LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 1

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

ACTION: INFORMATION: **X**

ITEM TITLE: **City Credit Ratings and Bond Sale Results**

RECOMMENDATION: No action required.

SUMMARY: Attached are the Credit Rating Agency Reports related to the City's bond sale on April 27th. The City's ratings were affirmed as a strong AA with noted strong financial management and economic development.

General obligation bonds in the amount of $49,600,000 were sold to Fidelity Capital Markets with a Total Interest Calculation (TIC) of 2.547%.

The bond closing date is set for May 19, 2016.

PRIOR ACTION(S): April 12, 2016, Adoption of Bond Resolution by City Council

FISCAL IMPACT: Due to a favorable interest rate annual debt service costs will be slightly less than the $700,000 in the proposed budget. The savings will be proposed for inclusion in the debt service reserve.

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

ATTACHMENT(S): Ratings reports from Moody's, Fitch, and Standard & Poor's

REVIEWED BY: lkp

065K

MOODY'S INVESTORS SERVICE

CREDIT OPINION
19 April 2016

New Issue

Rate this Research

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Lynchburg, VA

New Issue - Moody's assigns Aa2 to Lynchburg VA's $49.6M GO Bonds Series 2016

Summary Rating Rationale

Moody's Investors Service has assigned a Aa2 rating to the City of Lynchburg's $49.6 million General Obligation Public Improvement and Refunding Bonds, Series 2016. Concurrently, we have affirmed the Aa2 rating on the city's $229 million of GO debt outstanding. The Aa2 rating reflects the city's stable and diverse tax base that is supported by the presence of multiple higher education institutions and a large regional health care facility. The rating also reflects the city's sound financial position and above average debt burden made manageable by comprehensive policies and self-supporting enterprise debt.

Credit Strengths

» Strong operating results driven by conservative management

» Sizable tax base stabilized by institutional presence

Credit Challenges

» Below average wealth levels

» Above average debt burden

Rating Outlook

Outlooks are generally not assigned to local government credits with this amount of debt outstanding.

Factors that Could Lead to an Upgrade

» Continued growth in tax base

» Increased reserve levels

» Reduction in debt burden

Factors that Could Lead to a Downgrade

» Sizeable decline in tax base

» Reduction in reserves

» Significantly increased debt burden

Key Indicators

Exhibit 1

Lynchburg (City of) VA	2011	2012	2013	2014	2015
Economy/Tax Base					
Total Full Value ($000)	$ 5,864,104	$ 5,888,731	$ 5,930,510	$ 5,945,181	$ 6,002,828
Full Value Per Capita	$ 76,707	$ 76,276	$ 76,613	$ 76,344	$ 75,849
Median Family Income (% of US Median)	79.7%	82.1%	82.1%	82.1%	82.1%
Finances					
Operating Revenue ($000)	$ 203,166	$ 207,769	$ 215,005	$ 220,116	$ 226,546
Fund Balance as a % of Revenues	23.1%	23.4%	23.0%	24.8%	23.5%
Cash Balance as a % of Revenues	26.6%	26.2%	24.3%	27.3%	26.3%
Debt/Pensions					
Net Direct Debt ($000)	$ 177,415	$ 162,999	$ 148,593	$ 124,263	$ 129,125
Net Direct Debt / Operating Revenues (x)	0.9x	0.8x	0.4x	0.6x	0.6x
Net Direct Debt / Full Value (%)	2.1%	2.0%	1.5%	2.1%	2.2%
Moody's - adjusted Net Pension Liability (3-yr average) to Revenues (x)	N/A	1.3x	1.4x	1.2x	1.2x
Moody's - adjusted Net Pension Liability (3-yr average) to Full Value (%)	N/A	4.6%	4.9%	4.6%	1.6%

Source: Moody's Investors Service

Detailed Rating Considerations

Economy and Tax Base: Regionally Important Local Economy Continues to benefit from Diversification and Strong Institutional Presence

The city's economic base is expected to remain stable given a diversified private employment base with ongoing investment and the presence of multiple higher education institutions and a large regional health care facility. A regional commercial center in central Virginia (Commonwealth of) (GO rated Aaa/stable), Lynchburg has experienced a moderate 2% average annual growth in full valuation over the last five years and is now fully valued at $6 billion. Continued growth is expected as diversification efforts continue. In fiscal 2015 private companies invested over $57.3 million in the city and created 287 jobs while commercial building permits totaled $80 million.

Expansion of existing businesses reflects the city's economic development strategy focused on encouraging firms already located in the city to remain and expand their facilities. These programs include the development of two publicly owned industrial parks, the creation of a small-business assistance center with loans and low-cost office space, and the use of various targeted incentives including subsidized land, infrastructure, and cash grants. The city has also invested in a variety of redevelopment projects designed to revitalize the downtown area by attracting new commercial tenants and residential housing. Downtown currently contains 760 apartment, lofts condos and downtown business have increased by 205% in 10 years with assessed value nearly doubling since 2004.

Lynchburg also benefits from a number of stabilizing higher education institutions and the health care industry. Centra Health (rated A2/stable), the city's largest employer with 6,100 employees, provides three health and rehabilitation centers within Lynchburg. The city also includes five colleges, with a combined enrollment approximating 24,388, including Liberty University (rated Aa3/stable), which has aggressive growth plans reportedly intended to expand its 12,000 student body to 20,000 over the next 10 years. Liberty University also recently underwent a large scale $600 million campus transformation. Approximately 31% of the city's population is full-time students. Lynchburg's wealth indicators were below average representing 68.3% of the state and 79.7% of the nation, while per capita income represents 67.2% of the state and 79.0% of the nation. It should be noted that the presence of a sizable student population tends to negatively skew wealth indices. Full value capita, at $77,084 also remains below state and national medians. The city's unemployment rate of 5.4% is slighty above the nation and above state medians.

This publication does not announce a credit rating action. For any credit ratings referenced in this publication, please see the ratings tab on the issuer/entity page on www.moodys.com for the most updated credit rating action information and rating history.

Financial Operations and Reserves - Strong Financial Operations with Sizable Reserves Despite One-Time Capital Transfer in Fiscal 2015

Lynchburg has a history of consistently solid reserve levels, with unassigned/undesignated General Fund balance averaging 18% of revenues over the last five years. Most recently, the city ended fiscal 2015 will a slight drop in total fund balance following a sizable $6.9 million transfer to the city's Capital Project Fund for one-time capital. Tax revenues were over-budget due to the positive performance of delinquent property, personal property, meals, and business license taxes. Total fund balance equaled $53 million or a sound 30% of revenues. The city's Schools Capital Project Fund totaled $4 million in fiscal 2015. Growth in economically sensitive revenues (meals, lodging and sales tax) along with business license taxes continue which positive growth annually since 2011. In fiscal 2015 sales tax grew by 8.4%, meals and lodging tax revenues grew by 4.8% and business license tax revenue increased by 1.7%, all reflecting a strengthening local economy.

The fiscal 2016 budget represents a 3.8% increase from the fiscal 2015 budget and includes $9.9 million in appropriated fund balance for capital projects which is consistent with City Council's adopted financial policies. Based on preliminary projections, the city expects to end fiscal 2016 with an approximate $4 million increase in General Fund balance. This anticipated increase in reserves is attributable to the positive performance of various local taxes including personal property, meals, and sales taxes, as well as conservative budgeting of expenditures.

LIQUIDITY

The city's liquidity position remains strong with net cash as a percent of revenues of averaging more than 25% for the last five fiscal years. Fiscal 2015 cash totaled $49 million or 27.9% of revenues.

Debt and Pensions: Above Average Debt Burden Expected to Remain Manageable

The city's debt burden is expected to remain manageable in the near-term despite additional borrowing plans given anticipated enterprise support for a significant portion of current and future long-term debt. The city's direct debt burden is an above average 2.6% of full valuation and net of approximately $101 million in enterprise debt due to the self-supporting nature of the city's water and sewer systems. The city's Revenue Supported Debt policy requires that enterprise funds meet a debt service coverage ratio of at least 1.2 times.

A substantial portion of sewer debt has been issued to comply with the city's combined sewer overflow (CSO) special order requirements. Management indicates that it will continue to raise rates to comply with the special order and to fund additional debt service. The city's $180 million five-year Capital Improvement Plan (2016-2021) primarily consists of $76.5 million in transportation projects, $22.6 million in sewer projects and $16.8 million in water projects. Approximately $34 million of the Capital Improvement Plan will be funded with additional GO bonds, $10.5 million of water bonds that are expected to be self supporting, while the remainder of the plan will be funded with pay go, low-interest state loans and state grants. Debt service represented a modest 8.1% of operating expenditures in fiscal 2015.

DEBT STRUCTURE

All of the city's debt is fixed rate.

DEBT-RELATED DERIVATIVES

The city is not party to any derivative agreements.

PENSIONS AND OPEB

The city and the city school board participate in the Virginia Retirement System defined benefit pension plan administered by the Commonwealth of Virginia (GO rated Aaa/stable) The city contributed 100% of its ARC for both of its pension plans in fiscal 2015. The city's combined adjusted net pension liability, under Moody's methodology for adjusting reported pension data, is $234 million or 1.07 times operating revenues. Moody's uses the adjusted net pension liability to improve comparability of reported pension liabilities. The adjustments are not intended to replace the city's reported liability information, but to improve comparability with other rated entities. We determined the city's share of liability for the state-run plans in proportion to its contributions to the plans.

The city and school board also provide Other Post-Employment Benefits (OPEB) to employees. The city contibuted 98.5% of its OPEB ARC in fiscal 2015 and 77.5% of the school board's OPEB ARC.

Management and Governance

Lynchburg has strong management including sound policies covering fund balance and reserves, debt, and capital planning. Virginia cities have an institutional framework score of "Aaa," or very strong. City revenues are highly predictable as the majority come from property taxes. Revenue raising ability is high because cities have the ability to increase property tax rates annually, without limit. Expenditures, which are primarily for educational costs, are highly predictable and cities have a strong legal ability to reduce costs quickly if needed given a modest fixed cost burden and no collective bargaining units.

Legal Security

The bonds are secured by the city's general obligation unlimited tax pledge.

Use of Proceeds

$17 million of new money proceeds will fund various general fund capital projects, $12.6 million of new money proceeds will fund various water sewer projects (debt service is expected to be self-supporting). Additional proceeds will be used to refund various outstanding maturities for an expected net present value savings above 3% without extending debt maturity.

Obligor Profile

Located in central Virginia (GO rated Aaa/stable) approximately 70 miles south of Charlottesville (rated Aaa/stable), Lynchburg acts as a commercial center for the region. The city is home to five higher education institutions, including Liberty University (rated Aa3/stable), the largest private university in the Commonwealth.

Methodology

The principal methodology used in this rating was US Local Government General Obligation Debt published in January 2014. Please see the Ratings Methodologies page on www.moodys.com for a copy of this methodology.

Ratings

Exhibit 2

Lynchburg (City of) VA

Issue	Rating
General Obligation Public Improvement and Refunding Bonds, Series 2016	Aa2
Rating Type	Underlying LT
Sale Amount	$49,600,000
Expected Sale Date	04/29/2016
Rating Description	General Obligation

Source: Moody's Investors Service

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MOODY'S
INVESTORS SERVICE

Lynchburg, Virginia

General Obligation Bonds

New Issue Report

Ratings

New Issue	
Public Improvement and Refunding Bonds, Series 2016	AA+
Outstanding Debt	
General Obligation Bonds	AA+

Rating Outlook

Stable

Related Research

Fitch Rates Lynchburg VA's GOs 'AA+'; Outlook Stable (April 2016)

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New Issue Details

Sale Information: $49,600,000 Public Improvement and Refunding Bonds, Series 2016, expected to sell competitively on April 27.

Security: Payable by Lynchburg's pledge of its full faith, credit and taxing power.

Purpose: Fund various public improvement projects and to refund and defease certain outstanding GO bonds of the city.

Final Maturity: Dec. 1, 2038.

Key Rating Drivers

Strong Revenue and Expenditure Control: The rating reflects the city's strong control of revenues and expenditures and strong budget management, which produced healthy reserves. The city's long-term liability burden is manageable.

Economic Resource Base: The city of Lynchburg is located along the James River in central Virginia, roughly 50 miles east of Roanoke. The city has exhibited steady growth in population at an average annual rate of 1.5% since the 2000 U.S. Census, which is faster than that of the state and the nation; the 2014 population is estimated at 79,047.

Revenue Framework: 'aaa' factor assessment. The city's revenue stream is diverse, and its largest source, property taxes, has no legal limit. General fund revenues have historically grown on par with the national economy and Fitch expects that they will continue on this path.

Expenditure Framework: 'aaa' factor assessment. The city proactively manages budgets and maintains ample cost-cutting ability.

Long-Term Liability Burden: 'aa' factor assessment. The liability burden is moderate and expected to remain so. The city's liabilities are primarily in the form of direct debt, which is manageable due to prudent debt policies including the wide use of pay-as-you-go capital funding.

Operating Performance: 'aaa' factor assessment. The city's healthy financial reserves are well in excess of their 10% policy and, in conjunction with the city's superior ability to adjust revenues and spending, leave the city very well positioned to address cyclical declines.

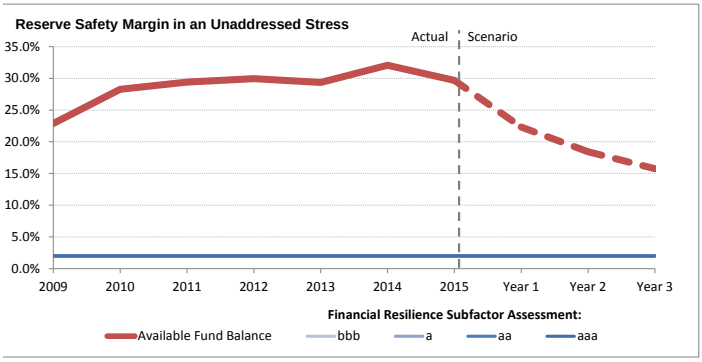
Rating Sensitivities

Reserves Provide Sound Financial Cushion: The rating is sensitive to shifts in fundamental credit characteristics, including the county's strong financial management practices and healthy reserve levels. The Stable Rating Outlook reflects Fitch's expectation that such shifts are unlikely.

Lynchburg (VA)

Scenario Analysis

v. 1.04 2016/03/31



Analyst Interpretation of Scenario Results:

The city's financial resilience comes from a combination of expenditure cutting and revenue raising flexibility and maintaining a strong reserve cushion. An unaddressed moderate economic decline scenario shows an operating reserve cushion that Fitch judges to be consistent with an 'aaa' financial resilience assessment. Moreover, Fitch expects that in the event of such an actual revenue decline of this magnitude the city would maintain reserves at a significantly higher level through active expenditure management.

Scenario Parameters:	Year 1	Year 2	Year 3
GDP Assumption (% Change)	-1.0%	0.5%	2.0%
Expenditure Assumption (% Change)	2.0%	2.0%	2.0%
Revenue Output (% Change)	-1.0%	2.0%	3.2%
Inherent Budget Flexibility	Superior		

Revenues, Expenditures, and Fund Balance	Actuals							Scenario Output		
	2009	2010	2011	2012	2013	2014	2015	Year 1	Year 2	Year 3
Total Revenues	155,371	157,124	159,184	162,666	169,308	173,619	176,616	174,849	178,374	184,149
% Change in Revenues	-	1.1%	1.3%	2.2%	4.1%	2.5%	1.7%	-1.0%	2.0%	3.2%
Total Expenditures	150,534	152,522	149,627	149,852	158,463	158,787	167,290	170,636	174,049	177,530
% Change in Expenditures	-	1.3%	-1.9%	0.2%	5.7%	0.2%	5.4%	2.0%	2.0%	2.0%
Transfers In and Other Sources	6,450	14,017	17,152	283	4,148	62	23,561	23,325	23,795	24,566
Transfers Out and Other Uses	8,674	10,054	26,589	11,695	13,982	10,162	34,021	34,702	35,396	36,103
Net Transfers	-2,224	3,963	-9,437	-11,412	-9,834	-10,100	-10,461	-11,377	-11,600	-11,538
Bond Proceeds and Other One-Time Uses	0	5,873	16,419	0	4,130	0	22,648	0	0	0
Net Operating Surplus(+)/Deficit(-) After Transfers	2,613	8,565	120	1,402	1,011	4,732	-1,135	-7,163	-7,275	-4,918
Net Operating Surplus(+)/Deficit(-) (% of Expend. and Transfers Out)	1.6%	5.5%	0.1%	0.9%	0.6%	2.8%	-0.6%	-3.5%	-3.5%	-2.3%
Available Fund Balance (General Fund)	36,459	44,287	47,001	48,403	49,414	54,146	53,011	45,848	38,573	33,655
Other Available Funds (Analyst Input)	0	0	0	0	0	0	0	0	0	0
Combined Available Funds Balance (GF + Analyst Input)	36,459	44,287	47,001	48,403	49,414	54,146	53,011	45,848	38,573	33,655
Combined Available Fund Bal. (% of Expend. and Transfers Out)	22.9%	28.3%	29.4%	30.0%	29.4%	32.0%	29.7%	22.3%	18.4%	15.8%

Reserve Safety Margins	Inherent Budget Flexibility				
	Minimal	Limited	Midrange	High	Superior
Reserve Safety Margin (aaa)	16.0%	8.0%	5.0%	3.0%	2.0%
Reserve Safety Margin (aa)	12.0%	6.0%	4.0%	2.5%	2.0%
Reserve Safety Margin (a)	8.0%	4.0%	2.5%	2.0%	2.0%
Reserve Safety Margin (bbb)	3.0%	2.0%	2.0%	2.0%	2.0%

Notes: Scenario Analysis represents an unaddressed stress on issuer finances. Fitch's downturn scenario assumes a -1.0% GDP decline in the first year, followed by 0.5% and 2.0% GDP growth in Years 2 and 3, respectively. Expenditures are assumed to grow at a 2.0% rate of inflation. Inherent budget flexibility is the analyst's assessment of the issuer's ability to deal with fiscal stress through tax and spending policy choices, and determines the multiples used to calculate the reserve safety margin. For further details, please see Fitch's US Tax-Supported Rating Criteria.

Rating History

Rating	Action	Outlook/ Watch	Date
AA+	Affirmed	Stable	4/21/2016
AA+	Revised	Stable	4/30/2010
AA	Assigned	Stable	5/27/2004

Applicable Criteria

U.S. Tax-Supported Rating Criteria (April 2016)

Credit Profile

Diversifying Economy

Lynchburg's historically strong manufacturing and distribution base remains important to the local economy, although the city has expanded to become a regional hub for higher education, health services, industrial engineering, and retail activity. Education and health are the largest employment sectors in the city, which includes five higher education institutions.

General Fund Financial Summary

($000, Audited Fiscal Years Ended June 30)

	2013	2014	2015
Property Tax	71,016	74,253	72,473
Sales Tax	13,590	13,842	21,027
Other Tax	37,831	37,142	34,270
Total Tax	**122,437**	**125,237**	**127,771**
Licenses & Permits	991	1,068	1,000
Fines & Forfeits	726	634	637
Charges For Services	9,950	10,556	10,751
Intergovernmental	33,669	34,333	34,604
Other Revenue	1,535	1,791	1,853
Total General Fund Revenues	**169,308**	**173,619**	**176,616**
General Government	21,058	19,163	20,995
Public Safety	42,026	42,455	44,421
Public Works	15,548	16,403	14,601
Health & Social Services	18,905	19,184	19,826
Culture & Recreation	7,561	7,480	8,558
Educational	35,308	35,709	36,390
Debt Service	14,553	14,109	17,680
Other	3,504	4,284	4,819
Total General Fund Expenditures	**158,463**	**158,787**	**167,290**
Operating Surplus	10,845	14,832	9,326
Transfers In	18	5	23,148
Other Sources	4,130	57	412
Transfers Out	9,852	10,162	34,021
Other Uses	4,130	0	0
Net Transfers & Other	(9,834)	(10,100)	(10,461)
Net Operating Surplus/(Deficit) After Transfers	**1,011**	**4,732**	**(1,135)**
Total Fund Balance	49,414	54,146	53,011
Total Fund Balance as % of Spending (Adjusted for Bond Proceeds and Other One-Time Uses)	29.4	32.1	29.7
Unrestricted Fund Balance	49,414	54,146	53,011
Unrestricted Fund Balance as % of Spending (Adjusted for Bond Proceeds and Other One-Time Uses)	29.4	32.1	29.7

Notes: Unreserved Fund Balance: Pre GASB54. Unrestricted Fund Balance: Reflects GASB 54 Classifications: Sum of Committed, Assigned, and Unassigned. Numbers may not add due to rounding.
Source: Lynchburg, Lumesis, and Fitch.

Growth potential for the higher education sector is promising at the largest institution, Liberty University. The large number of students in the city contributes to the below-average wealth

levels; median household income is 76% of the nation and just 61% of the state. The individual poverty rate is high at 25%.

Revenue Framework

The city's positive revenue framework assessment benefits from its diverse revenue stream, which includes a mix of property, sales and meals taxes and other non-tax revenue. Property taxes are the most significant source of general fund revenue at 42% and have grown on pace with total general fund revenues, producing year-over-year increases in all but the first year since the recession began.

General fund revenues have grown ahead of inflation and on par with national GDP over the last ten years without significant policy action. There is no limit to the property tax rate in the commonwealth of Virginia.

Expenditure Framework

The city maintains healthy expenditure flexibility with moderate spending associated with fixed carrying costs. School spending is the largest expenditure item for the city with enrollment numbers tracking similar to population growth. Spending is increasing generally along the lines of revenue growth and economic expansion.

The city maintains a significant level of expenditure flexibility due to the favorable workforce environment that prohibits labor contracts and gives management independent control of compensation and work rules. Carrying costs associated with debt service, actuarially determined pension payments and OPEB actual contributions total a manageable 13.6% of governmental spending.

Long-Term Liability Burden

The city's overall liability burden is moderate at 12.5% of personal income, primarily driven by debt, but also includes the unfunded portion of the pension.

Debt levels are moderately low with overall debt totaling 3.3% of full market value. Debt amortization is average with 53% scheduled for retirement within 10 years. Debt levels are not expected to increase in the near term as minimal new debt issuance is planned in the five year capital improvement plan (CIP) through 2020 for government and school projects and includes significant pay-as-you-go funding.

All city employees participate in the Virginia Retirement System (VRS), an agent and cost-sharing multiple employer-defined benefit pension plan administered by the commonwealth. The city's portion of the VRS is funded at 69% based on the most recent actuarial report, which makes reasonable assumptions including a 7% investment rate of return. The city makes the full actuarially determined contribution each year.

Debt Statistics

($000, Audited Fiscal Years Ended June 30)

Debt Statistics	
This Issue	49,600
Total Direct Debt — Net of Refunded	271,948
Self-Supporting Debt	77,081
Net Direct Debt	**194,867**
Overlapping Debt	0
Overall Debt	194,867
Debt Ratios	
Net Direct Debt Per Capita[a]	2,456
As % of Market Value[b]	3.3
Net Direct & Overlapping Debt Per Capita[a]	2,456
As % of Market Value[b]	3.3

[a]Population: 79,047 (2014). [b]Market value: $5,959,756,000 (fiscal 2016).
Source: Lynchburg (VA), Lumesis, and Fitch.

Operating Performance

The city's financial resilience comes from a combination of expenditure cutting and revenue raising flexibility and maintaining a strong reserve cushion. For details, see "Scenario Analysis," page 2.

The city practices conservative budgeting and added to reserves throughout the recession without postponing capital spending. Fiscal 2015's use of reserves for one-time capital spending was the first since fiscal 2007. Fitch expects the city to maintain reserves above its fund balance policy.

The city maintains a healthy financial cushion (30% of general fund expenditures and transfers out at fiscal 2015 year-end) that is well in excess of the city's unassigned fund balance policy, which requires reserves of no less than 10% of general fund revenue.

The ratings above were solicited by, or on behalf of, the issuer, and therefore, Fitch has been compensated for the provision of the ratings.

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STANDARD & POOR'S
RATINGS SERVICES
McGRAW HILL FINANCIAL

RatingsDirect®

Summary:

Lynchburg, Virginia; General Obligation

Primary Credit Analyst:
Danielle L Leonardis, New York (1) 212-438-2053; danielle.leonardis@standardandpoors.com

Secondary Contact:
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Table Of Contents

Rationale

Outlook

Related Criteria And Research

Summary:

Lynchburg, Virginia; General Obligation

Credit Profile		
US$50.0 mil GO bnds ser 2016 due 05/23/2036		
Long Term Rating	AA+/Stable	New
Lynchburg GO		
Long Term Rating	AA+/Stable	Affirmed
Lynchburg GO		
Unenhanced Rating	AA+(SPUR)/Stable	Affirmed

Many issues are enhanced by bond insurance.

Rationale

Standard & Poor's Ratings Services assigned its 'AA+' long-term rating to Lynchburg, Va.'s series 2016 general obligation (GO) public improvement and refunding bonds. At the same time, we affirmed our 'AA+' long-term rating and underlying rating (SPUR) on the city's existing GO debt. The outlook is stable.

A pledge of the city's full faith credit and resources and an agreement to levy ad valorem property taxes without limitation as to rate or amount secure these bonds.

We understand proceeds from this issue will be used to finance various city capital projects, which include projects for water and sewer purposes, as well as to refund a portion of outstanding GO debt.

The ratings reflect our assessment of the following factors for the city:

- Adequate economy, with projected per capita effective buying income at 74.1% and market value per capita of $76,734, that is gaining advantage from a local stabilizing institutional influence;
- Very strong management, with strong financial policies and practices under our Financial Management Assessment methodology;
- Strong budgetary performance, with a slight operating deficit, net of transfer, in the general fund but an operating surplus at the total governmental fund level in fiscal 2015;
- Very strong budgetary flexibility, with an available fund balance in fiscal 2015 of 36% of operating expenditures;
- Very strong liquidity, with total government available cash at 32.3% of total governmental fund expenditures and 3.4x governmental debt service, and access to external liquidity we consider strong;
- Weak debt and contingent liability position, with debt service carrying charges at 9.4% of expenditures and net direct debt that is 98.8% of total governmental fund revenue; and
- Very strong institutional framework score.

Adequate economy

We consider Lynchburg's economy adequate. The city, with an estimated population of 78,229, is located in Lynchburg City (Campbell County/Lynchburg combined area). The city benefits, in our view, from a stabilizing

institutional influence. The city has a projected per capita effective buying income of 74.1% of the national level and per capita market value of $76,734. Overall, the city's market value grew by 1% over the past year to $6 billion in 2015. The city unemployment rate was 5.9% in 2014.

The city anchors the Lynchburg/Campbell County combined metropolitan statistical area (MSA) and is located in the foothills of the Blue Ridge Mountains along the James River in the center of the commonwealth. Lynchburg is the employment and retail base of a four-county region and continues to be an employment hub with a significant number of people commuting in to the city for work. The city is mature, yet a healthy amount of redevelopment and expansion of existing businesses continues. Lynchburg continues to work with the Economic Development Authority (EDA) to promote future growth and redevelopment and has established several new initiatives to achieve these goals, including a local enterprise redevelopment program, and the establishment of a revolving loan fund. Recent economic development projects include: the redevelopment of the historic Virginian Hotel ($25 million investment), and various retail expansions, including the construction of The Fresh Market.

The health care, retail, higher education, and manufacturing sectors anchor the employment base. Leading employers include: Liberty University (8,000 employees), CENTRA Health (5,000+), AREVA (nuclear power, 1,500+), Lynchburg city schools (1,000+) and J.Crew Outfitters (1,000). In addition, within the city's boundaries are five higher education institutions, with Liberty University being the largest. Total enrollment accounts for 31% of Lynchburg's total population and, in our opinion, is a contributing factor to its lower wealth levels. Liberty University, recognized as the nation's largest private non-profit online educator, continues with its sizable campus renovation and expansion project. Construction is expected to continue through 2019, and as a result, the project has spurred additional development, primarily in retail. The city's tax base has remained relatively constant with assessed value (AV) increasing 2.4% since 2011 to $6 billion in 2015. Management expects AV to increase modestly over the next one to two years as the future economic development is added to the tax base.

Very strong management

We view the city's management as very strong, with strong financial policies and practices under our Financial Management Assessment methodology, indicating financial practices are strong, well embedded, and likely sustainable.

Lynchburg's fiscal and debt practices are based on a series of comprehensive policies that it adopted in 1999 and updated as necessary through a regular review process. The city uses five-year historical trend analysis, commonwealth and federal estimates and data projections, and economic forecasts to develop its annual revenue and expenditure assumptions. Management monitors the budget through formal processes, and it tracks revenues and expenditures daily and makes quarterly reports on the results to the city council based on adopted policy. Each mid-March, the city's financial management team makes formal recommendations for budget adjustments to the city council based on budgeted numbers compared with actual results.

A six-year capital improvement program (CIP) serves as the basis for annual capital appropriations and debt financing requirements; management updates the CIP annually with identified funding sources. On an informal basis, the city maintains a five-year long-term financial forecast for revenues and expenditures and includes certain assumptions. The city adheres to comprehensive formal debt management policies in planning and addressing its capital needs,

including:

- A policy that limits the city's debt service-to-budget to 10% of budgeted general expenditures,
- A limit on total debt to 4.5% of full market value,
- A principal amortization target of 60% over 10 years at the end of the five-year CIP, and
- The city's pay-as-you-go appropriations of at least 10% of the annual CIP.

The city has its own investment policy that it reviews annually with its financial advisor. Reports are made and shared with the city manager on a quarterly basis. However, investment reports are not shared with the council unless requested. The city recently adjusted and strengthened its long-adopted reserve policy, which calls for the maintenance of undesignated general fund balance at 10% of operating revenues.

Strong budgetary performance

Lynchburg's budgetary performance is strong in our opinion. The city had a slight deficit operating result, net of adjustments, in the general fund of 0.7% of expenditures, but a surplus result across all governmental funds of 4.7% in fiscal 2015.

Lynchburg's budgetary performance has been strong overall, in our view, benefitting from conservative budgeting practices. The city has a stable revenue stream with little exposure to volatile revenues. Property taxes accounted for 46% of general fund revenues, rising to over 72% when all local taxes, such as sales and use, meals, and business licenses are included. The city continues its historically conservative budgeting practices and generates surpluses, net of transfers annually, with the exception of fiscal 2015, as the city had increased capital costs relating to the construction of the new high school. Property tax rates have remained relatively unchanged over the past decade, increasing in fiscal 2013 to $1.11/$100 from $1.05/$100 in anticipation of funding school-related capital needs and remaining constant through fiscal 2016. Fiscal 2016, per management, is projected to close with a surplus as revenues are trending above budget while expenditures are on target with budget. The city's fiscal 2017 budget is currently being prepared, and is not expected to use any managed vacancies, so that fund balance should increase.

Very strong budgetary flexibility

Lynchburg's budgetary flexibility is very strong, in our view, with an available fund balance in fiscal 2015 of 36% of operating expenditures, or $64.2 million. The available fund balance includes $49.9 million (27.9% of expenditures) in the general fund and $14.3 million (8% of expenditures) that is outside the general fund but legally available for operations.

Audited fiscal 2015 general fund reserves were $49.9 million or 27.9% of expenditures after adjusting for transfers. In addition, when reserves outside the general fund are included, levels rise to $64.2 million or 36% of expenditures. These reserve levels are well above the city's formal policy of 10%. For fiscal 2016, management is projecting to close with a surplus, keeping reserves in line with prior years. As such, we do not expect the budget flexibility score to change in the near term.

Very strong liquidity

In our opinion, Lynchburg's liquidity is very strong, with total government available cash at 32.3% of total governmental fund expenditures and 3.4x governmental debt service in 2015. In our view, the city has strong access to external liquidity if necessary.

In our opinion, the city has strong access to external liquidity, as it has issued GO debt frequently over the past 20 years. The obligor has contingent liquidity risk exposures that we consider manageable at the current rating level. The exposures come from $10 million of debt sold directly to a bank facility. There are no acceleration provisions and the city maintains sufficient liquidity. In addition, the city does not hold any investments we deem aggressive.

Weak debt and contingent liability profile

In our view, Lynchburg's debt and contingent liability profile is weak. Total governmental fund debt service is 9.4% of total governmental fund expenditures, and net direct debt is 98.8% of total governmental fund revenue.

The city plans to issue approximately $23 million of additional debt over the next two years.

Lynchburg's combined required pension and actual other postemployment benefits (OPEB) contributions totaled 7.5% of total governmental fund expenditures in 2015. Of that amount, 5.7% represented required contributions to pension obligations, and 1.8% represented OPEB payments. The city made its full annual required pension contribution in 2015.

The city participates in the Virginia Retirement System (VRS) and makes 100% of annual required contributions (ARC). The combined ARC pension costs and OPEB pay-as you-go costs for fiscal 2014 totaled 7.5% of expenditures. We do not expect that these costs will increase substantially in the near term.

Very strong institutional framework

The institutional framework score for Virginia is very strong.

Outlook

The stable outlook reflects our view of Lynchburg's consistent financial performance and stable economy, which is supported by very strong budget flexibility, liquidity, and management. We do not expect to change the rating over our two-year outlook horizon, because we believe the city will maintain its very strong financial position and manage its debt burden.

Upside scenario

In our opinion, if the city were to experience significant improvements in overall economic indicators, and have them maintained, with all other factor averages being held constant, we may raise the rating.

Downside scenario

Conversely, if budgetary performance or debt and contingent liability were to decline, placing fiscal pressure on the city, we might lower the rating.

Related Criteria And Research

Related Criteria

- USPF Criteria: Local Government GO Ratings Methodology And Assumptions, Sept. 12, 2013
- USPF Criteria: Financial Management Assessment, June 27, 2006
- USPF Criteria: Debt Statement Analysis, Aug. 22, 2006

- USPF Criteria: Assigning Issue Credit Ratings Of Operating Entities, May 20, 2015
- Criteria: Use of CreditWatch And Outlooks, Sept. 14, 2009

Related Research

- S&P Public Finance Local GO Criteria: How We Adjust Data For Analytic Consistency, Sept. 12, 2013
- Incorporating GASB 67 And 68: Evaluating Pension/OPEB Obligations Under Standard & Poor's U.S. Local Government GO Criteria, Sept. 2, 2015
- Institutional Framework Overview: Virginia Local Governments

Certain terms used in this report, particularly certain adjectives used to express our view on rating relevant factors, have specific meanings ascribed to them in our criteria, and should therefore be read in conjunction with such criteria. Please see Ratings Criteria at www.standardandpoors.com for further information. Complete ratings information is available to subscribers of RatingsDirect at www.globalcreditportal.com. All ratings affected by this rating action can be found on Standard & Poor's public Web site at www.standardandpoors.com. Use the Ratings search box located in the left column.

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FY 2016 Bond Issue Results

City Council Work Session

May 10, 2016

Process

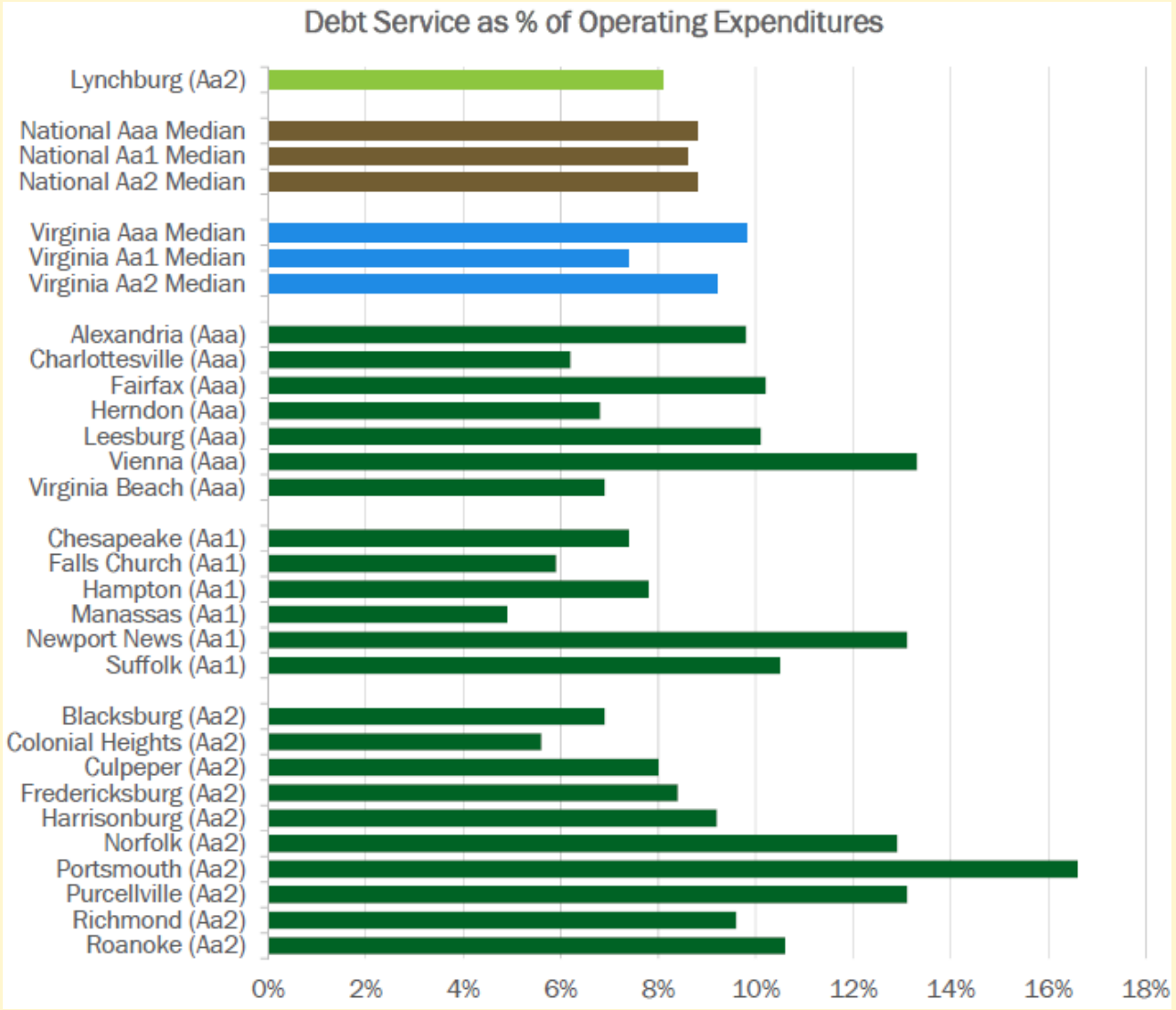
- April 14th and 15th, the City Manager, Deputy City Manager, Davenport staff and I met with staff from Moody's, Standard and Poor's and Fitch Credit Rating Agencies.
- Rating Reports were made public on April 20th.
- Sale Date was April 27th.
- Closing Date is May 19th.

Credit Ratings

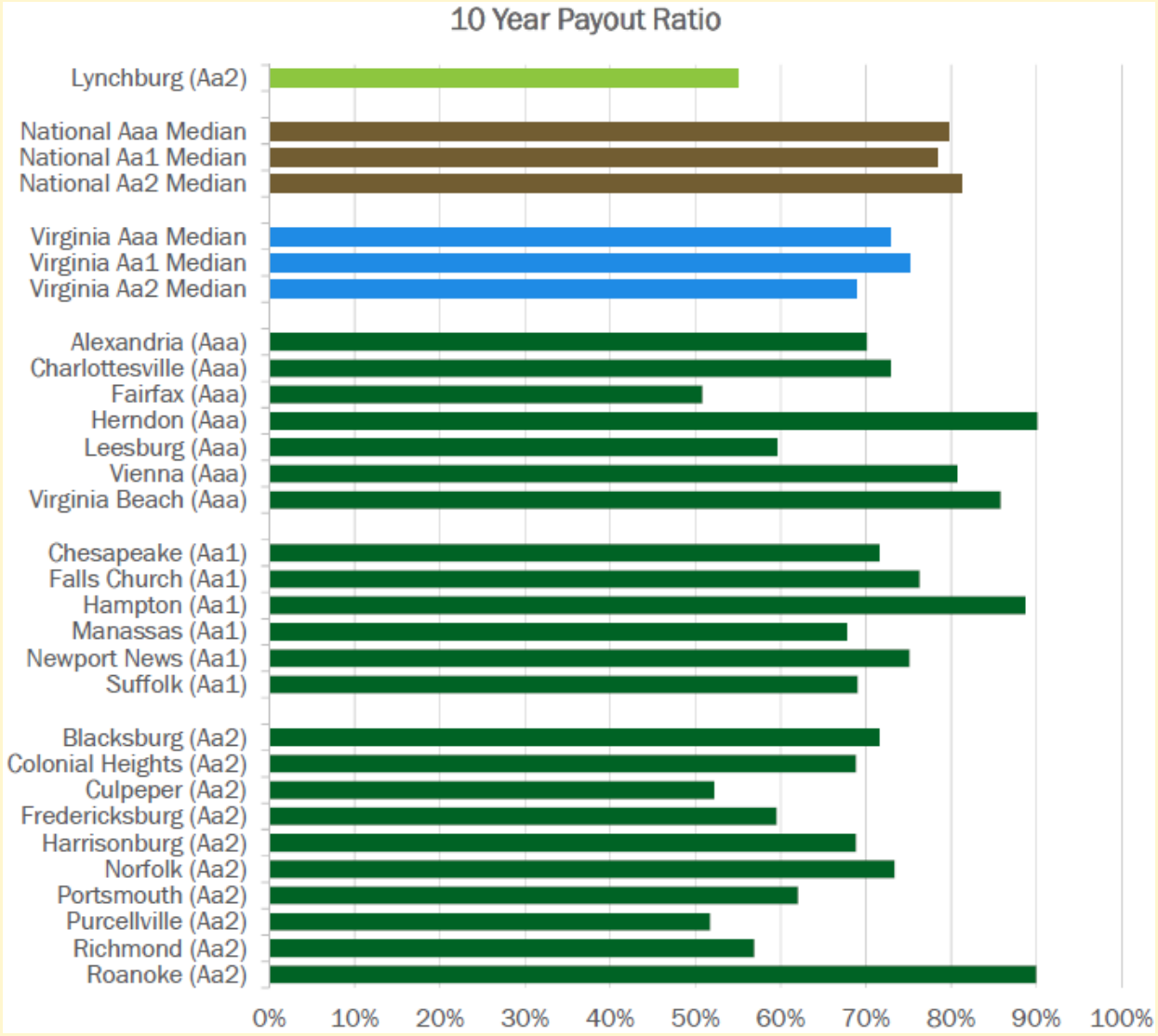
Agency	Moody's	S&P	Fitch
Rating	**Aa2**	**AA+**	**AA+**

- Each rating was Affirmed.
- Each Agency noted Strong Financial Management, Healthy Reserves, Strong Liquidity Position and Regionally Important Local Economy.
- Each Agency acknowledged Above Average Debt Burden but noted Debt is Manageable.

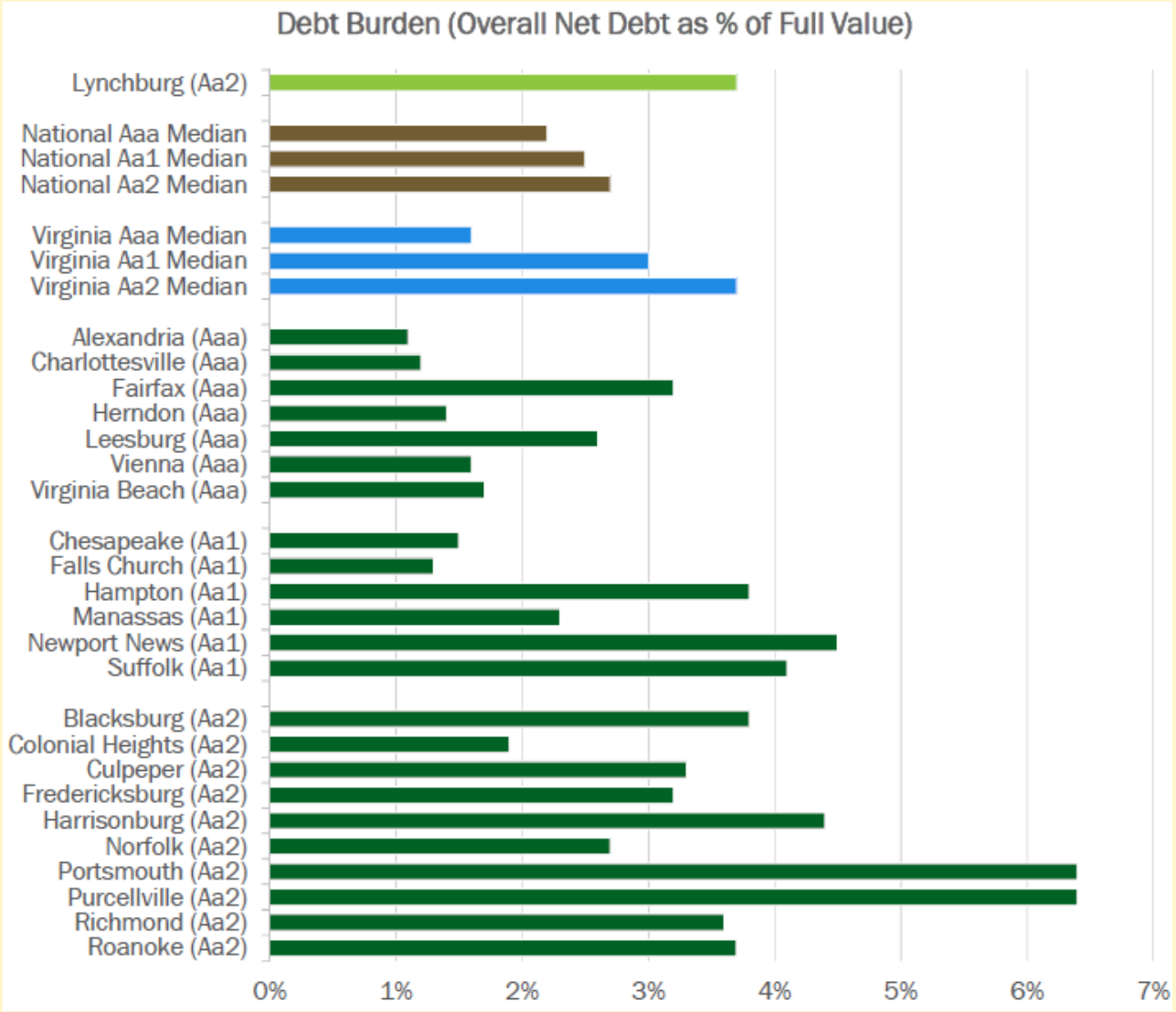
Lynchburg Debt Service Compared to Other Localities



Lynchburg Debt Service Compared to Other Localities



Lynchburg Debt Service Compared to Other Localities



Bid Results

Lynchburg
$46,600,000 General Obligation Public Improvement and Refunding Bonds, Series 2016

The following bids were submitted using ***PARITY***® and displayed ranked by lowest TIC.
Click on the name of each bidder to see the respective bids.

Bid Award*	Bidder Name	TIC
☐	Fidelity Capital Markets	2.547941
☐	Piper Jaffray	2.562246
☐	Wells Fargo Bank, National Association	2.580007
☐	SunTrust Robinson Humphrey	2.583635
☐	Robert W. Baird & Co., Inc.	2.599987
☐	Bank of America Merrill Lynch	2.612242
☐	Citigroup Global Markets Inc.	2.612248
☐	Mesirow Financial, Inc.	2.628031
☐	J.P. Morgan Securities LLC	2.667768

- Note: there is only .12% between the lowest and highest bids.
- The All-In True Interest Cost (TIC) for the New Money Pieces are as follows:

  General Fund – 2.53%

  Water Fund – 2.94%

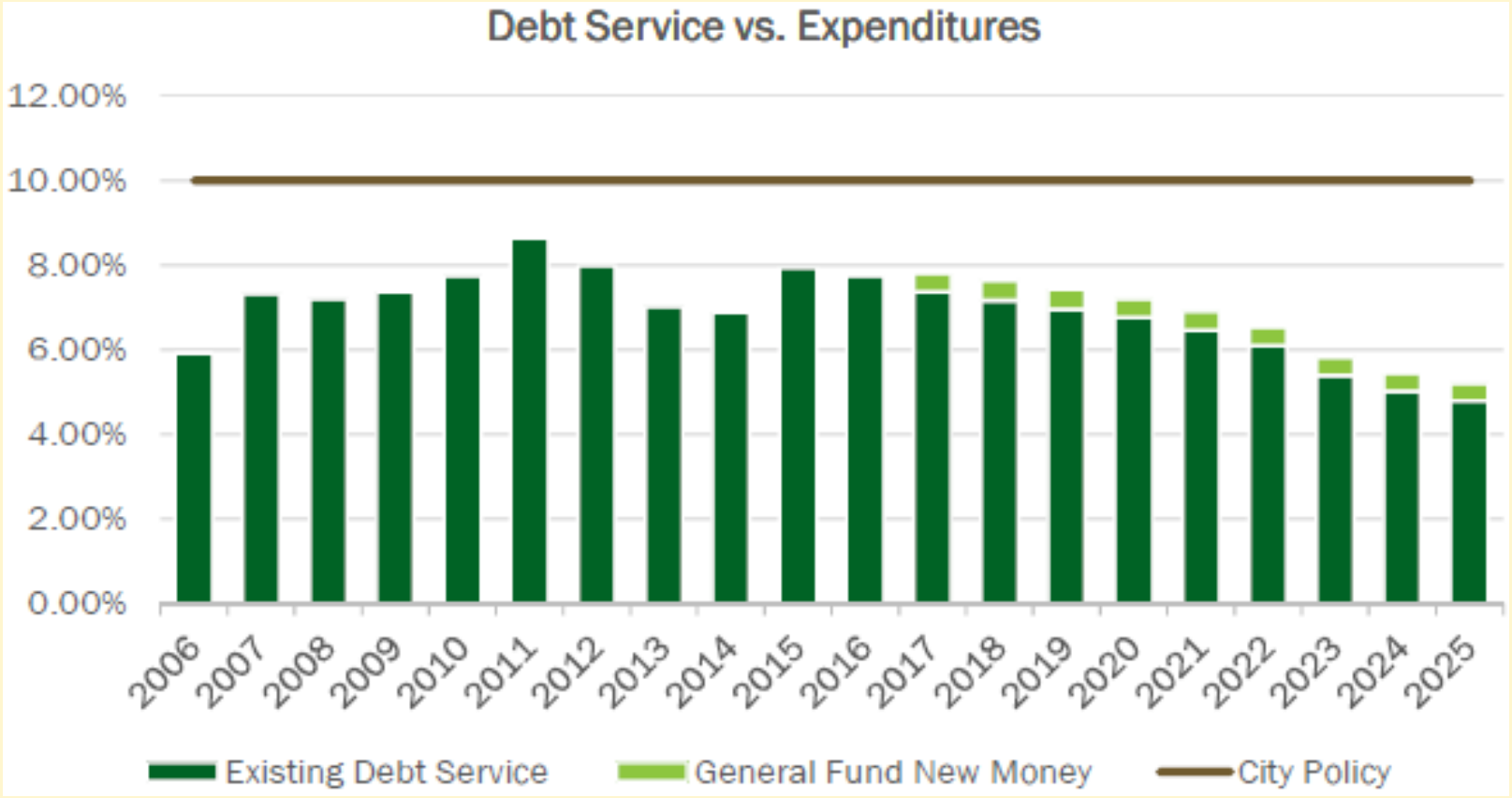
  Sewer Fund – 2.94%

Refunding of Series 2007 Bonds

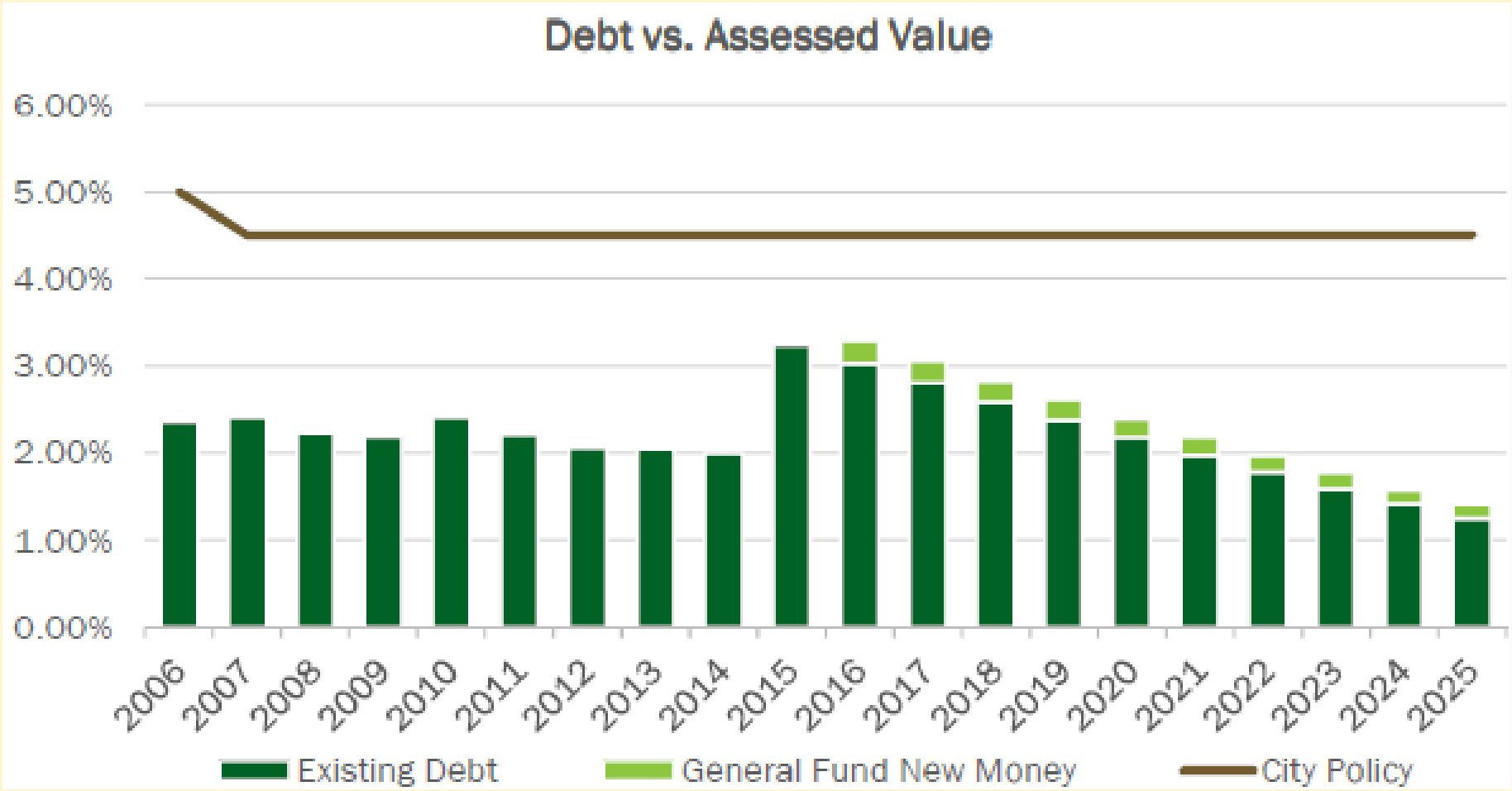
Verified Final Numbers

Dated Date	**5/19/2016**
Delivery Date	**5/19/2016**
Arbitrage yield	**2.437462%**
Escrow yield	**0.638669%**
Value of Negative Arbitrage	**467,600.94**
Bond Par Amount	**20,350,000.00**
True Interest Cost	**2.314858%**
Net Interest Cost	**2.462161%**
Average Coupon	**3.574987%**
Average Life	**10.692**
Par amount of refunded bonds	**21,390,000.00**
Average coupon of refunded bonds	**4.534910%**
Average life of refunded bonds	**10.600**
PV of prior debt to 05/19/2016 @ 2.437462%	**25,701,314.98**
Net PV Savings	**3,170,214.72**
Percentage savings of refunded bonds	**14.821013%**

Debt Service vs. Expenditures



Debt vs. Assessed Value



LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 2

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

ACTION: INFORMATION: **X**

ITEM TITLE: **Timberlake Rd. - Logan's Lane concept discussion**

RECOMMENDATION: For information only. Staff intends to proceed with this design unless directed otherwise.

SUMMARY: Per Council's request, an alternative configuration for the Timberlake- Logan's Lane-Route 501 off-ramp has been developed. The alternative configuration includes a roundabout at the off-ramp terminus with a connection to the credit union and adjacent residential area. The Schewel's parcel ties to Logans Lane between the roundabout and Timberlake Road. Permission is required from Schewels to relocate their entrance as shown on the concept. This concept is only viable because the City has approved the purchase of the 7001 Timberlake Road parcel making it available for road construction.

Per the traffic analysis performed by AECOM, a standard size roundabout is the preferred alternative is it provides superior traffic flow and safety compared to an all-way stop alternative. An all-way stop condition at the intersection of the off ramp and Logan's Lane, at the credit union entrance, is more economical to construct than the roundabout configuration. However, the all-way stop produces longer delays and poses a greater safety risk as traffic unfamiliar with the intersection could travel the wrong way onto the off ramp. Mini-roundabouts are typically used in urbanized areas with low approach speeds and restrictive right of way conditions, requiring trucks to traverse the center median. Due to the higher approach speeds and location of the ramp, the standard roundabout is the preferred alternative over the mini-roundabout.

VDOT's comments on the design regarding queue length are addressed in AECOM's traffic analysis. Neither the roundabout nor the all-way stop intersection back up traffic onto the Expressway. The queue from the signal at the intersection of Logans Lane and Timberlake does not back into the roundabout.

The roundabout alternative provides the best traffic flow, is safer than the all-way stop option and is more economical than the bridge option. Estimated construction cost is $3.1M for the roundabout option compared to $6.3M for the bridge alternative.

PRIOR ACTION(S):
- April 12, 2016, March 8, 2016-PDC review of revised concept with roundabout.
- January 12, 2016-Council approved purchase of the property at 7001 Timberlake Road
- March 10, 2015-PDC approved the conceptual bridge layout and authorized pursuing the purchase of the 7001 Timberlake Rd parcel.
- January 26, 2016, November 27, 2012, and May 10, 2011-Council approved applications for revenue sharing funds for this project.

FISCAL IMPACT: Total project cost is $5.4M with the new layout including design, land acquisition and construction. Funds for right of way acquisition are available as part of this revenue sharing project.

CONTACT(S): Maggie Cossman – City Transportation Engineer – 455-3935; Lee Newland – City Engineer – 455-3947; Gaynelle Hart – Public Works Director – 455-4406

ATTACHMENT(S): Off-ramp with roundabout concept; AECOM Traffic Analysis Report, dated April 2016

REVIEWED BY: lkp

066K

LOGANS LANE
ROADWAY IMPROVEMENTS
ROUNDABOUT ALTERNATIVE

AECOM

April 2016

Traffic Analysis Report
Logans Lane Improvements

City of Lynchburg, Virginia

Submitted to:
Maggie Cossman, P.E.
900 Church Street
Lynchburg, Virginia 24504

Prepared by:
AECOM
4840 Cox Road
Glen Allen, Virginia 23060

PROJECT OVERVIEW

The City of Lynchburg has requested that AECOM perform traffic analysis of two new Logans Lane ramp termini intersections. AECOM has conducted a variety of work on Logans Lane the past several years including traffic analysis and design work. The genesis of the AECOM work was an Interchange Modification Report (IMR) that began in 2013 and was last revised in May 2014. The basic premise of the IMR was to relocate the existing southeast U.S. Route 501 off-ramp to Timberlake Road so that the reconfigured ramp would align with Logans Lane. The preferred alternative from the May 2014 IMR was a conventional unsignalized 4-way intersection with two-way stop control; the U.S. Route 501 off-ramp would free-flow through this intersection. Following the IMR there were several iterations of the design and an alternative that included a small bridge became the preferred alternative. Because the bridge alternative is a more expensive alternative the City is considering two new alternatives: a three-way, all stop controlled alternative and a roundabout alternative.

The analysis contained in this report is based on traffic data contained in the May 2014 Logans Lane IMR. Specifically, the two alternatives were evaluated under AM and PM weekday peak hours in the 2037 design year. SimTraffic 9 was used to assess the delay and queue lengths for both alternatives. Ten (10) one hour SimTraffic simulations were run for each peak hour, they were then averaged to provide the final results. Sidra 6.1 was also used to assess the roundabout alternative because it is one of VDOT's preferred software tools for analyzing roundabouts. The traffic analysis data can be found in Appendix 1.

AECOM has been working with the City to develop design concepts for the two alternatives. The three-way all stop controlled alternative and the roundabout alternative layouts can be found in Appendix 2.

TRAFFIC ANALYSIS

The traffic analysis of the two proposed alternatives demonstrates that the roundabout alternative will provide shorter delays and shorter queue lengths than the all-way stop-controlled alternative. In particular, delays and queues are shorter on the southbound U.S. Route 501 off-ramp in the roundabout alternative. The all-way stop controlled alternative may cause minor impacts to the operations of U.S. Route 501 in the PM peak hour whereas the roundabout alternative should not have any impacts on operations of U.S. Route 501. Based on operations alone, the roundabout intersection is a better alternative than the all-way stop controlled intersection.

For the ultimate build condition, the IMR provided queue lengths at the signalized intersection of Logans Lane and Timberlake Road. The maximum queue length is 250' in the peak traffic condition (PM peak), shown in Table VII.41 on page 79 of the IMR. The distance from the exit of the proposed roundabout to the stop bar at the intersection of Logans Lane and Timberlake Road is 420'. Based on this data, the queue at the signalized intersection will not back up into the roundabout.

SAFETY

The roundabout alternative provides the safest mode of transportation for the travelling public. The roundabout geometry results in the traffic entering the roundabout with minimal conflict points and circulating at slow speeds. The diameter of the roundabout provides the necessary area for larger

trucks (WB-67) to traverse the roundabout safely. The truck turning movements (produced with the design software Auto-Turn) can be found in Appendix 3.

The all-way stop intersection would create an unfamiliar traffic condition for the general public. The northbound lane of Logans Lane would align with the Route 501 off-ramp , which would be a one-way lane. This could create confusion and result in traffic travelling the wrong direction on the off-ramp. The all-way stop condition does not allow the ability to make a u-turn. The all-way stop condition would also introduce left-turn movements which would decrease intersection safety with additional conflict points.

MINI-ROUNDABOUTS

A mini-roundabout was investigated and is not recommended at this location. Mini-roundabouts are typically used in urban environments with tight right-of-way situations with low approach speeds. The traffic volume and approach speed of the Route 501 off-ramp does not fit the typical mini-roundabout scenario. The small diameter of a mini-roundabout requires trucks to utilize the entire mini-roundabout to make left turns, using the traversable center island. The left turns across traffic and the smaller deflection entry angle would reduce driver safety.

AESTHETICS

The roundabout alternative can provide an attractive entry into the area from U.S. Route 501. Landscaping and decorative ornaments can be used to increase the aesthetic quality of the intersection.

CONCLUSION

In conclusion, AECOM recommends the roundabout alternative from both a traffic operations and safety standpoint. The roundabout alternative reduces delays, shortens queues, and increases safety for the travelling public.

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of April, 2016, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Nelson, Perrow, Gillette 5

Absent: Johnson, Tweedy 2

// Vice Mayor Johnson arrived at 4:13 p.m.

// Mayor Gillette asked that the following announcement be read into the record:

"Pursuant to Section 2.2-3712(B) of the Code of Virginia, the Lynchburg City Council will be holding closed meetings at undisclosed locations within the following fifteen days for the purpose of interviewing candidates for the position of City Manager."

// Mayor Gillette presented to the Procurement Department an Award they received for Excellence in Achievement 2015 from the Universal Public Procurement Certification Council.

// City Manager Kimball Payne provided information for balancing the FY 2017 Budget. Mr. Payne stated that during the Budget public hearing on April 5, 2016, there were questions about the City's tax rate compared to tax rates in other First Cities. Lynchburg's revenue rates were the highest out of all the First Cities. Lynchburg falls into the lower half and below the average in real property tax rates. In addition, the personal property tax is above average. The State uses these rates to determine the fiscal stress index, which is composed of three parts:

- Median household income
- Revenue capacity
- Revenue effort

The first item on the "List" is Business License Tax restructuring. During Council discussion there were several options that were considered and voted on:

Motion made by Council Member Perrow, seconded by Council Member Nelson that no Business License would be issued for $10,000 or less. This motion passed by a voice vote.

Motion made by Council Member Foster, seconded by Council Member Helgeson that the Business License fee structure for $100,001 to $150,000 would be charged a flat fee of $160.00. This motion passed by the following recorded vote:

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

Noes: 0

Absent: Tweedy 1

Motion made by Council Member Helgeson, seconded by Council Member Perrow, to add another tier to the Business License structure to raise the Business License fee for $150,001 to $200,001, this motion failed by a tie vote:

Ayes: Helgeson, Nelson, Perrow 3

Noes: Foster, Johnson, Gillette 3

Absent: Tweedy 1

Mr. Payne stated that the next steps would be to change the Code. The Code change would both eliminate the business license for $10,000 or less and establish a new tier for $160.00 for gross receipts up to $150,000.

The next item of discussion was the Community Handbook which Council agreed to retain in the Budget. This item comes off the "List" both as a revenue and expenditure.

The other items of Revenues were:

- Police – Reduce Concealed Weapon Permits – to reduce fee from $50.00 to $15.00. The $15.00 fee is what the State charges therefore, the City would receive no revenue from this fee. Council Member Perrow made the motion, seconded by Council Member Helgeson to reduce the concealed weapon permit fee from $50.00 to $30.00. This motion failed by the following recorded vote:

Ayes: Helgeson, Perrow	2
Noes: Foster, Johnson, Nelson, Gillette	4
Absent: Tweedy	1

The Assistant City Manager position was discussed, which was in the City Manager's Proposed Budget to fund this position. Council Member Helgeson made a motion, seconded by Council Member Foster to eliminate the Assistant City Manager position from the budget with cost savings of $118,000. Several Council Members were in favor not to eliminate this position. The motion is to eliminate the Assistant City Manager position from the Budget. This motion failed by the following recorded vote:

Ayes: Helgeson	1
Noes: Foster, Johnson, Nelson, Perrow, Gillette	5
Absent: Tweedy	1

Council Member Foster stated that she voted for the motion but pushed the incorrect button. Mayor Gillette stated, "let the record show that Council Member Helgeson and Council Member Foster voted in favor of the motion". This motion still failed.

The remaining items on the "List" will be discussed at the April 19, 2016 work session.

// During roll call Council Member Helgeson raised an issue about a business owner receiving notice about a $1,000 charge for pressure-washing his business.

// Vice Mayor Johnson mentioned a contingency fund to be readdressed during the next meeting for bonuses.

// City Council recessed the meeting at 6:06 p.m.

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

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Gillette	6
Absent: Tweedy	1

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

// Mayor Gillette presented a Proclamation of Recognition to the Lynchburg Public Library in recognition of its 50th Anniversary.

// Mayor Gillette recognized Vice Mayor Ceasor Johnson on receiving the Diamond Award in Leadership from the National League of Cities.

// Copies of the minutes of the March 22, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Johnson, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as amended:

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

// Copies of the minutes of the March 29, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Johnson, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

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

// Copies of the minutes of the April 5, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Johnson, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Fire – General, City Council Report #6 was considered. On motion of Council Member Johnson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-029 as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate $75,000 with resources from the 2015 State Homeland Security Program grant from the U.S. Department of Homeland Security to fund replacement of aged equipment for Technical Rescue Teams:

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

// Council Member Tweedy arrived at 7:42 p.m.

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #7 regarding the petition of Spring Hill Cemetery Association to vacate a portion of Rives Street, which is approximately forty (40) feet wide and extends approximately five-hundred forty (540) feet, between Gordon and James Streets. The portion proposed for vacation is approximately four-hundred ninety-six thousandths (.496) of an acre. Rachel Frischeisen, Planner I, provided a summary of the request to vacate a portion of Rives Street, between Gordon and James Streets. Mr. Eames Powers, representing

Spring Hill Cemetery Association spoke outlining the request and asking Council for approval. Two individuals spoke in support 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, Chair of the Physical Development Committee (PDC), stated that this item came before PDC, which recommended approval. This motion does not require a second. Council by the following recorded vote adopted Ordinance #O-16-030, as presented, approving the petition of Spring Hill Cemetery Association to vacate a portion of Rives Street, which is between Gordon and James Streets:

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

Noes: 0

// In the matter of City Code/Water - #31 and Sewer, a public hearing was held regarding City Council Report #8 regarding the adoption of an Ordinance to amend the City Code relating to Water and Sewer Rates. Director of Water Resources Tim Mitchell gave an overview of the changes relating to the Water and Sewer Rates. Mr. Mitchell stated that the recommended rate changes include a 4.9% increase in the water volume rate from $2.43 to $2.55 per hcf, 3.3% increase in the sewer volume rate from $5.83 to $6.02 per hcf and sewer only rate is recommended to increase from $47.18 to $48.51. Mr. Mitchell went on to say that these rate changes will go into effect July 1, 2016. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson stated he was concerned that citizens will be burdened again with an increase in the water and sewer rates. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #O-16-031, as presented, to amend the City Code relating to Water and Sewer Rates:

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

Noes: Helgeson 1

// In the matter of Budget, a public hearing was held regarding City Council Report #9 regarding amending the FY 2016 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure, and transfer adjustments. Director of Financial Services Donna Witt provided an overview of the FY 2016 Third Quarter Budget adjustments. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-16-032, as presented, amending the FY 2016 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure, and transfer adjustments:

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

Noes: 0

// In the matter of Bonds, a public hearing was held regarding City Council Report #10 regarding authorizing the issuance of and not to exceed $30,250,000 New General Obligation Public Improvement Bonds for City, Water, and Sewer Capital Projects; and the issuance of and not to exceed $24,250,000 General Obligation Public Improvement Refunding Bonds, Series 2014, and amending the FY 2016

General, Water, and Sewer Funds' Operating Budgets to provide appropriations totaling $400,000 with resources from the General Obligation Public Improvement Bonds, Series 2016 for costs associated with the issuance. City Manager Kimball Payne gave an overview of the proposed bond issuance to fund a number of capital projects in the General, Water and Sewer funds. There was no one else present who wished to speak to this item, and the public hearing was closed. After Council discussion, a motion was made by Council Member Johnson, seconded by Council Member Tweedy, to approve the $30,250,000 New General Obligation Improvement Bond. Council Member Helgeson offered a substitute motion, seconded by Council Member Perrow to remove $5.6 million from the list of capital projects that would be funded by the Bond issuance. Mayor Gillette called for a vote on the substitute motion to remove $5.6 million from the $30,250,000 Bond issuance. This motion failed by the following recording vote:

Ayes: Helgeson, Perrow 2

Noes: Foster, Johnson, Nelson, Tweedy, Gillette 5

Since the substitute motion failed, Mayor Gillette called for a vote on the original motion made by Council Member Johnson and seconded by Council Member Tweedy to approve the $30,250,000 New General Obligation Improvement Bond. Council by the following recorded vote adopted Resolution #R-16-033, as presented, authorizing the issuance of and not to exceed $30,250,000 New General Obligation Public Improvement Bonds for City, Water, and Sewer Capital Projects; and the issuance of and not to exceed $24,250,000 General Obligation Public Improvement Refunding Bonds, Series 2014:

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

Noes: Helgeson, Perrow 2

On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-034, as presented, amending the FY 2016 General, Water, and Sewer Funds' Operating Budgets to provide appropriations totaling $400,000 with resources from the General Obligation Public Improvement Bonds, Series 2016 for costs associated with the issuance.

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

Noes: 0

// Council Member Tweedy left the meeting at 8:41 p.m.

// In the matter of City Code, City Council Report #11 was considered. On motion of Council Member Nelson, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-16-035, as presented, to amend and reenact the Code of the City of Lynchburg, 1981, by adding new sections Numbered 25-200 through 25-200.8, relating to the operation of Golf Carts and Utility Vehicles on the Public Street:

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

Noes: 0

Absent: Tweedy 1

// In the matter of Economic Development – General, City Council Report #12 was considered. Council Member Perrow, Chair of the Physical Development Committee, (PDC) stated that this item came before

PDC, which recommended approval. This motion does not require a second. Council by the following recorded vote adopted Resolution #R-16-036, as presented, authorizing the City Manager to submit an application to the United States Department of Transportation (USDOT) for the Transportation Investment Generating Economic Recovery (TIGER) Grant:

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

// In the matter of Economic Development – General, City Council Report #13 was considered. City Manager Kimball Payne provided a summary of the request to approve an Agreement with the Academy Center of the Arts. Several Council Members had concerns with the City approving this Agreement. On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-16-037, as presented, approving an Agreement between the City, the Economic Development Authority and the Academy Center of the Arts:

Ayes: Foster, Johnson, Nelson, Gillette	4
Noes: Helgeson, Perrow	2
Absent: Tweedy	1

// In the matter of Public Works – General, City Council Report #14 was considered. On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-038, as presented, requesting Virginia Department of Transportation (VDOT) to increase the official City Street lane mileage for reimbursement of highway maintenance funds:

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

// The meeting was adjourned at 9:06 P.M.

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Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 19th day of April, 2016, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Gillette 5

Absent: Perrow, Tweedy 2

// Council Member Tweedy arrived at 4:15 p.m.

Mayor Gillette recognized Valeria Chambers on her Birthday April 19th.

// City Manager Kimball Payne stated Council would continue in balancing the FY 2017 Budget. Council Members continued with the revenue adjustments and expenditure adjustments that were left on the "List".

Revenues

- Other Local Taxes - Increase Amusement Tax by 1% (based on a 3 year average) - struck from the list.

Expenditures

- Communications and Marketing - Add Digital Media Specialist full time position – struck from the "List".
- Reduce proposed increase in City Contribution to Schools – struck from the "List".
- Eliminate funding for 25.5 New Local Funded Positions for Schools – struck from the "List".
- Sheriff's Office – Provide funding for Year 1 of 3 $l.00/hour pay increase for part-time and temporary Deputy Sheriffs – struck from the "List".

Discussion on the following items:

- Increase Amusement Tax by 1% from 7% to 8% (based on a 3-year average). Council Members discussed several options regarding the Amusement Tax. Motion made by Council Member Tweedy, seconded by Council Member Johnson to raise the Amusement Tax by 1%. The motion to raise the Amusement Tax failed by the following recorded vote:

  Ayes: Tweedy 1

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

  Absent: Perrow 1

- Add Digital Media Specialist full time position in Communications and Marketing. Council discussed this item. Motion made by Council Member Johnson, seconded by Council Member Foster to add the Digital Media Specialist position in the Budget which had not been recommended in the City Manager's Proposed Budget. This motion failed by a tie vote not to add the Digital Media Specialist position by the following recorded vote:

  Ayes: Foster, Johnson, Tweedy 3

  Noes: Helgeson, Nelson, Gillette 3

  Absent: Perrow 1

Council Members discussed the Schools two items which consist of reducing proposed increase in City contribution to Schools and eliminate funding for 25.5 new local funded positions. These items were discussed in detail with different options for the reduction of City contribution and elimination of the 25.5 school positions. Motion made by Council Member Johnson, seconded by Council Member Nelson to maintain the suggested flat funding for the Schools Budget of $617,390. This item was taken off the list. The motion passed by the following recorded vote:

Ayes:	Foster, Johnson, Nelson, Tweedy, Gillette	5
Noes:	Helgeson	1
Absent:	Perrow	1

Motion made by Council Member Johnson, seconded by Council Member Tweedy to fund the 25.5 positions for the Schools. The motion passed by the following recorded vote:

Ayes:	Foster, Johnson, Nelson, Tweedy, Gillette	5
Noes:	Helgeson	1
Absent:	Perrow	1

The Sheriff's Office item was discussed to provide funding for Year 1 of 3 - $1.00/hour pay increase for part-time and temporary Deputy Sheriffs. Council discussed several options to consider. A motion was made by Council Member Helgeson, seconded by Council Member Johnson to fund a pay increase of $3.00/hour. This motion failed by the following tie vote not to fund the pay increase of $3.00 for part-time and temporary Deputy Sheriffs.

Ayes:	Helgeson, Johnson, Nelson	3
Noes:	Foster, Tweedy, Gillette	3
Absent:	Perrow	1

Since the previous motion failed with a tie vote, a motion was made by Council Member Foster and seconded by Council Member Nelson to provide funding of $1.50/hour pay increase for part-time and temporary Deputy Sheriffs. This motion passed by the following recorded vote:

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

The remaining items on the "List" will be discussed at the April 26, 2016 work session.

// There were no roll call items.

// The meeting was adjourned at 6:05 P.M.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of April, 2016, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

Absent: Tweedy 1

// Mayor Gillette asked that the following announcement be read into the record:

"Pursuant to Section 2.2-3712(B) of the Code of Virginia, the Lynchburg City Council may be holding closed meetings at undisclosed locations within the following fifteen days for the purpose of continuing discussion regarding candidates for the position of City Manager."

// Mayor Gillette announced that he had received an invitation from our Sister City in Rueil-Malmaison, France to visit Lynchburg to celebrate the 20-year exchange between the two cities. Council agreed to host a visit from Rueil-Malmaison delegation sometime in late summer.

// Mayor Gillette read a proclamation observing Municipal Clerks Week, May 1 through May 7, 2016.

// Mayor Gillette recognized Kyna Thomas, CMC of the City of Lynchburg, who has earned the designation of Certified Municipal Clerk (CMC) which is awarded by the International Institute of Municipal Clerks, Inc.

// City Manager Kimball Payne stated that City Council is being asked to finalize the budget so that the appropriate resolutions can be prepared for the May 10 meeting. The items that were still on the "List" included the following:

- School Compensation – Provide funding for 2% General Fund Compensation Adjustment for 7 months including benefits (December 2016 – June 2017)
- School Compensation – Eliminate funding for Targeted Market Adjustments
- Greater Lynchburg Transit Company (GLTC)
- City Compensation – Provide funding for 2% General Fund Compensation Adjustment for 7 months including benefits (December 2016 – June 2017)
- City Compensation - Provide funding for $250 Employee Bonus (subject to withholding) including benefits
- City Compensation – Provide funding for $250 Employee Bonus (grossed up to $406) including benefits

The discussion began with the two items regarding school compensation for 2% pay raise and targeted market adjustments. Several solutions were suggested regarding the funds that were allocated for the 2% pay raise and the targeted market adjustments. Council Member Helgeson made a motion to reduce the City's contribution to the Schools by $800,000 and retain the other $800,000 for City purposes. Council Member Perrow seconded the motion. Several Council Members stated they would be voting against the motion to reduce allocation to the Schools. The motion failed by the following recorded vote:

Ayes: Helgeson 1

Noes: Foster, Johnson, Nelson, Perrow, Gillette 5

Absent: Tweedy 1

A discussion centered on a funding concept stated by Mayor Gillette to recognize and take advantage of

the additional State's contribution that had been placed in the Schools budget after it had been prepared to support compensation of $462,000 and reducing the total City funds compensation by $327,627. Mayor Gillette stated that the City could not afford to support the target market adjustment and also provide a 2% raise. Council Member Perrow made a motion to reduce the local funding by $327,627 to the Schools. Council Member Nelson seconded the motion. Council Member Johnson stated he would be voting against this motion to reduce the Schools' funding. The motion is to reduce the City Manager's recommended budget to the City Schools by $327,627. The motion passed by the following recorded vote:

Ayes: Foster, Helgeson, Nelson, Perrow, Gillette	5
Noes: Johnson	1
Absent: Tweedy	1

The Greater Lynchburg Transit Company (GLTC) was on the list to reduce the proposed increase in City contribution to GLTC by $281,767. Council discussed several items including fuel reduction and ridership. Council Member Helgeson made a motion, seconded by Council Member Perrow to reduce the City Manager's recommended increased allocation to GLTC by $131,767. Several Council Members stated they were not in favor of cutting the funding to GLTC. The motion is to reduce the allocation by $131,767. The motion failed by the following recorded vote:

Ayes: Helgeson	1
Noes: Foster, Johnson, Nelson, Perrow, Gillette	5
Absent: Tweedy	1

The last three items for discussion from Council is Compensation for City Employees. Council discussed five options regarding employee compensation. Council Member Foster made a motion, seconded by Council Member Johnson to provide a 2% pay increase for 6 months to City employees starting January 1, 2017. This motion passed by the following recorded vote:

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

City Manager Kimball Payne stated that the Budget Resolutions would be prepared to present to Council at the May 10, 2016 Council meeting.

// There were no roll call items.

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

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

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Gillette	6
Absent: Tweedy	1

Council Member Foster gave the Invocation, followed by the Pledge of Allegiance led by Boy Scout Troop 50.

// Mayor Gillette asked for a motion to add an item to the Consent Agenda. A motion was made by Council Member Perrow, seconded by Council Member Johnson to add the FY 2016 Third Quarter Adopted Budget item to the Consent agenda. Council by the following recorded vote agreed to add this item to the Consent agenda:

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

In the matter of Budget, Resolution #R-16-032 to amend the FY 2016 Third Quarter Adopted Budget and appropriate funds to implement revenue, expenditure, and transfer adjustments, laid over from the April 12, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Fire – General, Resolution #R-16-029 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate $75,000 with resources from the 2015 State Homeland Security Program grant from the U.S. Department of Homeland Security to fund replacement of aged equipment for Technical Rescue Teams, laid over from the April 12, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Bonds, Resolution #R-16-034 amending the FY 2016 General, Water, and Sewer Funds' Operating Budgets to provide appropriations totaling $400,000 with resources from the General Obligation Public Improvement Bonds, Series 2016 for costs associated with the issuance, laid over from the April 12, 2016 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution:

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

// In the matter of City Council, Kate Ruehle, president of the Mayor's Youth Council, spoke before Council regarding the upcoming Lighten' Up Lynchburg-5K Run/Walk to Fight Childhood Obesity and unveiled their new logo.

// In the matter of City Council/Region 2000, City Council Report #6 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted

Resolution #R-16-039, as presented, designating the City of Lynchburg as a Purple Heart Community and asking that area localities join the City in proclaiming Region 2000 as a Purple Heart Region:

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

// In the matter of Parks and Recreation – General, City Council Report #7 was considered. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-040, as presented, to approve a Space Use Agreement between the City of Lynchburg and the Boys and Girls Club of Greater Lynchburg to operate a year-round Boys and Girls Club Youth Program at the Jefferson Park Community Center for a three year period:

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

// In the matter of Economic Development – General, City Council Report #8 was considered. Council Member Perrow made the following statement. "My wife is on the Board of Amazement Square and is not compensated. It is a voluntary position; therefore, it does not constitute a conflict of interest and I will participate in the discussion and voting of this item."

On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-041, as presented, for an Industrial Revitalization Fund Application in support of Amazement Square's Education Center:

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

// On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for discussion of prospective candidates for the position of the City Manager, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended:

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

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

// Council Member Johnson made the following motion:

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

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

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

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

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

// The meeting was adjourned at 9:28 P.M.

_____
Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 7A

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Office of the Commonwealth's Attorney- Virginia Department of Criminal Justice Services FY 2016 Victim Witness Grant Program**

RECOMMENDATION: Adopt a resolution to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate $34,900 with resources from additional Federal funds received from a revised Virginia Department of Criminal Justice Services FY 2016 Victim Witness Grant Program award to fund employee compensation increases and updates to office space.

SUMMARY: The Office of the Commonwealth's Attorney is requesting approval to appropriate an additional $34,900 in Victim Witness Grant Funds to provide a 3% to 4% cost-of-living compensation increase for all Victim Witness staff. Typically, grant funded personnel are not included in any City and State pay increases. Additionally, a portion of the funds will be used to update the children's play area, victim reception areas, and staff offices. According to Grants Administration, through the Virginia Department of Criminal Justice Services, this increase in VOCA/Victim Witness monies will be replicated for the next five to six years.

This additional appropriation increases the total FY 2016 grant award from $232,667 to $267,567 ($209,400 in Federal funds and $58,167 in State funds).

PRIOR ACTION(S): Finance Committee – April 26, 2016

FISCAL IMPACT: There is no fiscal impact. In addition to the $34,900 (15%) increase in the Lynchburg Victim Witness Program funds received in FY 2016, the Victim Witness Grant Program funding is expected to increase another 36% in FY 2017 and an additional 2% in FY 2018. This level of funding is projected for the next five to six years.

CONTACT(S):
Donna Nash, Office/Grants Administrator, Office of the Commonwealth's Attorney, 455-3770
Michael Doucette, Commonwealth's Attorney, 455-3762

ATTACHMENT(S): Resolution; Copy of Revised FY 2016 Victim Witness Program Award and Revised Budget

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2016 City/Federal/State Aid Fund budget is amended and $34,900 is appropriated with resources from additional Federal funds received from a revised Virginia Department of Criminal Justice Services FY 2016 Victim Witness Grant Program award to fund employee compensation increases and updates to office space.

Introduced: Adopted:

Certified: _____
Clerk of Council

068K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 8

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

ACTION: **X** INFORMATION:

ITEM TITLE: Public Hearing - School Board Appointments

RECOMMENDATION:

Conduct a public hearing to receive citizen input 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 applicant who names have been considered at a public hearing. Following the public hearing City Council may either conclude the public hearing or continue 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 14 or June 28 meetings.

Attached is a sheet indicating which current members are eligible for reappointment and who is 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): List of volunteers

REVIEWED BY: lkp

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School Board Appointment List –
May 10, 2016

Current School Board Members to be Reappointed/Replaced.
Mary Ann Hoss, School District 1 (Not eligible to serve again)
Jettie Marie Waller, School District 2 (Not willing to serve again)
Michael Nilles, School District 3 (Willing to serve again)

CURRENT VOLUNTEERS

SCHOOL DISTRICT 1 -
Tracy Baker

SCHOOL DISTRICT 2 –
Gregory M. Crivello
James W. Tolbert

SCHOOL DISTRICT 3-
Desmond Mosby
Tiffany Jefferson Tullock

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 9

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Public Hearing Regarding the Fiscal Year (FY) 2017 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 2017 Annual Action Plan and adopt a resolution approving the FY 2017 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 2015-2020 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 11 a public notice was published in *The News and Advance* stating that a draft of the proposed Program Year 2016 (FY 2017) Annual Action Plan was available for public review for a 30-day public comment period. The public comment period began on April 11 and will conclude on May 10. The advertisement for the Annual Action Plan included the projects recommended by City Council at the March 22 meeting. On April 25 another public notice was published in *The News and Advance* stating that City Council would be conducting a public hearing on May 10 to receive public comments regarding the Program Year 2016 (FY 2017) Annual Action Plan.

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.

PRIOR ACTION(S): March 22, 2016: Public Hearing to receive comments from the recommendations of the Community Development Advisory Committee (CDAC) and City Council's Project Allocations of the Community Development Block Grant and HOME Program Funds

FISCAL IMPACT: N/A

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

ATTACHMENT(S): Fiscal Year 2017 Draft Annual Action Plan Narrative

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program Fiscal Year 2017 Annual Action Plan is hereby approved for submittal to the Department of Housing and Urban Development (HUD).

Adopted:

Certified: _____
Clerk of Council

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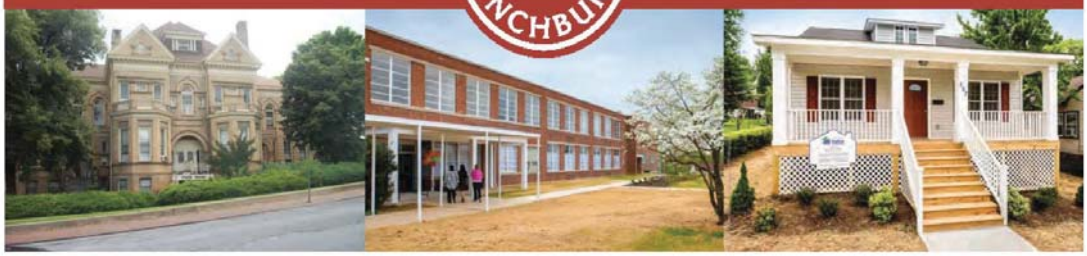

ANNUAL ACTION PLAN

Program Year 2016 • Fiscal Year 2017

Annual Action Plan • July 1, 2016 – June 30, 2017

Executive Summary

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

1. Introduction

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

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

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

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

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

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Structure of the Plan

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

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

2. Summarize the objectives and outcomes identified in the Plan

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

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

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

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

- Improve Availability/Accessibility
- Improve Affordability
- Improve Sustainability

Activities funded in the five year plan and each annual action plan will support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals:

- Provide Decent, Affordable Housing
- Provide a Suitable Living Environment

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- Increase Homeownership
- End Chronic Homelessness

The goals listed below are intended to provide broad guidance in the allocation of Community Development Block Grant (CDBG) and HOME Program funds granted to the City by HUD for the five years beginning July 1, 2015 and ending June 30, 2020. The Community Development Advisory Committee (CDAC) supports the allocation of funds to achieve measurable results for both housing and non-housing goals. These goals were reviewed and reaffirmed by City Council for the Fiscal Year 2017/Program Year 2016 Annual Action Plan.

Housing Goals

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

Non-Housing Goals

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

3. Evaluation of past performance

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

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In the First Year of the Consolidated Plan, Program Year 2015 (FY16), the City received $686,040 in CDBG entitlement funds and $305,985 in HOME Program entitlement funds. Along with these entitlement funds, reprogrammed prior year funds and previously receipted program income of $48,442.51 and $41,940.58, respectively, in the CDBG and HOME Program were allocated to eligible projects. The City also estimated program income in the amount of $1,708 for the CDBG Program. Therefore, the total amount of CDBG and HOME funds the City allocated for projects and activities during the Program Year 2015 was $1,082,408.09. This represented a total of $734,482.51 in CDBG and $347,925.58 in HOME Program dollars.

The City allocated the majority of its CDBG and HOME Program funds for projects and activities classified as housing, public infrastructure, and public services.

The following is a summary of the City's past performance as reported to HUD in the Consolidated Annual Performance Report (CAPER) for overall performance in Program Year 2014 (FY 2015). The CAPER noted that the City's performance in Program Year 2014 (FY 2015) met or exceeded regulatory expectations in regard to the following:

CDBG Program- In Program Year 2014 approximately 53.70% ($296,099) of the CDBG allocation was expended on activities that benefited low-to-moderate (LMI) persons within the City. With this amount and the cumulative expenditures of $1,317,940 or 81.89% for Program Years 2012, 2013 , and 2014 the City is well above the minimum threshold of 70% set in 24 CFR570.901(a)

- Approximately 16.95% ($119,080) of Lynchburg's CDBG allocation was expended on planning and administration, under the maximum of 20% allowed according to 24 CFR 570.206(g).

- Approximately 2.43% ($23,444) of Lynchburg's CDBG allocation was expended for public service activities, therefore, the City was under the maximum of 15% mandated by 24CFR 570.201(e).

Home Program

There were nine (9) housing units completed that provided an outcome performance measurement of the Decent Housing Objective and Outcomes of Affordability. There was $368,546 of the City's HOME entitlement funds expended on these housing units. The housing units were assisted through down payment assistance, homebuyer acquisition, and homeowner rehabilitations.

There were 29 rental housing units completed by Rush Homes and Lynchburg Covenant Fellowship. These units provide housing for persons with disabilities and the elderly. There was $245,500 of HOME Program funds invested in these rental units along with other local, state and Federal resources.

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4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The planning process for the preparation of the Five-Year Consolidated Plan and FY 2017 Annual Action Plan included the following distinct elements:

- Focus group sessions with representatives from City government (staff), non-profit organizations, and other service providers to gain stakeholder input on the identification of City needs.
- Additional meetings and telephone interviews with City departmental staff and other provider agencies and stakeholders throughout the planning process to understand the current scope of programs, issues, and concerns. The one-on-one conversations helped to develop strategies to address the community needs that were identified in the focus group sessions.
- Review of existing community development-related planning documents, including the City of Lynchburg's 2030 Comprehensive Plan (2013).
- There was one public meeting conducted by the Community Development Advisory Committee (CDAC) and three public hearings conducted by City Council for the FY 2017 Annual Action Plan to review the housing and non-housing goals and the proposed project applications. Public notices were published in the local newspaper, *The News and Advance*, along with notifying community organizations through electronic mail and social media.

5. Summary of public comments

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

On January 12, 2016 City Council conducted a public hearing to receive citizens' comments concerning the Community Development Block Grant (CDBG) and HOME Program housing and non-housing goals for the FY 2017 Annual Action Plan. At the public hearing, City staff gave a summary of the proposed goals. There was no one else present who wished to speak to this item, and the public hearing was closed. City Council approved the goals.

On March 3, 2016 the Community Development Advisory Committee (CDAC) held a public meeting to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the allocation of $752,232 in CDBG entitlement, program income and reprogrammable funds and $316,176 in HOME Program entitlement funds.

There were representatives from the various agencies that had submitted project applications present at this meeting. CDAC members reviewed each application and asked questions of the respective agency representatives for clarifications. At the conclusion of the meeting, the Committee unanimously

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agreed on the recommended projects for the CDBG and HOME Program that would be submitted to City Council for approval.

On March 22, 2016 City Council conducted a public hearing to receive public input and adopt the proposed 2016-2017 CDBG and HOME Program projects. There were agency representatives, who had submitted applications for funding, present and spoke to City Council regarding the CDAC recommendations for their projects. The representatives asked for City Council's support of the CDAC recommendations. City Council unanimously approved the CDAC recommendations for projects to be funded.

On May 10, 2016 City Council will conduct a public meeting to accept comments regarding the draft FY 2017 Annual Action Plan. Any comments received will be incorporated into the final Annual Action Plan.

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

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

There were no public comments or views that were not accepted for inclusion in the FY 2017 Annual Action Plan.

7. Summary

The public participation in the 2015-2020 Consolidated Plan and FY 2017 Annual Action carried general themes of the need for goals that would provide for programs and activities that serve the homeless and persons in poverty; provide education awareness activities to guide persons in securing homeownership through pre and post-counseling and maintaining/retaining their homes; and provide affordable rental housing for low-to-moderate income persons and persons with disabilities.

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

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

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

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

Table 1 – Responsible Agencies

Narrative (optional)

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

Consolidated Plan Public Contact Information

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

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

1. Introduction

The City of Lynchburg utilized an outreach effort to maximize input from stakeholders. This outreach effort included the Community Development Advisory Committee (CDAC) meeting, public meetings, and published meeting notices.

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

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

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

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

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

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The City of Lynchburg does not receive Emergency Solutions Grant (ESG) funds.

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

Table 2 – Agencies, groups, organizations who participated

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

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

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5	**Agency/Group/Organization**	LYNCHBURG COVENANT FELLOWSHIP
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing and the availability of housing for low-to-moderate income persons and the elderly.
6	**Agency/Group/Organization**	BOYS AND GIRLS CLUB OF GREATER LYNCHBURG
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the partnership with the Lynchburg Police Department improves neighborhood organizations and the relationship with youth in the community.
8	**Agency/Group/Organization**	LYNCHBURG POLICE DEPARTMENT
	Agency/Group/Organization Type	Other government - Local Collaborate with Boys and Girls Club programs
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with the Lynchburg Police Department improves the neighborhood organizations and watches that the officers participate in for prevention of crime and provide safety to the neighborhoods and in its collaboration with the Boys and Girls Club working with youth.

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9	**Agency/Group/Organization**	Lynchburg Parks and Recreation
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Recreational Activities
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan include the consultation with this agency should include: access to recreational activities for youth and adults in the low-moderate income population.
10	**Agency/Group/Organization**	FREE CLINIC OF CENTRAL VIRGINIA
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
11	**Agency/Group/Organization**	Central Virginia Health Department
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
12	**Agency/Group/Organization**	Johnson Health Center
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
13	**Agency/Group/Organization**	Centra Foundation
	Agency/Group/Organization Type	Services-Health Regional organization Foundation
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Community health needs of those in poverty
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include funding opportunities to the community to increase health and wellness opportunities.
14	**Agency/Group/Organization**	VIRGINIA'S REGION 2000 LOCAL GOVERNMENT COUNCIL
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives of the Annual Action Plan.
15	**Agency/Group/Organization**	LYNCHBURG ASSOCIATION OF REALTORS
	Agency/Group/Organization Type	Service-Fair Housing Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing the opportunities for low-moderate income persons to purchase affordable housing.
16	**Agency/Group/Organization**	UNITED WAY OF CENTRAL VIRGINIA, INC.
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	This agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives for the Annual Action Plan.
17	**Agency/Group/Organization**	LYNCHBURG CITY SCHOOLS
	Agency/Group/Organization Type	Services-Children Services-Education Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include improved educational opportunities and partnerships to explore programs to offer for low-moderate income persons to obtain housing and life skills stability.
18	**Agency/Group/Organization**	Miriam's House
	Agency/Group/Organization Type	Services-Victims of Domestic Violence Services - Victims
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Shelter

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will expand affordable housing opportunities for homeless women and children and assist in providing improved public services.
19	**Agency/Group/Organization**	Lynchburg Area Center for Independent Living
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.
20	**Agency/Group/Organization**	City of Lynchburg Department of Social Services
	Agency/Group/Organization Type	Services - Housing Services-Children Child Welfare Agency Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The agency was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing availability of services for low-moderate persons to enhance opportunities to bridge out of poverty.

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Identify any Agency Types not consulted and provide rationale for not consulting

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

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

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

Table 3 – Other local / regional / federal planning efforts

Narrative (optional)

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AP-12 Participation – 91.105, 91.200(c)

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

On January 12, 2016 City Council conducted a public hearing to receive comments on the housing and non-housing community development goals adopted in the Consolidated Plan for 2015-2020 by City Council on February 24, 2015 regarding the needs common to low and moderate income persons and individuals with mental illness, intellectual and physical disabilities, substance abuse or addiction, persons with HIV-Aids, persons that are homeless, and elderly persons. No public comments were received about the goals. City Council adopted the goals for the Annual Action Plan FY 2016-2017 at the public hearing.

CDAC conducted a public meeting on March 3, 2016 to review CDBG/HOME allocations and make recommendations for allocations. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in The News and Advance on February 18, 2016 stating the purpose of this meeting was to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the allocation of entitlement and reprogrammable funds.

CDAC reviewed the applications, summary allocation worksheet, and the various requirements/regulations for the allocation of the CDBG and HOME Program funds. CDAC members discussed and developed their recommendations for CDBG and HOME Program projects for Program Year 2016 (FY 2017). CDAC made recommendations to City Council for projects that they concluded would be most beneficial to the low and moderate income persons within the targeted neighborhoods and within the broad national goals established by HUD of providing decent housing, a suitable living environment and expanding economic opportunities.

CDAC and the public were informed that City Council would hold a public hearing on March 22, 2016 on the project recommendations of the CDAC. In addition, a timetable was provided that noted the remaining public meetings that would be held to complete the allocation process and submittal of the Annual Action Plan.

On May 10, 2016 City Council will conduct a public meeting to accept comments regarding the draft FY 2017 Annual Action Plan. Any comments received will be incorporated into the Plan. City Council plans to adopt the FY 2017 Annual Action Plan at this meeting.

See AD-25 Administration under Citizen Participation Comments for the full text.

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Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/ broad community	January 12, 2016 City Council public hearing. No comments were received.	No comments were received.	There were no public comments that were not considered by City Council in the approval of the goals for the Annual Action Plan.	

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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
	Public Hearing	Non-targeted/ broad community	March 22, 2016 City Council public hearing. There were three persons present from one of the housing providers who had submitted HOME Program applications. There was a representative present from the lead agency for the Central Virginia Continuum of Care (CoC).	A representative from Lynchburg Community Action Group (Lyn-CAG) spoke to City Council and requested their support of the CDAC recommendations for their HOME Program applications. A representative of the CoC asked that the CDBG application for the Coordinated Homeless Intake Assessment (CHIA) staff position be funded to continue the centralized intake process.	There were no public comments that were not considered by City Council.	
3	Public Hearing	Non-targeted/ broad community	May 10, 2016 City Council public hearing.		There will be no public comments that were not considered by City Council.	

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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Internet Outreach	Minorities Non-English Speaking - Specify other language: All Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Public notices were posted on the Grants Administration webpage and the City's front webpage for the January 12, 2016 City Council public hearing; for the March 22, 2016 City Council public hearing; and for the May 10, 2016 City Council public hearing.	No verbal or written comments were received prior to the public hearings conducted by City Council. See Item #2 for the public comments received at the public hearings.		www.lynchburgva.gov/grants-administration

Table 4 – Citizen Participation Outreach

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Expected Resources

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

Introduction

See the Priority Table below for the anticipated resources for Fiscal Year 2017 that will be used to address housing and non-housing goals within the 2015-2020 Consolidated Plan.

Priority Table

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	662,772	287	89,173	752,232	1,988,316	CDBG funds will support housing and non-housing community development in the City of Lynchburg.

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Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Reminder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	316,176	0	0	316,176	948,528	HOME Program funds will continue to support housing rehabilitation and development in the City of Lynchburg.

Table 5 - Expected Resources – Priority Table

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

The City of Lynchburg will continue to partner with other public agencies and nonprofit organizations, when feasible, to leverage resources and maximize outcomes in housing and community development to meet the HOME match requirements.

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

Non Applicable

Discussion

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Annual Goals and Objectives

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

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase the Number of Owner-Occupied Units	2015	2020	Affordable Housing	Citywide	Increase homeownership	HOME: $100,000	Homeowner Housing Added: 2 Household Housing Unit
2	Rehabilitate Substandard Housing Units	2015	2020	Affordable Housing	CENSUS TRACTS 4,5,6,7, 11, and 19	Housing Rehabilitation	HOME: $192,175	Homeowner Housing Rehabilitated: 20 Household Housing Unit
3	Improve the City's Infrastructure	2015	2020	Non-Housing Community Development	CENSUS TRACTS 4,5,6,7, 11, and 19	Infrastructure Improvements	CDBG: $263,867	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 1505 Persons Assisted
4	Provide Homeless Services	2015	2020	Homeless	Citywide	Homeless Housing and Services	CDBG: $75,000	Public service activities for Low/Moderate Income Housing Benefit: 575 Households Assisted Homelessness Prevention: 600 Persons Assisted

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Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	City Planning and Administration	2015	2020	Planning and Administration	Citywide	City Planning and Administration	CDBG: $94,000 HOME: $24,000	Other: 0 Other
6	LRHA Administration and Direct Costs	2015	2020	LRHA Administration and Direct Costs	Citywide	LRHA Administration and Direct Costs	CDBG: $84,365	Other: 0 Other

Table 6 – Goals Summary

Goal Descriptions

1	**Goal Name**	Increase the Number of Owner-Occupied Units
	Goal Description	Develop affordable housing and then assist first-time homebuyers who are below 80% of the Area Median Income (AMI) opportunities to purchase affordable housing units.
2	**Goal Name**	Rehabilitate Substandard Housing Units
	Goal Description	Emphasis to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.
3	**Goal Name**	Improve the City's Infrastructure
	Goal Description	Support economic development initiatives that improve the economic base, job skills, and health of the community.
4	**Goal Name**	Provide Homeless Services
	Goal Description	Promote public service activities which support the homeless persons and healthy development of the City's at risk youth, adults, and families.

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5	**Goal Name**	City Planning and Administration
	Goal Description	Provide staff for the administration and oversight of the Community Development Block Grant (CDBG) and HOME Program.
6	**Goal Name**	LRHA Administration and Direct Costs
	Goal Description	Funds enable Lynchburg Redevelopment and Housing Authority (LRHA) to undertake Community Development Block Grant (CDBG) financed activities. These include activities which were funded in the Authority's annual administrative budget. The accomplishments are reported with each program/activity that is funded.

Table 7 – Goal Descriptions

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

Annual Action Plan - FY 2017

(1)Lynchburg Community Action Group

Homeowner Substantial Rehabilitation

Extremely low-income: 16 Units

Low-income: 2 Units

Moderate-income: 2 Units

Total Units: 20; Total Clients: 45

(2) Lynchburg Community Action Group (Lyn-CAG)

Community Housing Development Organization (CHDO) Development

Low-income: 1 Unit Moderate-income: 1 Unit

Total Units: 2; Total Clients: 2

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AP-35 Projects – 91.220(d)

Introduction

The City's FY 2017 planned actions will address the City's priority housing and community development needs. The projects are outlined below.

#	Project Name
1	City Administration
2	Lynchburg Community Action Group Homeownership Substantial Rehabilitation
3	LRHA Centralized Homeless Intake Coordinator
4	Lynchburg Redevelopment & Housing Authority (LRHA) Admin & Delivery Costs
7	LRHA Langview Apartment Renovations
8	LRHA Dearington Apartments Windows/Doors- Phase II
9	Downtown Street Improvements
10	Lynchburg Community Action Group Housing Counseling Initiative
11	Lynchburg Community Action Group First-time Homebuyer (CHDO)

Table 8 – Project Information

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

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

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Projects

AP-38 Projects Summary

Project Summary Information

Table 9 – Project Summary

1	**Project Name**	City Administration
	Target Area	Citywide
	Goals Supported	City Planning and Administration
	Needs Addressed	City Planning and Administration
	Funding	CDBG: $94,000 HOME: $24,000
	Description	Funding to be used for personnel, operating, and training costs associated with managing the CDBG and HOME Programs.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	N/A
	Planned Activities	Administration of the CDBG and HOME Program
2	**Project Name**	Lynchburg Community Action Group Homeownership Substantial Rehabilitation
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units

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	Needs Addressed	Housing Rehabilitation
	Funding	HOME: $192,176
	Description	The City of Lynchburg will rehabilitate housing units to improve the housing stock. Emphasis to be placed on programs that require and investment of funds and/or labor on the part of the owner commensurate with the owner's resources.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	Lynchburg Community Action Group: Homeowner Substantial Rehabilitation Total Housing units: 20
	Location Description	Priority will be given to properties located within the City's Rental Inspection Area. This area includes Census Tracts 4, 5, 6, 7, 11, and 19.
	Planned Activities	Substantial Homeowner rehabilitation
3	**Project Name**	LRHA Centralized Homeless Intake Coordinator
	Target Area	Citywide
	Goals Supported	Provide Homeless Services
	Needs Addressed	Homeless Housing and Services
	Funding	CDBG: $65,000
	Description	Funds will be used for an Intake Social Worker to provide CoC organizations with a Coordinated Assessment/Centralized Intake for homeless persons and to assist them with obtaining housing and the support services available to them. Funds will provide for continuation of full-time staff person to conduct the assessment/intake of homeless persons and coordinate the referrals to the appropriate homeless providers/agencies.
	Target Date	6/30/2017

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	Estimate the number and type of families that will benefit from the proposed activities	The Centralized Homeless Intake Coordinator will assist an estimated 1500 persons to assess the needs of the homeless person and to determine appropriate housing and services.
	Location Description	Citywide
	Planned Activities	The staff member is housed at LRHA in order to access the full range of resources available to address homelessness.
4	**Project Name**	Lynchburg Redevelopment & Housing Authority (LRHA) Admin & Delivery Costs
	Target Area	Citywide
	Goals Supported	LRHA Administration and Direct Costs
	Needs Addressed	LRHA Administration and Direct Costs
	Funding	CDBG: $84,365
	Description	Funds will be used for indirect costs associated with CDBG funded activities at the Lynchburg Redevelopment and Housing Authority (LRHA).
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	N/A
	Location Description	LRHA- 918 Commerce Street, Lynchburg, VA
	Planned Activities	Provide funds for indirect costs (24 CFR 570.206(e) as associated with the CDBG-funded activities at the Lynchburg Redevelopment and Housing Authority (LRHA). These program costs are included in LRHA's Cost Allocation Plan for Fiscal Year 2017.
5	**Project Name**	LRHA Langview Apartment Renovations
	Target Area	Citywide
	Goals Supported	Rehabilitate Substandard Housing Units

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	Needs Addressed	Housing Rehabilitation
	Funding	CDBG: $85,000
	Description	Renovations to make unit ADA/504 compliant.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	One public housing unit will be rehabilitated to be made American With Disabilities Act (ADA)/Section 504 compliant. This activity will serve one household.
	Location Description	Langview Apartments are located at 2229 Yorktown Avenue.
	Planned Activities	The rehabilitation of one (1) public housing unit to be made ADA/Section 504 compliant.
6	**Project Name**	LRHA Dearington Apartments Windows/Doors- Phase II
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Rehabilitate Substandard Housing Units
	Needs Addressed	Housing Rehabilitation
	Funding	CDBG: $150,000

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	Description	Due to the rising cost and environmental restraints of producing energy, Federal regulations require all public agencies develop and implement energy conservation measures. In April 2013, Lynchburg Redevelopment and Housing Authority (LRHA) contracted with an independent consultant to conduct an energy audit in accordance with the methodology required by HUD. This energy audit evaluated the current energy consumption and conservation measures and identified available conservation opportunities. LRHA successfully applied for 2014/2015 CDBG funding to assist in the replacement of windows in Dearington Apartments. During the design phase of this project it was determined that the exterior door assemblies also needed to be replaced and many of the cast stone window sills were in need of replacement in conjunction with the installation of the new windows. These increases in cost, combined with bids much higher than anticipated, resulted in the need to do this project in three phases. With the referenced CDBG funds LRHA was able to replace the windows and doors in 34 public housing units. LRHA will use the Program Year 2016 funds to complete Phase II of this project.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	There will be 34 public housing households served by this project.
	Location Description	Dearington Apartments are located at 311 Chambers Street.
	Planned Activities	This project will consist of removing old substandard windows currently installed in the Dearington Apartments and replace them with new Energy Star vinyl frame/sash, Low-E insulated glass with warm-edge spacer. The windows will be single-hung with tilt-in sashes and exterior screens. The original metal door frames will be removed and replaced with new door unit assemblies; door frames, sills, compression weather strip, and fiberglass insulated door slab. All windows and exterior doors in 34 apartments will be replaced, resulting in a decrease in utility costs and enhanced comfort for tenants.
7	**Project Name**	Downtown Street Improvements
	Target Area	CENSUS TRACTS 4,5,6,7, 11, and 19
	Goals Supported	Improve the City's Infrastructure
	Needs Addressed	Infrastructure Improvements

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	Funding	CDBG: $263,867
	Description	Continued implementation of the Downtown/Riverfront Master Plan and Fifth Street Master Plan will eliminate blighted conditions along the corridors. Revitalization of these areas will benefit the surrounding neighborhoods that have populations with over 52% [Census Tract 5] and 38% [Census Tract 6] of its residents earning less than $15,000 annually. Public commitment to the renewed infrastructure will encourage private investment. The proposed improvements combined with other CDBG funded projects in the area also provide unique opportunities to revitalize distressed areas and provide job opportunities. Implementation of the Phase I and Phase II Fifth Street improvements and the Bluffwalk project have contributed to the retention of local businesses in addition to generating new interest. Ultimately the Fifth Street improvements will be tied to those in the Downtown area resulting in the replacement of aged utility infrastructure and the revitalization of these corridors.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	There are approximately 1,505 households located within Census Tracts 5 and 6. However, this project will also serve the neighborhoods of College Hill, Federal Hill, Garland Hill, and Tinbridge Hill. The Fifth Street Master Plan specifically targets two blocks on either side of Fifth Street from the Martin Luther King, Jr. Memorial Bridge to Church Street; the Downtown/Riverfront Master Plan encompasses the Central Business District – from the James River to Clay Street and Fifth Street to the Expressway. The 2010 Census indicates that the study area surrounding Fifth Street is 78% African American, 18% White and 4% Other Race with 38% of the residents in this area earning less than $15,000 annually. The study area which includes Downtown is 48% African American, 47% White and 5% Other with 52% of the residents earning less than $15,000 annual. The neighborhood improvements will be measured by the continued stabilization of the areas and new economic development opportunities.
	Location Description	Census Tracts 5 and 6
	Planned Activities	Installing necessary infrastructure to convert Main and Church Streets to 2-way traffic in conjunction with planned utility and streetscape upgrades. The CDBG funds will be used to assist with the streetscape improvements along these streets.

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8	**Project Name**	Lynchburg Community Action Group Housing Counseling Initiative
	Target Area	Citywide
	Goals Supported	Increase the Number of Owner-Occupied Units
	Needs Addressed	Public Services
	Funding	CDBG: $10,000
	Description	Educating landlords, property managers and tenants on Fair Housing rights and responsibilities and fair housing practices.
	Target Date	6/30/2017
	Estimate the number and type of families that will benefit from the proposed activities	Within the housing counseling program, Lynchburg Community Action Group (Lyn-CAG) plans to serve 440 persons by providing housing counseling services, homeownership classes, and fair housing workshops and events. These services will be provided to low-to-moderate income persons and families.
	Location Description	Lyn-CAG provides a majority of these services at their administrative offices located at 926 Main Street. The workshops and events for fair housing are conducted throughout the City of Lynchburg.
	Planned Activities	See above.
9	**Project Name**	Lynchburg Community Action Group First-time Homebuyer (CHDO)
	Target Area	Citywide
	Goals Supported	Increase the Number of Owner-Occupied Units
	Needs Addressed	Increase homeownership
	Funding	HOME: $100,000
	Description	The 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 customers in the City of Lynchburg. Lien documents and resale restriction agreements are required for each property.
	Target Date	6/30/2017

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	Estimate the number and type of families that will benefit from the proposed activities	Lynchburg Community Action Group (Lyn-CAG), through its Community Housing Development Organization (CHDO) plans to assist two first-time homebuyers, low-to-moderate income households.
	Location Description	Addresses will be determined when clients qualify for a mortgage at a financial institution.
	Planned Activities	See above.

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AP-50 Geographic Distribution – 91.220(f)

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

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

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

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

Geographic Distribution

Target Area	Percentage of Funds
CENSUS TRACTS 4,5,6,7, 11, and 19	70
Citywide	30

Table 10 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

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

Discussion

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Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

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

One Year Goals for the Number of Households to be Supported	
Homeless	600
Non-Homeless	440
Special-Needs	0
Total	1,040

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

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	55
Acquisition of Existing Units	2
Total	57

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

Discussion

The Coordinated Homeless Intake Assessment (CHIA) process plans on serving approximately 600 households through diversion or placement in transitional or permanent housing. The Counseling Services Department at Lynchburg Community Action Group (Lyn-CAG) plans on serving 440 households during this program period. This service will be provided through housing counseling, homeownership classes, and fair housing workshops and events.

There are 55 planned housing rehabilitation activities for this program period. These rehabilitations will be completed by Lyn-CAG and Lynchburg Redevelopment and Housing Authority (LRHA). When these rehabilitations are completed the housing units will be safer by having Code violations corrected and more energy efficient thorough installation of new windows and doors at the Dearington Public Housing Complex.

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AP-60 Public Housing – 91.220(h)

Introduction

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

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

LRHA plans to rehabilitate one public housing unit to full American with Disabilities Act (ADA) compliance; in addition, LRHA plans to remove 34 old substandard windows and doors in one of its public housing complexes and replace them with new energy efficient windows.

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

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

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

LRHA is not designated as troubled.

Discussion

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

Introduction

Most homelessness initiatives in the City are coordinated through the Central Virginia Continuum of Care (CoC), 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 CoC are the counties of Amherst, Appomattox, Bedford, and Campbell. In addition, the City is fortunate to have several resources through which services are delivered to the community to address non-homeless special needs. Some of these receive funding from public sources, such as federal and state grants. Others are private activities operating solely with donated funds from the private sector. In all cases, the City encourages this work and relies on it to complement its social service functions to City residents.

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

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

The CoC has created a coordinated assessment process, Coordinated Homeless Intake and Access (CHIA), and is working with current providers to divert individuals from homelessness. The coordinator of CHIA is trained to divert households who seek assistance in an effort to decrease homelessness. The City has allocated CDBG funds to continue this activity during Program Year FY 2017. The CoC has implemented a centralized intake in order to prioritize populations more effectively. The populations that will be prioritized for services include: chronically homeless, households with children and veterans. Through coordinated and centralized intake, there is more accountability in targeting these groups and it is expected that there will be fewer occurrences of homelessness across all populations due to the extensive diversion efforts of coordinated intake.

Addressing the emergency shelter and transitional housing needs of homeless persons

The priority needs for the homeless in Lynchburg are emergency housing, transitional housing, permanent support services, and rapid re-housing to move homeless persons and families safely out of the cycle of homelessness and back into self-sufficiency. The objective for homeless and other special populations is to provide for the priority needs of the homeless with an emphasis on services that break the cycle of homelessness. During this Annual Action Plan, the specific CoC objectives to meet the homeless needs include the following:

Objective 1: Create new permanent housing beds for chronically homeless Individuals;

Objective 2: Increase percentage of homeless persons staying in permanent housing over 6 months to at least 77 percent;

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Objective 3: Increase percentage of homeless persons moving from transitional housing to permanent housing to at least 65 percent;

Objective 4: Increase percentage of persons employed at program exit to at least 20 percent; and,

Objective 5: Decrease the number of homeless households with children.

Emergency shelters, transitional housing and permanent housing providers ensure that families in their facilities are linked into the appropriate services once they enter the program. Miriam's House, Salvation Army, and The Family Living Center make sure that families remain in-tact while in the program. Currently these programs all accept children up to the age of 18. Priority is given for families.

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

The permanent supportive housing programs within the CoC presently meets HUD's goal of 80% for this objective. The programs will at least maintain and attempt to improve this performance by improving the quality of case management provided to each participant. The case managers of all permanent supportive housing programs will develop a housing stability plan with each participant to ensure stability is achieved. The case manager will develop a discharge plan with each participant exiting permanent supportive housing to ensure discharge to other more appropriate permanent housing. Additionally, the case managers will continue to strengthen the network of community support and resources available to the permanent housing participants.

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

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

Discussion

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The following are supportive service agencies that coordinate discharge:

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

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

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

Corrections: CoC agencies coordinate with the Virginia Department of Corrections' protocols which specifically include housing needs in their discharge plans. At discharge, the inmate must have a verifiable address in order to be released and the Probation and Parole District office is directed to address this need and use available local resources to help with housing. Often, the discharged inmate will return to family or referred to VA CARES, a program for ex-offenders, that one of the CoC member agencies conducts which assists with housing and employment services. In conjunction with the Virginia Department of Corrections the local housing providers including: YWCA Domestic Violence Prevention Center; Lynchburg Community Action Group, (Rapid Rehousing and VA CARES); and the Department of Social Services in the City of Lynchburg; Amherst County, Bedford County, and Campbell County

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coordinate to assist with the housing needs and a discharge plan for the inmates.

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

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

Introduction

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

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

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

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

Discussion

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AP-85 Other Actions – 91.220(k)

Introduction

In FY 2017, the City of Lynchburg plans the following actions to help address the housing and community development needs of City residents, especially low/moderate income residents.

Actions planned to address obstacles to meeting underserved needs

Inadequate resources is the chief obstacle to meeting underserved needs ---both financial and human (staffing). The City of Lynchburg will continue to collaborate with human and social service agencies and the Central Virginia Continuum of Care to identify potential resources for meeting the service needs of City residents. The City will continue to support the efforts of service agencies to maximize the use of available resources and to obtain additional resources whenever possible.

Actions planned to foster and maintain affordable housing

The City of Lynchburg will allocate FY 2017 HOME Program funds to rehabilitate 20 homeowner-occupied units, encourage two more potential homeowners to purchase homes In addition, FY 2017 CDBG funds will be used to rehabilitate two public housing units for accessibility.

Actions planned to reduce lead-based paint hazards

All City written agreements with CDBG and/or HOME Subrecipients contain provisions requiring compliance with LBP rules, and are subject to procedures developed by the Grants Administration Office to ensure appropriate stages of due diligence are complete and of record prior to CDBG and/or HOME funds being disbursed. The Subrecipients and contract providers of housing rehabilitation program services will conduct risk assessments and clearance inspections for rehabilitation projects, as required. All properties purchased with financial assistance provided by the CDBG and HOME Program must be inspected for lead-based paint hazards prior to final approval of application for assistance. Payment of subsidies is only issued after receipt of the inspection report revealing no lead-based paint hazard present at time of purchase.

Actions planned to reduce the number of poverty-level families

As discussed in the Consolidated Plan, the City of Lynchburg has been actively meeting as a community to identify the causes and possible local solutions to addressing poverty. The following is a list of the potential resources identified for addressing poverty:

- “Getting Ahead” Groups (from the Bridges out of Poverty model)
- Bridges out of Poverty Discussions
- School Summits on Poverty and the Achievement Gap
- Work in the Faith based community

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- CENTRA Hospital Mobile Health Clinic to underserved population
- United Way Education Readiness Initiative
- CENTRA Hospital Community Health Navigators
- Homeless Intake Coordination
- Workforce Investment Board
- Non-Profit Organizations
- Housing Collaborative
- Lynchburg Food Council
- Fatherhood Initiative
- Lyn-CAG Financial Education
- Poverty Simulation
- Beacon of Hope Post-secondary Education Initiative

The City has appropriated $50,000 in its General Fund Operating Budget for FY 2016 to begin exploring how poverty can be addressed in a more focused and collaborative way.

Actions planned to develop institutional structure

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

Primarily, the City's strategies will be conducted in the various partnerships the City enjoys with the public and private housing developers and service providers operating in the City and in the region. These include public partners, such as the LRHA, and several private non-profits such as Lyn-CAG, Rush Homes, The Gateway, Inc. and Miriam's House. These and others work separately and collectively, along with City staff, on projects that achieve the goals stated by City Council.

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

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

- Strengthen the intake process and procedures for CHIA to provide a clearer understanding to the partnering agencies and homeless persons;
- Creation of the Affordable Housing Resource Center to provide a centralized access point to all affordable housing resources and programs available in the City of Lynchburg; and

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- Relocation of the CHIA Homeless Intake Coordinator to the Affordable Housing Resource Center.

Discussion

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Program Specific Requirements

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

Introduction

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

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

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	287
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**287**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	85.00%

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

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

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

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used

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for homebuyer activities as required in 92.254, is as follows:

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

The HOME affordability periods are as follows:

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.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

   See above response.

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

   Not applicable. During Program Year 2016 (FY 2017), the City of Lynchburg does not anticipate using HOME Program funds to finance or refinance debt secured by multi-family housing that is being rehabilitated with HOME funds.

Discussion

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LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 10

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Rezoning: I-3, Heavy Industrial District to I-2, Light Industrial District**
Conditional Use Permit (CUP): Indoor Shooting Range – 2301 Mayflower Drive

RECOMMENDATION: Approval of the rezoning and CUP for the indoor shooting range.

SUMMARY: Mr. Jimmy Ferguson is petitioning to rezone five and seventy-seven hundredths (5.77) acres from I-3, Heavy Industrial District to I-2, Light Industrial District and for a CUP to allow an indoor shooting range at 2301 Mayflower Drive. If approved, the facility would contain shooting zones for use by law enforcement agencies and the public. An accessory retail component is also proposed. The *Comprehensive Plan 2013-2030* recommends an Employment 2 land use for the property. Indoor shooting ranges are permitted by CUP in I-2, Light Industrial Districts, however; they are not permitted within I-3, Heavy Industrial Districts. Indoor shooting ranges and other commercial recreation uses were specifically excluded from I-3, Heavy Industrial Districts to discourage the conversion of industrial buildings to a nonmanufacturing use.

PRIOR ACTION(S):

April 13, 2016: The Planning Division recommended approval of the rezoning and CUP petitions.

The Planning Commission recommended approval (6-0, with 1 member absent, Bowden) of the rezoning and CUP petitions.

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Ordinance
- Resolution
- Planning Commission Report and Minutes – April 13, 2016
- Zoning Map
- *FLUM* Map
- Watershed Map
- Planimetric and Topographic Map
- Concept Plan
- Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2301 MAYFLOWER DRIVE FROM I-3, HEAVY INDUSTRIAL DISTRICT TO I-2, LIGHT INDUSTRIAL DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54__, which section shall read as follows:

Section 35.2-54__. Change of a certain area located at 2301 Mayflower Drive from I-3, Heavy Industrial District, to I-2, Light Industrial District.

The area embraced within the following boundaries:

BEGINNING at a point, said point being the southernmost corner where said parcel adjoins the right-of-way of Mayflower Drive and the right-of-way of the Railroad; thence with a curve, said curve turning to the right through an angle of 64° 50' 58", having a radius of 918.02 feet, and whose long chord bears N41° 41' 23" W for a distance of 984.47 feet to a point; thence, N 11° 50' 43" W for a distance of 259.30 feet to a point; thence with a curve, said curve turning to the left through an angle of 14° 28' 36", having a radius of 1037.48 feet, and whose long chord bears N 19° 05' 01" W for a distance of 261.44 feet to a point; thence, N 73° 16' 25" E for a distance of 161.16 feet to a point; thence, S 12° 50' 25" E for a distance of 114.93 feet to a point; thence, S 36° 41' 28" E for a distance of 44.25 feet to a point; thence, S 14° 19' 52" E for a distance of 595.27 feet to a point; thence, S 40° 24' 04" W for a distance of 24.43 feet to a point; thence with a curve, said curve turning to the left through 36° 57' 41", having a radius of 142.11 feet, and whose long chord bears S 59° 27' 39" E for a distance of 90.09 feet to a point; thence with a curve, said curve turning to the right through an angle of 35° 51' 33", having a radius of 141.68 feet, and whose long chord bears S 61° 58' 28" E for a distance of 87.23 feet to a point; thence, S 49° 14' 13" E for a distance of 319.56 feet to a point; thence, S 19° 43' 59" W for a distance of 104.43 feet to a point; thence, S 81° 47' 25" E for a distance of 107.01 feet to a point; thence with a curve, said curve turning to the left through 01° 57' 48", having a radius of 323.82 feet, and whose long chord bears S 26° 30' 44" W for a distance of 11.10 feet to a point; thence with a curve, said curve turning to the left through 44° 42' 08", having a radius of 158.79 feet, and whose long chord bears S 03° 10' 46" W for a distance of 120.77 feet to the point of BEGINNING, containing 5.77 acres of land, more or less.

…is hereby changed from I-3, Heavy Industrial District to I-2, Light Industrial District.

And the Director of Community Development shall forthwith cause the “Official Zoning Map of Lynchburg, Virginia,” referred to in Section 35.2-32 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____
Clerk of Council

059K

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JIMMY FERGUSON TO ALLOW THE USE OF AN EXISTING BUILDING AS AN INDOOR SHOOTING RANGE AT 2301MAYFLOWER DRIVE IN AN I-2, LIGHT INDUSTRIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Jimmy Ferguson to allow the use of an existing building as an indoor shooting range at 2301 Mayflower Drive is hereby approved subject to the following conditions:

1. Building plans certified by a design professional are required. Plans shall include backstops, ventilation, bullet traps, bullet resistant material between each firing lane, lead abatement and noise buffering to meet or exceed all applicable State and Federal laws and regulations.

2. The operator shall cause a qualified design professional to perform annual inspections to verify continued compliance with all applicable design standards and safety procedures, a report of which shall be filed with the Zoning Administrator.

3. The range operator shall maintain a valid certificate of public liability insurance for not less than $2 million with the City of Lynchburg Risk Management office.

4. Adequate sight distance for the proposed entrance shall be provided as determined by the City's Transportation Engineer.

Adopted:

Certified: _____
Clerk of Council

060K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 13, 2016
Re: **Rezoning: I-3, Heavy Industrial District to I-2, Light Industrial District**
Conditional Use Permit (CUP): Indoor Shooting Range
2301 Mayflower Drive

I. PETITIONER

Mr. Jimmy Ferguson, 3915 Moneta Road, Bedford, Virginia 24523
Representative: Mr. Norm Walton, P.E., Perkins & Orrison, 27 Green Hill Drive, Forest, Virginia 24551

II. LOCATION

The subject property proposed for rezoning and a CUP is five and six tenths (5.6) acres of the twenty-one and eight tenths (21.8) acre tract located at 2301 Mayflower Drive.
Property Owner:
Fishing Creek Properties, LLC, 3915 Moneta Road, Bedford, Virginia 24523.

III. PURPOSE

The purpose of this petition is to rezone the property from I-3, Heavy Industrial District to I-2, Light Industrial District and for a CUP to allow an indoor shooting range. If approved, the facility would contain shooting zones for use by law enforcement agencies and the public. An accessory retail component related to the indoor shooting range is also proposed.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030*'s *Future Land Use Map (FLUM)* recommends an Employment 2 use for the property.
- Indoor shooting ranges are a permitted use in an I-2, Light Industrial District upon approval of a CUP.
- There should be little to no discernable noise from the proposed use at the property line.
- The petitioner conducted a neighborhood meeting on April 4, 2016 at the Fairview Heights Recreation Center.

The Planning Division recommends approval of the rezoning & CUP petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg Comprehensive Plan 2013-2030 recommends an Employment 2 use for the subject property. Employment 2 uses are intended to include light and heavy manufacturing, research and development, flex space and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area. Employment 2 differs primarily from Employment 1 in that it permits heavy industrial uses. (***p. 76***)

2. **Zoning.** The subject property was annexed from Campbell County in 1958. The property has been zoned for industrial uses since its annexation. The current I-3, Heavy Industrial zoning was established in 1978.

3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances would be needed for the development of the property as proposed.

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

   - On December 8, 1981, City Council approved the CUP request of the City of Lynchburg to allow a community center at 3621 Campbell Avenue.
   - On June 10, 1997, City Council approved the CUP petition of Bible Baptist Church to allow a child care facility for up to one hundred (100) children at 2211 Haden Street.
   - On November 9, 1999, City Council approved the CUP petition of Jordan Baptist Church to allow a child care facility at 3708 Parkwood Avenue.
   - On November 14, 2000, City Council approved the petition of Central National Bank to rezone the property at 3515 Campbell Avenue from R-3, Medium Density-Two-Family Residential District to B-1, Limited Business District (Conditional).
   - On July 13, 2004, City Council approved the CUP petition of Quarles Fuel Network to allow an automated fueling facility at 3100 Mayflower Drive.
   - On October 8, 2013, City Council adopted the Campbell Avenue/Odd Fellows Road Land Use & Corridor Master Plan Study as part of the City's *Comprehensive Plan*.

5. **Site Description.** The subject property proposed for rezoning and a CUP is five and six tenths (5.6) acres of the twenty-one and eight tenths (21.8) acre tract located at 2301 Mayflower Drive. The property contains several commercial warehouse style buildings and wood pole frame buildings. If approved, two (2) of the existing buildings are proposed for demolition.

   The property is bounded to the north by an industrial (the residual acreage) and residential uses, to the east by industrial and residential uses and to the south and west by the Norfolk & Southern Railroad.

6. **Proposed Use of Property.** The purpose of this petition is to rezone the property from I-3, Heavy Industrial District to I-2, Light Industrial District and for a CUP to allow an indoor shooting range. If approved, the facility would contain shooting zones for use by law enforcement agencies and the public. An accessory retail component related to the indoor shooting range is also proposed.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer requested that adequate sight distance be confirmed. The representative for the petition has stated that there is five hundred fifty (550) feet of sight distance to the north and two hundred sixty-five (265) feet to the southeast. Sight distance to the southeast is constrained by the existing railroad crossing. Trip generation for the proposed use is not expected to exceed two hundred (200) vehicles per day.

   Parking for the proposed use will be in an off-street lot containing forty-eight (48) spaces. The parking provided exceeds the thirty (30) spaces required by the *Zoning Ordinance*.

   The closest Greater Lynchburg Transit Company (GLTC) route is located on Campbell Avenue. A bus stop for Route 2 is located in the vicinity of 3501 Campbell Avenue. The bus stop is approximately one thousand eight hundred ninety-seven (1,897) feet from the driveway entrance to the facility. While sidewalks currently exist along Mayflower Drive in the vicinity of its intersection with Campbell Avenue, they are not available along the entire length of Mayflower Drive. The petitioner would be required to install sidewalk along the new property frontage (approximately one hundred sixty [160] feet).

8. **Stormwater Management.** An Erosion & Sediment Control/Stormwater Management plan would be required for the development as proposed. The submitted concept plan indicates stormwater management (both quality & quantity) will be addressed by Best Management Practice (BMP) facilities.

9. **Emergency Services.** The City's Fire Marshal has requested that fire flow calculations be provided. The City's Police Department has general comments concerning site security and noise. These comments would be addressed prior to final site plan approval.

10. **Impact.** The proposed indoor shooting range would have two shooting zones, one for public use and one for use by law enforcement agencies. The facility would operate between the hours of 9:00 a.m. and 10:00 p.m. There would be no reloading of ammunition or bulk storage of gun powder on site.

    Zoning Ordinance Section 35.2-72.22, Shooting Ranges sets development standards for indoor shooting ranges. The standards are:

    1. Building plans certified by a design professional are required. Plans shall include backstops, ventilation, bullet traps, bullet resistant material between each firing lane, lead abatement and noise buffering to meet or exceed all applicable State and Federal laws and regulations.
    2. The operator shall cause a qualified design professional to perform annual inspections to verify continued compliance with all applicable design standards and safety procedures, a report of which shall be filed with the Zoning Administrator.
    3. The range operator shall maintain a valid certificate of public liability insurance for not less than $2 million with the City of Lynchburg Risk Management office.

    The indoor shooting range will provide an adaptive reuse for an otherwise vacant industrial building and provide valuable training space for the law enforcement community. With adherence to the *Zoning Ordinance* requirements for design, the facility should have little to no impact on the surrounding area.

11. **Technical Review Committee.** The TRC reviewed the concept plan on March 15, 2016. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council:

Approval of the petition of Jimmy Ferguson to rezone approximately five and six tenths (5.6) acres from I-3, Heavy Industrial District to I-2, Light Industrial District at 2301 Mayflower Drive.

Approval of the conditional use permit petition of Jimmy Ferguson to allow an indoor shooting range in an I-2, Light Industrial District subject to the following conditions:

1. **Building plans certified by a design professional are required. Plans shall include backstops, ventilation, bullet traps, bullet resistant**

material between each firing lane, lead abatement and noise buffering to meet or exceed all applicable State and Federal laws and regulations.

2. **The operator shall cause a qualified design professional to perform annual inspections to verify continued compliance with all applicable design standards and safety procedures, a report of which shall be filed with the Zoning Administrator.**
3. **The range operator shall maintain a valid certificate of public liability insurance for not less than $2 million with the City of Lynchburg Risk Management office.**
4. **Adequate sight distance for the proposed entrance shall be provided as determined by the City's Transportation Engineer.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mrs. Maggie Cossman, Transportation Engineer
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Jimmy Ferguson, Petitioner
Mr. Norm Walton, Representative

VII. ATTACHMENTS

1. **Zoning Map**
2. **FLUM Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Narrative**
6. **Concept Plan**
7. **Property Photograph**

MINUTES FROM THE APRIL 13, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO SECOND MEETING IN APRIL):

Petition of Jimmy Ferguson to rezone approximately five and seventy-seven hundredths (5.77) acres from I-3, Heavy Industrial District to I-2, Light Industrial District and for a conditional use permit to allow the use of an existing building at 2301 Mayflower Drive as an indoor shooting range.

The property is currently designated for Employment 2 use on the *Future Land Use Map (FLUM).* These areas include light to heavy industrial, manufacturing, research and development, flex space and large scale office uses. Restaurant, hotel and business uses are also appropriate in these areas. The property is currently zoned I-3, Heavy Industrial District. The reason to request a downzoning is that indoor shooting ranges are not allowed in the I-3 district.

If approved, the facility would include two ranges. One would be for use strictly by law enforcement agencies and the other would be for public use. An accessory retail component for sales of ammunition and firearms and a snack bar would also be included in the facility. The operating hours would be 9:00 a.m. to 10:00 p.m. There would be no reloading of ammunition or bulk storage of black powder on the site.

The proposed 48 parking spaces exceed the 30 spaces required by the Zoning Ordinance. An initial concern from staff was dealing with sight distance for the proposed entrance. There is approximately 500 feet to the north and about 265 feet to the southeast. After further review by the City's Transportation Engineer, she believed this to be adequate due to the slow vehicular speeds coming from the southeast. There would be approximately 200 daily trips coming to and from the facility.

The Zoning Ordinance does provide for development standards for indoor shooting ranges. These include standards such as design, noise buffering, annual inspections and liability insurance. These standards have been included within the recommendations from planning staff contained in the planning report.

The petitioner conducted a neighborhood meeting on April 4, which City staff attended. The meeting was not well attended and that is likely due to the fact that there are not many concerns from neighbors regarding the range. The planning division recommends approval of the rezoning and conditional use permit petitions.

Mr. Norm Walton of Perkins & Orrison was present to represent the petitioner. The existing building on the site will be completely renovated. The facility will include air handling for the safety of the employees and participants, as well as containment of the fired shots and noise reduction. The facility will also contain a conference room and a training room, as well as the other accessory uses mentioned by Mr. Martin.

Mr. Walton remarked that there is a great need for this facility in the City. Presently, law enforcement has only the use of an outdoor range located near the airport. If they want to use an indoor shooting range, they have to travel to Fort Pickett. The utilization of that facility is very limited. Charlottesville and Roanoke are currently beginning to construct similar facilities because the need is so great. All of the law enforcement agencies in Region 2000 have provided the petitioner with their support for this facility.

There were two citizens and two business owners at the neighborhood meeting. None seemed to be in opposition. Mr. Walton mentioned that the Technical Review Committee had no major comments that would prevent the use of this property for the proposed shooting range.

Mr. Phil Reed, Jr., of 3129 Maryland Avenue came forward. He came to the meeting today to clarify the exact location of the property and the positioning of the shooting range on the site. Mr. Walton showed him an aerial view of the property and explained how the site would be laid out. Mr. Walton also clarified that the two lanes of the shooting range will both shoot toward the center of the building with a concrete vault between them. Mr. Reed stated that he had a better understanding now and the plans seemed to be satisfactory to him.

Mr. Walton read a letter in support of the petition: "April 11, 2016: To Whom It May Concern: I, Richard L. Thompson, own the property directly across from the proposed new gun range on Mayflower Drive. In my opinion, the gun range would be a major asset for our community. It would bring the constant flow of police officers to the area while they were using the gun range. This would serve as a major deterrent to crime in this area. Sincerely, Richard L. Thompson."

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

Commissioner Rogers asked for clarification that the consumer side of the range is facing southeast. Mr. Walton said that was correct. Commissioner Marion asked about the length of each range and was told that there will be four 100-yard ranges and the rest will be 25 yards.

Chair Perault asked if the outside agency inspection results will have to be provided to the City annually and if there is a procedure in place to make sure the City receives them. Mr. Martin answered that the City has never had an indoor shooting range so there will have to be some type of procedure put in place. Whatever that procedure turns out to be, it will require the facility to submit their annual inspection to City staff. Proof of liability insurance coverage in the amount of $2 million will have to be submitted to the Risk Management office.

Commissioner Gahagan asked if there will be any additional security involved due to the sale of firearms. Mr. Walton stated that there will be surveillance cameras throughout the facility and the firearms will be locked in a vault. Mr. Martin pointed out that there are already retail stores in the City such as Walmart and Dick's Sporting Goods that sell firearms.

Chair Perault asked about the waste and it was indicated that it will all be recycled. There are no concerns about lead hazards due to the air circulation system that is required.

Commisisoner Gahagan asked if they planned on having any more neighborhood meetings. Mr. Walton did not think that would be necessary due to the light turnout at the one held already as well as at this public hearing.

In answer to a question from Mr. Reed as to the expected completion date of the facility, Mr. Walton indicated that it is expected to be 18 months.

Commissioner Lowe indicated that he thinks this is a great idea and he is looking forward to the completion of the facility. He asked if there would be a restriction on the caliber of weapon and it was indicated that there will be no restriction.

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

"That the Planning Commission recommends to City Council:

Approval of the petition of Jimmy Ferguson to rezone approximately five and six tenths (5.6) acres from I-3, Heavy Industrial District to I-2, Light Industrial District at 2301 Mayflower Drive.

Approval of the conditional use permit petition of Jimmy Ferguson to allow an indoor shooting range in an I-2, Light Industrial District subject to the following conditions:

1. **Building plans certified by a design professional are required. Plans shall include backstops, ventilation, bullet traps, bullet resistant material between each firing lane, lead abatement and noise buffering to meet or exceed all applicable State and Federal laws and regulations.**

2. **The operator shall cause a qualified design professional to perform annual inspections to verify continued compliance with all applicable design standards and safety procedures, a report of which shall be filed with the Zoning Administrator.**

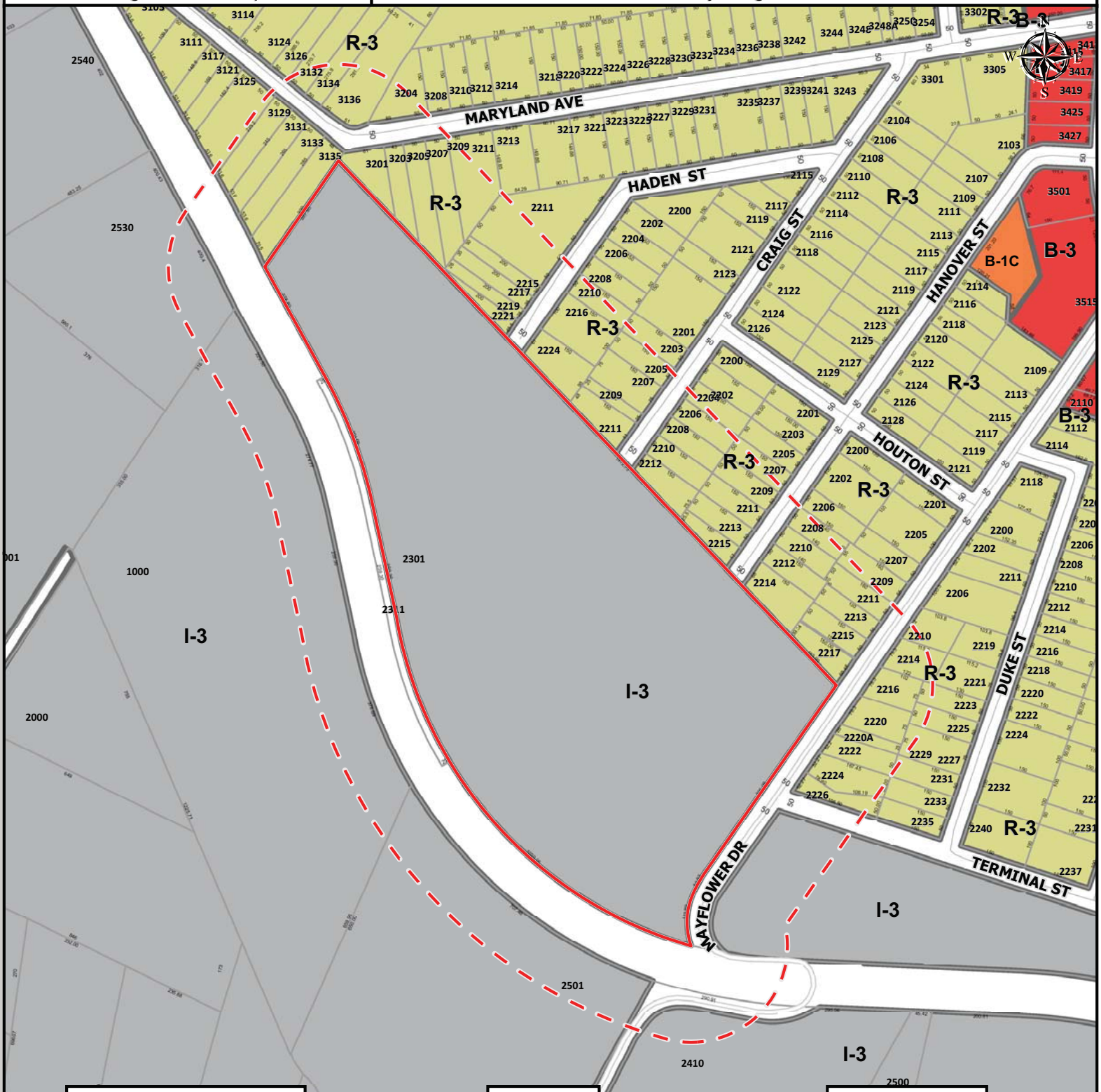
3. **The range operator shall maintain a valid certificate of public liability insurance for not less than $2 million with the City of Lynchburg Risk Management office.**

4. **Adequate sight distance for the proposed entrance shall be provided as determined by the City's Transportation Engineer."**

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

Chair Perault said he had no concerns with the rezoning. He feels the traffic is not driving fast on this road. His concerns were with noise and with lead in the air, both of which he feels have been addressed. He thinks this area will look a lot better after this project is finished. He also noted that the current residents are at least a football field or two away from the facility. The closest neighbor is the steel recycling facility, which is likely to make more noise than the shooting range.

Zoning Map	INDOOR SHOOTING RANGE
Zoning, & CUP Request	Jimmy Ferguson



Property Information

Parcel ID	Address
11005016	2301 MAYFLOWER DR

Legend

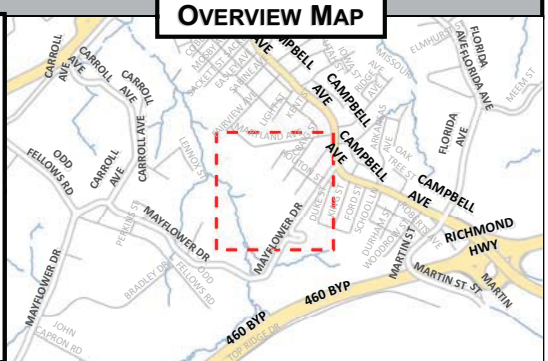
Subject Property

215' Buffer

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

Map Scale: 1 " to 300 ' **Date Printed:** 4/1/2016

Overview Map



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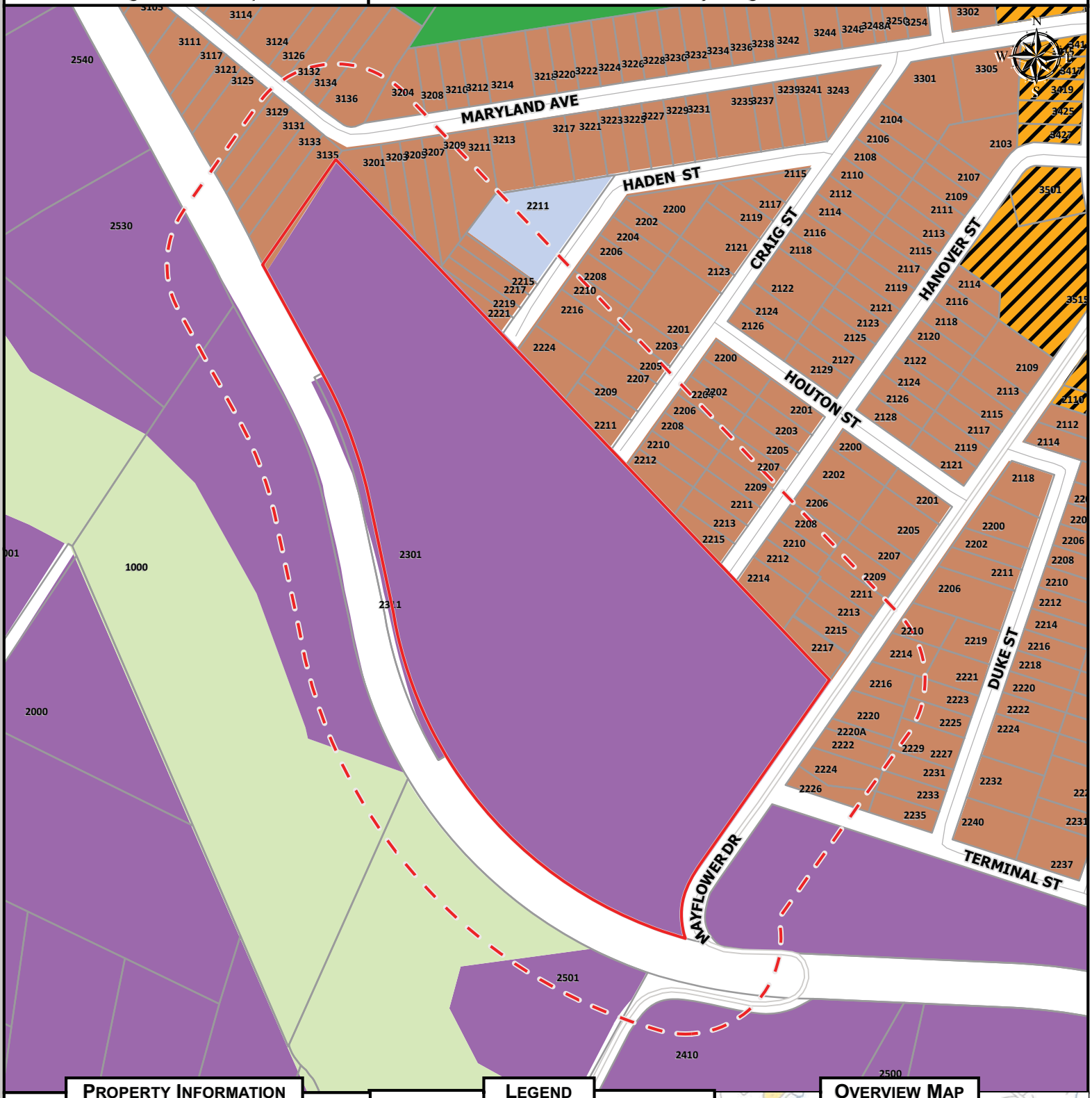
Parcel ID	Address	Owner
11008023	3201 MARYLAND AVE	BLANCHARD, PATSY R
11005008	2215 HANOVER ST	FERGUSON, LORRIE M
11005016	2301 MAYFLOWER DR	FISHING CREEK PROPERTIES LLC
11005009	2212 CRAIG ST	FRANCIS, GARY
11004009	2217 MAYFLOWER DR	FRIDDLE, COLLINS R & REBECCA G
11006014	2211 CRAIG ST	HALT LLC
11008021	3205 MARYLAND AVE	HARPER, LINDA W
11006023	2224 HADEN ST	HEART TO HEART CHURCH MINISTRIES TRS
11008022	3203 MARYLAND AVE	LAYNE, GORDON W & MARY F
11111012	2601 GREENE ST	NORFOLK & SOUTHERN RAILWAY
11005019	2311 MAYFLOWER DR	NORFOLK & WESTERN RAILWAY
11008031	2221 HADEN ST	PHELPS, GEORGE W JR & HALL, PHAEDRA
11004010	2214 HANOVER ST	WOOD, HOWARD R & PATRICIA I
08328034	3135 MARYLAND AVE	ZELLER, KENNETH R

FLUM Map	INDOOR SHOOTING RANGE
Zoning, & CUP Request	Jimmy Ferguson



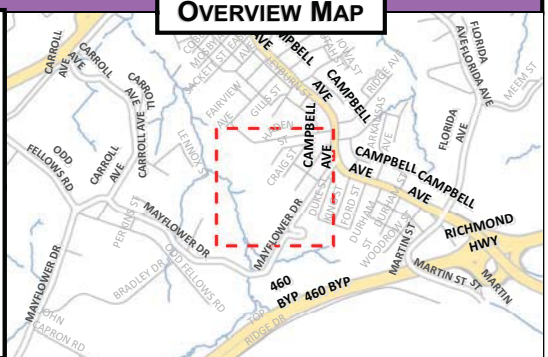
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11005016	2301 MAYFLOWER DR

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1 " to 300 ' **DATE PRINTED:** 4/1/2016

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Watershed Map	INDOOR SHOOTING RANGE
Zoning, & CUP Request	Jimmy Ferguson

Property Information

Parcel ID	Address
11005016	2301 MAYFLOWER DR

Legend

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

Overview Map

Map Scale: 1 " to 300 ' **Date Printed:** 4/1/2016

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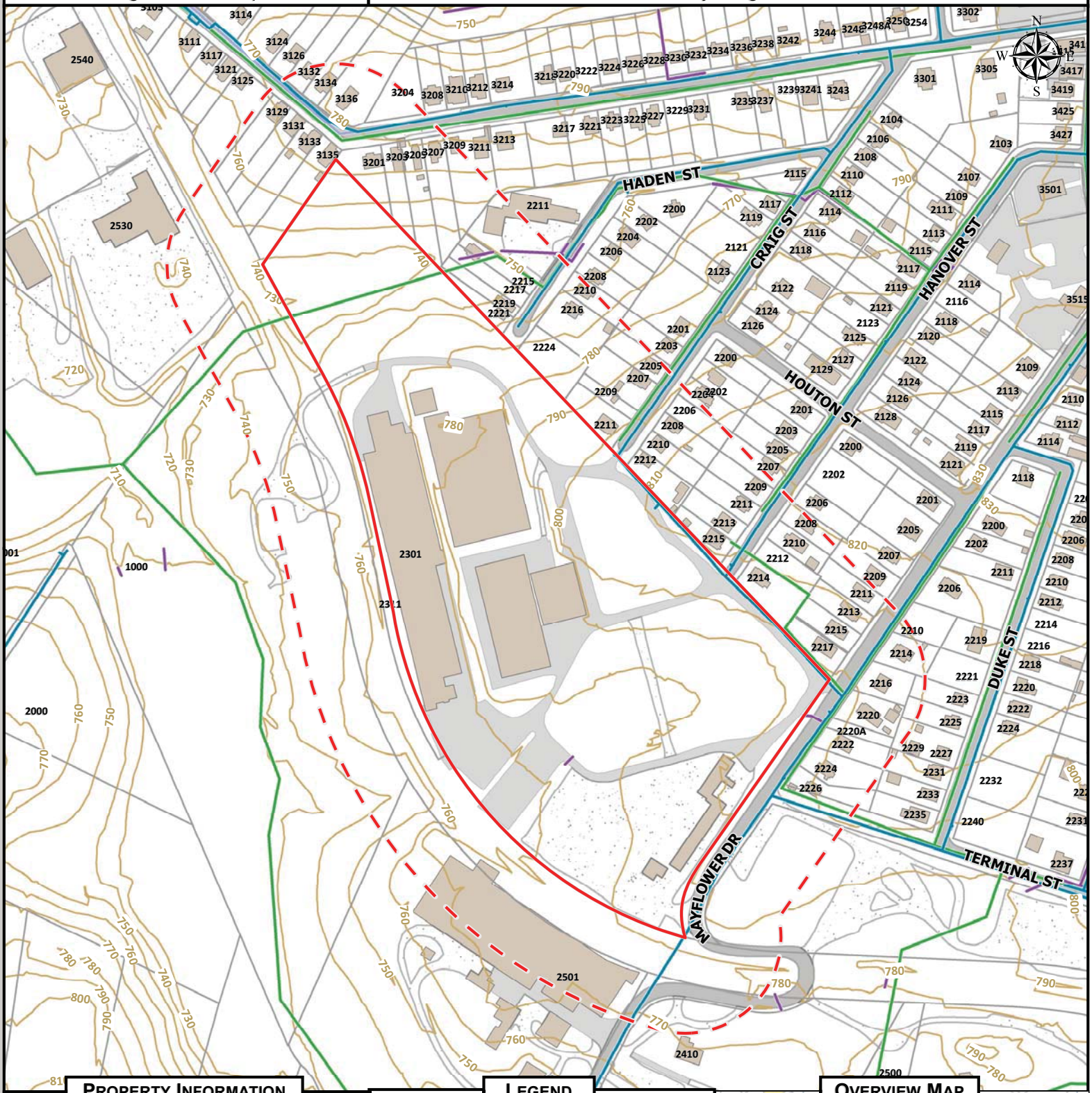
Planimetric and Topographic Map

Zoning, & CUP Request

INDOOR SHOOTING RANGE

Jimmy Ferguson



Property Information

Parcel ID	Address
11005016	2301 MAYFLOWER DR

Legend

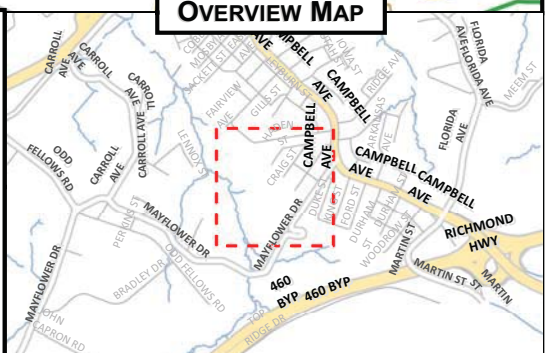
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

		Paved	Unpaved	Other
Planimetrics	Structure	-	-	
	Roadway			-
	Parking			-
	Sidewalk		-	-
	Driveway	-	-	

		10'	10' Obs
Topography	Contour		

Map Scale: 1 " to 300 ' **Date Printed:** 4/1/2016

Overview Map



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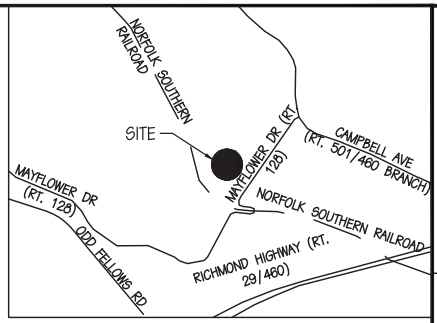
REZONING PLAN FOR
MAYFLOWER DRIVE SHOOTING RANGE

CITY OF LYNCHBURG, VIRGINIA



VICINITY MAP

N.T.S

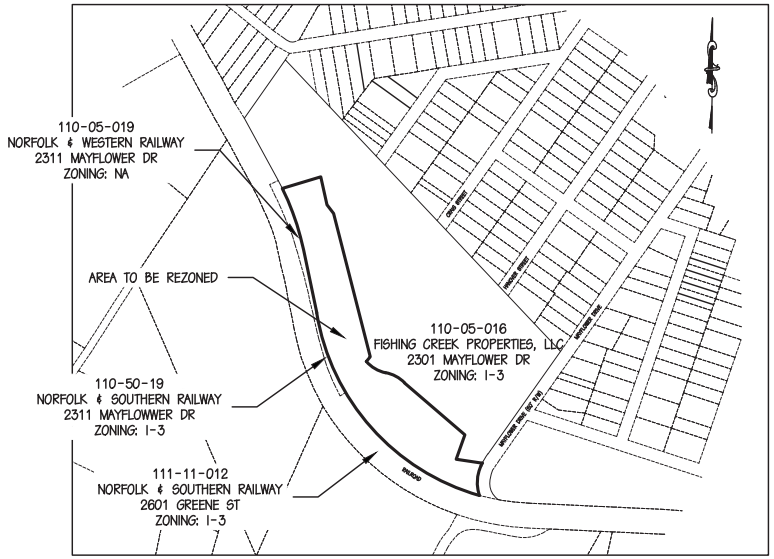
SITE NOTES:

1. DEVELOPER:
   JIMMY FERGUSON

   OWNER:
   FISHING CREEK PROPERTIES, LLC
   3915 MONETA ROAD
   BEDFORD, VA 24523

PARCEL ID #:	EXISTING ZONING	PROPOSED ZONING
110-05-016	I-3	I-2

2. SETBACKS (I-2):
   FRONT: 0'
   SIDE: 0'
   REAR: 0'
3. THE PURPOSE OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT FOR REZONING AND A CONDITIONAL USE PERMIT. THIS CONDITIONAL USE PERMIT IS TO ALLOW A SHOOTING RANGE ON A PARCEL ZONED I-2. NO REVISION TO THE FLUM IS REQUESTED. THE ACTUAL LAYOUT MAY CHANGE WHEN ACTUAL CONSTRUCTION PLANS ARE SUBMITTED TO THE CITY FOR REVIEW, BUT SHALL REMAIN IN GENERAL CONFORMANCE TO THIS PLAN. APPROXIMATE ACREAGE TO BE REZONED IS 5.60 AC.
4. ANY INCREASE IN IMPERVIOUS AREA WILL BE ATTENUATED VIA THE BEST MANAGEMENT PRACTICES PROPOSED ON THIS PLAN.
5. THE SITE IS IN FLOOD PLAIN UNSHADED ZONE "X" PER FEMA MAP PANEL# 51019C0245D DATED 9/29/2010.
6. LANDSCAPING WILL BE PROPOSED PER THE CITY OF LYNCHBURG'S LANDSCAPE ORDINANCE. LANDSCAPING SHOWN HEREIN IS SHOWN TO BE IN CONFORMANCE WITH THE LANDSCAPING ORDINANCE.
7. EROSION AND SEDIMENT CONTROL MEASURES WILL BE USED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. E&S MEASURES ARE NOT SHOWN ON THIS PLAN, BUT WILL BE INCLUDED WITH THE ACTUAL SITE PLAN WHEN SUBMITTED.
8. THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY STATE, FEDERAL, AND LOCAL PERMITS REQUIRED FOR THE DEVELOPMENT OF THIS SITE.
9. THIS SITE WILL BE SERVED BY PUBLIC WATER & SANITARY SEWER.
10. A GREASE TRAP WILL BE REQUIRED FROM FOOD PREPARATION AREA.
11. BACKFLOW PREVENTION SHALL BE PROVIDED FOR THE NEW WATER SERVICE.



BOUNDARY INSERT

SCALE: 1" = 500'

CONTACT INFORMATION:

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JASON DORMAN
434-525-5985
NWALTON@PERKINS-ORRISON.COM
DCAMDEN@PERKINS-ORRISON.COM
JDORMAN@PERKINS-ORRISON.COM

DEVELOPER
FISHING CREEK PROPERTIES, LLC
JIMMY FERGUSON
FERGUSONFARMS@VERIZON.NET

SHEET INDEX:

SHEET	SHEET NO.	SHEET TITLE
C-100	1 OF 5	COVER SHEET
C-101	2 OF 5	EXISTING CONDITIONS
C-102	3 OF 5	SITE LAYOUT
C-103	4 OF 5	LANDSCAPE PLAN
C-104	5 OF 5	BOUNDARY SHEET

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PHONE: 434-525-5985 FAX: 434-525-5986

COMMONWEALTH OF VIRGINIA
NORMAN B. WALTON JR.
No. 036517
3/25/16
PROFESSIONAL ENGINEER

JOB:

REZONING PLAN FOR
MAYFLOWER DRIVE
SHOOTING RANGE

LYNCHBURG, VA

CLIENT:
FISHING CREEK
PROPERTIES, LLC

MARK	DATE	DESCRIPTION
1	03/25/16	PER CITY COMMENTS

ISSUE: 03/01/16

CONTOUR INTERVAL: 2'

DRAWN BY: MJD

CHECKED BY: NBW

COVER SHEET

JOB NO 16064 SHEET NO 1 OF 5

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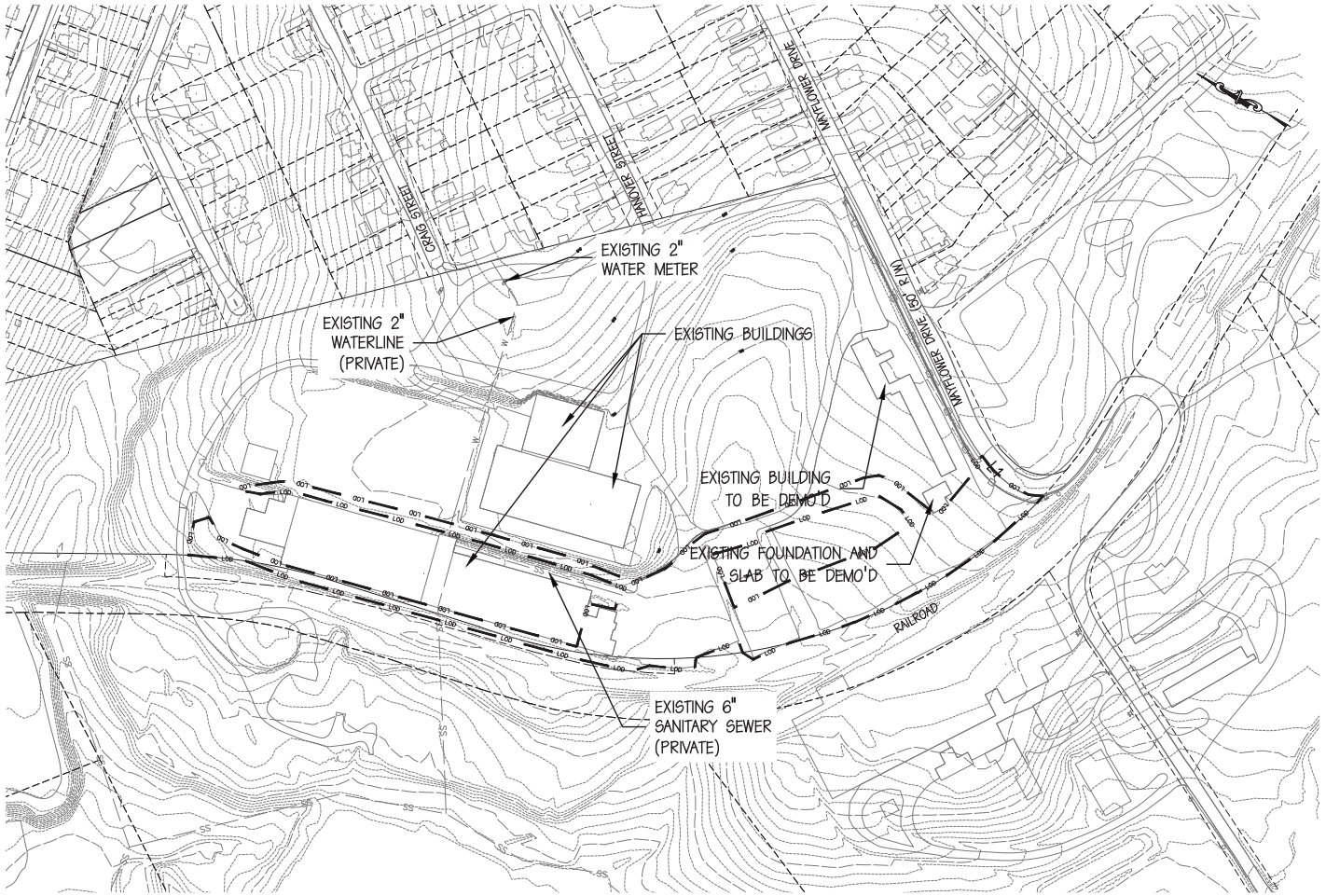

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REZONING PLAN FOR MAYFLOWER DRIVE SHOOTING RANGE

LYNCHBURG, VA

CLIENT: FISHING CREEK PROPERTIES, LLC

MARK	DATE	DESCRIPTION
1	03/25/16	PER CITY COMMENTS

ISSUE: 03/01/16
CONTOUR INTERVAL: 2'
DRAWN BY: MJD
CHECKED BY: NBW

EXISTING CONDITIONS

GRAPHIC SCALE
0 200 400
1"=200'

JOB NO 16064 SHEET NO 2 OF 5

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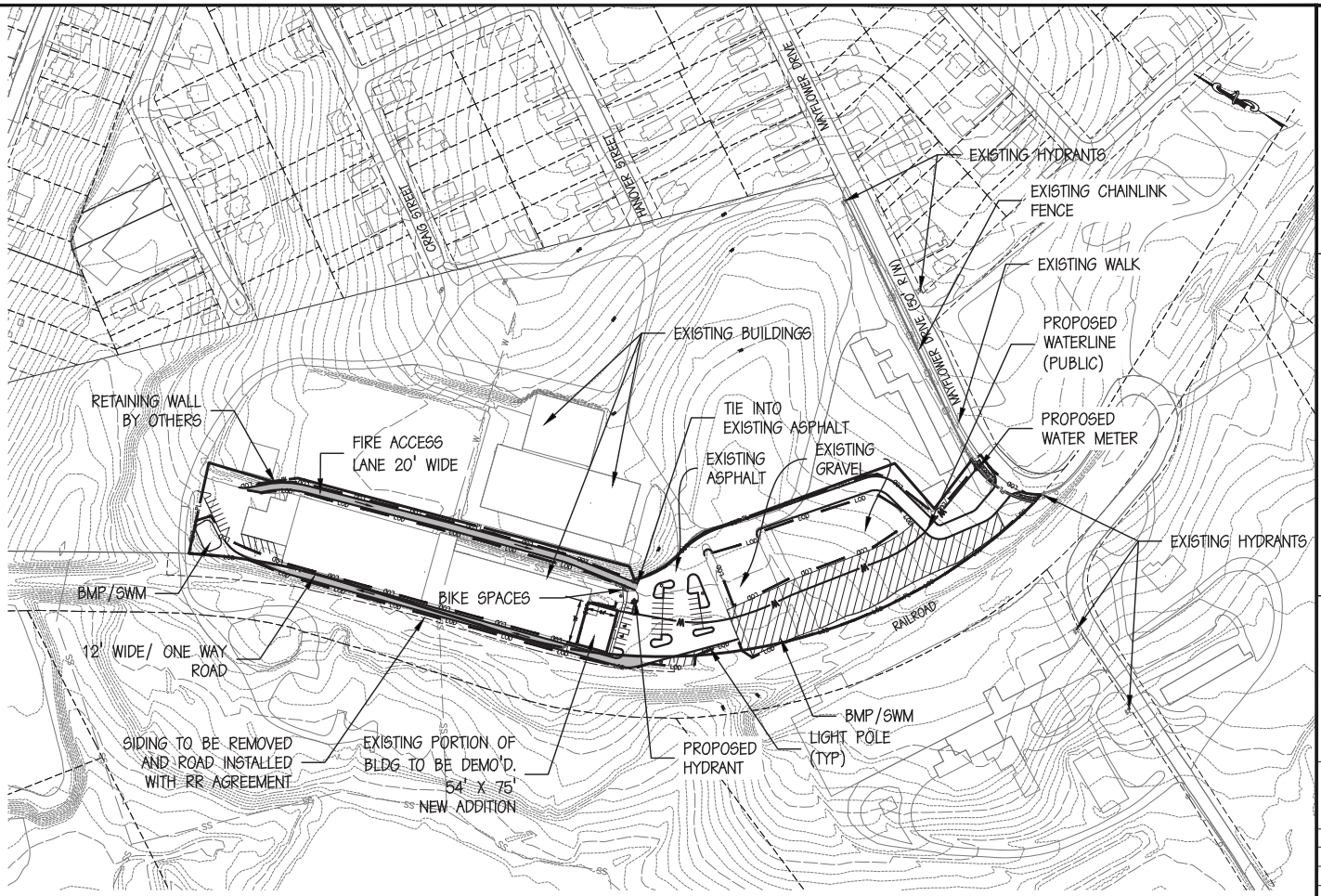

BMP/SWM NOTES:

1. WATER QUALITY TO BE ACHIEVED BY REDUCTION IN IMPERVIOUS AREA AND BMP/SWM'S AS SHOWN.
2. SIZES OF BMP/SWM ARE APPROXIMATE. REQUIRED SIZE OF BMP/SWM TO BE DETERMINED AT SITE PLAN.
3. STORMWATER QUALITY AND STORMWATER QUANTITY DESIGNS WILL BE PER THE IIB CRITERIA.
4. TOTAL LAND DISTURBANCE IS ESTIMATED TO BE 3.17AC.

NOTES:

1. SITE LIGHTING IS TO BE 12' IN HEIGHT AND GLARE SHIELDED AND NON DIRECTIONAL. 6 POLES ARE PROPOSED PER THIS PLAN. DETAILED LIGHTING DESIGN SHALL BE PROVIDED AT SITE PLAN.

LEGEND

REMOVE GRAVEL, RESHAPE, AND PERMANENT SEED

PROPOSED ASPHALT

PARKING CALCS:

ALL OTHERS: 1 SPACE PER 4 PERSONS OF RATED BUILDING CAPACITY

120 PERSON CAPACITY= 120 / 4 = 30 SPACES REQUIRED
48 SPACES PROVIDED (INCLUDING 2 HANDICAP)

BIKE PARKING:
1 SPACE PER 10,000 SF: 67,500SF / 10,000 = 6 SPACES (ROUNDED UP FROM 6.75 SPACES) REQUIRED
8 SPACES PROVIDED

*ALL PARKING LOCATED WITHIN EXISTING ASPHALT, NO NEW ASPHALT PROPOSED FOR PARKING SPACES.

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3/25/16
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JOB:

REZONING PLAN FOR MAYFLOWER DRIVE SHOOTING RANGE

LYNCHBURG, VA

CLIENT:
FISHING CREEK PROPERTIES, LLC

MARK	DATE	DESCRIPTION
1	03/25/16	PER CITY COMMENTS

ISSUE:	03/01/16
CONTOUR INTERVAL:	2'
DRAWN BY:	MJD
CHECKED BY:	NBW

SITE LAYOUT

GRAPHIC SCALE
0 200 400
1"=200'

JOB NO 16064 SHEET NO 3 OF 5

P:\2016\16064-MAYFLOWER DR SHOOTING RANGE\DWG\C-RZ-16064.dwg 3/25/2016 3:14 PM

LANDSCAPE LEGEND

	SYM	QUANTITY	BOTANIC NAME	COMMON NAME	PLANTING SIZE	REMARKS
A		12	ACER RUBRUM 'OCTOBER GLORY'	"MAPLE OCTOBER GLORY"	1.5-1.75" CAL. MIN	SHADE TREE
B		8	LAGERTROEMIA I. BILOXI CANADENSIS	CREPEMYRTLE	8'-10' HT.	ORNAMENTAL TREE
C		28	ABELIA X GRANDIFLORA 'EDWARD GOUCHER'	EDWARD GOUCHER ABELIA	3 GAL, 2' MIN HT.	MED SHRUB
D		45	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY	3 GAL, 2' MIN HT.	MED SHRUB
E		13	AZALEA 'GUMPO WHITE'	GUMPO WHITE AZALEA	3 GAL, 1' MIN HT.	SM SHRUB
F		43	JUNIPERUS SQUAMATA 'BLUE STAR'	BLUE STAR JUNIPER	3 GAL, 3' MIN HT.	LG SHRUB
G		29	CUPRESSUS X LEYLANDII	LEYLAND CYPRESS	4-5' MIN HT.	L EVERGREEN

PARKING AREA LANDSCAPING: 48 PROPOSED SPACES
1 SHADE TREE / 8 SPACES= 6 TREE REQUIRED / 12 TREES PROVIDED
1 MEDIUM SHRUB / 1 PARKING SPACE = 48 SHRUBS REQUIRED / 60 SHRUBS PROVIDED

PARKING AREA SCREENING: 100 LF FRONTAGE
1 LARGE SHRUB / 3 LF = 34 SHRUBS REQUIRED / 43 SHRUBS PROVIDED

STREET TREES:
MAYFLOWER DR - 100 LF OPEN / 20 = 5 TREES REQUIRED
5 TREES PROVIDED

FOUNDATION PLANTINGS: 129 LF
1 ORNAMENTAL TREE / 50 LF = 3 ORNAMENTAL TREES REQUIRED / 3 ORNAMENTAL TREES PROVIDED
1 MEDIUM SHRUB / 10 LF = 13 MEDIUM SHRUBS REQUIRED / 13 MEDIUM SHRUBS PROVIDED
1 SMALL SHURB / 10 LF = 13 SMALL SHRUBS REQUIRED / 13 SMALL SHRUBS PROVIDED

NOTES:

1. ALL LANDSCAPE BEDS TO HAVE 3" SHREDDED HARDWOOD MULCH.
2. ALL STREET TREES TO HAVE 3' DIAMETER MULCH RING, 3" DEEP.

PERKINS & ORRISON
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PHONE: 434-525-5985 FAX: 434-525-5986

COMMONWEALTH OF VIRGINIA
NORMAN B. WALTON JR.
No. 036517
3/25/16
PROFESSIONAL ENGINEER

JOB:

REZONING PLAN FOR MAYFLOWER DRIVE SHOOTING RANGE

LYNCHBURG, VA

CLIENT: FISHING CREEK PROPERTIES, LLC

MARK	DATE	DESCRIPTION
1	03/25/16	PER CITY COMMENTS

ISSUE: 03/01/16
CONTOUR INTERVAL: 2'
DRAWN BY: MJD
CHECKED BY: NBW

LANDSCAPE PLAN

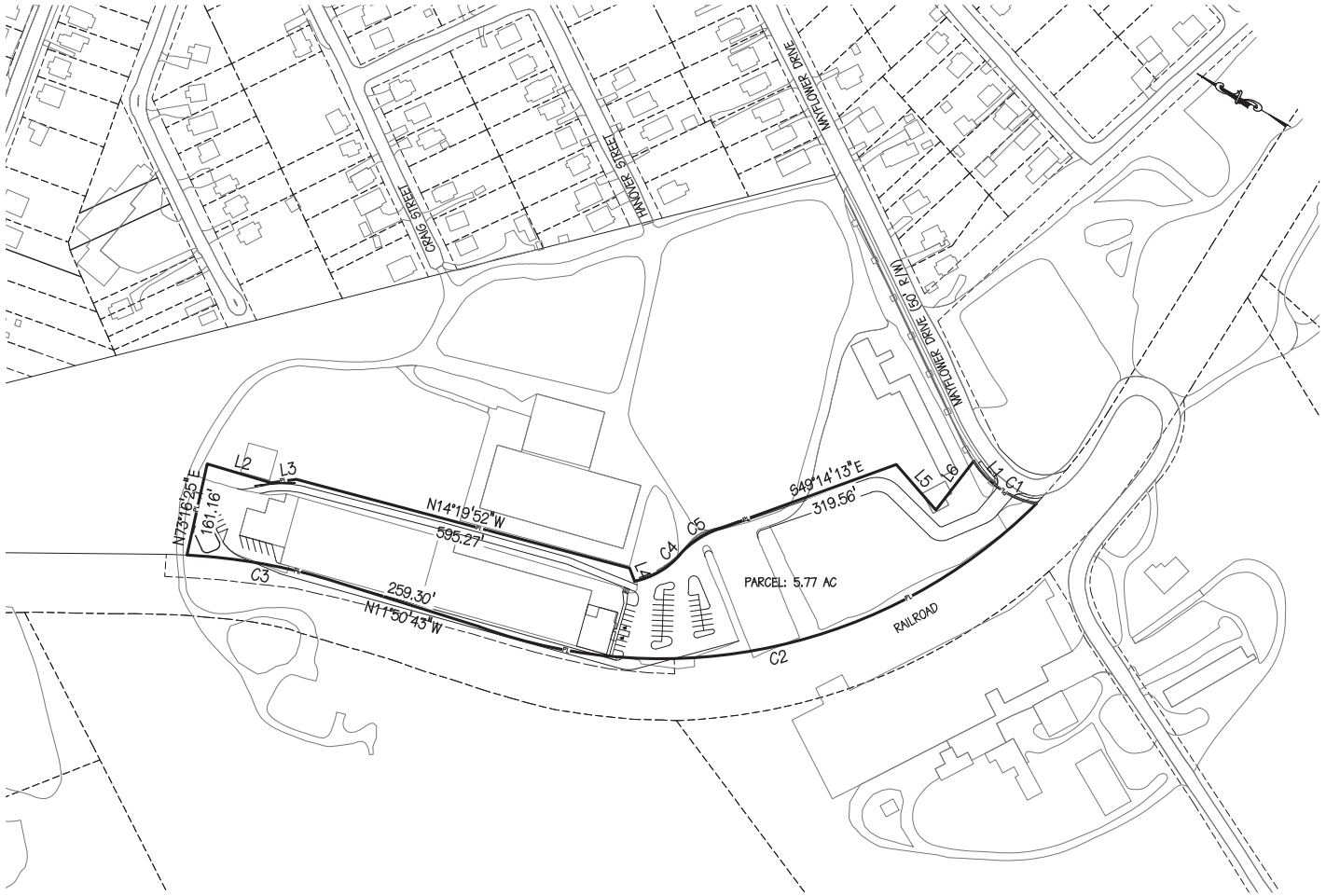
GRAPHIC SCALE
0 200 400
1"=200'

JOB NO 16064 SHEET NO 4 OF 5

P:\2016\16064-MAYFLOWER DR SHOOTING RANGE\DWG\C-RZ-16064.dwg 3/25/2016 3:14 PM

CURVE TABLE					
CURVE	LENGTH	RADIUS	BEARING	CHORD	DELTA
C1	123.89'	158.79'	S03°10'46"W	120.77'	44°42'08"
C2	1039.05'	918.02'	N41°41'23"W	984.47'	64°50'58"
C3	262.14'	1037.48'	N19°05'01"W	261.44'	14°28'36"
C4	91.67'	142.11'	S59°27'39"E	90.09'	36°57'41"
C5	88.67'	141.68'	S61°58'28"E	87.23'	35°51'33"

LINE TABLE		
LINE	BEARING	LENGTH
L1	S20°28'54"W	38.69'
L2	S12°50'25"E	114.93'
L3	S36°41'28"E	44.25'
L4	S40°24'04"W	24.43'
L5	S19°43'59"W	104.43'
L6	S81°47'25"E	107.01'



PERKINS & ORRISON
ENGINEERS ▲ PLANNERS ▲ SURVEYORS

PO BOX 1567 17 W. NELSON STREET
LEXINGTON, VIRGINIA 24450
PHONE: 540-464-9001 FAX: 540-464-5009
EMAIL: PNO@PERKINS-ORRISON.COM

27 GREEN HILL DRIVE
FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986

COMMONWEALTH OF VIRGINIA
NORMAN B. WALTON JR.
No. 036517
3/25/16
PROFESSIONAL ENGINEER

JOB:

REZONING PLAN FOR MAYFLOWER DRIVE SHOOTING RANGE

LYNCHBURG, VA

CLIENT: FISHING CREEK PROPERTIES, LLC

MARK	DATE	DESCRIPTION
1	03/25/16	PER CITY COMMENTS

ISSUE: 03/01/16
CONTOUR INTERVAL: 2'
DRAWN BY: MJD
CHECKED BY: NBW

BOUNDARY SHEET

GRAPHIC SCALE
0 200 400
1"=200'

JOB NO 16064 SHEET NO 5 OF 5

P:\2016\16064-MAYFLOWER DR SHOOTING RANGE\DWG\C-RZ-16064.dwg 3/25/2016 3:14 PM

Lexington
Wes Perkins, LS
Russ Orrison, PE, LS

Pierson Hotchkiss, LS
Gavin Worley, PE

PERKINS & ORRISON
ENGINEERS ▲ PLANNERS ▲ SURVEYORS

Lynchburg
Kenneth Knott, LS
Norman Walton, PE

Aaron Dooley, LS

February 27, 2016
(rev. March 25, 2016)

Tom Martin
City of Lynchburg
900 Church Street
Lynchburg, VA 24502

RE: Rezoning & CUP Narrative – I-3 to I-2
A portion of TM# - 110-05-016

Dear Mr. Martin

On behalf of Fishing Creek Properties, LLC, I am submitting this request to rezone approximately 5.77 Acres of the above referenced parcel from I-3 to I-2. This property will be subdivided into a separate and independent tract.

The proposed use of the property is an indoor shooting range, which requires a Conditional Use Permit. The existing structure adjacent to the railroad is to be renovated and used for the indoor range. This range will house two separate shooting zones, one for the public use and one specifically for law enforcement and corporate training. Each zone will contain multiple lanes.

There is no indoor shooting range within the Central Virginia area that is large enough to support both public and governmental firearms training. The development group has already spoken to law enforcement agencies for the majority of the Region 2000 area, and the need is great. The development group has received overwhelming support from these law enforcement agencies.

It is planned that this range will also sell firearms and ammunition. They will also provide a snack bar for refreshments as law enforcement or corporate training activities could last for several hours. This facility will not re-load ammunition. No raw gunpowder will be stored on this site. It is anticipated that the hours of operation will be 9AM to 10PM, although these hours could change.

The renovation to a shooting range will incorporate numerous safety features. The range, of course, will not allow stray rounds to leave the building. Sound reducing measures will be

17 W. Nelson Street · P.O. Box 1567
Lexington, Virginia 24450

27 Green Hill Drive
Forest, Virginia 24551

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434-525-5985 Fax: 434-525-5986

Email: pno@perkins-orrison.com

incorporated in the renovation as well. To protect the patrons and employees, a specific air system will be designed to remove and filter all gasses generated by firearm discharge.

The developers are planning to hold Neighborhood Informational Meetings to meet the adjoining neighbors and other residents within close proximity to this project to discuss the range, its operation, and impact to the neighborhood. The first of such meetings will be Monday, April 4, 2016 at 6:30 PM at the Fairview Heights Recreational Center on Campbell Ave.

Water and Sewer is available and connected to this building.

The entire structure will be renovated. The interior will be renovated to construct the shooting ranges. The front office area of the building will be demolished and a new sales, lobby, snack bar area constructed.

Traffic generated by this use is anticipated to be low, less than 200 vehicles per day.

Should you have any questions regarding this information, please let me know.

Sincerely,

Norman B. Walton, Jr., P.E.
Perkins & Orrison, Inc.

17 W. Nelson Street · P.O. Box 1567
Lexington, Virginia 24450

27 Green Hill Drive
Forest, Virginia 24551

540-464-9001 Fax: 540-464-5009

434-525-5985 Fax: 434-525-5986

Email: pno@perkins-orrison.com

Google Maps

Imagery ©2016 Google, Map data ©2016 Google 50 ft

Google Maps

Rezoning from I-3 to I-2
2301 Mayflower Drive
April 13, 2016

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
[illegible]	[illegible]	[illegible]			
Norm Walton	Perkins + Morrison				

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 11

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): 3504 Powhatan Street**

RECOMMENDATION: Approval of the CUP.

SUMMARY: City Spaces LLC is petitioning for a CUP to allow the conversion of an existing structure at 3504 Powhatan Street from a single family home to a duplex. The structure is currently vacant and undergoing renovations to become a rental property. The property is zoned B-1, Limited Business District and contains approximately three hundred and fifty-seven thousandths (0.357) of an acre. Parking for the duplex will be on-street and shared with the five neighboring houses, one of which has a driveway. The Planning Commission recommended approval of the CUP because this street segment is primarily residential in nature, contrary to its commercial zoning. The petition facilitates the property to continue as a residential use until larger scale redevelopment occurs, as called for in the *Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan*.

PRIOR ACTION(S):
April 13, 2016: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval (6-0 with one absence; Bowden).

FISCAL IMPACT: N/A

CONTACT(S): Anne Nygaard, Planner II - 455-3900
Tom Martin, AICP, City Planner - 455-3900
Kent White, Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report and Minutes – April 13, 2016
- Zoning Map
- *FLUM* Map
- Watershed Map
- Planimetric and Topographic Map
- 3405 Powhatan Street Duplex Site Plan
- Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO CITY SPACES LLC TO ALLOW THE USE OF AN EXISTING STRUCUTRE AT 3504 POWHATAN STREET AS A DUPLEX IN A B-1, LIMITED BUSINESS DISTIRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of City Spaces LLC for a conditional use permit to allow the use of an existing structure in a B-1, Limited Business District as a duplex is hereby approved subject to the following conditions:

1. There will be no exterior modifications to the structure that would result in distinguishing it from a single-family home until the point when the site is redeveloped with an appropriate B-1, Limited Business District Use.

2. All exterior lighting shall be installed so that the direct lighting from fixtures is shielded from crossing any residential property line.

Adopted:

Certified: _____
Clerk of Council

057K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 13, 2016
Re: **Conditional Use Permit (CUP) – Duplex – 3504 Powhatan Street**

I. PETITIONER

City Spaces LLC, 1171 Cuddington Lane, Forest, VA 24551
Representative: Mr. Jeremy Toler, 1171 Cuddington Lane, Forest, VA 24551

II. LOCATION

The subject property is a tract of approximately three hundred and fifty-seven thousandths (0.357) of an acre located at 3504 Powhatan Street.
Property Owner: City Spaces LLC, 1171 Cuddington Lane, Forest, VA 24551

III. PURPOSE

The purpose of the petition is to allow the use of an existing structure at 3504 Powhatan Street as a duplex in a B-1, Limited Business District.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map* (*FLUM*) recommends a Mixed Use for the area.
- Duplexes are permitted in a B-1, Limited Business District upon approval of a CUP by Council.
- There would be no exterior changes to the existing structure other than home landscaping.
- Parking will be provided on-street as allowed by the Zoning Ordinance.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* and the *Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan* recommend a Mixed Use for the area. Mixed Uses do not fit into any single use category as they are planned for a mix of uses carefully designed so as to mitigate any potential land use conflicts. The mixed use areas generally consist of large undeveloped or greenfield areas that are intended to be developed for a balanced mix of residential, neighborhood commercial, civic uses, parks and open spaces. The mix of uses in these areas is intended to be determined at the time of development review and approval. The adopted area plans should be consulted for a more fine-grained discussion of the mix of uses… **(*p76*)**

The *Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan* was adopted in October 2013. The plan calls for a road diet on Campbell Avenue following the completion of the Odd Fellows Road/US 460 interchange and provides a vision for the redevelopment along Campbell Avenue after the road diet. Road diets typically include a reduction in vehicular travel lanes and reallocation of space in the right-of-way to other travel modes and

on-street amenities. The areas designated mixed use should eventually become higher density residential with ground floor commercial development that complements the road diet and better serves the adjacent neighborhoods rather than through traffic from US 460. While the current proposal does not directly fit into this vision, planning staff recognizes that Campbell Avenue redevelopment will be an incremental process that hinges on redevelopment of the corridor. Use of the existing home as a duplex will provide greater density and is an acceptable interim use for this area of the corridor.

2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-1, Limited Business District was established in 1978.

3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.

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

   - On November 14, 2000, City Council approved the petition of Central National Bank to rezone approximately one half (.5) acre on the 2000 block of Hanover Street from R-3, Medium Density, Two-Family Residential District to B-1, Limited Business District to allow parking and the relocation of a drive-through banking facility from an adjacent bank at 3515 Campbell Avenue.

   - On May 8, 2007, City Council approved the conditional use permit petition of Robert Parsons to allow an addition to a single family residence in a business district at 109 North Durham Street.

   - On October 8, 2013 City Council adopted the *Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan* as part of the City's Comprehensive Plan.

5. **Site Description.** The subject property is a tract of approximately three hundred and fifty-seven thousandths (0.357) of an acre located at 3504 Powhatan Street. The property contains a one (1)-story, approximately nine hundred (900) square foot residence constructed in 1954. The structure is currently vacant and undergoing renovations.

6. **Proposed Use of Property.** The purpose of the petition is to allow the use of an existing structure as a duplex in a B-1, Limited Business District.

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

   Section 35.2-62.2, Location of Off-Street Parking Facilities of the *Zoning Ordinance* requires one (1) parking space per residential unit. The duplex would require two (2) parking spaces. Section 35.1-25 (c) provides that on-street parking located within one thousand (1,000) feet and connected by pedestrian facilities (to the proposed use) may be used to satisfy off-street parking requirements.

   On-street parking is available on both sides of Powhatan Street and sidewalks currently exist on the north side of the street, connecting to the house at 3504 Powhatan Street. Currently six single-family homes share on-street parking on this approximately two hundred (200) foot section of Powhatan, only one of which has a private driveway. Approximately twenty (20) cars can be parked in this area of Powhatan, which would result in an average of three (3) spaces per house. As a public street, there are no restrictions on who may park and how many cars may be parked. It will all be first come, first served. While the conversion of this one

house to a duplex should not cause on street parking conflicts, the conversion of additional houses on this street likely will. However, because the addition of a driveway would increase impervious area and remove an on street space shared by the whole neighborhood, planning staff determined on street parking would be sufficient.

The property is served by Greater Lynchburg Transit Company (GLTC) Route Number 2 by a GLTC stop located at 3600 Campbell Avenue. Sidewalks to this stop are not continuous.

8. **Stormwater Management.** Land disturbance will be limited to minor landscaping. Therefore, a stormwater management plan is not required for the proposed use of the existing structure as a duplex.

9. **Emergency Services:** The City Fire Marshal had no comments of concern regarding the proposed use. The City's Police Department provided general safety recommendations to the petitioner.

10. **Impact.** The proposed use of the commercially zoned structure as a duplex should have little to no impact on the area and is an acceptable interim use while the *Campbell Avenue/Odd Fellows Road Land Use and Corridor Master Plan* is undergoing implementation. As stated above, parking is the main concern and important for Planning Commission to consider.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on March 15, 2016. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of City Spaces, LLC to allow the use of an existing structure located at 3504 Powhatan Street as a duplex subject to the following conditions:

1. **There will be no exterior modifications to the structure that would result in distinguishing it from a single-family home until the point when the site is redeveloped with an appropriate B-1, Limited Business District Use.**

2. **All exterior lighting shall be installed so that the direct lighting from fixtures is shielded from crossing any residential property line.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mrs. Maggie Cossman, Transportation Engineer
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Jeremy Toler, Petitioner

VII. ATTACHMENTS

1. **Zoning Map**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan**
6. **Property Photographs**

MINUTES FROM THE APRIL 13, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO SECOND MEETING IN APRIL):

Petition of City Spaces LLC for a conditional use permit at 3504 Powhatan Street to allow an existing single family house to be converted to a duplex in a B-1, Limited Business District.

Ms. Nygaard explained that the property contains a single-family home and is one block off Campbell Avenue. It is zoned B-1, Limited Business District, which allows single-family homes as a matter of right. Duplexes are allowed by conditional use permit and all other residential uses are permitted only as part of a mixed use development.

This area is designated Mixed Use on the *Future Land Use Map.* Those areas are characterized by larger scale development and contain a variety of uses within one parcel. The designation for this property changed with the adoption of the *Campbell Avenue/Odd Fellows Road Corridor Plan* in October 2013. The plan envisions a road diet on Campbell Avenue following the completion of the Odd Fellows Road interchange. A road diet is a reduction in the number of vehicular travel lanes and a redistribution of that space for other modes of travel. The mixed use areas established with that plan were meant to encourage redevelopment once the road diet is complete. Until the road diet is complete, planning staff does not expect the level of development that is called for in this plan. Even though this proposed duplex does not fit into exactly what the *Comprehensive Plan* is calling for, it does seem like an acceptable interim use while we are waiting for the plan to take shape.

The house on the property was constructed in 1954 and has a footprint of approximately 900 square feet. The petitioners are proposing to convert the 900 square foot basement into another dwelling unit. Each unit will have two bedrooms.

The main concern that planning staff had was with parking. The Zoning Ordinance requires one space per residential unit and allows that on street parking within 1000 feet and connected by sidewalks can count toward that requirement. On street parking is available on both sides of Powhatan Street. Approximately 20 cars can be accommodated in the vicinity of this house. There are six houses in the area that might reasonably share those 20 spaces. If a driveway were required, it would increase impervious area and take away one of the on street spaces that can be shared by the entire neighborhood. Parking could become an issue if more duplexes are proposed in the area; however, staff does not feel parking will be much of an issue at this time. Planning staff recommends approval of the petition.

Mr. Alex Steady was present to represent the petition. He did not have anything to add to staff's report but was happy to answer any questions from the commissioners. He did mention that it is he and his partner's first time converting a single-family home into a duplex and it is going very well. Chair Perault asked if there was anyone to speak in favor or opposition to the petition. No one came forward and the public hearing portion of the petition was closed.

Commissioner Marion asked staff if they knew why this area was zoned B-1. Ms. Nygaard indicated that there is a nursing school in the area as well as a church. Commissioner Marion noted that besides those two uses, the area is residential and the houses are very small. She did note that there are no neighbors present at the public hearing today. However, she is not sure she would like to live next door to this house with two units and only two parking spaces in the front of the house.

Ms. Nygaard is not sure why this area is zoned B-1. Her best guess is that previous planners were trying to create a transition from the B-3 area on Campbell Avenue and the residential neighborhood. Commissioner Marion did not have a problem with the *FLUM* designation; however, that use would probably mean some type of apartment living. To put a duplex in the middle of a single-family residential

neighborhood does give her concern about potential parking problems. The duplex would probably create four cars. Staff has said there is room for the added cars but that seems to her to be a little tight. She also thinks the house is small for a duplex. She does not like it but again noted that there are no neighbors present that are expressing any concern with the proposal.

Chair Perault noted that the last house on the street has a driveway and that kind of removes them from the parking equation. Mr. Steady noted that the other house at the end of the street has an area to park cars as well.

Commissioner Gahagan asked if there might be a plan to develop a turnaround at the end of the street. Ms. Nygaard indicated there are no plans for that currently; if it became a concern in the future, it would be referred to Public Works for consideration.

Commissioner Lowe had concerns as well and wondered why this is being developed as a duplex as opposed to an apartment. He thought that during the discussion of the Zoning Ordinance rewrite, duplexes were thought of more of as side by side as opposed to an upstairs/downstairs arrangement. This makes it feasible to sell each side of the duplex. Ms. Nygaard does not think the intent is to sell the two units separately; it is essentially two apartments, one on each floor.

Mr. Martin indicated that it is being called a duplex because it is two units. It could also be called a two-unit apartment building. There is no way to sell off one of the units. Mr. Martin thought the term duplex in the City's Zoning Ordinance means two units. Apartment is used more to mean more than two units in one building. Mr. Martin also pointed out that the term duplex has the connotation of being a rental; the same can be said of apartments having that negative connotation whether that is fair or not. Commissioner Lowe also pointed out that up to three unrelated people could live in each unit and could potentially have six vehicles.

Commissioner Marion asked for clarification as to why staff has no objection based on this use being temporary. Ms. Nygaard thinks that this whole area will see some redevelopment long term once the Campbell Avenue street diet is complete. She noted that in her visit to the site, there seemed to be plenty of on street parking in the immediate area. If they cannot park directly on Powhatan Street there is additional parking on other side streets. Commissioner Marion thought that could be a long walk factoring in that the entrance to the downstairs unit is from the back. She would rather see it have a driveway.

Commissioner Rogers asked if the unit next door is a duplex. Ms. Nygaard indicated that it is not listed as one with a conditional use permit. It might be an owner occupied dwelling with an accessory apartment.

Chair Perault agrees with the concern about creating more impervious surface. He thought that the steepness of the slope on this property would also make it impractical to put in a driveway. He noted that when he visited the site, the parking was tight but the street being a dead end helps because you are not going fast. It was easy to negotiate even with cars on both sides. He noted that he visited during the day when there people were likely at work; however, there were vacant spots. Chair Perault also noted that although staff sees this as an interim use, it might not necessarily stop down the road just because the City has made changes. He does not have a major issue with the petition, especially in light of the fact that none of the neighbors are present today. Mr. Steady noted that they talked to all the adjacent neighbors and they were all actually happy that they were doing something with the house. He believes they are all homeowners.

Commissioner Marion noted that she likes what they are doing with the house as well. She thinks this is a nice, quiet neighborhood though. If others on the street come in and say they want to do

duplexes, what are they going to say to them? Mr. Martin thought they needed to look at what is permitted by right in a B-1 district. B-1 allows light retail, office and restaurant uses, which could be allowed to use on street parking by right. There would be no review by Planning Commission or City Council. He thought they needed to look at whether it is a duplex or a single-family dwelling, if maintaining a residential use in the B-1 district is an appropriate use.

Chair Perault noted that it is their right, if new petitions come forward for duplexes, to say that traffic and parking have become concerns. A recommendation for approval for this duplex does not set precedence for future proposals to be automatically approved. Mr. Martin said that is correct and pointed out that if they feel parking is a concern with this petition, the commission does not have to recommend approval. Mr. Martin also noted that if all the B-1 properties as developed as a whole, there would most likely have to be off street parking provided.

Commissioner Lowe noted that many of the properties have dual zonings of R-3 and B-1. Mr. Martin noted that is a good point in that the surrounding properties are zoned R-3. If a study was done of the area that suggested a downzoning, they would have to show that some mistake was made in zoning it B-1. Would there be a recommendation to zone this area R-1 or R-2 with all the other properties in the area being R-3 and being adjacent to B-3 uses on Campbell Avenue. Probably not; the recommendation would probably be to zone the B-1 properties as R-3, which allows duplexes by right. He acknowledged that it is difficult because of the parking issue, but he thinks that will need to examine on a case-by-case basis.

Commissioner Lowe asked how the tenants will get to the basement unit. Mr. Steady said they will be putting in steps and a path that goes around to the right (looking from the street) of the front of the house. There is less of a slope there. There will be a concrete pad installed as well for a patio. Commissioner Light asked about their target market. Mr. Steady said it would be a couple or small family. They are not looking to market to college students because it increases the potential for destruction to the property as well as being an annoyance to the neighbors.

Commissioner Rogers noted that he shares some of the other commissioners' concerns but he also understands what Mr. Martin pointed out about the zoning in the area. At first he was thinking that he hates to see a home go from single-family to rental but there are no homeowners here to object. He does not see how he can object. He also thinks that some of the houses may be able to be converted if there is parking behind them. Commissioner Rogers was there in the evening and there was plenty of parking.

Commissioner Light made the following motion, which was seconded by Commissioner Rogers:

"That the Planning Commission recommends to City Council approval of the petition of City Spaces, LLC to allow the use of an existing structure located at 3504 Powhatan Street as a duplex subject to the following conditions:

1. **There will be no exterior modifications to the structure that would result in distinguishing it from a single-family home until the point when the site is redeveloped with an appropriate B-1, Limited Business District Use.**

2. **All exterior lighting shall be installed so that the direct lighting from fixtures is shielded from crossing any residential property line.**

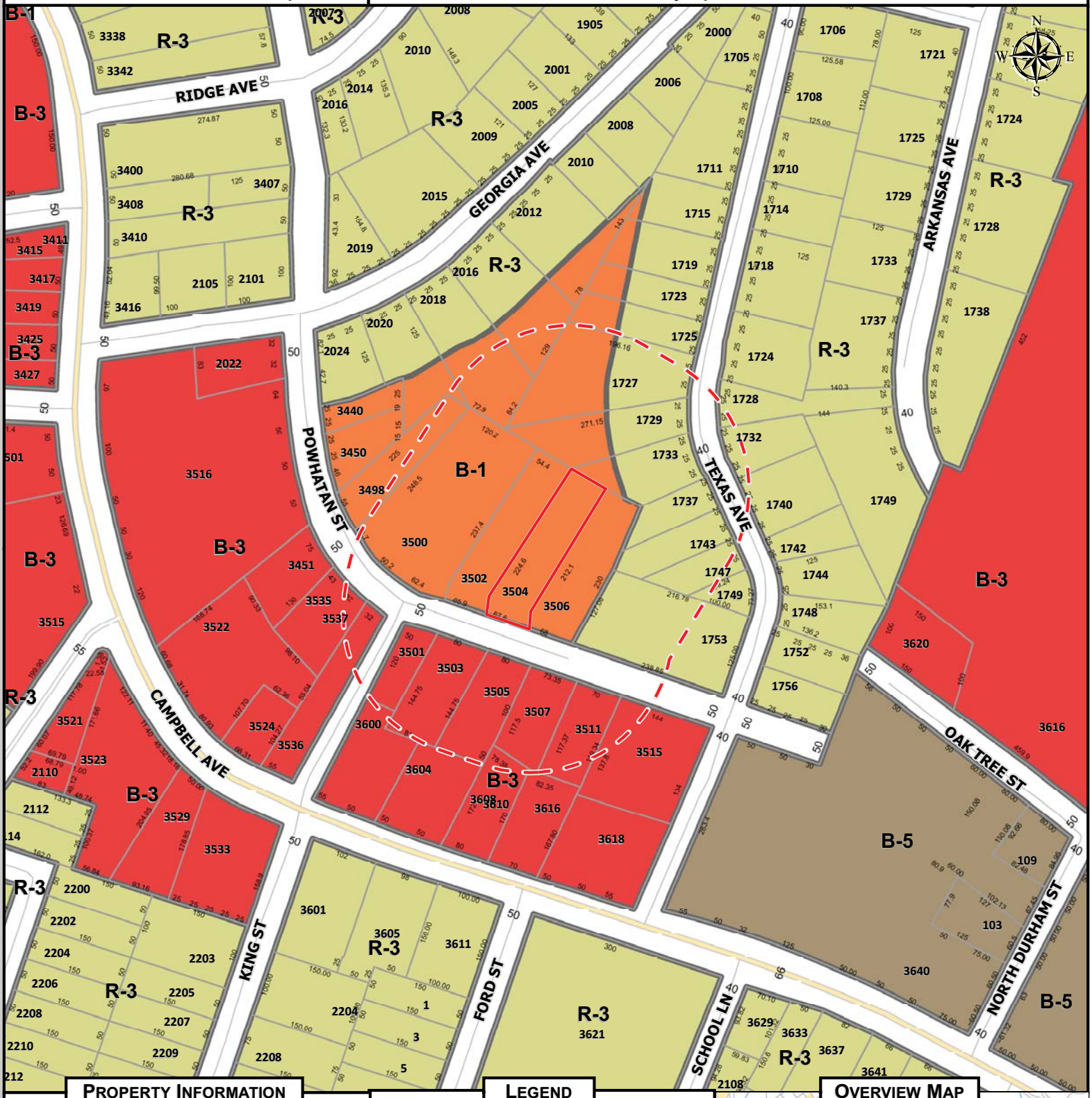
Chair Perault noted that this is an R-3 area given what is around this property and a duplex would be allowed. Moving forward, parking will be a concern but it seems the street parking can accommodate the current petition. It is cleaning up the site and the neighbors do not seem to mind.

Commissioners Lowe and Marion both noted they cannot find a hard core reason to vote against it. Commissioner Marion noted that it is similar to the trend toward "tiny" houses and she is in favor of that type of downsizing.

The motion passed by the following vote:

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

Zoning Map	DUPLEX
Conditional Use Permit Request	City Spaces, LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS
11026029	3504 POWHATAN ST

LEGEND

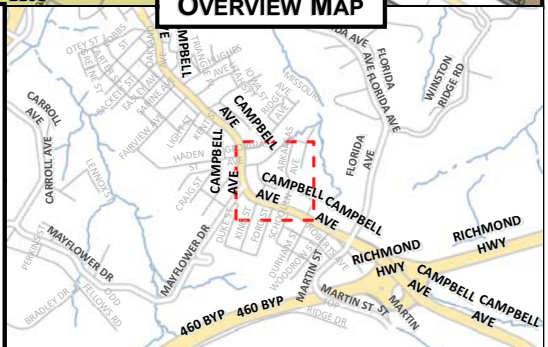
Subject Property

215' Buffer

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

MAP SCALE: 1 " to 200 ' DATE PRINTED: 4/1/2016

OVERVIEW MAP



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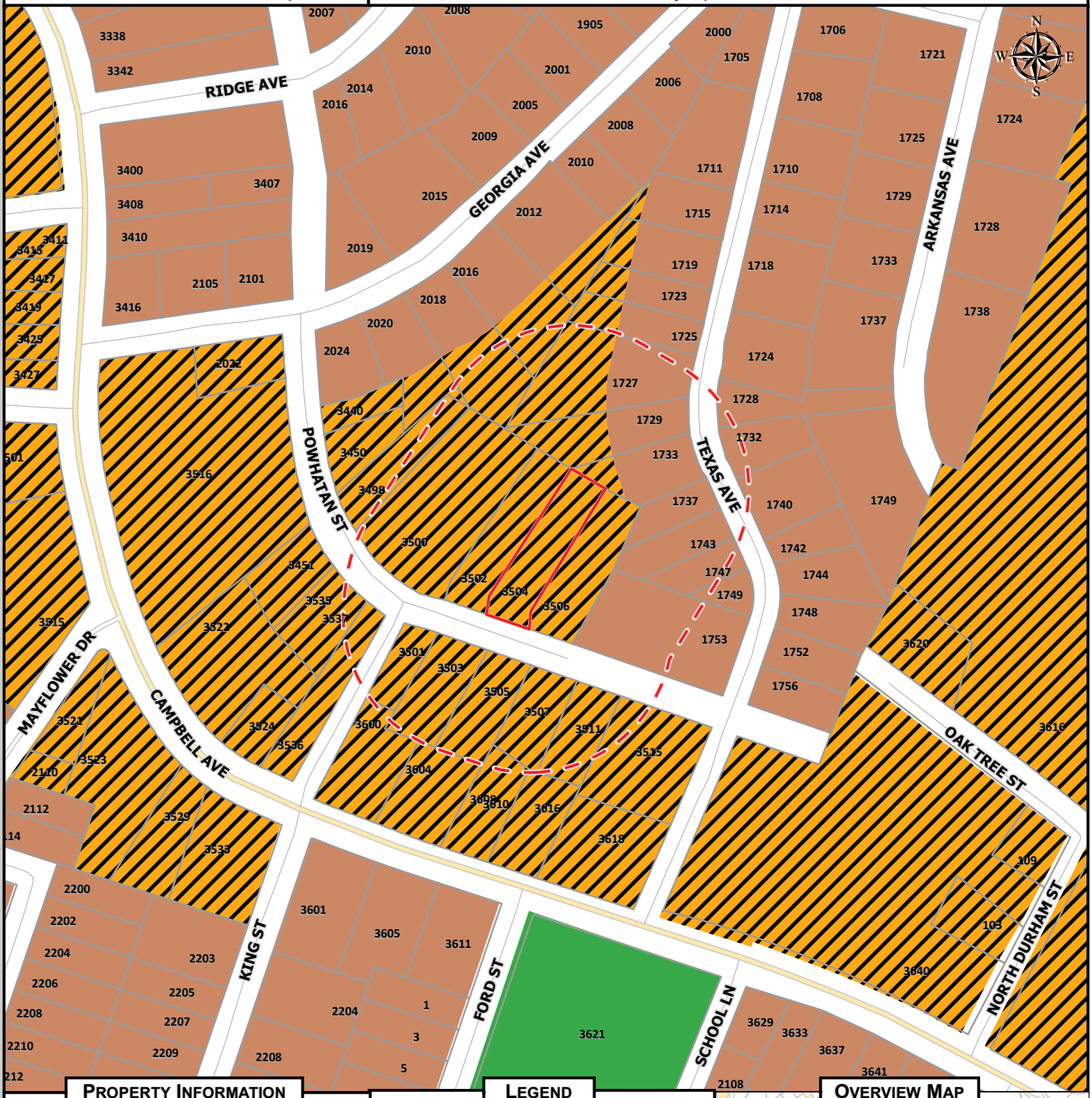
Parcel ID	Address	Owner
11017009	3505 POWHATAN ST	BALDWIN, ANN D TRS
11018009	3535 POWHATAN ST	BROOKS, WILLIAM F
11026004	2016 GEORGIA AVE	BROWN, CHRISTINE J
11026029	3504 POWHATAN ST	CITY SPACES LLC
11026020	1743 TEXAS AVE	CREWS, DONNA L
11026021	1747 TEXAS AVE	CREWS, DONNA L
11026019	1737 TEXAS AVE	CREWS, DONNA L
11026002	2020 GEORGIA AVE	FIELDER, JANET E
11017011	3501 POWHATAN ST	GODSIE, CECIL W & MARY G
11017001	3600 CAMPBELL AVE	GODSIE, MARY F
11026016	1725 TEXAS AVE	HARRIS, ROGER W
11027004	1740 TEXAS AVE	HENDRICKS, HENRY L
11018008	3536 CAMPBELL AVE	HUDSON, IRVIN R & DEBORAH B
11017003	3608 CAMPBELL AVE	HUTCHERSON HOLDINGS LLC
11017010	3503 POWHATAN ST	JONES, DIANA
11026028	3506 POWHATAN ST	JONES, PIERRE A & LEWIS, NORVELL P
11026003	2018 GEORGIA AVE	MAYS, ELLIOTT S JR & DIANE J
11027006	1728 TEXAS AVE	OVERSTREET PROPERTIES LLC
11017004	3616 CAMPBELL AVE	PUSEY, LLOYD J & ELLA W
11017007	3511 POWHATAN ST	PUSEY, LLOYD J & ELLA W
11026030	3502 POWHATAN ST	ROSSER, RUSSELL D & NATHALIE J
11017002	3604 CAMPBELL AVE	SHEPPARD, ARTHUR & KAREN O
11026023	1753 TEXAS AVE	SHIREE, ROYAL
11017006	3515 TEXAS AVE	SHIREE, ROYAL
11027005	1732 TEXAS AVE	SIMPSON, ESTELLE I LIFE ESTATE
11026018	1733 TEXAS AVE	STOWERS, WILLIAM E & DEBORAH S
11026017	1729 TEXAS AVE	TOMS, JEREMY B & CHRISTI W
11026037	1727 TEXAS AVE	TOMS, JEREMY B & CHRISTI W
11026031	3500 POWHATAN ST	TREE OF LIFE PENTECOSTAL HOLINESS
11026032	3498 POWHATAN ST	WATSON, SAVANNAH F
11026022	1749 TEXAS AVE	WITT, JOHN A & NANCY P
11017008	3507 POWHATAN ST	WRIGHT, SHIRLEY S

FLUM Map	DUPLEX
Conditional Use Permit Request	City Spaces, LLC



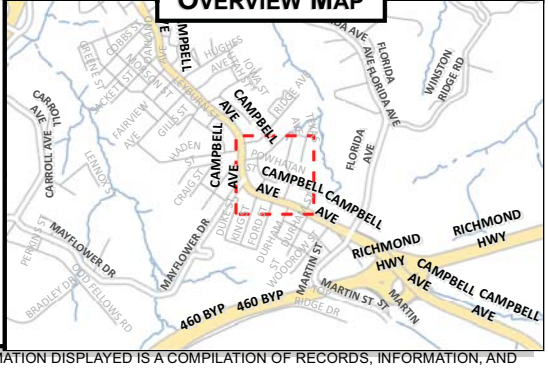
Property Information

Parcel ID	Address
11026029	3504 POWHATAN ST

Legend

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

Overview Map



Map Scale: 1 " to 200 ' **Date Printed:** 4/1/2016

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

Watershed Map	DUPLEX
Conditional Use Permit Request	City Spaces, LLC

Property Information

Parcel ID	Address
11026029	3504 POWHATAN ST

Legend

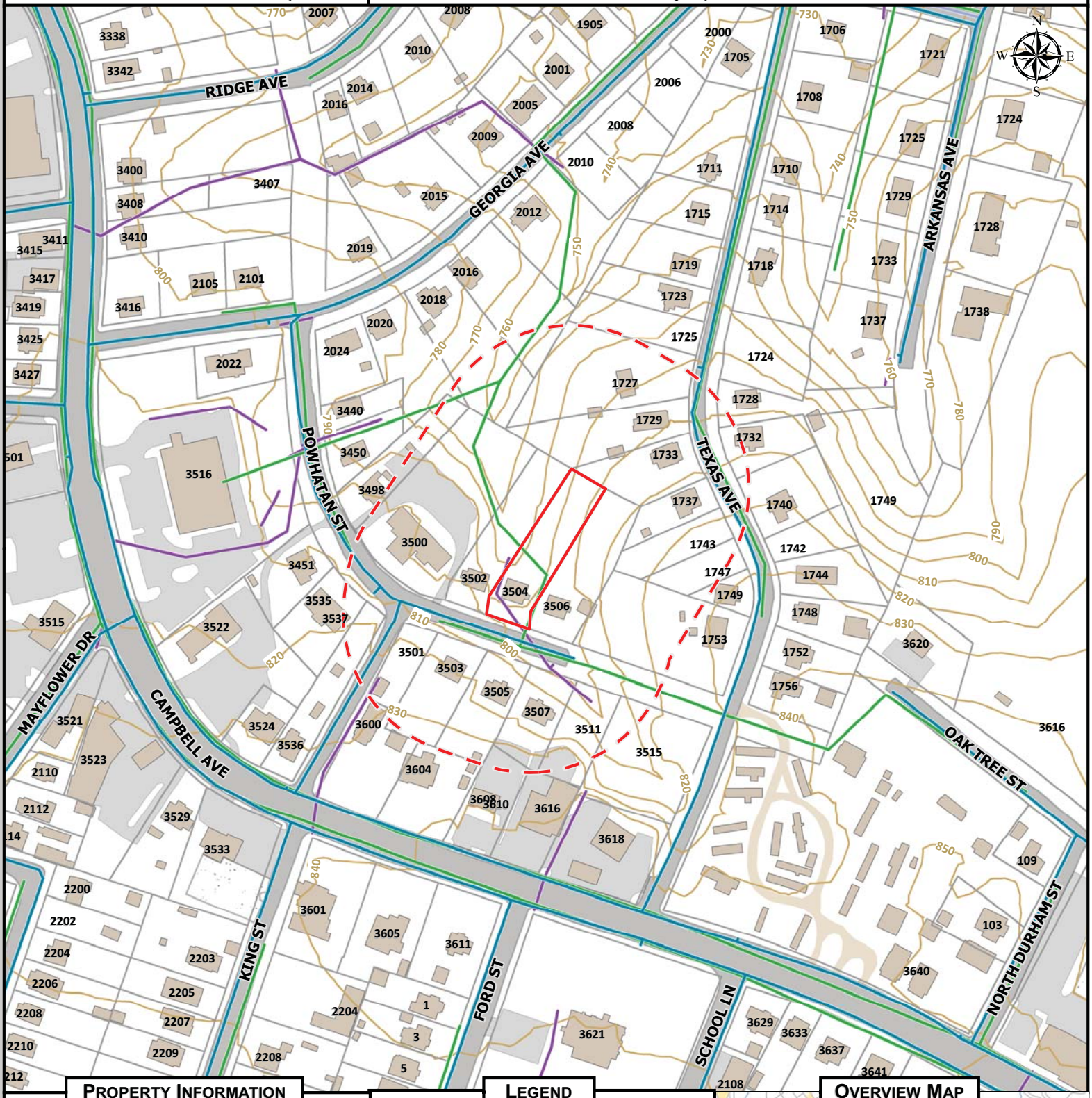
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

Overview Map

Map Scale: 1 " to 200 ' **Date Printed:** 4/1/2016

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

Planimetric and Topographic Map	DUPLEX
Conditional Use Permit Request	City Spaces, LLC



Property Information

Parcel ID	Address
11026029	3504 POWHATAN ST

Legend

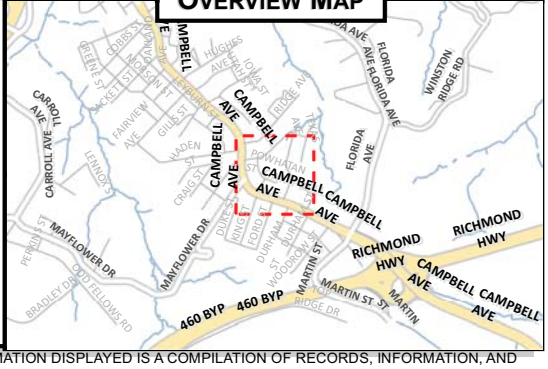
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

		Paved	Unpaved	Other
Planimetrics	Structure	-	-	
	Roadway			-
	Parking			-
	Sidewalk		-	-
	Driveway	-	-	

		10'	10' Obs
Topography	Contour		

Map Scale: 1 " to 200 ' **Date Printed:** 4/1/2016

Overview Map



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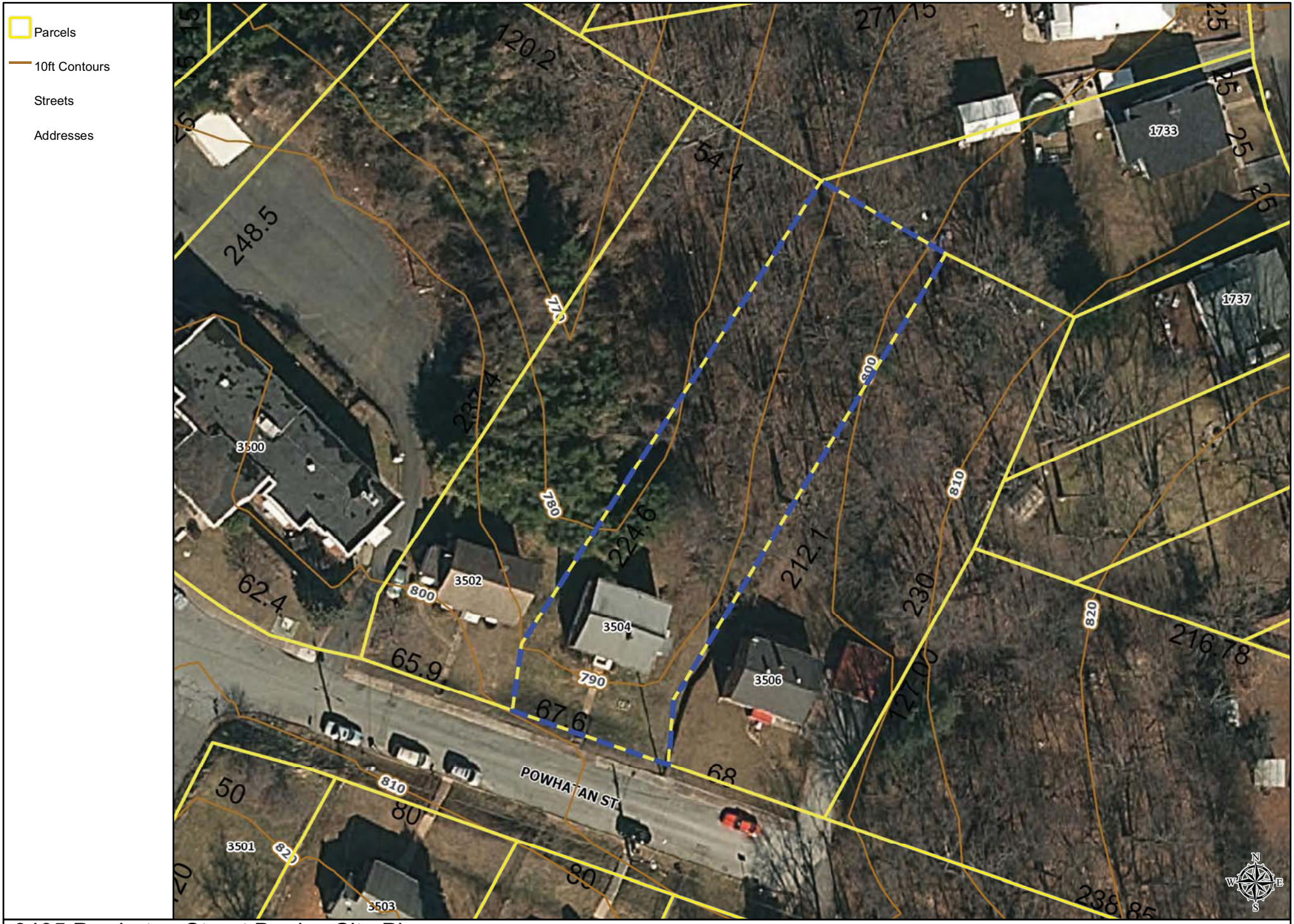


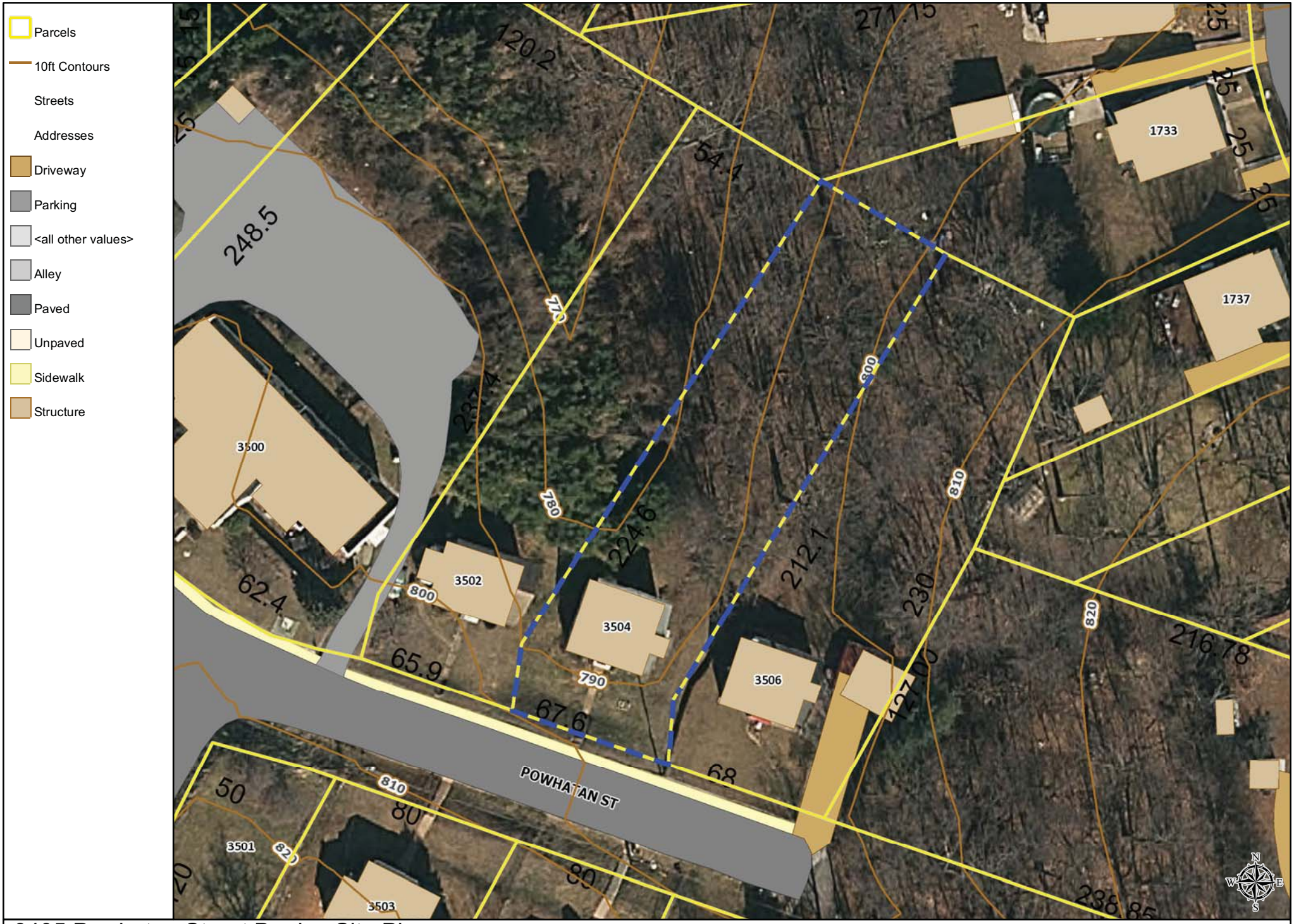
3405 Powhatan Street Duplex Site Plan

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

0 50 100 ft

1 inch = 50 feet 1:600

PRINTED ON
April 1, 2016



3405 Powhatan Street Duplex Site Plan

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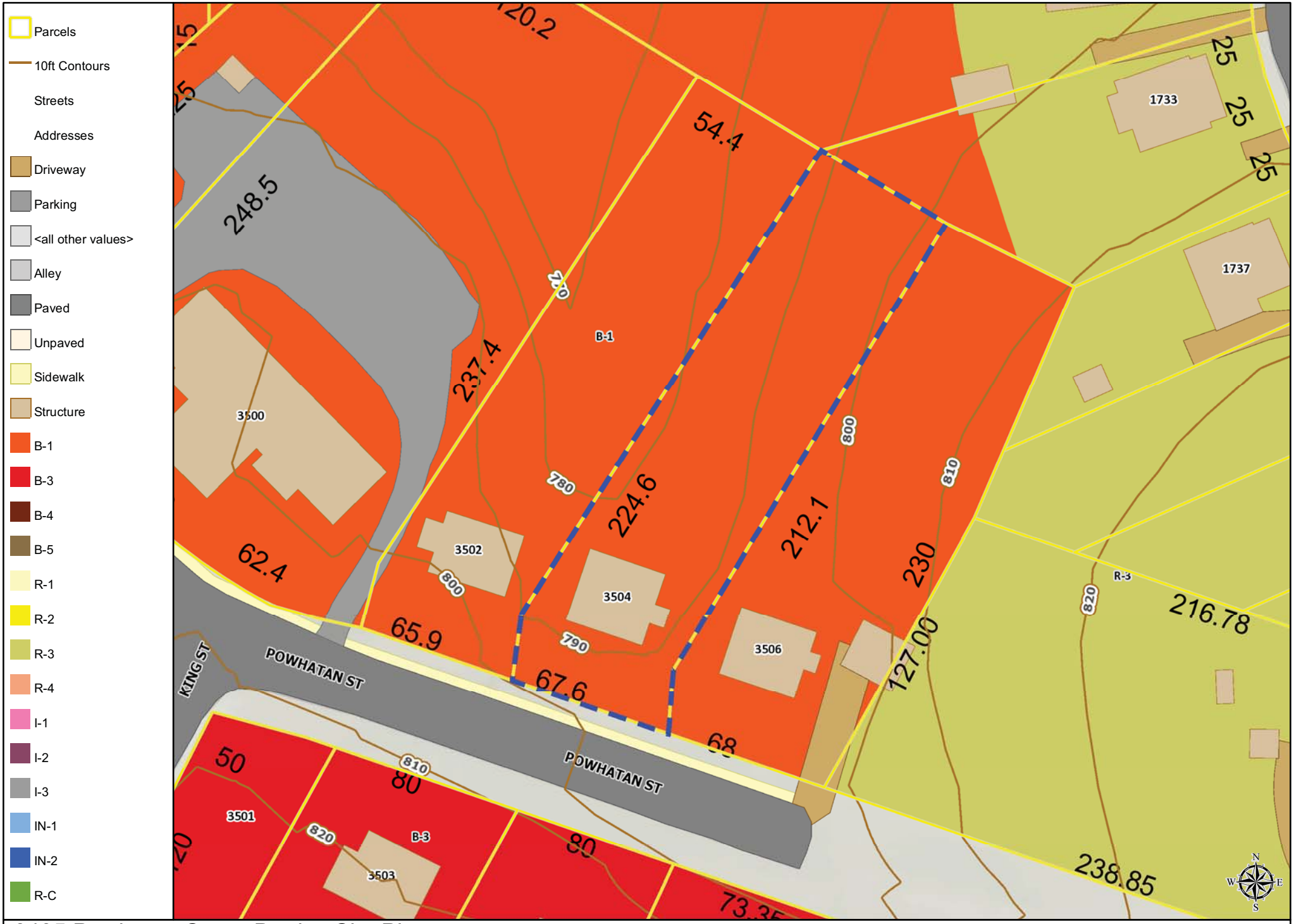

3405 Powhatan Street Duplex Site Plan

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0 50 100 ft

1 inch = 50 feet 1:600

PRINTED ON
April 1, 2016

To Whom It May Concern:

City Spaces LLC, seeks to turn 3504 Powhatan St. Lynchburg Va. Zoned commercial into a duplex housing. This home currently has 2 bedrooms, 1 bath and is approximately 900 square feet with an unfinished basement. The basement is wide open and is 900 square feet as well. Our plan is to finish the basement with two bedrooms, 1 bath. This unit will boast a galley kitchen and living room, dining room combination. The two units will share on street parking.

Unit A:
New Kitchen with vinyl flooring
new laminate countertops
new cabinets
new appliances
Dark hardwood flooring throughout (except kitchen and bath)
Vinyl flooring in bathroom
New vanity in bathroom
New shower with surround
Paint throughout house
Exterior boasts new paint around the brick and basement
New windows throughout house
New HVAC

RECEIVED
APR 01 2019
COMMUNITY
DEVELOPMENT

Unit B
Will be a replica of unit A. Everything will be brand new.
We will create a walkway around the house to Unit B
New contemporary landscaping

Parking:
Parking will be off street parking on the dead end street.

Lighting:
Unit A & B will have standard porch lighting at each unit door, as well as, landscaping lights to light pathway around house to unit B.

Landscaping:
The house will be landscaped with mulch, flowers, and shrubs. The pathway to unit B will have pea gravel and pavers leading to the front landing of unit B.

Any questions or concerns please contact:

City Spaces, LLC
Jeremy Toler
708-712-3204
jeremytolercrt@gmail.com

Google Maps

Powhatan St

3504 Powhatan Street

Image capture: Aug 2015 © 2016 Google

Lynchburg, Virginia

Street View - Aug 2015

Conditional Use Permit
3504 Powhatan Street
April 13, 2016

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Alex Steady	1103 Banbury lane 24503	732-773 7776	✓		

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 12

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Conditional Use Permit: Forest Road United Methodist Church Sign – 2805 Old Forest Road**

RECOMMENDATION: Approval of the conditional use permit (CUP) petition.

SUMMARY: Forest Road United Methodist Church is petitioning to allow a modified sign at 2805 Old Forest Road. The modified sign permit proposes the installation of a thirty-eight (38) square foot sign, of which nineteen and one-half (19.5) square feet would be a digital reader board.

The *Comprehensive Plan 2013-2030* recommends an Institutional use for the property and provides that churches and accessory uses are compatible in these areas. The underlying B-1, Limited Business District, allows for signs that do not exceed an aggregate area of twenty-four (24) square feet per street frontage, which the proposed sign exceeds. This petition was submitted under the previous Zoning Ordinance (repealed February 23, 2016), which allowed modified signs upon approval of a CUP by Council.

While the proposed sign exceeds what is allowed by the Zoning Ordinance, it consists of less area than what is allowed collectively by-right. Since the property has frontage on two streets, the church could construct two (2) twenty-four (24) square foot signs, for a total of forty-eight (48) square feet. Since the location is visible from both streets, the church has opted for one sign of thirty-eight (38) square feet. The Planning Commission added a condition stating that "no additional free-standing signage shall be constructed on the property, which includes 2805 and 2807 Old Forest Road" to clarify this point.

PRIOR ACTION(S):

March 23, 2016: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval of the CUP petition (5-0, with 1 abstention, Lowe, and 1 absent, Light)

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Resolution
- Planning Commission Report and Minutes – March 23, 2016
- Zoning Map
- *FLUM* Map
- Watershed Map
- Planimetric and Topographic Map
- Narrative
- Site Layout
- Sign Rendering
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR FOREST ROAD UNITED METHODIST CHURCH TO ALLOW A MODIFIED SIGN AT 2805 OLD FOREST ROAD IN A B-1, LIMITED BUSINESS DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Forest Road United Methodist Church for a conditional use permit to allow a modified sign at 2805 Old Forest Road is hereby approved subject to the following conditions:

1. The sign shall be located as indicated on the site plan entitled “Forest Road United Methodist Church.”
2. The total area of the digital reader board shall not exceed nineteen and one-half (19.5) square feet.
3. The total sign area of the sign shall not exceed thirty-eight (38) square feet.
4. The digital sign shall not display running animation or displays of an intermittent light or lights.
5. The digital display shall not display an “off-premises” message.
6. The digital display shall change its message no more than once every six (6) seconds.
7. The digital sign shall contain an “auto dimming” feature for night time operation.
8. Both of the existing signs on the property shall be removed.
9. The sign shall not be installed within the sight distance triangle of Old Forest Road and Old Forest Road.
10. The sign shall be constructed in accordance with the sign rendering prepared by Visible Clarity on April 3, 2015.
11. No additional free-standing signage shall be constructed on the property, which includes 2805 and 2807 Old Forest Road.

Adopted:

Certified: _____
Clerk of Council

058K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: March 23, 2016
Re: **Conditional Use Permit: Forest Road United Methodist Church – Modified Sign – 2805 Old Forest Road**

I. PETITIONER

Forest Road United Methodist Church, 2805 Old Forest Road, Lynchburg, Virginia
Representative: Ray Buchanan, Pastor, Forest Road United Methodist Church – 2805 Old Forest Road, Lynchburg, Virginia

II. LOCATION

The subject property is located at 2805-2807 Old Forest Road, totaling one and sixty-five hundredths (1.65) of an acre.

Property Owner:
Forest Road United Methodist Church Trustees, 2805 Old Forest Road, Lynchburg, Virginia

III. PURPOSE

The purpose of this petition is to allow a modified sign consisting of thirty-eight (38) total square feet. The sign would include a nineteen and one-half (19.5)-square foot digital reader board and an eighteen (18)-square foot identification sign at 2805 Old Forest Road.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030*'s *Future Land Use Map (FLUM)* recommends an Institutional use for the property.
- Churches and their accessory uses are permitted by right in the B-1, Limited Business District.
- A church located within the B-1, Limited Business District, is permitted one (1) twenty-four (24)-square foot sign per street frontage.
- This Conditional Use Permit petition was submitted prior to the adoption of the new Zoning Ordinance, adopted February 23, 2016.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg Comprehensive Plan 2013-2030 recommends Institutional use for the property. Institutional uses include religious, educational and other nonprofit entities within the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions.*(pg. 76)*

2. **Zoning.** The subject property was annexed from Campbell County in 1958. The existing B-1, Limited Business District was established in 1978. The petition would not change the underlying zoning.

3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances would be needed for the development of the property as proposed.

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

   - On November 12, 1985, City Council approved Lynchburg Investment Company, Inc.'s petition for a CUP and to rezone fifty-nine hundredths (0.59) of an acre at 2820 Linkhorne Drive from B-3, Community Business District, to B-5, General Business District (Conditional) to allow a television studio with transmission tower.
   - On November 8, 1988, City Council approved LG Flint, Inc.'s petition for a CUP to allow the construction of an adult residential care center at 3012-3020 Forest Hills Circle.
   - On October 10, 1989, City Council approved William Riley's petition to rezone approximately one (1) acre at 2728 Old Forest Road from B-1, Limited Business District, to B-3C, Community Business District (Conditional), to allow construction of a retail space with parking area and a petition to rezone approximately nine-tenths (0.9) of an acre at the rear of 2728 Old Forest Road from R-2, Low-Medium Density Single Family Residential District, to B-1C, Limited Business District (Conditional), to allow construction of an office building/parking area.
   - On February 11, 1992, City Council approved the Lynchburg City School Board's petition to use an existing structure for temporary classrooms at 3024 Forest Hills Circle
   - On August 11, 1992, City Council approved Centra Health, Inc.'s petition for a CUP to operate an alternative education facility at 3024 Forest Hills Circle.
   - On February 13, 1996, City Council approved Ivy Lake Properties, Inc.'s petition to rezone one and seven-tenths (1.7) acres at 3112-3132 Link Road from R-3, Medium Density, Two-Family Residential District, to R-4C, Multi-Family Residential District (Conditional) to allow the addition of six (6) units to the existing apartment buildings.
   - On April 9, 1996, City Council approved Robert D. Brammer's petition for a CUP for the addition of one bay to an existing service station at 3020 Old Forest Road.
   - On May 9, 2006, City Council approved Nosark, LLC's petition to rezone approximately seven tenths (0.7) of an acre from B-1, Limited Business District, to B-3, Community Business District, and for a CUP to allow the construction of a veterinary hospital without outdoor kennels at 2901 Old Forest Road.

5. **Site Description.** The subject property includes a two-story church, consisting of approximately twelve-thousand (12,000) square feet, with an accessory parking lot. The church was constructed in 1945 and is located at 2805 Old Forest Road. The property also contains a single-family home at 2807 Old Forest Road, which was constructed in 1960.

   The property is bound to the north and east (across Old Forest Road) by commercial uses, to the west by commercial uses and to the south by vacant land that is zoned R-3, Medium Density Two-Family Residential District. The vacant land directly adjacent to the property is also owned by the church.

6. **Proposed Use of Property.** The purpose of the CUP petition is to allow a modified sign consisting of a nineteen and one-half (19.5)-square foot digital reader board and an eighteen (18)-square foot identification sign at 2805 Old Forest Road. The total area of the sign is thirty-eight (38) square feet.

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

8. **Stormwater Management.** An Erosion & Sediment Control/Stormwater Management Plan is not required.

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

10. **Impact.** The subject property is recommended for an Institutional use on the *City's Future Land Use Map* and contains a church constructed in the mid 1940's. The church is located on Old Forest Road, which is a four (4)-lane undivided road. The church is requesting to install a sign consisting of approximately thirty-eight (38) square feet. Nineteen and one-half (19.5) square feet would be a digital reader board. According to the narrative submitted by the petitioner, the modified sign is being requested in an effort to "inform the community of church activities," as well as "entice new members by providing variable messages of upcoming events." With the conditions outlined as part of the Planning Division's recommendation, the sign should have limited impact on the area.

    This petition was submitted prior to the approval of the new Zoning Ordinance, which was adopted on February 23, 2016. The new Zoning Ordinance allows changeable copy signs for schools, religious institutions, and hospitals in residential districts. This sign would not be allowed by right in the new ordinance since the property is zoned B-1, Limited Business District. The petition also requests a sign that exceeds the maximum square footage allowed by the new ordinance for churches in residential districts, which is eighteen (18) square feet for the digital reader board portion and thirty (30) square feet total. The limit for signs in B-1, Limited Business District by both the old ordinance and the new ordinance is twenty-four (24) square feet.

11. **Technical Review Committee.** The TRC reviewed the concept plan on March 1, 2016. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Forest Road United Methodist Church for a conditional use permit at 2805-2807 Old Forest Road to allow the construction of a modified sign subject to the following conditions:

1. **The sign shall be located as indicated on the site plan entitled "Forest Road United Methodist Church."**
2. **The total area of the digital reader board shall not exceed nineteen and one-half (19.5) square feet.**
3. **The total sign area of the sign shall not exceed thirty-eight (38) square feet.**
4. **The digital sign shall not display running animation or displays of an intermittent light or lights.**
5. **The digital display shall not display an "off-premises" message.**
6. **The digital display shall change its message no more than once every six (6) seconds.**

7. **The digital sign shall contain an "auto dimming" feature for night time operation.**
8. **Both of the existing signs on the property shall be removed.**
9. **The sign shall not be installed within the sight distance triangle of Old Forest Road and Old Forest Road.**
10. **The sign shall be constructed in accordance with the sign rendering prepared by Visible Clarity on April 3, 2015.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mrs. Maggie Cossman, Transportation Engineer
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Ray Buchanan, Petitioner, Forest Road United Methodist Church

VII. ATTACHMENTS

1. **Zoning Map**
2. **FLUM Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Narrative**
6. **Site Layout**
7. **Sign Rendering**
8. **Property Photograph**

MINUTES FROM THE MARCH 23, 2016 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

Petition of Forest Road United Methodist Church for a conditional use permit at 2805 Old Forest Road to allow a modified sign consisting of an approximately thirty-eight (38) square foot sign with a digital reader board in a B-1, Limited Business District.

Commissioner Lowe indicated that he would be abstaining from the discussion and vote today due to a previous professional relationship with the pastor of the church, Ray Buchanan. While he does not have a legal conflict of interest, he would like to avoid the appearance of any impropriety.

Ms. Rachel Frischeisen explained that the sign is approximately 38 square feet, of which approximately 19.5 feet contains the digital reader board. The sign is like many that have come before the Planning Commission in the past but the sign is a little larger than those approved previously. Signs approved previously by City Council have been approximately 28.5 square feet total with 18 square feet containing the digital reader board. The conditions outlined in staff's report are the same as those for modified signs approved in the past.

Ms. Frischeisen pointed out that this petition was submitted under the rules of the old Zoning Ordinance. The new Zoning Ordinance allows changeable copy signs for institutions in residential districts but not in the B-1 district. This sign also exceeds the size of a by-right sign allowed by the new Zoning Ordinance (if it were in a residential district). The size allowed is 18 square feet for the digital reader board and 30 square feet total. The allowable size of a sign in a B-1 district under either the old or the new Zoning Ordinance is 24 square feet. The Planning Division recommends approval of the conditional use permit application with the conditions outlined in the report.

Mr. Ray Buchanan, the pastor of the church, came forward to represent the petition. Mr. Buchanan explained that he has been the pastor of the church for about a year and a half. He committed to having a digital reader board put up as quickly as possible. In researching the price of them, they found them to be so far out of their price range, it appeared that the church would not be able to afford one. A company was having a sale; the price of the sign was a stretch for the church's budget, but they managed to raise the money. It never occurred to Mr. Buchanan that he would need to have a zoning permit for the sign. Rather than putting up the sign and asking for forgiveness, he wanted to do the right thing and talk to City staff. That is when he found out that the sign was larger than what the City would have recommended and that the church would also need to go through the conditional use permit process.

Mr. Buchanan explained that the reason this sign is so vital to the church is that there are currently two very outdated, dilapidated signs on the property. They detract from the neighborhood and do not present the image the church would like to portray. Mr. Buchanan also pointed out that the church is in a commercial area and the sign needs to be large enough to compete with all the other signs in the area of this intersection.

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

Commissioner Marion asked if this lot would be considered a corner lot. If so, the property would be allowed a sign for each side of road frontage. Ms. Frischeisen explained that staff had two reasons for recommending that the church remove both of its existing signs and only be allowed to have one sign. Those reasons were that the sign would be visible from both of the Old Forest Roads and it was also larger than signs that had been approved in the past. Two by right signs would have a total of 48 square feet and this one sign is approximately 38 square feet. Chair Perault pointed out that the church could come back at a later date and want to put up another sign on its property. The conditions in the report

do not say that this is the only sign ever allowed on the property, just that the church must remove its two older signs. Mr. Buchanan indicated that this sign is visible from both roads and they have no plans of putting up any more signs.

Commissioner Gahagan asked if there is a designated time that the old signs must come down. Mr. Buchanan indicated that they will come down at the same time as the new sign goes up.

Chair Perault asked Ms. Frischeisen what the logic was for not allowing these digital reader boards in B-1 districts but allowing them in residential districts. She was not sure but did indicate that many of the City's churches and smaller institutions are located in residential districts so that may have been the thought process.

Chair Perault indicated that initially he had come in opposed to this petition. He is concerned with setting precedence for others to come forward requesting larger signs. However, given that the property has two street frontages, this sign is smaller than the total square footage they could put on the property if they put up two by right 24 square foot signs. He thinks an argument could be made that this is a reasonable request given those circumstances. Ms. Frischeisen pointed out another item to consider. There are no adjacent residential properties to the church. There are some undeveloped residential properties behind the church but they would not have any visibility of the new sign.

Commissioner Marion pointed out that the church owns two other parcels of land and theoretically could put up two more signs on those parcels. Commissioner Rogers asked if those signs would also be subject to the conditional use permit process. Ms. Frischeisen indicated that signs on those parcels would be allowed by right if they were no more than 24 square feet. Chair Perault thought they should consider adding another condition that no additional signs are allowed on the properties.

Mr. Tom Martin came forward to explain a couple of items. The new Zoning Ordinance changed regarding modified signs; this is the last modified sign request that will come before them because they are no longer permitted. The church cannot come back to City Council requesting additional modified signage. Mr. Martin feels it would be very reasonable for the Planning Commission to recommend an additional condition that there will be no additional signs on the property. The only exception to that would be if the church decides to take down this 38 square foot and put up two signs that are within the by-right size of no more than 24 square feet each.

Mr. Martin also explained that Planning Commission or City Council can impose any condition it deems appropriate; the petitioner is not offering proffers, so there is no 21-day submittal requirement. With regard to 2807 Old Forest Road, that property contains the parsonage. There is another congregation that uses that property for its office space. That parcel is not subdivided so it is not entitled to another sign. It was separated only for tax purposes because its use is not related to the church. With regard to 2801 Old Forest Road, the parcel is vacant so a sign would not be allowed there without a structure being erected.

Commissioner Bowden asked for clarification from Mr. Martin that this would be the last modified sign request that would come before them. Mr. Martin explained that if the church had not submitted this request prior to the new Zoning Ordinance's adoption on February 23, 2016, they would not have been allowed to put up this sign. Mr. Martin indicated that it would be his recommendation that it would be entirely appropriate to limit the property to no additional freestanding signs.

As far as why these signs are not allowed by right in B-1 but are allowed in residential districts, Mr. Martin explained when the B-1 district was rewritten, it was meant to be more of a locally serving neighborhood district. He does not think you want larger signs or digital reader boards in that district. Mr. Martin would actually ask them to consider that this church is functioning in a commercial district and a more appropriate zoning might be B-3 where churches are permitted by right and these types of signs are permitted by right.

Commissioner Marion asked for clarification that they are talking about no more signs on 2805, 2807 and 2801 Old Forest Road. Mr. Martin indicated that the church is really not allowed a sign on 2801 Old Forest Road because there is no structure on it. That parcel does not concern him. If they come in later with a standalone use on that property, that would be fine with him. What he is concerned with is 2805-2807 Old Forest Road.

The commissioners discussed that they would like to include an additional condition that states: "No additional freestanding signs shall be constructed on the property, which includes 2805 and 2807 Old Forest Road."

Commissioner Gahagan made the following motion, which was seconded by Commissioner Marion:

"That the Planning Commission recommends to City Council approval of the petition of Forest Road United Methodist Church for a conditional use permit at 2805-2807 Old Forest Road to allow the construction of a modified sign subject to the following conditions:

1. **The sign shall be located as indicated on the site plan entitled "Forest Road United Methodist Church."**

2. **The total area of the digital reader board shall not exceed nineteen and one-half (19.5) square feet.**

3. **The total sign area of the sign shall not exceed thirty-eight (38) square feet."**

4. **The digital sign shall not display running animation or displays of an intermittent light or lights.**

5. **The digital display shall not display an "off-premises" message.**

6. **The digital display shall change its message no more than once every six (6) seconds.**

7. **The digital sign shall contain an "auto dimming" feature for night time operation.**

8. **Both of the existing signs on the property shall be removed.**

9. **The sign shall not be installed within the sight distance triangle of Old Forest Road and Old Forest Road.**

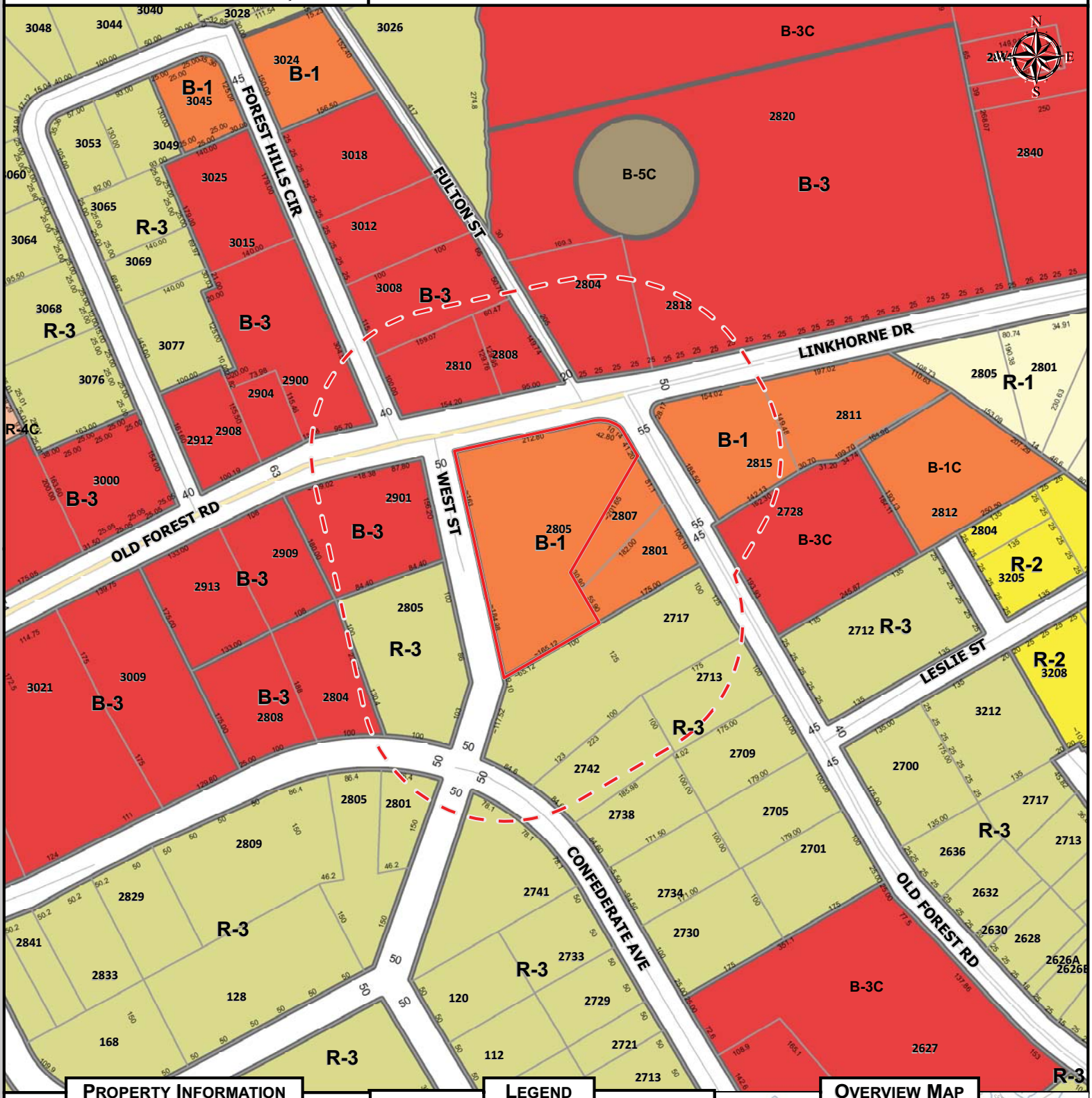
10. **The sign shall be constructed in accordance with the sign rendering prepared by Visible Clarity on April 3, 2015.**

11. **No additional freestanding signs shall be constructed on the property, which includes 2805 and 2807 Old Forest Road."**

The motion passed by the following vote:

AYES:	Bowden, Gahagan, Marion, Perault and Rogers	5
NOES:		0
ABSTENTIONS:	Lowe	1
ABSENT:	Light	1

Zoning Map	DIGITAL READER BOARD
Conditional Use Permit Request	Forest Hill United Methodist Church



Property Information

Parcel ID	Address
16603002	2805 OLD FOREST RD

Legend

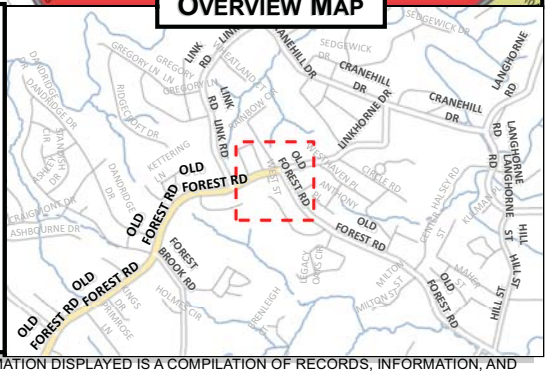
Subject Property

215' Buffer

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

Map Scale: 1 " to 4,000 '**Date Printed:** 3/11/2016

Overview Map



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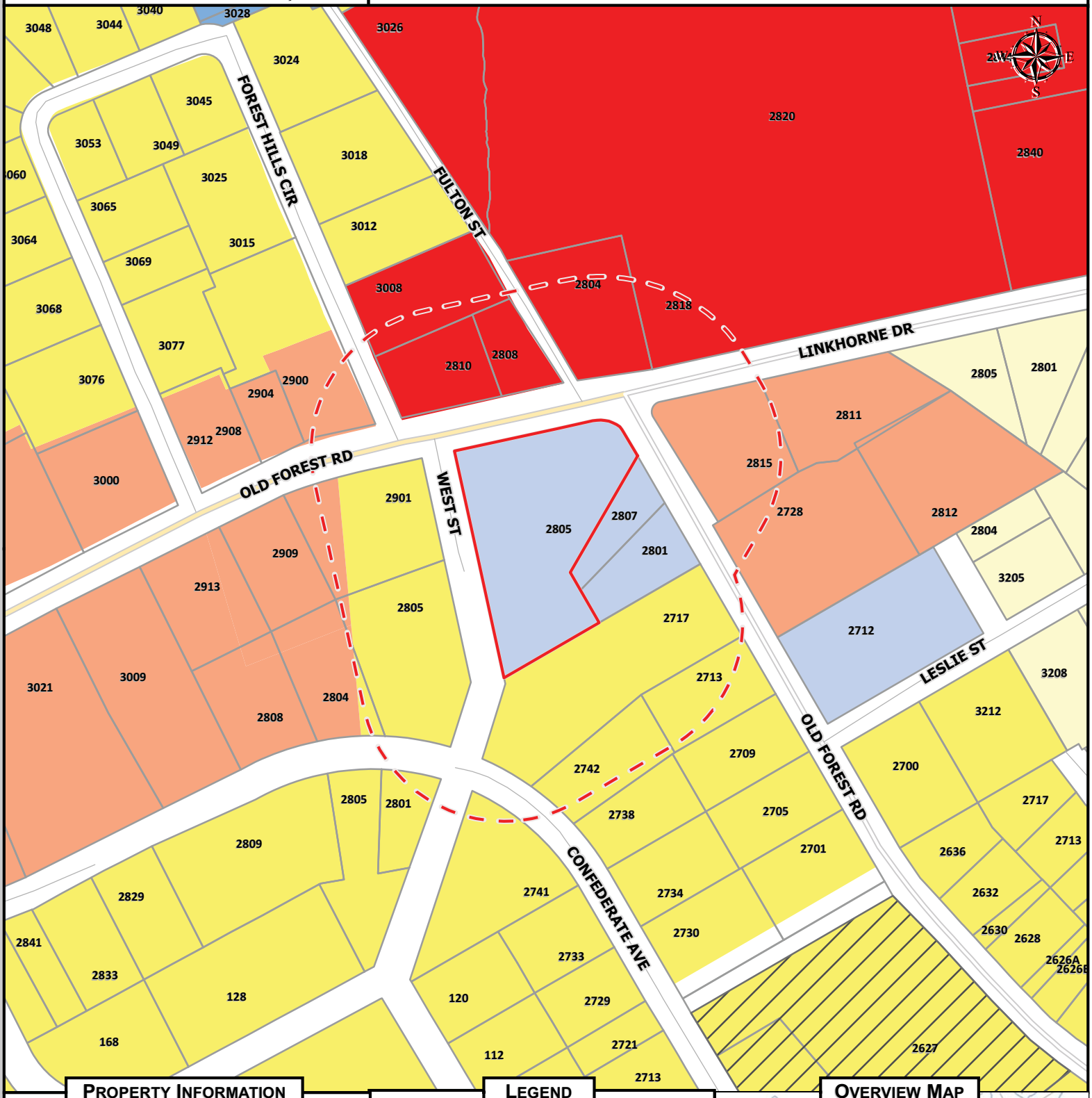
16904003	2900 OLD FOREST RD	2900 OLD FOREST ROAD LLC
16909001	2804 OLD FOREST RD	ALH INC
16605002	2713 OLD FOREST RD	CLAGAR PARTNERS
16605009	2742 CONFEDERATE AVE	CLAGAR PARTNERS
16905002	2808 OLD FOREST RD	FIRST CARE HOME HEALTH INC
16905008	3008 FOREST HILLS CIR	FLINT, LLOYD G JR
16603002	2805 OLD FOREST RD	FOREST ROAD METHODIST CHURCH TRS
16603001	2801 OLD FOREST RD	FOREST ROAD METHODIST CHURCH TRS
16603802	2807 OLD FOREST RD	FOREST ROAD METHODIST CHURCH TRS
16605001	2717 OLD FOREST RD	FOREST ROAD UNITED METHODIST CHURCH
16602005	2805 WEST ST	GILLISPIE, MICHAEL N & MARGARET T
16604013	2801 CONFEDERATE AVE	HOLLORAN, ORRIN K SR & ESTELLE LIFE
16606011	2811 LINKHORNE DR	LIGHT INVESTMENTS LLC
16909002	2820 LINKHORNE DR	LYNCHBURG INVESTMENT CO INC
16602003	2901 OLD FOREST RD	NOSARK LLC
16606006	2815 LINKHORNE DR	OVERFELT, MICHAEL L
16611001	2741 CONFEDERATE AVE	P & N SNIDOW LLC
16606005	2728 OLD FOREST RD	PADOC LLC
16602007	2804 CONFEDERATE AVE	STEWART, LILIAN E TRS
16905001	2810 OLD FOREST RD	WATTS PETROLEUM CORPORATION

FLUM Map	DIGITAL READER BOARD
Conditional Use Permit Request	Forest Hill United Methodist Church



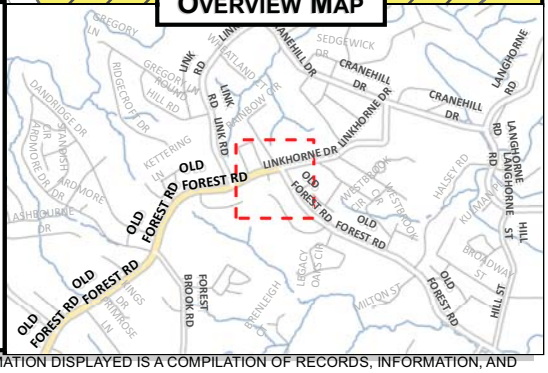
Property Information

Parcel ID	Address
16603002	2805 OLD FOREST RD

Legend

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

Overview Map



Map Scale: 1 " to 4,000 '**Date Printed:** 3/11/2016

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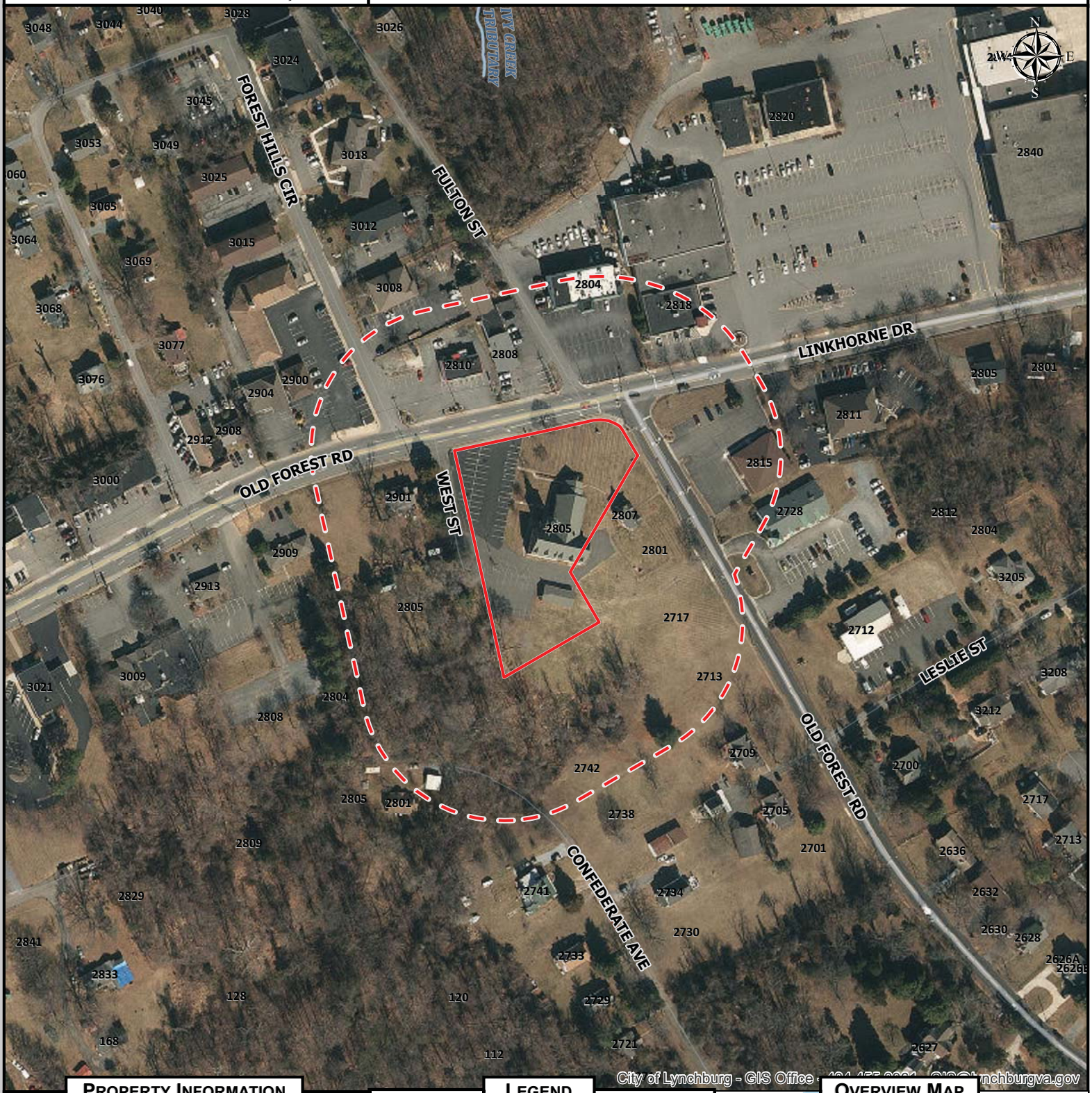
Watershed Map	DIGITAL READER BOARD
Conditional Use Permit Request	Forest Hill United Methodist Church



City of Lynchburg - GIS Office

Property Information

Parcel ID	Address
16603002	2805 OLD FOREST RD

Legend

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

Overview Map

Map Scale: 1 " to 33,333 **Date Printed:** 3/11/2016

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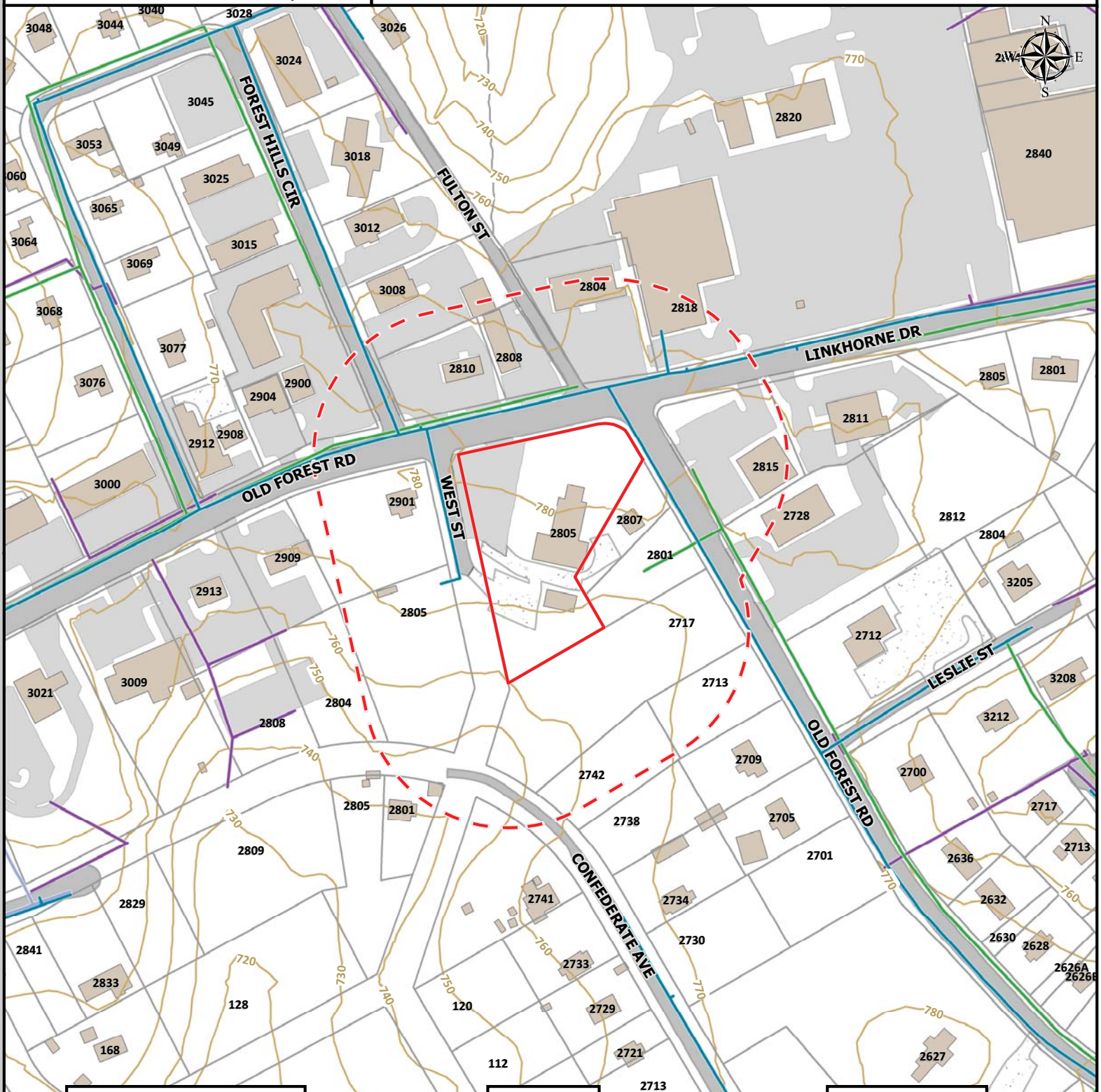
Planimetric and Topographic Map

Conditional Use Permit Request

DIGITAL READER BOARD

Forest Hill United Methodist Church



Property Information

Parcel ID	Address
16603002	2805 OLD FOREST RD

Legend

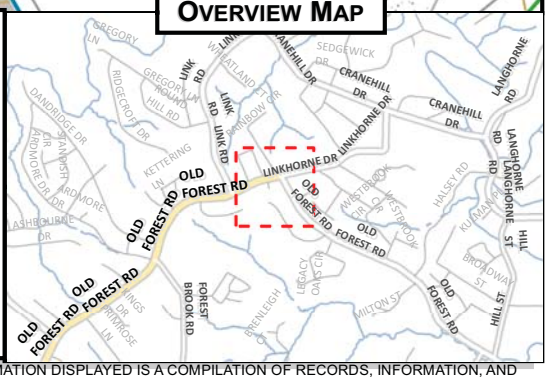
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

		Paved	Unpaved	Other
Planimetrics	Structure	-	-	
	Roadway			-
	Parking			-
	Sidewalk		-	-
	Driveway	-	-	

		10'	10' Obs
Topography	Contour		

Map Scale: 1 " to 4,000 '**Date Printed:** 3/11/2016

Overview Map



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February 12, 2016

Tom Martin
City Planner
City of Lynchburg
Department of Community Development
900 Church Street
Lynchburg, Virginia 24501

RE: Forest Road United Methodist Church Digital Sign Narrative

Dear Tom,

As the pastor of Forest Road United Methodist Church I would like to provide the following narrative on the need for the digital sign being proposed for the subject conditional use permit.

Forest Road United Methodist Church would like to add a digital sign for several reasons.

1. The current signage is aged. The two (2) church signs have become degraded, constitute an eyesore which detracts from the value of the church property and the general attractiveness of the entire community.
2. The current signage can no longer be properly maintained.
3. The current signage is insufficient to inform the community of church activities.
4. The congregation desires signage which would more accurately reflect the values of the church and would demonstrate their pride in the church building and property, as well as enhance the community.
5. The congregation would like signage that would entice new members by providing variable messages of upcoming events as well as inspirational messaging.

Forest Road United Methodist Church will work with the City to ensure that we comply with all ordinances for digital signage. This includes a nighttime feature that automatically reduces the sign's brightness during the evening hours.

I and the trustees of Forest Road United Methodist Church will be happy to answer any questions or respond to any comments from the City or our neighbors in the community during the public hearings.

Sincerely,

Ray Buchanan
Pastor

Forest Road United Methodist Church

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0 30 60 90 Feet

1:600

PRINTED ON December 4, 20

Client: Ray Buchanan

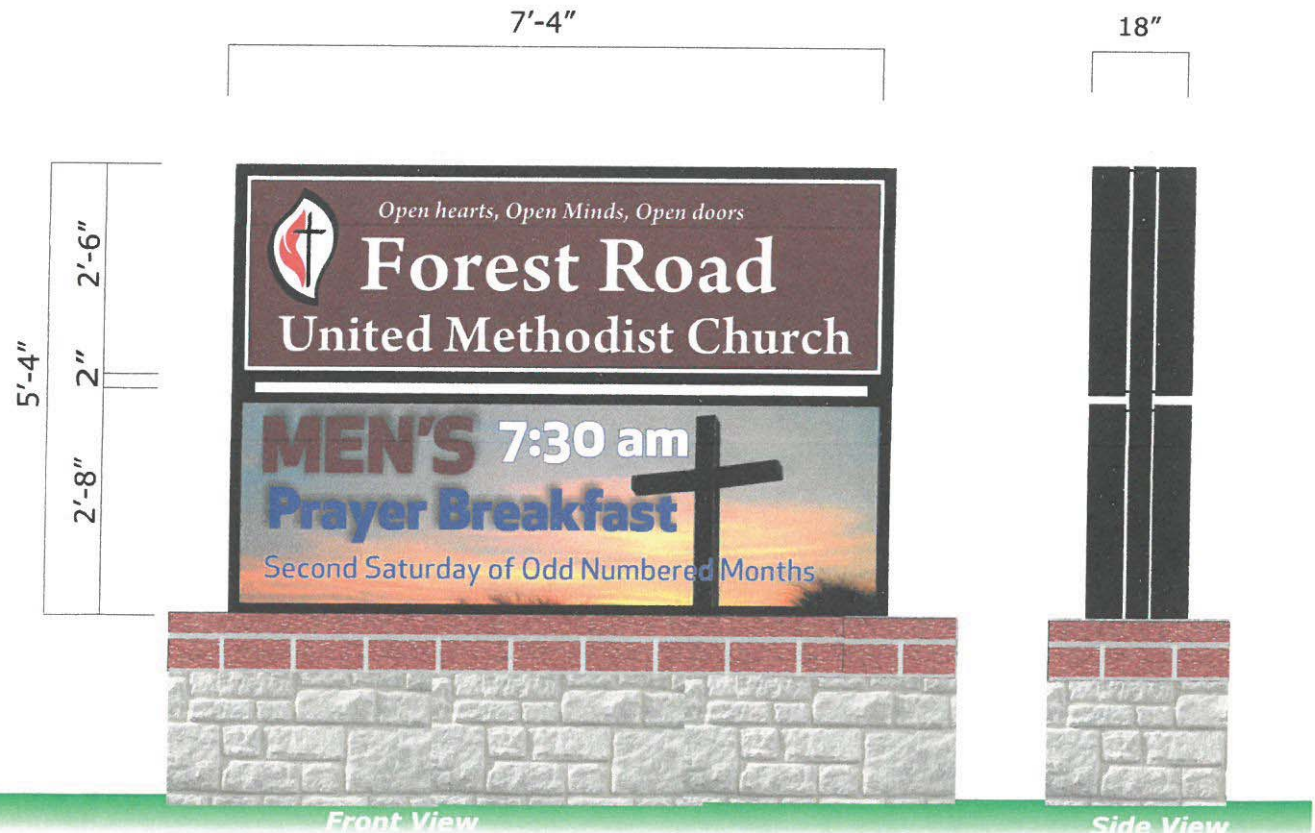
VisibleClarity.com

Forest Road United Methodist Church
2805 Old Forest Rd, Lynchburg VA
raybuchanan007@gmail.com 919-427-4638

Mathew Bryant
(512) 740-2347
visibleclarity@gmail.com

All sign design and concepts are not to be distributed, copied, or shared without written permission from Mat Bryant.
Date created: 4/3/2015

Pole:
9000 Black



Model

Hyoco 22mm-32 x96 Double Sided Full Color LED Sign System using Hyoco's super efficient white LED Illuminated Identification Cabinet

Note: Unless otherwise specified, no time switches or electrical service to the signs shall be installed by VisibleClarity or Hyoco

Forest Road United Methodist Church

Conditional Use Permit
2805-2807 Old Forest Road
March 23, 2016

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Ray Buchanan	Forest Road United Methodist Church		X		

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 13

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Appropriate Pre-Paid Rent Proceeds Received from The Lynchburg Baseball Corp.**

RECOMMENDATION: Adopt a resolution to amend the FY 2016 General Fund budget and appropriate $2,120,916 with resources from pre-paid rent from the Lynchburg Baseball Corp. for transfer to the City Capital Projects Fund to fund capital improvements to the Baseball Stadium and parking lot.

SUMMARY: Upon sale of the Lynchburg Hillcats, the Lynchburg Baseball Corporation agreed to make a payment of $2.1 million to the City as pre-paid rent for the term of the Franchise Agreement (April 1, 2016 through the conclusion of the 2025 Baseball Season). In turn the City agreed to reinvest these funds into capital improvements necessary to provide for a modern baseball stadium facility, i.e. field improvements for safety, drainage and playability; parking lot improvements to maximize available parking; and improved netting and seating behind home plate.

PRIOR ACTION(S): December 8, 2015, Council was briefed on the franchise negotiation and proposed terms; February 23, 2016, Council approved the franchise agreement between the City and the Lynchburg Baseball Corp.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, City Manager, 455-3990; Gaynelle Hart, Director of Public Works, 455-4406

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED That the FY 2016 General Fund budget is amended and $2,120,916 is appropriated with resources from pre-paid rent from the Lynchburg Baseball Corp. for transfer to the City Capital Projects Fund to fund capital improvements to the Baseball Stadium and parking lot.

Introduced: Adopted:

Certified: _____
Clerk of Council

064K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 14

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Proposed Amendment to the Ordinance Regulating Taxicabs to Eliminate the Requirement for a Certificate of Public Convenience and Necessity**

RECOMMENDATION: Adopt an ordinance amending Chapter 37 of the City Code, regarding the regulation of taxicabs, to eliminate the requirement for a Certificate of Public Convenience and Necessity.

SUMMARY: Since the 1950's the City of Lynchburg has required that a taxicab operator hold a Certificate of Public Convenience and Necessity issued by City Council. Not only has it been challenging to keep track of certificates that have been issued and transferred over the years, but the process of securing a certificate is outdated, cumbersome, and requires that City officials make judgments regarding both the existing and proposed taxicab service with limited knowledge. For instance, the City Code requires the following factors to be taken into consideration:

(a) The adequacy of existing taxicab service and other forms of transportation for passengers already in existence in the city.
(b) The probable permanence and quality of the services to be offered by the applicant for the certificate.
(c) The probable effect of increased service on local traffic conditions.
(d) The character and responsibility of the applicant for the certificate.

Considering these factors involves making certain assumptions about the taxicab business and has the potential to disrupt the operations of the free market where competition is usually encouraged rather than limited. In recent years it has been the City Manager's practice to simply recommend the approval of applications for new certificates rather than presume to understand the intricacies of the local taxicab market.

More recently, in 2015, the Virginia General Assembly enacted legislation regulating the operation of transportation network companies (TNC's), such as Uber, Lyft and Sidecar, which utilize private vehicles to provide prearranged passenger transportation by means of a digital platform. The legislation specifically excludes the local regulation of TNC services. This places local taxicab operators who are required to obtain a Certificate of Public Convenience and Necessity at a competitive disadvantage for customers.

For these reasons, staff is proposing that the City Code be amended to eliminate the requirement that taxicab operators obtain a Certificate of Public Convenience and Necessity. If the proposed change is adopted by City Council, the City Code would still require the periodic inspection of taxicabs by and the registration of drivers with the Lynchburg Police Department. The code would also continue to establish a ceiling on rates.

A letter explaining this proposed change was sent to all known holders of certificates and a public meeting was held on May 2nd to receive feedback. The notes from that meeting are attached. The general consensus was in favor of eliminating the requirement for a Certificate of Public Convenience and Necessity as long as reasonable standards for taxicab service were maintained and provisions were in place to prevent operators of fewer than five vehicles to establish a taxicab business.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, City Manager, 455-3990

ATTACHMENT(S): Ordinance with proposed amendments; Chapter 37, of the City Code re Taxicabs, Rules & Regulations for Taxicab Operations; Notes from May 2nd meeting.

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY REPEALING SECTIONS 37-56, 37-57, 37-58, 37-59,37-60,37-61,37-62, 37-63, 37-64, 37-65, 37-66, 37-67, 37-68, 37-70, 37-71, 37-72, 37-73, 37-74, 37-75, 37-76, AND 37-77; AND TO AMEND AND REENACT SECTIONS 37-16, 37-17, 37-22, 37-28, 37-31, 37-32, 37-35, 37-36, 37-44, 37-46, 37-54, 37-55, 37-56, 37-57, 37-58, 37-59, 37-60, 37-61, AND 37-62 AND 37-107 OF THE CODE OF THE CITY OF LYNCHBURG, 1981. THE REPEALED AND AMENDED SECTIONS RELATING TO THE REGISTRATION AND OPERATION OF TAXICABS WITHIN THE CITY.
BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by repealing Sections 37-56, 37-57, 37-58, 37-59, 37-60, 37-61, 37-62, 37-63, 37-64, 37-65, 37-66, 37-67, 37-68, 37-70, 37-71, 37-72, 37-73, 37-74, 37-75, 37-76, and 37-77.

~~Sec. 37-56. - Public hearings on applications.~~

~~Within 60 days after receipt of an application for a certificate, the city manager shall conduct a public hearing thereon, after giving at least 15 days' notice thereof, in writing, to the applicant and to holders of outstanding certificates. Such written notice shall be mailed to the applicant and to holders of outstanding certificates at the addresses as shown on the application and outstanding certificates. In addition to such written notice, due notice of such hearing shall be given to the general public by publishing, once each week for two successive weeks immediately preceding the week in which the hearing will be held, in a daily newspaper published in the city, a notice of the time and place of such hearing. All applications filed within the 60-day period and prior to the issuance of the notice fixing the date of such hearing shall be considered at the same time, together with the recommendations of the city manager relative thereto. Any interested person may appear in support of or in opposition to the application for a certificate.~~

~~Sec. 37-57. - Fee for publication of notice of public hearing.~~

~~In order to cover the cost of publication of the notice of public hearing required by section 37-56, a deposit of $100.00 shall be paid into the city treasury and receipt attached to the application when filed.~~

~~Sec. 37-58. - City manager's recommendations to council as to issuance or denial.~~

~~If the city manager finds that further taxicab service in the city is required by the public convenience and necessity and that the applicant for a certificate is of good moral character, fit, willing and able to perform such public transportation and to conform to the provisions of this article and the rules and regulations promulgated by the city manager, and has complied with the provisions of sections 37-68 and 37-69, the city manager shall recommend to the city council that the city council issue a certificate to the applicant; otherwise, the city manager shall recommend to the city council that the application be denied. The city manager shall include a complete report of his findings in his recommendation to the council.~~

~~Sec. 37-59. - Factors considered in making findings.~~

~~In making the findings referred to in section 37-58, the city manager shall take into consideration the following:~~

(a) The adequacy of existing taxicab service and other forms of transportation for passengers already in existence in the city.

(b) The probable permanence and quality of the services to be offered by the applicant for the certificate.

(c) The probable effect of increased service on local traffic conditions.

(d) The character and responsibility of the applicant for the certificate.

Sec. 37-60. - Applicants to whom city manager may not recommend issuance.

The city manager shall not recommend the issuance of a certificate to any applicant for a certificate under the age of 21 years, or who is not of good moral character or personally fit to conduct a taxicab business, or who shall have been convicted within five years prior to the date of the hearing of violating any provision of Code of Virginia, Title 4, relating to transportation of liquors or relating to the sale, transportation, possession or distribution of any other controlled substance, or who shall have been convicted of a serious misdemeanor or felony within a period of five years prior to the date of the hearing provided for in section 37-56.

Sec. 37-61. - To be granted only to owner.

No certificate shall be granted to any person unless he is the owner of the taxicab or taxicabs proposed to be operated pursuant to the certificate for which application is made.

Sec. 37-62. - Exceptions to city manager's report to council; finality of council's decisions.

At or before the next succeeding regular meeting of the city council after the meeting at which the report of the city manager, made pursuant to section 37-58, is presented to the city council, any applicant for a certificate or other interested party may file written exceptions thereto with the clerk of council. Such applicant or interested party shall have an opportunity to be heard on the exceptions to the report at such time as may be fixed by the city council for the purpose. The decisions of the city council with regard to such exceptions and the report shall be final.

Sec. 37-63. - Form and content; disposition of copies.

The certificate shall be filled out in duplicate and shall contain the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance. One copy shall be retained in the files of the city manager and the applicant shall receive the other copy.

Sec. 37-64. - Term; expiration for thirty-day failure to operate business.

Certificates shall be effective until canceled and shall expire when the holder thereof fails for a period of 30 days to operate a taxicab business within the city in accordance with such certificate.

Sec. 37-65. - Transfer.

Certificates shall not be transferable, except upon the written consent of the city manager endorsed on any such certificate.

Sec. 37-67. - Same—Procedure as to issuance.

~~Upon presentation of a certificate within 30 days of its date to the commissioner of the revenue and upon satisfactory evidence that the holder of such certificate has complied with the provisions of sections 37-68 and 37-69 and upon payment of the license fee required under the applicable section of the tax code of the city, the commissioner of the revenue shall issue to the holder of such certificate a license to operate a taxicab business within the city.~~

~~Sec. 37-69. - Reserved.~~

~~Sec. 37-71. - Procedure when additional taxicabs required.~~

~~If the city manager shall determine, after investigation, although no application for any certificate may be pending, that public convenience and necessity requires the operation of additional taxicabs within the city, then the city manager may give such notice as he deems advisable that applications for additional certificates will be received, or he may, in his discretion, require the holders of outstanding certificates, or any one or more of them, to provide and operate additional taxicabs within the city. In the event that the holder of any such certificate shall refuse to do so, such refusal shall be grounds for the revocation or suspension of the certificate held by him. In the event of such revocation, the holder of any such certificate shall have the right of appeal to the city council to review the action of the city manager.~~

~~Sec. 37-76. - Same—Term of suspension.~~

~~Any certificate suspended shall not be suspended for less than ten days nor more than 30 days.~~

~~Sec. 37-77. - Same—Reissue after revocation.~~

~~Any certificate revoked shall not be reissued to the same person under any circumstances for a term of at least one year after the effective date of such revocation.~~

2. That Sections 37-16, 37-17, 37-22, 37-28, 37-31, 37-32, 37-35, 37-36, 37-44, 37-46, 37-54, 37-55, 37-56, 37-57, 37-58, 37-59, 37-60, 37-61, 37-62 and 37-107 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 37-16. - Definitions.

For the purposes of this article, the following words shall have the meanings respectively ascribed to them by this section:

~~*Certificate:* A certificate of public convenience and necessity issued by the city council, under the provisions of this article, authorizing the holder thereof to conduct a taxicab business in the city.~~

Driver: The person in control of or driving a taxicab.

~~*Holder:* A person to whom a certificate of public convenience and necessity has been issued.~~

Manifest: A daily record prepared by a taxicab driver of all trips made by such driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

Owner: The purchaser of any vehicle under reserved title contracts as well as the actual owner.

Taxicab: A motor vehicle or motorcar operated for hire as part of a taxicab business, in charge of a chauffeur or driver, for the transportation of passengers, which does not operate over a fixed or definite route.

Taxicab business: A business providing taxicab service and which operates five or more motor vehicles or motorcars in doing so.

Taximeter: A meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

Sec. 37-17. - Authority of city manager generally.

The inspection of taxicabs, the sealing of taximeters and ~~the examination of applicants for certificates~~other activities related to the regulation of taxicabs, consistent with this ordinance, shall be under the control and jurisdiction of the city manager.

Sec. 37-22. - Penalty.

Any person who shall violate any of the provisions of this article for which no other penalty is provided shall be deemed guilty of a class 2 misdemeanor, in addition to the revocation or suspension of such person's ~~certificate or~~ registration by the city manager or the chief of police, as provided in this article.

Sec. 37-28. - Type of vehicle required.

Taxicabs operated within the city shall be of a closed or sedan type with at least four doors and of not less than five passenger capacity, including the driver.

Sec. 37-31. - Drivers' manifests.

(a) Every taxicab driver shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of each trip and amount of fare. All such completed manifests shall be returned to the owner by the driver at the conclusion of his hours of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the city manager.

(b) Every ~~holder of a certificate~~taxicab owner or operator shall retain and preserve all drivers' manifests in a safe place for at least one year and such manifests shall be subject to inspection by the city manager and by personnel of the division of police.

Sec. 37-32. - Records as to receipts, expenses, etc.

Every ~~holder of a certificate~~taxicab owner or operator shall keep accurate records of receipts and operating expenses, capital expenditures and such other operating information as may be required by the city manager. Every such ~~holder~~ owner or operator shall maintain the records containing such information and other data required by this section at a place readily accessible for examination by the city manager, or his designated representative.

Sec. 37-35. - Rules and regulations.

The city manager may from time to time make such additional rules and regulations not in conflict with the provisions of this article as he may deem proper to regulate the operation of

taxicabs within the city. The city manager shall give written notice of such additional rules and regulations to all ~~holders of certificates~~registered owners or operators and such additional rules and regulations shall become effective at the time specified in such notice. Failure to comply with any such additional rules and regulations shall be grounds for the revocation or suspension of the ~~certificate~~ registration held by the person who fails, or whose employees willfully or continuously fail, to comply with the same.

Sec. 37-36. - Police to watch ~~certificate holders~~taxicab owners, operators and drivers; report, etc., of violations.

The members of the police department shall watch and observe the conduct of ~~holders of certificates~~taxicab owners, operators and ~~of~~ drivers operating under this article. Upon discovering a violation of the provisions of this article, a member of the police department shall report such violation to the city manager who will order or take appropriate action.

Sec. 37-44. - Refusal to accept calls or passengers; failure or refusal to give overall service.

The ~~holder of a certificate~~owner or operator of a taxicab who shall refuse to accept a call anywhere within the city or refuse to accept a passenger for delivery to any place within the city or within one mile of the city when such ~~holder~~ owner or operator has available a taxicab or who shall fail or refuse to give overall service shall be guilty of a misdemeanor and the ~~certificate~~ registration granted to such ~~holder~~ owner or operator shall be suspended or revoked at the discretion of the city manager subject to the provisions of sections 37-74 through 37-77, unless driver can articulate a reasonable concern for his/her personal safety or unless repeated incidences of a taxi having been previously called to that address which calls turned out to be false calls for a fare.

Sec. 37-46. - Answering calls.

~~Holders of certificates~~Taxicab owners or operators shall answer all calls received by them for service inside the city as soon as they can do so and, if such service cannot be rendered within a reasonable time, they shall then notify the prospective passenger how long it will be before service can be given.

DIVISION 3. ~~- CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY~~ TAXICAB REGISTRATION

Sec. 37-54. - Required.

No person shall operate or cause to be operated any taxicab upon the streets of the city without first having registered the vehicle with the police department. ~~obtained a certificate from the city council.~~

Sec. 37-55. Required Information ~~- Application generally.~~

An application for ~~a certificate~~registration shall be filed ~~in duplicate~~ with the ~~city manager~~chief of police and shall be verified under oath and shall furnish the following information.

(a) The name and address of the applicant and shall state that the applicant is at least 21 years of age.

(b) The trade name under which the applicant does or proposes to do business.

(c) If the applicant is a corporation, the officers, directors and principal stockholders of the corporation.

(d) The vehicle identification number (VIN), year, make and model for each vehicle that will be used in the taxicab business.

~~(d) The financial status of the applicant, including the amounts of all unpaid judgments against the applicantn and the nature of the transaction or acts giving rise to such judgments.~~

~~(e) The experience of the applicant in the transportation of passengers.~~

~~(f) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.~~

~~(g) The number of vehicles desired to be operated by the applicant, the location of proposed depots and terminals, and the parking or garage facilities thereat.~~

(~~h~~e) The color scheme or insignia to be used to designate the vehicle or vehicles of the ~~applicant~~ taxicab business with which the vehicle or vehicles will be associated.

(~~i~~f) Such further information required by the ~~city manager~~chief of police and which may be relevant and pertinent to the matter of the issuance of ~~a certificate~~the registration.

~~(j) In the event two or more persons, not operating as a corporation or partnership and who own or propose to own individually one or more taxicabs, associate together for the purpose of operating taxicabs under one trade name, each such person shall file an application for a certificate with the city manager and shall, in addition to the information required above, give the names and addresses of the other person or persons who are associating together to operate under such trade name, and the number of cabs to be operated by each such person.~~

Sec. 37-~~66~~56. - License for operation of business~~—Certificate prerequisite to issuance.~~

The owner of a taxicab business shall procure from the commissioner of the revenue a business license as required under the applicable section of the tax code of the city. ~~No license to operate a taxicab business within the city shall be issued to any person unless such person shall first have obtained a certificate from the city council. No additional certificate shall be required for the purpose of obtaining licenses so long as the original certificate remains in effect.~~

Sec. 37-~~68~~57. - Insurance or bond—Required.

No ~~certificate~~ registration shall be issued until the applicant therefor shall submit satisfactory evidence to the ~~city manager~~chief of police that he has filed with the state corporation commission such insurance policy, letter of credit or bond covering such liability or property damage as may be required by state law.

Sec. 37-~~70~~58. - Same—No liability on city.

Nothing contained in ~~sections 37-68 or 37-69~~this ordinance shall have the effect of fixing any liability on the city by reason of the maintenance and operation of any taxicab.

Sec. 37-~~72~~59. - No vested rights granted by this article.

No person operating a taxicab business under the provisions of this article shall acquire any vested rights in the streets of the city or any vested rights to use the same. ~~Certificates may be suspended or revoked at any time by repeal or amendment of the applicable section or sections of this article.~~

Sec. 37-~~73~~60. - Revocation and suspension—Causes for action.

(a) A ~~certificate~~ registration may be revoked or suspended by the ~~city manager~~chief of police for the following causes:

(1) Failure to operate the registered taxicab or taxicabs ~~specified in the certificate~~ in such manner as to serve the public adequately.

(2) Failure to maintain such taxicabs in good order and repair.

(3) Failure to keep in force the bond or insurance as required under section~~s~~ 37-~~68 and 37-69~~57.

(4) Repeated and persistent violation of traffic and safety ordinances by drivers.

(5) Willful or continued failure to comply with the provisions of this article or willful or continued failure to comply with any of the provisions of this Code or other ordinances of the city or laws of the state or federal governments, the violation of which reflects unfavorably on the suitability of the ~~holder of the certificate~~taxicab owner or operator to offer public transportation.

~~(6) Failure of any operator to operate regularly the number of taxicabs authorized by his certificate.~~

~~(7) Failure to operate additional taxicabs when directed so to do by the city manager under the provisions of section 37-71.~~

(~~8~~6) Failure to comply with any rule or regulation promulgated by the city manager under the provisions of section 37-35.

~~(b) In case of proceeding under item (6) above, the city manager shall revoke the certificate to the extent that such certificate authorized the operation of a number of taxicabs in excess of the number regularly operated by such operator.~~

Sec. 37-~~74~~61. - Same—Notice and hearing.

Prior to suspension or revocation~~, the holder of the certificate~~ of a taxicab registration the owner or operator involved shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

Sec. 37-~~75~~62. - Same—Right of appeal.

In the event of suspension or revocation of a ~~certificate by the city manager~~registration by the chief of police, the ~~holder~~ owner or operator~~thereof~~ shall have the right of appeal to the city ~~council~~ manager.~~at either of its next two regular meetings following the date of such revocation or suspension. In the event of such appeal, the city council shall review the findings of the city manager and his action with regard to such revocation or suspension.~~

Secs. 37-~~78~~63—37-83. - Reserved.

Sec. 37-107. - Inspection generally; procedure in case of inaccuracy.

Taximeters shall be subject to inspection from time to time by the police department ~~of public safety~~. Any inspector or other officer of such department or any officer designated by the city manager, may either on complaint of any person or without such complaint, inspect any such taximeter and, upon discovery of any inaccuracy therein, shall notify the person operating such taxicab to cease operation. Thereupon, such taxicab shall be kept off the streets until the taximeter is repaired and in the required working condition or until such taximeter has been replaced in the taxicab by a properly working taximeter.

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

Adopted:

Certified: _____
Clerk of Council

067K

Chapter 37 - TAXICABS, RENTAL CARS[1]

Footnotes:

--- (**1**) ---

Charter reference— Authority to regulate the use of vehicles for hire, § 38(26).

Cross reference— Buses, Ch. 12; police, Ch. 31; license taxes, § 36-16 et seq.

ARTICLE I. - IN GENERAL

Secs. 37-1—37-15. - Reserved.

ARTICLE II. - TAXICABS[2]

Footnotes:

--- (**2**) ---

Cross reference— License fee for advertising on taxicabs, § 36-44; for taxicabs, § 36-100.

DIVISION 1. - GENERALLY

Sec. 37-16. - Definitions.

For the purposes of this article, the following words shall have the meanings respectively ascribed to them by this section:

~~*Certificate:* A certificate of public convenience and necessity issued by the city council, under the provisions of this article, authorizing the holder thereof to conduct a taxicab business in the city.~~

Driver: The person in control of or driving a taxicab.

~~*Holder:* A person to whom a certificate of public convenience and necessity has been issued.~~

Manifest: A daily record prepared by a taxicab driver of all trips made by such driver, showing time and place of origin, destination, number of passengers and the amount of fare of each trip.

Owner: The purchaser of any vehicle under reserved title contracts as well as the actual owner.

Taxicab: A motor vehicle or motorcar operated for hire as part of a taxicab business, in charge of a chauffeur or driver, for the transportation of passengers, which does not operate over a fixed or definite route.

Taxicab business: A business providing taxicab service and which operates five or more motor vehicles or motorcars in doing so.

Taximeter: A meter instrument or device attached to a taxicab which measures mechanically the distance driven and the waiting time upon which the fare is based.

(Tax Code 1959, § 31-1; Ord. No. O-96-136, 5-14-96)

Sec. 37-17. - Authority of city manager generally.

The inspection of taxicabs, the sealing of taximeters and ~~the examination of applicants for certificates~~other activities related to the regulation of taxicabs, consistent with this ordinance, shall be under the control and jurisdiction of the city manager.

(Tax Code 1959, § 31-2)

Sec. 37-18. - Appointment of taxicab inspector.

The city manager may designate a person from the personnel of the department of police to act as taxicab inspector as may be necessary to carry out the provisions of this article.

(Tax Code 1959, § 31-3)

Sec. 37-19. - Compliance with article generally.

It shall be unlawful for any person to drive or cause to be driven on the streets of the city any taxicab without complying with the conditions, regulations and restrictions set out in this article.

(Tax Code 1959, § 31-27)

Sec. 37-20. - Compliance with article prerequisite to advertisement as taxicab operator.

No person shall use the term taxi or taxicab in advertising, nor shall any person hold himself out to the public as a taxi or taxicab owner, or represent himself to be such by means of advertisement, sign, trade name, or otherwise, unless such person shall have previously thereto complied with the regulations and requirements of this article.

(Tax Code 1959, § 31-28)

Sec. 37-21. - Application of traffic, etc., laws of city and state.

All the traffic and other laws of the city and the state applicable thereto shall apply to owners and drivers of taxicabs.

(Tax Code 1959, § 31-29)

Sec. 37-22. - Penalty.

Any person who shall violate any of the provisions of this article for which no other penalty is provided shall be deemed guilty of a class 2 misdemeanor, in addition to the revocation or suspension of such person's ~~certificate or~~ registration by the city manager or the chief of police, as provided in this article.

(Tax Code 1959, § 31-30)

Sec. 37-23. - Receipt and discharge of passengers on sidewalk.

Drivers shall not receive or discharge passengers in the roadway, but shall pull up to the right-hand sidewalk as nearly as possible or, in the absence of a sidewalk, to the extreme right-hand side of the street and there receive or discharge passengers; provided, that upon one-way streets, passengers may be discharged at either the right-hand or left-hand sidewalk or side of the street in the absence of a sidewalk.

(Tax Code 1959, § 31-10)

Sec. 37-24. - Additional passengers.

No driver shall permit any person other than the person first employing the taxicab to occupy or ride in a taxicab, unless the person first employing the taxicab shall consent to the acceptance of an additional passenger.

(Tax Code 1959, § 31-11)

Sec. 37-25. - Restriction on number of passengers.

No driver shall permit more than five persons, other than the driver, to be carried in a taxicab. A child in arms shall not be counted as an additional person.

(Tax Code 1959, § 31-12)

Sec. 37-26. - Drivers bearing evidence of intoxicating beverages.

No owner of a taxicab shall permit any driver to work if he reports for duty with any evidence of intoxicating beverages upon his person or upon his breath.

(Tax Code 1959, § 31-14)

Sec. 37-27. - Equipment and condition of vehicles.

Every taxicab operated within the city must meet all the requirements of the provisions of this Code and other ordinances of the city and the laws of the state as to lights, brakes, horn and inspection, and must be kept in a good, clean, neat and safe condition and appearance.

(Tax Code 1959, § 31-15)

Sec. 37-28. - Type of vehicle required.

Taxicabs operated within the city shall be of a closed or sedan type with at least four doors and of not less than five passenger capacity, including the driver.

(Tax Code 1959, § 31-16)

Sec. 37-29. - Disposition of money or property left in cab.

The driver in charge of any taxicab operated within the city shall carefully preserve any money or other property left in such vehicle by any passenger and such money or other property shall be promptly deposited with the owner of the vehicle, who shall deliver a receipt for the same. The owner shall

promptly notify the passenger, if known, of the money or property found and return the same upon request. In the event such passenger is unknown, the owner shall file in writing a report to the chief of police and shall keep the money or property at some convenient place within the city where the same may be called for by the owner. When such money or other property shall have been identified and ownership established, the same shall be delivered to the owner. Any property, money or other thing which shall not have been called for within 60 days shall be disposed of according to law.

(Tax Code 1959, § 31-17)

Sec. 37-30. - Establishment and use of open stands on streets.

(a) The city manager may establish open stands in such places upon the streets of the city as he deems necessary for the use of taxicabs operated in the city. Such stands shall not be created without taking into consideration the need for such stands by the taxicab owners and the convenience of the general public. The city manager shall prescribe the number of taxicabs that shall occupy such open stands and shall not create an open stand in front of any place of business where the abutting property owner objects to same or where such stand would tend to create a traffic hazard.

(b) Open stands shall be used by the different drivers on a first-come-first-serve basis. The driver shall pull onto the open stand from the rear and shall advance forward as the taxicab ahead pulls off. Drivers shall stay within five feet of their taxicabs in such stands and shall not engage in loud or boisterous talk while occupying an open stand. Nothing in this section shall be construed as preventing a passenger from boarding a taxicab of his choice that is parked at any such open stand. No vehicle, other than taxicabs, shall at any time occupy a space in a taxicab stand.

(Tax Code 1959, § 31-18)

Sec. 37-31. - Drivers' manifests.

(a) Every taxicab driver shall maintain a daily manifest upon which is recorded all trips made each day, showing the time and place of origin and destination of each trip and amount of fare. All such completed manifests shall be returned to the owner by the driver at the conclusion of his hours of duty. The forms for each manifest shall be furnished to the driver by the owner and shall be of a character approved by the city manager.

(b) Every ~~holder of a certificate~~taxicab owner or operator shall retain and preserve all drivers' manifests in a safe place for at least one year and such manifests shall be subject to inspection by the city manager and by personnel of the division of police.

(Tax Code 1959, § 31-19)

Sec. 37-32. - Records as to receipts, expenses, etc.

Every ~~holder of a certificate~~taxicab owner or operator shall keep accurate records of receipts and operating expenses, capital expenditures and such other operating information as may be required by the city manager. Every such ~~holder~~ owner or operator shall maintain the records containing such information and other data required by this section at a place readily accessible for examination by the city manager, or his designated representative.

(Tax Code 1959, § 31-20)

Sec. 37-33. - Reserved.

Editor's note— Ord. No. O-96-136, adopted May 14, 1996, repealed § 37-33.

Sec. 37-34. - Accident reports.

All accidents arising from or in connection with the operation of taxicabs which result in death or injury to any person or in damage to any vehicle or to any property shall be reported within 24 hours from the date of occurrence to the police division on a form of report to be furnished or approved by the chief of police.

(Tax Code 1959, § 31-22)

Sec. 37-35. - Rules and regulations.

The city manager may from time to time make such additional rules and regulations not in conflict with the provisions of this article as he may deem proper to regulate the operation of taxicabs within the city. The city manager shall give written notice of such additional rules and regulations to all ~~holders of certificates~~registered owners or operators and such additional rules and regulations shall become effective at the time specified in such notice. Failure to comply with any such additional rules and regulations shall be grounds for the revocation or suspension of the ~~certificate~~ registration held by the person who fails, or whose employees willfully or continuously fail, to comply with the same.

(Tax Code 1959, § 31-24)

Sec. 37-36. - Police to watch ~~certificate holders~~taxicab owners, operators and drivers; report, etc., of violations.

The members of the police department shall watch and observe the conduct of ~~holders of certificates~~taxicab owners, operators and ~~of~~ drivers operating under this article. Upon discovering a violation of the provisions of this article, a member of the police department shall report such violation to the city manager who will order or take appropriate action.

(Tax Code 1959, § 31-25)

Sec. 37-37. - Reserved.

Editor's note— Ord. No. O-05-103, adopted Aug. 9, 2005, repealed § 37-37.

Secs. 37-38—37-43. - Reserved.

DIVISION 2. - OVERALL TAXICAB SERVICE

Sec. 37-44. - Refusal to accept calls or passengers; failure or refusal to give overall service.

The ~~holder of a certificate~~owner or operator of a taxicab who shall refuse to accept a call anywhere within the city or refuse to accept a passenger for delivery to any place within the city or within one mile of the city when such ~~holder~~ owner or operator has available a taxicab or who shall fail or refuse to give overall service shall be guilty of a misdemeanor and the ~~certificate~~ registration granted to such ~~holder~~ owner or operator shall be suspended or revoked at the discretion of the city manager subject to the

provisions of sections 37-74 through 37-77, unless driver can articulate a reasonable concern for his/her personal safety or unless repeated incidences of a taxi having been previously called to that address which calls turned out to be false calls for a fare.

(Tax Code 1959, § 31-31; Ord. No. O-05-103, 8-9-05)

Sec. 37-44.1. - Violation by passengers; misdemeanor, objection.

Any passengers in a taxicab who fail to act in an orderly manner so as to permit the safe operation of the taxicab by the driver, or who fail to obey the directions of the driver or person in charge of the taxicab, to act in an orderly manner, shall be deemed guilty of a class 4 misdemeanor. Furthermore, such persons may be ejected from any taxicab by the driver or person in charge of the taxicab, or by any police officer or other conservator of the peace; and in case such persons ejected have paid their fares, they shall not be in entitled to the return of any part of the same. For the refusal of any passenger to abide by the direction of the driver or person in charge of the taxicab, and his consequent ejection from such taxicab, neither the driver, owner, manager or company operating or owning the taxicab shall be liable for damages in any court.

(Ord. No. O-96-136, 5-14-96)

Sec. 37-45. - Refusal to respond to telephone call or to transport passenger.

No driver shall refuse to respond to any telephone call or refuse to transport an orderly passenger to any place within the city or within one mile of the limits thereof, provided he is not otherwise engaged.

(Tax Code 1959, § 31-13)

Sec. 37-46. - Answering calls.

~~Holders of certificates~~Taxicab owners or operators shall answer all calls received by them for service inside the city as soon as they can do so and, if such service cannot be rendered within a reasonable time, they shall then notify the prospective passenger how long it will be before service can be given.

(Tax Code 1959, § 31-34)

Sec. 37-47. - Solicitation of passengers; cruising.

Taxicabs shall not be permitted to stand or cruise, seeking employment, nor shall any person solicit, by word, signal or otherwise, patronage for such vehicles on any street or public property, other than at taxicab stands so designated or assigned for the purpose.

(Tax Code 1959, § 31-9)

Secs. 37-48—37-53. - Reserved.

DIVISION 3. ~~- CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY -~~ TAXICAB REGISTRATION

Sec. 37-54. - Required.

No person shall operate or cause to be operated any taxicab upon the streets of the city without first having registered the vehicle with the police department. ~~obtained a certificate from the city council.~~

~~(Tax Code 1959, § 31-36)~~

Sec. 37-55. Required Information ~~Application generally.~~

An application for ~~a certificate~~registration shall be filed ~~in duplicate~~ with the ~~city manager~~chief of police and shall be verified under oath and shall furnish the following information.

(a) The name and address of the applicant and shall state that the applicant is at least 21 years of age.

(b) The trade name under which the applicant does or proposes to do business.

(c) If the applicant is a corporation, the officers, directors and principal stockholders of the corporation.

(d) The vehicle identification number (VIN), year, make and model for each vehicle that will be used in the taxicab business.

~~(d) The financial status of the applicant, including the amounts of all unpaid judgments against the applicantn and the nature of the transaction or acts giving rise to such judgments.~~

~~(e) The experience of the applicant in the transportation of passengers.~~

~~(f) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a certificate.~~

~~(g) The number of vehicles desired to be operated by the applicant, the location of proposed depots and terminals, and the parking or garage facilities thereat.~~

(~~h~~e) The color scheme or insignia to be used to designate the vehicle or vehicles of the ~~applicant~~taxicab business with which the vehicle or vehicles will be associated.

(~~i~~f) Such further information required by the ~~city manager~~chief of police and which may be relevant and pertinent to the matter of the issuance of ~~a certificate~~the registration.

~~(j) In the event two or more persons, not operating as a corporation or partnership and who own or propose to own individually one or more taxicabs, associate together for the purpose of operating taxicabs under one trade name, each such person shall file an application for a certificate with the city manager and shall, in addition to the information required above, give the names and addresses of the other person or persons who are associating together to operate under such trade name, and the number of cabs to be operated by each such person.~~

~~(Tax Code 1959, § 31-37; Ord. No. O-96-136, 5-14-96)~~

~~Sec. 37-56. - Public hearings on applications.~~

~~Within 60 days after receipt of an application for a certificate, the city manager shall conduct a public hearing thereon, after giving at least 15 days' notice thereof, in writing, to the applicant and to holders of outstanding certificates. Such written notice shall be mailed to the applicant and to holders of outstanding certificates at the addresses as shown on the application and outstanding certificates. In addition to such written notice, due notice of such hearing shall be given to the general public by publishing, once each week for two successive weeks immediately preceding the week in which the hearing will be held, in a daily newspaper published in the city, a notice of the time and place of such hearing. All applications filed within the 60-day period and prior to the issuance of the notice fixing the date of such hearing shall be considered at the same time, together with the recommendations of the city manager relative thereto. Any interested person may appear in support of or in opposition to the application for a certificate.~~

(Tax Code 1959, § 31-38)

Sec. 37-57. - Fee for publication of notice of public hearing.

In order to cover the cost of publication of the notice of public hearing required by section 37-56, a deposit of $100.00 shall be paid into the city treasury and receipt attached to the application when filed.

(Tax Code 1959, § 31-39; Ord. No. O-84-141, § 1, 6-12-84, eff. 7-1-84; Ord. No. O-88-062, § 1, 3-22-88, eff. 7-1-88; Ord. No. O-96-136, 5-14-96)

Sec. 37-58. - City manager's recommendations to council as to issuance or denial.

If the city manager finds that further taxicab service in the city is required by the public convenience and necessity and that the applicant for a certificate is of good moral character, fit, willing and able to perform such public transportation and to conform to the provisions of this article and the rules and regulations promulgated by the city manager, and has complied with the provisions of sections 37-68 and 37-69, the city manager shall recommend to the city council that the city council issue a certificate to the applicant; otherwise, the city manager shall recommend to the city council that the application be denied. The city manager shall include a complete report of his findings in his recommendation to the council.

(Tax Code 1959, § 31-40)

Sec. 37-59. - Factors considered in making findings.

In making the findings referred to in section 37-58, the city manager shall take into consideration the following:

(a) The adequacy of existing taxicab service and other forms of transportation for passengers already in existence in the city.

(b) The probable permanence and quality of the services to be offered by the applicant for the certificate.

(c) The probable effect of increased service on local traffic conditions.

(d) The character and responsibility of the applicant for the certificate.

(Tax Code 1959, § 31-41)

Sec. 37-60. - Applicants to whom city manager may not recommend issuance.

The city manager shall not recommend the issuance of a certificate to any applicant for a certificate under the age of 21 years, or who is not of good moral character or personally fit to conduct a taxicab business, or who shall have been convicted within five years prior to the date of the hearing of violating any provision of Code of Virginia, Title 4, relating to transportation of liquors or relating to the sale, transportation, possession or distribution of any other controlled substance, or who shall have been convicted of a serious misdemeanor or felony within a period of five years prior to the date of the hearing provided for in section 37-56.

(Tax Code 1959, § 31-42; Ord. No. O-96-136, 5-14-96)

Sec. 37-61. - To be granted only to owner.

~~No certificate shall be granted to any person unless he is the owner of the taxicab or taxicabs proposed to be operated pursuant to the certificate for which application is made.~~

~~(Tax Code 1959, § 31-43)~~

~~Sec. 37-62. - Exceptions to city manager's report to council; finality of council's decisions.~~

~~At or before the next succeeding regular meeting of the city council after the meeting at which the report of the city manager, made pursuant to section 37-58, is presented to the city council, any applicant for a certificate or other interested party may file written exceptions thereto with the clerk of council. Such applicant or interested party shall have an opportunity to be heard on the exceptions to the report at such time as may be fixed by the city council for the purpose. The decisions of the city council with regard to such exceptions and the report shall be final.~~

~~(Tax Code 1959, § 31-44)~~

~~Sec. 37-63. - Form and content; disposition of copies.~~

~~The certificate shall be filled out in duplicate and shall contain the name and address of the applicant, the number of vehicles authorized under the certificate and the date of issuance. One copy shall be retained in the files of the city manager and the applicant shall receive the other copy.~~

~~(Tax Code 1959, § 31-45)~~

~~Sec. 37-64. - Term; expiration for thirty-day failure to operate business.~~

~~Certificates shall be effective until canceled and shall expire when the holder thereof fails for a period of 30 days to operate a taxicab business within the city in accordance with such certificate.~~

~~(Tax Code 1959, § 31-46)~~

~~Sec. 37-65. - Transfer.~~

~~Certificates shall not be transferable, except upon the written consent of the city manager endorsed on any such certificate.~~

~~(Tax Code 1959, § 31-47)~~

Sec. 37-~~66~~56. - License for operation of business~~—Certificate prerequisite to issuance.~~

The owner of a taxicab business shall procure from the commissioner of the revenue a business license as required under the applicable section of the tax code of the city. ~~No license to operate a taxicab business within the city shall be issued to any person unless such person shall first have obtained a certificate from the city council. No additional certificate shall be required for the purpose of obtaining licenses so long as the original certificate remains in effect.~~

~~(Tax Code 1959, § 31-4)~~

~~Sec. 37-67. - Same—Procedure as to issuance.~~

~~Upon presentation of a certificate within 30 days of its date to the commissioner of the revenue and upon satisfactory evidence that the holder of such certificate has complied with the provisions of sections 37-68 and 37-69 and upon payment of the license fee required under the applicable section of the tax code of the city, the commissioner of the revenue shall issue to the holder of such certificate a license to operate a taxicab business within the city.~~

~~(Tax Code 1959, § 31-5)~~

Sec. 37-~~68~~57. - Insurance or bond—Required.

No ~~certificate~~ registration shall be issued until the applicant therefor shall submit satisfactory evidence to the ~~city manager~~chief of police that he has filed with the state corporation commission such insurance policy, letter of credit or bond covering such liability or property damage as may be required by state law.

(Tax Code 1959, § 31-6; Ord. No. O-96-136, 5-14-96)

~~Sec. 37-69. - Reserved.~~

Editor's note— Ord. No. O-96-136, adopted May 14, 1996, repealed § 37-69.

Sec. 37-~~70~~58. - Same—No liability on city.

Nothing contained in ~~sections 37-68 or 37-69~~this ordinance shall have the effect of fixing any liability on the city by reason of the maintenance and operation of any taxicab.

(Tax Code 1959, § 31-8)

~~Sec. 37-71. - Procedure when additional taxicabs required.~~

~~If the city manager shall determine, after investigation, although no application for any certificate may be pending, that public convenience and necessity requires the operation of additional taxicabs within the city, then the city manager may give such notice as he deems advisable that applications for additional certificates will be received, or he may, in his discretion, require the holders of outstanding certificates, or any one or more of them, to provide and operate additional taxicabs within the city. In the event that the holder of any such certificate shall refuse to do so, such refusal shall be grounds for the revocation or suspension of the certificate held by him. In the event of such revocation, the holder of any such certificate shall have the right of appeal to the city council to review the action of the city manager.~~

~~(Tax Code 1959, § 31-48)~~

Sec. 37-~~72~~59. - No vested rights granted by this article.

No person operating a taxicab business under the provisions of this article shall acquire any vested rights in the streets of the city or any vested rights to use the same. ~~Certificates may be suspended or revoked at any time by repeal or amendment of the applicable section or sections of this article.~~

(Tax Code 1959, § 31-49)

Sec. 37-~~73~~60. - Revocation and suspension—Causes for action.

(a) A ~~certificate~~ registration may be revoked or suspended by the ~~city manager~~chief of police for the following causes:

(1) Failure to operate the registered taxicab or taxicabs ~~specified in the certificate~~ in such manner as to serve the public adequately.

(2) Failure to maintain such taxicabs in good order and repair.

(3) Failure to keep in force the bond or insurance as required under section~~s~~ 37-~~68 and 37-69~~57.

(4) Repeated and persistent violation of traffic and safety ordinances by drivers.

(5) Willful or continued failure to comply with the provisions of this article or willful or continued failure to comply with any of the provisions of this Code or other ordinances of the city or laws of the state or federal governments, the violation of which reflects unfavorably on the suitability of the ~~holder of the certificate~~taxicab owner or operator to offer public transportation.

~~(6) Failure of any operator to operate regularly the number of taxicabs authorized by his certificate.~~

~~(7) Failure to operate additional taxicabs when directed so to do by the city manager under the provisions of section 37-71.~~

(~~8~~6) Failure to comply with any rule or regulation promulgated by the city manager under the provisions of section 37-35.

~~(b) In case of proceeding under item (6) above, the city manager shall revoke the certificate to the extent that such certificate authorized the operation of a number of taxicabs in excess of the number regularly operated by such operator.~~

(Tax Code 1959, § 31-50)

Sec. 37-~~74~~61. - Same—Notice and hearing.

Prior to suspension or revocation~~, the holder of the certificate~~ of a taxicab registration the owner or operator involved shall be given notice of the proposed action to be taken and shall have an opportunity to be heard.

(Tax Code 1959, § 31-51)

Sec. 37-~~75~~62. - Same—Right of appeal.

In the event of suspension or revocation of a ~~certificate by the city manager~~registration by the chief of police, the ~~holder~~ owner or operator~~thereof~~ shall have the right of appeal to the city ~~council~~ manager.~~at either of its next two regular meetings following the date of such revocation or suspension. In the event of such appeal, the city council shall review the findings of the city manager and his action with regard to such revocation or suspension.~~

(Code 1959, § 31-52)

~~Sec. 37-76. - Same—Term of suspension.~~

~~Any certificate suspended shall not be suspended for less than ten days nor more than 30 days.~~

~~(Code 1959, § 31-53)~~

~~Sec. 37-77. - Same—Reissue after revocation.~~

~~Any certificate revoked shall not be reissued to the same person under any circumstances for a term of at least one year after the effective date of such revocation.~~

~~(Code 1959, § 31-54)~~

Secs. 37-~~78~~63—37-83. - Reserved.

DIVISION 4. - REGISTRATION OF DRIVERS

Sec. 37-84. - Required.

Every driver shall be registered by the chief of police before driving any taxicab upon the streets of the city.

(Code 1959, § 31-55)

Sec. 37-85. - Penalty.

Any person who shall violate any of the provisions of this division shall, for a first violation, be deemed guilty of a class 4 misdemeanor; for each second or subsequent conviction under this division, committed within 12 months from the date of a prior conviction hereunder, any such person shall be deemed guilty of a class 3 misdemeanor.

(Code 1959, § 31-61)

Sec. 37-86. - Fee.

A fee of $50.00 shall be paid to the city for processing and investigating the applicant, which fee shall be nonrefundable.

(Code 1959, § 31-55; Ord. No. O-90-093, 3-27-90, eff. 7-1-90; Ord. No. O-95-206, 7-11-95, eff. 9-1-95)

Sec. 37-87. - Term; renewal.

Original registration of a driver shall expire one year from date of issue, unless sooner revoked. All such registrations shall be renewed annually on or before the driver's date of birth each year. Such renewal registration shall continue for one year following, unless sooner revoked.

(Code 1959, § 31-55; Ord. No. O-91-050, 3-26-91)

Sec. 37-88. - Application.

Application for original and renewal registration shall be made to the chief of police on forms prescribed by the city manager for that purpose. The fee for such registration shall accompany each application for registration. It shall be unlawful for any applicant to willfully omit any information called for on such application form or to give any false information thereon.

(Code 1959, § 31-56)

Sec. 37-89. - Fingerprinting of applicants.

The chief of police shall cause each applicant for registration to be fingerprinted for the purpose of clearing convictions, if any.

(Code 1959, § 31-59)

Sec. 37-90. - Mandatory denial.

No applicant for original or renewal registration required by this division shall be registered by the chief of police if such applicant:

(a) Does not have in force a valid license issued by the department of motor vehicles of the state; or,

(b) Has, within the past three years prior to the date of application, been convicted of a felony or petit larceny under the laws of the United States or any state; or,

(c) Has, within three years prior to the date of application, been convicted of driving a motor vehicle while under the influence of intoxicants or any narcotic drug under the laws of any state or municipality; or,

(d) Has, within one year prior to the date of application, been convicted of a violation of any of the provisions of the Code of Virginia, Title 4, relating to the transportation or sale of alcoholic beverages, or has, within one year prior to the date of the application, been convicted of a violation of any state law or municipal ordinance relating to the sale, transportation, possession or distribution of intoxicating liquors or relating to the sale, transportation, possession or distribution of any other controlled substance; or

(e) Has, within one year prior to the date of application, been convicted of using or allowing the use of a vehicle to aid or promote prostitution or illicit sexual intercourse, or of violating any of the provisions of the Code of Virginia, Section 18.2-349, or any amendment thereof.

(f) Has, any pending charges for any of the criminal offenses identified in paragraphs (b), (c), (d), or (e) of this section.

(Code 1959, § 31-57; Ord. No. O-91-050, 3-26-91; Ord. No. O-96-136, 5-14-96)

Sec. 37-91. - Authority to deny; appeal from denial.

The chief of police, except in cases where denial of registration is mandatory, after due hearing and upon not less than days' notice in writing to the applicant, such notice to be sent by registered mail to the address given by the applicant in his application or by personal service upon the applicant, either of which shall constitute sufficient form of notice, may deny registration to any applicant, for good cause shown, including the conviction of the applicant for the violation of any of the provisions of this division or of any state law or municipal ordinance. Except in cases where denial of registration is mandatory, the applicant shall have the right, within 20 days from the day registration is denied, to appeal to the judge of the municipal court from the decision of the chief of police denying registration. The decision of the judge of the municipal court after hearing relevant evidence shall be final.

(Code 1959, § 31-58)

Sec. 37-92. - Registration cards.

Every taxicab driver registered by the chief of police under the provisions of this division shall be furnished with a card signed by the chief of police certifying to his registration, which card shall contain a photograph of the taxicab driver made by the police division. Such card shall be conspicuously displayed in a manner directed by the chief of police in the taxicab at all times that the same is in charge of such

driver. No driver shall drive a taxicab upon the streets of the city until he shall have secured a registration card from the chief of police.

(Code 1959, § 31-60)

Sec. 37-93. - Revocation or suspension—Mandatory revocation generally.

The chief of police shall forthwith revoke and seize the registration of any taxicab driver upon ascertaining that such driver:

(a) Has, within the preceding three years, been convicted of a felony or petit larceny under the laws of the United States or any state; or,

(b) Has, within the preceding three years, been convicted of driving a motor vehicle while under the influence of intoxicants or any narcotic drug under the laws of any state or municipality; or,

(c) Has, within the preceding year, been convicted of any of the provisions of Code of Virginia, Title 4, relating to the transportation or sale of alcoholic beverages, or has been convicted of violating any state law or municipal ordinance relating to the sale or transportation of intoxicating liquors or relating to the sale, transportation, possession or distribution of any other controlled substance; or,

(d) Has, within the preceding year, been convicted of using or allowing the use of a vehicle to aid or promote prostitution or illicit sexual intercourse, or of violating any of the provisions of Code of Virginia, Section 18.2-349; or,

(e) Has, within the preceding year, been convicted of two offenses of reckless driving under the laws of any state or municipality; or,

(f) Has, within the preceding year, been convicted of one offense of reckless driving and two offenses of exceeding the speed limit under the laws of any state or municipality; or,

(g) Has, within the preceding year, been convicted of three offenses of exceeding the speed limit under the laws of any state or municipality.

(h) Does not have in force a valid operators license issued by the Virginia Department of Motor Vehicles.

When any taxicab driver is charged with any criminal offense that would result in the mandatory revocation of the driver's registration, if convicted, the chief of police shall suspend the driver's registration until such time as the criminal charges have been resolved.

(Ord. No. O-96-136, 5-14-96)

Sec. 37-94. - Same—Authority of chief of police; notice; appeal from action by chief of police.

The chief of police, except in cases where revocation is mandatory under section 37-93, after due hearing and upon not less than five days' notice in writing to the taxicab driver, such notice to be sent by registered mail to the address given by the taxicab driver when applying for registration, or by personal service upon the taxicab driver, either of which shall constitute sufficient form of notice, may suspend or revoke the registration of any taxicab driver for good cause shown, including the conviction of the taxicab driver for the violation of any of the provisions of this division or any state law or municipal ordinance. Except in cases where revocation is mandatory under section 37-93, any taxicab driver shall have the right of appeal to the judge of the municipal court within 20 days from the date of suspension or revocation. The decision of the judge of the municipal court after due hearing of relevant evidence shall be final.

(Tax Code 1959, § 31-63)

Sec. 37-95. - Same—Term.

In the event of revocation or suspension of registration of a driver, other than mandatory revocation, such suspension or revocation shall be for a period fixed by the chief of police or the judge of the municipal court upon appeal, but not exceeding one year.

(Tax Code 1959, § 31-64)

Sec. 37-96. - Same—Registration after mandatory revocation.

In the event of mandatory revocation, registration shall not again be granted until such time as registration could be granted under the provisions of section 37-90.

(Tax Code 1959, § 31-65)

Sec. 37-97. - Same—Surrender and restoration of registration card.

In the event of any revocation or suspension of registration, the registration card of the driver shall forthwith be surrendered to the chief of police. In case of suspension only, the registration card shall be restored to the driver at the expiration of the period of suspension.

(Tax Code 1959, § 31-66)

Sec. 37-98. - Same—Driving during time of revocation or suspension.

It shall be unlawful for any person to drive a taxicab upon the streets of the city during the time his registration is revoked or suspended.

(Tax Code 1959, § 31-67)

Secs. 37-99—37-104. - Reserved.

DIVISION 5. - TAXIMETERS, RATES AND CHARGES

Sec. 37-105. - Required.

All taxicabs operating under this article shall be equipped with taximeters fastened to the taxicab in front of the passengers, visible to them at all times of the day and night; and, after sundown, the face of the taximeter shall be illuminated.

(Tax Code 1959, § 31-68)

Sec. 37-106. - Signal device.

Each taximeter shall have thereon a dome light or similar electronic device to denote when the vehicle is employed and when it is not employed. It shall be the duty of the driver to engage the dome light or similar electronic device of such taximeter into a recording position at a time when such vehicle is employed and such device shall remain in such recording position at all times during the transportation of

passengers and at a nonrecording position at the termination of each trip. It shall be unlawful for a driver to fail, refuse or neglect to put the taximeter in operation when such vehicle is employed and to keep the device in a recording position at all times during such employment.

(Tax Code 1959, § 31-69; Ord. No. O-96-136, 5-14-96)

Sec. 37-107. - Inspection generally; procedure in case of inaccuracy.

Taximeters shall be subject to inspection from time to time by the police department ~~of public safety~~. Any inspector or other officer of such department or any officer designated by the city manager, may either on complaint of any person or without such complaint, inspect any such taximeter and, upon discovery of any inaccuracy therein, shall notify the person operating such taxicab to cease operation. Thereupon, such taxicab shall be kept off the streets until the taximeter is repaired and in the required working condition or until such taximeter has been replaced in the taxicab by a properly working taximeter.

(Code 1959, § 31-70)

Sec. 37-108. - Rules and regulations as to inspection and sealing.

The city manager may promulgate additional rules and regulations regarding the inspection of taximeters and the sealing of such taximeters if he deems it in the public interest to do so.

(Code 1959, § 31-71)

Sec. 37-109. - Rates.

The rates to be charged passengers by owners or drivers of taxicabs shall be as provided in this section and it shall be unlawful for an owner to permit or a driver to make any greater or lesser charges for the transportation of passengers and luggage than the following charges:

(a) *Trip rates.*

(1) *Mileage basis.*

For the first one-ninth mile, or fraction thereof $1.80

For each succeeding one-ninth mile, or fraction thereof 0.25

(2 *Waiting time.*

For each minute of waiting time, or fraction thereof, after the first three minutes .....0.50 or $30.00 per hour waiting time

(b) *Hourly rates.*

When hired on an hourly basis for one or more passengers, per hour 30.00

(c) *Trunks or footlockers.*

For transporting trunks or footlockers along with passengers, each piece 1.00

(d) *Hand luggage.*

(1) For each hand baggage in excess of two bags per passenger, each additional bag 0.10

(2) For packages without a passenger, each 1.00

(e) *Bags weighing 100 pounds, or over.*

For each piece of baggage weighing 100 pounds, or over 1.00

(f) *For transporting pets,* other than seeing-eye dogs, an additional charge for each pet 1.50

(g) *Two or more passengers.* An extra charge of $0.20 per passenger shall be made for each additional passenger traveling together and discharged along the route or at the same destination.

(1) Should the first person taken into a taxicab for transportation permit the driver to allow another or others traveling in the same direction to be transported in the same taxicab with him, pursuant to section 37-24, the passenger first arriving at his destination shall pay in accordance with the meter charge at that point, plus an extra charge of $0.20 for each additional passenger transported and discharged at that destination, whereupon the driver of the taxicab shall immediately clear his meter and set the same for immediate operation for the next passenger, who shall pay the meter charge upon arrival at his destination, plus an extra charge of $0.20 for each additional passenger transported and discharged at that destination. The same method shall be followed for each succeeding passenger.

(2) When two or more passengers are bona fide traveling together and engage a taxicab to different destinations, the charge shall be made as if the taxicab were hired for one passenger for the last destination, plus an extra charge of $0.20 for each additional passenger transported.

(h) Passengers to points beyond city limits. For transportation of passengers from the city to points beyond the city limits, the rates set out in this section shall be applicable only to so much of such trip as is within the city limits.

(i) In order to ensure payment of fares, drivers may request a security deposit of no more than $5.00 prior to accepting a passenger. The difference between such deposit and the actual fare shall be refunded to the passenger.

(j) *Fuel cost surcharge.* Effective July 1, 2008, a surcharge of $1.00 shall be added to the current meter charge for each trip.

(Ord. of 7-22-75, § 31-72; Ord. of 6-26-79; Ord. No. O-82-213, § 1, 10-12-82; Ord. No. O-90-284, 9-11-90; Ord. No. O-99-091, 5-11-99, eff. 6-1-99; Ord. No. O-05-103, 8-9-05; Ord. No. O-08-088, 6-10-08, eff. 7-1-08)

Sec. 37-110. - Receipt showing payment of fare.

A driver shall, upon request, deliver to the person paying the fare a receipt in legible type or writing showing the date, amount of fare paid, the name of the owner and driver, and the city license tag number of the taxicab.

(Code 1959, § 31-73)

Sec. 37-111. - Failure to pay fare.

It shall be unlawful for any person who has been transported in a taxicab willfully fail, refuse or neglect to pay the driver of the taxicab the fare provided for under this division at the rates prescribed therefor immediately upon termination of the transportation, unless satisfactory arrangements are otherwise made with the driver for the payment of such fare. Every person who violates the provisions of this section shall be guilty of a class 2 misdemeanor for each offense.

(Code 1959, § 31-74; Ord. No. O-96-136, 5-14-96)

Secs. 37-112—37-122. - Reserved.

ARTICLE III. - RENTAL VEHICLES[3]

Footnotes:

--- (**3**) ---

Cross reference— License fee for rental car agencies, § 36-114(a)(15).

Sec. 37-123. - Definition.

Wherever used in this article, the term "U-Drive-It" shall be construed to apply to all automobiles or motorcars offered for rent, hire or lease, or which are rented, hired or leased for operation without a chauffeur.

(Code 1959, § 31-75)

Sec. 37-124. - Renting to person without driver's permit.

It shall be unlawful for any person engaged in the business of offering automobiles or motorcars for rent, hire or lease, to be driven by the person hiring same, to hire, rent or lease such automobiles or motorcars to any person, unless such person exhibits to the owner or person in charge of such business a permit from a duly authorized authority permitting him to drive or operate a motor vehicle under the laws of the city and state in which such permit is issued.

(Code 1959, § 31-76)

Sec. 37-125. - Penalty.

Any person violating the provisions of this article shall be deemed guilty of a class 4 misdemeanor.

(Code 1959, § 31-77)

City of Lynchburg

Taxicab Rules and Regulations

These Taxicab Rules and Regulations are promulgated by the City Manager under the authority granted by Section 37-35 of the Lynchburg City Code. They shall be effective October 1, 2005.

In addition to these rules and regulations, any operator of a taxicab in the City of Lynchburg shall comply with the provisions of the Lynchburg City Code, Sections 37-1 through 37-122.

A. Taxicab Inspection Procedure

1) The Chief of Police shall designate an officer of the Lynchburg Police Department to serve as Taxicab Inspector.

2) Prior to the use and operation of any vehicle as a taxicab under the provisions of Chapter 37 of the Lynchburg City Code, such vehicle shall be inspected by the Taxicab Inspector for compliance with the City Code and these Rules and Regulations.

3) Each taxicab licensed within the City of Lynchburg shall be inspected by the Taxicab Inspector at least twice each calendar year in the months of May and November. In addition to bi-annual inspections, the Taxicab inspector shall, each calendar year, inspect on a random basis at least twenty (20) percent of the taxicabs licensed in the City of Lynchburg.

4) The inspection shall include a review of the taxicab driver's manifest (passenger log) for the most recent six (6) months.

5) If any taxicab is found to be in an unsafe condition, the ~~certificate~~ registration card shall be removed from the vehicle and the ~~certificate holder~~owner or operator shall be notified of the nature of the defect and provided an opportunity to be heard ~~in accordance with Section 37-74 of the Lynchburg City Code~~. The taxicab shall not be operated until such condition has been remedied. The Taxicab Inspector shall, upon request of the ~~certificate holder~~taxicab owner or operator, re-inspect the vehicle and if such condition has been remedied, the ~~certificate~~ registration shall be returned to the ~~certificate holder~~taxicab owner or operator. If such defective condition is not remedied within thirty (30) days, the ~~Certificate of Convenience and Necessity to operate that~~registration for that vehicle shall be permanently revoked.

6) If the taxicab is found to be unclean or unfit, but otherwise in safe condition, the

Taxicab Inspector shall give the taxicab owner/driver seven (7) calendar days to remedy the condition, after which the inspector shall re-inspect the taxicab and approve it for operation or, after thirty (30) days, revoke the ~~certificate~~ registration for non-compliance with sufficient notice and opportunity to be heard.

B. Required Equipment

1) In addition to equipment required of motor vehicles by the Code of Virginia, and the Lynchburg City Code, every taxicab ~~certificated~~ operated under Chapter 37 of the Lynchburg City Code shall have the following equipment:

a. An approved holder for the proper display of the ~~Certificate of Convenience and Necessity~~taxicab registration and the driver's picture identification, both of which shall face the passengers' compartment.

b. A heater and an air conditioner sufficient, according to the equipment manufacturer's specifications, to adequately heat or cool, respectively, the interior of the taxicab in such a manner as to maintain a comfortable temperature regardless of the season.

c. An "on-call" sign, to be used when the taxicab is enroute to pick-up a passenger or waiting for a passenger at a designated place in response to the request of the passenger. This sign shall be an exterior dome light of an approved type placed upon the top of the vehicle.

C. General Condition and Maintenance

1) Taxicabs shall be of good substantial appearance and constructed and maintained so as to provide for the safety of the public, continuous and satisfactory operation, and operation with minimum noise and vibration. Every taxicab shall be structurally sound as to all its parts and shall not have broken/cracked/missing fenders, glass or parts.

2) Manufacturer installed safety equipment shall be maintained in a fully operational condition.

3) Taxicabs shall be kept in a clean and sanitary condition and shall be swept and/or vacuumed at least once each day. At least once every seven (7) days the interior shall be cleaned thoroughly with a suitable antiseptic solution.

4) Taxicabs shall have appropriate upholstery covering or interior lining which shall be of leather, or similar non-absorbent/vinyl washable material. The rear cushion shall be removable and shall not be torn or damaged in any way.

5) No floor mats shall be permitted in any licensed taxicab unless they are made of rubber, leather, metal chain or similar non-absorbent, washable materials and

are easily removable for cleaning.

6) All fleet vehicles shall be uniformly painted in accordance with professional standards to give reasonable protection to all painted surfaces from structural deterioration and to provide identification of the company owning the vehicles.

7) Taxicabs shall have an appropriate taxicab company color scheme/marks of identification (painted in accordance with professional standards) and a vehicle number. Such identification shall be permanent and clearly legible at all times.

D. Use of Taxicab for Lawful Purposes

1) No owner or ~~driver~~ operator of a taxicab shall permit such vehicle to be used for unlawful purposes or shall knowingly transport persons therein to places for such purposes, or knowingly acquire or transport for another in a taxicab any narcotics, marijuana, or any other illegal controlled substances or unsealed containers of alcoholic beverages.

2) It shall be unlawful for any person operating a taxicab within the City to use the taxicab in the commission of a criminal offense, including manufacturing, distributing, or dispensing a controlled substance or possession with the intent to manufacture, distribute, or dispense such illegal controlled substances.

3) The following notice shall be placed conspicuously in the taxicab along with the ~~Certificate of Convenience and Necessity~~taxicab registration.

Notice
No owner or driver of a taxicab shall permit such vehicle to be used for unlawful purposes or knowingly transport persons therein to places for such purposes, or knowingly acquire or transport for another in a taxicab any narcotics, marijuana, or any other illegal controlled substances or unsealed containers of alcoholic beverages. It shall be unlawful for any person owning/operating a taxicab within the City to use the taxicab in the commission of a criminal offense, including manufacturing, distributing, or dispensing a controlled substance or possession with the intent to manufacture, distribute, or dispense illegal controlled substances.

E. Taxicab Driver Requirements

1) Drivers to be clean and neat: Every driver of a taxicab, while on duty, shall be clean and neat in dress and in person.

2) Smoking and offensive use of tobacco: At no time shall the driver of a taxicab smoke cigarettes, chew tobacco, use snuff, or smoke a cigar or pipe while any passenger is being transported in the taxicab.

3) Alcohol and narcotics: At no time shall the driver of a taxicab use or possess alcoholic beverages, narcotics, or other habit forming drugs (unless prescribed by a physician) while operating a taxicab. The transportation of alcoholic beverages and illegal controlled substances, other than sealed alcoholic beverages carried in possession of a paying passenger, is prohibited. Any taxicab driver found to have any measurable amount of alcohol in his/her blood shall be placed out of service for a period of twenty-four (24) hours.

4) Note: Authorization to drive a taxicab in the City of Lynchburg may be revoked by the Police Department for violation of Chapter 37 of the Lynchburg City Code or any of these rules and regulations.

Approved By: _____ Date: _____
City Manager

Taxicab Meeting – May 2, 2016

Present at meeting:

Kimball Payne, City Manager
Steve Saxon, LPD
Alphonzo Porter, Allied Cab
Louise Johnson, Allied Cab
Clarence Thomas, Allied Cab
Uzziel Wilson, Central Va Yellow Cab
Porter Douglas, Hill City Cab
Prinse Crawley, Allied Cab
Robert Williams, Gray Top Cab

Kim Payne explained the proposed changes to the taxicab process, namely the elimination of the Certificates of Convenience and Necessity. He explained that he feels the certificate process is unnecessary and is a hindrance to competition with transportation service providers such as Uber.

Mr. Porter stated that he does not see Uber as a problem – Uber doesn't have that great of a reputation.

There was some discussion on how Uber works and operates.

Mr. Crawley asked if the function is to limit the number of cabs. Is there going to be a limit?
Mr. Payne responded that he doesn't feel that is up to him or the City.

Mr. Crawley asked if anyone can apply for a Certificate, whether a single proprietor or a group.

Mr. Porter asked if the number of cabs is based on population.
Mr. Payne responded that he can't find a restriction in the codes.

Mr. Wilson asked would any citizen be allowed to run a taxi. Mr. Payne explained what someone would need to do in order to do so. Mr. Wilson said that what he was hearing is that anyone could operate a taxi. His concern is whether it would affect the integrity of taxi businesses and the physical appearance of them. He asked would it open up more problems as far as regulating who is doing what, when and where. Kim stated that some transportation service providers are operating currently with basically no rules.

Mr. Wilson asked how many taxies would constitute a taxi business. Five? And would it allow an individual to open a taxi company with only one vehicle?.

Officer Saxon, with Lynchburg Police Department, said that a single operator would need to meet the same requirements as a company, including the same inspections, signs, manifest, meter certification, etc.

Mr. Payne asked how meters are calibrated.

Mr. Porter said that the State no longer does the calibration.

Officer Saxon said that if the taxi companies need a calibration, they can let LPD know and they will tell them where they can do the calibration.

Mr. Wilson said that he is concerned about the integrity of taxies with an established business – customers may shy away from taxicabs if the standards are lowered. Taxies need to meet company guidelines.

Mr. Payne stated that they will need to meet the full requirements, the Code would still apply. He said that a number could possibly be set to constitute a taxi company.

Mr. Wilson asked when some decisions are presented to City Council or the City, could that be part of it and get some consideration.

Mr. Payne responded that Council's ability to say no is generally based on location, land use, etc. He said that Council doesn't judge whether a business can come in and operate in the City and compete successfully.

Officer Saxon said that Uber has to provide insurance on their vehicles just as the cabs do. The State mandates the amount of coverage.

Mr. Wilson asked Kim to explain the bottom line of the change. Mr. Payne responded that the City would simply no longer issue the Certificates of Convenience and Necessity; the other regulations would still apply.

Mr. Wilson asked about the private sector providing public transportation and what GLTC is considered. He feels that all of this impact peoples' impression of the City.

Mr. Porter asked about revisiting the code and the requirements.

Mr. Wilson stated that he feels that most of the code is good and would still like to maintain what a taxi service looks like.

Officer Saxon stated if people meet all requirements they are vetted. If not met, then LPD does not give them the necessary sticker.

Mr. Payne said they will make sure the standards are still conducive to public confidence.

Mr. Williams agrees that the Certificates should go.

Officer Saxon stated that all taxies are held to the same standards.

Mr. Crawley asked would a new company need to have 5 taxies to be a cab company.

Mr. Payne asked what those present would recommend and the consensus was that 5 would be a good number to require.

Officer Saxon suggested that if all the existing cab companies can get together and come up with standards, it would carry more weight.

Kim told those present that the proposal will be going to City Council on May 10 at 7:30 p.m. and that it would be good if the Cab Companies could be represented at that time so he encouraged those present to attend.

Prepared by Ivetta Campbell

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 10, 2016** AGENDA ITEM NO.: 15

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

ACTION: **X** INFORMATION:

ITEM TITLE: **1) Adopt and Appropriate the FY 2017 Operating Budget; 2) Adopt the FY 2017-2021 Capital Improvement Program; 3) Adopt and Appropriate the FY 2017 Capital Budget; 4) Adopt a Resolution Authorizing the City Manager to Award Monetary Incentives, Awards, and Bonuses to Employees for Exceptional Services; 5) Adopt a Resolution requiring City Council approval to spend Poverty Initiative funds; 6) Adopt and Appropriate $50,000 of the FY 2017 Reserve for Contingencies for use by the City Manager; 7) Adopt a Resolution to set the Personal Property Tax Relief Rate; and 8) Adopt an Ordinance to change the City Code for Business License Tax.**

RECOMMENDATION: Adopt and appropriate the FY 2017 Operating Budget; adopt the FY 2017-2021 Capital Improvement Program; adopt and appropriate the FY 2017 Capital Budget; adopt a resolution authorizing the City Manager to award monetary incentives, awards, and bonuses to employees for exceptional services; adopt a resolution requiring City Council approval to spend Poverty Initiative funds; adopt and appropriate $50,000 of the FY 2017 Reserve for Contingencies for use by the City Manager; adopt a resolution to set the Personal Property Tax Relief Rate; and adopt an ordinance to change the City Code for Business License Tax.

SUMMARY: Following the April 5, 2016 Public Hearing for the FY 2017 Budget, Council adjusted the Proposed FY 2017 General Fund Budget as follows:

General Fund

Revenues and Use of Fund Balance	**Proposed Operating Budget**	**Adjustments**	**Revised Budget**
Revenues	$180,417,924	$637	$180,418,561
Other Financing Sources	250,000		250,000
Use of Fund Balance	5,005,969		5,005,969
Total Revenues and Use of Fund Balance	**$185,673,893**	**$637**	**$185,674,530**
Expenditures			
Operations	$117,176,466	328,264	$117,504,730
Debt Service	17,923,738		17,923,738
Schools - Operations	41,181,666	(327,627)	40,854,039
Schools - School Buses	500,000		500,000
Greater Lynchburg Transit Company	1,675,805		1,675,805
Transfers to Other Funds	674,732		674,732
Reserves	2,131,851		2,131,851
Capital Improvements	4,409,635		4,409,635
Total Expenditures, Reserves, and Transfers	**$185,673,893**	**$637**	**$185,674,530**

Based on City Council's Work Session discussions regarding the FY 2017 budget, staff made the following adjustments:

To Revenues and Use of Fund Balance:

1. Reduced Local Sales Tax by $300,000 based on updated revenue projections.
2. Reduced Business License Tax by $40,363 based on a Council decision to change the fee structure.
3. Added $50,000 in Lodging Tax based on updated revenue projections.
4. Added $300,000 in Current Personal Property based on updated revenue projections.
5. Adjusted Current Personal Property – Allowance for Uncollectible by $9,000 based on updated revenue projections.

To Expenditures:

1. Added $21,327 to the Sheriff's Office budget to fund a $1.50/hour pay increase for part-time and temporary Deputy Sheriffs.
2. Reduced funding to Schools by $327,627.
3. Added $572,020 to fund a 2% General Fund Compensation Adjustment beginning January 2017.
4. Use of Managed Vacancy Program funds of $265,083.

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, H, I, J, K, L, M, N, O, P, and Q 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, F, and G 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.

Adopting Ordinance R requires a majority vote of all of the members of City Council in attendance, said vote to be taken by ayes and noes.

City/Federal/State Aid Fund

The City/Federal/State Aid Fund is adjusted by $481 for the Social Services Grants – Outstationed Eligibility Workers (OEW) Program to reflect a 2% General Fund Compensation Adjustment beginning January 2017 offset by a $481 increase in Localities/Other Reimbursements.

Water Fund

The Water Fund is adjusted by $44,861 to reflect a 2% General Fund Compensation Adjustment beginning January 2017.

Sewer Fund

The Sewer Fund is adjusted by $30,546 to reflect a 2% General Fund Compensation Adjustment beginning January 2017.

Stormwater Fund

The Stormwater Fund is adjusted by $4,757 to reflect a 2% General Fund Compensation Adjustment beginning January 2017.

Fund Balance

With the adjustments noted above, the General Fund undesignated fund balance as of June 30, 2017 is projected to be $19,491,586 or 10.8% of revenues. Council's target for undesignated fund balance is 10% of revenues.

PRIOR ACTION(S): March 8, 15, 22, 29 April 12, 19, 26, 2016 – City Council Work Sessions
April 5, 2016 – Public Hearing on the Proposed FY 2017 Budgets for General Government, Schools, Water, Sewer, Stormwater, Airport, and Other Funds, and the FY 2017 - 2021 Capital Improvement Program

BUDGET IMPACT:

See attached budget resolutions and ordinance.

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 2017 General Fund Budget

Resolutions to:
Adopt and Appropriate the FY 2017 Operating Budget (A-K)
Adopt the FY 2017-2021 Capital Improvement Program (L)
Adopt and Appropriate the FY 2017 Capital Budget (M)
Adopt a Resolution Authorizing the City Manager to Award Monetary Incentives, Awards, and Bonuses to Employees for Exceptional Services (N)
Adopt a Resolution requiring City Council approval to spend Poverty Initiative funds (O)
Adopt and Appropriate $50,000 of the FY 2017 Reserve for Contingencies for use by the City Manager (P)
Adopt a Resolution to set the Personal Property Tax Relief Rate (Q)

Adopt an Ordinance to change the City Code for Business License Tax (R)

REVIEWED BY: lkp

062K

ATTACHMENT A

BALANCING THE FY 2017 GENERAL FUND BUDGET

Revenues and Use of Fund Balance	
Proposed Revenues (from the FY 2017 Proposed Operating Budget)	**$180,417,924**
Use of Fund Balance, Committed/Assigned Fund Balance, and Other	5,255,969
Total Proposed Revenues and Use of Fund Balance	**$185,673,893**
Adjustments: Revenue Summary	
Non-dedicated Revenue Adjustments	**Increase/(Decrease)**
Local Sales Tax	($300,000)
Business License Tax	(40,363)
Lodging Tax	50,000
Current Personal Property	300,000
Current Personal Property - Allowance for Uncollectible	(9,000)
Revised Revenues and Use of Fund Balance	**$185,674,530**
Expenditures, Reserves, and Transfers	
Proposed Expenditures, Reserves, and Transfers (*from the FY 2017 Proposed Operating Budget)*	**$185,673,893**
Adjustments: Expenditures, Reserves, and Transfers	**Increase/(Decrease)**
Provide funding for a $1.50/hr pay increase for part-time and temporary Deputy Sheriffs	$21,327
Reduce proposed increase in City Contribution for Schools	(327,627)
Provide funding for a 2% General Fund Compensation Adjustment beginning January 2017	572,020
Use of Managed Vacany Program funds	(265,083)
Revised Expenditures	**$185,674,530**
Balance of Revised Revenues, Use of Fund Balance, and Expenditures	**$0**

A. BE IT RESOLVED that by majority vote the FY 2017 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) including the revenues and expenditures proposed by the City Manager and revised by City Council be adopted as the annual operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2016 and ending June 30, 2017 and said funds be appropriated:

GENERAL FUND INCOME	
Beginning Balance	$22,714,978
Non-Dedicated Revenues	
General Property Taxes	79,002,770
Other Local Taxes	53,161,856
Permits, Fees, and Regulatory Licenses	748,526
Fines and Forfeitures	442,500
Use of Money and Property	379,420
Charges for Services	3,371,992
Miscellaneous	243,900
Revenue from the Commonwealth	6,192,584
Dedicated Revenues	
Revenue from Use of Money & Property	
Charges for Services	4,142,675
Recreation Revenue	475,822
Parking	515,000
Miscellaneous	2,145,074
Revenue from the Commonwealth	
Categorical Aid - State Shared Expenditures	3,099,164
Categorical Aid	19,151,969
Revenue from the Federal Government	7,345,309
Use of Committed/Assigned Fund Balance and Other	2,032,577
Total	**$205,166,116**

GENERAL FUND EXPENDITURES	
General Government	$12,503,341
Judicial Administration	4,935,004
Public Safety	36,811,291
Public Works	18,097,617
Health and Welfare	20,033,127
Parks, Recreation and Cultural	5,800,412
Community Development	4,599,967
Non-Departmental	6,444,802
Transfer to Other Funds	674,732
General Fund - Debt Service	9,483,676
Schools - Debt Service	8,440,062
Reserves	2,131,851
Transfer to Capital - City	3,871,635
Transfer to Capital - Schools	538,000
Ending Balance	19,491,586
Subtotal	**$153,857,103**
External Service Providers[1]	$8,279,169
Component Units[1]	$43,029,844
Total	**$205,166,116**

[1] *To be considered separately*

Introduced: May 10, 2016 Adopted:

Certified: _____

Clerk of Council

B. BE IT RESOLVED that by majority vote the FY 2017 Mandated and Contractual External Service Providers Budget of $8,190,632 proposed by the City Manager and revised by City Council be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2016 and ending June 30, 2017 and said funds be appropriated:

MANDATED	
Blue Ridge Regional Jail Authority	$5,658,049
Horizon Behavioral Health	457,323
Health Department	830,977
TOTAL MANDATED	**$6,946,349**
CONTRACTUAL	
Central Virginia Regional Radio Board	$723,075
Lynchburg Humane Society - Operating	351,697
Southern Memorial Association (Old City Cemetery)	132,438
Virginia Cooperative Extension Service	37,073
TOTAL CONTRACTUAL	**$1,244,283**

Introduced: May 10, 2016 Adopted:

Certified: _____
Clerk of Council

C. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2017 Central Virginia Alliance for Community Living (formerly 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, 2016 and ending June 30, 2017 and said funds be appropriated.

Introduced: May 10, 2016 Adopted:

Certified: _____
Clerk of Council

D. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2017 Central Virginia Community College Board and Related Operations Budget of $1,906 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, 2016 and ending June 30, 2017 and said funds be appropriated.

Introduced: May 10, 2016 Adopted:

Certified: _____
Clerk of Council

E. BE IT RESOLVED that by majority vote the FY 2017 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, 2016 and ending June 30, 2017 and said funds be appropriated.

Introduced: May 10, 2016 Adopted:

Certified: _____
Clerk of Council

F. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2017 Virginia Legal Aid Society Budget of $11,249 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, 2016 and ending June 30, 2017 and said funds be appropriated.

Introduced: May 10, 2016 Adopted:

Certified: _____
Clerk of Council

G. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2017 Amazement Square Real Estate Tax Refund Budget of $5,604 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, 2016 and ending June 30, 2017 and said funds be appropriated.

Introduced: May 10, 2016 Adopted:

Certified: _____
Clerk of Council

H. BE IT RESOLVED that by majority vote the FY 2017 Region 2000 Local Government Council Budget of $44,778 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, 2016 and ending June 30, 2017 and said funds be appropriated.

Introduced: May 10, 2016 Adopted:

Certified: _____
Clerk of Council

I. BE IT RESOLVED that by majority vote the FY 2017 School Operating Budget, including the revenues and expenditures proposed by the City Manager, be adopted for the fiscal year beginning July 1, 2016 and ending June 30, 2017 and said funds be appropriated:

SCHOOL INCOME	
Beginning Balance	$0
State	49,896,363
Federal	463,000
Grants	9,515,677
Local – Operating	40,854,039
Local – School Buses	500,000
Miscellaneous	1,565,700
Total	**$102,794,779**

SCHOOL EXPENDITURES	
Operations	$93,279,102
Grant Funded Expenditures	9,515,677
Ending Balance	0
Total	**$102,794,779**

Introduced: May 10, 2016 Adopted:

Certified: _____
Clerk of Council

J. BE IT RESOLVED that by majority vote the FY 2017 Greater Lynchburg Transit Company Budget including the revenues and expenditures proposed by the City Manager be adopted for the fiscal year beginning July 1, 2016 and ending June 30, 2017 and said funds be appropriated:

GREATER LYNCHBURG TRANSIT COMPANY INCOME	
Beginning Balance	$0
Fares	995,433
Contracts	78,060
Federal	2,020,000
State	1,522,690
Local - Operating	1,675,805
Partners	1,500,000
Miscellaneous	321,700
Total	**$8,113,688**

GREATER LYNCHBURG TRANSIT COMPANY EXPENDITURES	
Operations	$8,113,688
Ending Balance	0
Total	**$8,113,688**

Introduced: May 10, 2016 Adopted:

Certified: _____
Clerk of Council

K. BE IT RESOLVED that by majority vote the FY 2017 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, 2016 and ending June 30, 2017:

FLEET SERVICES FUND INCOME	
Beginning Balance	$801,411
Revenues	5,857,519
Total	**$6,658,930**

FLEET SERVICES FUND EXPENDITURES	
Operations	$5,868,690
Debt Service	456,918
Ending Balance	333,322
Total	**$6,658,930**

AIRPORT FUND INCOME	
Beginning Balance	$250,000
Revenue from Cost Centers	2,538,034
Interest and Other	27,000
Use of Reserves	39,876
Total	**$2,854,910**

AIRPORT FUND EXPENDITURES	
Operations	$2,299,570
Debt Service	126,139
Ending Balance	429,201
Total	**$2,854,910**

WATER FUND INCOME	
Beginning Balance	$6,426,730
Charges for Service	12,258,891
Water Contracts (Amherst/Bedford/Campbell/Industrial)	2,213,440
Interest and Other	263,119
Total	**$21,162,180**

WATER FUND EXPENDITURES	
Operations	$9,885,539
Debt Service	4,382,244
Transfer to Water Capital Fund	1,750,000
Ending Balance	5,144,397
Total	**$21,162,180**

SEWER FUND INCOME	
Beginning Balance	$9,740,890
Charges for Services	18,459,728
Sewer Contracts (Amherst/Bedford/Campbell/Industrial)	3,635,450
Interest and Other	105,836
Total	**$31,941,904**

SEWER FUND EXPENDITURES	
Operations	$11,622,324
Debt Service	9,432,752
Transfer to Sewer Capital Fund	1,300,000
Ending Balance	9,586,828
Total	**$31,941,904**

STORMWATER FUND INCOME	
Beginning Balance	$821,413
Charges for Services	3,149,400
State Categorical Aid	275,000
Miscellaneous	42,500
Total	**$4,288,313**

STORMWATER FUND EXPENDITURES	
Operations	$2,420,848
Transfer to Capital Fund	1,175,000
Ending Balance	692,465
Total	**$4,288,313**

FORFEITED ASSETS FUND INCOME	
Beginning Balance	$136,812
Revenue	0
Total	**$136,812**

FORFEITED ASSETS FUND EXPENDITURES	
Operations	$0
Ending Balance	136,812
Total	**$136,812**

CHILDREN'S SERVICES ACT FUND INCOME	
Beginning Balance	$14,557
Miscellaneous	55,000
Transfer from General Fund	1,616,816
Lynchburg City School Transfer	196,541
Revenue from the Commonwealth	4,130,165
Total	**$6,013,079**

CHILDREN'S SERVICES ACT FUND EXPENDITURES	
Operations	$5,999,022
Ending Balance	14,557
Total	**$6,013,579**

HOME FUND INCOME	
Beginning Balance	$0
Federal Entitlement	316,176
Total	**$316,176**

HOME FUND EXPENDITURES	
Operations	$316,176
Ending Balance	0
Total	**$316,176**

LYNCHBURG BUSINESS DEVELOPMENT CENTRE INCOME	
Beginning Balance	$125,384
Revenue	0
Total	**$125,384**

LYNCHBURG BUSINESS DEVELOPMENT CENTRE EXPENDITURES	
Operations	$0
Ending Balance	125,384
Total	**$125,384**

LEAF FUND INCOME	
Beginning Balance	$188,141
Pledges/Donations	0
Total	**$188,141**

LEAF FUND EXPENDITURES	
Operations	$0
Ending Balance	188,141
Total	**$188,141**

REGIONAL JUVENILE DETENTION CENTER FUND INCOME	
Beginning Balance	$100,000
Charges for Services	1,548,012
Intergovernmental	1,106,886
Total	**$2,754,898**

REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES	
Operations	$2,539,991
Debt Service	114,907
Ending Balance	100,000
Total	**$2,754,898**

RISK MANAGEMENT FUND INCOME	
Beginning Balance	$2,392,477
Charges for Services	965,144
Total	**$3,357,621**

RISK MANAGEMENT FUND EXPENDITURES	
Operations	$289,748
Insurance and Claims	674,300
Ending Balance	2,393,573
Total	**$3,357,621**

SPECIAL WELFARE FUND INCOME	
Beginning Balance	$80,614
Donations and Restitutions	68,450
Interest	2,000
Revenue from the Commonw ealth	8,500
Total	**$159,564**

SPECIAL WELFARE FUND EXPENDITURES	
Operations	$104,700
Ending Balance	54,864
Total	**$159,564**

TECHNOLOGY FUND INCOME	
Beginning Balance	$1,839,481
Use of Money & Property	7,000
Transfer from General Fund	582,885
Total	**$2,429,366**

TECHNOLOGY FUND EXPENDITURES	
Operations	$708,805
Capital Outlay	264,800
Ending Balance	1,455,761
Total	**$2,429,366**

CITY/FEDERAL/STATE AID FUND INCOME	
Beginning Balance	$0
Revenue from the Federal Government	1,888,637
Revenue from the Commonw ealth	1,022,617
Other	108,358
In-Kind	28,982
Transfer from General Fund	91,847
Total	**$3,140,441**

CITY/FEDERAL/STATE AID FUND EXPENDITURES	
Operations	$3,140,441
Ending Balance	0
Total	**$3,140,441**

COMMUNITY DEVELOPMENT BLOCK GRANT INCOME	
Beginning Balance	$1,070,529
Federal Entitlement	662,772
Total	**$1,733,301**

COMMUNITY DEVELOPMENT BLOCK GRANT EXPENDITURES	
Operations	$767,352
Ending Balance	965,949
Total	**$1,733,301**

Introduced: May 10, 2016 Adopted:

Certified: _____

Clerk of Council

L. BE IT RESOLVED that by majority vote the revised FY 2017 - 2021 Capital Improvement Program is hereby adopted.

Adopted:

Certified: _____
Clerk of Council

M. BE IT RESOLVED that by majority vote the FY 2017 Capital Budget proposed by the City Manager and revised by City Council 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, 2016 and ending June 30, 2017 in the total amount of $31,744,850 for the City Capital Projects Fund, $538,000 for the Schools Capital Projects Fund $1,900,000 for the Airport Capital Projects Fund, $4,600,000 for the Water Capital Projects Fund, $4,515,000 for the Sewer Capital Projects Fund, and $1,125,000 for the Stormwater Capital Projects Fund.

Introduced: May 10, 2016 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 FY 2017 General Fund Non-Departmental Poverty Initiative funds of $50,000 may only be spent upon approval by a majority vote of City Council.

Adopted:

Certified: _____
Clerk of Council

P. BE IT RESOLVED that by majority vote $50,000 of the FY 2017 Reserve for Contingencies funding is appropriated for use by the City Manager for the fiscal year beginning July 1, 2016 through June 30, 2017.

Introduced: May 10, 2016 Adopted:

Certified: _____
Clerk of Council

Q. 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, 2016 through June 30, 2017 shall be set at 47.23%.

Adopted:

Certified: _____
Clerk of Council

R. AN ORDINANCE TO AMEND AND REENACT SECTIONS 36-126.20, 36-126.22, 36-126.26, Sec. 36-126.28, 36-126.30, 36-126.32 AND 36-126.43 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE CITY'S BUSINESS AND PROFESSIONAL LICENSES.

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

1. That Sections 36-126.20, 36-126.22, 36-126.26, Sec. 36-126.28, 36-126.30, 36-126.32 and 36-126.43 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 36-126.20. - Generally.

In order to promote and encourage the development and growth of small businesses and professions within the city, effective on ~~January 1, 1997~~ January 1, 2017, for the calendar year beginning ~~January 1, 1997~~ January 1, 2017 and ending ~~December 31, 1997~~ December 31, 2017, and for each calendar year thereafter, unless otherwise changed by city council, the following provisions shall apply to small businesses and professions.

(1) Any business or profession whose gross receipts, wholesale sales, purchases for the business or commission sales for the preceding calendar year are $10,000.00 or less ~~shall not be required to purchase a license from the city~~ is not subject to the business and professional licensing requirements of this chapter. ~~Each business or profession must still file the necessary forms with the commissioner of the revenue and obtain a no fee license from the city.~~

(2) Any business or profession whose gross receipts, wholesale sales, purchases for the business or commission sales for the preceding calendar year are between $10,001.00 and $50,000.00 shall pay an annual license tax of $30.00.

(3) Any business or profession whose gross receipts, wholesale sales, purchases for the business or commission sales for the preceding calendar year are between $50,001.00 and $100,000.00 shall pay an annual license tax of $50.00.

(4) Any business or profession whose gross receipts, wholesale sales, purchases for the business or commission sales for the preceding calendar year are between $100,001.00 and $150,000.00 shall pay an annual license tax of $160.00.

~~(4)~~ (5)Any business or profession whose gross receipts, wholesale sales, purchases for the business or commission sales for the preceding calendar year are in excess of ~~$100,000.00~~ $150,000.00 shall obtain a business license in accordance with the provisions of this article.

Sec. 36-126.22. - Retail merchants—Rate and classifications.

(a) Every person engaged in the business as a retailer or retail merchant, huckster, peddler, or direct seller as defined in section 36-126.21, shall pay an annual license tax of $0.20 per each $100.00 of gross receipts from such business during the preceding year when such gross receipts exceed ~~$100,000.00~~ $150,000.00.

(b) Retailer or retail merchant generally includes, but is not limited to, the following occupations, businesses or trades:

Antique show

Automobile

Craft show

Flea market

Gasoline and petroleum product

Merchandise through vending machines

Prepared food

Publisher directory

Restaurant

Short term rental

All other retail sales

Sec. 36-126.26. - Wholesale merchants—Rate.

Every person engaged in the business of a wholesale merchant or wholesale peddler shall pay for the privilege of conducting such business in the city an annual license tax of $20.00 plus $0.28 for each $100.00 of gross purchases for the business during the preceding year when the gross purchases of such business exceeds ~~$100,000.00~~ $150,000.00.

Sec. 36-126.28. - Financial, real estate and professional services—Rate and classifications.

(a) Every person engaged in the business of financial, real estate or professional services shall pay an annual license tax of $0.58 for each $100.00 of gross receipts from such business during the preceding year when such gross receipts exceed ~~$100,000.00~~ $150,000.00.

(b) Financial, real estate and professional services generally include, but is not limited to, the following businesses and services:

Accountant

Architect

Attorney

Broker

Chiropractor

CPA

Dealer in installment paper

Dentist

Doctor

Engineer

Medical services

Mental health therapist

Mortgage company

Optometrist

Physical therapist

Professional consultant

Psychological

Real estate agent

Real estate appraiser

Respiratory therapist

Small loan

Veterinarian

All other financial, real estate and professional services

Sec. 36-126.30. - Contractors—Rate.

Every person engaging or conducting business as a contractor, and persons constructing for their own account for sale shall pay an annual license tax of $0.16 for every $100.00 of gross receipts for such business during the preceding year when such gross receipts exceed ~~$100,000.00~~ $150,000.00.

Sec. 36-126.32. - Repair, personal, business and other services—Rate and classifications.

(a) Every person engaging in a repair, personal, business service or any other service, including commission merchants, not specifically listed in this section shall pay an annual license tax of $0.36 for each $100.00 of gross receipts from such business during the preceding year when such gross receipts exceed ~~$100,000.00~~ $150,000.00.

(b) Repair, personal, business, and other services generally include but are not limited to the following services:

Adult care

Advertising agency

Amusement machines

Animal grooming

Appraiser

Auctioneer

Audio visual production

Auto detailing

Auto rental

Auto repair

Barber

Beauty school

Beauty shop

Billboard

Bondsman

Booking agent

Bookkeeper

Bowling alley

Broker (other than real estate or financial)

Business service

Business school

Calibrating service

Car wash

Cemetery miscellaneous service

Child care attendant/school

Cleaning service

Cleaning and pressing

Coin laundry

Collection agent

Commercial artist

Commercial recreation center

Computer programming

Consultant

Cosmetic business

Counseling

Court reporter

Cover charge

Dance school

Data service

Delivery service

Desk top publishing

Detective

Diet school

Disc jockey

Discount club

Driving school

Duplicating

Electrologist

Employment agency

Engraving

Entertainment

Exercise establishment

Florist service

Framing

Golf course

Graphics

Healthcare service

Homecare service

Hospitals

Hotel

Housing inspector

Identification service

Installation service

Insurance adjuster

Interior decorator

Investigator

Janitorial service

Karate school

Kennels

Laboratory

Landscaping

Laundry

Lawn care

Leasing

Leasing cars

Limousine service

Linen supply

Loan broker

Lodging house

Mail service

Manicurist

Massage therapist

Mediator

Miniature golf

Miscellaneous service

Mobile cleaning service

Movie theaters

Music instructor

Nursing/retirement home

Orthopedic lab

Parking lot

Party management

Pawnbroker

Payroll service

Pest control

Photographer

Pool management

Pool and billiards

Promoter

Property management

Publisher

Referral service

Rental service

Repair service

Research service

Secretarial service

Security service

Sign painter

Sitter service

Skating rink

Small animal hospital

Storage

Tailor/seamstress

Tanning salon

Tax service

Taxicab

Teacher/instructor

Telemarketing

Telephone answering service

Temporary help

Tennis court

Therapeutic massage

Tour and guide service

Towing

Training service

Translator

Transfer and hauling

Travel agency

Tree surgeon/removal

Tutoring service

Undertaker

U V coating

Vehicle rental

Video recording

Word processing

Writing/typing service

Sec. 36-126.43. - Mail order warehouse distribution center.

Every person conducting or engaging in the business of a mail order warehouse distribution center in the city shall pay an annual license tax based upon the following when gross receipts exceed ~~$100,000.00~~ $150,000.00:

(1) For the first $20,000,000.00 of gross receipts in such business during the preceding year, the sum of $0.20 for each $100.00 of such gross receipts.

(2) For the next $20,000,000.00 of gross receipts in such business during the preceding year, the sum of $0.04 for each $100.00 of such gross receipts.

(3) For all gross receipts in excess of $40,000,000.00 in such business during the preceding year, no annual license tax shall be assessed.

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

Adopted:

Certified: _____
Clerk of Council

063K

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of May, 2016, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

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

Absent: 0

// Mayor Gillette recognized the Canstruction for receiving an Award. This annual event takes place each year and the team collects canned goods to make sculptures to compete against other teams. The canned goods go to the Blue Ridge Area Food Bank. Rachel Frischeisen, the Canstruction captain gave a brief overview of the event and the role it plays in helping to reduce food shortages in the area.

// Director of Financial Services Donna Witt provided the City's Credit Ratings and Bond Sale Results. The City's ratings were affirmed by the three rating agencies as strong AA ratings with noted strong financial management, healthy reserves, a strong liquidity position, and economic development. Ms. Witt stated that the General Obligation Bonds were sold at a premium to Fidelity Capital Markets with a Total Interest Calculation (TIC) of 2.547%. Ms. Witt went on to say that due to a favorable interest rate annual debt service costs will be slightly less than the $700,000 in the proposed budget. The savings will be proposed for inclusion in the debt service reserve. The Bond closing date is set for May 19, 2016.

// City Transportation Engineer Maggie Cossman provided information on the Timberlake Road - Logans Lane Concept. Per Council's request, an alternative configuration for the Timberlake-Logan-Route 501 off-ramp has been developed. Ms. Cossman stated the alternative configuration includes a roundabout at the off-ramp terminus with a connection to the credit union and adjacent residential area. The Schewels parcel ties to Logans Lane between the roundabout and Timberlake Road. Permission is required from Schewels to relocate their entrance as shown on the concept. Ms. Cossman went on to say this concept is only viable because the City has approved the purchase of the 7001 Timberlake Road parcel making it available for road construction. She further stated the roundabout alternative provides the best traffic flow, is safer than the all-way stop option and is more economical than the bridge option. Estimated construction cost is $3.1M for the roundabout option compared to $6.3M for the bridge alternative. Council questioned the time process of this project. Citizens should know this intersection is expected to alleviate congestion during rush hour.

// During roll call Council Member Nelson mentioned better signage is needed at Commerce and Main Streets near Craddock Hotel.

// Council Member Foster mentioned all the wonderful events such as Vintage Lynchburg, The Loft Tours, and an International Festival on Saturday, April 30, 2016 in downtown Lynchburg. She wonders if Tourism can look into similar events to raise awareness for more people to attend such events in the community to raise revenue.

// Council Member Helgeson mentioned potholes that were on Wards Ferry Road. In response to the potholes, the City Manager stated the City has already started to address this issue.

// Mayor Gillette mentioned while visiting Alexander, Virginia, their boards and commissions shared with their Council a yearly report. He suggested that the chairs of boards and commissions could provide a yearly report to Council to share information and potentially coordinate their efforts.

// On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting for an interview with and consideration of the top-ranked candidate to serve as the new City Manager, and for discussion concerning the location of a prospective business or industry in the City where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community, pursuant to Section 2.2-3711(A.)(1) and Section 2.2-3711(A.)(5) respectively, of the Code of Virginia:

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

Noes: 0

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

// Council Member Nelson made the following motion:

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

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

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

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

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

Noes: 0

// Mayor Gillette asked for a motion to announce the new City Manager. Vice Mayor Johnson made a motion seconded by Council Member Perrow to formally offer the position of City Manager to Bonnie Svrcek. Council by the following recorded vote approved the appointment of Bonnie Svrcek as the new City Manager for the City of Lynchburg. Council by the following recorded vote adopted the motion:

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

Noes: 0

// 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: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy, Gillette 7

Absent: 0

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

// Mayor Gillette presented Certificates of Recognition to the 2016 Hill Climbers.

// Copies of the minutes of the April 12, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as amended:

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

Noes: 0

// Copies of the minutes of the April 19, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the April 26, 2016 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Commonwealth's Attorney, City Council Report #7A 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-16-042, as presented, to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate $34,900 with resources from additional Federal funds received from a revised Virginia Department of Criminal Justice Services FY 2016 Victim Witness Grant Program award to fund employee compensation increases and updates to office space:

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

Noes: 0

// In the matter of School – Board, a public hearing was held regarding City Council Report #8 for receiving input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts. Mayor Gillette read into the record the names of the current School Board members whose terms will expire on June 30th: District 1, Mary Ann Hoss, who is not eligible to serve again; District 2, Jettie Marie Waller, who is not willing to serve again; and District 3, Michael Nilles, who is willing to serve again. Mayor Gillette then read into the record the names of volunteers who have applied to-date to serve on the School Board: District 1 – Tracy Baker; District 2 – Gregory M. Crivello and James W. Tolbert; District 3 – Desmond Mosby and Tiffany Jefferson Tullock. The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board – Michael Nilles and Tracy Baker. One individual spoke on behalf of Michael Nilles. Gregory M. Crivello submitted a letter to Council. There was no one else present who wished to speak to this item, and the public hearing was closed. Council

Members discussed and reached consensus to continue the public hearing until the May 24 meeting to allow more time for citizens to apply for the positions on the School Board. On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote continued the public hearing until May 24 to allow more time to receive names of volunteers.

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

Noes: 0

// In the matter of Community Development/CDBG, a public hearing was held regarding City Council Report #9 to receive public comments on the Community Development Block Grant (CDBG) and HOME Program FY 2017 Annual Action Plan and adopt a Resolution approving the FY 2017 Annual Action Plan. Grants Manager Melva Walker provided an overview of the Community Development Block Grant (CDBG) and HOME Program FY 2017 Annual Action Plan and asked Council to adopt a Resolution approving the FY 2017 Annual Action Plan. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-16-043 as presented, approving the FY 2017 Annual Action Plan:

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

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report #10 outlining the petition of Jimmy Ferguson to rezone approximately five and seventy-seven hundredths (5.77) acres from I-3, Heavy Industrial District to I-2, Light Industrial District and for a Conditional Use Permit (CUP) to allow the use of an existing building at 2301 Mayflower Drive as an indoor shooting range. City Planner Tom Martin gave an overview of the request and stated the Planning Commission recommended approval of the rezoning and CUP petitions. Mr. Norm Walton with Perkins & Orrison representing the petitioner asked Council for approval of the rezoning and CUP petitions. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Ordinance #0-16-044, as presented, granting the petition of Jimmy Ferguson to rezone approximately five and seventy-seven hundredths (5.77) acres from I-3, Heavy Industrial District to I-2, Light Industrial District:

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

Noes: 0

Council discussed the CUP at length and several Council Members were concerned with the noise ordinance at the nearest residential zone boundary. There was a suggestion to postpone the CUP until further information could be collected for the indoor shooting range, certifying that the facility will meet the decibel standards. A substitute motion was made by Council Member Perrow, seconded by Council Member Nelson to postpone the CUP to gather additional information regarding the indoor shooting range. After discussion on the substitute motion it was decided to withdraw the substitute motion to postpone the CUP. A friendly motion was made by Council Member Perrow and seconded by Council Member

Johnson to add the following condition: “documentation shall be submitted by the Design Engineers for the indoor shooting range certifying that the facility will meet the decibel standard of the City’s noise ordinance at the nearest residential zone boundary.” On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-16-045, as amended, granting the Conditional Use Permit to allow the use of an existing building at 2301 Mayflower Drive as an indoor shooting range:

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

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #11 outlining the petition of City Spaces LLC for a Conditional Use Permit (CUP) at 3504 Powhatan Street to allow an existing single family house to be converted to a duplex in a B-1, Limited Business District. City Planner Tom Martin provided an overview of the request and stated that the Planning Commission recommended approval of the CUP. Mr. Alex Steady, representing the petitioner asked Council for approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-16-046, as presented, granting the Conditional Use Permit at 3504 Powhatan Street to allow an existing single family house to be converted to a duplex in a B-1, Limited Business District:

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

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #12 outlining the petition of Forest Road United Methodist Church for a Conditional Use Permit (CUP) at 2805 Old Forest Road to allow a modified sign consisting of approximately thirty-eight (38) square feet, of which nineteen and one half (19.5) square feet would be a digital reader board in a B-1, Limited Business District. City Planner Tom Martin provided an overview of the request and stated that the Planning Commission recommended approval of the CUP. Mr. Ray Buchanan, representing the petitioner asked Council for approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-16-047, as presented, approving the Conditional Use Permit to allow a modified sign at Forest Road United Methodist Church located at 2805 Old Forest Road:

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

Noes: 0

// In the matter of Public Works – General, City Council Report #13 was considered. On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-048, as presented, to amend the FY 2016 General Fund budget and appropriate $2,120,916 with resources from pre-paid rent from the

Lynchburg Baseball Corp. to fund capital improvements to the Baseball Stadium and parking lot:

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

Noes: 0

// In the matter of Taxicabs, City Council Report #14 was considered. City Manager Kimball Payne provided information regarding the regulation of taxicabs, and to eliminate the requirement for a Certificate of Public Convenience and Necessity. On motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-049, as presented, amending Chapter 37 of the City Code, relating to the registration and operation of Taxicabs within the City:

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

Noes: 0

// In the matter of FY2017 Budget/CIP/City Code, City Council Report #15A adopting the FY 2017 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating $205,166,116 for this budget was considered. Council Members decided to vote on each Budget resolution separately. Council Member Helgeson stated he would be voting against the FY 2017 General Fund Operating Budget because the budget continues to grow each year and he would like to lower taxes for our citizens to help our community grow and prosper to build our tax base. On motion of Council Member Johnson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-050, as presented, adopting the FY 2017 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating $205,166,116 for this budget:

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

Noes: Helgeson 1

// On motion of Council Member Foster, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-051, as presented, adopting the FY 2017 Mandated and Contractual External Service Providers Budget and appropriating $8,190,632 for this budget:

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

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-052, as presented, adopting the FY 2017 Central Virginia Alliance for Community Living (formerly Central Virginia Area Agency on Aging) Budget and appropriating $15,000 for this budget:

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

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-053, as

presented, adopting the FY 2017 Central Virginia Community College Board and Related Operations Budget and appropriating $1,906 for this budget:

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

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-054, as presented, adopting the FY 2017 Robert E. Lee Soil & Water Conservation District Budget and appropriating $10,000 for this budget:

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

Noes: 0

// On motion of Council Member Nelson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-055, as presented, adopting the FY 2017 Virginia Legal Aid Society Budget and appropriating $11,249 for this budget:

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

Noes: 0

// Council Member Perrow disclosed the following statement; “my wife is on the Board of Amazement Square and is not compensated. It is a voluntary position, therefore, it does not constitute a conflict of interest and I will participate in the voting of this item.” On motion of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-056, as presented, adopting the FY 2017 Amazement Square Real Estate Tax Refund Budget and appropriating $5,604 for this budget:

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

Noes: 0

// 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-16-057, as presented, adopting the FY 2017 Region 2000 Local Government Council Budget and appropriating $44,778 for this budget:

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

Noes: 0

// Mayor Gillette read the motion regarding the FY 2017 School Operating Budget and appropriating $102,794,779 for this budget. Council Member Johnson disclosed he is a part time employee of the Lynchburg School System. He stated, “in my part time position with the Lynchburg School System my annual income may not exceed $10,000 annually and I will not have a conflict of interest. Therefore, I will participate in the discussion and vote on the School Operating Budget.” Council Member Nelson disclosed that his wife is an employee of the Lynchburg School System but that fact would not impair his unbiased judgment in consideration of this item. Council Member Helgeson stated he would be voting

against the school budget because the budget calls for a 5% increase while there is a 3% decline in enrollment. He further stated that each year more money is allocated to the Schools and this year they want to add 2% of new positions, which means more burden on our taxpayers. On motion of Council Member Johnson, seconded by Council Member Tweedy, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-058, as presented, adopting the FY 2017 School Operating Budget and appropriating $102,794,779 for this budget:

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

Noes: Helgeson 1

// On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-059, as presented, adopting the FY 2017 Greater Lynchburg Transit Company Budget and appropriating $8,113,688 for this budget:

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

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-060, as presented, adopting FY 2017 Operating Fund Budgets for other funds and appropriating the sums of each fund:

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

Noes: 0

// On motion of Council Member Perrow, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-16-061, as presented, amending the FY 2017 – 2021 Capital Improvement Program Budget:

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

Noes: 0

// On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-062, as presented, adopting the FY 2017 Capital Budget and appropriating $31,744,850 for the City Capital Projects Fund, $538,000 for the Schools Capital Projects Fund, $1,900,000 for the Airport Capital Projects Fund, $4,600,000 for the Water Capital Projects Fund, $4,515,000 for the Sewer Capital Projects Fund, and $1,125,000 for the Stormwater Capital Projects Fund:

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

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-063, as presented, approving the payment of monetary incentives, awards, and bonuses not to exceed $5,000 per employee. The total amount paid shall not

exceed $60,000 annually:

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

Noes: 0

// On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-064, as presented, specifying that FY 2017 General Fund Non-Departmental Poverty Initiative funds in the amount of $50,000 may only be spent upon approval by a majority vote of City Council:

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

Noes: Helgeson, Perrow 2

// On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-16-065, as presented, appropriating $50,000 of the FY 2017 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2016 through June 30, 2017:

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

Noes: 0

// On motion of Council Member Johnson, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-16-066, as presented, to set the personal property tax relief rate for the fiscal year beginning July 1, 2016 through June 30, 2017 at 47.23%:

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

Noes: 0

// On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #R-16-067, as presented, to amend and reenact the Code of the City of Lynchburg relating to the City's Business and Professional Licenses:

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

Noes: 0

// The meeting was adjourned at 9:06 P.M.

_____

Clerk of Council