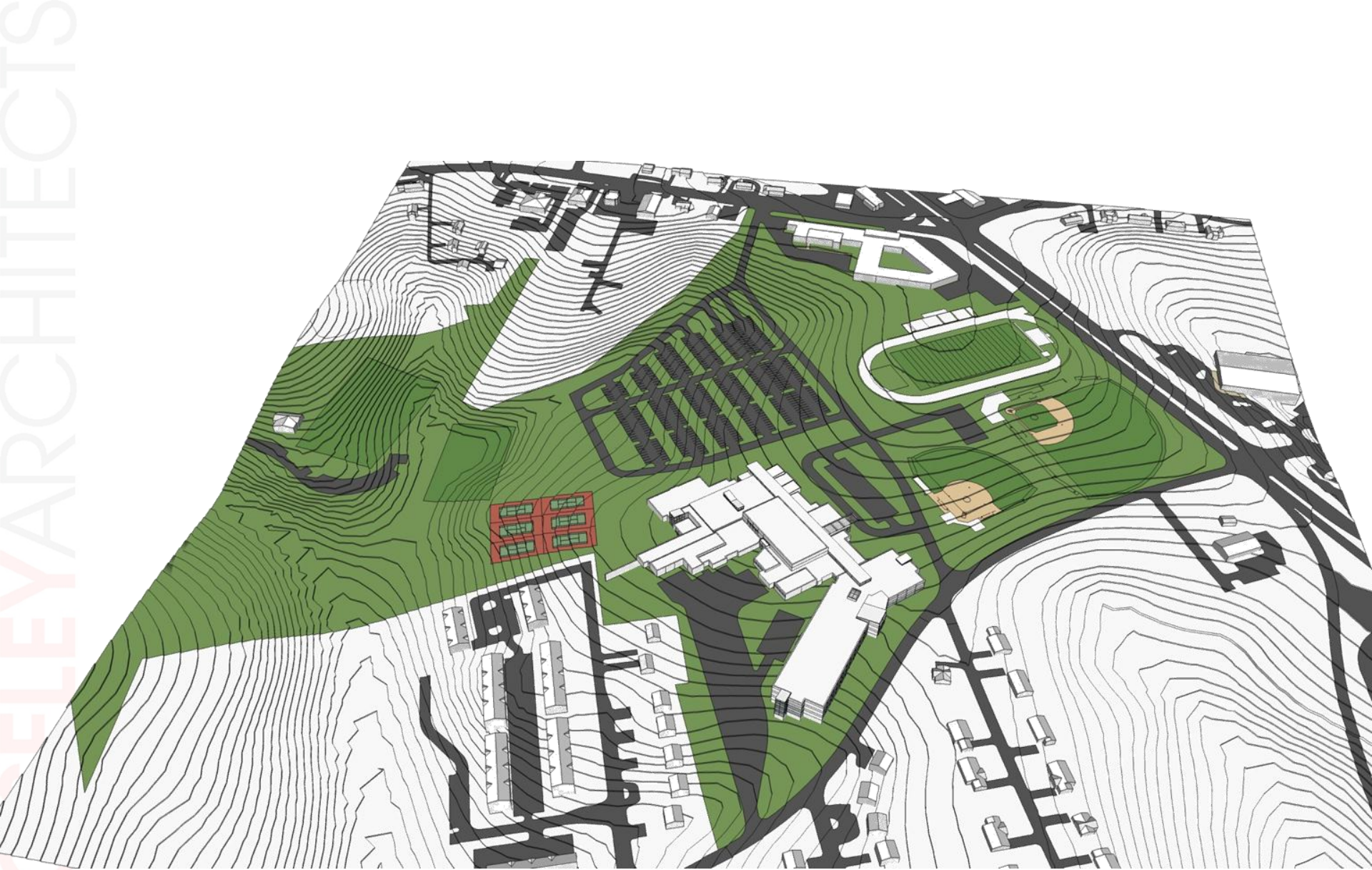
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Concept B.1

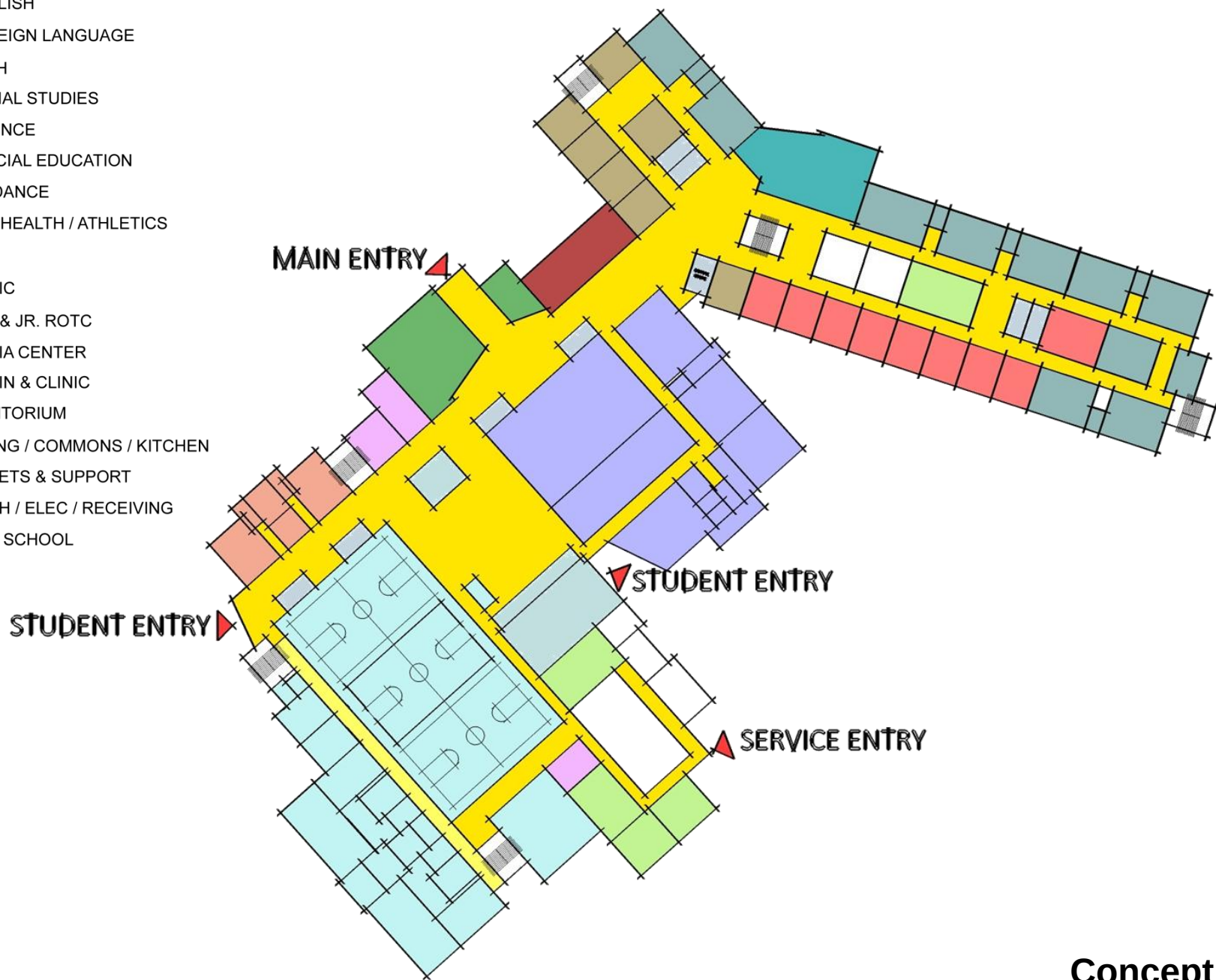






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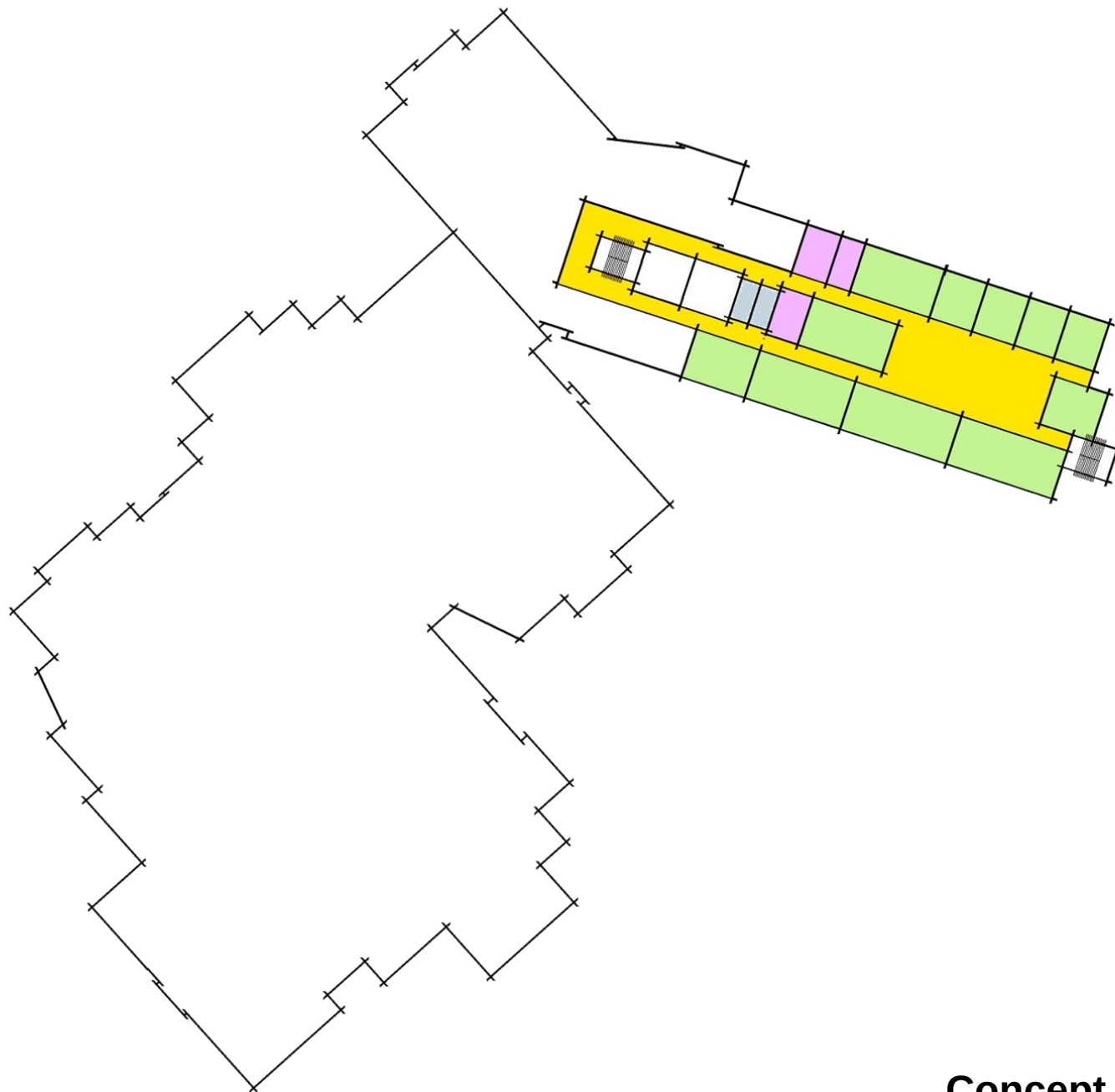
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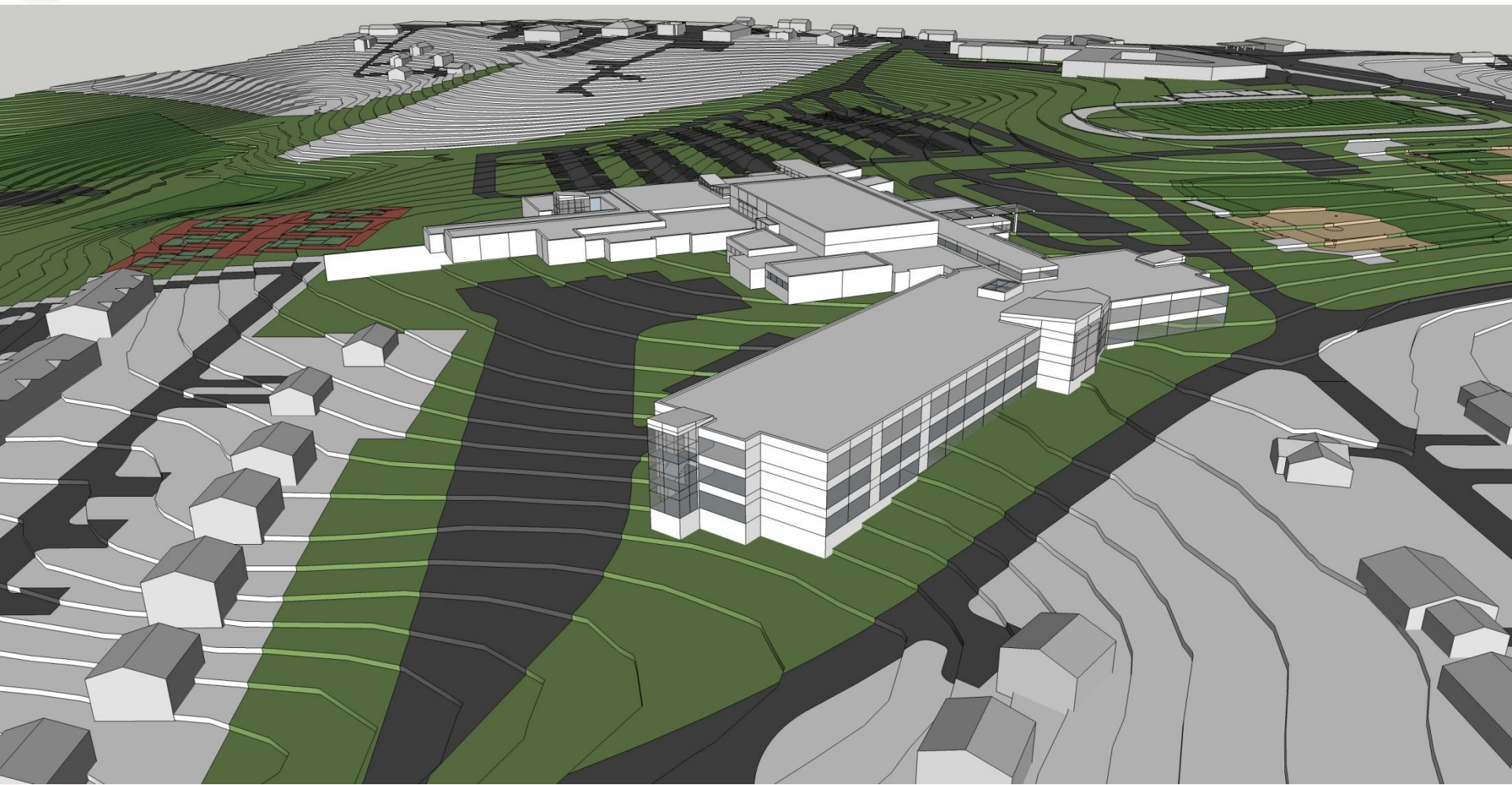


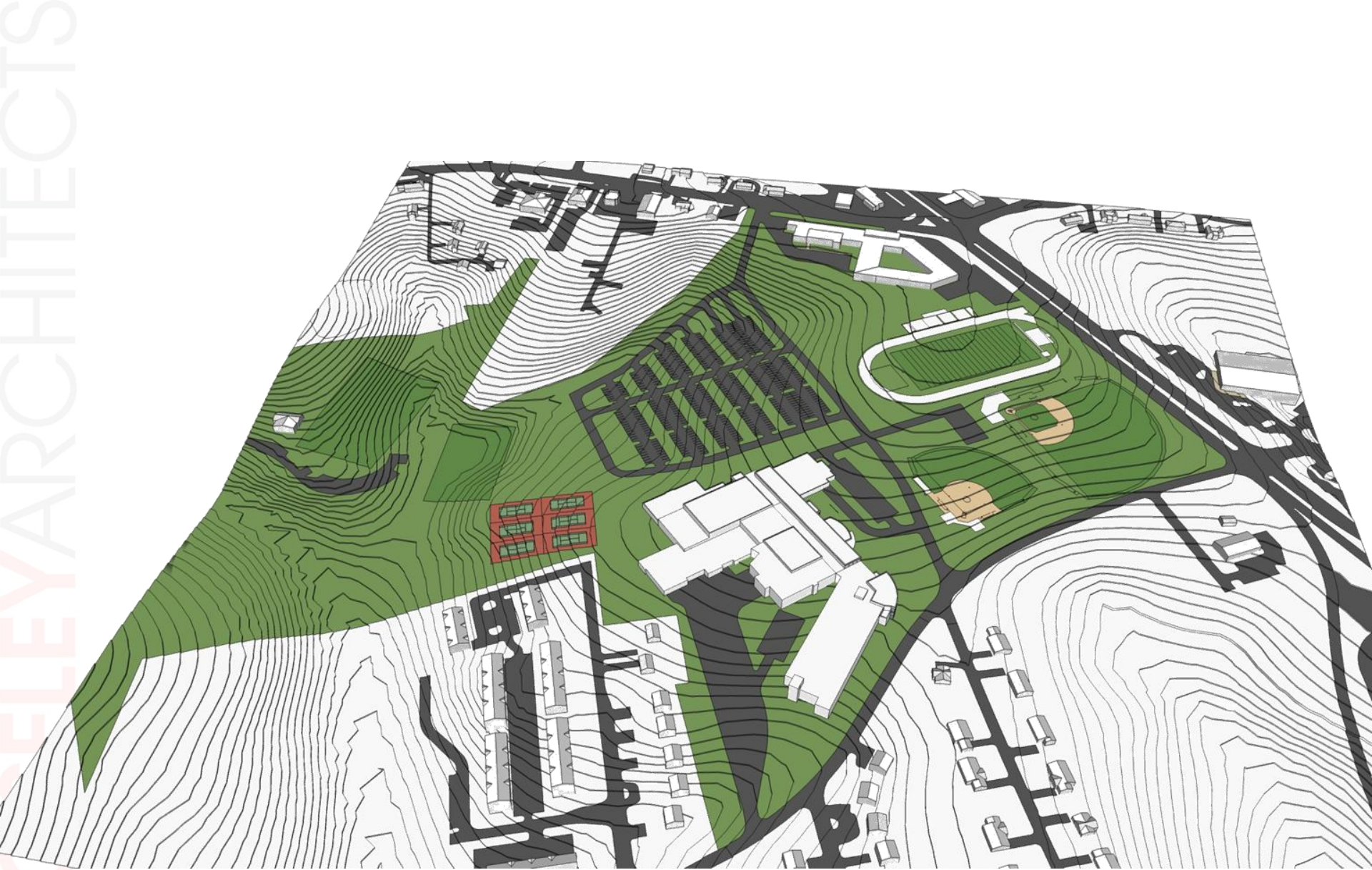
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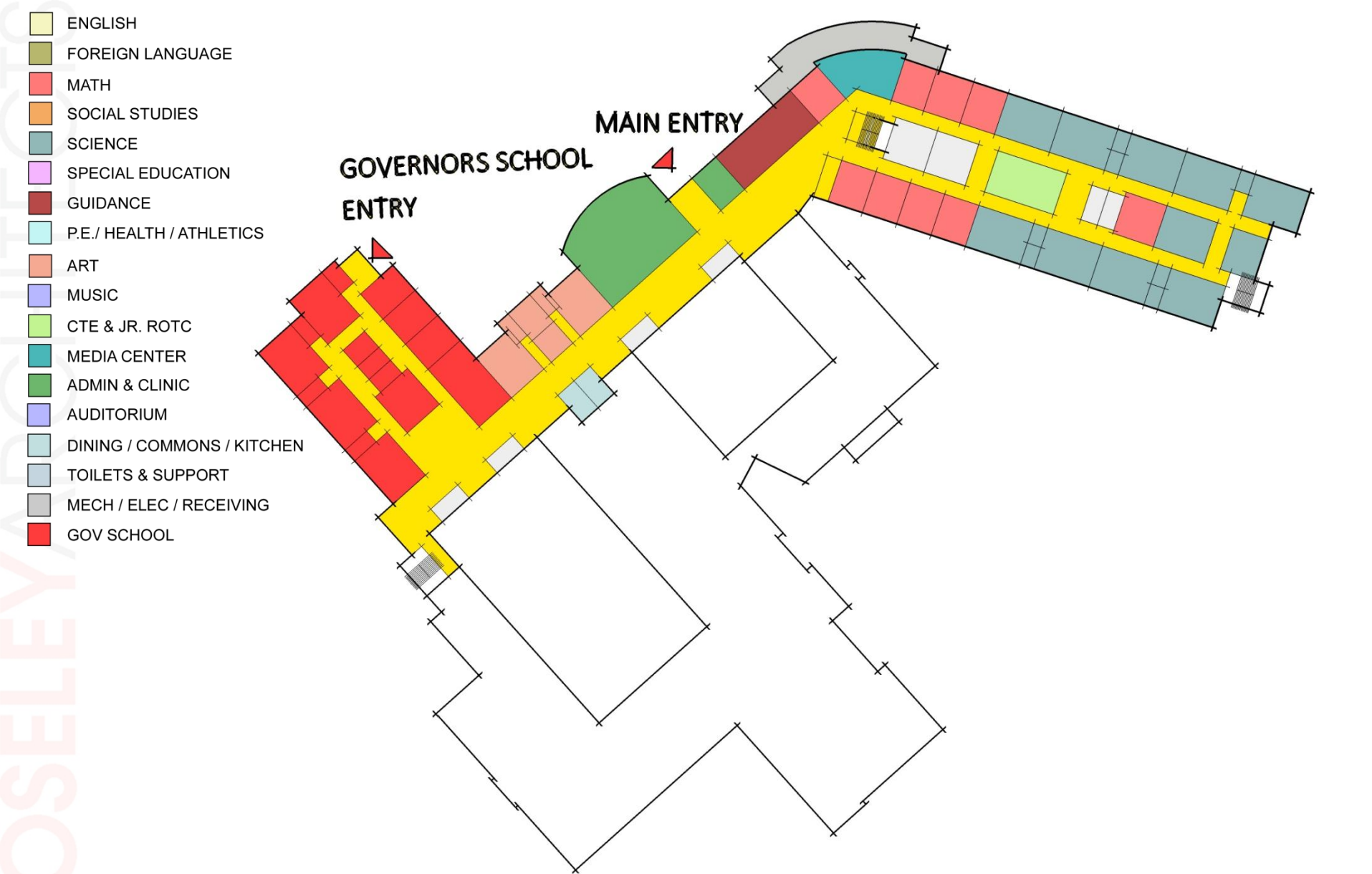


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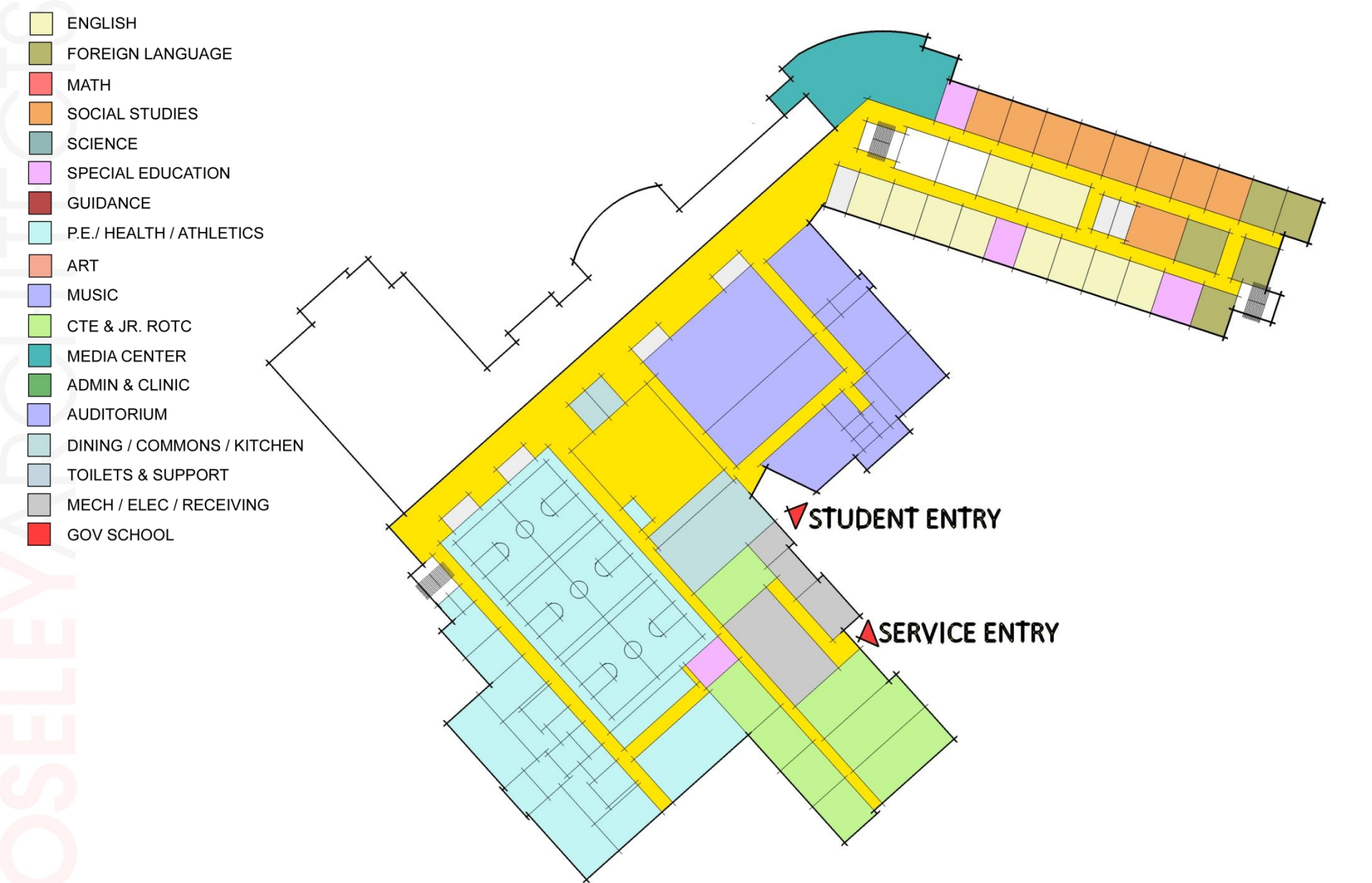




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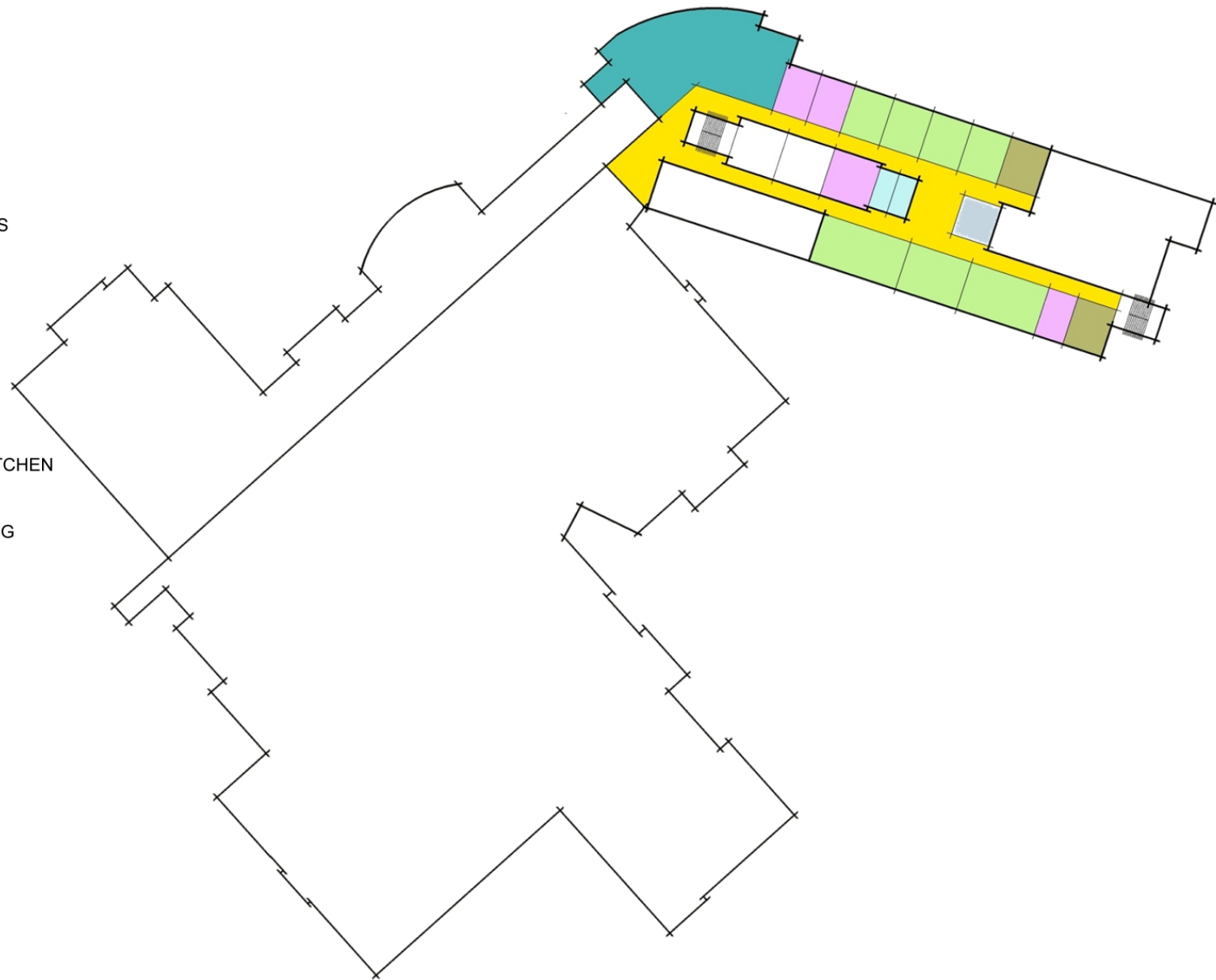


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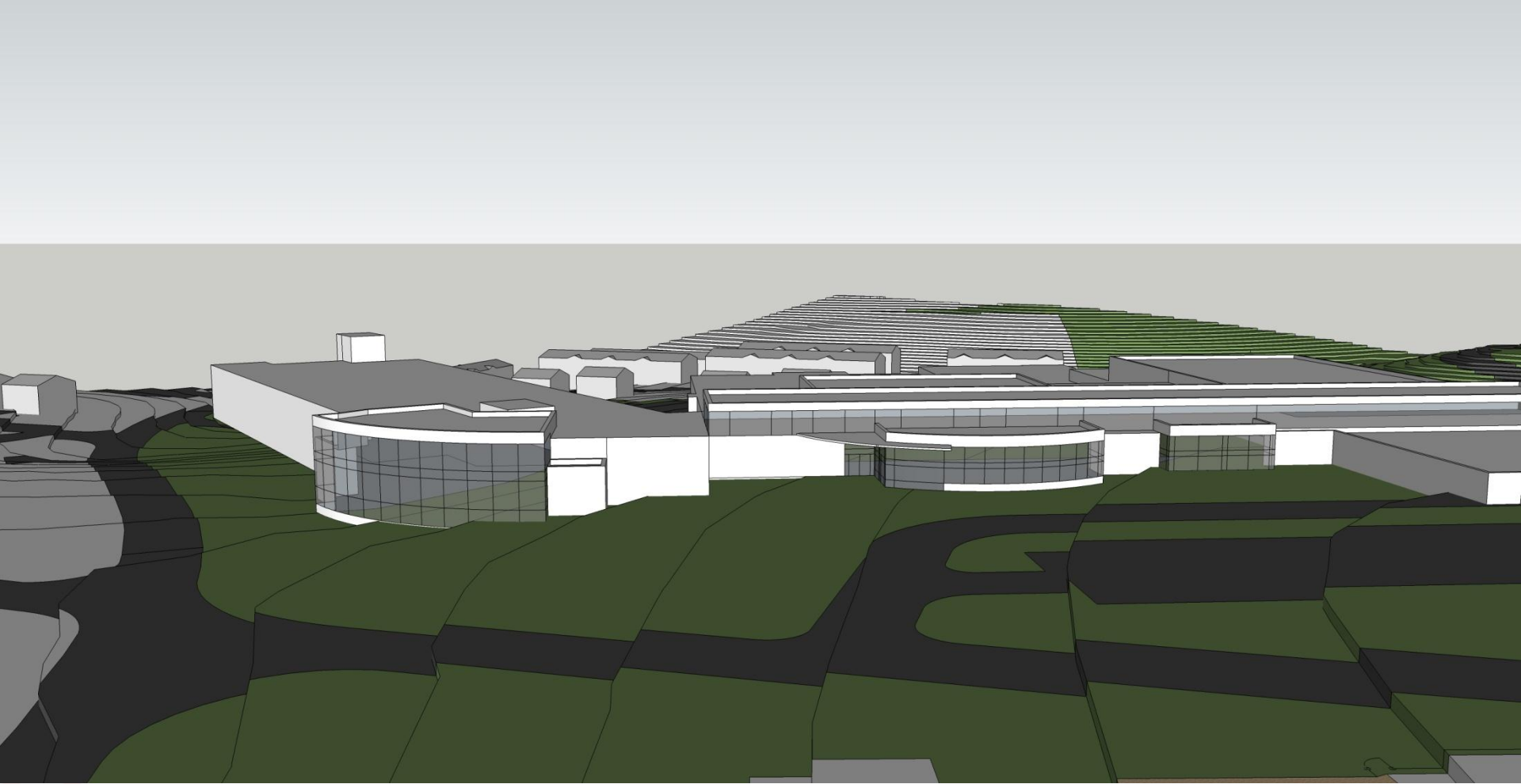
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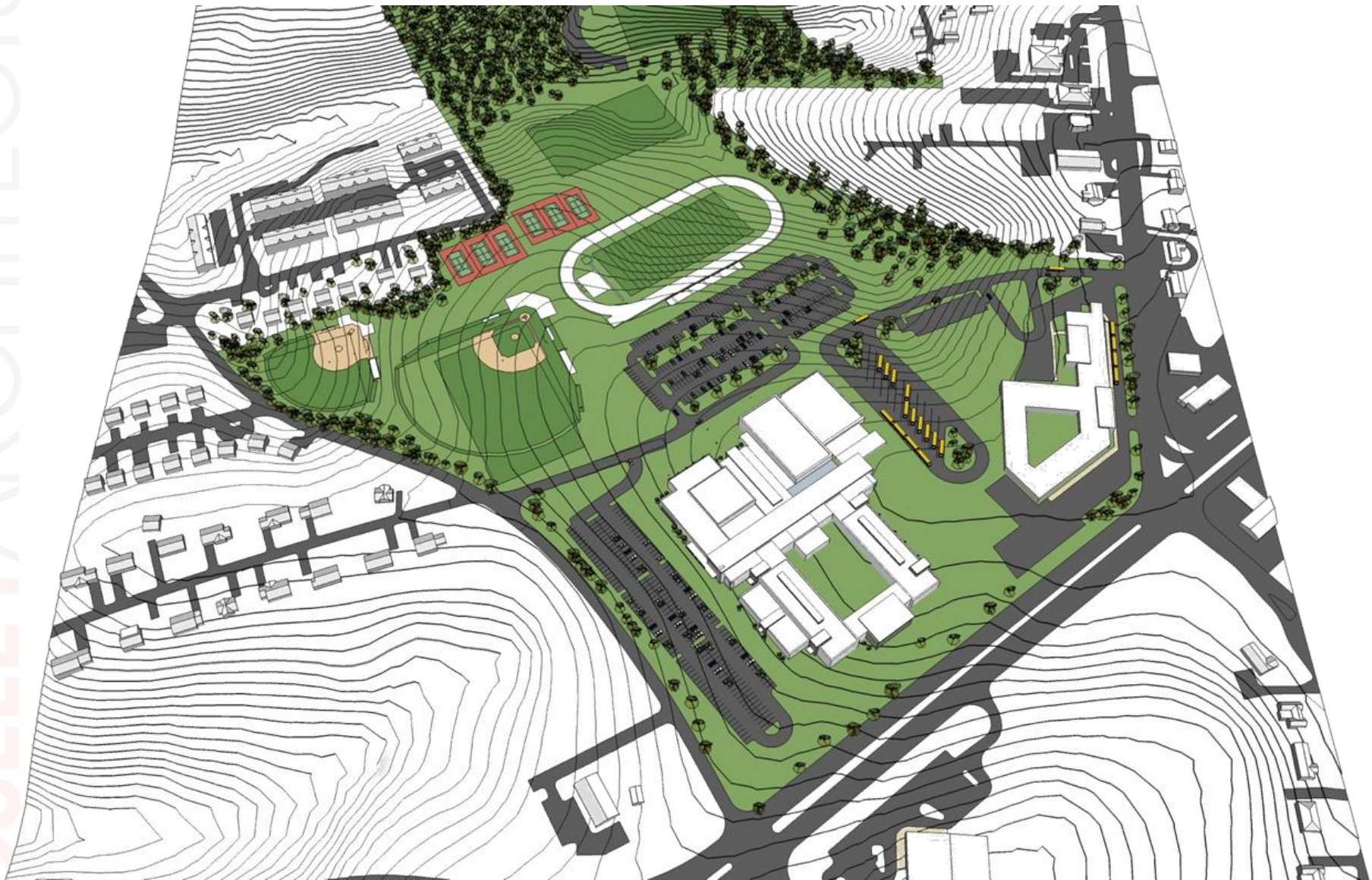


Concept E.2

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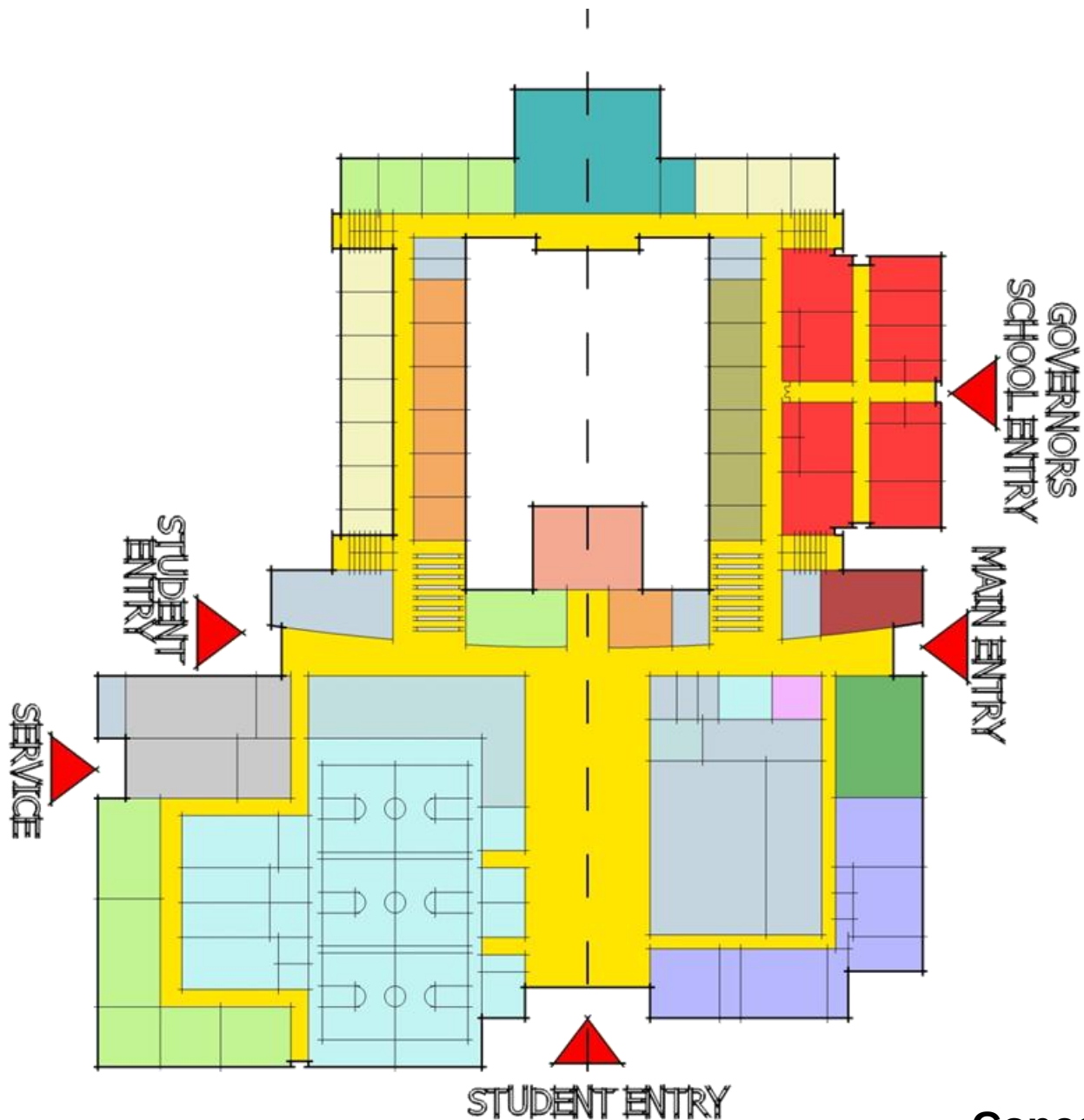


Design Committee Direction



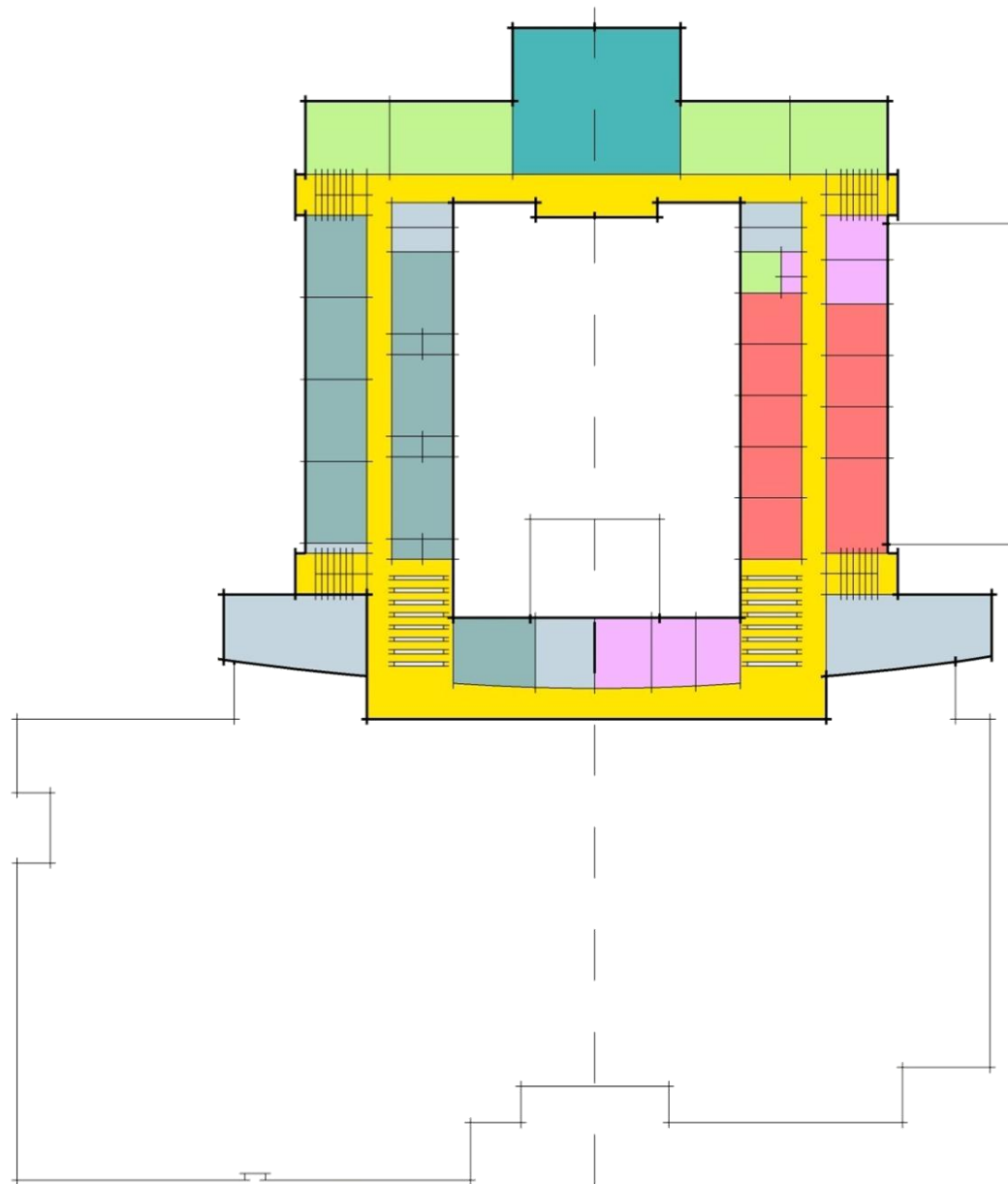
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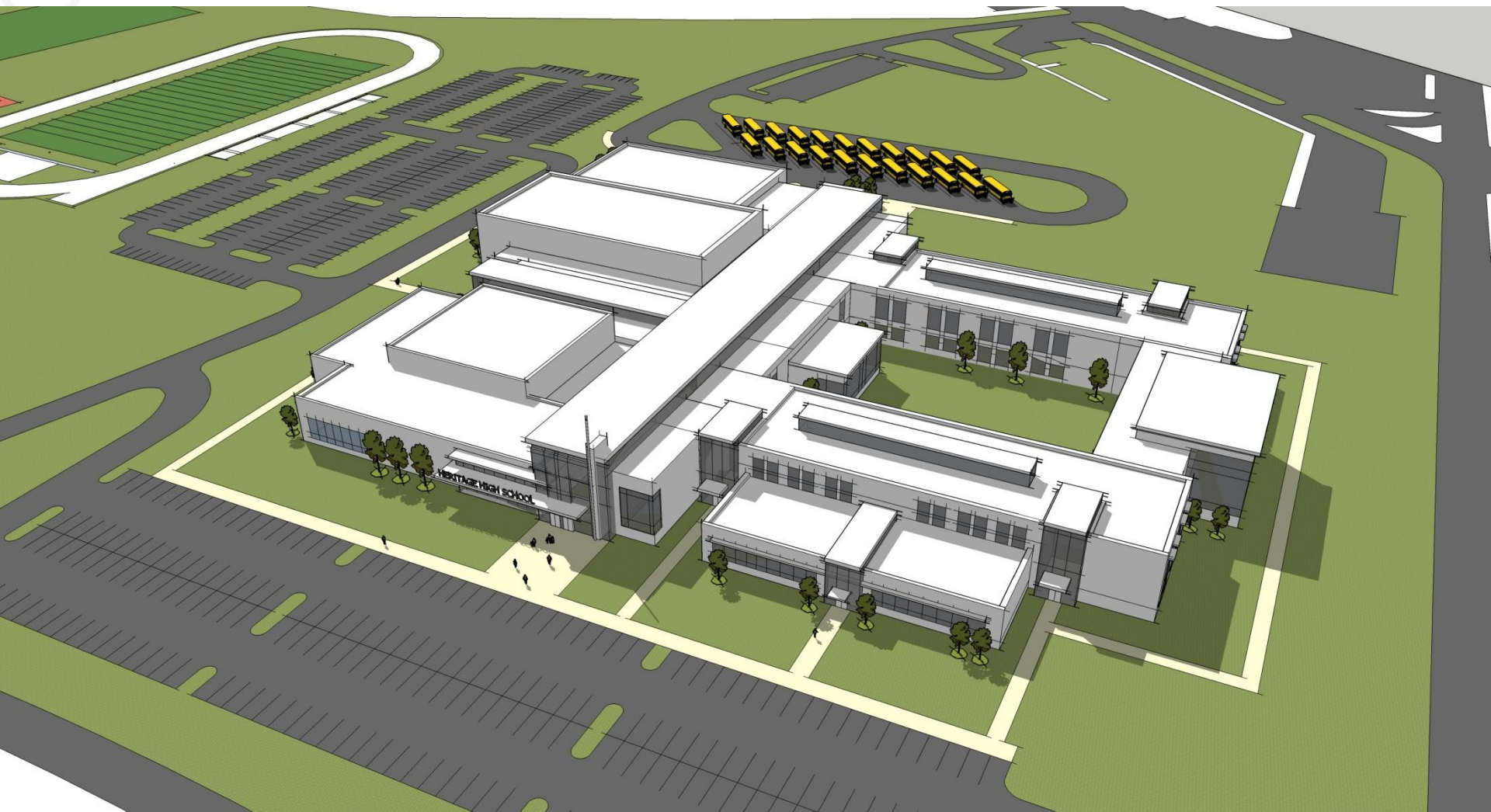


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Concept A.1



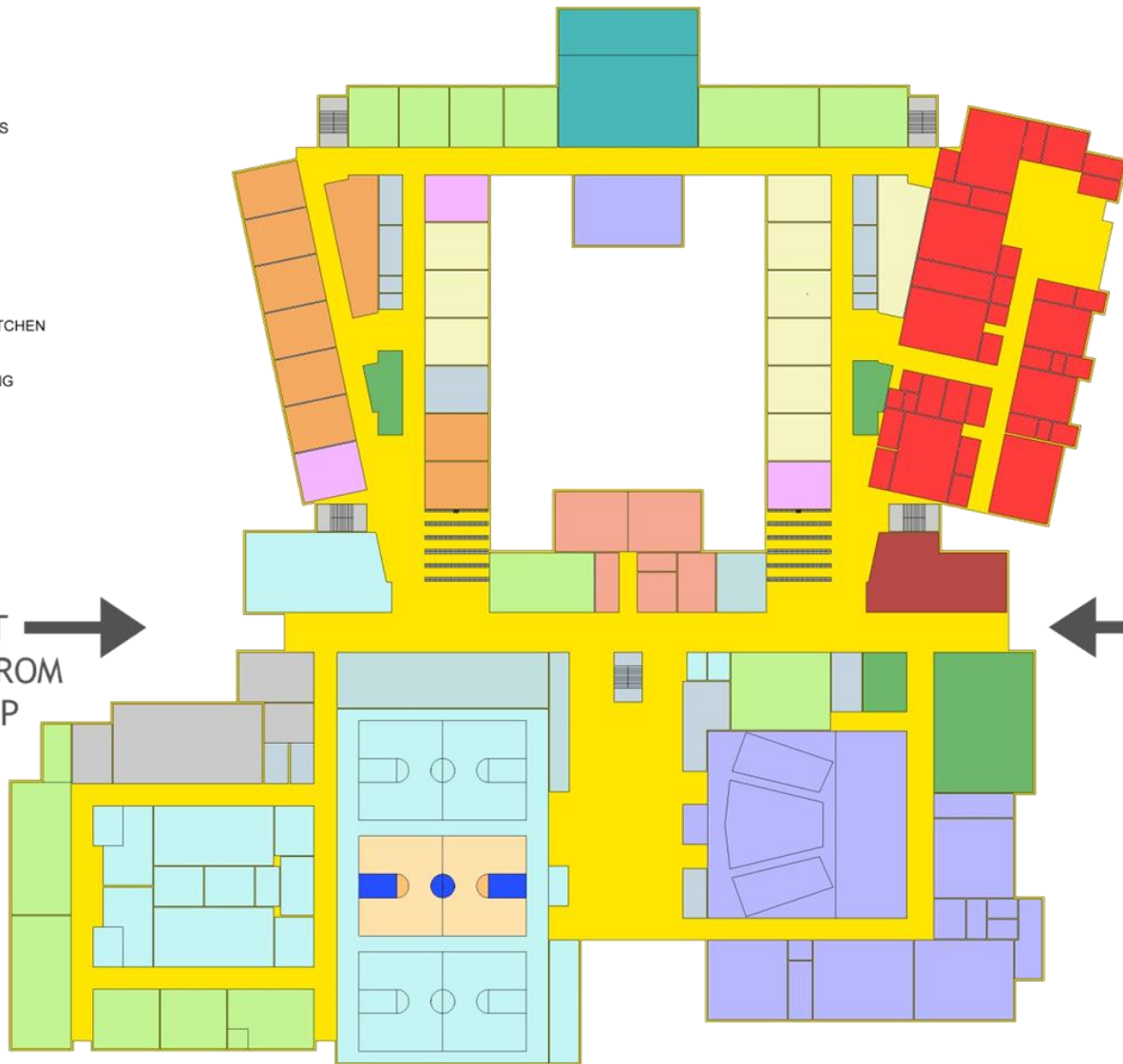
Post-Design Workshop Development and Direction from the School Board





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STUDENT
ENTRY FROM
BUS LOOP



GOV SCHOOL
ENTRY

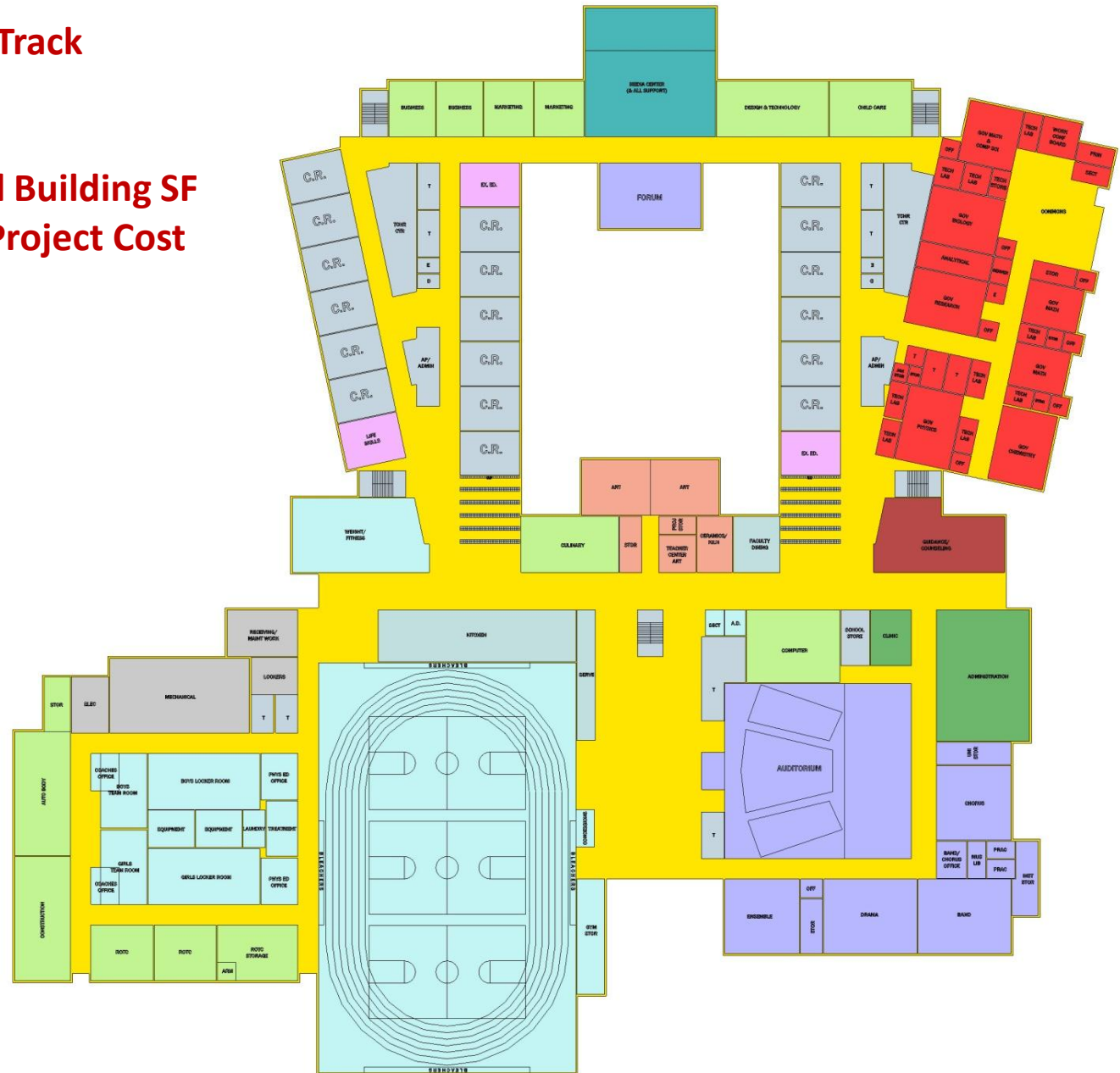
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Option 2: Indoor Track

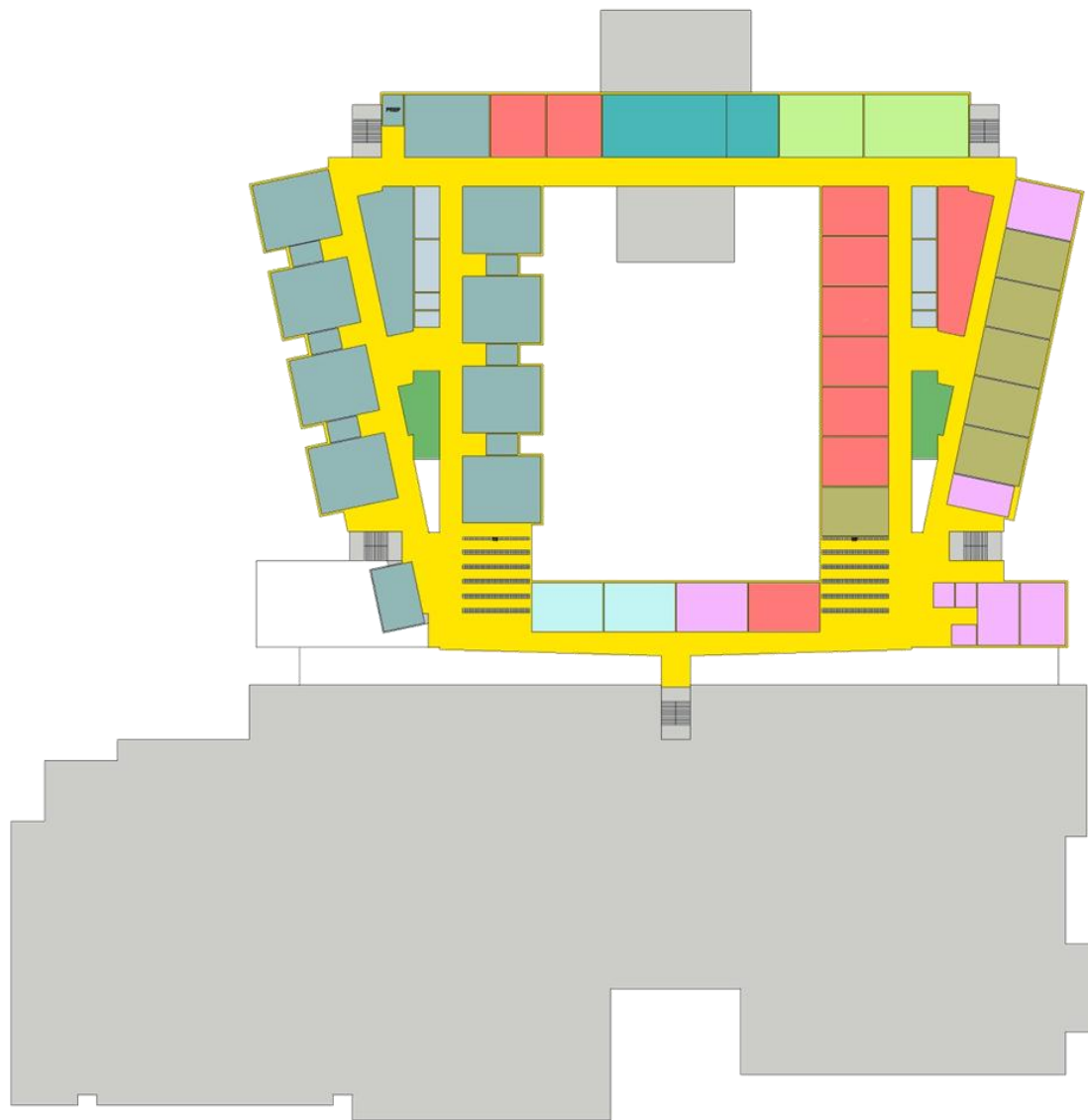
137m Track

12,505 Additional Building SF

\$3.4M in Added Project Cost



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HERITAGE HIGH SCHOOL | LYNCHBURG CITY SCHOOLS | EAST ELEVATION | 03.28.2013

MOSELEYARCHITECTS



HERITAGE HIGH SCHOOL | LYNCHBURG CITY SCHOOLS | WEST ELEVATION | 03.28.2013

MOSELEYARCHITECTS

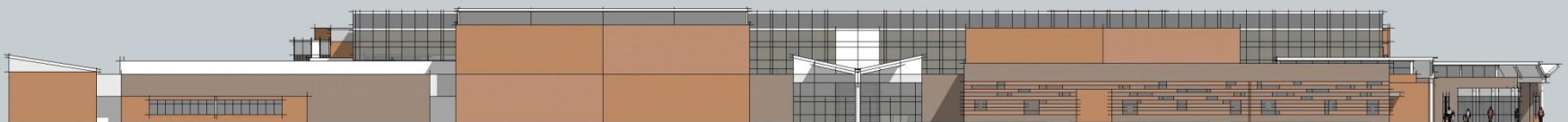
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HERITAGE HIGH SCHOOL | LYNCHBURG CITY SCHOOLS | NORTH ELEVATION | 03.28.2013

MOSELEYARCHITECTS

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HERITAGE HIGH SCHOOL | LYNCHBURG CITY SCHOOLS | SOUTH ELEVATION | 03.28.2013

MOSELEYARCHITECTS

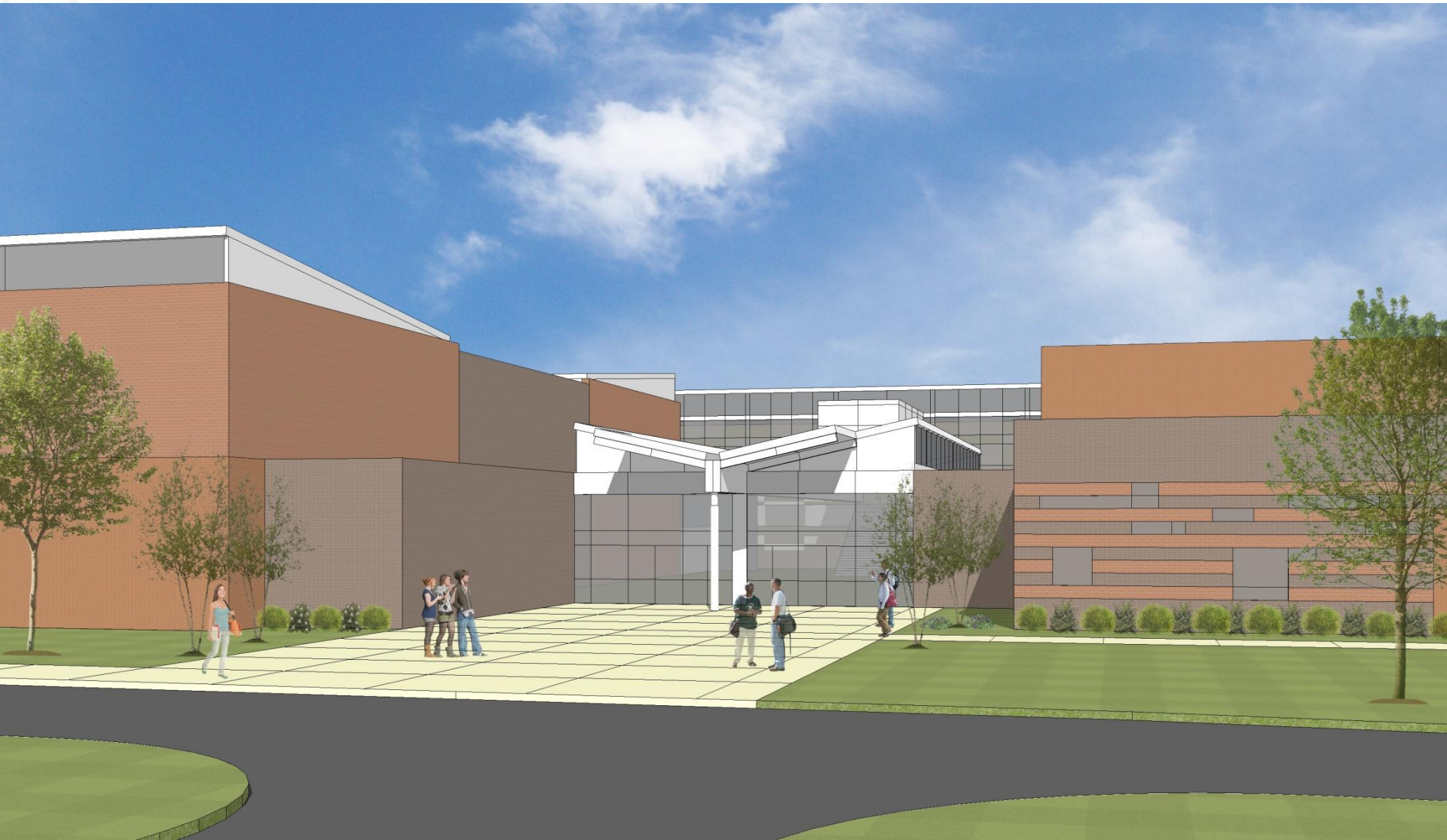
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The Way Ahead

- Design Development phase
- Release an RFP for Cost Estimating and Value Engineering
- Preparation of an RFP for Clerk of the Works
- Land acquisition and athletic fields installation

Questions?

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: 2

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Presentation on the Proposed Civic Center Complex**

RECOMMENDATION: No action required.

SUMMARY: Bryan David, Executive Director of the Region 2000 Economic Development Council, will update Council on the activities of the Civic Center Working Group which has been exploring the feasibility of building such a facility in the community. Attached is a copy of the slide presentation that he will use.

PRIOR ACTION(S): N/A

FISCAL IMPACT: Undetermined.

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Presentation on Proposed Civic Center Complex

REVIEWED BY: lkp

067K



Proposed Lynchburg Civic Center Complex

Lynchburg City Council

May 14, 2013



Virginia's Region 2000 Partnership

Project Chronology

January – November, 2010	Liberty University and the Region 2000 Economic Development Council begin to collaborate on how best to investigate the market demand and feasibility of a civic center
December, 2010	Weston Sports and Entertainment (SE) retained by the Region 2000 Economic Development Council to perform marketing study
May, 2011 – July, 2011	Marketing study completed and presentations made to working and Region 2000 Partnership organizations
July, 2011 – September, 2011	Region 2000 Economic Development Council coordinates contributions to fund feasibility study from Liberty University, Region 2000 Local Government Council, Areva, The Babcock & Wilcox Company, and Centra; working group formed of the contributors to the feasibility study
July, 2011 – August, 2011	Region 2000 Economic Development Council and the Lynchburg Regional Convention and Tourism Bureau join to fund economic impact analysis
September, 2011	Weston SE initiates feasibility study
November, 2011	Mangum Economic Consulting initiates economic and fiscal impact study
April, 2012	Presentations of feasibility and economic/fiscal studies and conclusions to working group
October, 2012	Liberty University announces acquisition of former Sears building and associated property at River Ridge Mall
January, 2013	Liberty University and Region 2000 Economic Development Council approve Memorandum of Understanding to update and adapt feasibility study for River Ridge Mall site along with associated studies
March, 2013	Weston SE initiates adapting the feasibility study to the River Ridge Mall location
May, 2013	Region 2000 Economic Development Council retains consultants to conduct traffic and parking analysis for the River Ridge Mall location

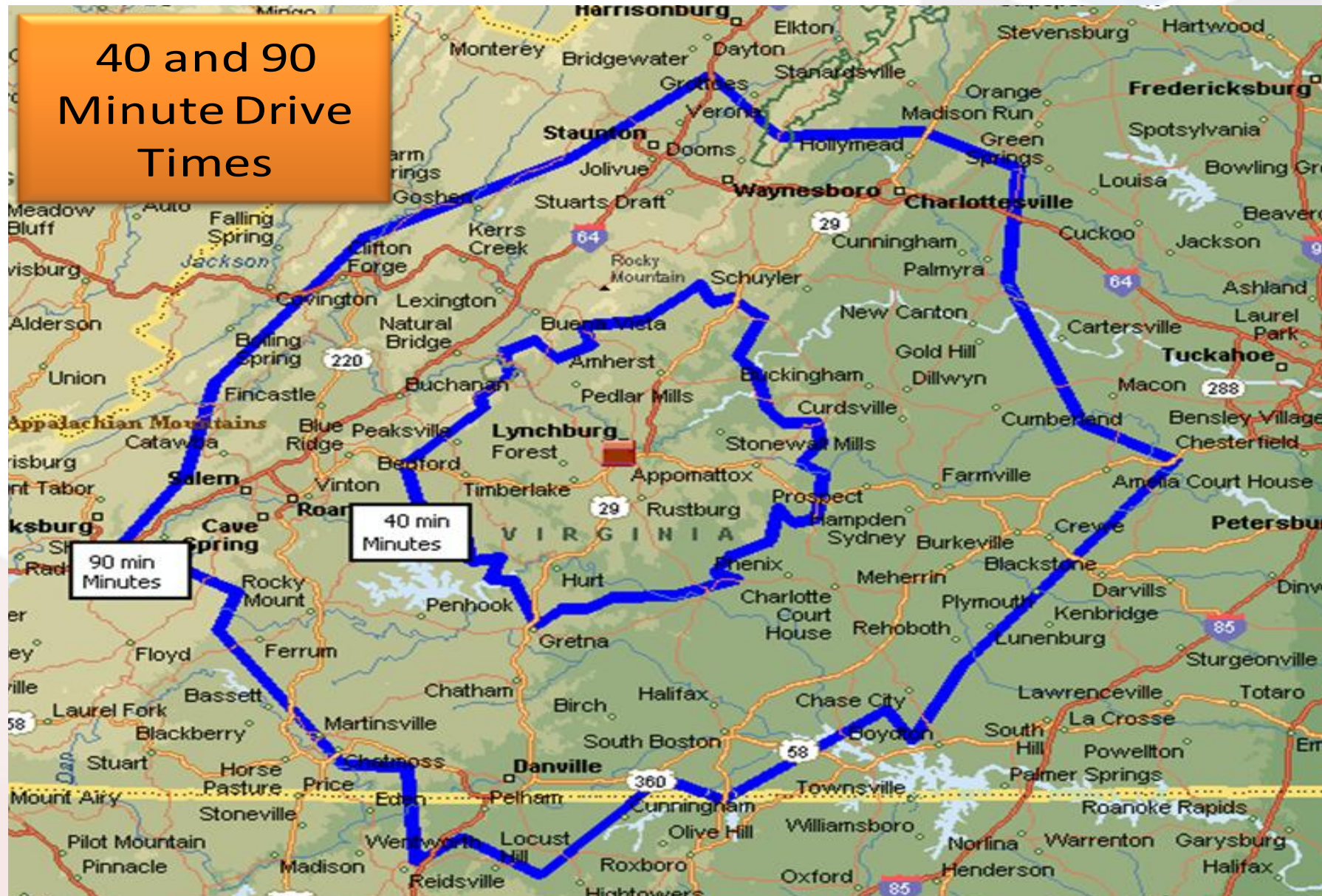


Project Working Group

- Jerry Falwell, Jr. (Chancellor and President-Liberty University)
- Neal Askew (Executive Vice President-Liberty University)
- Lee Beaumont (Vice President-Liberty University)
- Kimball Payne (Lynchburg City Manager)
- David Laurell (Campbell County Administrator)
- Sandy Baker (President, The Babcock & Wilcox Company-Nuclear Operations Group)
- E. W. Tibbs (President/CEO, Centra)
- Reggie Pugh (Vice President for Virginia Affairs, Areva, Inc.)
- Scott Word (Vice President of Asset Management, CBL & Associates Properties, Inc.)
- Rex Hammond (President/CEO, Lynchburg Regional Chamber of Commerce)
- Beckie Nix (Director, Lynchburg Regional Convention and Visitors Bureau)
- Gary Christie (Executive Director, Region 2000 Local Government Council)
- Bryan David (Executive Director, Region 2000 Economic Development Council)



Civic Center Regional Market



“The population in the Primary Service Area (PSA) is itself sufficient to support an arena and the Secondary Service Area (SSA) population provides added incentive for promoters to bring acts to this region. Moreover, the median age of 38.8 and 37.6 within the market areas is a strong indicator of market potential.”
Weston SE – Marketing Study (2011)



Virginia's Region 2000 Partnership

Base Year Population Estimate (2007)	40 Minutes	90 Minutes
Total	225,737	1,117,369
Male	108,153	539,545
Female	117,584	577,824
Median Age	38.8	37.6

Weston SE Marketing Study Conclusions

- Population in the Primary Service Area (PSA) is sufficient to support an arena and the Secondary Service Area (SSA) population provides added incentive for promoters to bring acts to this region
- The median age of 38.8 in the PSA and 37.6 in the SSA are strong indicators of market potential
- Survey of regional corporate leadership indicates strong, broad-based support for civic center
- The facility should be no larger than 10,000 seats and equipped with permanent ice
- Competing venues in Roanoke, Salem, and Charlottesville should not pose a significant risk provided facility is properly designed and operated by an experienced national management company
- Location adjacent to Liberty University's campus and with the university serving as an anchor tenant are crucial for the civic center's viability
- Ownership, governance, and operation of the facility by a governmental authority or non-profit corporation is needed



Weston SE Feasibility Study (2012)

- Analyzed a 10,000 seat civic center at a location adjacent to Liberty University's campus near the interchange of U.S. Routes 29 and 460
- Working with the Lynchburg Regional Convention and Tourism Bureau, it was determined a significant conference/meeting market growth potential existed for a co-located 50,000 sq. ft. conference facility and 250 room hotel with full service restaurant, and consequently these project elements were incorporated within the feasibility study
- Only projected capital expenses for the conference facility were included in the feasibility study and a detailed financial analysis for the operating expenses of the conference facility needs to be conducted at the appropriate time
- The hotel and full service restaurant would be privately developed and financed, and thereby, the operating and capital expenses for this facility were not included in the feasibility study
- Components of feasibility study for the civic center included projected program event types, frequency, and estimated attendance; operating revenues/expenses; and, capital expenses (e.g. land acquisition, design, construction, on and off site development and infrastructure, and land acquisition)



Weston SE Feasibility Study (2012)

Civic Center Event Mix (Typical)

Liberty University

- Athletics (e.g. basketball, hockey, volleyball, gymnastics, wrestling), concerts, Winterfest, Summerfest, Coffeehouse, other student-related events, and graduations

Community Events

- Concerts, family shows, circuses, rodeos, monster trucks/motor sports, mixed-martial arts, AAU competitions, professional wrestling, theater, faith-based events, high school/college sports, trade/vendor shows, area high school/college graduations, corporate meetings/banquets

Liberty University	Projected Number of Events	87
	Projected Annual Attendance	205,000
	Projected Average Attendance	3,350
Community Events (Ticketed)	Projected Number of Events	48
	Projected Annual Attendance	203,000
	Projected Average Attendance	4,340
Totals	Projected Annual Events	135
	Projected Annual Attendance	408,000
	Projected Range of Attendance	500 – complete sell out



Weston SE Feasibility Study (2012)

Operating Revenues/Expenses (former site)**

- Identified sources of operating revenue include rental income from Liberty University, direct event income, facility fees, food and beverage, merchandising, parking, advertising, premium seating/suites, and naming rights
- Sources of operating revenue will generate an estimated \$4MM annually based on projected annual attendance of 400,000
- Projected annual operating expenses for the civic center would be covered based on annual revenue of \$4MM without need of subsidy

**Estimates of operating revenues and expenses will be revised based on new River Ridge Mall location



Weston SE Feasibility Study (2012)

Building Program (former site)**

- Elements of the building include:
 - 10,000 fixed seats within a bowl-shaped seating area
 - permanent ice surface
 - configurable floor seating and performance stages
 - private and club seating; party suites
 - concession locations and central commissary area
 - novelty store and stands
 - box office/ticket lobby
 - athletic and officials locker rooms; athletic training area
 - press interview area
 - media support rooms and locations
 - show/concert production areas; dressing and green rooms; family lounge; tour/promotion office
 - equipment and inventory storage areas
 - ceiling mounted rigging and maintenance access for sound/lighting system and other related event equipment
 - vehicle parking garage and vehicle surface parking lots
 - all weather loading/unloading area for bulk cargo and delivery vehicles



Weston SE Feasibility Study (2012)

Capital Expenses (former site)**

- Civic center capital cost was estimated to be about \$90MM exclusive of other costs including design, on and off site development and infrastructure, and land acquisition
- Conference center capital cost estimated to be about \$11.5MM
- Ownership entity anticipated to issue long-term bonds to finance capital cost of civic center and conference facility
- Financing of debt projected to be a combination of tax revenues generated by the civic center complex and Liberty University support

**Estimates of capital expenses will be revised based on new River Ridge Mall location which can be characterized as a redevelopment site versus the former being a new development site



Economic and Fiscal Impact Study Conclusions

**Study based data from first proposed location

- Prepared by Richmond-based Mangum Economic Consulting, LLC., with Dr. Fletcher Mangum as lead consultant and completed in early 2012
- Joint-project by Region 2000 Partnership-Economic Development Council and the Lynchburg Regional Convention and Tourism Bureau
- Total one-time local impact from the construction of the proposed complex is projected to be approximately \$118.4MM in economic output and 1,021 new full-time-equivalent jobs
- Total regional economic impact associated with complex's operations and attendee spending is projected to be approximately \$21.5MM in economic output and 270 new full-time-equivalent jobs in its first year of operation, and would grow to approximately \$24.1MM in economic output and 301 new full-time-equivalent jobs in its fifth year of operation
- Identified sources of fiscal (tax) revenues generated by the civic center complex include sales and use, lodging, meals, and admissions
- Total projected fiscal impact from the proposed complex would be approximately \$1.3MM in the facility's first year of operation and would grow to approximately \$1.5MM in its fifth year of operation

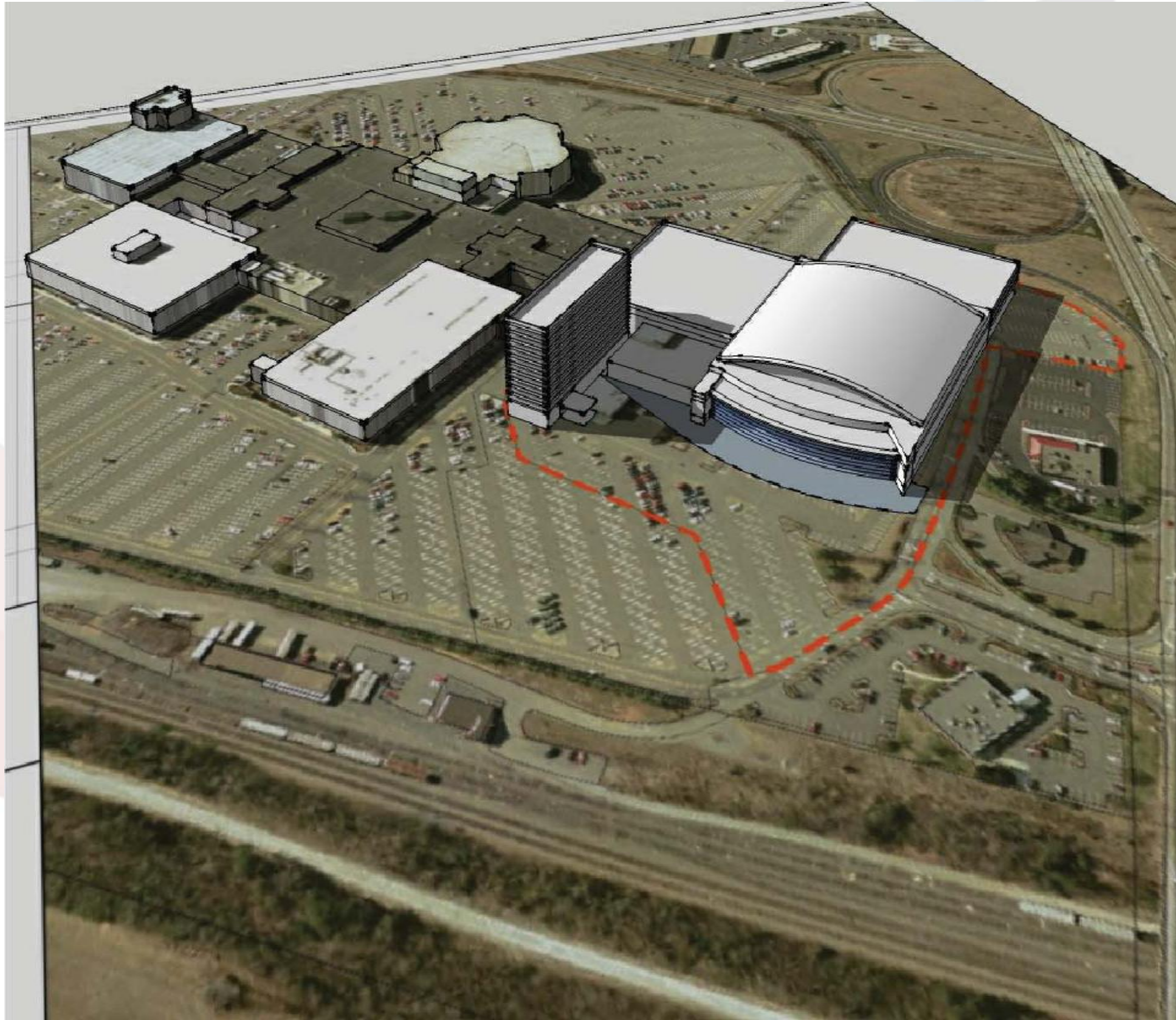


Adaptation of Feasibility Study to River Ridge Mall Location

- Memorandum of Agreement between Liberty University and the Region 2000 Economic Development Council
- Seed fund established by Liberty University to provide all the needed funds to underwrite professional consulting services which include:
 - i. Adaptation of the initial market and feasibility studies, and other related work prepared by Weston Sports/Gateway Consultants, to the former Sears property at River Ridge Mall;
 - ii. A traffic engineering analysis of on-site and off-site vehicle access/movement and vehicle parking impacts with recommendations on needed improvements;
 - iii. Development of viable property and facility ownership and governance models;
 - iv. Development of financing plans, debt financing vehicles, and funding options aligned with the preferred ownership and governance model; and,
 - v. Architectural, civil engineering, surveying, legal, and other professional services as needed.
- Region 2000 Economic Development Council to procure and retain all professional services with input by the working group, and contracts subject to approval by Liberty University
- Liberty University may be reimbursed if the civic center is built, put into operation, used by the university, and the owner of civic center has sufficient funds available to do so
- Region 2000 EDC may be reimbursed for staff time and other support costs similarly to Liberty University
- CBL & Associates Properties, Inc., invited to become a member of the working group because of the need for close coordination and critical input going forward



Preliminary Scaled-Rendering of Civic Center Complex at River Ridge Mall Location



Virginia's Region 2000 Partnership

Next Steps

- Weston SE continues with adaptation of feasibility study to River Ridge Mall location
- Engagement of qualified traffic/parking consultant to assess the potential on and off site vehicle traffic and parking implications from the proposed civic center complex, and to recommend solutions to offset or otherwise mitigate such impacts
- Coordinate studies with representatives of Liberty University, CBL Properties & Associates, City of Lynchburg, Virginia Department of Transportation, and others
- Engage working group membership as needed for guidance and direction



// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of April, 2013, at 2:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

Absent: 0

// Director of Financial Services Donna Witt gave an overview of the FY 2013 Third Quarter Budget Adjustments. Ms. Witt stated that an annual review of operating revenues and expenditures of the City's various funds are done to determine if adjustments are needed prior to the end of the fiscal year. Most of the items are offset by revenues so a large amount will not be coming from Reserve for Contingency. Ms. Witt went on to say that a public hearing is scheduled for the 7:30 p.m. meeting and at that time action will be required from Council.

// City Manager Kimball Payne gave an overview of the Capital Improvement Plan (CIP). During Council discussion of the CIP several items were asked to be discussed at future meetings.

// Communications and Marketing Director JoAnn Martin stated that the Citizen Engagement Report was provided for informational purposes.

// City Manager Kimball Payne discussed the FY 2014 Budget List. Council reviewed "The List" and based on the discussion the City Manager advised he would present a revised balanced budget at the April 23, 2013 Council meeting.

// During roll call Council Member Cary stated at the intersection of Williams Road and Trents Ferry Road a stop sign is down, and needs to be repaired. Secondly, he asked Dr. Brabrand to provide a report to justify the School funding request for 11 truancy officers, one in each elementary school.

// Council Member Helgeson asked several questions: 1) about the equipment resources of the items that were being sold from the Life Saving Crew; 2) why are institutions paying a higher water fee than homeowners? City Manager Kim Payne responded that rates are based on meter size, so the cost to institutions would be higher because of the greater demand on the system; 3) regarding the national average for citizens on food stamps versus the Lynchburg ratio.

// Mayor Gillette stated a question that came up regarding the role of the Mayor on the two standing Committees (Finance and Physical Development). It was the consensus of Council that the Mayor would continue to serve as a non-voting member on the Committees even in the event of a tie or deadlock vote at the Committee level.

// The Comprehensive Plan and Zoning Ordinance update was presented to City Council and the Planning Commission during a joint meeting. City Planner Tom Martin gave background on the Zoning Ordinance and Comprehensive Plan documents, which have previously been discussed as needing updates. He then introduced Mr. Michael Lauer and Dr. Michael Chandler, consultants from Planning Works, who presented key areas that have been identified in the Comprehensive Plan that need attention, the approach for updating that document, and a schedule for amending the Comprehensive Plan and Zoning Ordinance. The next steps in the Comprehensive Plan update are:

- Outline substantive amendments (April)
- Review with Planning Commission and Public (May)
- Draft amendments (May/June)
- Joint workshop (July)

The consultants will explore questions that Council and the Planning Commission raised on the Comprehensive Plan and Zoning Ordinance.

// City Council recessed the meeting at 5:45 p.m.

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

The following Members were present:

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

Absent: 0

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

// Mayor Gillette recognized Mayor's Youth Council President Blake Papet.

// Mayor Gillette and Council Member Helgeson presented Certificates of Recognition to Lynchburg Christian Academy State High School Wrestling Champions.

// Copies of the minutes of the March 12, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the March 19, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Economic Development – General, Resolution #R-12-037 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$5,000, with resources from the Virginia Commission for the Arts FY 2013 Local Government Challenge Grant to provide funding for exhibitions, demonstrations, concerts, amenities and like activities as specified in the Arts & Culture District ordinance, laid over from the March 26, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Fire – General, Resolution #R-12-038 amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$36,000, with resources from the Virginia Office of Emergency Medical

Services – Rescue Squad Assistance Fund grant to purchase one replacement Quick Response Vehicle for the Fire Department, laid over from the March 26, 2013 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #9 outlining the petition of Comeback Inn, LLC, to rezone approximately one and seventy-two hundredths (1.72) acres at 3320 Candler's Mountain Road from I-3, Heavy Industrial District to B-5, General Business District; to allow the existing hotel to become a conforming use. City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the petition. Representative Norm Walton with Perkins & Orrison, Inc., spoke to this item and asked for Council approval of the petition. One individual spoke in support of the petition. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-13-040, as presented, granting the petition of Comeback Inn, LLC, to rezone approximately one and seventy-two hundredths (1.72) acres at 3320 Candler's Mountain Road from I-3, Heavy Industrial District to B-5, General Business District:

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

Noes: 0

// In the matter of Community Development – Zoning Amendments, a public hearing was held on City Council Report #10 regarding the petition of GDG Lynchburg Hotel, LLC to amend the Future Land Use Map (FLUM) from Employment 2 to High Density Residential, rezone approximately eight and seven hundred eighty-four thousandths (8.784) acres from I-2, Light Industrial District to B-3, Community Business District (Conditional), and grant a Conditional Use Permit (CUP) to allow the existing hotel to become a conforming use and to allow the construction of one hundred fifty-six (156) apartment units within three (3), four (4)-story buildings with associated pool, club house and parking at 5212 Woodall Road and 2900 Candler's Mountain Road. City Planner Tom Martin gave a summary of the request and stated the Planning Commission recommended approval of the FLUM, rezoning and CUP petitions. Representative Jason Vickers-Smith with WVS Companies, LLC, 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 Helgeson, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Ordinance #0-13-041, as presented, to amend the Future Land Use Map from Employment 2 to High Density Residential:

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

Noes: 0

On motion of Council Member Helgeson, seconded by Vice Mayor Johnson, Council by the following

recorded vote adopted Ordinance #0-13-042, as presented, to rezone approximately eight and seven hundred eighty-four thousandths (8.784) acres from I-2, Light Industrial District to B-3, Community Business District (Conditional):

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

Noes: 0

On motion of Council Member Cary, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-13-043, as presented, granting the Conditional Use Permit to allow the construction of one hundred fifty-six (156) apartment units within three (3), four (4)-story buildings with associated pool, club house and parking at 5212 Woodall Road and 2900 Candler's Mountain Road:

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

Noes: 0

// In the matter of Community Development – Zoning Amendments, a public hearing was held on City Council Report #11 regarding the petition of GoBo, Inc. (Bojangles) to amend the Future Land Use Map (FLUM) from Medium Density Residential to Community Commercial and to rezone approximately one and three hundred fifty four thousandths (1.354) acres from R-2, Low-Medium Density, Single-Family Residential District and R-3, Medium Density, Two-Family Residential District to B-3C Community Business District (Conditional) to allow the construction of a restaurant at 1001 and 1003 Dandridge Drive and 1000 and 1002 Ardmore Drive. City Planner Tom Martin gave a summary of the request and stated that the Planning Commission recommended approval of the FLUM and the rezoning petition. The Petitioner, Phil Lynch, GoBo, Inc. (Bojangles) outlined the request and asked for approval. Six individuals spoke in support of the petition. Eight individuals spoke in opposition of the petition with concerns about declining property value, increased traffic, bright lighting and increased noise. There was no one else present who wished to speak to this item, and the public hearing was closed. During Council discussion several Council Members were opposed to the petition due to traffic concerns and the need to protect the neighborhood. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-13-044, as presented, amending the Future Land Use Map from Medium Density Residential to Community Commercial:

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

Noes: 0

On motion of Council Member Cary, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-13-045, as presented, to rezone approximately one and three hundred fifty four thousandths (1.354) acres from R-2, Low-Medium Density, Single-Family Residential District and R-3, Medium Density, Two-Family Residential District to B-3C Community Business District (Conditional) to allow the construction of a restaurant at 1001 and 1003 Dandridge Drive and 1000 and 1002 Ardmore Drive:

Ayes: Cary, Helgeson, Johnson, Nelson, Perrow

5

Noes: Foster, Gillette

2

// In the matter of Budget, a public hearing was held on City Council Report #12 regarding amending the FY 2013 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure, and transfer adjustments. Director of Financial Services Donna Witt gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-046, as presented, amending the FY 2013 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure, and transfer adjustments:

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

7

Noes:

0

// In the matter of Airport – General, City Council Report #13 was considered. On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-047, as presented, appropriating \$80,000 to the Airport Operating Fund with resources from a transfer of \$64,000 from state entitlement funds in the Airport Grant/Capital Fund and \$16,000 from excess Airport Operating Fund revenues to fund the Air Traffic Control Tower agreement through the end of FY 2013:

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

7

Noes:

0

// The meeting was adjourned at 10:05 P.M.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of April, 2013, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

7

Absent:

0

// City Manager Kimball Payne reviewed the FY 2014 Budget balance sheet and explained the revenue and expenditure adjustments. After Council's discussion of the budget balance sheet, Council Member Perrow made a motion, seconded by Vice Mayor Johnson to direct the City Manager to prepare the budget resolutions. Next there was some discussion on the schools budget. Council Member Helgeson had some concerns about the school budget. He stated the City Schools have 24% more personnel than the State average and there should be a reduction in school allocations. Several Council Members had concerns regarding the requested addition of 11 truancy positions, which would cost \$363,000 per year, and they expressed concern that the job description provided did not substantiate the funds being requested. After discussion Council Member Helgeson offered a substitute motion seconded by Council Member Cary to reduce the school funding by \$300,000. Council by the following recorded vote defeated the substitute motion:

Ayes: Cary, Helgeson

2

Noes: Foster, Johnson, Nelson, Perrow, Gillette

5

Mayor Gillette called for a vote on the original motion to direct the City Manager to prepare the budget resolutions from the balance sheet. Council by the following recorded vote approved the FY 2014 Budget as presented:

Ayes: Foster, Johnson, Nelson, Perrow, Gillette

5

Noes: Cary, Helgeson

2

// Water Quality Manager Jim Talian provided the Combined Sewer Overflow (CSO) Long Term Control Plan update. Mr. Talian stated that after four years of work, the update to the Long Term Control Plan (LTCP) for the City's CSO program is nearing completion. Information was presented on the proposed changes to the plan. Mr. Talian further stated the proposed changes resulted in focusing on neighborhood separation projects and would shift the focus to the Wastewater Treatment Plant with only a few neighborhood projects to be completed in the future. Mr. Talian went on to say that the changes to the LTCP would potentially save the CSO program \$200 million. At the conclusion of the presentation, the public was invited to stay for an open house to ask questions and receive additional information.

// During roll call Council Member Nelson stated he had two items: 1) received several complaints from pedestrians that use the 8th Street steps between Church and Court Streets about overgrown brush and trash that has accumulated in the grassy area; and 2) a pamphlet from Jane White regarding the 30th Anniversary celebration of the Southern Garden History Society that will be held in Lynchburg on May 3-5, 2013. This is an international convention the City of Lynchburg is hosting.

// Council Member Cary stated that it was not a stop sign down, but a street sign that was down at

Williams and Trents Ferry Roads. He also called Citizens First about a dead opossum that was at 2109 Link Road, needing to be picked up before Garden Day and wanted to thank Citizens First for responding so quickly.

// Council Member Foster stated that Garden Day was a success and wanted to thank City staff for their support. She also passed out brochures recognizing a new club called Special Friends Exchange Club under the leadership of the Exchange Club of Lynchburg, who act as mentors.

// Mayor Gillette announced he would present a proclamation on the steps of City Hall before the 7:30 p.m. meeting on Bike and Clean Commute Challenge Month.

// City Council recessed the meeting at 5:58 p.m.

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

The following Members were present:

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

Absent: 0

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

// Copies of the minutes of the March 26, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the April 2, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Budget, Resolution #R-12-046 amending the FY 2013 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure, and transfer adjustments, laid over from the April 9, 2013 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Airport – General, Resolution #R-12-047 appropriating \$80,000 to the Airport Operating Fund with resources from a transfer of \$64,000 from state entitlement funds in the Airport Grant/Capital Fund and \$16,000 from excess Airport Operating Fund revenues to fund the Air Traffic Control Tower agreement through the end of FY 2013, laid over from the April 9, 2013 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted the Resolution:

April 23, 2013

299

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

7

Noes:

0

// In the matter of Public Works – General, a public hearing was held on City Council Report #8 regarding exchanging city owned property located at 3770 Candler's Mountain Road containing approximately 0.074 acres to Liberty University, Inc. in exchange for property owned by Liberty University, Inc. located at 4000 Candler's Mountain Road containing approximately 0.307 acres. Real Estate Manager Steve Lawson gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow made a statement before Council's discussion, stating his company WW Associates has a contract with Liberty University and he would abstain from discussing and voting on this item. Vice Mayor Johnson stated that this matter came before the Physical Development Committee (PDC) which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-13-048, as presented, regarding exchanging city owned property located at 3770 Candler's Mountain Road containing approximately 0.074 acres to Liberty University, Inc. in exchange for property owned by Liberty University, Inc. located at 4000 Candler's Mountain Road containing approximately 0.307 acres:

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

6

Noes:

0

Abstention: Perrow

1

// In the matter of Police – Emergency Services, City Council Report #9 was considered. Council Member Nelson Chair of the Finance Committee (FC) stated this item came before the FC which recommended approval. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-049, as presented, amending the FY 2013 City/Federal/State Aid Fund budget and appropriating \$79,054, fully reimbursable, to fund the purchase of an Emergency Management Information Management System and P25 compatible mobile radios:

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

7

Noes:

0

// The meeting was adjourned at 7:41 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: 8

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **School Board Appointments, Public Hearing**

RECOMMENDATION:

Conduct a public hearing to receive input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts.

SUMMARY:

The Code of Virginia stipulates that Council may appoint only those nominees or applicants whose names have been considered at a public hearing. Following the public hearing City Council may either conclude the public hearing or continue it to the next meeting to allow more time for citizen input. The City Code requires that these appointments be made during the month of June; so therefore, no action may be taken on this matter except at the June 11 or June 25 meetings.

Attached is a sheet indicating which current members are eligible for reappointment and who are willing to continue to serve. The names of the volunteers whose applications have been received to date are also included.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Valeria P. Chambers 455-3995

ATTACHMENT(S): Names of volunteers.

REVIEWED BY: lkp

064K

School Board Appointment List

Current Board Members to be reappointed/replaced

Mary Ann Barker, District 1 (Willing to serve again)

Jettie Marie Waller, District 2 (Willing to serve again)

Albert L. Billingsly, District 3 (Not eligible to serve again)

CURRENT VOLUNTEERS

District 1 –

Christopher Shearer

District 2 -

Eyvonne Harvery Green

Lewis Lee, Jr.

District 3 –

Craig A. Storrs, Jr.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: 9

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Fiscal Year (FY) 2014 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program**

RECOMMENDATION: Conduct a public hearing to receive comments on the Community Development Block Grant (CDBG) and HOME Program FY 2014 Annual Action Plan and adopt a resolution approving the FY 2014 Annual Action Plan.

SUMMARY: The Department of Housing and Urban Development (HUD) requires local governments, which receive federal community development funds, to prepare an Annual Action Plan as a component of the approved 2010-2015 Five-Year Consolidated Plan. The Annual Action Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and is comprised of the required Action Plan components and the CDBG and HOME projects that will be initiated during the program year to address the identified needs and objectives.

On April 13, 2013 a public notice was published in *The News and Advance* stating that a draft of the proposed Program Year 2013 (FY 2014) Annual Action Plan was available for public review for a 30-day public comment period. The public comment period began on April 13, 2013 and will continue until May 14, 2013. The advertisement for the Annual Action Plan included the projects recommended by City Council at its March 26, 2013 meeting.

City staff has not yet received any public comments regarding the draft Plan. City Council and citizen comments received at the public hearing regarding the contents of the Annual Action Plan will be incorporated into the final document and submitted to HUD for approval.

Staff has not received final allocations from HUD; however, a five percent (5%) reduction in allocations for each program has been factored into this report. If any adjustments are necessary upon formal notification by HUD of the City's allocations, staff will bring such information to Council at a later date.

PRIOR ACTION(S): March 12, 2013: Public Hearing to receive comments from the recommendations of the Community Development Advisory Committee (CDAC)
March 26, 2013: City Council Work Session regarding the FY 2014 Allocation of Community Development Block Grant and HOME Program Funds

FISCAL IMPACT: N/A

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

ATTACHMENT(S): Fiscal Year 2014 Annual Action Plan Narrative
(Note: Individual Project Worksheets are available for Review in the Grants Administration Office, Department of Community Development, City Hall, 2nd Floor)
Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program Fiscal Year 2014 Annual Action Plan is hereby approved for submittal to the Department of Housing and Urban Development (HUD).

Adopted:

Certified:

Clerk of Council

062K



Fourth Annual Action Plan for 2010-2015 Consolidated Plan

The CPMP Annual Action Plan includes the SF 424 and Narrative Responses to Action Plan questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations.

Narrative Responses

ACTION PLAN

Executive Summary

Mission: The mission of the City of Lynchburg's Consolidated Annual Action Plan for Program Year 2013 is to obtain the Community Development Block Grant (CDBG) and HOME Program funds that are fundamental to attaining the priorities and objectives identified in the 2010-2015 Consolidated Plan, thereby contributing to the health, welfare and future viability of the City, and specifically in the targeted low-to-moderate income areas.

Since 1975 the City of Lynchburg, as an entitlement jurisdiction through the Department of Housing and Urban Development (HUD), has received annual allocations for the Community Development Block Grant (CDBG) Program. In 1994 the HOME Investment Partnerships (HOME) Program began and the City was designated as a participating jurisdiction and began receiving annual formula allocations through the HOME Program.

The City of Lynchburg, as an entitlement jurisdiction in the CDBG and HOME Program, is required by HUD to submit a Consolidated Plan every five years and an Annual Action Plan in each of the five years of the Consolidated Plan. The Consolidated Plan and Annual Action Plan are mandated documents for receipt of CDBG and HOME Program funds and are designed to be a collaborative process whereby the community establishes a unified vision for community development actions. It offers local jurisdictions the opportunity to shape the various housing and community development programs into effective, coordinated neighborhood and community development strategies. It also creates the opportunity for strategic planning and citizen participation to take place in a comprehensive context while reducing duplication of effort.

The Plan describes the resources available, the programs and projects to be funded and the proposed accomplishments for Program Year 2013 (FY 2014).

The Federal regulations set forth three basic goals against which HUD will evaluate the Consolidated Plan and Annual Action Plan and the jurisdiction's performance under the plan. Each jurisdiction's plan must state how it will pursue these goals for all community development programs, as well as all housing programs. These statutory program goals are as follows:

- Housing - The housing programs are to provide decent housing which includes: assisting homeless persons in obtaining affordable housing; assisting persons at risk of becoming homeless; retaining the affordable housing stock; increasing the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence; and providing affordable housing that is accessible to job opportunities.
- Community Development - The community development programs are to provide a suitable living environment which includes: improving the safety and livability of neighborhoods; eliminating blighting influences and the deterioration of property and facilities; increasing access to quality public and private facilities and services; reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods; restoring and preserving properties of special historic, architectural, or aesthetic value; and conserving energy resources and use of renewable energy sources.
- Economic Development - The economic development programs are to expand economic opportunities which include: job creation and retention; establishment, stabilization and expansion of small businesses (including micro-businesses); the provision of public services concerned with employment; the provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan; availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices; access to capital and credit for development activities that promote the long-term economic and social viability of the community; and empowerment and self-sufficiency for low-income persons to reduce generational poverty in federally assisted housing and public housing.

This Annual Action Plan corresponds to the City's next Fiscal Year (FY 2014), which begins July 1, 2013 and ends June 30, 2014. HUD will provide estimated entitlement funds in the amount of \$607,280 in CDBG and \$269,647 in HOME Program funds. The primary Federal funding resources for the Program Year 2013 (FY 2014) are the following:

Community Development Block Grant (CDBG): The primary objective of this program is to develop viable urban communities by providing decent housing, a suitable living environment, and economic opportunities, principally for persons of low and moderate income levels. Funds can be used for a wide array of activities, including: housing rehabilitation, homeownership assistance, lead-based paint detection and removal, construction or rehabilitation of public

facilities and infrastructure, removal of architectural barriers, public services, rehabilitation of commercial or industrial buildings and loans or grants to businesses.

HOME Investment Partnership Program (HOME): The HOME program provides Federal funds for the development and rehabilitation of affordable rental and ownership housing for low and moderate income households. HOME funds can be used for activities that promote affordable rental housing and homeownership by low and moderate income households, including reconstruction, moderate or substantial rehabilitation, homebuyer assistance and tenant-based rental assistance.

The Consolidated Plan and Annual Action Plan define a specific course of action for meeting the community development and housing needs of the community. It is the means to analyze the full local context and the linkages to the larger region. It builds on local assets and coordinates a response to the needs of the community. It integrates economic, physical, environmental, community and human development in a comprehensive and coordinated fashion so that families and communities can work together and thrive. A strategic plan also sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress. In so doing, it helps local governments and citizens keep track of results and learn what works in a community.

This year, the City will continue to make significant investments in our housing stock by way of the targeted neighborhood strategy, code enforcement compliance, removal of blighted properties, rental rehabilitation grants, direct homeownership assistance and owner-occupied rehabilitation projects. In addition to servicing our neighborhoods, the City will use some of our CDBG resources to help in the effort to revitalize the Fifth Street commercial corridor.

It is the intent of the City of Lynchburg to encourage and facilitate the participation of residents of the City in the formulation of priorities, strategies, and funding allocations in the Annual Action Plan. To expand and broaden citizen participation, City staff posted public notices on the City's web site (www.lyncburgva.gov/grants), at community centers and other neighborhood anchors (i.e. schools, neighborhood health centers, and public housing agencies/complexes).

In accordance with the City's adopted Citizen Participation Plan below is a summary of the public meetings and public hearings that were held to allow citizens the opportunity to participate and comment on the development of the Annual Action Plan in conjunction with the goals and objectives established for the 2010-2015 Consolidated Plan and the Program Year 2013 (FY 2014) Annual Action Plan.

■ On January 8, 2013 City Council conducted a public hearing to receive citizen comments regarding the goals for the development of the Program Year 2013 (FY 2014) Annual Action Plan and adopt a resolution approving the goals. A public notice advertisement was placed in *The News and Advance* on December 22, 2012 advising the public of this meeting. The notice was placed on the City's web site at www.lyncburgva.gov/grants and at various schools, neighborhood community centers, and public housing complexes. There were no public comments received at the public hearing or in writing to the Grants Administration office.

■ During the period of January 14-28, 2013 the acceptance of applications for CDBG and HOME program funds for the City's Program Year 2013 (FY 2014) was conducted. A public notice advertisement was placed in *The News and Advance* on January 14, 2013 advising the public of this meeting. The notice was placed on the City's web site at www.lynchburgva.gov/grants and at various schools, neighborhood community centers, and public housing complexes. There were no public comments received at the public hearing or in writing to the Grants Administration office.

■ On February 19, 2013 the Community Development Advisory Committee (CDAC) conducted a public meeting for the purpose of reviewing submitted CDBG and HOME Program applications and formulating recommendations for consideration by City Council regarding the allocation of an estimated \$702,849 in CDBG funds and \$283,839 in HOME funds. These amounts included entitlement, reprogrammed and anticipated program income funds. A public notice advertisement was placed in *The News and Advance* on February 4, 2013 advising the public of this meeting. The notice was placed on the City's web site at www.lynchburgva.gov/grants and at various schools, neighborhood community centers, and public housing complexes.

■ On March 12, 2013 City Council conducted a public hearing regarding the CDAC Annual Action Plan recommended projects. A public notice was placed in *The News and Advance* on February 25, 2013 advising the public of this hearing. The advertisement for the Annual Action Plan included the projects recommended by CDAC at its February 19, 2013 meeting. The notice was placed on the City's web site at www.lynchburgva.gov/grants and at various schools, neighborhood community centers, and public housing complexes. The recommendations included the projects from previous years that were being reprogrammed into the Program Year 2013 (FY 2014) Annual Action Plan projects and the anticipated program income.

■ On March 26, 2013 the recommendations of CDAC and the comments made at the March 12, 2013 public hearing were discussed at the City Council work session. Prior to City Council's discussion of the CDAC recommendations, City staff presented a letter from the Lynchburg Redevelopment and Housing Authority's (LRHA) Board of Commissioners stating that there was \$85,000 of Program Year 2011 (FY 2012) Spot Blight Abatement project funds that they wished to return to the City. In return LRHA requested that City Council consider allocating additional funds to the Administration and Delivery Costs and Rental Rehabilitation application requests. After review and discussion the final approval was given for the funding allocations for Program Year 2013 (FY 2014). LRHA's request was incorporated into the final allocations.

■ On April 13, 2013 a public notice was published in *The News and Advance* stating that a draft of the proposed Program Year 2013 (FY 2014) Annual Action Plan was available for public review for a 30-day public comment period, culminating with a public hearing scheduled for May 14, 2013 to receive comments regarding the draft Action Plan by City Council. The public comment period began on April 13, 2013 and will continue until May 14, 2013. The advertisement for the draft Annual Action Plan included how the proposed use of the \$1,035,739 in Community Development Block Grant (CDBG) and HOME Program estimated entitlement funds, reprogrammed funds, and program income will be used for the Program Year 2013 (FY 2014).

■ On May 14, 2013 City Council will conduct a public hearing regarding the draft Action Plan that has been available for public review since April 13, 2013. Public comments will be incorporated into this document at the conclusion of the public hearing.

In addition to public meetings and hearings, copies of the draft Annual Action Plan were made available for public review at the following locations in and throughout the City:

- Community Development Department, Grants Administration Office, Second Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504
- Lynchburg Public Library, 2311 Memorial Avenue, Lynchburg, Virginia
- Downtown Branch Library, City Hall, Basement Floor, 900 Church Street, Lynchburg, Virginia 24504
- Community Development Department, Grants Administration Division website: www.lynchburgva.gov/grants

The City's past performance in the administration and implementation of the CDBG and HOME Program has met the intent of the federal legislation creating these programs.

Through years of effective planning, partnership and monitoring, Lynchburg has facilitated affordability for decent housing, availability and accessibility to a suitable living environment, sustainability of a suitable living environment and accessibility to economic opportunities. The following is a summary of the City's past performance as reported to HUD in the Consolidated Annual Performance Report (CAPER) for overall performance in Program Year 2011 (FY 2012). The CAPER noted that the City's performance in Program Year 2011 (FY 2012) met or exceeded regulatory expectations in regard to the following:

Serving low and moderate income persons

- Approximately 98.65% (\$460,589) of the amount subject to low/mod benefit was used for activities that benefited low-to-moderate (LMI) persons within the City, well above the minimum threshold of 70% set in 24 CFR 570.901(a).

Mandated budget category caps

- Approximately 15.81% (\$128,983) of Lynchburg's CDBG allocation was spent on planning and administration, under the maximum of 20% allowed according to 24 CFR 570.206(g).

- Approximately 14.32% (\$105,182) of Lynchburg's CDBG allocation funded public service activities, under the maximum of 15% mandated by 24CFR 570.201(e).

Home Program

- Within the HOME Program there were 84.8% and 89.7% respectively committed and disbursed funds with the submittal of the 2011 CAPER.

The CAPER provided a comprehensive account of how its Program Year 2011 (FY 2012) HUD funds were expended and what was accomplished. The City identified each goal as contained in the 2010-2015 Consolidated Plan and provided information on the amount of CDBG and/or HOME funds that were expended and what was accomplished for each corresponding activity.

For the Fourth Year (Program Year 2013/FY 2014) of the 2010-2015 Consolidated Plan the City will receive an estimated \$607,280 in CDBG entitlement funds. Along with these funds, reprogrammed funds in the amount of \$148,605.89, and program income in the amount of \$2,030, the following CDBG projects will be implemented:

CDBG Program

Bluffwalk Section 108	\$ 284,048.00
City Administration	88,100.00
5 th Street CDC Phase III – City	175,490.89
Tinbridge Hill Neighborhood	45,000.00
Lynchburg Redevelopment and Housing Authority (LRHA) Administration	24,856.00
LRHA Delivery Costs – Rehabilitation	23,878.00
LRHA Delivery Costs – Acquisition	50,725.00
LRHA Delivery Costs – Disposition	35,818.00
LRHA Rental Rehabilitation	30,000.00
Total CDBG	\$ 757,915.89

For the Fourth Year (Program Year 2013/FY 2014) of the 2010-2015 Consolidated Plan the City will receive an estimated \$269,647 in HOME Program entitlement funds. Along with these funds and reprogrammed funds in the amount of \$8,176, the following HOME Program projects will be implemented:

HOME Program

City Administration	\$ 22,000.00
Greater Lynchburg Habitat for Humanity (GLHFH)	60,000.00
LNDF Homeownership Fund	30,000.00
Lynchburg Community Action Group (Lyn-CAG) Substantial Rehab	75,000.00
Lyn-CAG Homebuyer (Community Housing Development Organization (CHDO)	40,823.00
Lynchburg Neighborhood Development Foundation (LNDF) Single Family Housing Development	50,000.00
Total HOME	\$ 277,823.00

The City of Lynchburg realizes that it cannot meet all the housing and community development needs contained with this Plan. The responsibilities for these efforts must be shared among all facets of the community. The City will make every effort to direct Federal, state, and other funds for community development and housing into projects and activities that will best achieve the goals of the Plan.

For more information or to submit comments regarding this draft Annual Action Plan, please contact Melva Walker, Grants Manager, at (434) 455-3916; 900 Church Street, Lynchburg, VA 24504; or email at: melva.walker@lynchburgva.gov

Citizen Participation

The Grants Administration office ensured that the public, Community Development Advisory Committee (CDAC) and City Council were kept advised of the annual consolidated planning process.

In accordance with the City's adopted Citizen Participation Plan below is a summary of the public meetings and public hearings that were held to allow citizens the opportunity to participate and comment on the development of the Annual Action Plan in conjunction with the goals and objectives established for the 2010-2015 Consolidated Plan. Copies of the public notices are included in Appendix A.

It is the intent of the City of Lynchburg to encourage and facilitate the participation of residents of the City in the formulation of priorities, strategies, and funding allocations in the Annual Action Plan. To keep citizens fully informed of the public participation process, City staff posted public notices on the City's web site (www.lynchburgva.gov/grants), at community centers and other neighborhood anchors (i.e. schools, neighborhood health centers, and public housing agencies/complexes).

On January 8, 2013 City Council conducted a public hearing to receive citizen comments regarding the goals for the development of the Program Year 2013 (FY 2014) Annual Action Plan and adopt a resolution approving the goals. There were no public comments at this meeting. City Council approved the goals as presented.

The goals for the Program Year 2013 (FY 2014) Annual Action Plan are as follows:

The primary objective of the CDBG program is to continue to develop viable urban communities through decent housing, suitable living environments and expanded economic opportunities for low- and moderate-income persons; the City of Lynchburg supports assisting individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

Housing Goals

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

Non-Housing Goals

- Eliminate neighborhood deterioration, blight and blighting influences.
- Support the organized efforts in neighborhoods to leverage their resources to improve and sustain community livability and services.
- Support economic development efforts which will expand job opportunities and retention.

- Promote activities which support the healthy development of the City's at-risk youth, adults and families.

The acceptance and application process for CDBG and HOME program funds for Program Year 2013 (FY 2014) began on January 14, 2013 and ended on January 28, 2013. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in *The News and Advance* on January 14, 2013, indicating the acceptance of applications for funding programs, projects and activities under the CDBG and HOME Programs. The advertisement indicated the expected amount of funding for both programs. This public advertisement notice was posted on the City's web site, bulletin boards in City Hall, neighborhood community centers, the public libraries, and public housing complexes. City staff received five (5) applications for CDBG funding and six (6) applications for HOME funding.

CDAC conducted a public meeting on February 19, 2013 and received information from staff regarding the Annual Action Plan allocation of project funds. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in *The News and Advance* on February 4, 2013 stating the purpose of this meeting was to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the allocation of entitlement and reprogrammable funds.

CDAC reviewed the applications, summary allocation worksheet, and the various requirements for the allocation of funds for administration, non-public service, public service and the HOME Program. CDAC members discussed and developed their recommendations for CDBG and HOME Program projects for Program Year 2013 (FY 2014). CDAC made recommendations to City Council for projects that they concluded would be most beneficial to the low and moderate income persons within the targeted neighborhoods and within the broad national goals established by HUD of providing decent housing, a suitable living environment and expanding economic opportunities. (See Appendix A for a copy of the CDAC meeting minutes.)

CDAC and the public that were present were advised that City Council would hold a public hearing on March 12, 2013 on the project recommendations of the CDAC.

On March 12, 2013 City Council conducted a public hearing to allow citizen input regarding the CDAC Annual Action Plan recommended projects. A public notice advertisement was placed in *The News and Advance* on February 25, 2013 advising the public of this hearing.

At the public hearing five (5) persons spoke to Council representing four (4) separate agencies and a member of the public. One (1) person addressed the HOME applications submitted by Lynchburg Neighborhood Development Foundation (LNDF); one (1) representative addressed the HOME applications submitted by Lynchburg Community Action Group (Lyn-CAG); one (1) person spoke in support of the HOME application submitted by Greater Lynchburg Habitat for Humanity (GLHFH); and one (1) representative addressed the CDBG applications submitted by the Lynchburg Redevelopment and Housing Authority (LRHA). A majority of the comments were in support of the CDAC recommendations and the benefits that the people they serve receive as a result of the HOME and CDBG funds recommended for allocations to the represented agencies. The LRHA representative asked Council to reconsider the recommendations of the CDAC for the Spot Blight Abatement and Rental Rehabilitation

Programs, and the Administrative and Delivery Costs. This representative stated that the recommendation would not be sufficient funding to operate the referenced programs. If funding was not increased then LRHA would be unable to continue the operation of these programs and would return the operations back to the City. There was one (1) member of the public who spoke addressing the need for CDBG funds to be allocated to service agencies and nonprofits in order to assist the working poor.

On March 26, 2013 the recommendations of CDAC and the comments made at the March 12, 2013 public hearing was discussed at the City Council work session. At this meeting, and prior to City Council's discussion of the CDAC recommendations, City staff presented a letter from the Lynchburg Redevelopment and Housing Authority's (LRHA) Board of Commissioners stating that there was \$85,000 of Program Year 2011 Spot Blight Abatement project funds that they wished to return to the City. In return LRHA requested that City Council consider allocating additional funds to the Administration and Delivery Costs and Rental Rehabilitation application requests. After review and discussion the final approval was given for the funding allocations for Program Year 2013 (FY 2014). LRHA's request was incorporated into the final allocations.

On April 13, 2013 a public notice was published in *The News and Advance* stating that a draft of the proposed Annual Action Plan was available for public review for a 30-day public comment period. The public comment period began on April 13, 2013 and will continue until May 14, 2013. The advertisement for the Annual Action Plan included how the proposed use of the estimated \$1,035,739 in Community Development Block Grant (CDBG) and HOME Program reprogrammed funds, entitlement funds and program income will be used for the Program Year 2013 (FY 2014) projects. It also provided notice of a public hearing scheduled for May 14, 2013 for City Council to receive public comments regarding the draft Action Plan for Program Year 2013 (FY 2014).

On May 14, 2013 City Council will conduct a public hearing regarding the draft Action Plan that has been available for public review since April 13, 2013. Public comments will be incorporated into this document at the conclusion of the public hearing.

In addition to public meetings and hearings, copies of the draft Annual Action Plan were made available for public review at the following locations in and throughout the City:

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- Downtown Branch Library, City Hall, Basement Floor, 900 Church Street, Lynchburg, Virginia 24504
- Community Development Department, Grants Administration Division website: www.lynchburgva.gov/grants

Resources

City Resources

The following are the Federal, state, and local resources expected to be made available to address the needs identified in the Annual Action Plan.

City of Lynchburg, VA
2010-2015 Consolidated Plan
Program Year 2013 (FY 2014) Annual Action Plan

Federally-funded City Programs

Shelter Plus Care Program

The City of Lynchburg received \$320,700 in HUD funds in 2002 for the Shelter Plus Care (S+C) Program. This funding was provided for a five-year period. At the end of the five-year period, HUD granted a five-year extension to allow for additional housing units and the expenditure of the remainder of the original grant funds. Beginning in Fiscal Year 2010 HUD began awarding the S+C grants annually. For the Program Year 2013 (FY 2014) Annual Action Plan, there has been a one-year renewal grant that was issued in the amount of \$98,358.

The program provides rental assistance to approximately ten housing/household units. The overall goal of this grant is to identify homeless persons, ready for permanent housing, and offer additional time, financial assistance, and services to reinforce their own resources, skills and motivation to live independently and achieve self-sufficiency. The City conducts the program in collaboration with the Lynchburg Neighborhood Development Foundation (LNDF). Participants must be considered homeless, have a documented disability, and must cooperate with necessary services. LNDF secures the housing and provides services. Funds are received through the Supportive Housing Program.

Federal Housing Programs – Nonprofits Supportive Housing

The following agencies will receive \$221,597 Continuum of Care funds through the Supportive Housing Program:

Applicant	Project	Amount
Lynchburg Community Action Group	The Family Living Center	\$ 44,665
Lynchburg Neighborhood Development Foundation	The Cornerstone	\$ 68,323
Miriam's House	Housing Management Information System	\$ 21,357
Miriam's House	Supportive Housing	\$ 87,252
	Total:	\$ 221,597

Community Development Financial Institution (CDFI): The U.S. Treasury has supported the development of financial institutions that primarily operate in distressed communities and offer credit and financial counseling or training to low- and moderate-income households. Lynchburg Community Loan Fund (LCLF) is a CDFI that provides housing loans in the form of subordinate mortgages for the purchase and repair of homes. The investment area includes the more blighted areas of the City of Lynchburg, and the target population is borrowers earning at or below 80% of the Area Median Income (AMI). LCLF received seed funds from a previous CDBG allocation and has provided loans to the target population.

Historically, the larger banking community has been major investors in CDFIs. This has been demonstrated in Lynchburg as several local banks offered long-term pledges of contributions to LCLF for its loans. As a non-profit CDFI, LCLF can obtain grant funds to reduce the cost of borrowing and further spread its resources. LCLF presently is developing a small/micro business loan program in response to an assessment of service area needs demonstrating challenges in access to credit and training resources for small business owners. The goal of the

program is to promote community growth and stability, as well as job creation, especially for low income individuals, by providing loans and related services to small/micro businesses in the City of Lynchburg and surrounding areas. Loans will be provided to finance materials, supplies, and inventory; working capital; machinery and equipment; commercial business vehicles; moving costs; and building improvements.

State Housing Programs

State program funds are funneled to the City through other non-profit organizations, which assist with homeownership and weatherization of homes for low-income residents.

Affordable Housing Preservation Program: Funds from this flexible source distributed by the Virginia Department of Housing and Community Development (DHCD) have been used by several housing development agencies including Rush Homes and LNDF. Coupling these funds with other funds specifically directed to projects serving special needs populations has resulted in a significant increase in the number of accessible houses available in Lynchburg.

Private Equity Investment through Tax Credit Programs

Federal Low Income Housing Tax Credits (LIHTC)

This source of financing for affordable housing development has been used in Lynchburg since the program's inception in the mid-1980s. Four completed LIHTC projects include Victoria Ridge, Hilltop Homes, College Hill Homes and Central City Homes. These four projects provided 113 affordable rental units through new construction, renovation and adaptive re-use of existing houses and buildings throughout Lynchburg's central city neighborhoods. In some cases, buildings were donated to the projects from LRHA, and the City invested HOME funds in each of these projects.

Victoria Ridge is an affordable housing development of 24 units for individuals with disabilities. There is \$3.1 million of LIHTC in this project. Of the 24 Tax Credit Assistance Program (TCAP) units, there is a subset of 11 HOME-assisted units which meet the HOME Program affordability and rent restrictions. The City provided \$183,525 of HOME Program funds for this project. The project has 12 units that are fully accessible units designed for individuals with disabilities whose rents are affordable at the tax credit limit and the HOME limit whichever is the least amount.

Hilltop Homes is an acquisition and rehabilitation project consisting of 12 existing buildings in a scattered site development which resulted in 24 affordable housing units. This project included approximately \$3 million in LIHTC, long-term financing and \$120,000 in HOME Program funds.

Federal and State Historic Preservation Tax Credits

Lynchburg is a historic city and one that, over a century ago, was the second wealthiest city in the country on a per-capita basis. It was a port and distribution center on the James River and its leadership was comprised of wealthy merchants. Therefore, the housing stock, especially in the older City, is of varied historic design and architecture. Preserving these buildings has not always been a City priority ;however, in recent years has taken on major significance. The Lynchburg Historical Foundation (LHF) is a non-profit organization that supports preservation efforts and works with local professionals and residents to maintain this important part of the City's history. LHF also works with other organizations such as Lynchburg College's Center for the History and Culture of Central Virginia to

research and develop the record of Lynchburg's past. As revitalization of the City's downtown continues, the momentum and preservation will be a critical issue in terms of construction and in terms of funds. Many local residents, businesses, and non-profit organizations have begun to use the federal and state historic tax credits and enterprise zone tax credits. The amount of investment from the sale of these credits has increased substantially since the State credits have become effective.

The investment opportunities in the development of historic properties in Virginia are two-fold. In addition to credits against federal income tax liability, investors can also seek credits against State income tax liability. A combined maximum of 25% of the cost of approved basis is available for tax credits under the State program and 20% is available under the Federal program. This incentive for investors to participate in the revitalization of the City, its downtown, and its residential neighborhoods is a positive boost to the City's renaissance.

New Market Tax Credits

The City has benefited from equity investment as the private sector has utilized this mechanism for some downtown projects and for projects included in the vision of the Fifth Street Master Plan. The City has invested in the projects and supports the ongoing work of its partners to increase the private resources available to assist in implementing its plans.

Local Programs

City Code

The City Code of Ordinances of the City of Lynchburg authorizes City Council to designate rehabilitation districts and to waive customer availability charges for connection to the water and sewer systems. Non-profit housing developers may petition Council for the above designation when redeveloping residential property for low- and moderate-income households. This program has been used by Habitat for Humanity in the past.

Real estate tax relief is available to the elderly and persons with disabilities earning \$30,000 or less per year, with a net worth of \$60,000 or less excluding the house in which they live.

The City may also exempt from real estate taxes for 15 years qualified properties in which the structure is 50 years of age or older and the improvements that are considered as substantial rehabilitation/renovation to the existing structure will increase the assessed value by 40 percent or more. For commercial or industrial real estate, the existing structure must be 25 years of age or older and the improvements to the existing structure will increase the assessed value by 60 percent or more.

There are also tax incentives provided to businesses that locate within the two designated enterprise zones.

Code Compliance

The City Inspections and Code Compliance Division supports neighborhood revitalization by providing code enforcement of existing structures in need of repair, and the enforcement of the

abandoned vehicle program, the weed enforcement/inmate labor program, and the illegal dumping program. The goals of the program include strengthening cooperation between residents, businesses, religious organizations, non-profit agencies, and City departments to improve the livability of neighborhoods. One example of this type of collaboration exists in the creation of the Community Code Compliance Team originally chartered by City Council in 1997 as the Code Enforcement Task Force. The Team's purpose is to "develop and implement a coordinated and focused long term strategy to improve living conditions through consistent code enforcement, thereby facilitating a positive impact on the quality of life in Lynchburg". The Team conducts neighborhood walk-throughs addressing a variety of concerns including illegal dumping, overgrown yards, abandoned or inoperative motor vehicles, Property Maintenance Code violations, infrastructure, and other issues. The Team conducts walk-through inspections in various City neighborhoods. The walk-throughs include representatives from the neighborhood, as well as City Council, Community Development, Billings and Collections, Fire Marshal, Public Services, Police, City Attorney's Office, Social Services, Commissioner of the Revenue, and the Lynchburg Redevelopment and Housing Authority. City staff works with residents to identify concerns, as well as raise awareness of local codes and public maintenance needs (i.e. street lights and pot holes, etc.).

Private Resources

Greater Lynchburg Habitat for Humanity provides new single-family housing for purchase by low- and moderate-income families. Habitat has constructed over 280 such houses to date using mostly private donations and significant support from churches and faith communities. The City continues to provide HOME Program funds to Habitat who serves the low- and very low-income population and provides the opportunity for them to purchase a home. The City continues to encourage Habitat to renovate historic homes in the targeted area. This preserves the fabric of the City's historic neighborhoods and prevents further deterioration and vacancy in these areas.

The City will continue to cooperate with local non-profits, neighborhood groups, and others to address obstacles to meeting underserved need, foster and maintain affordable housing, remove barriers to affordable housing, evaluate and reduce lead based paint hazards, develop institutional structures, enhance coordination between public and private housing and social service agencies, and foster public housing improvements and resident initiatives. Agencies and groups that coordinate this effort are the LNDF, Rebuilding Together Lynchburg, Housing and Homeless Coalition, Lyn-CAG, LRHA, Community Code Compliance Team, and the Lynchburg Department of Social Services.

According to LRHA's 2013-2017 Public Housing Authority Plan (PHAP) the estimated amount of Section 8 Tenant-Based Rental Assistance for Calendar Year 2013 is \$3,787,832.

Lynchburg Neighborhood Development Foundation (LNDF) received \$1 million in Neighborhood Stabilization Program (NSP) funds to leverage and address priority needs in Calendar Year 2010. Subsequently, LNDF and three other housing partners have been involved in acquiring, renovating, and selling or renting 13 foreclosed properties under this Program. Twelve of the projects have been completed and LNDF is in the process of completing the rehabilitation of the last house. LNDF is considering an additional acquisition within the parameters of NSP.

Annual Objectives

Goals and objectives to be carried out during the action plan period are indicated by placing a check in the following boxes.

☒	Objective Category: Decent Housing Which includes:	☒	Objective Category: Suitable Living Environment Which includes:	☒	Objective Category: Expanded Economic Opportunities Which includes:
☒	assisting homeless persons in obtaining affordable housing	☒	improving the safety and livability of neighborhoods	☐	job creation and retention
☒	assisting persons at risk of becoming homeless	☒	eliminating blighting influences and the deterioration of property and facilities	☐	establishment, stabilization and expansion of small business (including micro-businesses)
☒	retaining the affordable housing stock	☒	increasing the access to quality public and private facilities	☐	the provision of public services concerned with employment
☒	increasing the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability	☒	reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods	☒	the provision of jobs to low-income persons living in areas affected by those programs and activities under programs covered by the plan
☒	increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence	☒	restoring and preserving properties of special historic, architectural, or aesthetic value	☒	availability of mortgage financing for low income persons at reasonable rates using non-discriminatory lending practices
☒	providing affordable housing that is accessible to job opportunities	☒	conserving energy resources and use of renewable energy sources	☒	access to capital and credit for development activities that promote the long-term economic social viability of the community

The City of Lynchburg will use an estimated \$360,912 of its CDBG allocation and \$247,647 of its HOME Program allocation to fund activities that benefit low-to-moderate income persons.

As stated in the Consolidated Plan, in March 2006, HUD issued the "Notice of Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs." The HUD Outcome Measurement System includes Objectives, Outcome Measures and Indicators. The City must choose one of the three objectives and Outcomes for each activity. In identifying the outcome/objective, HUD has developed a numbering system that ties to the CPD Performance Measurement System (PMS).

The Housing Objective category is:

Provide Decent Housing. Activities that are categorized in this objective are designed to cover the wide range of housing activities under CDBG and HOME. The objective focuses on housing programs where the purpose of the program is to meet individual, family or community needs.

The three Outcome categories for housing are:

1. **Availability/Accessibility**. Applies to activities that make service, infrastructure, public service, public facilities, housing, or shelter available or accessible to low and moderate-income persons including persons with disabilities. Accessibility does not only refer to physical barriers, but also to making the basic of daily living available and accessible to low- and moderate-income persons who live in the housing unit or use the facility.
2. **Affordability**. Applies to activities that provide affordability in various ways in the lives of low- and moderate-income persons. It may include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or day care.
3. **Sustainability**. Promoting Livable or Viable Communities. Applies to activities that focus on improving communities or neighborhoods, helping to make them livable or viable by providing benefit to low- and moderate-income or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain the communities or neighborhoods.

The charts below illustrate the allocated priorities and objectives and outcomes the City plans to meet during the Program Year 2013 (FY 2014) Annual Action Plan to promote the development, sustainability and suitability of housing and fair housing within the community:

	Availability/Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	DH-3

Housing Ownership and Rehabilitation

PROGRAM	ANNUAL ACTION PLAN GOALS
	2013 (FY 2014)
Homeownership-Owner-occupied (CHDO) (DH-1)	Lynchburg Community Action Group (Lyn-CAG) plans to acquire and rehabilitate one (1) housing structure for sale to a low-to-moderate income person through the use of Community Housing Development Organization (CHDO) HOME Program funds
Homeownership-Homebuyer (DH-1)	Lynchburg Neighborhood Development Foundation (LNDF) plans to provide down payment assistance to three (3) homebuyers and develop one (1) single-family housing structure for a low-to-moderate income person; Greater Lynchburg Habitat for Humanity (GLHFH) plans to provide down payment assistance to four (4) homebuyers
Homeownership-Retention/Housing Rehabilitation (DH-2)	Lyn-CAG plans to rehabilitate four (4) housing units to allow the homeowners to retain their homes

The City of Lynchburg supports assisting individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

The overarching strategy for accomplishing the housing goals of the City is to conduct activities that complement and enhance the work being done by City departments and their partners using the various sources of public and private funding available. The two objective categories for Community Development are:

1. **Creating Suitable Living Environment**. Relates to activities that are designed to benefit communities/neighborhoods, families, or individuals by addressing issues in their living environment. This objective relates to activities that are intended to address a wide range of issues faced by low- and moderate-income persons, from physical problems with their environment, such as poor quality infrastructure to social issues such as crime prevention, literacy, or elderly health services.
2. **Creating Economic Opportunities**. Applicable to activities that are related to economic development, commercial revitalization or job creation.

The three Outcome categories are:

1. **Availability/Accessibility**. Applies to activities that make service, infrastructure, public service, public facilities, housing, or shelter available or accessible to low and moderate-income persons, including persons with disabilities. Accessibility does not only refer to physical barriers, but also to making the basic of daily living available and accessible to low- and moderate-income persons who live in the housing unit or use the facility.
2. **Affordability**. Applies to activities that provide affordability in various ways in the lives of low- and moderate-income persons. It may include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or day care.
3. **Sustainability**. Promoting Livable or Viable Communities. Applies to activities that focus on improving communities or neighborhoods, helping to make them livable or viable by providing benefit to low- and moderate-income or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain the communities or neighborhoods.

The charts below illustrate the allocated priorities and objectives and outcomes the City plans to meet during the Program Year 2013 (FY 2014) Annual Action Plan to meet the community development needs of the citizens.

	Availability/Accessibility	Affordability	Sustainability
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

Support of Neighborhoods

PROGRAM	ANNUAL ACTION PLAN GOALS
	2013 (FY 2014)
Neighborhood/Community Meetings (SL-1)	Five (5) neighborhood walk-through meetings planned by Community Code Compliance Team
Infrastructure Improvements (SL-1) (Fifth Street-Phase III)	Fifth Street Master Plan Project - Streetscape improvements south between Jackson and Taylor Streets

Economic Development Efforts

PROGRAM	ANNUAL ACTION PLAN GOALS
	2013 (FY 2014)
Enterprise Zone (EO-3) (Maintain current zone designations)	The City plans to maintain Zone #2 (includes CDBG Target Census Tract areas) and Zone #46 (Old Forest Road & Lakeside Drive area).
Downtown Redevelopment Improvements (EO-3) (Phase II & III – Lower Bluffwalk-Jefferson Street)	Infrastructure improvements to include the construction of a pedestrian-scaled street, ADA compliant walkway, and streetscape improvements.

Residential Rental Property Inspections Program and Property Maintenance Inspections

PROGRAM	ANNUAL ACTION PLAN GOALS
	2013 (FY 2014)
Rental Property Inspections (SL-3)	The Code Compliance Division of the Community Development Department plans on completing 508 rental property inspections
Property Maintenance Inspections (SL-3)	The Code Compliance Division of the Community Development Department plans on completing 3,140 property maintenance inspections

Code Enforcement

PROGRAM	ANNUAL ACTION PLAN GOALS
	2013 (FY 2014)
Weed Ordinance- Property Clearance (SL-3); Removal of Abandoned Vehicles (SL-3)	The Code Compliance Division of the Community Development Department plans to complete 1,750 complaint-based Neighborhood Services inspections which address weeds and abandoned vehicles

Description of Activities

For the Fourth Year (Program Year 2013/FY 2014) of the 2010-2015 Consolidated Plan the City will receive an estimated \$607,280 in CDBG entitlement funds. Along with these funds, reprogrammed funds in the amount of \$148,605.89, and program income in the amount of \$2,030, the following CDBG projects will be implemented:

CDBG Program

Bluffwalk Section 108	\$ 284,048.00
City Administration	88,100.00
5 th Street CDC Phase III – City	175,490.89
Tinbridge Hill Neighborhood	45,000.00
Lynchburg Redevelopment and Housing Authority (LRHA) Administration	24,856.00
LRHA Delivery Costs – Rehabilitation	23,878.00
LRHA Rental Rehabilitation	30,000.00
LRHA Delivery Costs – Acquisition	50,725.00
LRHA Delivery Costs – Disposition	35,818.00
Total CDBG	\$ 757,915.89

For the Fourth Year (Program Year 2013/FY 2014) of the 2010-2015 Consolidated Plan the City will receive an estimated \$269,647 in HOME Program entitlement funds. Along with these funds and reprogrammed funds in the amount of \$8,176, the following HOME Program projects will be implemented:

HOME Program

City Administration	\$ 22,000.00
Greater Lynchburg Habitat for Humanity (GLHFH)	60,000.00
LNDF Homeownership Fund	30,000.00
Lynchburg Community Action Group (Lyn-CAG) Substantial Rehab	75,000.00
Lyn-CAG Homebuyer (Community Housing Development Organization (CHDO)	40,823.00
Lynchburg Neighborhood Development Foundation (LNDF) Single Family Housing Development	50,000.00
Total HOME	\$ 277,823.00

Summary of Program Year 2013 (FY 2014) CDBG and HOME Activities

The following Summary of Activities provides a narrative description of each activity to be funded through the Annual Action Plan. The summary identifies the agency or organization to be funded, the amount of the award, the activities to be undertaken, and if known, the location of the project.

Community Development Block Grant (CDBG) Activities

The City of Lynchburg will have available \$1,035,739 in CDBG funds to support administrative and service delivery operations, housing, community development, and economic development, activities for fifteen (15) projects and activities.

Section 108 Loan (Bluff Walk) - A total of \$284,048 in CDBG funds has been set aside for debt repayment on the Section 108 Loan to the Bluff Walk Center.

In June 2003, the City of Lynchburg was awarded a Section 108 Loan in the amount of \$3.2 million for the Bluff Walk Center - a boutique hotel, upscale restaurant, microbrewery, and conference center that opened in the spring of 2007. This \$23 million dollar renovation project added new permanent full-time positions, stimulated additional public and private investment, and serves as a tourist attraction in the City.

The Center is one of the major redevelopment projects included in the Downtown Riverfront Master Plan 2000. The purpose of creating the Master Plan was to restore the economic vitality and dignity of our once prosperous downtown, riverfront and surrounding neighborhoods. The City's downtown and surrounding neighborhoods have significant blighting conditions and have officially been determined by HUD as a slum and blighted area since the 1970's.

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.

Program Administration (City) - The City will use \$88,100 of its CDBG allocation for the payment of reasonable administrative charges related to the planning and execution of community development activities. The majority of these funds will be used to pay a percentage of the salary and benefits of Community Development staff dedicated to managing the CDBG Program.

Fifth Street Community Development Corporation (CDC) - The City has allocated \$175,491 in CDBG funds for continued improvements as outlined in the Fifth Street Master Plan for neighborhood stabilization. The funding would be leveraged with City Capital funding for Phase III, which would install streetscape improvements from Jackson Street to Taylor Street. The work would progress in conjunction with planned water/sewer line upgrades.

The Fifth Street Master Plan was adopted by City Council on May 23, 2006. The Plan establishes the Vision for a rehabilitated and revitalized corridor that serves the needs of the surrounding neighborhoods. The 2010 Census indicates that 77% of the residents in the immediate study area are African American and indicated that 49% of the individuals have an annual income below \$15,000. The City has committed CDBG, and Capital funds to improve the streetscape over three phases. Phase I was completed in September 2009 and included the construction of water and sewer lines in addition to a modern urban roundabout and complimentary streetscape between Jackson & Harrison Streets. Phase II is currently under construction and will contain the same underground utility upgrades and streetscape improvements as Phase I. Phase II extends from Harrison Street to Main Street. Phase III

would extend streetscape improvements south between Jackson and Taylor Streets and finish streetscape improvements as recommended in the Master Plan.

The Fifth Street Corridor is seeing considerable private development interest as a result of the streetscape improvements. The Red Shoe Dance Academy located at 409 Fifth Street opened in the renovated Moser Furniture Building in 2012. The former Fisher Auto Parts Buildings located at 400-408 Fifth Street and the former Coiner Auto Parts Building at 500 Fifth Street are currently under renovation; 702 – 708 Fifth Street are also under renovation; the Lynchburg Housing and Redevelopment Authority is working with private entities to develop 701 – 709 Fifth Street; and Word Works Literacy Centre located at 801 Fifth Street opened in late 2012.

Tinbridge Hill Neighborhood Council - The City has allocated \$45,000 in CDBG funds for Lynchburg Community Action Group (Lyn-CAG) to continue to provide substantial housing rehabilitation in Tinbridge Hill. Lyn-CAG plans to rehabilitate one (1) housing unit with the allocated funds. The housing stock in Tinbridge Hill is dated and upgrades to improve energy efficiency are necessary for the long-term viability of the neighborhood and for funds to be used by the Department of Parks and Recreation to secure access easements for a future trail connection.

The Tinbridge Hill Neighborhood Council (THNC), in partnership with the City of Lynchburg, and supported by the Friends of Tinbridge Hill (FTH), propose continued funding for a long-term, targeted investment of CDBG funds into Tinbridge Hill to assist its residents and community stakeholders in accomplishing their goals and develop a model for a sustainable neighborhood. This proposal has two purposes: The first is to continue the development of a Sustainable Neighborhood Strategy, using Tinbridge Hill as a model, incorporating elements of Lynchburg's Sustainable City Initiative that can be applied to other Lynchburg neighborhoods. The elements of the Sustainable City Initiative include Arts and Culture, Citizen Engagement and Social Capital, Economic Development, Infrastructure, Healthy and Active Living, Land Use, Lifelong Learning, Natural and Environmental Resources, Neighborhoods, Safe Community and Transportation. The second is to request funding for the City partnership with the Tinbridge Hill Neighborhood Council for the third year of this multi-year project. This project is an interactive process that engages residents, partners and various stakeholders in defining the components to promote the sustainability of this neighborhood.

This proposal builds on the 1996 Tinbridge Hill Plan, a neighborhood satisfaction survey conducted by Randolph College students in 2011 of Tinbridge Hill residents and input received from recent neighborhood engagement meetings. The projects identified in this proposal for year three of this program complement the ongoing neighborhood planning element with a focus on housing rehabilitation and acquisition of access easements for a trail connection. In addition to these activities, neighborhood participation and building capacity in the neighborhood continue to be part of the process.

Program Administration (Lynchburg Redevelopment and Housing Authority-LRHA) – This agency has been awarded \$24,856 in CDBG funds to provide for the payment of the pro-rata share of salaries, benefits, travel and operating costs attributable to employees' duties associated with the CDBG program as outlined in the Authority's annual administrative budget.

Lynchburg Redevelopment and Housing Authority (LRHA): Delivery – Rehabilitation -The City has allocated \$23,878 of CDBG funds for direct service costs associated with identifying and monitoring spot blight properties and coordinating rehabilitation activities with owners.

Lynchburg Redevelopment & Housing Authority (LRHA) – Delivery Costs - Acquisition - The City has allocated \$50,725 in CDBG funds for direct costs associated with the properties that will be acquired in the Spot Blight Program. These costs will include property maintenance and coordinating work with appraisers and legal counsel under contract with LRHA.

Lynchburg Redevelopment & Housing Authority – Delivery Costs – Disposition - The City has allocated \$35,818 in CDBG funds for direct property maintenance costs associated with previously-acquired properties until such time as disposition of the properties occur.

Lynchburg Redevelopment and Housing Authority (LRHA) – Rental Rehabilitation -The City awarded \$30,000 of CDBG funds for the Rental Rehabilitation Program at LRHA. These funds will be used to provide grants to owners to rehabilitate six (6) houses.

This program issues grants to owners of rental properties that are located within the City's Rental Inspection Area. This area includes Census Tracts 4, 5,6,7,11,12 and 13. The property must have property maintenance code violations cited by the City or have Housing Quality Standards deficiencies. The grant will also be available to owners who are providing energy upgrades and or accessibility compliance. The grant is a fifty percent matching grant with a maximum per unit of \$5,000. The end result of this program allows owners to provide improved living conditions and lower energy cost to low income families. Additionally, it results in the elimination of blighted properties creating improved living standards for the entire neighborhood.

HOME ACTIVITIES

The City of Lynchburg will have available \$277,823 in HOME program funds to support housing activities during Program Year 2013 (FY 2014). Five (5) projects have been allocated funding for HOME eligible activities. The City has designated 16% of the entitlement funds for one (1) Community Housing Development Organization (CHDO) project.

Program Administration (City) - The City will use \$22,000 of its HOME Program allocation for the payment of reasonable administrative charges related to the planning and execution of HOME Program activities. The majority of these funds will be used to pay a percentage of the salary and benefits of Community Development staff dedicated to managing the HOME Program.

Greater Lynchburg Habitat for Humanity (GLHFH) – Homeownership Program – The City has allocated \$60,000 in HOME Program funds to GLHFH for down payment assistance to low-income families. GLHFH plans to assist four (4) home buyers.

Greater Lynchburg Habitat for Humanity (GLHFH) develops homeownership opportunities for low-income families that would not qualify or be able to afford homeownership through conventional bank mortgages. GLHFH builds good quality, moderately appointed homes and sells them to qualified applicants. The target population for the program is families whose income falls in the range of 30% to 80% of HUD's median family income, adjusted for size of

family. To qualify, families must demonstrate need (residing in poor, unsafe, unhealthy, and/or unaffordable housing); they must have the ability to pay a no-interest mortgage (must have a steady income and low debt to income ratio); and must be willing to partner with GLHFH (provide sweat equity, participate in training, and prepare for the responsibilities of homeownership).

GLHFH solicits funding, materials, and volunteer labor from the community and is thereby allowing the organization the ability to maintain low construction costs. GLHFH is therefore able to sell the home to the qualified family at cost and to offer a no-interest mortgage loan. Families have to provide 300 hours of labor, referred to as “sweat equity,” to the project. The mortgagees must attend GLHFH’s course designed to prepare them for homeownership. The series of classes provide education about financial literacy, budgeting, home maintenance, taxes and insurance, predatory lending, and loss mitigation options.

At mortgage closing, the family is required to pay a processing fee of \$400.00 which is applied to the attorney’s fee and recording costs. GLHFH will use HOME funds to pay for advance escrow required (taxes and insurance) and for down payment assistance which will reduce the principal balance so that the family can afford the monthly mortgage payments. GLHFH defines “payment affordability” as not more than 30% of monthly income.

Lynchburg Neighborhood Development Foundation (LNDF)–Homeownership Fund - This organization and program has been awarded \$30,000 in HOME program funds to provide affordable mortgage financing assistance for three (3) low-to-moderate income persons and ultimately homeownership for these persons.

Lynchburg Homeownership Fund is a combination of programs administered by LNDF that seek to create and support homeownership. This philosophy has been an essential part of LNDF’s mission and incorporates blended multi-layered financing from City and State sources along with private mortgages from conventional lenders and buyer’s cash investment. This application seeks to continue to blend City HOME funds in the mortgages offered to low- and moderate-income borrowers.

LNDF’s affordable mortgages consist of a 30-year, fixed rate first mortgage at below-market interest rates and additional subordinate mortgages at low rates or forgiven over time. These mechanisms help with making the mortgage affordable, but most often additional soft loans are needed as well. As the economy has driven conventional mortgage rates down, VHDA, our primary source of first mortgage loans, is rethinking its program in order to let the private sector handle the originating loan.

LNDF has brought more than \$16 million into the region for this purpose, creating more than 250 new homeowners in the City and throughout the planning district, as well as assisting several hundred others achieve their housing goals through other means.

Lynchburg Community Action Group (Lyn-CAG) Rehabilitation Program -The \$75,000 in HOME funds will be used for eligible repair and rehabilitation of owner-occupied housing. Lyn-CAG projects that two (2) low-to-moderate income homeowners will be served with substantial rehabilitation funds from the HOME Program funds and the State Department of Housing and Community Development (DHCD). These properties are located at 115 Yeardley Avenue and 208 Ash Street.

The Homeowner Substantial Rehabilitation Program provides substantial rehabilitation for eligible low-to-moderate income owned properties. The Program is designed to remove health and safety hazards and code violations from the homes of low-income homeowners who live in the City of Lynchburg and meet HUD income guidelines for HOME programs. Typical requests for services include electrical, plumbing, structural and roof repair/replacement. All local contractors who provide the services are licensed and insured. Building materials are purchased from local businesses.

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

Program – The \$40,823 in HOME Program funds will be used for labor/material and developer's fee to assist with the acquisition and rehabilitation of one housing structure for a low-to-moderate income family.

The Home/Community Housing Development Organization (CHDO) First Time Homebuyers Program provides for acquisition of vacant properties for rehabilitation or new construction to eligible first time homebuyers. Proceeds from the sale of properties are reinvested in housing program services that benefit eligible low-to-moderate income persons. This program provides a level of subsidy to keep the property affordable for low-to-moderate income families.

Lynchburg Neighborhood Development Foundation (LNDF) – Single-Family Development

This organization and program has been awarded \$50,000 in HOME Program funds to provide assistance for the development of two (2) housing structures for low-to-moderate income families.

This program is a continuation of the years of single-family development undertaken by LNDF. With this request, LNDF proposes to develop two (2) houses for resale to HOME-eligible borrowers in the City. Since quality housing may cost more to develop than the neighborhood market can support in light of economic factors, subsidies are needed to defray costs and make financing accessible for low- and moderate-income borrowers. Financing for these newly developed homes will continue to be packaged by LNDF and made available through its affordable mortgage programs.

The Annual Action Plan includes the Project Worksheets that list the Objective and Outcome for each of the projects. (Attachment A)

Geographic Distribution/Allocation Priorities

Geographic Distribution of Assistance

According to the 2011 American Community Survey (ACS), the population in Lynchburg is 76,916 and the Metropolitan Statistical Area (MSA) is 250,952. White citizens account for 63.5% of the City's population, African-American citizens account for 28%, and the remaining 8.5% is made up of two or more races. The Hispanic/Latino population is at 3%.

The median household income in 2010 was \$37,058 and the number of persons below poverty is 22.7% of the population. This is an increase of approximately 15% more than that of the 2000 Census. This compares to an average income range of \$15,000 - \$25,000 in the target census tracts. Incomes in these neighborhoods are significantly lower than incomes city-wide. A disproportionate number of non-whites live in the target market (69.5%) while the city-wide non-white population is 36% of the population.

Minorities in Lynchburg tend to be concentrated in the older portion of the City that is identified as Census Tracts 4, 5, 6, 7, 11, and 19. Minority concentration is defined as a census tract with a minority population of greater than 40%. This area corresponds to the area where a majority of persons are low and moderate-income as defined by the United States Department of Housing and Urban Development (HUD) and are the Census Tracts in which the Community Development Block Grant (CDBG) and HOME funds are distributed in the Annual Action Plan. (See Appendix B– Targeted Census Tract Map and Project Location Map.)

Basis for Allocating Investments

The City of Lynchburg's Consolidated Action Plan draws attention to the housing needs and services in six contiguous census tracts that comprise the CDBG targeted area: Census Tracts 4, 5, 6, 7, 11, and 19 (Tracts 12 and 13 from Census 2000 were combined in Census 2010). This area comprises the central city neighborhoods of Lynchburg that surround the Downtown Central Business District. Demographics and surveys in these neighborhoods indicate that this is where the highest degree of housing problems exists, where the most blight is observed, and where most of the City's low- and low-to-moderate-income persons reside.

These targeted census tracts were selected for concentrated assistance because of their high levels of low-to-moderate income residents and because of their distinct need for housing revitalization and development/redevelopment due to long-term neglect.

The City continues to focus on increasing homeownership and neighborhood stability, through the construction and sale of new housing on formerly abandoned vacant lots, the rehabilitation and sale of vacant houses and through rehabilitation assistance to owner-occupied housing for low and moderate income households.

The City, through the HOME Program, provides funds for down payment assistance and principal reduction assistance to ensure affordability.

In addition, the City plans to use the CDBG and HOME Program funds to address the housing needs of low and moderate-income households. The funds will be used to help low- and moderate-income homeowners through minor and substantial home renovations that would help to maintain safety and increase energy efficiency and functionality in older homes. This provision helps to fulfill the needs of not only the low- to moderate-income homeowner, but also the elderly homeowner, where, in both cases, homeowners often delay investing in necessary rehabilitation due to the expense involved in repairing or renovating their home.

Annual Affordable Housing Goals

The goals identified by City Council form the housing priorities for the Annual Action Plan and guide the direction of City funds and other available resources. The following are the goals and allocation priorities to reach them:

Increase the number of owner-occupied units

The City supports and encourages owner-occupied housing units within distressed neighborhoods. The City's Comprehensive Plan states that a range of housing options is desirable but a greater proportion of owner-occupied housing is determined to create more stable neighborhoods as personal investment in long-range trends is stronger.

The 2011 ACS reported 55% of the City's occupied housing units were owner-occupied, compared with 45% rental units.

This represents a slight increase in the owner-occupied units city-wide. A corresponding increase was also identified in the census tracts that make up the target market. However, the ratio of owner-occupied units to rental units is lower than in more stable areas of the City, or than in other parts of the country. Efforts to build attractive markets for homeownership in the neighborhoods surrounding downtown is a necessary part of this undertaking.

In order to achieve long-term stability and investment in City neighborhoods, homebuyers must be encouraged to purchase in these areas. This will entail incremental strategies that include working with developers, banks, and others to take collaborative action to achieve the goal of improving and retaining owner-occupancy and housing conditions for existing homeowners. With limited government resources, the City believes the participation of the private, for-profit sector is necessary, with government involvement limited to leveraging other resources with CDBG and HOME dollars for those low- and moderate-income households, which require more assistance in order to become owners.

Additional strategies include: (1) support of new and rehabilitated housing for ownership in a wide range of prices; (2) encourage developers, banks, and homeowners to take individual action in this regard; and (3) provide incentives for buyers and homeowners to invest a portion of personal funds into the project; and (4) assisting service providers to develop full-service housing counseling programs, including a homebuyers' club to develop qualified new purchasers. As a related matter, the City believes that the buyer should enter the process with some equity to minimize the need for subsidy and to spread City investment as broadly as possible.

Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.

The City's Comprehensive Plan identified housing deficiencies in nearly 3,500 rental properties and 1,460 owner-occupied properties. The City's goal to make all housing safe, decent, and affordable will require that a variety of strategies be implemented simultaneously over the next five years and notably within this Annual Action Plan. One strategy is to support financial mechanisms and incentives that encourage individuals in their efforts to repair and keep their homes and properties in good condition. To the

extent feasible, owners should provide their own resources so that limited government funds will be spread to the maximum number of houses.

Another strategy is to extend some assistance programs to private landlords as well as homeowners. As business owners, these landlords are responsible for providing a quality product to the public, i.e. renting out only those properties which comply with the International Building Code. Landlords who do not correct Code violations within a 30-day time frame will be denied a Certificate of Occupancy for those units, and therefore, cannot legally rent them out. Potential loss of rental income provides a direct incentive for the landlord to correct the problems. The City is taking a proactive rather than a reactive approach to prevent the further decline of the targeted neighborhoods. The LRHA Rental Rehabilitation Program has received in the past and has been allocated CDBG funds in Program Year 2013 (FY 2014) to address observed and eligible repairs according to this strategy.

Clearly, collaboration with other public and private resources is necessary. The primary home-repair agencies, Lyn-CAG and Rebuilding Together Lynchburg (RTL), will continue their owner-occupied home repair programs in order to assist the City in achieving its goal.

Strategies will include City support of resident education and training programs that: (1) identify rights and responsibilities of residents; (2) provide skills in home maintenance and upkeep; and (3) support individuals seeking to improve their housing situations.

The City's Residential Rental Property Inspections Program will continue to be a key strategy through the routine inspections of all rental properties throughout the City. In March 2005, City Council unanimously approved a new ordinance focusing on property maintenance of rental housing. This ordinance requires owners of rental property to register any rental unit in the CDBG-targeted area and confirm that the unit complies with the Property Maintenance Code of the Uniform Statewide Building Code (USBC). The City's Comprehensive Plan states that it will explore the effectiveness of incentives that encourage the rehabilitation of older rental properties, or possibly develop an awards program to recognize quality rehabilitation and maintenance of rental properties.

City funds will be made available for other housing providers, combining these with investment resources, such as the Low Income Housing Tax Credits program, which can be expanded to increase the stock of safe and affordable housing. However, the City's support of such equity investment for low-income rental units is limited to renovation of existing buildings so that the current stock of housing and structures appropriate for adaptive reuse can be exhausted before new units are constructed.

Acquisition and donation of vacant, blighted properties, by the City and LRHA, and the subsequent transfer to non-profits to develop affordable housing, both rental and owner-occupied, will continue and be expanded, as will the support of Lyn-CAG and other organizations that provide assistance to low-income owners.

Support initiatives to increase permanent affordable rental and housing ownership opportunities.

The City supports the national priority to increase the homeownership rate, particularly for low- or moderate-income families. Homeownership promotes stable neighborhoods and an increased sense of community along with personal financial investment. Owning a home is usually the largest investment, and largest asset, of most households. Data reveals that homeowners are less likely to experience housing problems (substandard conditions, cost-burdens) than renting families. There are several public and private efforts ongoing in the City to attract more first-time buyers by offering various incentives. The City's Comprehensive Plan states that the City will foster and expand relationships with local lenders to develop partnerships for first-time home-buyers.

In order to increase homeownership, the City must be prepared to assist families who are unable to meet the entrance profiles for conventional lending but are still credit-worthy and able to meet their financial obligations. The City will need to partner with lenders and/or support alternative lending opportunities, by investing subsidies into the financing. The following are strategies that have been successful in Lynchburg and other places in meeting this priority: (1) continued and increased collaboration with area non-profit agencies, through the distribution of HOME and CDBG program funds; (2) expanded partnerships in the private sector, including corporate and banking sponsorship of homebuyer initiatives; and (3) new incentives to support private developers who build/renovate affordable single-family homes.

These strategies include exploring other public and private funding programs throughout the country to see if they can form models for us to maximize the available loan programs for first-time homebuyers. The use of CDBG and HOME funds to adjust market factors that sometime prohibit credit-worthy homebuyers from access to mainstream lending programs will make a difference in making new homeowners.

Moderate-income renters are an obvious target market for some of these programs. Most moderate-income persons could purchase a suitable house through programs that provide assistance in the form of lower interest rates and flexible loans for down payments and closing costs. City partners, such as LNDF, LRHA, Lyn-CAG, and Greater Lynchburg Habitat for Humanity (GLHFH), share this goal and offer several homeownership programs to meet the needs of the City's low income families.

The need for permanent housing for homeless, the disabled, and those with special needs is documented in the Continuum of Care. The scope of the Continuum is regional and therefore, the City's desire is to support permanent housing development throughout the Central Virginia Planning District (Planning District 11). All persons in the region should have housing choices and assistance available.

Special needs populations include, but are not limited to, persons who are mentally ill, mentally disabled, physically disabled, and substance abusers/addicts, have AIDS, are homeless, and are elderly and in need of supportive housing. This population is spread throughout the region, but many of the supportive resources are located in the City of Lynchburg. Increased support of regional homeless and special needs facilities and services, such as the regional Disabilities Services Board, will continue to be specific objectives of the City. Another objective will be to improve regional transportation, especially for persons with special needs so as to maximize access to limited resources.

Promote programs that assist eligible individuals in retaining their homes.

The review of promising programs to address the challenges facing low-income families living in distressed neighborhoods reveals three key themes: (1) Earnings and asset development programs are used to increase the economic self-sufficiency of low-income families and include: place-based employment programs, a focus on “good jobs,” the use of work incentives, programs that promote banking, car and home ownership, and the use of the Earned Income Tax Credit; (2) Family strengthening programs are used to improve health and educational outcomes, as well as link families to needed support and benefit services and include: nurse home visitation, parenting education, early childhood educational programs, and facilitating the receipt of support services; and (3) Neighborhood strengthening programs are used to improve features of the neighborhood, collaboration among service providers, and resident involvement in neighborhood affairs and include: the use of community development corporations, comprehensive community initiatives and community organizing strategies.

Whether they originate from federal programs, such as HOME or CDBG, or local sources, such as housing trust funds or housing bonds, local or state governments are generally the source for the subsidies that make homes affordable to low- and moderate-income families. These subsidies generally cover the difference between what it costs to develop the home and the purchase price that families in the targeted income range can afford and retain once purchased.

The City will continue to support homeowner rehabilitation programs and homebuyer programs that provide interest write-down loans to make the home affordable and allow homebuyers/homeowners to retain their home in challenging economic times.

Non-homeless Special Needs

The City is fortunate to have several resources through which services are delivered to the community. Some of these receive funding from the public sources, such as federal and state grants. Others are private activities operating solely with donated funds from the private sector. In all cases, the City encourages this work and relies on it to complement its social service functions to City residents. The following describes a few programs and lists others that are active in the City.

The Johnson Community Health Center (JCHC), a full-service medical facility has been designated a federally-qualified Community Health Center and recipient of significant federal grants. Several years ago CENTRA created JCHC with funds from its Foundation to meet the observed and severe primary health care needs of the community, especially those of low-income. CENTRA invested more than \$1 million to build and staff JCHC and provided ongoing support through the Foundation to continue its progress. When seeking the federal qualifications, JCHC split from CENTRA and established itself as a separate organization with more than 50% of its Board of Directors coming from patients at JCHC. The goals of JCHC have been met and it continues to expand to meet health needs in Lynchburg and the surrounding region.

Security concerns in multi-family housing are addressed by LRHA, who employs a security company to provide security to all four public housing complexes. The security guards who are employed work closely with the Lynchburg Police Department to make sure all Police Department policies are followed. This successful collaboration has allowed LRHA to quickly

respond to illegal activity and enforce the "One Strike You're Out" policy and stop undesirable tenant activity.

Numerous civic groups provide gifts of volunteer time and money to assist low-income persons. The YWCA-Downtown Branch offers transitional housing for battered women, along with permanent housing above their offices, located in downtown. The ARC of Central Virginia provides enhanced physical and occupational therapy, supported employment, communication facilitation, and nursing care to individuals with mental retardation. The Lynchburg Area Center for Independent Living, Inc. is a private non-profit, non-residential consumer driven organization that promotes the efforts of persons with disabilities to live independently in the community and supports the efforts of the community to be open and accessible to all citizens.

In addition to the multiple public and private agencies providing supportive services to low-income citizens, the City currently operates a Citizens First Information Center phone hotline that coordinates with the United Way-sponsored Information and Referral Hot Line to inform citizens of available services.

Public Housing

LRHA's efforts over the next year will be to continue to increase the awareness of the community of existing assistance programs, to attract more landlords to participate in the Section 8 Housing Choice Voucher Program and continue to work in partnership with other local housing providers such as Lyn-CAG, LNDF, and GLHFH. LRHA will continue to work with Rush Homes to provide assistance needed for physically and mentally challenged applicants. These efforts are expanded by working closely with the Lynchburg Area Center for Independent Living (LACIL).

LRHA will continue to work with the YWCA Domestic Violence Program and Miriam's House in following the Violence Against Women Act (VAWA) by assisting women who have been in domestic violence situations placed in safe, decent, affordable housing. A cooperative effort continues in working with the Commonwealth Attorney's Office for the relocation program.

Homeless and Special Needs

Most homelessness initiatives in the City are coordinated through the Housing and Homeless Coalition of Central Virginia (HHC-CVA), a recipient of funding through the U. S. Department of Housing and urban Development's (HUD) Continuum of Care Supportive Housing Program and Shelter Plus Care. Also participating in the HHC-CVA are the counties of Amherst, Appomattox, Bedford, and Campbell.

HHC-CVA is a regional organization comprised of agencies that serve as the lead entity for Supportive Housing Programs. The HHC-CVA currently has more than 35 member organizations, agencies, individuals, programs and businesses.

Sources of Funds

The homelessness initiatives in the City are coordinated through HHC-CVA, a recipient of funding through the Stewart B. McKinney programs (Supportive Housing Program and Shelter

Plus Care). The counties of Amherst, Appomattox, Bedford, and Campbell participate in the HHC-CVA.

The City of Lynchburg will utilize its Shelter Plus Care annual allocation to provide rental assistance to homeless persons that are transitioning to permanent housing.

Homelessness

The City is a member of the HHC-CVA, which is a regional Continuum of Care (CoC) comprised of agencies that focus on issues pertaining to homelessness.

Through the participation of its members of the HHC-CVA the Coalition can more effectively address the needs of homeless individuals and families, including the following: homelessness prevention; outreach/assessment (i.e. case management); emergency services; transitional housing; and permanent supportive housing.

The specific priority needs outlined in the CoC strategy place high priority on the creation of new permanent housing beds for the chronically homeless, job training, and employment programs, and the journey from transitional to permanent housing for both families and individuals. The CoC's homeless activities during the five-year period of this Consolidated Plan will also coordinate homeless prevention services to those at risk of becoming homeless.

Chronic Homelessness

The HHC-CVA has not designated any permanent housing beds for the chronically homeless. At this time, the CoC is unable to add beds to the services as the Lynchburg CoC is at the maximum of the HUD pro rata share and unable to make use of the permanent housing bonus.

The HHC-CVA provides a comprehensive response to the different needs of homeless individuals and families so that they can make the critical transition from the streets to independent living.

It is important that a balance of emergency, transitional, and permanent supportive housing be provided, along with homeless prevention, case management and other supportive services, so that the transition of homeless persons to self-sufficiency becomes permanent.

Homelessness Prevention

Homelessness prevention is achieved using a variety of means, often through a connected network of services coordinated with public and nonprofit agencies. The HHC-CVA plans to continue its objectives to reduce the numbers of unsheltered households with children. The HHC-CVA will identify major prevention/intervention funding sources and agencies, collate regulations and limitations of each source or entity, create a tool for regular reporting of utilization of funds, and analyze gaps and utilization.

The HHC-CVA also plans to maintain or increase the number of persons employed at program exit. Employment is a critical step for homeless persons to achieve greater self-sufficiency. The HHC-CVA is comprised of several employers that work with homeless agencies to secure employment for clients. Case managers continuously work to ensure the appropriate evaluation of skills and abilities of clients in order to locate employment opportunities prior to exit.

Discharge Coordination Policies

City of Lynchburg, VA
2010-2015 Consolidated Plan
Program Year 2013 (FY 2014) Annual Action Plan

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

The following are supportive service agencies that coordinate discharge:

Foster Care (Youth Aging Out):

The Virginia Department of Social Services requires a service plan policy to be implemented by the Local Departments of Social Services so that youth aging out of foster care are released into a permanent housing setting. The local Departments of Social Services participate in the CoC and coordinate with colleague agencies to appropriately plan for discharge of youth out of foster care into private, permanent rental housing and with access to employment opportunities. Specifically, the Lynchburg Department of Social Services, to the extent possible, attempts to discharge youth to a home-like setting, sometimes with a family member or other adult who can provide guidance. As foster children turn 14 years of age, they are provided with independent living skills, which include budgeting for the funds that they receive from foster care and/or their employment, how to keep a checkbook, and how to set up an apartment for themselves. The Independent Living Coordinator meets with older foster youth (those 16 and above) on a monthly basis to do training and discuss the variety of issues that arise for these children.

Health Care:

CENTRA Health is the primary hospital provider in the region served by the CoC and its staff work closely with area agencies, providers, and organizations in the CoC to ensure safe and adequate placement of those being released from the hospital system. CENTRA is connected to many of the CoC and other local agencies for appropriate release planning back to families or to private rental housing and connection with services.

Mental Health:

Virginia mandates that persons discharged from State institutions or systems of care have a plan for discharge that prevents the occurrence of homelessness. The policy states that patients cannot be discharged into homelessness, including the streets, shelters, or other HUD McKinney-Vento funded programs. The State Hospital System in Virginia works with the Community Services Boards to coordinate discharge planning. This population routinely will go to private or church-run group homes and/or halfway houses until becoming stable in the community. Horizon Behavioral Health, formerly Central Virginia Community Services, serves the CoC region, participates in the CoC, and accesses funds to secure apartments and other housing options for discharged State hospital patients.

Corrections:

The Virginia Department of Corrections has protocols in place to specifically include housing needs in discharge plans. At discharge, the inmate must have a verifiable address in order to be released and the Probation and Parole District office is directed to address this need and use available local resources to help with housing. Often, the discharged inmate will return to family or to locally funded emergency shelters, such as the Salvation Army. The City of Lynchburg and other localities participate in the CoC and provide coordination for this effort.

The following objectives have been established for the CoC agencies for the period of this Annual Action Plan.

City of Lynchburg, VA
2010-2015 Consolidated Plan
Program Year 2013 (FY 2014) Annual Action Plan

- Objective 1: Create new permanent housing beds for chronically homeless individuals.

The Steering Committee continues to consider alternatives to current funding and operations that would increase this inventory and has agreed to continue with its current programs and seeks additional resources that would increase permanent housing units through multiple sources. The greatest challenge is the funding for the supportive services and we continue to communicate with other statewide and regional groups to meet these needs, especially if the numbers of units increase. These efforts are intended to add another 5 to 10 permanent housing units to our inventory of supportive housing.

The CoC, if able to create newly designated permanent housing beds for the chronically homeless, in addition to those already occupied by chronically homeless individuals in current programs, will make significant strides in addressing and, hopefully ending chronic homelessness in our region by 2015.

- Objective 2: Increase percentage of participants remaining in CoC funded permanent housing projects for at least six months to 80 percent or more.

The CoC is currently at 76% of the baseline goal of 80% and intends to keep this percentage high and meet or exceed the goal within 12 months. The CoC will continue to implement the following activities: expanding the Shelter/Transitional Living (TL) Directors Committee to one that invites many other service providers' agencies to increase awareness and participation in services. Lynchburg Neighborhood Development Foundation (LNDF) has engaged in a partnership with the Substance Abuse and Addiction Recovery Alliance of Virginia (SAARA) to offer housing opportunities to participants in their outpatient recovery program. This will lead to other relationships to decrease the occurrence of relapse. Additionally, the permanent SHP's all work very closely together and share a case manager and Homeless Management Information System (HMIS) representative. The Steering Committee conducts analysis of Annual Performance Report (APR) data to determine the percentage of participants remaining in permanent housing for at least six months.

The CoC will increase its already high percentage of participants remaining in permanent housing by adapting supportive services to address outstanding issues identified by APR review and that may cause persons to leave prior to six months. The CoC will continue and expand its efforts to engage community support and resources for our permanent housing participants.

- Objective 3: Increase percentage of participants in CoC-funded transitional housing that move into permanent housing to 65 percent or more.

The two transitional housing programs (Miriam's House and Lynchburg Community Action Group-Family Living Center) receiving HUD funding have exceeded the goal of having 65% of participants exiting to permanent housing. Despite this continued success, both agencies will work towards increasing the percentage of project participants who move to permanent housing. This will be accomplished through case managers providing a strong safety net of service providers to each individual or family to ensure that needs are being met in the areas of mental health, health care, education, employment, and substance abuse treatment. In the next 12 months the transitional housing projects will continue to actively participate in the CoC's Clinical Service Network to remain up to date on current programs and services within the Lynchburg

area that are relevant to the populations they serve. Case managers will continue to meet weekly participants to ensure that they are receiving the benefits and services they need to maintain long term success.

Throughout the next 10 years the CoC will continue to promote permanent housing exits from transitional housing through increased collaboration with permanent housing providers in the public and private spheres. Landlords will be more actively pursued as CoC participants to provide the CoC with their expertise and to collaborate with transitional housing providers.

- Objective 4: Increase percentage of participants in all CoC-funded projects that are employed at program exit to 20 percent or more.

The goal has been met and exceeded. The former Shelter/TL Directors Committee has coordinated a Clinical Services Network (CSN), which focuses on various topics relevant to the homeless community including employment assistance programs. Case managers in each of the CoC funded projects are able to attend trainings to learn more about program eligibility, application process, and program details. Individuals in the CoC funded programs will be referred to agencies based on needs. Homeless youth ages 14-18 will be referred to Goodwill's Youthworks program while single parents who receive Temporary Assistance to Needy Families will be referred to the Virginia Initiative for Employment not Welfare program. Clients with disabilities will be referred to the Virginia Department of Aging and Rehabilitative Services for employment services. The CoC will continue to be aware of new employment assistance programs in order to educate case managers through the quarterly CSN meetings.

In the long term, the CSN will continually increase awareness of local employment assistance programs in order to assist case workers with referring clients who are also unemployed to an appropriate program. CoC funded program representatives will participate in the HHC-CVA and contribute to the resources provided by the Clinical Services Network. The HHC-CVA members will intentionally reach out to major local employers who could be of assistance in providing entry-level jobs to unemployed individuals as appropriate.

- Objective 5: Increase the percentage of participants in all CoC-funded projects that obtained mainstream benefits at program exit to 20% or more.

Recently the Virginia Department of Social Services launched a website to assist individuals with accessing mainstream benefits such as TANF, child care assistance, medical assistance, energy assistance and SNAP. This website, called Virginia Common Help, is an important tool by which CoC funded project providers can help their clients access benefits. This tool eliminates the need to make frequent trips to the Department of Social Services as the application can now be completed online. In the coming year the CSN will host a training for providers to learn how to access the website and assist their clients with filling out the necessary information. Through this tool and education and training around it, the CoC hopes to increase the percentage of participants receiving mainstream benefits.

The CoC will continue to maintain collaboration with mainstream benefit providers to be aware of program changes, application requirements and eligibility to ensure that clients are being referred to the correct benefits. Since many benefits require extensive documentation, case managers will continue to work closely with their clients to procure the identification and documentation necessary to access benefits. Through strengthening the participation of benefit

providers in the CoC, it is our expectation that the number of participants receiving mainstream benefits will continue to increase.

- Objective 6: Decrease the number of homeless individuals and families.

The Steering Committee is identifying partnerships with non-CoC members. Especially those in the medical and mental health communities, whose focus is children's services and family issues will provide resources to homeless households and also attempt to prevent individuals from reaching the point of homelessness. One of the goals of the Steering Committee is to increase public participation in the HHC-CVA and to increase education on homeless issues, especially the effect in families. In the past we have used educational tools in schools to reach younger children. School officials have actively participated in this awareness programs. Our goal in the future is to spread this program into the counties.

Barriers to Affordable Housing

Lynchburg is a city of relatively low housing costs. However, average income and cost-of-living also reflect these somewhat lower housing costs. In recent years there has been a resurgence of housing development, primarily in the outlying areas of the City. Development in the CDBG area remains limited to non-profit and subsidized activity. This is due to the very low property values in these census tracts and a greater value placed on improvements to property than to the land itself. In the target area, this high value on improvements, or buildings, had the effect of costing more than clearing land and, thereby, negating the opportunities of redevelopment. This was also a large disincentive to development through renovation because the cost of repair typically exceeds the value of the renovated property. Therefore, subsidized development has been the primary construction tool in the CDBG neighborhoods to offset the resistance of these neighborhoods to general real-estate market forces.

Even though the City's Zoning Ordinance has been amended, there are still outdated requirements that can be viewed as barriers to affordable housing. The City's Zoning Ordinance was adopted in 1978 after the City annexed portions of Amherst, Bedford, and Campbell counties in 1976. The ordinance is "suburban" in style and does not serve the older "traditional" areas of the City well. Existing dwellings in older areas of the City are typically located on smaller lots and do not conform to the Zoning Ordinance standards for setbacks or lot sizes. These large suburban setbacks and lot size requirements have prevented homes from being expanded and prevented the construction of affordable infill housing. The City is in the process of conducting a rewrite of the City Zoning Ordinance to determine an action plan for revision to Zoning Ordinance standards.

In some cases the City has approved waiver of certain City fees that create undue costs of development of housing by non-profit organizations. These and other strategies will continue to be considered so that increased development costs would not be passed on to low-income home buyers.

Other Actions

Addressing Obstacles to Meeting Underserved Needs

The City will continue to cooperate with local non-profits, neighborhood groups, and others to address obstacles to meeting the underserved need, foster and maintain affordable housing, remove barriers to affordable housing, evaluate and reduce lead based paint hazards, develop institutional structure, enhance coordination between public and private housing and social services agencies, and foster public housing improvements, and resident initiatives. Agencies and groups that coordinate this effort are the Lynchburg Neighborhood Development Foundation (LNDF), Housing and Homeless Coalition of Central Virginia (HHC-CVA), Lynchburg Community Action Group (Lyn-CAG), Rebuilding Together Lynchburg, Lynchburg Redevelopment and Housing Authority (LRHA), Community Code Compliance Team and the Lynchburg Department of Social Services.

Access to Public Transportation

Public transportation is one of the public systems that play a central role in supporting and sustaining the livability and economic vitality of the City. Ensuring that actions at all levels of government are coordinated, market-responsive, and sensitive to community development goals and objectives is of fundamental importance to the City. To the extent practical, the City will review its housing strategy and in coordination with the Greater Lynchburg Transit Company strive to provide residents of affordable housing access to public transportation.

COMMUNITY DEVELOPMENT

The goals identified by City Council form the Community Development needs for this plan, and guide the objectives and direction of City funds and available resources. The following are the priorities and strategies to reach them.

Eliminate neighborhood deterioration, blight, and blighting influences.

The City will continue its coordinated and aggressive code enforcement of dealing with weeds, abandoned motor vehicles, litter, and vacant buildings in an effort to improve the safety and appearance of neighborhoods, in which people live, work and play. The City will continue to use supervised inmate labor from the local jail to secure abandoned buildings against illegal entry, clean illegal dumpsites, and cut weeds on neglected properties. The Community Development staff will continue to involve the Police Department, Fire Marshall, and LRHA in determining the priority for demolition of substandard housing. The above is part of the City's ongoing Code Compliance Program, and is a high priority activity that reports to City Council annually.

Another segment of this Program is the continued support of the Community Code Compliance Team, a cross-departmental group of City employees whose job responsibilities relate to enforcement and/or quality of life issues. This Team will continue to focus on enforcing codes in a fair and effective manner; devise new strategies to address neighborhood/citizen concerns; and walk neighborhood streets as a group so that they can see and hear concerns first-hand and respond with their own observations.

The City will continue its selective demolition program in the targeted neighborhoods. The program is focused on demolition of non-historic structures and site preparation for the collaboration with non-profit housing providers to offer the sites for housing construction and the waiver of fees for landfill and demolition costs.

Public infrastructure in the downtown area is being addressed by the Combined Sewer Overflow (CSO) project and street improvements as part of the downtown redevelopment. The City will seek to complete this CSO project within the next three to five years. The Riverfront Park will meet recreational and entertainment needs for the City and region, in particular the targeted neighborhoods.

Support the organized efforts in neighborhoods to leverage their resources to improve and sustain community livability and services.

Neighborhoods are an important foundation for improving and sustaining community livability and services. Strong neighborhoods help to create more active and informed citizens, which in turn result in a stronger community. Within neighborhoods there are shared identities, issues, concerns, and interests. Each neighborhood has its own unique priorities and character. The neighborhoods within Lynchburg's Historic Districts are working to preserve historical aesthetics. Some neighborhoods have traffic problems while others are dealing with beautification, crime, youth, socioeconomic, and/or family concerns. There are a variety of neighborhood issues and each neighborhood needs an avenue to deal with their own needs so that the community continues to be strengthened and protected.

Supporting the work of neighborhoods in order to create opportunities for citizens to take a leading role in their future is important for improving and sustaining community livability and

services. The process must include citizens, government, community organizations and other stakeholders working together to develop a common goal, mission and vision to address neighborhood concerns. The purpose of supporting organized neighborhood efforts to leverage their resources to improve and sustain community livability and services is ultimately to develop mutual responsibility and collaboration in community building and problem solving.

Another important aspect of improving and sustaining community livability and services is to build on the existing assets within the various neighborhoods by investing in existing housing stock through revitalization and rehabilitation efforts. Also, creating opportunities to make home ownership available to qualified individuals and providing assistance to help homeowners keep their homes helps to strengthen neighborhoods.

The City is moving towards focusing funds and efforts on the Tinbridge Hill Neighborhood. Several non-profit groups and churches (Friends of Tinbridge Hill) have joined together to focus on improving the quality of housing and infrastructure in this neighborhood. Tinbridge Hill is anchored by the very active Yoder Community Center, which recently underwent a renovation which was partially funded with CDBG funds, City funds, and private funds.

In Program Year 2011 and each succeeding year, The Tinbridge Hill Neighborhood Council (THNC), in partnership with the City of Lynchburg, and supported by the Friends of Tinbridge Hill (FTH) proposed a long-term, targeted investment of CDBG funds into Tinbridge Hill to assist its residents and community stakeholders accomplish its goals and develop a comprehensive vision. The residents and Neighborhood Council have built strong and productive relationships with identified and proven achievements. THNC and FTH have successfully engaged a number of stakeholders including the Legacy Museum of African-American History, the Old City Cemetery, Johnson Health Center, Presbyterian Homes and Family Services, Habitat for Humanity, Saint John's Episcopal Church, Randolph College, Rebuilding Together Lynchburg and other organizations throughout the community for various neighborhood improvement efforts.

Activities funded with Program Years 2011 and 2012 CDBG funds included housing rehabilitation, technical assistance to update the 1996 neighborhood plan, planning and study of access to Blackwater Creek Trail from Tinbridge Hill and interim assistance for neighborhood cleanup activities.

The Program Year 2013 (FY 2014) CDBG funds will be used for continued housing rehabilitation and planning assistance to secure easements for access to Blackwater Creek Trail.

City staff is continuing its development of a Sustainable Neighborhood Strategy regarding the sustainability of neighborhoods. Although still under development, operating principles that are proposed to guide the City's work in neighborhoods include:

- Sustaining neighborhoods through partnerships with non-profits, developers, businesses, neighborhood groups, and citizens.
- Recognizing and preserving neighborhood identity, character, history, and diversity.
- Public safety is necessary for vibrant and sustainable neighborhoods.
Promoting well designed neighborhoods where residents are able to work, shop, and play close to home.

- Fostering connectivity within and among neighborhoods.

Proposed Goals that support the draft operating principles for neighborhoods include:

- Supporting mixed-use neighborhoods with accessible green space.
- Encouraging innovative, safe, and affordable housing choices.
- Recognizing the uniqueness of all neighborhoods and partnering in revitalization efforts.
- Promoting neighborhood partnerships to maximize community resources and facilitate self-sufficiency.
- Connecting neighborhoods through infrastructure and public services.

Objectives and specific benchmarks will be closely linked with the goals noted above.

Support Economic Development efforts which will expand job opportunities and retention.

The City's goal is to incentivize and support commercial and industrial development in order to encourage economic growth, expand the tax base and increase job creation. We will use the following strategies: (1) aggressive, targeted downtown redevelopment and revitalization efforts focused on existing business support, new business attraction and residential, infrastructure and quality of life investments; (2) continue to offer and even expand redevelopment and façade improvement financing to businesses in the downtown census tract to further redevelopment in this area and instill pride in our Main Street; (3) encourage continued support from the area banks in the privately-funded Enterprise Zone Loan Pool, which provides reduced rate loans to eligible businesses; (4) continue to support the Business Development Centre, a non-profit organization which provides Small Business Administration loans, other loans, and technical assistance to emerging businesses; and (5) increase existing business and entrepreneurial participation in the Economic Development Authority's Revolving Loan Fund. The City will also support projects that recruit and train low-income persons and assist them in obtaining employment. The City will continue implementation of the downtown master plan for the redevelopment of downtown.

Promote activities which support the healthy development of the City's at-risk youth, adults and families.

The City supports and will continue to serve at-risk youth, adults and families to provide comprehensive, collaborative, and quality services that empower youth and families. Goals established include: identifying the needs of youth and families and working collaboratively to meet those needs, providing high quality services and programs needed by youth and community programs that impact youth and families, and development of prevention resources and programs.

Although no CDBG funds have been directly allocated to public service nonprofit agencies, the City will continue to support public service providers in order to meet the needs of low-to-moderate income persons, individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons. In addition to the services provided by the City's Social Services Department, there are many nonprofit organizations that coordinate with the City to provide the services needed.

PROGRAM SPECIFIC REQUIREMENTS

CDBG

1. Identify program income expected to be received during the program year, including:
 - amount expected to be generated by and deposited to revolving loan funds;
 - total amount expected to be received from each new float-funded activity included in this plan; and amount expected to be received during the current program year from a float-funded activity described in a prior statement or plan.

The City expects to receive \$2,030.00 from Lynchburg Redevelopment and Housing Authority (LRHA) from an amortized loan described in a prior plan.

2. Program income received in the preceding program year that has not been included in a statement or plan.

The City has made adjustments for additional program income received in the 2012 and the 2011 plan years.

3. Proceeds from Section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in its strategic plan.

The City does not have any proceeds from a Section 108 loan guarantee.

4. Surplus funds from any urban renewal settlement for community development and housing activities.

The City does not have an urban renewal settlement.

5. Any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.

The City does not have any returned grant funds.

6. Income from float-funded activities.

The City does not have any float-funded activities.

7. Urgent need activities, only if the jurisdiction certifies.

The City does not have any urgent need activities.

HOME PROGRAM

HOME Assistance

The City of Lynchburg expects to utilize HOME funding for homeownership, rehabilitation, and new construction.

Other Forms of Investment

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

Guidelines for Financing and Refinancing

Not applicable. During Program Year 2013 (FY 2014), the City of Lynchburg does not anticipate using HOME funds to finance or refinance existing debt secured by multi-family housing that is being rehabilitated with HOME funds.

Recapture Provisions for Homebuyer and Homeownership Activities

In accordance with HOME program regulations at 24 CFR Part 92, properties assisted must remain affordable during the affordability period. Under recapture provisions, this period is based on the direct HOME subsidy to the homebuyer and includes down payment assistance, “gap” financing, and interest rate buy-downs, as available.

The HOME affordability periods are as follows:

HOME Investment Per Unit	Length of the Affordability Period
Less than \$15, 000 subsidy	5 years
\$15, 000 - \$40,000 subsidy	10 years
More than \$40,000 subsidy	15 years
New construction of rental housing	20 years

HOME-assisted units are subject to affordability for the entirety of the affordability period. These HOME-assisted units are subject to a recapture provision in order to assure that the units either remain affordable (i.e. housing eligible clients) or that the City recovers its investment based on the terms of the agreement. Funds are recaptured only from the net proceeds of the sale or foreclosure.

In accordance with HOME CPD 12-003 Notice “Guidance on Resale and Recapture Provision Requirements under the HOME Program” the City has submitted to the HUD Richmond Field Office the “Recapture Restriction Agreement” used by the City for homebuyer projects. This document includes the basic requirements for recapture provisions in HOME Investment Partnerships (HOME) program homebuyer projects. The document was reviewed by the HUD Richmond Field Office staff and was found to be acceptable for compliance with §92.254(a)(5) of the HOME Program regulations.

Tenant-based Rental Assistance

The HOME funds are not used for tenant-based rental assistance.

HOME Affirmative Marketing

The City's Affirmative Marketing Procedures that will be followed to affirmatively market housing containing five or more HOME-assisted units is attached. (See Appendix C)

HOME Minority Outreach Program

The City's Minority Outreach Program procedures that will be followed in accordance with Section 281 of the HOME Investment Partnership Act and 24 CFR 92.350 is attached. (See Appendix C)

HOME Matching Requirements

HOME matching requirements are met by volunteer hours committed through non-profit agencies.

HOPWA

The City of Lynchburg does not receive Housing Opportunities for Persons with AIDS (HOPWA) funds.

EMERGENCY SOLUTIONS GRANTS (ESG)

The Emergency Solutions Grant (ESG) Program is authorized by the McKinney-Vento Homeless Assistance Act funded through the U.S. Department of Housing and Urban Development (HUD). This federally funded program is administered through HUD by a formula allocation to ESG entitlement localities and states.

The Virginia Department of Housing and Community Development (DHCD) is responsible for administering the state ESG allocation for Virginia. The state allocation minus 7.5 percent for state/local government administrative costs will be allocated to grantees (non-profits and units of local governments) serving ESG non-entitlement localities. These are localities that do not receive a direct ESG allocation from HUD. Lynchburg is not a direct recipient of the ESG funds; therefore, \$100,000 has been reserved by DHCD for the Lynchburg Continuum of Care (CoC), known as the Homeless and Housing Coalition of Central Virginia (HHC-CVA).

The goals of the state ESG program are:

- To reduce the number of individuals/households who become homeless;
- To shorten the length of time an individual or household is homeless; and
- To reduce the number of individuals/households that return to homelessness

During Program Year 2013 (FY 2014) DHCD will issue one-year (July 1, 2013-June 30, 2014) grants to grantees as a result of a CoC-based application process. The Lynchburg CoC (HHC-CVA) plans to submit an application on behalf of participating organizations for the ESG funding.

OTHER NARRATIVES AND ATTACHMENTS

Available Resources - The Table below reflects the CDBG and HOME financial resources available during Program Year 2013 (FY 2014).

Program	FY 2014 Federal Funding
Community Development Block Grant Program (CDBG) Entitlement	\$607,280.00
Prior Year Funds Available for Reprogramming:	
<i>Bluffwalk (Interest Payment 2012-2013)</i>	27,000.00
<i>Returned Funds from LRHA</i>	2,716.00
<i>Hunton Randolph</i>	25,000.00
<i>LRHA 2011-2012 Spot Blight Abatement</i>	85,000.00
<i>Program Income (2011-2012)</i>	8,739.89
<i>Program Income (2010-2011)</i>	150.00
Total Amount of Funds to Reprogram:	<u>148,605.89</u>
Program Income 2012-2013	<u>2,030.00</u>
Total CDBG Funds	<u>\$757,915.89</u>
HOME Program-Entitlement	\$269,647.00
Prior Year Funds Available for Reprogramming:	
<i>City Program Administration (2010-2011)</i>	8,176.00
Total Amount of Funds to Reprogram:	<u>8,176.00</u>
Total HOME Funds	<u>\$277,823.00</u>
Total Federal Resources	<u>\$1,035,738.89</u>

Low/Mod Benefit (91.220(1) (1) (iv) :

At least seventy percent (70%) of the CDBG funds will be used for activities that benefit persons of low- and moderate income or that live in a low- and moderate income area. The activities include housing rehabilitation, targeted neighborhood revitalization, acquisition, and slums and blight. The project detail sheets identify the location of each project, which includes the CDBG-targeted areas (Census Tracts 4, 5, 6, 7, 11, and 19).

Lead-based Paint 91.205 (e)

Paint hazards are given high priority and addressed in all residential rehabilitation projects undertaken with federal funds as mandated by HUD and the Environmental Protection Agency (EPA). Paint hazard evaluations, testing, risk assessments, safe work practices, clearance, and resident notifications will continue to be performed as part of the housing rehabilitation programs.

Fair Housing

Funding was allocated in the FY 2013 CDBG projects for the City to update the current Analysis to the Impediments to Fair Housing (AI). There was a delay in moving forward with this project; however, the City has released a Request for Proposals (RFP) to conduct this AI. The RFPs are due back to the City on April 25. This AI will be completed during this Annual Action Plan and will be submitted to Office of Fair Housing, Richmond Field Office upon completion. This update is going to be reviewed in conjunction with the overall housing needs in the City including affordable, transitional, homelessness, and public housing.

In addition to the AI being completed during Program Year 2013 (FY 2014), the following actions will be taken to further affirmative fair housing:

- Fair Housing brochures will be available to the public through the CDBG subrecipients and to persons visiting City Hall, the public libraries, and the Community Development Department.
- City staff will participate in the Homeless and Housing Coalition, composed of service providers who prepare the Continuum of Care to address the needs of homeless persons and the special needs of persons that are not homeless but require supportive housing.
- The equal housing opportunity logo will be included on all newspaper ads placed by the Grant Administration Office.
- Provide fact sheets for bulletin boards within work areas and public common area.
- LRHA will continue to post in every building for which Section 8 occupants are located a Fair Housing Poster. There is also a poster in each staff person's office located at 918 Commerce Street.
- A public notice will be published in *The News and Advance* regarding fair housing rights and telephone numbers for concerned individuals to call if they feel their fair housing rights have been violated, or they want additional information. (See Appendix D)
- Information regarding fair housing and Fair Housing month (April 2013) will be posted on the City of Lynchburg web site. (See Appendix D)

- In addition to the web site and newspaper advertisements, City staff ensured that all bid documents and contract solicitation for City of Lynchburg, Federal and State projects include solicitation of minority-owned and women-owned businesses. All non-profits that receive CDBG and HOME funds also have their own marketing policy that indicates recruitment and solicitation of minority-owned and women-owned businesses where possible.
- City staff will assist contractors in obtaining the certified list of minority-owned and women-owned businesses. The vendor/contractor list provided on the State of Virginia's web site will be distributed to contractors, as requested.

Section 108 Loan Guarantee

Project Name: Bluffwalk Center Project
Section 108 Project Number: B-00-MC-51-0014

Project Description:

In June 2003, the City was awarded a Section 108 Loan for the Bluffwalk Center. The Center consisted of a Boutique Hotel, Upscale Restaurant – Shoemakers, Microbrewery and Conference Center. The project later added another restaurant - Waterstone. This project has added new permanent full time jobs benefiting low and moderate-income recipients.

Current Status:

The Bluffwalk Center Project has been completed. Repayment of principal and interest is in progress.

Section 108 Loan Amount: \$3,200,000

Economic Development Initiative (EDI) Grant: \$800,000

Total Amount of CDBG Funds Provided to Project for Repayment: \$1,196,054

Matrix Code: 19F-Planned Repayment of Section 108 Loan Principal

The number of jobs made available to low and moderate-income recipients was actually 90 through full-time and part-time positions. However, the number of Full Time Equivalent (FTE) jobs made available to low and moderate-income recipients was 54.6. The projected amount for the Bluffwalk Center Project was 61. The number of jobs made available to low income recipients was determined by comparing the annual salaries to 50% of the median income for Lynchburg per the 2000 census. The number of jobs made available to moderate income recipients was determined by comparing the annual salaries to 80% of the median income for Lynchburg per the 2000 census.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: 10

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Lease of City-owned property located at 3813 Old Forest Road**

RECOMMENDATION: After a public hearing, approve the attached Resolution to lease City-owned property located at 3813 Old Forest Road.

SUMMARY: Ramp Church International has requested to lease the City of Lynchburg's property at 3813 Old Forest Road on a year to year lease beginning June 1, 2013. The building will be used for a day care center.

This property was previously occupied by a karate studio and the premises was vacated in March. The terms of the proposed lease are the same as with the previous tenant.

PRIOR ACTION(S): PDC meeting on May 14, 2013

FISCAL IMPACT: Lease revenue \$21,000 for the first year of the lease.

CONTACT(S): Steve Lawson, Real Estate Manager – 455-3945
Lee Newland, City Engineer – 455-3947
David Owen, Director of Public Works – 455-4469

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that the Lynchburg City Council hereby approves a lease agreement between the City of Lynchburg and Ramp Church International for the lease of City owned property at 3813 Old Forest Road. The property will be used for the operation of a day care center; and,

BE IT FURTHER RESOLVED that the City Manager is authorized to execute the lease agreement on behalf of the City.

Adopted:

Certified:

Clerk of Council

066K

May 14, 2013

3-17-13

Dear Mrs. Valarie Chambers:

My name is Consuela Mosley and I would like to speak on ~~April 4th 2013~~ ^{April 3rd, 2013} concerning Parental Alienation Awareness Organization. I am bringing attention and awareness about Parental Alienation and Hostile Aggressive Parenting. Parental Alienation is real. It's not only a crime it's child abuse. It is also bullying. "We don't want to never give up hope" on our innocent children. We want to educate the Community and leaders about this growing problem of mental and emotional child abuse. There are four different Criteria's "How to Detect It and What to Do About it"

- "Any Attempt at alienating the children from the other parent should be seen as a direct and willful violate of one of the prime duties of parenthood."

Also, if the judges and Attorneys do not uphold the 14th Amendment of the Constitution of the United States of America.

We want these judges impeached and these Attorneys stripped of their bar. They must be held accountable for their malicious misconduct.

We want these false allegations to be prosecuted to the full extent of the law.

Our Motto: "Mirror, Mirror on the wall I have
One wish that's all

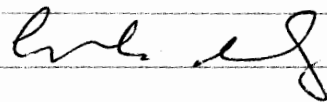
To be reunited with my child
that has been alienated from....

To love and touch and hear them
breathe see their gorgeous,
precious smiles as I gaze in their
eyes Mirror, Mirror on the wall
Send my angels to hear my call."

By Franca Gray.

Our goal is to reunite the children back with
there loving parents. Thank you for your
cooperation. My Contact is (434) 473- 2243 and
email cmosley5172@aol.com.

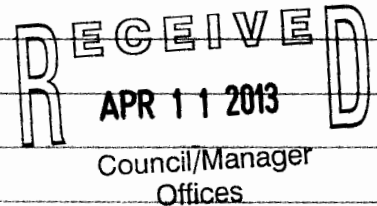
Sincerely,



Consuela Mosley

Add: Consuela Mosley
357 Main Street
Madison Heights, Va
24572

(434) 473 - 2243



May 14, 2013



requesting Five minutes on May 14,2013 City Council Meeting
Ben Rosenthal to: valeria.chambers

04/16/2013 05:26 PM

Lynchburg city council

Dear Ms. Valeria,

My name is Benjamin Rosenthal, I would like to address City Council regarding a matter of public policy. I represent a group and am requesting five minutes at the May 14, 2013 City council meeting.

Sincerely,

Benjamin Rosenthal

434-841-3112

107 Cupola Street

Lynchburg, Va. 24502

Ben@acrystalpurewater.com

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: 13

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Lynchburg College Financing Through the Economic Development Authority of Amherst County**

RECOMMENDATION: Adopt the attached resolution approving the issuance of up to \$7,700,000 in bonds for Lynchburg College through the Amherst County Economic Development Authority of Amherst County, Virginia (EDA)

SUMMARY: The attached information provided by Ted Craddock, counsel to the Lynchburg Economic Development Authority, explains the purpose of the proposed resolution. The financing will be used by Lynchburg College for acquisition, construction, expansion of academic housing, athletic, utility and other facilities, which may include the acquisition and renovation of the approximately 66,000sf health sciences facility now leased by Lynchburg College. The Lynchburg Economic Development Authority approved the Amherst County Economic Development Authority financing of this project in the City. The City Council of the City of Lynchburg, being the elected body where the financing is to take place, is also required to approve the financing.

PRIOR ACTION(S): N/A

FISCAL IMPACT: There is no financial obligation placed on either the EDA or the City.

CONTACT(S): Kimball Payne, 455-3990, Ted Craddock, 846-2731

ATTACHMENT(S): 1.Letter from Ted Craddock; 2. Proposed Resolution for Adoption by City Council

REVIEWED BY: lkp

**RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LYNCHBURG, VIRGINIA**

WHEREAS, the Economic Development Authority of Amherst County, Virginia (the "Authority") has considered the application of Lynchburg College (the "Borrower") requesting the issuance of one or more of the Authority's revenue bonds or notes in an amount not to exceed \$7,700,000 (the "Bonds") in one or more series, from time to time, to assist the Borrower in (a) financing the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the acquisition and renovation of the approximately 66,000-square-foot health sciences facility now leased by the Borrower and located at 300 Monticello Avenue, which is intended to be used for faculty offices, classrooms, laboratories, a library and a student lounge, all to support a new doctoral program in physical therapy and a new masters program for physician assistants, (b) paying interest on the Bonds, and (c) paying the costs of issuing the Bonds, and which Project will be owned by the Borrower, and the Authority has held a public hearing thereon; and

WHEREAS, it has been requested that the City Council of the City (the "Council") approve the financing of the Project and the issuance of the Bonds, and such approval is required for compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended;

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

1. The Council approves the financing of the Project and the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by said Section 147(f), to permit the Authority to assist in the financing of the Project. The Council concurs with the resolution adopted by the Authority on April 30, 2013 with respect to the Bonds and the Project.

2. The approval of the issuance of the Bonds, as required by said Section 147(f), does not constitute an endorsement of the Bonds, the creditworthiness of the Borrower or the economic viability of the Project. The Bonds shall provide that neither the Commonwealth of Virginia (the "Commonwealth") nor any political subdivision thereof, including the City, Amherst County (the "County") and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and receipts pledged therefor and that neither the faith or credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the City, the County and the Authority, shall be pledged thereto.

3. This Resolution shall take effect immediately upon its adoption.

Adopted:

Certified:

Clerk of Council

070K

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

900 CHURCH STREET, 2ND FLOOR
LYNCHBURG, VA 24504

TEL (434) 455-4490
FAX (434) 847-2067

May 7, 2013

DELIVERED BY HAND

Honorable Mayor and Members of the
Council of the City of Lynchburg
c/o L. Kimball Payne, City Manager
900 Church Street
Lynchburg, VA 24504



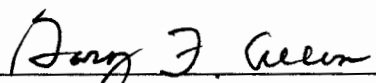
Re: **Economic Development Authority of Amherst County, Virginia,
proposed financing for Lynchburg College**

Dear Mr. Mayor and Members of Council:

The Amherst County Economic Development Authority has received an application for assistance in financing for Lynchburg College including the acquisition, construction, expansion of academic student housing, athletic, utility, and other facilities, which may include the acquisition and renovation of the approximately 66,000 sq. ft. health sciences facility now leased by Lynchburg College and located at 300 Monticello Avenue, which is intended to be used for faculty offices, classrooms, laboratories, a library and a student lounge, all to support a new doctoral program in physical therapy and a new masters program for physician assistants, and also paying interest on the Bonds, and paying the costs of issuing these Bonds in the amount not to exceed \$7,700,000. Lynchburg College reviewed its Amherst County financing with the City of Lynchburg Economic Development Authority. By the enclosed Resolution, the City of Lynchburg Economic Development Authority approved the Amherst County Economic Development Authority financing of this project in the City, and recommends that the City Council also approve this project. The City Council of City of Lynchburg, being the elected body where the financing is to take place, is also required to approve the financing.

We would appreciate this matter being placed on the City Council agenda for the meeting scheduled for Tuesday, May 14, 2013. We are enclosing a proposed Resolution for City Council to authorize the Amherst County EDA project in the City. A representative of the Authority will be present at the meeting.

Respectfully submitted,



Gary F. Allen, Secretary, Economic Development
Authority of the City of Lynchburg, Virginia

Honorable Mayor and Members of the
Council of the City of Lynchburg
May 7, 2013
Page 2

GFA/ahd

cc: Walter C. Erwin, III, Esquire
City Attorney

Marjette G. Upshur, Director
Office of Economic Development

Alton L. Knighton, Jr., Esquire
Woods Rogers PLC
Counsel to Lynchburg College

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

WHEREAS, there have been described to the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") the plans of Lynchburg College (the "Borrower") for (a) the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the acquisition and renovation of the approximately 66,000-square-foot health sciences facility now leased by the Borrower and located at 300 Monticello Avenue, which is intended to be used for faculty offices, classrooms, laboratories, a library and a student lounge, all to support a new doctoral program in physical therapy and a new masters program for physician assistants, (b) paying interest on the Bonds (as hereinafter defined), and (c) paying the costs of issuing the Bonds;

WHEREAS, the Borrower has described the benefits to the City and has requested the Economic Development Authority of Amherst County, Virginia (the "County Authority") to agree to issue its revenue bonds or notes (the "Bonds") in a principal amount now estimated not to exceed \$7,700,000, under the Virginia Industrial Development and Revenue Bond Act (the "Act"); and

WHEREAS, the Borrower has presented to the Authority a proposed resolution (the "Inducement Resolution") that is anticipated to be adopted by the County Authority on April 30, 2013;

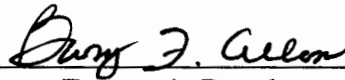
BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA:

1. It is hereby found and determined that the location of the Project in the City will promote the welfare of the residents of the City, Amherst County, Virginia (the "County") and surrounding areas, will enhance educational opportunities for residents of the City, the County and the Commonwealth of Virginia, will be in the public interest and will be consistent with the purposes of the Act.
2. The Authority hereby recommends that (a) the City Council of the City (the "Council") approve the financing of the Project and the issuance of the Bonds by the County Authority and (b) the Council concur with the Inducement Resolution.
3. The officers of the Authority are hereby authorized and directed to deliver to the Council a copy of this resolution, which constitutes the recommendation of the Authority that the Council approve the financing of the Project and the issuance of the Bonds.
4. This resolution shall take effect immediately upon its adoption.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority"), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on April 30, 2013, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

WITNESS the following signature this 30th day of April, 2013.

A handwritten signature in cursive script, reading "Gary J. Allen", is written over a horizontal line.

Secretary, Economic Development Authority
of the City of Lynchburg, Virginia

(SEAL)

FISCAL IMPACT STATEMENT

Date: April 30, 2013

Applicant: Lynchburg College

Facility: Real and personal property located on or near the Applicant's campus in the City of Lynchburg, Virginia.

- | | | |
|----|--|---------------------|
| 1. | Maximum amount of financing sought | \$ <u>7,700,000</u> |
| 2. | Estimated taxable value of the facility's real property to be constructed in the municipality | \$ <u>0</u> |
| 3. | Estimated real property tax per year using present tax rates | \$ <u>0</u> |
| 4. | Estimated personal property tax per year using present tax rates | \$ <u>0</u> |
| 5. | Estimated merchants' capital tax per year using present tax rates | \$ <u>0</u> |
| 6. | a. Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality: | |
| | City of Lynchburg | \$ <u>49,000</u> |
| | Amherst County | \$ <u>0</u> |
| | b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality: | |
| | City of Lynchburg | \$ <u>102,000</u> |
| | Amherst County | \$ <u>0</u> |
| | c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality: | |
| | City of Lynchburg | \$ <u>12,000</u> |
| | Amherst County | \$ <u>0</u> |
| | d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality: | |
| | City of Lynchburg | \$ <u>3,000</u> |
| | Amherst County | \$ <u>0</u> |
| 7. | Estimated number of regular employees on year round basis | <u>14</u> * |
| 8. | Average annual salary per employee | \$ <u>83,892</u> |

Signature:


Authority Chairman

Economic Development Authority of Amherst
County, Virginia

If one or more of the above questions do not apply to the facility, indicate by writing "N/A" on the appropriate line.

*All employees will work in the City of Lynchburg. In addition to the faculty and staff that will be working at the facility to be acquired through this financing, Lynchburg employs over 700 people, and approximately 7% of them live in Amherst County.

EXHIBIT "B" TO CERTIFICATE

SUMMARY OF STATEMENTS

The Chairman declared the public hearing open. Mr. Craddock, Counsel for the Authority, reminded the Directors that the application of Lynchburg College to the Authority for issuing up to \$7,700,000 in industrial development revenue bond financing had been received. Mr. Craddock advised the Directors that the notice of this public hearing had been published as required by the Virginia Code and the Internal Revenue Code.

Mr. John Lewis from the Business Office at Lynchburg College addressed the Authority. He reviewed Lynchburg College's plans for the construction, renovation, and equipping of buildings on the Lynchburg College campus, including the acquisition and renovation of a health sciences facility to support a doctoral program in physical therapy and a masters program for physician assistants. He advised that the Bonds should be amortized over no more than a 10-year period. In answer to questions concerning the fees to be charged, Mr. Alton Knighton, of Woods Rogers, Bond Counsel for Lynchburg College, confirmed that 1/8 of 1% of the outstanding balance of the Bonds will be paid annually to assist the Authority in its ongoing expenses.

The Chairman then asked if anyone wished to speak in opposition to the application. No one appeared or spoke in opposition to the application.

The Chairman declared the public hearing closed.



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: 14

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Resolution Authorizing the Issuance of Bonds for Lynchburg College**

RECOMMENDATION: Adopt a resolution authorizing the issuance of up to \$25,000,000 in bonds through the Lynchburg Economic Development Authority (LEDA) for the benefit of Lynchburg College.

SUMMARY: The attached information provided by Ted Craddock, counsel to the LEDA, explains the proposed issuance in detail. Lynchburg College proposes to finance the expansion of the Burton Student Center and refinance bonds issued in 2003 and 2010 to allow the College to save money on debt service.

The LEDA, in accordance with federal and state law, serves as a conduit for the bonds and assumes no financial responsibility or costs.

The LEDA has conducted the requisite public hearing and has adopted a resolution recommending that City Council authorize the bonds.

The issuance of the bonds through the LEDA places no obligations on the City.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990, Ted Craddock, 846-2731

ATTACHMENT(S): Information from the LEDA provided by Mr. Craddock including the proposed resolution for adoption by City Council.

REVIEWED BY: lkp

069K

RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF LYNCHBURG, VIRGINIA

WHEREAS, the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") has considered the application of Lynchburg College (the "Borrower") requesting the issuance of one or more of the Authority's revenue bonds or notes in an amount not to exceed \$25,000,000 (the "Bonds") in one or more series, from time to time, to assist the Borrower in (a) financing the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the expansion of the Borrower's student center, consisting of an addition of approximately 32,000 square feet to contain offices for student activities, clubs and organizations, fitness and game rooms and private dining space, (b) refunding all or part of the outstanding principal balance of, including the payment of any applicable redemption premium on, (i) the \$12,000,000 Educational Facilities Revenue Bonds (Lynchburg College), Series 2003 (the "2003 Bonds") issued by the Authority and (ii) the \$4,680,715 Higher Education Revenue Bond (Lynchburg College, 2010) (the "2010 Bond") issued by the Authority or a note issued by the Borrower to refund the 2010 Bond (the "Refunding Note"), (c) paying interest on the Bonds, and (d) paying the costs of issuing the Bonds, and which Project will be owned and operated by the Borrower, and the Authority has held a public hearing thereon; and

WHEREAS, it has been requested that the City Council of the City (the "Council") approve the financing of the Project, the refunding of the 2003 Bonds, the 2010 Bond and/or the Refunding Note (collectively, the "Prior Bonds") and the issuance of the Bonds, and such approval is required for compliance with Section 147(f) of the Internal Revenue Code of 1986, as amended;

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

1. The Council approves the financing of the Project, the refunding of the Prior Bonds and the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by said Section 147(f), to permit the Authority to assist in the financing of the Project and the refunding of the Prior Bonds.

2. The approval of the issuance of the Bonds, as required by said Section 147(f), does not constitute an endorsement of the Bonds, the creditworthiness of the Borrower or the economic viability of the Project. The Bonds shall provide that neither the Commonwealth of Virginia (the "Commonwealth") nor any political subdivision thereof, including the City and the Authority, shall be obligated to pay the principal of or interest on the Bonds or other costs incident thereto except from the revenues and receipts pledged therefor and that neither the faith or credit nor the taxing power of the Commonwealth or any political subdivision thereof, including the City and the Authority, shall be pledged thereto.

3. This Resolution shall take effect immediately upon its adoption.

Adopted:

Certified:

Clerk of Council

069K

{/5948:::,1-1, 059861-01JOOB-01}

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

900 CHURCH STREET, 2ND FLOOR
LYNCHBURG, VA 24504

TEL (434) 455-4490
FAX (434) 847-2067

May 7, 2013

DELIVERED BY HAND

Honorable Mayor and Members of the
Council of the City of Lynchburg
c/o L. Kimball Payne, City Manager
900 Church Street
Lynchburg, VA 24504



**Re: Economic Development Authority of the City of Lynchburg, Virginia,
proposed financing for Lynchburg College**

Dear Mr. Mayor and Members of Council:

Lynchburg College (the "Applicant") has requested the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority"), to issue its revenue bonds or notes, the principal obligation not to exceed \$25,000,000, to assist Lynchburg College in (a) financing the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the expansion of the Borrower's student center, consisting of an addition of approximately 32,000 square feet to contain offices for student activities, clubs and organizations, fitness and game rooms and private dining space, (b) refunding all or part of the outstanding principal balance of, including the payment of any applicable redemption premium on, (i) the \$12,000,000 Educational Facilities Revenue Bonds (Lynchburg College), Series 2003 (the "2003 Bonds") issued by the Authority and (ii) the \$4,680,715 Higher Education Revenue Bond (Lynchburg College, 2010) (the "2010 Bond") issued by the Authority or a note issued by the Borrower to refund the 2010 Bond, (c) paying interest on the Bonds, and (d) paying the costs of issuing the Bonds. The Project will be located entirely in the City and will be owned and operated by the Borrower.

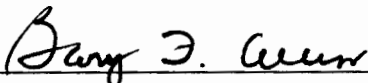
As set forth in the enclosed resolution, the Authority has agreed to issue its Bonds as requested. The Authority has conducted a public hearing on the proposed financing of the Project and has recommended that the City Council approve the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, and Section 15.2-4906 of the Code of Virginia of 1950, as amended.

Honorable Mayor and Members of the
Council of the City of Lynchburg
May 7, 2013
Page 2

Attached hereto is a copy of the Applicant's application for financing and (1) a certificate evidencing the conduct of the meeting and the action taken by the Authority (2) the Fiscal Impact Statement required pursuant to Virginia Code Section 15.2-4907, and (3) the form of resolution suggested by counsel to evidence your approval.

It is requested that consideration of the proposed Council Resolution be placed on the Council agenda for the meeting scheduled for Tuesday, May 14, 2013. A representative of the Authority will be present at the meeting.

Respectfully submitted,



Gary F. Allen, Secretary, Economic Development
Authority of the City of Lynchburg, Virginia

GFA/ahd

cc: Walter C. Erwin, III, Esquire
City Attorney

Marjette G. Upshur, Director
Office of Economic Development

Alton L. Knighton, Jr., Esquire
Woods Rogers PLC
Counsel to Lynchburg College

ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF LYNCHBURG, VIRGINIA

APPLICATION FOR AUTHORITY FINANCING

Section 1

Information Concerning Applicant

1. Legal Name(s) of Applicant(s): Lynchburg College Mailing Address: 1501 Lakeside Drive
Lynchburg, VA 24501
- Applicant's Tax I.D. No.: 54-0505922
2. Name of applicant's representative to be contacted for additional information:
- | <u>Name</u> | <u>Mailing Address If Different
from Applicant's</u> |
|--|--|
| <u>Stephen E. Bright</u> | <u>Same as above</u> |
| <u>V.P. for Business & Finance</u> | |
| Telephone No. <u>(434) 544-8428</u> | Telefax No. <u>(434) 544-8658</u> |
3. Type of business presently conducted by applicant, if any: Educational
4. Present location of applicant's principal place of business, if any: Lynchburg, VA
5. In what year was business started? 1903
6. If a corporation, give state of incorporation: Virginia
7. If a subsidiary of another corporation, give name, state of incorporation and mailing address of parent corporation: N/A
8. If applicant is a partnership, give (a) name of state under whose laws it is organized: N/A; and (b) City or County in which its principal office is located: N/A.
9. If a partnership, state whether general or limited: N/A

10. If a partnership, give names and residence addresses of all present partners and indicate whether general or limited:

N/A

11. If applicant is a joint venture or other business entity (other than a corporation or partnership), describe and give names and residence addresses of all principals: N/A

12. If applicant proposes to undertake the facility sought to be financed through a subsidiary corporation, a new corporation, or other entity to be formed by applicant, give details: N/A

13. If applicant intends to lease the facility to some other corporation or entity or if some other entity is to otherwise occupy and use the facility, so state and give the full proper name of such entity, its principal place of business and if a corporation, the state of incorporation.

N/A

Lessee's Tax I.D. No.: N/A

Section 2

Information Concerning Facility Sought To Be Financed

1. Type of facility: (a) industrial _____; (b) facility for commercial enterprise _____; (c) parking facility _____; (d) pollution control facility _____; (e) multi-state, regional or national headquarters or operations center _____; (f) facility for the residence and care of the aged _____; (g) facility for private accredited and non-profit institutions of collegiate education X; (h) other _____, if so, describe _____
2. Indicate whether facility sought to be financed is a (a) new facility _____; (b) existing facility _____; or (c) addition to or modification of existing facility X.
3. Type of business or activity to be conducted and purpose of facility sought to be financed. Explain proposed use of facility by applicant and/or others and, if a manufacturing plant, the type of products to be manufactured.

Refer to Attachment A

4. Specific site location, including street number, if available and approximate acreage or size of site:

Located on the Borrower's 214-acre campus at 1501 Lakeside Dr., located between Lakeside Dr. and College St., in the City of Lynchburg, Virginia

5. General description of proposed facility (describe type of construction, square footage, amount for each operation such as manufacturing, storage, office, etc.): Refer to Question #3 - Attachment A

6. Name and address of architect, if retained:

Dominion Seven Architects Telephone No. (434) 528-4300
1000 Jefferson St., Suite 2A
Lynchburg, VA 24504

7. Give name of present owners(s) of site: Lynchburg College

8. If an existing facility (a) what is its present use? Houses the Dining Hall, Westover Room (grill and snack bar), Campus Store, Campus Mailroom, and Office of College Communications and Marketing; (b) number of regular employees presently employed on year round basis 67; and (c) average annual salary per such employee \$ 33,371.00.

9. If applicant is not the present owner of the site, state what, if anything, has been done concerning the location and acquisition of a site by or on behalf of the applicant. N/A

10. State the present zoning classification of the site under the Zoning Ordinance of the City of Lynchburg:

R-2

11. Is a zoning change required? YES NO X If yes, state the zoning classification required:

12. Estimated number of regular employees to be employed on year round basis after acquisition or completion of facility: 67

13. Average annual salary per such employee: \$ 34,038.00
14. If application is approved by the Authority, when would applicant anticipate issuance of bonds and work on the facility started? Construction starts on May 20, 2014

A Fall 2014 opening is projected

Section 3

Cost of Facility and Financing

1. Estimated total cost of proposed facility: \$ 16,178,629 (Student Center Expansion)
2. Maximum amount of financing sought through the Authority: \$ Up to \$25,000,000.00
3. Items of cost to be paid from Authority financing (i.e., land, building, equipment, legal, etc.): Student Center Expansion Project \$10M

Refunding the outstanding balance of the \$12,000,000 Educational Facilities

Revenue Bonds, Series 2003 and the \$4,680,715 Higher Education Revenue Bonds - \$15M

4. If financing is approved, does applicant expect the Authority bonds to be sold by (a) private placement _____; or (b) public offering X
5. If by private placement, has applicant received a commitment or other assurance from a bank or others with respect to the sale of the bonds? YES _____
NO _____ Elaborate: _____

N/A

6. If by public offering, name and address of underwriter(s) desired:

<u>Name</u>	<u>Mailing Address</u>	
Senior Underwriter	50 North Front Street	(804)225-1104
Raymond James (Mr. James R. Johnson	Memphis, TN 38111	(800)203-2309
co-underwriter		
Davenport & Co.	901 East Cary Street, 11th Floor	
(Mr. James E. Sanderson, Jr.)	Richmond, VA 23219	
	Telephone No. (804) 697-2912	
	(800) 846-6666	

7. Name and address of bond counsel desired:

<u>Name</u>	<u>Mailing Address</u>	
Alton L. Knighton, Jr.	Woods Rogers PLC	
	10 S. Jefferson St., Suite 1400	
	Roanoke, VA 24011	
	Telephone No. (540) 983-7632	

Section 4

Tax Information

1. State the current assessed value for real estate tax purposes of the land comprising the site and existing improvements thereon.

Land	\$ 3,718,800
Improvements	\$ 60,213,600
TOTAL	\$ 63,932,400

2. Current yearly real property tax on the proposed site: \$ Tax Exempt
3. Estimated taxable value of the facility's real property (buildings and improvements) to be constructed: \$ Tax Exempt
4. Estimated real property tax per year with respect to the facility when completed (buildings and improvements) using present City of Lynchburg tax rates: \$ Tax Exempt
5. Estimated personal property tax per year with respect to the facility when completed, using present City of Lynchburg tax rates: \$ Tax Exempt
6. Estimated merchants' capital tax per year with respect to the facility when completed, using present tax rates: \$ -0-
7. Estimated business license tax per year with respect to the facility when completed and in use, using present City of Lynchburg license tax rates: \$ 716 Westover Room)
8. Estimated dollar value per year of goods and services that will be purchased locally by applicant or other users of the facility: \$ Approximately \$177,000

Section 5

Inducement

1. Explain how the requested financing by the Authority will enable or induce applicant to locate in or remain in the City of Lynchburg and the Commonwealth of Virginia? The new Student Center will help the College's recruitment efforts and student retention and will also allow the College to equal what is offered by its competitors. As a tuition dependent institution, the College needs full enrollment to remain financially healthy. In addition, the refinancing of the 2003 Bonds and the 2010 Bonds will allow the College to save money on debt service expenses.

It is understood and agreed by the Applicant, as evidenced by the execution and filing hereof, that Applicant (a) will, upon the filing of this application, pay to the Authority non-refundable fees and advances in the total amount of \$650.00, which includes (i) \$250.00 application fee, (ii) \$150.00 advance against costs of advertisement of public hearing, copying and other incidental costs, and (iii) a \$250.00 advance against the Authority's Counsel fees and, in addition, (b) will pay, when billed, all other costs and expenses of the Authority, including the reasonable fees of its counsel, with respect to this application and any Authority or Lynchburg City Council meetings held in connection therewith.

Applicant also understands and agrees that in the event the Authority approves the application and adopts an inducement resolution and/or enters into an inducement contract with respect thereto and thereafter authorizes the issuance of its bonds or notes to finance a facility on behalf of the Applicant, all costs of the Authority in connection with any such issue, including the reasonable fees of its counsel and bond counsel, will be paid either from the proceeds of the issue or directly by the Applicant or, if such bonds or notes are not issued for any reason, then directly by the Applicant.

The Applicant understands that the approval or disapproval of this application is within the discretion of the Authority and that if approved by the Authority the requested financing will also have to be approved by the City Council of the City of Lynchburg and a proper allocation (bond issuing authority) made to the Authority for the issuance of such bonds or notes under the state limit for the issuance of such bonds or notes as provided in Section 103 of the Internal Revenue Code of 1954, as amended, and the regulations issued thereunder, and as provided by any applicable state legislation, executive order, administrative rules or regulations; that the Authority and/or City Council may require additional financial and other information from the Applicant; that the Authority reserves the right to approve or disapprove bond counsel with respect to each issue; that if this application is approved and Authority bonds or notes are thereafter issued all financing documents shall be in form and substance satisfactory to the Authority, its counsel and bond counsel for the issue and shall include provisions satisfactory to the Authority and its counsel with respect to indemnifying the Authority and payment by Applicant to the Authority of an annual payment to be applied to the Authority's general operating and audit expense while such bonds or notes are outstanding; and that if the Authority adopts an inducement resolution and/or enters into an inducement contract with respect to the issuance of bonds or notes on behalf of Applicant and thereafter before the issuance of its bonds or notes determines (1) that any material information furnished the Authority or the City Council by or on behalf of the Applicant is false or misleading, or (2) if after the adoption of such resolution the proposed financing is not thereafter approved by the City Council of the City of Lynchburg or a proper allocation of bond issuing authority is not made, or (3) if approved by the Authority and the City Council and a proper allocation of bond issuing authority is made, Applicant has not, within the calendar year or other period of time with respect to which the bond issuing authority is made applicable, made all necessary arrangements required of it with respect to the issuance and sale of the bonds or notes and the undertaking of the facility to be financed thereby, or if for any other reason the bonds or notes have not been issued within any such applicable time period, the Authority, in any such event, reserves and shall have the right in its sole discretion to revoke or rescind such inducement resolution and/or inducement contract which the Authority has entered into with the Applicant, after not less than ten (10) days written notice of the Authority's intention so to do, addressed and mailed to the Applicant at its address given in this Application.

Respectfully submitted this 15TH day of APRIL, 2013.

LYNCHBURG COLLEGE BY:
X Kenneth R. Garren
KENNETH R. GARREN
PRESIDENT

ATTACHMENT A

ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA

APPLICATION FOR AUTHORITY FINANCING

Section 2

Question #3

Type of business or activity to be conducted and purpose of facility sought to be financed. Explain proposed use of facility by applicant and/or others and, if a manufacturing plant, the type of products to be manufactured.

The type of business or activity to be conducted and purpose of facility sought to be financed includes the following: (a) financing the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the expansion of the Borrower's student center, consisting of an addition of approximately 32,000 square feet to contain offices for student activities, clubs and organizations, fitness and game rooms and private dining space, (b) refunding the outstanding principal balance of (i) the \$12,000,000 Educational Facilities Revenue Bonds (Lynchburg College), Series 2003 (the "2003 Bonds") issued by the Authority and (ii) the \$4,680,715 Higher Education Revenue Bond (Lynchburg College, 2010) (the "2010 Bond") issued by the Authority or a note issued by the Borrower to refund the 2010 Bond (the "Refunding Note"), (c) paying interest on the Bonds, and (d) paying the costs of issuing the Bonds. The Project will be located entirely in the City and will be owned and operated by the Borrower.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the City of Lynchburg, Virginia ("Authority") certifies as follows:

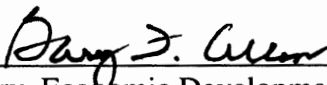
1. A meeting of the Authority was duly called and held on April 30, 2013, at 8:30 o'clock a.m. in the Conference Room of the Office of Economic Development, 2nd Floor, City Hall, 900 Church Street, Lynchburg, Virginia, pursuant to proper notice given to each Director of the Authority before such meeting. The meeting was open to the public. The time of the meeting and the place at which the meeting was held provided a reasonable opportunity for persons of differing views to appear and be heard.

2. The Chairman announced the commencement of a public hearing on the application of Lynchburg College and that a notice of the hearing was published once a week for two successive weeks in a newspaper having general circulation in the City of Lynchburg, Virginia ("Notice"), with the second publication appearing not less than seven days nor more than twenty-one days prior to the hearing date. A copy of the Notice has been filed with the minutes of the Authority and is attached as **Exhibit A**.

3. The names of the individuals who appeared and addressed the Authority, along with a summary of their statements, is attached as **Exhibit B**.

4. Attached hereto as **Exhibit C** is a true, correct and complete copy of a resolution ("Resolution") adopted at the meeting of the Authority by a majority of the Directors present at the meeting. The Resolution constitutes all formal action taken by the Authority at the meeting relating to matters referred to in the Resolution. The Resolution has not been repealed, revoked, rescinded or amended and is in full force and effect.

WITNESS my hand and the seal of the Authority, this 30th day of April, 2013.



Secretary, Economic Development Authority
of the City of Lynchburg, Virginia

(SEAL)

Exhibits:

- A - Copy of Certified Notice
- B - Summary of Statements
- C - Inducement Resolution

The News & Advance

Advertising Affidavit

101 Wyndale Drive
Lynchburg, Virginia 24501
(434) 385-5400

Account Number

3299844

Date

April 22, 2013

CASKIE & FROST
PO BOX 6320
LYNCHBURG, VA 24505

Date	Category	Description	Ad Size	Total Cost
04/22/2013	Legal Notices	HEARING ON PROPOSED revenue bond financ	1 x 86 L	739.60

NOTICE OF PUBLIC HEARING ON PROPOSED REVENUE BOND FINANCING BY ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF LYNCHBURG, VIRGINIA

Notice is hereby given that the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") will hold a public hearing on the application of Lynchburg College (the "Borrower"), 1501 Lakeside Drive, Lynchburg, Virginia 24501, requesting the Authority to issue up to \$25,000,000 of its revenue bonds or notes (the "Bonds") in one or more series, from time to time, to assist the Borrower in (a) financing the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the expansion of the Borrower's student center, consisting of an addition of approximately 32,000 square feet to contain offices for student activities, clubs and organizations, fitness and game rooms and private dining space, (b) refunding all or part of the outstanding principal balance of, including the payment of any applicable redemption premium on, (i) the \$12,000,000 Educational Facilities Revenue Bonds (Lynchburg College), Series 2003 (the "2003 Bonds") issued by the Authority and (ii) the \$4,680,715 Higher Education Revenue Bond (Lynchburg College, 2010) (the "2010 Bond") issued by the Authority or a note issued by the Borrower to refund the 2010 Bond (the "Refunding Note"), (c) paying interest on the Bonds, and (d) paying the costs of issuing the Bonds. The Project will be located entirely in the City and will be owned and operated by the Borrower.

As required by the Virginia Industrial Development and Revenue Bond Act, the incurrence of the Authority's obligations under the Bonds as requested by the Borrower will not constitute a debt or pledge of the faith and credit of the Commonwealth of Virginia or the City of Lynchburg, Virginia. Neither the Commonwealth of Virginia nor any political subdivision thereof, including the Authority and the City of Lynchburg, Virginia, shall be obligated to pay the principal of and interest on the Bonds, or to pay other costs incidental thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof will be pledged to the payment of the principal of or interest on the Bonds or other costs incidental thereto.

The hearing will be part of the approval process with respect to the Bonds, and, if, following the hearing, the Authority approves the issuance, the City Council of Lynchburg will then consider the issuance for approval.

The public hearing, which may be continued or adjourned, will be held at 8:30 a.m. on April 30, 2013, before the Authority in the Office of Economic Development of the City of Lynchburg, 2nd Floor, City Hall, 900 Church Street, Lynchburg, Virginia. All persons interested in the issuance of the Bonds, the refunding of the 2003 Bonds, the 2010 Bond or the Refunding Note or the location or nature of the Project are invited to appear at the hearing and present their views or submit written comments prior to the hearing to the Secretary of the Authority, 2nd Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504. A copy of the Borrower's application may be inspected at the Authority's offices.

Economic Development Authority of the City of Lynchburg, Virginia

By Gary F. Allen, Secretary/Treasurer

Publisher of the News and Advance

This is to certify that the attached HEARING ON PROPOSED revn was published by the News and Advance in the city of Lynchburg, in the State of Virginia, on the following dates:

04/15, 04/22/2013

The First insertion being given ... 04/15/2013

Newspaper reference: 0002958813

Given under my hand on

the 22 day of April

Herold McChesney

Classified Manager



Trace D. Davis
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
NOTARY NO. 0000000000
EXPIRATION DATE 01/01/2015

[Signature]

* A BILL. PLEASE PAY FROM INVOICE. THANK YOU

EXHIBIT

tabbles

A

EXHIBIT "B" TO CERTIFICATE

SUMMARY OF STATEMENTS

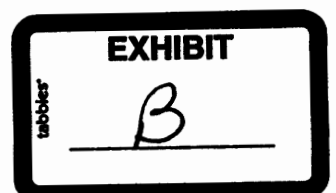
The Chairman declared the public hearing open. Mr. Craddock reminded the Directors that the application of Lynchburg College for up to \$25,000,000 in industrial development revenue bond financing had been made to the Authority. Mr. Craddock advised that the notice of this public hearing had been published in *The News & Advance* as required by law.

Mr. Stephen Bright, Vice President for Business Affairs at Lynchburg College, addressed the Authority. He reviewed with the Directors the proposed uses of the bond proceeds, including the expansion of the student center, refunding all or part of the outstanding balance on the 2003 Educational Facilities Revenue Bonds previously issued by the Authority, and refunding of the approximately \$4,000,000 Higher Education Revenue Bonds previously issued in 2010.

Mr. John Lewis from the Business Office at Lynchburg College, and Mr. Alton Knighton, Bond Counsel for Lynchburg College, were also present. Mr. Bright confirmed that the issuance of the Bonds will keep Lynchburg College competitive in obtaining students and would assist in maintaining employment. Mr. Bright stated that Lynchburg College had approximately 400 employees.

The Chairman then asked if anyone wished to speak in opposition to the application. No one appeared or spoke in opposition to the application.

The Chairman declared the public hearing closed.



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

WHEREAS, there have been described to the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority") the plans of Lynchburg College (the "Borrower") for (a) the acquisition, construction, expansion, renovation and equipping of academic, student housing, athletic, utility and other facilities (collectively, the "Project") on or near the Borrower's 214-acre campus at 1501 Lakeside Drive, located between Lakeside Drive and College Street, in the City of Lynchburg, Virginia (the "City"), which may include the expansion of the Borrower's student center, consisting of an addition of approximately 32,000 square feet to contain offices for student activities, clubs and organizations, fitness and game rooms and private dining space, (b) refunding all or part of the outstanding principal balance of, including the payment of any applicable redemption premium on, (i) the \$12,000,000 Educational Facilities Revenue Bonds (Lynchburg College), Series 2003 (the "2003 Bonds") issued by the Authority and (ii) the \$4,680,715 Higher Education Revenue Bond (Lynchburg College, 2010) (the "2010 Bond") issued by the Authority or a note issued by the Borrower to refund the 2010 Bond (the "Refunding Note"), (c) paying interest on the Bonds (as hereinafter defined), and (d) paying the costs of issuing the Bonds; and

WHEREAS, the Borrower has described the benefits to the City and has requested the Authority to agree to issue its revenue bonds or notes, under the Virginia Industrial Development and Revenue Bond Act (the "Act"), in such amounts as may be necessary to finance the cost of the Project and the refunding of the 2003 Bonds, the 2010 Bond and/or the Refunding Note (collectively, the "Prior Bonds");

**BE IT RESOLVED BY THE ECONOMIC DEVELOPMENT AUTHORITY OF THE
CITY OF LYNCHBURG, VIRGINIA:**

1. It is hereby found and determined that the location of the Project in the City will promote the welfare of the residents of the City and surrounding areas, will enhance educational opportunities for residents of the City and the Commonwealth of Virginia, will be in the public interest and will be consistent with the purposes of the Act.

2. To induce the Borrower to locate the Project in the City, the Authority hereby agrees, subject to required approvals and the compliance of the proposed issue with applicable law, to assist the Borrower in every reasonable way to finance the Project and refund the Prior Bonds and, in particular, to undertake the issuance of one or more of its revenue bonds or notes (the "Bonds") therefor in amounts now estimated not to exceed \$25,000,000 upon terms and conditions to be mutually agreed upon between the Authority and the Borrower. The proceeds from the sale of the Bonds shall be loaned by the Authority to the Borrower pursuant to an agreement or agreements which will provide for loan repayments to the Authority sufficient to pay the principal of and premium, if any, and interest on the Bonds and to pay all other expenses in connection with the Project. The Bonds shall be issued in form and pursuant to terms to be set by the Authority.



3. It having been represented to the Authority that it is necessary to proceed immediately with the Project, the Authority hereby agrees that the Borrower may proceed with plans for the Project, enter into contracts for renovation, construction, expansion and equipping and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Borrower to obligate the Authority without its consent in each instance to the payment of any monies or the performance of any acts in connection with the Project. The Authority agrees that, to the extent consistent with federal tax laws, the Borrower may be reimbursed from the proceeds of the Bonds for all costs so incurred by it.

4. To the extent consistent with federal tax laws, all costs and expenses in connection with the financing of the Project and the refunding of the Prior Bonds, including the fees and expenses of bond counsel and Authority counsel, shall be paid from the proceeds of the Bonds. If for any reason the Bonds are not issued, it is understood that all such expenses shall be paid by the Borrower and that the Authority shall have no responsibility therefor.

5. The Authority shall perform such other acts and adopt such further resolutions as may be required to implement its undertakings as hereinabove set forth, and if requested by the Borrower, it will make application to the Internal Revenue Service for such tax rulings as may be necessary in the opinion of bond counsel. To that end, the Chairman or Vice Chairman of the Authority is hereby authorized to execute an appropriate power of attorney naming counsel selected by the Borrower for such purposes.

6. The Authority hereby recommends that the City Council of the City (the "Council") approve the financing of the Project, the refunding of the Prior Bonds and the issuance of the Bonds.

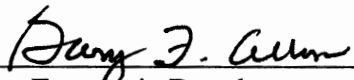
7. The officers of the Authority are hereby authorized and directed to deliver to the Council (a) a reasonably detailed summary of the comments expressed at the public hearing held with respect to the issuance of the Bonds, (b) a fiscal impact statement concerning the Project in the form specified in Section 15.2-4907 of the Code of Virginia, and (c) a copy of this resolution, which constitutes the recommendation of the Authority that the Council approve the financing of the Project and the issuance of the Bonds.

8. This resolution shall take effect immediately upon its adoption.

CERTIFICATE

The undersigned Secretary of the Economic Development Authority of the City of Lynchburg, Virginia (the "Authority"), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Directors of the Authority present and voting at a meeting duly called and held on April 30, 2013, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

WITNESS the following signature this 30th day of April, 2013.



Secretary, Economic Development Authority
of the City of Lynchburg, Virginia

(SEAL)

FISCAL IMPACT STATEMENT

Date: April 30, 2013

Applicant: Lynchburg College

Facility: Real and personal property located on or near the Applicant's campus in the City of Lynchburg, Virginia.

- | | | |
|----|---|----------------------|
| 1. | Maximum amount of financing sought | \$ <u>25,000,000</u> |
| 2. | Estimated taxable value of the facility's real property to be constructed in the municipality | \$ <u>0</u> |
| 3. | Estimated real property tax per year using present tax rates | \$ <u>0</u> |
| 4. | Estimated personal property tax per year using present tax rates | \$ <u>0</u> |
| 5. | Estimated merchants' capital tax per year using present tax rates | \$ <u>0</u> |
| 6. | a. Estimated dollar value per year of goods that will be purchased from Virginia companies within the locality | \$ <u>508,000</u> |
| | b. Estimated dollar value per year of goods that will be purchased from non-Virginia companies within the locality | \$ <u>2,900,000</u> |
| | c. Estimated dollar value per year of services that will be purchased from Virginia companies within the locality | \$ <u>52,000</u> |
| | d. Estimated dollar value per year of services that will be purchased from non-Virginia companies within the locality | \$ <u>6,500</u> |
| 7. | Estimated number of regular employees on year round basis | <u>67</u> |
| 8. | Average annual salary per employee | \$ <u>34,038</u> |

Signature:



Authority Chairman

Economic Development Authority of the City of
Lynchburg, Virginia

If one or more of the above questions do not apply to the facility, indicate by writing "N/A" on the appropriate line.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: 15

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Electoral Board/Registrar's Request for Supplemental Funding to Cover Costs Related to the Democratic Primary**

RECOMMENDATION: Adopt a resolution to amend the FY 2013 General Fund budget and appropriate \$17,441 with resources from the General Fund Reserve for Contingencies to provide funding to the Electoral Board/Registrar's Office for estimated costs for the June 11, 2013, Democratic Primary Election.

SUMMARY: On June 11, 2013, the Democratic Party will hold a primary to choose nominees for Lieutenant Governor and Attorney General. The Electoral Board/Registrar's Office requests City Council appropriate \$17,441 to cover the costs associated with the primary. Costs will include an estimated \$431 for additional Registrar's Office staffing, \$13,020 for election official pay, \$2,000 for election software programming, \$900 for ballot printing, \$200 for postage, \$400 for precinct supplies, \$130 for the required legal notice in the newspaper, \$160 for election day mileage for Electoral Board and Deputy Registrar, \$200 for election day and canvass day lunches for absentee precinct and office staff.

PRIOR ACTION(S): Finance Committee April 23, 2013

FISCAL IMPACT: \$17,441 from the FY 2013 General Fund Reserve for Contingencies

CONTACT(S): Carolyn C. Sherayko, Registrar, 847-1609

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2013 General Fund budget is amended and \$17,441 is appropriated with resources from the General Fund Reserve for Contingencies to provide funding to the Electoral Board/Registrar's Office for estimated costs for the June 11, 2013, Democratic Primary Election.

Introduced:

Adopted:

Certified:

Clerk of Council

061K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: 16

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE:

RECOMMENDATION: Adopt the attached resolution agreeing to allow the City of Bedford to withdraw from membership in the Blue Ridge Regional Jail Authority

SUMMARY: The City of Bedford will revert to Town status on July 1, 2013. As a part of that transition the City is withdrawing from various regional entities as Bedford County will assume service delivery responsibilities. The Blue Ridge Regional Jail Authority is one of those entities.

On May 2nd the Blue Ridge Regional Jail Authority approved the attached Withdrawal Agreement allowing the City of Bedford to withdraw as a member of the Authority with the County of Bedford to assume all of the city's liabilities under the jail's service agreement. According to the service agreement all the member jurisdictions must approve the withdrawal for it to become effective.

PRIOR ACTION(S): N/A

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): Resolution; Withdrawal Agreement

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE CITY OF BEDFORD TO WITHDRAW FROM MEMBERSHIP IN
THE BLUE RIDGE REGIONAL JAIL

WHEREAS, the Blue Ridge Regional Jail Authority (“Authority”) was formed in 1994 to provide a regional jail system for the Counties of Bedford, Campbell, Halifax and the Cities of Bedford and Lynchburg; and

WHEREAS, the above jurisdictions adopted the Blue Ridge Regional Jail Authority Amended and Restated Service Agreement (the “Service Agreement”) dated June 26, 1997; and

WHEREAS, the Counties of Amherst and Appomattox became members of the Authority on July 1, 2007; and

WHEREAS, the City of Bedford and the County of Bedford have entered into a Voluntary Settlement of Transition to Town Status and Other Related Issues Between the City of Bedford and the County of Bedford (the “Reversion Agreement”) dated September 14, 2011, which takes effect July 1, 2013; and

WHEREAS, Section 6.11 of the Reversion Agreement states that “The City and the County are members of the Blue Ridge Regional Jail Authority (the “Jail Authority”). The County shall assume all liabilities of the City to the Jail Authority accruing from and after the effective date of the transition of the City to town status, including those liabilities arising under the Jail Authority Service Agreement, dated November 10, 1994, as amended. As of such effective date, all then-existing City inmates shall be deemed inmates of the County”; and

WHEREAS, pursuant to Section 53.1-95.5 of the Code of Virginia and Section 6.8 of the Service Agreement the Member Jurisdictions must unanimously agree to allow the City of Bedford (after July 1, 2013 the Town of Bedford) to withdraw as a member of the Authority.

NOW THEREFORE, BE IT RESOLVED, that the City of Lynchburg hereby agrees to allow the City of Bedford to withdraw as a member jurisdiction from the Blue Ridge Regional Jail Authority; and

BE IT FURTHER RESOLVED, that the city manager is hereby authorized to enter into a Withdrawal Agreement to effect the withdrawal.

Adopted:

Certified:

Clerk of Council

063K

AGREEMENT

THIS AGREEMENT is made this _____ day of _____, 2013 among the Blue Ridge Regional Jail Authority (the "Authority"); and the City of Bedford, Virginia; the County of Bedford, Virginia; the County of Halifax, Virginia; the County of Campbell, Virginia; the County of Appomattox, Virginia; the County of Amherst, Virginia; and the City of Lynchburg, Virginia (the "Member Jurisdictions").

WHEREAS, the Authority was formed in 1994 to provide a regional jail system for the Counties of Bedford, Campbell, Halifax and the Cities of Bedford and Lynchburg; and

WHEREAS, the above jurisdictions adopted the Blue Ridge Regional Jail Authority Amended and Restated Service Agreement (the "Service Agreement") dated June 26, 1997; and

WHEREAS, the Counties of Amherst and Appomattox became members of the Authority on July 1, 2007 ; and

WHEREAS, the City of Bedford and the County of Bedford have entered into a Voluntary Settlement of Transition to Town Status and Other Related Issues Between the City of Bedford and the County of Bedford (the "Reversion Agreement") dated September 14, 2011, which takes effect July 1, 2013; and

WHEREAS, Section 6.11 of the Reversion Agreement states that "The City and the County are members of the Blue Ridge Regional Jail Authority (the "Jail Authority"). The County shall assume all liabilities of the City to the Jail Authority accruing from and after the effective date of the transition of the City to town status, including those liabilities arising under the Jail Authority Service Agreement, dated November 10, 1994, as amended. As of such effective date, all then-existing City inmates shall be deemed inmates of the County" ; and

WHEREAS, pursuant to Section 53.1-95.5 of the Code of Virginia and Section 6.8 of the Service Agreement the Member Jurisdictions must unanimously agree to allow the City of Bedford (after July 1 the Town of Bedford) to withdraw as a member of the Authority.

NOW THEREFORE, IT IS AGREED by the parties as follows:

1. Withdrawal by the City of Bedford.

As of July 1, 2013, the City of Bedford shall no longer be a Member Jurisdiction of the Authority. Each of the other Member Jurisdictions by adopting this Amendment consents to the withdrawal of the City of Bedford as set forth in Section 53.1-95.5 of the Code of Virginia and Section 6.8 of the Service Agreement.

2. Acceptance of City of Bedford's Obligations by the County of Bedford.

Pursuant to the terms of the Reversion Agreement, the County of Bedford hereby accepts all obligations for the inmates of the City of Bedford, including the portion of debt service and operating costs, as of July 1, 2013 and going forward.

3. Membership on Authority Board.

Pursuant to Section 2.2 of the Service Agreement, the City of Bedford shall no longer have any representatives on the Board of the Authority. The County of Bedford shall have two representatives on the Board of the Authority. One member shall be the sheriff of Bedford County, and the non-sheriff board member shall be appointed by the governing body of Bedford County. Alternates may be appointed by the sheriff or the governing body.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date above written.

BLUE RIDGE REGIONAL JAIL AUTHORITY

By: _____

COUNTY OF AMHERST

By: _____

COUNTY OF APPOMMATOX

By: _____

COUNTY OF BEDFORD

By: _____

CITY OF BEDFORD

By: _____

COUNTY OF CAMPBELL

By: _____

COUNTY OF HALIFAX

By: _____

CITY OF LYNCHBURG

By: _____

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: 17

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Proposed Amendments to City Council's Rules of Procedure to Eliminate the Requirement for a Speaker to State His or Her Address**

RECOMMENDATION: Adopt the attached resolution amending Council's Rules of Procedure.

SUMMARY: Mayor Gillette has suggested that there is no practical purpose served by asking speakers before City Council to state their address. Furthermore, there is no statutory requirement that such information be provided. Accordingly, the attached amendments to Council's Rules of Procedure have been prepared for consideration. A speaker would be asked to simply identify the locality of his or her residence.

PRIOR ACTION(S): Council's Rules of Procedure were adopted September 23, 2008 and amended August 11, 2009, July 9, 2010 and July 3, 2012.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990; Walter Erwin, 455-3973

ATTACHMENT(S): Proposed amendments.

REVIEWED BY: lkp

RESOLUTION

BE IT HEREBY RESOLVED THAT Lynchburg City Council's Rules of Procedure, Section 5-3, Citizen Participation, and Section 5-5, Public Hearings, are hereby amended as follows:

Section 5-3. Citizen Participation

A. Every petition, communication or address to the Council shall be in respectful language and is encouraged to be in writing.

B. Public Presentations

1. Individuals or groups wishing to speak at a regular Council meeting shall submit a written request to the Clerk of Council by noon on the Wednesday prior to the regular meeting date.
2. Public presentations shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.
4. The presiding officer shall open the Public Presentations.
5. Each speaker shall clearly state his or her name and address locality of residence. ~~If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking.~~
6. There shall be a time limit for each individual speaker of 3 minutes.
7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.
8. Speakers are not permitted to donate time to other speakers.
9. There shall be no comment during Public Presentations on a matter for which a public hearing is scheduled during the same meeting.
10. There shall be no comment during Public Presentations on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.

12. Council members shall not discuss issues raised by the public except by consent of a majority of the Council members present.

13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of the Council present and voting.

14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Council members at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the members of the Council present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Council members present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit nine (9) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-5. Public Hearings

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

B. The presiding officer shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.

2. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the City Manager. The presentation shall summarize the facts about the issue and the staff recommendation. Council members may seek clarification during the presentation.

3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.

4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must

clearly state his or her name and address locality of residence. ~~If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking.~~ There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.

5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Council members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

Adopted:

Certified:

Clerk of Council

065K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 14, 2013**

AGENDA ITEM NO.: **18**

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: 1) Adoption and Appropriation of the FY 2014 Budget; 2) Adopt a Resolution Authorizing the City Manager to Award Monetary Incentives, Awards, and Bonuses to Employees for Exceptional Services; and 3) Adopt a resolution to set the personal property tax relief rate.

RECOMMENDATION: Adopt and appropriate the FY 2014 Budget; adopt a resolution authorizing the City Manager to award monetary incentives, awards, and bonuses to employees for exceptional services; and adopt a resolution to set the personal property tax relief rate.

SUMMARY: Following the April 2, 2013 Public Hearing for the FY 2014 Budget, Council and staff adjusted the Proposed FY 2014 General Fund Budget as follows:

General Fund

	<u>Proposed</u>		<u>Revised</u>
<u>Revenues and Use of Fund Balance</u>	<u>Operating</u>	<u>Adjustments</u>	<u>Budget</u>
	<u>Budget</u>		
Revenues	\$165,940,146	(\$232,487)	\$165,707,659
Use of Fund Balance	6,601,372	500,000	7,101,372
Total Revenues and Use of Fund Balance	\$172,541,518	\$267,513	\$172,809,031
 <u>Expenditures</u>			
Operations	\$107,297,998	\$267,513	\$107,565,511
Debt Service	13,814,569		13,814,569
Schools-Operations	38,201,147		38,201,147
Greater Lynchburg Transit Company	1,194,239		1,194,239
Transfers to Other Funds	956,486		956,486
Reserves	4,046,741		4,046,741
Capital Improvements - City and Schools	6,027,878		6,027,878
Capital Improvements - School buses	1,002,460		1,002,460
Total Expenditures, Reserves, and Transfers	\$172,541,518	\$267,513	\$172,809,031

Based on discussion at the April 23, 2013, City Council meeting, staff made the following adjustments:

1. Added \$7,513 in revenues and expenditures for the second year of a Virginia Foundation for Healthy Youth grant received by Parks and Recreation.
2. Estimated Personal Property Tax Revenue was decreased by \$200,000 to reflect a reduction in machinery and tools assessments.
3. Eliminated \$40,000 in drop-off recycling revenue due to a public-private partnership to provide this service in FY 2014.
4. Closed the Health Management Plan Reserve and utilized the \$500,000 balance for Pay-As-You-Go Capital Projects.
5. Added \$11,552 to the Commonwealth's Attorney Office Fines and Fees division budget for operational costs not included in the City Manager's Proposed Budget.
6. Reduced Salaries and Benefits in the Commissioner of the Revenue Budget by \$16,946 due to a retirement.
7. Added \$500,000 to fund 6 months of the Tourism program from January – June 2014, after the current contract ends.

8. Converted two part-time Human Services positions into one full-time position at no additional cost.
9. Added \$292,966 to compensation adjustments to reflect an additional 0.5% salary increase for City employees.
10. Included \$527,572 in Managed Vacancy savings.

Details of all City Council and staff adjustments can be found in Attachment A.

Also, state code requires the personal property tax relief rate be set at the time the budget is adopted.

Adopting Resolutions A, B, E, F, G, J, K, L, M, N, and O require a majority vote of all of the members of City Council in attendance, said vote to be taken by ayes and noes.

Adopting Resolutions C, D, H, and I require a two-thirds majority vote (i.e. five of seven) among the members elected to City Council, said vote to be taken by ayes and noes.

Fund Balance

With the adjustments noted above, the General Fund undesignated fund balance as of June 30, 2014 is projected to be \$16,635,457 or 10% of revenues. Council's target for undesignated fund balance is 10% of revenues.

PRIOR ACTION(S): March 12, 19, 26, April 9, 23, 2013 – City Council Work Sessions;
April 2, 2013 – Public Hearing on the Proposed FY 2014 Budgets for General Government, Schools, Water, Sewer, Stormwater, Airport, and Other Funds, and the FY 2014 - 2018 Capital Improvement Program

BUDGET IMPACT: See attached budget resolution.

CONTACT(S): L. Kimball Payne, III, City Manager, 455-3990
Bonnie Svrcek, Deputy City Manager, 455-3990
Donna Witt, Director of Financial Services, 455-3968

ATTACHMENT(S): Attachment A: Balancing the FY 2014 General Fund Budget, and Resolutions to 1) adopt and appropriate the FY 2014 Budget; 2) adopt a resolution authorizing the City Manager to award monetary incentives, awards, and bonuses to employees for exceptional services; and 3) adopt a resolution to set the personal property tax relief rate.

REVIEWED BY: lkp

068K

ATTACHMENT A

BALANCING THE FY 2014 GENERAL FUND BUDGET

Revenues and Use of Fund Balance

Proposed Revenues (from the FY 2014 Proposed Operating Budget)	\$165,940,146
Use of Fund Balance	6,601,372
Total Proposed Revenues and Use of Fund Balance	\$172,541,518

Adjustments: Revenue Summary

Dedicated Revenue Adjustments

Parks and Recreation Virginia Foundation for Healthy Youth Grant	\$7,513
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Non-Dedicated Revenue Adjustments

Personal Property Tax (Machinery and Tools)	(200,000)
Drop Off Recycling	(40,000)

Use of Fund Balance Adjustments

Use Health Management Plan Reserve for Pay-As-You-Go Capital	500,000
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Revised Revenues and Use of Fund Balance	\$172,809,031
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Expenditures, Reserves, and Transfers

Proposed Expenditures, Reserves, and Transfers (from the FY 2014 Proposed Operating Budget)	\$172,541,518
--	----------------------

Adjustments: Expenditures, Reserves, and Transfers

Additional operating costs for the Commonwealth's Attorney Office Fines and Fees division	\$11,552
Salary and Benefit adjustment due to retirement in the Commissioner of the Revenue Office	(16,946)
Additional funding for Parks and Recreation Virginia Foundation for Healthy Youth Grant	7,513
Funding for the tourism program for 6 months (January - June 2014)	500,000
Convert 2 part-time Human Services positions into 1 full-time position	0
Additional funding for 0.5% salary increase for City employees	292,966
Managed Vacancy	(527,572)

Revised Expenditures	\$172,809,031
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A. BE IT RESOLVED that by majority vote the FY 2014 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) including the revenues and expenditures proposed by the City Manager and amended by City Council be adopted as the annual operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated:

GENERAL FUND INCOME		GENERAL FUND EXPENDITURES	
Beginning Balance	\$22,744,259	General Government	\$11,974,532
<u>Non-Dedicated Revenues</u>		Judicial Administration	4,648,864
General Property Taxes	73,358,784	Public Safety	33,273,880
Other Local Taxes	46,688,787	Public Works	15,535,031
Permits, Privilege Fees and Licenses	569,900	Health and Welfare	18,076,611
Fines & Forfeitures	481,000	Parks, Recreation and Cultural	4,975,401
Use of Money & Property	388,226	Community Development	2,253,574
Charges for Services	3,863,294	Non-Departmental	6,488,709
Miscellaneous	231,200	Transfer to Other Funds	956,486
Revenue from the Commonwealth	6,048,584	General Fund - Debt Service	7,249,168
<u>Dedicated Revenues</u>		Schools - Debt Service	6,565,401
Revenue from Use of Money & Property		Reserves	4,046,741
Charges for Services	3,982,944	Transfer to Capital - City	3,777,878
Recreation Revenue	374,000	Transfer to Capital - Schools	2,250,000
Parking	442,600	Transfer to Capital - School buses	1,002,460
Miscellaneous	2,102,556	Ending Balance	16,635,457
Revenue from the Commonwealth		Subtotal	\$139,710,193
Categorical Aid - State Shared Expenditures	2,975,787		
Categorical Aid	17,064,771	External Service Providers ¹	\$10,338,909
Revenue from the Federal Government	7,135,226		
Use of Reserves and Committed/Assigned Fund Balance	992,570	Component Units ¹	\$39,395,386
Total	<u>\$189,444,488</u>	Total	<u>\$189,444,488</u>

¹ To be considered separately

Introduced:

Adopted:

Certified:

Clerk of Council

B. BE IT RESOLVED that by majority vote the FY 2014 Mandated and Contractual External Service Providers Budget of \$9,714,712 proposed by the City Manager and amended by City Council be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated:

MANDATED

Blue Ridge Regional Jail Authority.....	\$6,403,789
Horizon Behavioral Health.....	444,003
Health Department	830,977
Region 2000 Local Government Council.....	43,958
TOTAL MANDATED	<u>\$7,722,727</u>

CONTRACTUAL

Central Virginia Regional Radio Board.....	\$606,814
Lynchburg Humane Society - Operating	281,538
Lynchburg Humane Society - Lease	200,000
Lynchburg Regional Convention and Visitors Bureau	750,000
Southern Memorial Association (Old City Cemetery)	122,438
Virginia Cooperative Extension Service	31,195
TOTAL CONTRACTUAL	<u>\$1,991,985</u>

Introduced:

Adopted:

Certified:

Clerk of Council

C. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2014 Central Virginia Area Agency on Aging Budget of \$15,000 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Clerk of Council

D. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2014 Central Virginia Community College Board and Related Operations Budget of \$1,909 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Clerk of Council

E. BE IT RESOLVED that by majority vote the FY 2014 Tourism (January – June 2014) Budget of \$500,000 amended by City Council be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Clerk of Council

F. BE IT RESOLVED that by majority vote the FY 2014 Region 2000 Economic Development Partnership Budget of \$81,586 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Clerk of Council

G. BE IT RESOLVED that by majority vote the FY 2014 Robert E. Lee Soil & Water Conservation District Budget of \$10,000 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Clerk of Council

H. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2014 Virginia Legal Aid Society Budget of \$10,400 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Clerk of Council

- I. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2014 Amazement Square Real Estate Tax Refund Budget of \$5,302 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Clerk of Council

- J. BE IT RESOLVED that by majority vote the FY 2014 School Operating Budget, including the revenues and expenditures proposed by the City Manager, be adopted for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated:

SCHOOL INCOME		SCHOOL EXPENDITURES	
Beginning Balance	\$0	Operations	\$84,249,418
State	43,730,131	Grant Funded Expenditures	8,714,800
Federal	476,000	Ending Balance	0
Grants	8,714,800	Total	<u>\$92,964,218</u>
Local – Operating ¹	38,201,147		
Miscellaneous	1,842,140		
Total	<u>\$92,964,218</u>		

¹ An additional \$1,002,460 is included in the FY 2014 Schools Capital Project Fund for school buses.

Introduced:

Adopted:

Certified:

Clerk of Council

- K. BE IT RESOLVED that by majority vote the FY 2014 Greater Lynchburg Transit Company Budget including the revenues and expenditures proposed by the City Manager be adopted for the fiscal year beginning July 1, 2013 and ending June 30, 2014 and said funds be appropriated:

GREATER LYNCHBURG TRANSIT COMPANY INCOME		GREATER LYNCHBURG TRANSIT COMPANY EXPENDITURES	
Beginning Balance	\$0	Operations	\$6,777,936
Fares	1,043,082	Ending Balance	0
Contracts	21,746	Total	<u>\$6,777,936</u>
Federal	1,845,336		
State	1,387,122		
Local - Operating	1,194,239		
Partners	1,155,211		
Miscellaneous	131,200		
Total	<u>\$6,777,936</u>		

Introduced:

Adopted:

Certified:

Clerk of Council

L. BE IT RESOLVED that by majority vote the FY 2014 budgets of the funds mentioned herein be adopted for the purposes herein mentioned and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014:

FLEET SERVICES FUND INCOME

Beginning Balance	\$1,544,660
Revenues	8,608,769
Total	<u>\$10,153,429</u>

FLEET SERVICES FUND EXPENDITURES

Operations	\$7,858,258
Debt Service	301,825
Ending Balance	1,993,346
Total	<u>\$10,153,429</u>

AIRPORT FUND INCOME

Beginning Balance	\$100,000
Revenue from Cost Centers	1,919,727
Transfer from General Fund	289,061
Interest & Other	224,000
Total	<u>\$2,532,788</u>

AIRPORT FUND EXPENDITURES

Operations	\$2,226,923
Debt Service	205,865
Ending Balance	100,000
Total	<u>\$2,532,788</u>

WATER FUND INCOME

Beginning Balance	\$5,728,646
Charges for Service	10,599,129
Water Contracts (Amherst/Bedford/Campbell/Industrial)	2,744,836
Interest and Other	282,211
Total	<u>\$19,354,822</u>

WATER FUND EXPENDITURES

Operations	\$9,225,072
Debt Service	3,685,632
Transfer to Water Capital Fund	800,000
Ending Balance	5,644,118
Total	<u>\$19,354,822</u>

SEWER FUND INCOME

Beginning Balance	\$10,144,844
Charges for Services	16,737,214
Sewer Contracts (Amherst/Bedford/Campbell/Industrial)	2,832,536
Interest and Other	159,722
Total	<u>\$29,874,316</u>

SEWER FUND EXPENDITURES

Operations	\$9,287,993
Debt Service	8,616,567
Capital Outlay	175,209
Transfer to Sewer Capital Fund	1,500,000
Ending Balance	10,294,547
Total	<u>\$29,874,316</u>

STORMWATER FUND INCOME

Beginning Balance	\$239,663
Charges for Services	3,120,000
Transfer from General Fund	650,000
Miscellaneous	12,000
Total	<u>\$4,021,663</u>

STORMWATER FUND EXPENDITURES

Operations	\$3,119,072
Transfer to Capital Fund	750,000
Ending Balance	152,591
Total	<u>\$4,021,663</u>

ASSET FORFEITURE FUND INCOME

Beginning Balance	\$66,658
Revenue	0
Total	<u>\$66,658</u>

ASSET FORFEITURE FUND EXPENDITURES

Operations	\$0
Ending Balance	66,658
Total	<u>\$66,658</u>

COMPREHENSIVE SERVICES ACT FUND INCOME

Beginning Balance	\$329,544
Miscellaneous	110,000
Transfer from General Fund	1,238,852
Lynchburg City School Transfer	196,541
Revenue from the Commonwealth	3,517,468
Total	<u>\$5,392,405</u>

COMPREHENSIVE SERVICES ACT FUND EXPENDITURES

Operations	\$5,062,861
Ending Balance	329,544
Total	<u>\$5,392,405</u>

HOME FUND INCOME

Beginning Balance	\$0
Federal Entitlement	269,647
Total	<u>\$269,647</u>

HOME FUND EXPENDITURES

Operations	\$269,647
Ending Balance	0
Total	<u>\$269,647</u>

LYNCHBURG BUSINESS DEVELOPMENT CENTRE INCOME

Beginning Balance	\$125,385
Revenue	0
Total	<u>\$125,385</u>

LYNCHBURG BUSINESS DEVELOPMENT CENTRE EXPENDITURES

Operations	\$0
Ending Balance	125,385
Total	<u>\$125,385</u>

LEAF FUND INCOME

Beginning Balance	\$200,135
Pledges/Donations	0
Total	<u>\$200,135</u>

REGIONAL JUVENILE DETENTION CENTER FUND INCOME

Beginning Balance	\$95,797
Charges for Services	1,676,322
Intergovernmental	1,140,120
Total	<u>\$2,912,239</u>

RISK MANAGEMENT FUND INCOME

Beginning Balance	\$2,563,505
Charges for Services	907,034
Interest	35,000
Subrogation	25,000
Total	<u>\$3,530,539</u>

SPECIAL WELFARE FUND INCOME

Beginning Balance	\$39,680
Donations and Restitutions	68,450
Interest	2,000
Revenue from the Commonwealth	8,500
Total	<u>\$118,630</u>

TECHNOLOGY FUND INCOME

Beginning Balance	\$1,363,710
Use of Money & Property	15,000
Transfer from General Fund	625,705
Total	<u>\$2,004,415</u>

CITY/FEDERAL/STATE AID FUND INCOME

Beginning Balance	\$0
Revenue from the Federal Government	2,026,601
Revenue from the Commonwealth	829,113
Other	83,944
In-Kind	23,706
Transfer from General Fund	11,720
Total	<u>\$2,975,084</u>

COMMUNITY DEVELOPMENT BLOCK GRANT INCOME

Beginning Balance	\$0
Federal Entitlement	607,179
Program Income	2,030
Total	<u>\$609,209</u>

LEAF FUND EXPENDITURES

Operations	\$0
Ending Balance	200,135
Total	<u>\$200,135</u>

REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES

Operations	\$2,628,558
Debt Service	183,681
Ending Balance	100,000
Total	<u>\$2,912,239</u>

RISK MANAGEMENT FUND EXPENDITURES

Operations	\$272,270
Insurance and Claims	685,333
Ending Balance	2,572,936
Total	<u>\$3,530,539</u>

SPECIAL WELFARE FUND EXPENDITURES

Operations	\$104,700
Ending Balance	13,930
Total	<u>\$118,630</u>

TECHNOLOGY FUND EXPENDITURES

Operations	\$698,930
Capital Outlay	97,000
Ending Balance	1,208,485
Total	<u>\$2,004,415</u>

CITY/FEDERAL/STATE AID FUND EXPENDITURES

Operations	\$2,975,084
Ending Balance	0
Total	<u>\$2,975,084</u>

COMMUNITY DEVELOPMENT BLOCK GRANT EXPENDITURES

Operations	\$609,209
Ending Balance	0
Total	<u>\$609,209</u>

Introduced:

Adopted:

Certified:

 Clerk of Council

M. BE IT RESOLVED that by majority vote the FY 2014 Capital Budget is hereby adopted and said funds be appropriated from the funds and resources of the City of Lynchburg for the fiscal year beginning July 1, 2013 and ending June 30, 2014 in the total amount of \$20,300,606 for the City Capital Projects Fund, \$4,358,460 (including \$1,002,460 for school buses) for the School Capital Projects Fund, \$2,200,000 for the Airport Capital Projects Fund, \$3,471,254 for the Water Capital Projects Fund, \$4,800,000 for the Sewer Capital Projects Fund, and \$550,000 for the Stormwater Capital Projects Fund.

Introduced:

Adopted:

Certified:

Clerk of Council

N. BE IT RESOLVED that by majority vote in accordance with Section 15.2-1508 of the Code of Virginia, 1950, as amended, City Council authorizes, and subject to the availability of appropriated funds, the payment of monetary incentives, awards, and bonuses to City employees for exceptional services rendered by those employees. Such monetary incentives, awards, or bonuses may not exceed \$5,000 or five percent of the employee's annual salary, whichever is greater. Such incentives, awards, and bonuses may be offered and paid for such exceptional services as defined in the procedural directives issued by the City Manager or his/her designee, including, but not necessarily limited to, any or all of the following purposes:

- (1) Individual incentive awards,
- (2) Special recognition awards,
- (3) Outstanding performance awards, and
- (4) Cost savings or revenue generating suggestion awards.

The Director of Human Resources shall administer the incentive award and bonus program. The types of incentives, awards, and bonuses and the types of exceptional services for which they may be granted; the amount of particular incentives, awards, and bonuses; and the selection criteria and process for particular incentives, awards, and bonuses shall be set forth in the procedural directives issued by the City Manager. The total amount paid in monetary incentives, awards, and bonuses shall not exceed \$60,000 annually.

Adopted:

Certified:

Clerk of Council

O. BE IT RESOLVED that by majority vote in accordance with Section 14.2 (b) 2 of the Code of Virginia, 1950, as amended, the personal property tax relief rate for the fiscal year beginning July 1, 2013 through June 30, 2014 shall be set at 46.65%.

Adopted:

Certified:

Clerk of Council