

January 9, 2024

// A work session of the Council of the City of Lynchburg was held on the 9th day of January, 2024, at 4:00 p.m. in the Council Chamber, City Hall, Stephanie Dolan, President, presiding.

The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Larry Taylor, Sterling A. Wilder,

Chris Faraldi 5

Absent: MaryJane Dolan, Jeff Helgeson 2

// In the matter of Work Session Agenda Overview, Mercedes Braun, Assistant to the City Manager, provided a briefing to Council on updates regarding the upcoming General Assembly session.

// In the matter of Community Development, Agenda Item #1, Council received a presentation from Zoning Administrator Kevin Henry regarding the Property Toolkit Update. On June 28, 2022, City Council adopted the additional code requirements for derelict buildings. These requirements, along with additional resources, have allowed the City to pilot a more proactive approach to addressing condemned/blighted properties. Staff will provide an overview of these efforts to date, as well as additional strategies to improve neighborhood and housing opportunities.

Councilmember Wilder asked whether funding for the housing trust fund had begun. City Manager Mr. Wynter C. Benda replied that they discussed it the prior year in collaboration with different partners, and it had been proposed as an element for the City's Housing Toolkit. He said that there were ways to seed a trust fund and solicit private interest to increase it. He said that currently, there was no funding assigned to a housing trust fund program. Councilmember Wilder asked what types of funds were available for such a program. Mr. Benda replied that typically, the funds were associated with a housing authority. Councilmember Wilder asked how the information was advertised to community members. Mr. Henry replied that they were not explicitly advertising the toolkit. He said that affected properties were made aware of the situation, and the City informally discussed the City's plans with property owners and

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developers. He noted that they were not actively advertising the toolkit. Councilmember Wilder asked if there were assistance programs to help homeowners with renovations or repairs. Mr. Henry said that there were a variety of options, including programs offered by the housing authority. He said that it depended on the circumstances of the housing project. Community Development Director Mr. Tom Martin said there were various programs which the City referred people to help them make repairs to properties. He said that the properties they were referring to in this presentation were vacant, derelict, or condemned.

Mayor Reed asked whether the staffing needs for the department primarily were for inspectors. Mr. Martin said that the current request was for an additional building inspector because the department was seeing that the programs were generating new construction. Mayor Reed asked what the cost would be for the additional position. Mr. Martin said they proposed to take a part-time position and add a 0.25 FTE to it. He said that he did not currently have the exact cost, but he could provide it in a follow-up. Mayor Reed asked how many properties they anticipated scheduling for demolition per year. Mr. Martin said that in FY 23, Council increased the funding to \$100 thousand. He said that demolition costs had increased, so with the current funding, they were able to achieve between three to four demolitions per year. He said one request for the fiscal year was to increase the funding. He said that the funding enabled the department to leverage the City funds to get private interests to complete the work. He noted that there were over 300 condemned properties in the City.

// In the matter of Economic Development, Agenda Item #2, Council received a presentation from Director of Economic Development and Tourism Marjette Upshur regarding the Economic Development and Tourism Update. The City's economic development and tourism initiatives are aimed at promoting, attracting, retaining, growing, and supporting businesses in the City.

Councilmember Misjuns said he wanted to ensure Ms. Upshur was aware that US Pipe had converted many full-time positions to part-time.

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// In the matter of Economic Development, Agenda Item #3, Council received a presentation from Executive Director of the Downtown Lynchburg Association Ashley Kershner regarding the Downtown Lynchburg Association Report on New Businesses in 2023 and Bright Nights on the Bluffwalk. Ms. Kershner spoke about the dynamic growth of the Downtown Lynchburg storefront economy throughout 2023, and offered a comprehensive overview of recently opened businesses and those in progress. She also discussed the economic impact generated by the Bright Nights on the Bluffwalk installation, and spoke of its role in fostering a thriving local business landscape.

Councilmember Wilder stated that events like the Bright Nights adds to the quality of life in a good way for the community.

Mayor Reed stated that the City has realized its return on investment with the funding provided for the Bright Nights installation.

// In the matter of Business, Agenda Item #4, Council was briefed and received a summary presentation on the Energy Storage Decommissioning Ordinance from Senior Planner Rachel Frischeisen. The purpose of this Zoning Ordinance amendment is to ensure that energy storage projects within the City have a signed agreement and surety in place to decommission all equipment, facilities, and/or devices of the energy storage facility or solar facility. The Ordinance would ensure the proper removal of equipment when operations at the facility cease. This amendment was initiated by staff as a result of siting agreement discussions related to a proposed energy storage facility within the City. The terms of these agreements would be determined on a project-by-project basis and approved by the City Attorney's office prior to execution of the agreements.

Councilmember Misjuns clarified that the ordinance would not apply to the project on Harbor Street that was previously approved by Council. Ms. Frischeisen said that it would apply, as the ordinance would be a condition of site plan approval, and the project had not yet been submitted for site plan.

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// In the matter of Roll Call, Councilmember Wilder announced that a Martin Luther King Jr. breakfast would be held on Monday to begin African-American History Month. He said that they would host a speaker from Lynchburg. Vice Mayor Faraldi stated that a while back, they made important changes to Enterprise Drive. He requested that the Council receive a report on how the changes had improved the traffic problems in the area. He said that he received a complaint from a resident who was having his home reassessed. He asked for more information about why the property was being reassessed. He said that over the holidays, flyers were distributed across the City containing hateful messages, and the City should work to do what it can to stop the flyers from being distributed. Mayor Reed acknowledged the work and contributions of the Lynchburg Public Libraries. She also recognized January 16<sup>th</sup> as Religious Freedom Day. She announced that on January 18, she would be hosting a human-trafficking summit at the Miller Center Auditorium at 6:30 p.m., and the event was open to the public. She said they would be hosting a representative from the Attorney General's Office, a spokesperson from Freedom 424, a representative from Internet Crimes Against Children, and a representative from the Virginia State Police. She said that the summit was intended to be educational and informative.

// On the motion of Councilmember Wilder, seconded by Councilmember Taylor, Council elected to hold a closed meeting to review a new boards and commissions software program and process where Council appointees and their personal information will be disclosed in the course of training, pursuant to Section § 2.2-3711(A)(1) and Section § 2.2-3711(A)(4) of the Code of Virginia, 1950, as amended; and to discuss appointments for vacancies to the Lynchburg Redevelopment and Housing Authority Board of Directors, pursuant to Section 2.2-3711(A).(1) of the Code of Virginia, 1950, as amended.

With no discussion from the Council, the following vote was recorded:

|                                              |   |
|----------------------------------------------|---|
| Ayes: Reed, Misjuns, Taylor, Wilder, Faraldi | 5 |
| Noes:                                        | 0 |
| Absent: Dolan, Helgeson                      | 2 |

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// The meeting was reopened to the public.

// Councilmember Wilder 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 Councilmember Taylor, and Council, by the following recorded vote, adopted the motion:

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|----------------------------------------------|---|
| Ayes: Reed, Misjuns, Taylor, Wilder, Faraldi | 5 |
| Noes:                                        | 0 |
| Absent: Dolan, Helgeson                      | 2 |

// On motion of Councilmember Wilder, seconded by Councilmember Taylor, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Lynchburg Redevelopment & Housing Authority: Laura Dupuy – new term ending September 30, 2024.

|                                     |   |
|-------------------------------------|---|
| Ayes: Reed, Taylor, Wilder, Faraldi | 4 |
| Noes: Misjuns                       | 1 |
| Absent: Dolan, Helgeson             | 2 |

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// The meeting recessed at 5:56 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of January, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Dolan, President, presiding.

The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Martin Misjuns, Larry Taylor,

Sterling A. Wilder 6

Absent: Jeff Helgeson 1

// Councilmember Misjuns led the invocation followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Reed announced that the recognition of the 2023 Liberty Christian Academy Football Undefeated Season had been postponed to a later date due to inclement weather.

// In the matter of Recognitions, Mayor Reed recognized both of the officers in Council Chambers for National Law Enforcement Appreciation Day.

// In the matter of the Consent Agenda, Agenda Item #1, the item was deferred until the next meeting due to the absence of Councilmember Helgeson; there was a consensus among Council.

// In the matter of Planning, Agenda Item #3, Council held a public hearing in consideration of adopting Resolution #R-24-001 granting a Conditional Use Permit (CUP) to West Lynchburg Baptist Church Preschool to allow the use of an existing structure at 3031 Memorial Avenue as a childcare facility. Senior Planner Rachel Frischeisen provided a summary of the request to Council. West Lynchburg Baptist Church is petitioning for a CUP at 3031 Memorial Avenue to allow the use of a portion of the existing church as a childcare facility/preschool in an R-3, Medium Density Residential District. These facilities are permitted in this zoning district upon approval of a CUP by City Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends an Institutional use for the subject property. The City's institutions include the religious, educational, and other nonprofit entities in the City. The petitioner has indicated

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that the facility would be operated by the YMCA of Central Virginia. The impact of the facility within the existing church should be minimal.

Chris Jordan, Senior Pastor of West Lynchburg Baptist Church, speaking in favor of the item, said that their building could be used throughout the week to meet the needs in the community. He said that in their community, childcare and school-readiness was one of the top needs. He said that they were looking to partner with the YMCA to operate the program.

There was no one to speak in opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-001. Councilmember Misjuns expressed the need for more opportunities for childcare and school-readiness programs. Councilmember Wilder said that children required more assistance in early learning education.

With no further discussion from the Council, the following vote was recorded:

|                                                     |   |
|-----------------------------------------------------|---|
| Ayes: Reed, Misjuns, Dolan, Taylor, Wilder, Faraldi | 6 |
| Noes:                                               | 0 |
| Absent: Helgeson                                    | 1 |

// In the matter of Community Development, Agenda Item #3, Council held a public hearing in consideration of adopting Resolution #R-24-002 approving the Community Development Block Grant (CDBG) and HOME Programs for the Fiscal Year 2025 (Program Year 2024) Annual Action Plan. Grants Coordinator Gabrielle Bateman provided a summary of the request to Council. The U. S. Department of Housing and Urban Development (HUD) requires state and local governments, which receive federal community development funds, to prepare a Consolidated Plan. The Consolidated Plan for the CDBG and HOME Program was approved in June 2020 and covers the period from July 1, 2020 through June 30, 2025. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires CDBG and HOME Program entitlement communities to review

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these goals on an annual basis. City Council is seeking the input of citizens and other interested parties regarding the approved goals. A 15-day public comment period to receive citizen input regarding these goals was initiated on December 22, 2023 through a legal notice published in The News and Advance.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-002. Councilmember Wilder noted the immense benefits of the CDBG program.

With no further discussion from the Council, the following vote was recorded:

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|-----------------------------------------------------|---|
| Ayes: Reed, Misjuns, Dolan, Taylor, Wilder, Faraldi | 6 |
|-----------------------------------------------------|---|

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|-------|---|
| Noes: | 0 |
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|------------------|---|
| Absent: Helgeson | 1 |
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// In the matter of the Registrar's Office, Agenda Item #4, Council held a public hearing in consideration of adopting Ordinance #O-24-003 amending Section 14-33 of Article III of Chapter 14 of the Lynchburg City Code and relocating the polling place of the Fourth Precinct of the Second Ward from Fairview Christian Church to William Marvin Bass Elementary School. Lynchburg General Registrar Dan Pense provided a summary of the request to Council. The Electoral Board for the City of Lynchburg, Virginia (Electoral Board) voted at its meeting on December 7, 2023, to transfer the Fairview Heights precinct 204 polling place to Bass Elementary School. The new polling place would be located outside the precinct, but within one mile of the precinct boundary as required by Section 24.2-310 of the Code of Virginia. The reason for the request is that the current polling place, Fairview Christian Church, has several access barriers for the disabled, including a flight of stairs from the most-used parking area on Leyburn Street to the polling place entrance, an off-street parking lot on Sackett Street that, for the handicapped, has a difficult slope, and an entryway threshold that is approximately 3" above



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the approaching sidewalk. The Electoral Board would like to make use of Bass Elementary School for the Fourth Precinct of the Second Ward starting with the expected March 2024 Republican Primary Election and continuing through all subsequent elections for the indefinite future.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-24-003. Councilmember Misjuns said that the location change would provide better opportunities for access and meet the necessary accessibility needs. Councilmember Wilder noted that there were several requirements for polling places and commended staff for finding an appropriate location.

With no further discussion from the Council, the following vote was recorded:

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|-----------------------------------------------------|---|
| Ayes: Reed, Misjuns, Dolan, Taylor, Wilder, Faraldi | 6 |
| Noes:                                               | 0 |
| Absent: Helgeson                                    | 1 |

// In the matter of Budget, Agenda Item #5, Council held a public hearing in consideration of adopting Resolution #R-24-004 amending the FY 2024 Budget as well as adopting Ordinances for public safety recruitment and retention bonuses (#O-24-005) and to waive specified FY 2025 fees (#O-24-006)(#O-24-007). Chief Financial Officer Ms. Donna Witt provided a summary of the request to Council. At the December 1, 2023 City Council Retreat the following items received majority support for the use of available one-time funds:

**Implement Public Safety Recruitment and Retention Strategy - \$1,000,000**

Comprehensive initiative across all public safety services to improve recruitment and retention efforts including areas of compensation, procedure, marketing and outreach, and job satisfaction.

**Ladder Truck for Fire Department - \$2,400,000**

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To prepare for the new Candler's Mountain Fire Station, ordering a ladder truck now addresses vehicle manufacturing challenges where delivery takes more than 36 months.

**Convert White Rock Elementary School - \$3,500,000**

The former White Rock Elementary School has recently been vacated by Lyn-CAG/Head Start. This funding begins renovation and transformation of the facility into a neighborhood center.

**Plan and Construct Heritage Park - \$450,000**

Heritage Park master planning as well as upgrades to existing facilities adjacent to Heritage High School are currently funded in the CIP - current project includes: basic property cleanup (removal of high chain link fences, landscape cleanup, repair of existing buildings, etc.); installation of asphalt walking loop; and basic renovation of sports field and small-scale park amenities. This additional funding would allow for lighting of the fields and additional amenities to expand the use and hours.

**Improve Parking at Awareness Garden - \$250,000**

The Awareness Garden Foundation (AGF) wishes to partner with the City to build a new parking lot at the Ed Page entrance of the Blackwater Creek Trail. Parking construction is expected to cost \$375,000 with the City contributing \$250,000. The AGF has pledged an additional \$200,000 to expand the garden; the total investment planned for the Awareness Garden is \$575,000.

**Replace City Stadium Artificial Turf - \$700,000**

Total replacement of the existing synthetic turf, which is approaching the end of its useful life and is showing signs of wear and tear. The City has an opportunity to complete this project prior to the spring sports season. The field is used by both high school football teams, E.C. Glass soccer and lacrosse teams, numerous athletic tournaments, and community youth sports.

**Waive \$10/month Refuse Collection Fee (FY 2025) - \$2,300,000**

In the FY 2024 Budget, City Council waived the \$10/month residential refuse collection fee for FY 2024. This action would continue the waiver for FY 2025.

**Waive Vehicle License Fee (FY 2025) - \$1,500,000**

In the FY 2024 Budget, City Council waived the vehicle license fee for vehicles registered in the City for FY 2024. This fee is either \$29.50 or \$34.50 per year based on the gross weight of the vehicle. This action would continue the waiver for FY 2025.

The City Council was then informed these items would be considered at the January 9, 2024 City Council Meeting.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Misjuns requested to divide the question. He called a point of order. Mr. Freedman explained that it would depend on whether a majority of Council would approve such a motion. He said that currently, one resolution containing all of the items with one appropriation was proposed. He said if Council desired, it could divide the question as it saw fit.

Councilmember Misjuns motioned to divide the question. There was no second, so the motion failed.

Councilmember Wilder motioned, seconded by Vice Mayor Faraldi, to adopt Resolution #R-24-004, amending the FY 24 Budget to reflect adjustments in the General (\$1,000,000), Fleet Services (\$2,400,000), and City Capital Projects (\$4,900,000) Funds with resources of \$8,300,000 from the Unassigned General Fund Balance. Councilmember Wilder said that while he may not support all of the projects that City Council chose, the list covered a variety of issues in the City and was the product of a good negotiation between the group.

With no further discussion from the Council, the following vote was recorded:

Ayes: Reed, Misjuns, Dolan, Taylor, Wilder, Faraldi 6

Noes: 0

Absent: Helgeson 1

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-24-005, approving the public safety recruiting and retention strategy. Vice Mayor Faraldi

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said that the ordinance was a continuation of making the City the #1 choice for law enforcement professionals in Virginia. Councilmember Wilder said he supported the ordinance because of the challenges faced in hiring officers.

With no further discussion from the Council, the following vote was recorded:

Ayes: Reed, Misjuns, Dolan, Taylor, Wilder, Faraldi 6

Noes: 0

Absent: Helgeson 1

Councilmember Misjuns motioned, seconded by Councilmember Taylor, to adopt Ordinance #O-24-006, suspending trash collection fees in FY 25. Councilmember Misjuns said that the City should continue to return funds to tax payers. Councilmember Taylor said that unnecessary taxation was not good, and some people were unable to afford the costs.

With no further discussion from the Council, the following vote was recorded:

Ayes: Reed, Misjuns, Dolan, Taylor, Wilder 5

Noes: Faraldi 1

Absent: Helgeson 1

Councilmember Misjuns motioned, seconded by Councilmember Taylor, to adopt #O-24-007, suspending Motor Vehicle License Fees in FY 25.

With no further discussion from the Council, the following vote was recorded:

Ayes: Reed, Misjuns, Taylor, Wilder 4

Noes: Dolan, Faraldi 2

Absent: Helgeson 1

// In the matter of Public Comment, Agenda Item #7, Citizen John Salmon, on behalf of Unified Potential, spoke regarding a waiver of vehicle personal property taxes as they continued to serve the local community. He said that he required the personal property taxes to be waived in order to continue offering the micro-transit services which benefited the community.

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// In the matter of Budget, Agenda Item #7, Council held a second reading and considered adopting Resolution #R-23-106 amending the FY 2024 - 2028 Capital Improvement Program and the FY 2024 City Capital Projects Fund budget and appropriating \$3,000,000 in funds from the FY 2024 General Fund Unassigned Fund Balance to be used for Riverfront Park Improvements (Amphitheater).

Councilmember Wilder motioned, seconded by Councilmember Dolan, to adopt Resolution #R-23-106. Councilmember Wilder said that investments in the City had high returns and benefited residents. Councilmember Dolan said that the project was an opportunity for investment which would serve all citizens.

Mayor Reed asked for clarification regarding issues with the flood plain. Deputy City Manager Mr. Greg Patrick stated that the design of the project accounted for anticipated issues in the flood plain and was designed to be compatible with the topography. Mayor Reed clarified that if the funds were not used on this project, they could not be returned to the taxpayer; instead, they would have to be used for another project. Chief Financial Officer Ms. Donna Witt replied that was correct, one-time funds could not be used to replace recurring revenues.

Councilmember Misjuns stated that in 2022, there was an ordinance where staff determined the source of the surplus, and there was a \$0.02 real estate tax rebate. He said that the funds could be returned to the tax payers if the source of the funds was determined. Ms. Witt replied that there was \$700,000 identified as a surplus for real estate revenues which could be returned; however, it would cost more to credit tax payers than what the tax payers would receive. Councilmember Misjuns asked from where the other surplus funds were sourced. Ms. Witt said that the funds were from Sales Tax, Meals Tax, and Lodging Tax. She said that there were funds from Personal Property Taxes, but the Commissioner of Revenue recommended reducing the assessment for the upcoming year. She explained that because the payments covered a fiscal year, it was awkward to determine the surplus, so Council voted to reduce the assessments moving forward. She said that interest from investments was another source.

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Mayor Reed clarified that the funds at hand were not part of the Real Estate revenues, and if they were not spent on this project, they would be returned to the unassigned fund balance.

With no further discussion from the Council, the following vote was recorded:

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|--------------------------------------------|---|
| Ayes: Reed, Faraldi, Dolan, Taylor, Wilder | 5 |
|--------------------------------------------|---|

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|---------------|---|
| Noes: Misjuns | 1 |
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|------------------|---|
| Absent: Helgeson | 1 |
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// The meeting adjourned at 8:10 p.m.

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Clerk of Council