// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of January, 2024, at 4:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns, Larry Taylor, Sterling A. Wilder 6

Absent: Martin Misjuns 1

// In the matter of the Work Session Agenda, Kent White provided Council with an update regarding the warming centers in the City and the recent cold weather.

Councilmember Taylor asked how the City could help individuals who refused to go to the shelters during inclement weather. Mr. White said that there was a range of support available throughout the community. He said that there were mental health resources, shelter resources, community mission resources, and long-term job skills offered by organizations in the City.

// In the matter of Horizon Behavioral Health, Agenda Item #1, Council received a presentation from Chief Executive Officer of Horizon Behavioral Health Melissa Lucy. Horizon Behavioral Health's mission is to support and promote the health, independence and self-worth of individuals and families in Central Virginia by providing a continuum of community-based treatment, prevention, early intervention, and aftercare services for persons affected by mental health, intellectual disabilities, substance use and co-occurring disorders.

// In the matter of Miriam’s House, Agenda Item #2, Council received a presentation from Executive Director of Miriam's House Sarah Quarantotto regarding the Central Virginia Continuum of Care. The Central Virginia Continuum of Care (CVCoC) is a coalition of agencies, nonprofits, congregations and individuals working to end homelessness. The CVCoC is responsible for the homeless response system that meets the needs of persons experiencing homelessness in the City of Lynchburg and the Counties of Amherst, Appomattox, Bedford and Campbell.

Mayor Reed said that the City could not force people to accept resources, but she asked for information about what outreach efforts were being made to encourage people to utilize the available resources. Ms. Quarantotto replied that they partnered with Community Access Network to provide street outreach services. She said that Community Access Network had a dedicated employee who went to known locations where people may be sleeping to perform outreach. She said that they were typically successful, even if it took time to build a rapport or overcome bad past experiences. She said that unless the person was a danger to themselves or others, they had the right to reject services.

// In the matter of Park View Community Mission, Agenda Item #3, Council received a presentation from Executive Director of Park View Community Mission Dr. R. Todd Blake regarding Park View Community Mission's Life Skills Institute. The Life Skills Institute partners with local employers, institutions and non-profit organizations to help participants remove barriers to successfully enter and advance in the workplace.

// In the matter of Water Resources, Agenda Item #4, Council was briefed by Director of Water Resources Tim Mitchell regarding Lead and Copper Rule Revisions Overview and Virginia Department of Health Drinking Water State Revolving Fund FY 2022 Bipartisan Infrastructure Law Lead Service Line Inventory Funding. Mayor Reed stated that the item would appear before Council for action on February 13, 2024. On January 15, 2021, the Environmental Protection Agency (EPA) published the Lead and Copper Rule Revisions, which later took effect on December 16, 2021. These revisions laid out a series of new actions for all water utilities in the United States, some of which are to be completed by October 16, 2024. The goal of this initiative is to identify lead sources in a water system, implement and/or optimize corrosion control treatment, and establish a plan to eliminate all sources of lead in the water supply system. While the Water Resources Department has been replacing lead service lines on the public side for decades, this current effort focuses on the development of a formal Lead Service Line (LSL) Inventory and Replacement Plan that must be submitted to the State by the regulatory deadline of October 16, 2024. The LSL Inventory must identify all service line materials on both the public side and the private side. This is accomplished through a combination of historical record review and field investigation. Any service line that is an unknown material must be assumed to be lead and treated as lead until the material is confirmed.

On November 7, 2022, the City was awarded funding by the Virginia Department of Health (VDH) through the Virginia Drinking Water State Revolving Fund FY 2022 Bipartisan Infrastructure Law Lead Service Line Inventory program in the total award amount of $500,000. This was presented at a Public Hearing on June 13, 2023 along with an amendment to the Water Capital Fund. Since then on October

24, 2023 the VDH has amended the offer adding an additional $750,000 for a total award of $1,250,000, This award is comprised of $475,000 in a principal forgiveness grant and at least a $775,000 20 year, 1.0% interest loan. The current expected cost for the LSL Inventory is $1.45 million. As a result, we will be asking Council to rescind the original resolution and adopt a new resolution reflecting the new award amount and the most current cost of the LSL Inventory.

Councilmember Dolan asked where the 453 figure came from. Mr. Mitchell said that it referred to the number of services that would be inspected. He said it was derived through a statistical method developed in Michigan to determine the amount of service lines to inspect. He said that they would use historical documents as well to find lead service lines. Councilmember Dolan asked if there would be a cost to the property owner if lead pipes were found on private property. Mr. Mitchell said that the intention was for there to be no cost to the property owner. He said that there were available funding opportunities to reimburse the cost of replacement.

Councilmember Taylor asked whether they were experiencing lead issues in the City. Mr. Mitchell replied that they were required to sample annually for lead. He said that they had never had any results that exceeded the action levels—15 parts per billion of lead in drinking water. He said that most houses in the City did not have lead service lines. He said that their task was to identify the few lead lines that existed and replace them. Councilmember Taylor asked whether the project was a federal requirement. Mr. Mitchell said that it was an unfunded mandate that they had to fulfill.

// In the matter of Roll Call, Councilmember Wilder said that in January and February, they had several events scheduled. He said that the Martin Luther King Jr. Breakfast was held two weeks ago, and last night, Angela Davis presented at Randolph College. He said that there was a free event scheduled at the Academy called the Race for Space for Friday, February 9 at 7:30 p.m. He said that the event focused on the first Black American who was supposed to go to space but did not end up going. He said that he wanted to thank the Foster Family Foundation. He said that they received over 500 new coats to distribute to the community.

Vice Mayor Faraldi said that there was a culvert along Paulette Circle facing significant erosion, and it ran under the railroad. He said that a constituent asked whether the City would look into it or if there could be protections installed. He said that it was on City property.

Mayor Reed said that several people had contacted her on social media regarding AEP bills, which were not related to City business, but rather a state issue. She said that tomorrow was Councilmember Helgeson's birthday, but he had left the meeting. She wished him a happy birthday. She said that she held the Human Trafficking Summit at the Miller Center. She thanked Berdy and her staff for helping her at the event. She recognized the work and contributions of the Lynchburg Parks and Recreation Department.

// On motion of Councilmember Wilder, seconded by Councilmember Taylor, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of personal matters not related to public business, pursuant to Section 2.2-3711(A.)(4) of the Code of Virginia, as amended.

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

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

// 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:

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

Noes: 0

Absent: Helgeson, Misjuns 2

// The meeting was recessed at 5:45 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of January, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Larry Taylor, Sterling A. Wilder 6

Absent: Martin Misjuns 1

Councilmember Taylor led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Agenda Item #1, Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to approve the minutes from the following City Council meetings: May 16, 2022; May 20, 2022; October 7, 2022; November 14, 2022; and December 13, 2022.

Councilmember Helgeson said that on page 12 of the October 11, 2022, minutes packet, they incorrectly state then-Councilmember Nelson voted in opposition of an item when it should have been stated that he was absent. Clerk of Council Ms. Alicia L. Finney noted that she would make the correction in the record.

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

Ayes: Faraldi, Helgeson, Dolan, Wilder 4

Noes: 0

Absent: Misjuns 1

Abstain: Reed, Taylor 2

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to approves the minutes for October 25 and November 1, 2022.

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

Ayes: Faraldi, Helgeson, Wilder 3

Noes: 0

Absent: Misjuns 1

Abstain: Reed, Taylor, Dolan 3

// In the matter of the Consent Agenda, Agenda Item #2, Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to approve the minutes from the December 12, 2023 meeting.

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

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

Noes: 0

Absent: Misjuns 1

// In the matter of the Consent Agenda, Agenda Item #3, Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to approve the minutes from the January 9, 2024 meeting. Councilmember Helgeson noted that he was absent from the meeting and would be abstaining from voting.

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

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

Noes: 0

Absent: Misjuns 1

Abstain: Helgeson 1

// In the matter of the Consent Agenda, Agenda Item #4, Councilmember Helgeson asked if he could speak to the item. There was a consensus from Council to move the item to General Business.

// In the matter of City Code, Agenda Item #5, Council held a public hearing and considered adopting Ordinance #O-24-008 amending City Code to provide surety requirements for the decommissioning of energy storage facilities. City Planner Rachel Frischeisen provided a summary of the staff report. The purpose of this Zoning Ordinance amendment is to ensure 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.

Chris Myer, Eastpoint Energy, speaking in favor of the proposal, said that the ordinance included many positive aspects that helped small businesses stay competitive and streamlined the review process.

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.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt the Ordinance #O-24-008.

Councilmember Helgeson asked City Attorney Mr. Matthew C. Freedman why the matter was brought before the Council for action. Mr. Freedman said that there would be a need for an agreement to decommission facilities along with a financial guarantee to enforce the agreement if it were breached. He said that the ordinance arose from statutory language specific to solar facilities, but the City believed it could be applied to all energy facilities.

Councilmember Dolan asked if there was an assurance regarding the available financial streams for businesses. Mr. Freedman said that as part of the decommissioning agreement, they would be required to post a surety bond, letter of credit, or other financial assurance, and the applicant would be responsible for obtaining the surety. He said that there was more to the decommissioning requirement, such as site plan reviews that could also address any issues.

Councilmember Helgeson asked what the timeframe was for energy storage facilities. Mr. Myer responded that the facilities were rated for 35 years at a minimum. He said that the batteries would degrade overtime, but they could be changed out. He said that the ordinance allowed developers to structure a financial surety agreement that would recognize changing costs. Mr. Freedman said that they would rely on experts in the field of battery decommissioning, and the ordinance allowed for an inflation factor.

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

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

// In the matter of Public Comment, Agenda Item #6, Citizen Robert Flood addressed Council regarding the hate mail situation and what the City can do about it. He said that street lights in Ward II were either dim or had gone out, and if the lights had been brighter, it would have made identification of the suspect easier. He said that they should brighten the streetlights to increase safety.

// In the matter of an Item Not on the Agenda, Vice Mayor Faraldi requested to include a matter at the end of General Business related to an allocation request of $15,000 from the contingency reserve to LCS for the Heritage Theater Program. He said that the item passed by a vote of 2-1 in the Finance Committee. Vice Mayor Faraldi moved, seconded by Councilmember Wilder, to amend the agenda.

Councilmember Helgeson said that the item was brought before the Finance Committee at the last minute, and it was the wrong way to handle business related to the budget. He said that the item should be added to the agenda through the appropriate procedures.

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

Ayes: Reed, Faraldi, Dolan, Taylor, Wilder	5
Noes: Helgeson	1
Absent: Misjuns	1

// In the matter of the Police Department, Agenda Item #7, Council received a presentation in consideration of introducing Resolution #R-24-009 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating $225,692 for the 2023 US Department of Justice COPS Hiring Program Grant from Chief of Police Ryan Zuidema. The Lynchburg Police Department (LPD) is eligible for $125,000 from the US Department of Justice COPS Hiring Program 36-month grant. This grant requires a 44.6148% local match ($100,692). The total grant cost over three years is $225,692. The grant requires the City to assume a progressively larger share of the cost over the three-year period. The breakdown of the $100,692 local match is: year one 25% ($25,173), year two 33% ($33,229), and year three 42% ($42,290). This is one of two grants recently awarded that will collectively fund a mental health co-responder model pairing an officer and a mental health clinician for crisis intervention response. The co-responder model will be a collaboration between the LPD and Horizon Behavioral Health. The grant requires the City to retain the police officer position for a minimum of 12 months after the conclusion of the 36-month payment period.

At its January 23, 2024, meeting, the Finance Committee recommended approval. As Chair of that committee, Vice Mayor Faraldi brought the committee's recommendation for approval forward as a motion. No second was required.

Councilmember Taylor asked how much downtime there would be until the new officer was on duty. Mr. Zuidema said that the goal was to avoid many of the ECOs that they took into custody by getting people emergency health services at the beginning.

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

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

Noes: 0

Absent: Misjuns 1

// In the matter of the Police Department, Agenda Item #8, Council received a presentation in consideration of introducing #R-24-010 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating $400,000 for the implementation of a mental health co-responder model from Chief of Police Ryan Zuidema. The Lynchburg Police Department (LPD) is eligible for $400,000 from the US Department of Justice COPS Implementing Crisis Intervention Teams Program 24-month grant. This grant pays for the salary and benefits of one mental health clinician hired by Horizon Behavioral Health ($144,953 total), a contracted consultant to intermittently evaluate the program (total projected expense of $29,224), overtime and FICA for a police officer as part of this co-responder team ($211,328 total), and a 10% indirect cost rate on the salary and benefits of the clinician over the 24-month period ($14,495 total). This is one of two grants recently awarded that will collectively fund a mental health co-responder model pairing an officer and a mental health clinician for crisis intervention response. The co-responder model will be a collaboration between LPD and Horizon Behavioral Health.

At its January 23, 2024, meeting, the Finance Committee recommended approval. As Chair of that committee, Vice Mayor Faraldi brought the committee's recommendation for approval forward as a motion. No second was required, and with no further discussion from the Council, the following vote was recorded:

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

Noes: 0

Absent: Misjuns 1

// In the matter of Engineering, Agenda Item #9, Council received a presentation in consideration of adopting Resolution #R-24-011 to increase the City's lane mileage for VDOT Highway Maintenance Payments from City Engineer Lee Newland. When required, usually each year, the City submits a list of new or improved streets to VDOT for acceptance into the street maintenance system for payments to the City from the Commonwealth. For FY 2025, staff has identified 3.74 lane miles of street segments that need to be added. These street segments are shown on the attached maps and VDOT U-1 Form. This action is required by VDOT to add these segments to the system.

At its January 9, 2024, meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Taylor brought the committee's recommendation for approval forward as a motion. No second was required.

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

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

Noes: 0

Absent: Misjuns 1

// In the matter of Budget, Consent Agenda Item #4, Council held a second reading and considered adopting Resolution #R-24-004 amending the FY 2024 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 motioned, seconded by Councilmember Taylor, to approve Resolution #R-24-004.

Councilmember Helgeson stated his concerns with the conversion of the White Rock center actually amounting to more than $3.5M and with ongoing costs in the operating budget having to staff the center. He stated that the money could be used to repair water pipes that would benefit all citizens. He stated that instead of having the city on the hook to buy the building, an investor could come in and buy it, fix it up, and in that way, it would become an asset in the community. He liked the idea of funding the ladder truck in the proposal; he asked if Council would be open to dividing the question so he could vote in favor of the line items he was in favor of, otherwise he'd be voting in opposition to the entire proposal.

Councilmember Wilder stated that Council, as a group, got together and voted on the best ideas and this is the result. In regard to the White Rock center, he stated that he is not okay leaving a building that the city is responsible for in ruins when the City has the means to make it an asset for the neighborhood and community. He stated that he thinks about the city's future and wants to invest in the City's most impoverished neighborhoods to promote change.

Vice Mayor Faraldi stated that Council can be fiscally responsible, make strategic investments, and return taxpayer dollars with this package.

Mayor Dolan stated that the conversion of the White Rock school into a neighborhood community center would put something in the area that the whole neighborhood can use, rather than a developer coming in and gentrifying the neighborhood more by possibly putting up apartments that nobody in the area can afford to live in.

Councilmember Taylor stated that he would be voting for the package. He stated that White Rock is a neighborhood that does not have a center like this for its community.

Mayor Reed stated that this is a balanced package that pays for projects that are good for the City while offering relief to citizens. The community center in White Rock is really exciting to the people who have heard about it and there is value in that.

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

Ayes: Reed, Faraldi, Dolan, Taylor, Wilder	5
Noes: Helgeson	1
Absent: Misjuns	1

// In the matter of Schools, Item Not on the Agenda, Council considered a request to grant up to $15,000 from the reserve for contingencies to the LCS Heritage Theater Program to support their participation in a regional competition.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to approve the request and appropriate $15,000 from the reserve for contingencies fund to LCS for instruction.

Councilmember Helgeson stated that this is not a matter of benevolence; Council would be taking taxpayer dollars to give to someone else. He wondered how many other groups would come in and ask for money in the future. If the schools want to utilize these resources, he suggested taking the funds from their contingencies and move it into instruction for this purpose. He stated that if Council approves this item, then it will set a bad precedent especially when there are other solutions that could be worked out.

Vice Mayor Faraldi asked Councilmember Helgeson if he would support the request if the funds came from LCS reserves for contingencies. Councilmember Helgeson stated that he would not but that proposal was more thought out than the current proposal.

Councilmember Taylor asked whether the funds were available and whether it would hurt the citizens to give the schools $15,000. Mr. Patrick said that funds were available in the reserve for contingencies and there was nothing preventing Council from using these funds for this purpose.

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

Ayes: Reed, Faraldi, Dolan, Taylor, Wilder	5
Noes: Helgeson	1
Absent: Misjuns	1

// The meeting adjourned at 8:23 p.m.

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Clerk of Council