



CITY COUNCIL

Tuesday, October 10, 2023 | 4:00 PM
Council Chamber- City Hall
900 Church Street
Lynchburg, VA 24504

WORK SESSION AGENDA

- I. **Welcome** *Stephanie T. Reed, Mayor*
- II. **Work Session Agenda Overview** *Wynter C. Benda, City Manager*
- III. **Work Session Agenda Items** *Wynter C. Benda, City Manager*
 - III.1. Non-Profit Organizations Funding Process
 - III.2. Review Hazardous Materials Disposal Program
 - III.3. Appalachian Power Company Easement - 3525 John Capron Road - Bid Opening/Acceptance
- IV. **Business Item Briefing(s)**
 - IV.4. 12th Street Stabilization Update and Funding
- V. **Roll Call**
 - V.5. Councilmember Helgeson: Public Hearing on Harmful Regulations
 - V.6. Councilmember Misjuns: Ordinance Establishing Terms for Council Appointees
- VI. **Closed Session**
 - VI.7. Consideration of a closed meeting to discuss the investment of public funds to assist in securing the expansion of a prospective business where bargaining is involved, where if made public initially, the financial interest of the City would be adversely affected, pursuant to Sections 2.2-3711(A)(5) and 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended.

AGENDA ITEM SUMMARY

MEETING DATE

October 10, 2023

PRESENTED BY

Donna Witt, Chief Financial Officer

AGENDA ITEM # III.1

Non-Profit Organizations Funding Process

RECOMMENDATION

Hear a presentation provided by Staff regarding process to fund non-profit organizations.

SUMMARY

Staff will present information on the current process for funding non-profit organizations that provide services to the City.

PRIOR ACTION(S)

FISCAL IMPACT

As adopted by City Council.

CONTACT(S)

Donna Witt, Chief Financial Officer

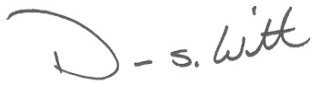
ATTACHMENT(S)

1. Non-Profit funding 10.10.2023

REVIEWED BY

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Date: September 29, 2023



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Date: September 29, 2023



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Date: October 04, 2023

Alicia L. Fung

Date: October 05, 2023

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EXTERNAL SERVICE PROVIDERS NON-PROFIT APPROPRIATIONS (MANDATED, CONTRACTUAL, DISCRETIONARY, AND OTHER)

October 10, 2023 Business Item Briefing



EXTERNAL SERVICE PROVIDERS MANDATED

By State Code these organizations provide mandated services:

- Blue Ridge Regional Jail Authority
- Central Virginia Planning District Commission
- Horizon Behavioral Health
- Lynchburg Health Department



EXTERNAL SERVICE PROVIDERS CONTRACTUAL

- **Central Virginia Regional Radio Board – oversees the regional radio system for emergency services**
- **Lynchburg Humane Society – operates the State required Animal Shelter**
- **Southern Memorial Association – oversees the operations of the Old City Cemetery**
- **Virginia Cooperative Extension Service – provide assistance and information concerning federal and state disaster relief programs**

EXTERNAL SERVICE PROVIDERS DISCRETIONARY

- Requests for funding are submitted to the City Manager's Office or the Budget Office; the City Manager determines the level of funding to include in the Proposed Budget.
- Through budget deliberations City Council can adjust the level of funding.
- State Code requires a super majority vote for some services however, for simplicity these requests have been bundled together in the budget resolution. An individual External Service Provider may be voted on by City Council separately if requested by the majority of City Council.

OTHER

Other non-profits are contracted to provide services for the City. These services are generally contracted through a Request for Proposal (RFP) process or a Memorandum of Understanding (MOU).

- Lynchburg Regional Business Alliance is funded in the Office of Economic Development and Tourism by a MOU signed January 2022 to remain in effect until terminated by either party.
- AllOne Health provides services for the Employee Assistance Program (EAP) and is funded in Non-Departmental; this is a contracted service currently in the RFP review process.

AGENDA ITEM SUMMARY

MEETING DATE

October 10, 2023

PRESENTED BY

Gaynelle Hart, Director of Public Works

AGENDA ITEM # III.2

Review Hazardous Materials Disposal Program

RECOMMENDATION

Hear a brief report on Public Works Household Hazardous Waste Program

SUMMARY

Public Works currently offers household hazardous waste and electronics recycling three times per year in April, June and October. The City hires a contractor to properly handle and dispose of hazardous waste as our facility is not permitted or adequate and our employees are not trained to handle hazardous waste. We also offer electronics recycling, which can be handled by city employees. We have a contract with an electronics waste company for disposal.

PRIOR ACTION(S)

None

FISCAL IMPACT

None

CONTACT(S)

Gaynelle Hart, Director of Public Works

ATTACHMENT(S)

1. HHW presentation 10.2.23

REVIEWED BY

Date: October 03, 2023

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Gaynelle Hart

Date: October 03, 2023

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A handwritten signature in black ink, appearing to be 'L. A. D.', written over a horizontal line.

Date: October 04, 2023

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A handwritten signature in black ink that reads 'Alicia L. Fung', written over a horizontal line.

Date: October 05, 2023

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HOUSEHOLD HAZARDOUS WASTE (HHW) PROGRAM

October 10, 2023 City Council Work
Session



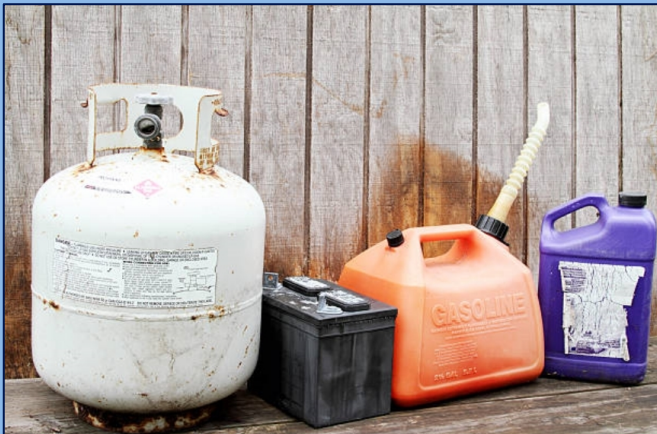
HHW AND ELECTRONICS RECYCLING PROGRAM

- Offer HHW and electronics recycling 3 times per year
- Held 2nd Saturday in April, June and October
- Residents only, not businesses
- 600-700 Lynchburg citizens participate annually
- Partner with Amherst and Campbell Counties
 - Bill counties for cost



HHW PROGRAM

- Hazardous Waste is regulated by Federal Resource Conservation and Recovery Act (RCRA) and Virginia DEQ
- Hazardous waste storage & disposal sites are permitted
- Training required to handle hazardous waste



HHW PROGRAM

- Contract with hazardous waste contractor to handle and dispose of waste
- Staging area only; not storage; facility inadequate for storage
- HHW must be off city storage site in specified period



ELECTRONIC WASTE PROGRAM

- City Employees handle E-waste
- Consist of computers, televisions, printers, etc
- E- waste company delivers bins and disposes of waste



Household Hazardous Waste and Electronic Recycling

This is a free service for City of Lynchburg, Amherst County & Campbell County residents only.

Saturday: October 14, 2023

Hours: 8:00 AM to 12:00 NOON

Collection Center: Concord Turnpike Convenience Center, Lynchburg, VA



GUIDELINES: Residents must present a photo ID! Small items must be put in non-returnable containers and placed in the rear most compartment of the vehicle, no trailers please. **City of Lynchburg and Campbell County residents:** To speed the process, complete the Household Hazardous Waste and Electronic Recycling Verification Form which can be found at lynchburgva.gov/hhw and bring it with you. **Amherst County residents:** Contact Amherst County Public Works at (434) 846-3324 for a voucher that will be required at the Concord Turnpike Convenience Center.

Acceptable HHW

Acids /Bases
Aerosols
Antifreeze
Autostarter
Brake Fluids
Batteries
Cleaners
Corrosives
Drain Openers
Flammables
Fluorescent Bulbs
Furniture Stripper
Herbicides
Kerosene
Lighter Fluids
Oven Cleaners
Oxidizers
Oil Base Paint
Pesticides
Photo Chemicals
Polishes
Pool Chemicals
Poisons
Solvents & Thinners
Used Motor Oil
Weed Killers
Wood Preservatives

NON-Acceptable HHW

Agent Orange
Ammunition
Dioxin
Explosives
Garbage
Gas Cylinders
Kepone
LATEX PAINT*
Liquified Asbestos
Medical Waste
Oil Tanks
Pathological Waste
PCB's
PROWL
Prozine
Radioactives (smoke detectors)
Recyclables
Silvex
Stomp
TCDD
55 Gallon Drums of Anything

***LATEX PAINT** is water based and can be dried with kitty litter, sawdust or sand. After dry, put in regular trash.

Acceptable Electronics

Televisions
Computer monitors
Computer equipment
Laptop & notebook computers
Computer systems (CPU units)
Computer printers, scanners, plotters
Computer accessories
(keyboards, mice, speakers, cords, cables)
External disk memory & hard disk drives
Circuit boards and electronic components
Network hubs, modems, & routers
Toner cartridges (ink & laser jet)
Basically, any electronic with a cord!

Questions?



AGENDA ITEM SUMMARY**MEETING DATE**

October 10, 2023

PRESENTED BY

Dr. Reid A. Wodicka

AGENDA ITEM # III.3

Appalachian Power Company Easement - 3525 John Capron Road - Bid Opening/Acceptance

RECOMMENDATION

Discuss the attached proposed ordinance and deed, and accept a bid where appropriate.

The Clerk of Council will publicly open and announce all bids received. The Mayor will then publicly ask if any other bids are to be submitted, and if none, a member of City Council will make a motion to accept the bid submitted and adopt the same by recorded vote. Note: If any additional bid(s) is received during the work session, then City Council should table this matter until the next regular meeting date so staff may review the subsequent bid(s) received.

SUMMARY

The City, Lynchburg City Schools, and Appalachian Power Company have worked together, to propose for City Council's review and consideration, a proposed right of way and easement to Appalachian Power Company on property owned by the City; more specifically 3525 John Capron Road, Lynchburg, VA 24501 (Tax Map No(s) 11501003). The substance of such right of way and easement is shown in the attached documents. The purpose of such right of way and easement is for an electric power line or lines, and communication lines, in, on, under, along, through, over, and across the aforesaid property in relation to providing electric service to the Lynchburg City Schools electric bus charging stations and other related uses.

Given the nature and the length of the easement sought, the City advertised for bids and must hold a public hearing before adopting the ordinance and granting the easement. The attached proposed ordinance, deed, and exhibit illustrate the proposed easement. The proposed easement, if granted, will expire October 10, 2063, given the requirements of Va Code Sec(s). 15.2-2100 et seq.

PRIOR ACTION(S)

09-12-23: Business Item Briefing

FISCAL IMPACT

N/A – This project is funded by a grant from the United States Environmental Protection Agency

CONTACT(S)

Dr. Reid A. Wodicka

ATTACHMENT(S)

1. Proposed Ordinance - ApCo Easement - 3525 John Capron Road
2. Proposed Deed - ApCo Easement -3525 John Capron Road
3. Easement Exhibit

REVIEWED BY

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Date: October 05, 2023



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Date: October 05, 2023

AN ORDINANCE AUTHORIZING THE GRANT AND CONVEYANCE OF A RIGHT OF WAY AND EASEMENT TO APPALACHIAN POWER COMPANY ON PROPERTY OWNED BY THE CITY OF LYNCHBURG, VIRGINIA; MORE SPECIFICALLY 3525 JOHN CAPRON ROAD, LYNCHBURG, VA 24501

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

**ARTICLE I. AUTHORIZATION TO GRANT
AND CONVEY RIGHT OF WAY AND EASEMENT**

1. That, subject to the forty (40) year term limitation described under § 15.2-2100 of the Code of Virginia, 1950, as amended, the City Manager, on behalf of the City of Lynchburg (City), is hereby authorized to grant and convey a right of way and easement to Appalachian Power Company on property owned by the City; more specifically 3525 John Capron Road, Lynchburg, VA 24501 (Tax Map No(s) 11501003). The substance of such right of way and easement is shown in the attached and proposed Agreement/Easement, dated October 10, 2023, between Appalachian Power Company and the City. The purpose of such right of way and easement being for an electric power line or lines, and communication lines, in, on, under, along, through, over, and across the aforesaid property in relation to providing electric service to the Lynchburg City Schools electric bus charging stations and other related uses.
2. That the City Manager is hereby authorized to execute all documents and take all actions necessary to effectuate the said Agreement/Easement between Appalachian Power Company and the City.

ARTICLE II. ADOPTION OF ORDINANCE

This Ordinance was duly adopted by the Council of the City of Lynchburg, Virginia on the _____ day of _____, 20_____, and shall be effective upon adoption.

Certified: _____
Clerk of Council

ARTICLE III. ACCEPTANCE

By joining in this Ordinance through signature of its duly authorized representative, Appalachian Power Company hereby agrees to the entirety of the same as of its adoption date.

APPLACHIAN POWER COMPANY

(SEAL)

By:_____

Printed Name:_____

Its:_____

ATTEST:

By:_____

Printed Name:_____

Its:_____

City of Lynchburg Eas. No. _____ R/W Map No. 3779-153-A1
900 Church Street W.O. No. W003611401 Job No. 23310070 Prop No. _____
Lynchburg, VA 24504 Line Expressway – Mayflower

THIS AGREEMENT, made this 10 day of October, 2023,
by and between City of Lynchburg, a Political Subdivision of the Commonwealth of Virginia,
herein called "Grantor", and APPALACHIAN POWER COMPANY, a Virginia corporation, herein called
"Appalachian",

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), or other good and valuable consideration
from Appalachian, the receipt and sufficiency of which hereby acknowledged, Grantor hereby grants, conveys,
and specially warrants to Appalachian, its successors, assigns, lessees and tenants, a right of way and easement
for an electric power line or lines, and communication lines, in, on, along, through, over, and across the following
described lands of the Grantor situated in the city of Lynchburg, State of Virginia.

Being a right of way and easement on the property of the Grantors identified as Lynchburg City, Tax Parcel
No. 11501003 herein after referred to as "premises."

This right of way and easement extends in a Northern direction from
Appalachian's New Pole numbered 37790153A16145 to
and including new Pad Mounted Transformer numbered 37790153A16147
and shall be 20 feet in width, lying 10 feet on each side of the facilities as constructed and as
approximately shown on certain Appalachian Power Company's drawing dated September 1, 2023, attached
hereto and made apart hereof "Exhibit A".

TOGETHER with the right, privilege and authority to Appalachian, its successors, assigns, lessees and
tenants, to construct, erect, install, place, operate, maintain, inspect, repair, renew, remove, add to the number of,
and relocate at will, poles, with wires, cables, crossarms, guys, anchors, grounding systems and all other
appurtenant equipment and fixtures, underground conduits, ducts, vaults, cables, wires transformers, pedestals,
risers, pads, fixtures, and appurtenances (hereinafter called "Appalachian's Facilities"), and string wires and
cables, adding thereto from time to time, in, on, along, over, through, across and under the above referred to
premises. The right to cut, trim, remove and/or otherwise control, with herbicides or by other means, at Grantee's
option (without any liability to Grantor), any trees, limbs or branches, brush, shrubs, undergrowth, of whatever
size, or other obstructions that in Grantee's reasonable judgment endanger or interfere with the safety or use of its
facilities, both within and adjoining the right of way and easement; the right of ingress and egress to and over
said above referred to premises, and any of the adjoining lands of the Grantors at any and all times, for the
purpose of exercising and enjoying the rights herein granted, and for doing anything necessary or useful or
convenient in connection therewith. Within the Easement, Grantor shall not: place any buildings, structures, piles
of debris, change the level of the ground by excavation or mounding. It will be the sole responsibility of
Appalachian Power to maintain all Appalachian Facilities, including, but not being limited to, the pad mounted
transformer installed on the premises.

It is further understood and agreed between Grantor and Appalachian that, as provided under Section
15.2-2100 of the Code of Virginia, 1950, as amended, this Easement will only exist for a term of forty (40) years,

**THIS INSTRUMENT PREPARED BY AND UPON RECORDATION RETURN TO
APPALACHIAN POWER COMPANY, PO BOX 2021, ROANOKE, VIRGINIA 24022**

commencing on the date of this deed, and expiring on the 10 day of October, 2063. Upon such expiration, where a new easement is needed or where Appalachian Facilities remain on the premises, Appalachian and Grantor shall work together in good faith to establish a new easement

It is understood and agreed between the parties hereto, that the Grantor reserves the right to use said lands in any way not inconsistent with the rights herein granted.

TO HAVE AND TO HOLD the same unto Appalachian Power Company, its successors, assigns, lessees and tenants.

It is agreed that the foregoing is the entire contract between the parties hereto, and that this written agreement is complete in all its terms and provisions.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

IN WITNESS WHEREOF, Grantor has caused its corporate name and seal to be hereto affixed the day and year first above written.

City of Lynchburg

By: _____

City Manager

STATE OF _____)
COUNTY OF _____) To-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, City Manager on behalf of the City of Lynchburg, a Municipal Corporation of the Commonwealth of Virginia.

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Notary Public/Commissioner

My Commission expires:

Notary Registration # - _____
(For Va. Only)

Approved As to Form

By: _____
_____, City Attorney

STATE OF _____)
) To-wit:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day
of _____,
_____, 20 _____, by _____, City Attorney, of the City of Lynchburg.
.

Notary Public/Commissioner

My Commission expires:

Notary Registration # - _____
(For Va. Only)

PARCEL - 11501003
OWNER- CITYOF LYNCHBURG
ADDRESS- 3525 JOHN CAPRON RD.
LYNCHBURG, VA



3525

**PROPOSED LOCATION OF
AEP TRANSFORMER**

**PROPOSED UNDERGROUND
FACILITIES IN CUSTOMER
PROVIDED CONDUITS**

**PROPOSED AEP POLE
LOCATION AND
OVERHEAD LINE**

**EXISTING AEP
POLE 153-253**

**PROPOSED AEP
POLE LOCATION**

3535

3700

JOHN CAPRON RD

September 1, 2023

EXHIBIT A

AGENDA ITEM SUMMARY

MEETING DATE

October 10, 2023

PRESENTED BY

Donna Witt, Chief Financial Officer

AGENDA ITEM # IV.4

12th Street Stabilization Update and Funding

RECOMMENDATION

City Council will consider this item at its regular meeting on October 10, 2023. Hear a presentation from staff providing funding options for 12th Street Stabilization for consideration at the City Council Meeting this evening.

SUMMARY

At the September 26, 2023 meeting, City Council selected Option 2 - Pinned Mesh with Shotcrete Rough Finish (\$2,455,000) for 12th Street Stabilization and also requested a cost for adding color tint.

Staff will present the cost estimate to add color tint (\$179,000) to the project scope and provide available funding options for the total project cost (up to \$2,634,000).

PRIOR ACTION(S)

September 26, 2023 - City Council Work Session

FISCAL IMPACT

Depending on the option chosen at the City Council Meeting this evening, the fiscal impact to the General Fund could be up to \$2,634,000.

CONTACT(S)

Donna Witt, Chief Financial Officer

ATTACHMENT(S)

1. 12th Street Stabilization funding 101023
2. Resolution - 1 - Option 1 wo color tint - 12th Street Stabilization 101023
3. Resolution - 2 - Option 2 wo color tint - 12th Street Stabilization 101023
4. Resolution - 3 - Option 1 w color tint - 12th Street Stabilization 101023
5. Resolution - 4 - Option 2 w color tint - 12th Street Stabilization 101023

REVIEWED BY

Date: October 05, 2023

D - s. Witt

Date: October 05, 2023

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Pat Z White

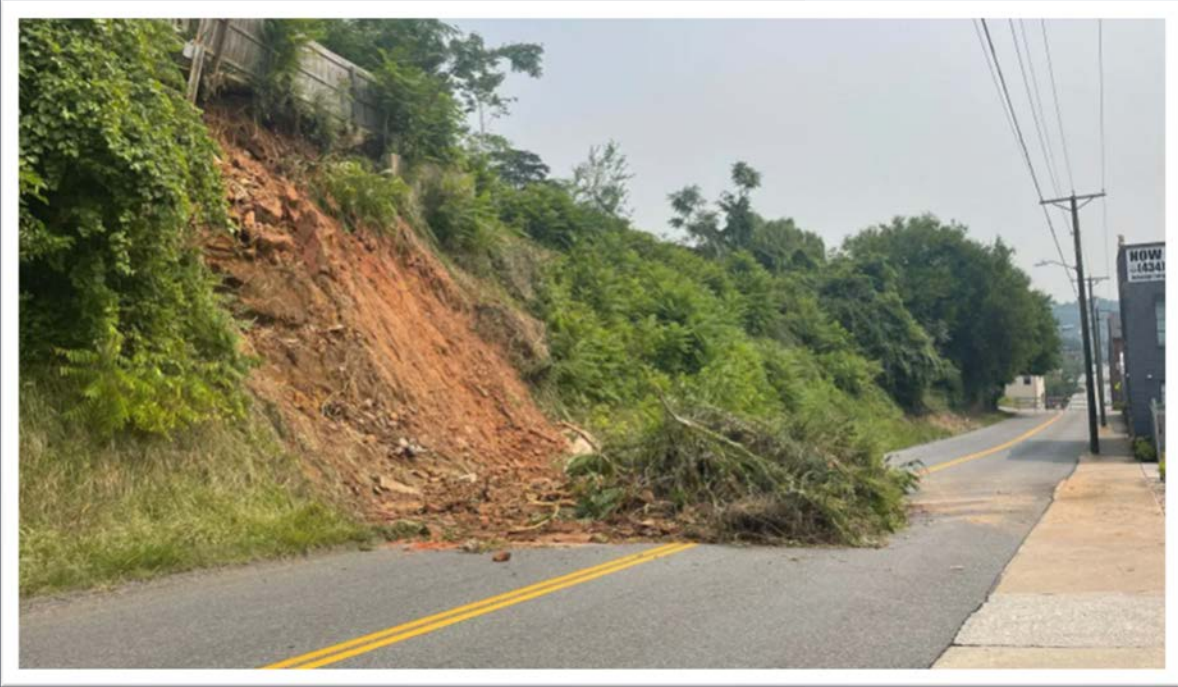
Date: October 05, 2023

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Alicia L. Fung

Date: October 05, 2023

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12TH STREET STABILIZATION UPDATE AND FUNDING

October 10, 2023 Business Item Briefing



OPTION 2: PINNED MESH WITH SHOTCRETE FACE ROUGH FINISH

- City Council selected Option 2 on September 26, 2023
 - Install High Strength Steel Mesh Pinned to Slope Surface covered with Shotcrete
 - No maintenance
- City Council requested cost to add color tint

Option #	Option Description	Estimated Total Price
2	Pinned Mesh with Shotcrete Face Rough Finish	\$2,455,000
2A	Pinned Mesh with Shotcrete Face Rough Finish with Color Tint (\$179,000)	\$2,634,000



STAFF RECOMMENDATION

- Option 2 - \$2,455,000
- Apply shotcrete without the color tint. Staff was advised the color tint will begin to fade after 2 to 3 years. With a cost of \$179,000 this does not provide a significant enough benefit to justify the additional expense.

FUNDING OPTIONS

Staff is providing the following funding options for consideration at the City Council Meeting this evening:

Option 1 – Up to \$2,634,000	
Up to \$1,634,000	Unassigned General Fund Balance
\$350,000	Additional VDOT Funding
\$650,000	Reserve for Contingencies

Option 2 – Up to \$2,634,000	
Up to \$2,634,000	Unassigned General Fund Balance



FUNDING OPTION 1 (without color tint):

RESOLUTION:

BE IT RESOLVED that the FY 2024 General Fund budget is hereby amended and \$2,455,000 is appropriated with funds from i) \$350,000 additional Virginia Department of Transportation (VDOT) Highway Maintenance revenue; ii) \$650,000 from the General Fund Reserve for Contingencies; and iii) \$1,455,000 from the Unassigned General Fund Balance to provide funding for 12th Street Stabilization.

Introduced:

Adopted:

Certified:

Clerk of Council

FUNDING OPTION 2 (without color tint):

RESOLUTION:

BE IT RESOLVED that the FY 2024 General Fund budget is amended and \$2,455,000 is appropriated from the Unassigned General Fund Balance to provide funding for 12th Street Stabilization.

Introduced:

Adopted:

Certified:

Clerk of Council

FUNDING OPTION 1 (with color tint):

RESOLUTION:

BE IT RESOLVED that the FY 2024 General Fund budget is hereby amended and \$2,634,000 is appropriated with funds from i) \$350,000 additional Virginia Department of Transportation (VDOT) Highway Maintenance revenue; ii) \$650,000 from the General Fund Reserve for Contingencies; and iii) \$1,634,000 from the Unassigned General Fund Balance to provide funding for 12th Street Stabilization.

Introduced:

Adopted:

Certified:

Clerk of Council

FUNDING OPTION 2 (with color tint):

RESOLUTION:

BE IT RESOLVED that the FY 2024 General Fund budget is amended and \$2,634,000 is appropriated from the Unassigned General Fund Balance to provide funding for 12th Street Stabilization.

Introduced:

Adopted:

Certified:

Clerk of Council