

September 24, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of September, 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, Jeff Helgeson, Martin Misjuns, Larry Taylor,

Sterling A. Wilder 6

Absent: MaryJane Dolan 1

// In the matter of Work Session Agenda Overview, City Manager Wynter Benda notified Council that a meeting was scheduled for Tuesday, November 26, during the week of Thanksgiving. He said that a special meeting was scheduled on November 19 for the Legislative Dinner, which was held annually, so he requested consensus from Council to cancel the November 26 meeting in lieu of the Legislative Dinner. Mayor Reed stated that there was consensus from Council to cancel the meeting.

Fire Chief Greg Wormser announced that they recently were awarded a FEMA SAFER grant totaling \$4.4 million. He said that the grant would be used to hire firefighters at no cost to the City with respect to salaries and benefits. He said that this was the largest grant the department ever received. He said that they intended to begin hiring firefighters later in the calendar year after they accepted the grant, and the grant period went from March 2025 to March 2028. He said that the grant would fund up to 21 firefighters, and they had to hire people within 180 days of receiving the grant.

// In the matter of Community Development, Agenda Item #1, Council held a work session regarding the White Rock School Project Update. City Manager Wynter Benda provided Council with an update on the project. Built in 1912, the former White Rock Elementary School is located at 400 Buena Vista Street and was recently vacated by the Lynchburg Community Action Group. Funding appropriated in FY 2024 by City Council allows for community input, design and improvements to convert this facility into a neighborhood center. The project

includes the entire block containing the school buildings bounded by Buena Vista, Poplar, Harvey and Tulip Streets.

Councilmember Wilder suggested that the input of residents in the White Rock area should be considered specifically. Mr. Benda said that Work Program Architects was a Norfolk-based firm that operated these types of community engagement events, so he would ensure that they started identifying who was a resident of White Rock at them.

// In the matter of Economic Development, Agenda Item #2, Council held a work session regarding the 50th Running of the Virginia 10-Miler. Director of Economic Development & Tourism Marjette Upshur provided a presentation to Council. The City of Lynchburg recognizes the 50th anniversary of the Moore & Giles Virginia 10 Miler Road Race, a significant community event that has promoted health, fitness, and tourism in the region since 1974. The Virginia 10 Miler has attracted thousands of runners from across the nation and the world, contributing to Lynchburg's economic and social vitality. Staff will provide a brief update on the race's legacy, its impact on the local economy, and its role in fostering community spirit over the past five decades.

// In the matter of Community Development, Agenda Item #3, Council held a work session regarding the Code Compliance and Property Toolkit Update. Community Development Director Tom Martin provided a presentation to Council on the property toolkit. 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, and how they are working with other code compliance programs to improve neighborhood safety and create infill housing opportunities.

Councilmember Wilder asked for more information regarding the housing trust fund. Mr. Martin said that it was not entirely finalized, but they had discussed creating a program for developers to immediately receive building permits for pre-approved lots. He said that it could

also include payment assistance. Councilmember Wilder suggested that the program should include property rehabilitation assistance. He noted that he would like to revisit these funds in the next budget cycle.

Councilmember Helgeson asked what had happened to the spot blight program. Mr. Martin said that at some point, the Housing Authority had decided not to use spot blight, since it required the use of eminent domain and approval from Council. Councilmember Wilder said that they also experienced issues getting contractors onboard to perform the rehabilitations.

Councilmember Misjuns asked for clarification about the funding source for property rehabilitation assistance. Mr. Martin said that a housing trust fund program had not been finalized, and it would be up to a decision of Council to determine the funding. Councilmember Misjuns asked if it would require local funding. City Manager Wynter Benda said yes; usually, localities contributed a fixed amount of funding that was used to leverage private contributions. Councilmember Misjuns said that he was concerned about using local tax revenue to assist individuals in repairing their homes, but he would support using state or federal funding.

Mayor Reed asked what the cost would be for the two houses currently under consideration that they did not have the funding to address. Mr. Martin said that it would be \$43,000, and they already had bids. He said that they had to consider the demolition costs, asbestos abatement, and landfill fees. Mayor Reed said that she wanted to consider funding options to address the identified safety issues related to the condition of the properties. Mr. Benda said that staff would return to Council with possible options.

Councilmember Helgeson asked for clarification about the ownership of the properties once they were demolished. Mr. Martin explained that when a property was condemned and demolished, the property owner retained ownership, but the City would put a lien on the property. He explained that it was often difficult to collect on the lien until the property was sold. Mr. Benda said that if Council was interested, they could consider creating a land-revolving

fund, so that the money recouped from the liens was put into that fund rather than returned to the General Fund.

Councilmember Misjuns asked for clarification about the insurance status of the two properties, because if there was insurance coverage, the company may cover the cost of demolition. Mr. Benda said that staff would look into that answer as a follow-up.

// In the matter of Towing and Recovery Operations, Agenda Item #4, Council was briefed regarding the Towing and Vehicle Recovery Services Contract Award. Procurement Manager Stephanie Suter briefed Council on the matter. The City's towing and vehicle recovery services contract with Bee Line Transport reached the end of its renewal year options and needed to be re-solicited. This contract is primarily used for City-owned fleet vehicles, including Refuse Trucks and Fire apparatus, and Lynchburg Police Department initiated tows. It also covers towing of derelict vehicles requested by Community Development. The Towing Advisory Board convened to finalize the scope of services and terms of a request for proposals which was then posted on May 14, 2024 with all proposals due by June 13, 2024. Three proposals were received—Bee Line Transport, Cash's Garage, and Mitchell's Towing and Recovery. An evaluation subcommittee composed of four Board members was established to review all proposals and bring forth their observations to the full Board. The full Board then performed site visits to examine facilities, operations, and equipment. There was full consensus to bring forth a recommendation to City Council to award the contract to Bee Line Transport.

Councilmember Helgeson said that they should use a separate towing contractor for smaller vehicles and accidents so that more companies could be considered. Ms. Suter said that the point of the contract was for City fleet vehicles. She said that according to last year's figures, 70% of City fleet tows were for larger vehicles.

Councilmember Misjuns stated that small business owners were upset. He explained that he sees both sides of the argument. He remembered when he was on a firetruck that needed a tow which required a towing apparatus that could haul heavy equipment. He also

stated that the police-initiated tows weren't conducive to a revolving contract. Ms. Suter replied that most localities who have a rotation have one locally-owned lot that all towing companies can tow. This brings consistency to police-initiated tows and provides a benefit to the citizen of knowing where their car is impounded no matter what company tows the vehicle.

Vice Mayor Faraldi asked what towing options were available to citizens when they got into a traffic accident. Ms. Suter said that citizens could call whoever they wanted to tow the vehicle, but if the tow was initiated by the police, then the tow would be done by Bee Line. She said that this was no different than how the process currently operated.

Councilmember Wilder asked how many towing companies submitted bids. Ms. Suter said that only three companies applied. Councilmember Wilder asked if the towing companies set the towing and storage rates. Ms. Suter said that they did. Councilmember Wilder asked if the City received a percentage of the collected fees. Ms. Suter said that they did not.

Councilmember Misjuns asked if the City knew which companies were capable of meeting the towing requirements. Ms. Suter said that the City knew the capabilities of the local companies, and there were only two in the area that could meet the towing requirements. Councilmember Misjuns expressed concerns that they were setting specifications that only two companies could meet.

// In the matter of Region 2000 Services Authority, Agenda Item #5, Council was briefed regarding the Region 2000 Services Authority Settlement Resolution. Mayor Reed stated that the item would appear before Council for action at the evening session. Deputy City Manager Greg Patrick briefed Council on the matter. The Region 2000 Services Authority Landfill in Rustburg, where the City of Lynchburg disposes of our municipal waste, will reach its capacity in 2028 or 2029. The Region's member jurisdictions have also been involved in long-standing litigation that has seen the City of Lynchburg and Campbell County at odds with Appomattox and Nelson Counties over what amounts to host payments for the landfills in Campbell County and Lynchburg. This Business Item Briefing will provide an overview of a settlement framework

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that would potentially settle the lawsuit and lead to an expansion of the existing landfill to provide an additional 25 years of capacity for the City's municipal waste.

Vice Mayor Faraldi asked what would happen if this was not approved. Mr. Patrick said that they would have to expedite the construction of a transfer station, which would be more expensive than this deal, and consider how to effectively dispose of their waste in the next five years. Vice Mayor Faraldi requested for more information to be brought at the next meeting regarding the financial impacts of a transfer station.

Councilmember Misjuns asked if there was any downside to this deal? Mr. Patrick responded that he would have to search hard to find the downside.

Councilmember Helgeson responded that the downside is that the counties of Nelson and Appomattox are just being given things.

// In the matter of Lynchburg Hillcats Baseball, Agenda Item #6, Council was briefed regarding the Approval of New Ownership of the Lynchburg Hillcats Baseball Team. Deputy City Manager Greg Patrick briefed Council on the matter. Lynchburg Baseball Corporation, the current owner of the Lynchburg Hillcats baseball team, has entered into an agreement to sell the team to Hillcats Baseball, LLC. The city must approve the transfer of the franchise lease of City Stadium before the sale can be completed. This briefing will provide Council with background on the sale and the new ownership before a vote to approve the franchise lease transfer at the October 8th Council Meeting.

// In the matter of City Council, Agenda Item #7, the Lifelong Learning Committee briefing was deferred until after the joint City Council and City Schools meeting.

// In the matter of Roll Call, Councilmember Helgeson said that Ford Motor Company and other corporations had stopped DEI initiatives. He said that several months ago, there was a proposal before Council related to merit, excellence, and opportunity, but it had never been brought back before them. He said that they should reconsider the proposal at the next meeting given the actions taken by corporations.

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Councilmember Wilder announced that Diamond Hill hosted a successful community day on Saturday. He thanked Parks and Recreation and the other participants for organizing the event. He said that a Latino Cultural Celebration was held Saturday night. He said that on the upcoming Saturday at 2 p.m., there would be an event honoring the Diamond Hill Historic Community's 50th Anniversary. He said that there would be a party hosted on Pierce Street as well.

Councilmember Misjuns said that a dangerous event happened since the last meeting involving the police department. He commended the City officers for their bravery during the response. He said that assessments were upcoming, and there was the chance for 20% increases. He said that they had to start thinking about what that would mean in terms of the real estate tax rate. He said that over the summer, the Commission on Local Government reduced the fiscal stress ranking. He said that there were 24 cities with a lower ranking than the City. He said that this meant that they did not have the ability to extract more revenue from citizens and businesses. He said that median household incomes had lowered compared to other places. He said that they should equalize the real estate tax rate.

Mayor Reed stated that she was able to spend the day with Linkhorne Middle School students last week. She said that the 7th grade class she visited was wonderful. She congratulated the Lynchburg United Youth Football teams on a successful launch. She announced that it was Ovarian Cancer Awareness Month, and ovarian cancer was often referred to as the silent killer since symptoms could be subtle and easily mistaken for less severe conditions. She encouraged people to get screened. She highlighted the work and contributions of the Lynchburg Sheriff's Department. She said that 24th Annual Day at the Point would be hosted on Saturday, October 5, from 10 a.m. to 4 p.m. She said that the event was free and open to the public.

// In the matter of Closed Session, Agenda Item #8, Council moved the appointments of boards and commissions until after the 7:00 p.m. meeting.

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// The meeting was recessed at 6:08 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of September, 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, Jeff Helgeson, Martin Misjuns, Larry Taylor,

Sterling A. Wilder 6

Absent: MaryJane Dolan 1

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

// Clerk of Council Alicia Finney asked the Mayor if it would be acceptable to continue advertising for vacancies on Boards and Commissions until the October 8, 2024 City Council meeting. Mayor Reed confirmed there was consensus from Council to do so.

// In the matter of the Consent Agenda, Item #1, Council considered adopting Resolution #R-24-062 and amending the FY2025 City/Federal/State Aid Fund budget and appropriating a \$9,500 Certified Local Government grant to fund a National Alliance of Preservation Commission Commissioner Assistance and Mentoring Program workshop.

Councilmember Wilder motioned, seconded by Vice Mayor Faraldi, to adopt the Consent Agenda as presented.

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

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

Noes: 0

Absent: Dolan 1

// In the matter of Engineering, Agenda Item #2, Council held a public hearing and considered adopting Resolution #R-24-064 granting a non-exclusive interim license to FIREFLY FIBER BROADBAND to maintain and operate telecommunications facilities within the City of Lynchburg, Virginia. Lee Newland, City Engineer provided a brief summary of the item to Council. Firefly has asked to use and be granted a non-exclusive interim license to maintain and

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operate fiber optic cable for telecommunications purposes within the corporate limits of the City of Lynchburg, Virginia. Staff recommends authorization of the attached license agreement by adopting the attached proposed Resolution after a Public Hearing to permit Firefly to operate within the City given that the encroachments cause no undue hardship to the City.

Mayor Reed asked if the petitioner would like to make a presentation. Firefly President and CEO Gary Wood said that he had no presentation but would like to thank the staff for helping them submit their first application in the City. He appreciated their consideration and hoped Council would approve the request.

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

At its September 10, 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, and Council, by the following recorded vote approved the motion:

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

// In the matter of Community Development, Agenda Item #3, Council held a public hearing and considered adopting Resolution #R-24-065 approving the Consolidated Annual Performance and Evaluation Report (CAPER) Program Year 2023, Fiscal Year 2024 and requiring the submission of the same to the U.S. Department of Housing and Urban Development (HUD). Melva Walker, Grants Manager, provided a brief summary of the item to Council. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress towards the housing and community development goals established within the 2020-2024 Consolidated Plan and the PY 2023 (FY

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2024) Annual Action Plan. This CAPER is for the period of July 1, 2023 through June 30, 2024. With City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program. A public notice was published in The News and Advance on Friday, September 6, 2024

Mayor Reed asked if anyone would like to speak in favor of this proposal. Ms. Kimberly Dyke-Harsley spoke in favor of the proposal. She requested that the remains of those buried at the end of Smith Street remain undisturbed and that Lynchburg Union Cemetery be added to the list.

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

Councilmember Taylor motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-065 approving the Consolidated Annual Performance and Evaluation Report (CAPER) Program Year 2023, Fiscal Year 2024 and requiring the submission of the same to the U.S. Department of Housing and Urban Development (HUD).

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

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

// In the matter of Community Development, Agenda Item #4, Council held a public hearing and conducted the first reading of Resolution #R-24-066 approving the allocation of the Program Year 2021 HOME American Rescue Plan funds from the U.S. Department of Housing and Urban Development (HUD). Melva Walker, Grants Manager, provided a brief summary of the item to Council. In Fiscal Year 2022 (Program Year 2021), the U. S. Department of Housing and Urban Development (HUD) provided HOME - American Rescue Plan (HOME-ARP) in over \$5 billion of supplemental HOME funds across the nation. The City was awarded \$1,498,471, of

which 10% of the funds (\$149,847) were approved for Program Administration. The City had to devise a HOME Allocation Plan for the use of the funds. The Plan was developed and approved by the City Council and HUD. The HOME-ARP funds are to be used to assist individuals or households who are homeless, at risk of homelessness and other vulnerable populations ("Qualifying Populations"). The purpose of the HOME-ARP funds is to reduce homelessness and increase housing stability. According to the City's approved HOME-ARP Allocation Plan, the funds are to be used for rental housing development for the Qualifying Populations.

City staff issued a Request for Proposals/Applications and only one application was received. Rush Homes, a certified Community Housing Development Organization (CHDO), submitted an application in the amount of \$1,348,624 to construct eight (8) rental units, with four (4) efficiency units and four (4) one-bedroom units potentially in duplexes.

The Community Development Advisory Committee (CDAC) met on March 29, 2024, and reviewed the application that was submitted for these funds. CDAC has recommended the approval and allocation of the HOME-ARP funds to Rush Homes Carolyn's Place project for the construction of eight (8) rental housing units. A public notice was published in The News and Advance on September 6, 2024.

Mayor Reed asked if anyone would like to speak in favor of this proposal. Ms. Tracey Ballagh, Executive Director of Rush Homes, spoke in favor of the proposal. She stated that the City's willingness to invest these funds demonstrated a strong commitment to addressing the community's need for affordable housing. This was positively received by other donors and funding agencies and resulted in more successful funding applications and partnerships.

Councilmember Taylor asked if there would be space available for veterans. Ms. Ballagh replied yes; that was part of the qualifying population.

Ms. Sarah Quarantotto, Executive Director of Miriam's House, spoke in favor of the proposal. She stated that this proposal was meant to provide dedicated, permanent supportive housing to community members who had experienced long periods of homelessness.

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

Councilmember Taylor motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-066 approving the allocation of the Program Year 2021 HOME American Rescue Plan funds from the U.S. Department of Housing and Urban Development (HUD).

Councilmember Helgeson asked if the zoning was already in place for this parcel. Community Development Director Mr. Tom Martin replied that Council previously approved the zoning for 48 units for the site known as Carolyn's Place [August 13, 2024].

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

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

// In the matter of City Council, Item #5, Council held a public hearing in consideration of introducing a resolution amending the FY 2025 Adopted Budget to align City Council salaries with the requirements of Lynchburg City Code Section 2-16.1 (Option A); or adopting an ordinance amending Lynchburg City Code Section 2-16.1 to align the codified City Council salary amounts with present City payments and practices (Option B). Donna Witt, Chief Financial Officer, provided a brief summary of the item to Council. In December 2019, by adopting Lynchburg City Code Section 2-16.1, the City Council set its salaries at \$14,000 per member, per year, and \$16,000 for the Mayor, per year, beginning July 1, 2020. However, because of budget uncertainties associated with the COVID-19 Pandemic, the City Council maintained its salaries at \$10,000 per member, per year, and \$12,000 for the Mayor, per year, beginning July 1, 2020 as part of the FY 2021 Adopted Budget.

Mayor Reed asked if anyone would like to speak in favor of the proposal. Ms. Kimberly Dyke-Harsley spoke in favor of the proposal to increase City Council salary amounts. She

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requested that along with this pay increase, their job performance improve and increase for the locality.

Mr. Michael Bremer spoke in favor of Option B. He noted that while it was important that people be paid for their work, the City was apparently lacking in funding to accomplish basic and necessary projects such as building demolition.

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

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to adopt the resolution approving Option A, amending the FY 2025 Adopted Budget to align City Council salaries with the requirements of Lynchburg City Code Section 2-16.1 (Option A).

Councilmember Helgeson stated that people were deterred from serving on Council because the current salary did not adequately compensate members, considering the time and effort required to act as representatives and decision-makers for the entire community. He stated that he supported this option because it was enumerated in State Code and because he believed that both current and future Councilmembers deserved to be given a compensatory salary for their work.

Councilmember Misjuns asked if this option would adjust the salary for the future and there was no back pay involved. Matthew Freedman, City Attorney, said that was correct. Councilmember Misjuns asked if Option B would be reducing the salary from what the State Code said that it should be. Mr. Freedman said that it would be equalizing to the current practice, which was less than what was included in State Code.

Councilmember Taylor asked if they would have enough funds available in the first quarter adjustments to demolish the buildings mentioned earlier. Ms. Witt said that they could find the funds to accomplish that. City Manager Wynter Benda said that the funds for demolition were a specific line item; the funds required to meet that need may have to come from a different location in their budget to meet that need, which would be discussed with Council.

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There was capacity in the budget to accommodate the cost of demolition, but it would exceed their current allocation for demolition.

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

Ayes: Helgeson, Misjuns, Taylor	3
Noes: Reed, Faraldi, Wilder	3
Absent: Dolan	1

Mayor Reed asked Mr. Freedman what the next options were for Council regarding this matter. Mr. Freedman said that Council could consider Option B, or they could table the matter until the next meeting when all Councilmembers were present and consider it again at that time.

Vice Mayor Faraldi motioned, seconded by Mayor Reed, to approve an ordinance amending Lynchburg City Code Section 2-16.1 to align the codified City Council salary amounts with present City payments and practices (Option B).

Mr. Freedman clarified that there was a scrivener's error; before #1, it should state "Be it ordained by the Council of the City of Lynchburg, Virginia."

Vice Mayor Faraldi said that Option B would effectively keep their salaries as had been accustomed during his tenure on Council, and he fundamentally believed they should not be in the position to vote for their own pay increases.

Mayor Reed said that there were many other areas that this funding could be applied to, so she supported changing the ordinance to align their current pay.

Councilmember Misjuns made a substitute motion to reduce the Mayor's pay from \$12,000 to \$10,000 to align with the other Councilmembers.

Mayor Reed asked Mr. Freedman if the motion was acceptable. Mr. Freedman said that he would have to review the charter to confirm that. He said that he would request, if there was a second to the motion, that the motion be tabled until the next meeting in order for him to look into the matter.

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Vice Mayor Faraldi asked if it was improper to consider anything but a member of Council, considering that the public hearing pertained to the specific role of Councilmembers and not specific to the Mayorship. Mr. Freedman said that if the charter did not provide for a higher salary for the Mayor, he believed it was acceptable to consider the motion as it pertained to a member of Council.

Councilmember Helgeson seconded the motion.

Councilmember Misjuns said that it would be appropriate to align the Mayor's pay with the rest of Council if they were considering lowering the Council's pay.

Councilmember Helgeson said that he supported the motion because he believed the Mayor should be paid less.

Vice Mayor Faraldi asked if the compensation of Councilmembers would remain at \$10,000 under Option B. Ms. Witt said that was correct.

Mayor Reed called the vote on the motion to lower the Mayor's pay.

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

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

Councilmember Wilder said that he would prefer to vote on Option B with all Councilmembers present.

Mayor Reed called the vote for approval of Option B.

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

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

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Councilmember Wilder motioned, seconded by Councilmember Misjuns, to table the matter until all Councilmembers were present. Councilmember Wilder said that it was important that all members participate in this conversation.

Vice Mayor Faraldi asked how they could introduce Option B again for voting. Mr. Freedman answered that a person voting against the motion would need to reintroduce it. He clarified that the reason he suggested Option A return before Council was because what they were doing in the budget did not align with City Code.

Mayor Reed called the vote to table the matter until the next meeting of City Council.

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

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

// In the matter of Parks and Recreation, Agenda Item #6, Council held a public hearing and considered adopting Resolution #R-24-067 accepting the return of real estate from Lynchburg City Schools specific to Perrymont Elementary School; and adopting Resolution #R-24-068 dedicating real estate known as 500 Sandusky Drive and Part of 409 Perrymont Avenue as open-space land pursuant to the Virginia Open-Space Land Act. Wyatt Woody, Director of Parks and Recreation, provided a brief summary of the item to Council. The Virginia Outdoors Foundation (\$169,000) and the Department of Conservation and Recreation (\$153,000) have both awarded Lynchburg Parks and Recreation grant funding for improvements at Perrymont Park. The grant funding would be used to develop a paved 1/4-mile walking loop, nature paths, a picnic area, a fenced off-leashed area, drainage improvements, and an outdoor classroom. There are no local matching funds required for these grants, although one of the grants requires the dedication of City property as open-space land. The property to be dedicated as open-space land is shown in the 'Open Space Exhibit' accompanying this agenda item. The property to be dedicated as open-space land has extremely low development potential due to steep

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slopes, poor soils, and public infrastructure. City Council has taken similar action for property in Tinbridge Hill and at Jefferson Park in Dearington.

Three actions are needed from City Council: (1) To accept the return of City property behind Perrymont Elementary School as it will no longer be needed for school purposes; (2) To authorize the dedication of open-space land as previously described; and (3) To amend the FY 2025 City/Federal State Aid Fund budget and appropriate the said grant funding.

The first reading (introduction) to amend the FY 2025 City/Federal State Aid Fund budget and appropriate the said grant funding was held on September 10, 2024, and the second reading (adoption) will be on the General Business portion of Council's meeting agenda later this evening.

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

Vice Mayor Faraldi motioned, seconded by Councilmember Misjuns, to adopt Resolution #R-24-067 accepting the return of real estate from Lynchburg City Schools specific to Perrymont Elementary School.

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

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

Councilmember Misjuns motioned, seconded by Vice Mayor Faraldi, to adopt Resolution #R-24-067 dedicating real estate known as 500 Sandusky Drive and Part of 409 Perrymont Avenue as open-space land pursuant to the Virginia Open-Space Land Act.

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

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

// Mayor Reed confirmed there was consensus from Council to add Mr. Mike Troxel to speak during Public Comment about the bow hunting ordinance and to be placed second to last under this section.

// In the matter of Public Comment, Agenda Item #7, Council heard from a citizen regarding “community safety – advocating for opioid crisis solutions.” William Rice was not present to address Council.

// In the matter of Public Comment, Agenda Item #8, Council heard from a group representative regarding “city towing contract.” Matthew Cash, Cash’s Garage, addressed Council. He stated that he was a resident of Amherst County. He requested that Council consider Cash’s Garage when the City Towing Board approved the City towing contract.

// In the matter of Public Comment, Agenda Item #9, Council heard from a group representative regarding “city towing contract.” Kevin Jones, Bee Line Transport, addressed Council. He requested that Council consider Cash’s garage when the City Towing Board approved the City towing contract.

// In the matter of Public Comment, Agenda Item #10, Council heard from a citizen regarding “future issues which need attention.” Peter Cefaratti was not present to address Council.

// In the matter of Item Not on the Agenda - Public Comment, Agenda Item #11, Council heard from a citizen regarding the City bow-hunting ordinances. Mike Troxel addressed Council. He expressed support for the City’s changes to the bow-hunting ordinances, specifically the height requirement amendment. He requested Council consider lowering the height requirement to 8 feet, for permits to be extended from one year to two years, and for coyotes to be included in the bow-hunting ordinance.

// In the matter of Public Comment, Council heard from a group representative regarding “federal, state, local 2024 elections.” Gary Taylor, Citizens for a Better Lynchburg, addressed Council. He stated that he was a current resident of Goode, Virginia. He discussed the recent

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June primary election and the upcoming November election. He urged the Republicans to elect the Ward III representative to Council who would best serve their interests.

// In the matter of Parks and Recreation, Agenda Item #12, Council considered adopting Resolution #R-24-063 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$322,000 from the Virginia Outdoor Foundation and Department of Conservation and Recreation grants for Perrymont Park improvements. Wyatt Woody, Director of Parks and Recreation, provided a brief summary of the item to Council. The Virginia Outdoor Foundation (\$169,000) and the Department of Conservation and Recreation (\$153,000) awarded Lynchburg Parks and Recreation grant funding for Perrymont Park. The grant funding would be used to develop a paved 1/4-mile walking loop, nature paths, picnic area, fenced off-leashed area, drainage improvements, and outdoor classroom. There are no local matching funds required for these grants.

On September 10, 2024, Council held the first reading (introduction) of this item and unanimously voted to amend the FY 2025 City/Federal/State Aid Fund budget to accept the grants and appropriate the funding for park improvements. Normally, grant items that are unanimously approved during their first reading are moved to the Consent Agenda section of the subsequent meeting agenda for their second reading (approval). However, to accept the grants, Council must first vote on two actions during the Public Hearing portion of this evening's agenda: (1) To accept the return of City property behind Perrymont Elementary School as it will no longer be needed for school purposes; and (2) To, after a public hearing, adopt a resolution authorizing the dedication of open-space land to satisfy the requirements of one of the grants. Therefore, this item was moved to the General Business section of this evening's meeting to insure Council's actions are taken in the proper order to accept the grants.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-063 and amending the FY 2025 City/Federal/State Aid Fund budget and appropriating

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\$322,000 from the Virginia Outdoor Foundation and Department of Conservation and Recreation grants for Perrymont Park improvements.

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

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

// In the matter of the Police Department, Agenda Item #13, Council considered adopting Ordinance #O-24-069 amending Lynchburg City Code Section 27-67.3 to decrease the elevated height requirements for bow hunting of deer, allow bow hunting of deer on city-owned property, and make technical changes. Deputy Police Chief Jerome Stokes provided a brief summary of the item to Council. In an effort to address the deer population in the city, the current bow hunting ordinance needs to be modified. These changes will lower the minimum height to discharge an arrow from a bow from 12 feet to 10 feet. Additionally, the updated ordinance will allow bow hunting on certain city-owned properties. The ordinance language will also update the name change of the Virginia Department of Game and Inland Fisheries to the Virginia Department of Wildlife Resources.

Vice Mayor Faraldi motioned, seconded by Councilmember Misjuns, to adopt Ordinance #O-24-069 amending Lynchburg City Code Section 27-67.3 to decrease the elevated height requirements for bow hunting of deer, allow bow hunting of deer on city-owned property, and make technical changes, with amendments to lower the height requirement to 8 feet, to allow bow hunting of coyotes, and to increase the permit cycle to two years from one year.

Mr. Freedman clarified that there was a scrivener's error, where above #1 it should state "Be it ordained by the Council of the City of Lynchburg, Virginia."

Mr. Benda said that he could not speak to how those amendments would specifically impact their operations, but they appeared reasonable.

Vice Mayor Faraldi said that they had the processes in place to implement all three of the amendments and would allow people to hunt and protect their property.

Police Deputy Chief Jerry Stokes stated that it was unclear how effective bow hunting would be for coyotes in the City. The 10-foot height standard was derived from other localities' common practices. The reasoning for the one-year permitting was to annually review the property boundaries and remain compliant with their regulations. He stated that a two-year permit cycle and a lower height likely would not become issues, but coyote hunting may require further discussion.

Vice Mayor Faraldi said that he believed coyotes should be included due to the number of complaints and concerns he had received from constituents. If someone was licensed by the state to conduct hunting activities on their property, they should be able to do it in this capacity. He stated that the height of 8 feet seemed reasonable as a request.

Mayor Reed asked if Mr. Troxel could provide the general rules for hunting for the public. Mr. Troxel explained the permitting process for the City and that the hunting regulations followed the Virginia state hunting regulations. Mayor Reed asked if the hunting was constrained to the nighttime. Mr. Troxel said no; the state urban regulations run from the first weekend in September through the last weekend in March but are not constrained to night hours. He stated that they only hunted or retrieved deer from properties that had given permission for them to do so.

Councilmember Misjuns said that the changes were no-brainers. He said that the permitted properties would be safe to do this. He expressed his hope that this initiative would encourage more people to address the deer overpopulation issue in the community.

Mr. Freedman asked if Council was amenable to tabling this item in order to give him the time to amend the ordinance so that it aligned with Council's requests.

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Councilmember Helgeson said that he did not support tabling the item because it was currently deer hunting season and it was important that they be proactive in addressing the overpopulation of deer and coyote in the City.

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

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

// In the matter of Lynchburg Behavioral Health Docket, Agenda Item #14, Council considered a first reading of Resolution #R-24-070 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$100,200 to fund a Behavioral Health Docket Coordinator. Hollie Jennings, Special Assistant to the City Manager for Data & Innovation, provided a brief summary of the item to Council. The Lynchburg Behavioral Health Docket (BHD) is a court docket designed to enhance public safety by providing an integrated system of treatment and judicial supervision that results in participant wellness and reduced recidivism. Following two years of preparation, the BHD began in March of this year and operates in the Lynchburg General District Court. The Honorable Randy C. Krantz is the docket's presiding judge.

A collaboration between the Commonwealth Attorney's Office, the Office of the Public Defender, Horizon Behavioral Health and other community partners has been awarded funding through a Virginia Supreme Court Specialty Docket grant to administer the docket. The request would support a model similar to the City's Recovery Court (formerly known as "Drug Court"). No additional City funding is required as a local match for the grant.

At its September 24, 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 Council, by the following recorded vote approved the motion:

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

Absent: Dolan 1

// In the matter of Region 2000 Services Authority, Agenda Item #15, Council considered adopting Resolution #R-24-071 directing staff to prepare and execute agreements to resolve the Region 2000 landfill litigation. Gregory Patrick, Deputy City Manager, provided a brief summary of the item to Council. The Region 2000 Services Authority Landfill in Rustburg, where the City of Lynchburg disposes of our municipal waste, will reach its capacity in 2028 or 2029. The Region's member jurisdictions have also been involved in long-standing litigation that has seen the City of Lynchburg and Campbell County at odds with Appomattox and Nelson Counties over what amounts to host payments for the landfills in Campbell County and Lynchburg. Council received a briefing during the Work Session that provided an overview of a settlement framework that would potentially settle the lawsuit and lead to an expansion of the existing landfill to provide an additional 25 years of capacity for the City's municipal waste.

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to adopt Resolution #R-24-071 directing staff to prepare and execute agreements to resolve the Region 2000 landfill litigation.

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

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

Noes: 0

Absent: Dolan 1

// In the matter of Budget, Agenda Item #16, Council considered a first reading of Resolution #R-24-072 approving the FY 2024 Fourth Quarter Adjustments. Donna Witt, Chief Financial Officer, provided a brief summary of the item to Council. The General, City/Federal/State Aid, Children's Services Act (CSA), Fleet Services, as well as the Schools Capital Projects and Water Capital Projects Funds are amended to reflect the FY 2024 Fourth Quarter Adjustments.

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Vice Mayor Faraldi asked if it would be prudent to approve this resolution absent the items related to Council pay. City Attorney Mr. Matthew Freedman confirmed that they were not included.

Councilmember Wilder motioned, seconded by Mayor Reed, to adopt Resolution #R-24-072 approving the FY 2024 Fourth Quarter Adjustments.

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

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

// The meeting adjourned at 8:53 p.m.

Clerk of Council