

June 11, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of June, 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	7
Absent:	0

// In the matter of Work Session Agenda Overview, City Manager Wynter Benda introduced Sherry Brown, who was recently hired as the new Director of Community Corrections and Pre-Trial Services.

// In the matter of Water Resources, Agenda Item #1, Council held a work session regarding College Lake Dam Removal and Blackwater CSO Tunnel Project Updates. Director of Water Resources Tim Mitchell provided Council with a summary of the request.

Councilmember Helgeson asked about the status of the consent order once the project was completed. Mr. Mitchell replied that they still had three more CSO projects, totaling about \$25 million.

Councilmember Taylor asked what the cost difference was since they did not need to utilize the boring machine. Mr. Mitchell said that they set the bid terms so the contractor had the option to do tunnel boring or drilling and blasting. He said that they chose the lowest bid, so they did not know what the cost would have been if they required the tunnel boring machine.

Councilmember Misjuns asked if they were storing the explosives within the City limits. Mr. Mitchell said that the contractor was searching for sites, but it was likely to be outside of the City since there were requirements to store the explosives a minimum of 1,200 feet from the closest residence.

// In the matter of Public Works, Agenda Item #2, Council was briefed regarding the ApCo Easement for Riverfront Park. Deputy Director of Public Works Clay Simmons briefed Council on the matter. ApCo needs to obtain an easement across the City property located at 1100 Jefferson St & 8 9th St. to provide permanent power to the new Riverfront Park improvements.

// In the matter of Water Resources, Agenda Item #3, Council was briefed regarding the Septic to Sewer Conversion Incentive. Director of Water Resources Tim Mitchell briefed Council on the matter. There are approximately 2,500 residences in the City that currently have sewer available but have not yet connected. Additionally, there are unserved areas of the City such as Richland Hills where we are

planning to extend sewer service. There are significant financial disincentives for property owners to abandon their functioning septic systems to connect to city sewer including: connection and availability fees, septic system abandonment and other plumbing costs, and ongoing sewer charges. However, should a septic system fail, the cost to repair can also be significant if, in fact, it can be repaired. Failing septic systems also contribute to public safety and water quality issues in local streams as well as the James River and Chesapeake Bay. The City secured a \$6.6 million ARPA grant from the Department of Environmental Quality specifically for installing sewer service in Richland Hills. As a result, this is an opportune time to implement a fee reduction incentive program for property owners that choose to connect to the sewer system.

The program would waive the availability fee for any property that as of July 1, 2024 has sewer availability but is currently using a septic system provided that the owner: submits a complete application on or before June 30, 2026; promptly pays applicable fees; and connects to the city sewer system within 90 days of approval.

Additionally, any property that does not have sewer available as of July 1, 2024 and is currently using a septic system no availability fee shall apply if sewer becomes available thereafter other than pursuant to the petition process provided that the owner: submits a complete application with two years from the date when the sewer line is installed and accepted by the City; promptly pays applicable fees; and connects to the city sewer system within 90 days of approval.

Vice Mayor Faraldi asked for clarification regarding the total savings on average for each fee. Mr. Mitchell said it would be \$1,950 for residential properties. He said that the number of commercial properties with septic systems in the City was limited, and those fees would be different from residential properties. Vice Mayor Faraldi asked how much it would cost on average to install a new septic tank. Mr. Mitchell said that it would cost at least \$15,000 for the entire system including the drain field, but it varied depending on the ground conditions.

Councilmember Misjuns said that they should inform residents looking to connect to the City sewer about the monthly costs of a sewer connection. He asked if there were residents in the City who still used wells. Mr. Mitchell said that there were some wells, and about 25 residents were connected to sewer but still used wells, and they received a sewer-only bill.

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Councilmember Wilder asked how they gauged resident interest in the program. Mr. Mitchell said that they did a number of surveys with Richland Hills residents, and about 50% indicated interest in connecting to the sewer system.

// In the matter of Planning, Agenda Item #4, Council was briefed regarding a Conditional Use Permit (CUP) for The Ramp Church International Shelter at 2220 Memorial Avenue. Mayor Reed stated that the item would appear before Council for action at the June 25, 2024 meeting. City Planner Rachel Frischeisen briefed Council on the matter. The Ramp Church International is petitioning for a CUP at 2220 Memorial Avenue to allow the use of an existing structure as a shelter for the un-housed in an R-3, Medium Density Residential District. Large Group Homes, such as shelters, are permitted in this zoning district upon approval of a CUP by City Council.

The proposed shelter would fill the void created by the impending closure of the area's only low-barrier shelter (known as the RESET Shelter) on June 30th, 2024. The RESET shelter currently has sixteen (16) beds. The submitted narrative indicates that the proposed shelter would open with fifteen (15) beds, with the goal of increasing capacity to fifty (50) beds. According to Miriam's House, a local nonprofit focused on ending homelessness, four hundred twenty-one (421) people experienced homelessness in central Virginia in 2023.

Councilmember Helgeson expressed concerns about the impact of the increased bed space on the single-family residences in the vicinity.

Councilmember Taylor clarified that the shelter would not serve as a permanent residence. Ms. Frischeisen said that the shelter was not intended to serve as a permanent residence; it was meant to provide support to people when they were experiencing a homeless emergency.

Mayor Reed noted that the Salvation Army was located nearby, and even though it was a high-barrier to entry shelter, they still housed people in crisis. She said that Parkview was also nearby, so there were several services for homeless people to access within the vicinity.

Councilmember Taylor noted that EC Glass was across the street, so they should ensure that students remained safe. Ms. Frischeisen said that representatives of the Ramp Church had met with EC Glass administration to address concerns. She said that the church would have a check-in policy to screen people with a history of violence, and they had a no drugs or weapons on the premises policy.

// In the matter of the Airport, Agenda Item #5, Council was briefed regarding the Deed of Lease Agreement with Commonwealth of Virginia, Department of General Services, for Virginia State Police Operations. Airport Director Andrew Lagala briefed Council regarding the matter. The Commonwealth of Virginia, Department of General Services, acting on behalf of the Virginia State Police, is requesting a deed of lease agreement to conduct law enforcement operations at the Lynchburg Regional Airport. As part of these operations, Virginia State Police requires office space to support its staff and hangar space for the use and storage of the Commonwealth's aircraft. The premises would consist of approximately 10,000 square feet of hangar space along with approximately 2,380 square feet of office space. The initial term of the deed of lease shall be five (5) years commencing on July 1, 2024, and shall automatically renew and continue from year-to-year on the same terms and conditions as existed in the original deed of lease. An annual Consumer Price Index (CPI) adjustment has been added to reflect an annual escalation of three (3%) percent for each year of the term.

Per Section 15.2-1800(B)(i) of the Code of Virginia, no public hearing is required prior to the approval of this Deed of Lease.

// In the matter of Boards and Commissions, Agenda Item #6, Council was briefed regarding the Boards and Commissions Quarterly Reporting. Clerk of Council Alicia L. Finney briefed Council on the request.

The following volunteer opportunities either currently exist or are upcoming:

- Historic Preservation Commission
- City Employee Appeals Board
- Martin Luther King, Jr./Lynchburg Community Council
- Museum Advisory Board
- Board of Zoning Appeals
- Economic Development Authority
- Central VA Alcohol Safety Action Plan
- Greater Lynchburg Transit Company

Interested candidates are encouraged to apply by completing our online application at <https://lynchburg.seamlessdocs.com/f/boardsandcommissions>. Applications will be taken through Friday,

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June 21, 2024, and will be kept on file for one year for any future Council consideration unless advised otherwise by the applicant.

// In the matter of Roll Call, Councilmember Wilder stated that he recently attended an event where they discussed the construction of the police department, and he provided councilmembers with information about the Brick Fundraiser. He said that the United Way had invited councilmembers to participate in the Hill City Slide on August 24, and he would be participating. He announced that there would be a Juneteenth celebration at Miller Park on Saturday, June 15 from 10 a.m. to 2 p.m. He commended the You Got a Friend Foundation which hosted an event at City Stadium showcasing police departments across the commonwealth for their work with children. He said that on Saturday, the Downtown Library held a grand opening event. He said the Fire Department held a retirement ceremony for several firefighters, and he commended them for their service. He congratulated all of the recent high school graduates. He said that one student from Heritage High School received over \$300,000 in scholarships. He announced that Virginia Davis Jefferson, the oldest person in Virginia, 12th oldest in the country, and 60th oldest in the world, recently died at the age of 111, and her funeral service was held the day before.

Councilmember Misjuns noted that Vacation Bible School programs were starting around the City, and he appreciated churches for offering those services.

Mayor Reed said she was able to attend a show by the Lynchburg Pops at the Academy where she saw Director of Public Works Gaynelle Hart perform. She encouraged everyone to attend one of the Pops' next performances. She said that on June 2, it was her grandfather's 102 birthday. She said he was a WWII veteran living in Richmond, and she wanted to thank all of the City residents who wished him a happy birthday. She announced that the upcoming Friday was the first of three midnight basketball events hosted at the Armory. She said that doors opened at 9 p.m. for registration, and games would start at 10 p.m. She said that the event was for ages 16 to 22. She highlighted the work and contributions of the Office of the Commissioner of Revenue.

// The meeting was recessed at 4:59 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of June, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

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

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Absent: 0

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

// In the matter of Consent, Agenda Item #1, a second reading was conducted and Council adopted Resolution #R-24-043 amending the FY 2024 City/Federal/State Aid Fund and appropriating \$164,914 for the purchase of an Integrated Ballistics Identification System (IBIS) and related National Integrated Ballistic Information Network (NIBIN) equipment for the Lynchburg Police Department.

Councilmember Taylor motioned, seconded by Councilmember Dolan, to adopt the resolution.

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

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder 7

Noes: 0

// In the matter of Consent, Agenda Item #2, copies of the minutes of the May 14, 2024 meeting have been previously furnished to Council, and on motion of Councilmember

Taylor, seconded by Councilmember Dolan, Council by the following recorded vote approved the minutes as presented:

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

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder 7

Noes: 0

// In the matter of Community Development, Agenda Item #3, Council held a public hearing in consideration of adopting Resolution #R-24-046 approving the allocation of Fiscal Year (FY) 2025, Program Year (PY) 2024, Community Development Block Grant (CDBG) and HOME Program entitlement, reprogrammed, and recaptured funds. Grants Manager Melva Walker provided a presentation to Council. The U.S. Department of Housing and Urban Development (HUD) funds the CDBG and HOME Programs. The City has available the following entitlement, reprogrammed, and recaptured funds to use for eligible CDBG and HOME activities during FY 2025 (PY 2024).

CDBG AVAILABLE FUNDING/SOURCE

AMOUNT

HUD Entitlement Allocation

\$722,622.00

Reprogrammed Funds	20.00
Total CDBG Funding Available	\$722,642.00

<u>HOME AVAILABLE FUNDING</u>	<u>AMOUNT</u>
HUD Entitlement Allocation	\$302,774.00
Recaptured Funds	5,834.00
Total HOME Funding Available	\$308,608.00

The public was notified of the public hearing through a public notice advertisement published in The News and Advance on May 24 and through various sources of social media. The Community Development Advisory Committee (CDAC) met on February 22, 2024, and reviewed the applications that were submitted. Attachment C provides the amounts and a brief description of the projects that have been recommended for funding by the CDAC. All CDBG and HOME Program entitlement, reprogrammed, and recaptured funds will be expended in accordance with the primary objectives of these programs. The City estimates that over 70 percent of the CDBG FY 2025 funding will benefit low-to-moderate income persons who comply with HUD regulations.

All applications submitted for funding consideration are available for review in the Grants Administration Office, Second Floor, City Hall.

At the conclusion of the public hearing, the City Council will review the recommendations of the CDAC and approve the funding allocations to be included in the FY 2025 CDBG and HOME Fund Budgets and PY 2024 CDBG and HOME Program Annual Action Plan. The Annual Action Plan will subsequently be submitted to HUD for approval.

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 Taylor motioned, seconded by Councilmember Wilder, to adopt the resolution.

Councilmember Wilder noted that these types of programs were important to support the community as housing prices increased.

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Councilmember Helgeson asked for clarification about what the resolution was approving. City Attorney Mr. Matthew Freedman asked Ms. Walker whether Attachment B and C needed to be part of the resolution. Ms. Walker replied that Attachment B should be part of the resolution. Mr. Freedman recommended that an amendment to the motion be made for Attachment B to be incorporated by reference into the resolution.

Councilmember Taylor motioned to amend, seconded by Councilmember Wilder, to incorporate a reference of Attachment B in the resolution.

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

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder 7

Noes: 0

// In the matter of Budget, Agenda Item #4, Council held a public hearing in consideration of introducing Resolution #R-24-047 amending the FY 2024 Adopted Budget to reflect the Third Quarter Adjustments. Chief Financial Officer Donna Witt provided a summary of the request to Council. In March, staff began the normal review of FY 2024 operating and capital revenues and expenditures of the City's various funds to determine if adjustments were needed prior to the end of the fiscal year. Departments were requested to submit any necessary adjustments that needed to be considered. Attachment A provides proposed expenditure and revenue adjustments based on the third quarter review.

The General, City/Federal/State Aid, Forfeited Assets, Children's Services Act (CSA), Regional Juvenile Detention Home, Airport, City Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2024 Third Quarter Adjustments.

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 the resolution.

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

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

Noes: Faraldi 1

// In the matter of Public Comment, Agenda Item #5, Citizen Adam Bean addressed Council regarding care of abandoned lots, derelict homes and how they pertain to safety of the neighborhood, including

trash buildup, recycling, dumping, construction garbage. He said that abandoned properties in his neighborhood had been neglected by the property owners and the City, so he and his neighbors had taken it upon themselves to address maintenance needs. He requested the City to better support the neighborhood and address the safety concerns posed by the derelict properties.

// In the matter of Public Comment, Agenda Item #6, Citizen James City was not present.

// In the matter of Public Comment, Agenda Item #7, Citizen Amanda Marsh, on behalf of the Lynchburg for Palestine Coalition, addressed Council about concerns regarding public displays of exclusionary religious beliefs by Council members. She expressed concerns that a councilmember was proudly promoting Christian Nationalist ideology, which advocated the violent overthrow of the US government and violated the oath of office to serve and protect the City. She requested that Council pass a resolution calling for a ceasefire in Gaza.

// In the matter of Public Comment, Agenda Item #8, Citizen Peter Cefaratti, on behalf of the Lynchburg Breakfast Club, addressed Council regarding real estate taxation. He said that improving the quality of LCS was more complicated than increasing funding through increased taxes, and it required a deeper analysis of all of the City's investments to determine which were worthwhile.

// In the matter of Public Comment, Agenda Item #9, Citizen Vicente Gonzalez, on behalf of Queer Town Hall, addressed Council regarding Pride. He expressed concerns about the School Board's efforts to disenfranchise and discriminate against LGBTQ+ students through policies dictated by the Governor, which were currently in violation of federal Title IX regulations. He expressed concerns about the lack of transparency regarding the cancelation of the International Festival. He asked for Councilmember Dolan and Councilmember Wilder to draft a resolution calling for a ceasefire in Gaza.

// In the matter of the School Board, Agenda Item #10, Council considered finalizing the list of candidates to interview for School Board appointments for terms beginning July 1, 2024 and expiring June 30, 2027. Clerk of Council Alicia L. Finney provided a summary of the request. At its May 28th meeting, City Council began its selection of candidates to interview. Given the large candidate pool and in an effort to be fair and equitable, timeslots were assigned by dividing candidates by District, then in alphabetical order.

If a candidate cannot conduct the interview in person, accommodations will be made to virtually join during the timeslot provided. If Council chooses to add any other candidates to this list, they will be

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added in the same manner in the timeslots available; if the number of candidates exceeds the available timeslots, staff's suggestion is to tack them on to the end of the June 17th meeting or committing to an additional special meeting.

Councilmember Misjuns requested to add Brandy Gibbs from District 1 to the list of candidates to be interviewed.

// In the matter of Budget, Agenda Item #11, Council conducted a second reading and considered adopting Resolution #R-24-044 appropriating the FY 2025 Schools Operating Budget by major classification.

Councilmember Misjuns motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-044. Councilmember Misjuns said that the operating budget would be able to accomplish several goals, such as providing teachers with salary increases and keeping TC Miller and Sandusky Elementary open another year. He disclosed that his wife was a teacher for LCS, and he was a member of a group representing spouses of teachers, but he was able to deliberate on the matter impartially and objectively.

Councilmember Helgeson said that the budget ensured the resources were being directed to the areas where they would have the greatest impact and pay the biggest dividends. This budget keeps the local taxpayers' contributions the same since there was more money coming in from the State and the schools can do all the items that they put forward in their budget like keep schools open if the School Board chose and gives raises to frontline educators. He was glad he voted no last time because he knew the numbers were wrong at that time. He is happy to support this now and happy there is a School Board that is trying to improve education.

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

Ayes: Reed, Faraldi, Helgeson, Misjuns, Taylor	5
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Noes: Dolan, Wilder	2
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// The meeting adjourned at 7:39 p.m.

Clerk of Council