

January 28, 2025

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of January, 2025, at 4:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder,	
Martin Misjuns, Jacqueline Timmer	7
Absent:	0

// In the matter of the Libraries, City Manager Wynter Benda stated that Agenda Item #2, Lynchburg Public Library update, would be moved to a later meeting to accommodate the closed session.

// In the matter of Park View Community Mission, Agenda Item #1, Council held a work session on the Park View Community Mission's Life Skills Institute. Executive Director of the organization Dr. R. Todd Blake presented to Council. 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 Libraries, Agenda Item #2, Lynchburg Public Library update, the item was deferred to an upcoming meeting not yet identified.

// In the matter of Community Development, Agenda Item #3, Council was briefed regarding the Community Development Block Grant and HOME Program – Housing and Non-Housing Goals for the 2025-2029 Five-Year Consolidated Plan and Fiscal Year 2026 Annual Action Plan. Mayor Taylor stated that the item would appear before Council for a public hearing at the February 25, 2025 meeting. Grants Manager Melva Walker provided the briefing to Council. The U. S. Department of Housing and Urban Development (HUD) requires state and local governments, which receive federal Community Development Block Grant and HOME Program funds, to prepare a Consolidated Plan. The previous Consolidated Plan for Lynchburg was submitted in June 2020 and covered the period from July 1, 2020 through June 30, 2025. With the submittal of the annual Community Development Block Grant (CDBG) and HOME Program

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Action Plan in May 2025, another five-year plan must be prepared and submitted for the period of July 1, 2025 through June 30, 2030. This plan will outline the City's needs, goals, and objectives for community development (both housing and non-housing areas).

City staff conducted public workshops/meetings on January 22nd and January 23rd to receive input and recommendations for the proposed goals, needs, and objectives for community development.

The Community Development Advisory Committee (CDAC) conducted a public meeting on January 23rd to receive input and recommendations for the City's needs, goals, and objectives for community development (both housing and non-housing areas). The CDAC recommendations for the proposed goals will be presented for a public hearing by City Council on February 25th.

// In the matter of Roll Call, Councilmember Reed reported that the 40 Ways Coalition held its first meeting of the year. She noted that Jeff Nitz, Five18 Family Services, was the speaker and addressed the effects of childhood trauma and poverty on children's behavior. She said they covered the available community resources to support children. She said that next month, they would discuss gang activity and how children were recruited into gangs. She said that on January 16, the Teacher of the Year Award was given to Ayanna Stamps-Glover of Heritage Elementary School. She said that the Martin Luther King, Jr. Breakfast was held last Monday, and the event was well attended.

Councilmember Wilder reported that Randolph College held a Martin Luther King, Jr. reception last night at the college, and the guest speaker was Erika Alexander from the TV show *Living Single*. He said that budget sessions were coming up, and there would be forums regarding the CDBG funding. He encouraged residents to stay informed and attend the meetings to make sure their voices were heard.

Vice Mayor Diemer said that he attended the Martin Luther King, Jr. breakfast. He said that a student from Heritage High School won the essay award, which was in Ward III. He also

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noted that the Teacher of the Year was from Heritage Elementary. He said he was proud of their accomplishments. He said he attended the Lakeland Association meeting about upcoming development, and he was able to meet several of his neighbors. He said he planned to have a ride-along with the developer for a project on the other side Heritage, and he hoped to learn more about the project. He said he received a tour of the museum system, which had been the center of life in Lynchburg for many years. He encouraged residents to visit the museum. He said he had a ride-along planned with the Fire Department, and he was excited for it.

Councilmember Misjuns announced that basketball and impact sports had started at Thomas Road, and it was incredible to see the number of children participating. He asked the community to pray for him because he volunteered to be an assistant basketball coach for third graders.

Councilmember Timmer expressed gratitude for being able to participate in several community events. She noted that Ms. Walker had done a lot of work surveying the community, and she encouraged people to reach out to her if they had more input to offer. She said that a survey would be posted online for the replacement superintendent search. She said that people could offer input as to what they should look for and challenges they faced in the community.

// On the motion of Councilmember Misjuns, seconded by Councilmember Wilder, by the following recorded vote, Council elected to hold a closed meeting to discuss the possible resolution of a pending City lawsuit pursuant to Section(s) 2.2-3711(A)(7) and -(A)(8) of the Code of Virginia, 1950, as amended; and

to discuss the disposition of publicly held real property, namely property owned by the City, let by the City, and to be potentially sold for economic development purposes, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended; and

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to discuss the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the topic of the closed session being specific to granting a City franchise; and

to discuss the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to negotiations regarding the Campbell County Utilities and Service Authority Sewer Capacity Request; and

to discuss appointments for Council representation to local, regional, and State Boards and Commissions: Virginia First Cities, Virginia Municipal League, Central Virginia Planning District Commission, Central Virginia Transportation Planning Organization, Council of Local Elected Officials, Lynchburg Redevelopment & Housing Authority, Lyn-CAG, and Lynchburg Parking Authority pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

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

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// 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;

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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 Misjuns, and Council, by the following recorded vote, adopted the motion:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// On motion of Councilmember Faraldi, seconded by Councilmember Reed, Council by the following recorded vote appointed Councilmember Faraldi to serve on the board of the Virginia First Cities:

Ayes: Taylor, Wilder, Faraldi, Reed 4

Noes: Diemer, Misjuns, Timmer 3

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

Virginia Municipal League: Vice Mayor Diemer

Central Virginia Planning District Commission: Vice Mayor Diemer

Central Virginia Transportation Planning Organization: Councilmember Timmer

Council of Local Elected Officials: Mayor Taylor

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

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On motion of Councilmember Misjuns, seconded by Councilmember Reed, Council by the following recorded vote appointed Councilmember Reed to the Lynchburg Redevelopment & Housing Authority for a term expiring September 30, 2027.

Ayes: Taylor, Diemer, Wilder, Reed, Misjuns, Timmer 6

Noes: Faraldi 1

// The meeting recessed at 6:14 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of January, 2025, at 7:00 p.m. in the Council Chamber, City Hall, Larry Taylor, President, presiding. The following Members were present:

Present: Larry Taylor, Curt Diemer, Stephanie Reed, Chris Faraldi, Sterling A. Wilder, Martin Misjuns, Jacqueline Timmer 7

Absent: 0

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

// In the matter of the Consent Agenda, Agenda Item #1, copies of the minutes of the November 19, 2024 Legislative Dinner meeting were previously furnished to Council, and on the motion of Councilmember Misjuns, seconded by Councilmember Reed, Council, by the following recorded vote, approved the minutes as presented:

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Timmer, Misjuns 7

Noes: 0

Councilmember Faraldi said that Council should be clear in the expectations they set for the public. He noted that in the past, councilmembers who were not present or sworn-in during a meeting would abstain from approving the minutes of that meeting.

Councilmember Timmer stated that she was present for the Legislative Dinner.

// In the matter of Planning, Agenda Item #2, Council held a public hearing in consideration of adopting Resolution #R-25-003 approving a Conditional Use Permit (CUP) to allow a three (3) unit multi-family dwelling at 2810 Campbell Avenue. City Planner Rachel Frischeisen provided

the presentation to Council. Juan F. Chicas is petitioning for a CUP to allow the use of an existing structure as a three (3) unit multi-family dwelling in a B-1, Limited Business District at 2810 Campbell Avenue. The property is zoned B-1, Limited Business District. In this district, single-household dwellings are permitted by-right and multi-family dwellings are permitted upon approval of a CUP by Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends Mixed Use for the subject property. These areas call for a balanced mix of residential, neighborhood commercial, civic uses, parks, and open spaces. The existing structure was previously used for commercial purposes and is adjoined by residential uses and parking.

On June 28, 2024, a verbal warning was issued and a stop work order was placed on the property for the conversion of the property into multiple residential units without a CUP or building permits. At the time of the stop work order, two (2) dwelling units had already been installed and a third unit was in progress. A notice of violation was issued on July 29, 2024, and the Zoning Division was preparing to pursue the violation in court prior to the submittal of the CUP petition. The units constructed without permits would be subject to applicable building code requirements.

The use of the existing building as a three (3) unit multi-family dwelling should have limited impact on the surrounding area. Approval of the CUP petition would allow for two (2) additional residential units without altering the zoning. This would preserve the opportunity for future commercial uses to occupy the space.

Amy Seipp, Accupoint Surveying & Design, LLC, representing the applicant, provided a presentation to Council. She said that the project would bring three (3) dwelling units to an area that had struggled to provide affordable housing. She said that at a future date, the site could be converted to a business use, if needed.

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.

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Councilmember Misjuns motioned, seconded by Vice Mayor Diemer, to adopt Resolution #R-25-003.

Councilmember Misjuns said that the project was a good use of the property and would hopefully revitalize the area.

Councilmember Reed asked if the applicant had considered adding windows to the units to improve fire safety concerns expressed during the previous meeting. Ms. Seipp said that the site would have to undergo a complete building code review, and they would address any issues at that point.

Councilmember Wilder asked if there were plans to change the exterior of the building. Ms. Seipp replied that the applicant wanted to increase the curb appeal, and they proposed removing some vegetation and improving access to the building.

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

Ayes: Taylor, Diemer, Reed, Faraldi, Wilder, Misjuns, Timmer 7

Noes: 0

// In the matter of Public Comment, Agenda Item #3, Citizen Sandy Glass addressed Council regarding waste disposal. She expressed concerns about Region 2000's financial management, noting low tipping fees, rising operational costs, and unmet financial obligations.

// In the matter of Public Comment, Agenda Item #4, Citizen Michael Bremer addressed Council regarding the teen curfew. He said that the curfew was not an effective way to address youth crime according to numerous peer-reviewed articles, and Council needed more data before extending the curfew, including how many encounters did not result in an arrest, the demographics of the youth stopped and charged, the final disposition of the 48 cases, and if any were repeat offenders. He said the curfew should only be extended for three months.

// In the matter of the Police Department, Agenda Item #5, Council considered adopting Ordinance #O-25-004 enacting a City-wide youth curfew. The item was previously discussed by Council on January 14 during Business Item Briefings.

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City Council approved a City-wide Youth Curfew Ordinance on May 23, 2023 that went into effect on May 26, 2023 with the goals of protecting the general public through the reduction of juvenile violence and crime, promoting the safety and well-being of those under the age of 18, and fostering and strengthening parental responsibility for children. This ordinance was set to expire on December 1, 2023, but was extended by City Council action on November 28, 2023 and again on May 28, 2024, to sunset on January 1, 2025.

The Lynchburg Police Department (LPD) has been collecting data on the curfew since it began on May 26, 2023. As of December 31, 2024, forty-nine (49) individuals have been charged with violating the curfew. The curfew continues to provide another tool for officers to address delinquent behavior.

Vice Mayor Diemer motioned, seconded by Councilmember Reed, to adopt Ordinance #O-25-004.

Councilmember Reed stated that the curfew was implemented as a response to the deaths of three children. She said that there were other benefits of the curfew for the community. She said that they were trying to keep youth safe and protected, and the goal was not to see high arrest numbers but to give them alternative options. She said that she supported extending the curfew based on the recommendation of the Chief of Police.

Councilmember Timmer motioned to amend to include a review of the curfew from staff, the Commonwealth Attorney, and the Chief of Police in six months in the form of a Business Item Briefing. She said that they could also explore other options to address these issues in the community.

Vice Mayor Diemer accepted the amendment as friendly.

Councilmember Faraldi said that he opposed the curfew for a variety of reasons, and he saw no difference between curfews and mask requirements. He listed statistics about the curfew that were available on the Council's website. He said that notably, there was an 800% increase in juvenile violent crime in the evening, and a 31% increase at night. He said that the

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data showed the curfew was not effective in reducing violent crime. He asked Council not extend the curfew.

Councilmember Wilder said he supported the curfew because it provided the Police Department with more tools to address crime.

Councilmember Misjuns asked for Police Chief Ryan Zuidema to provide more information.

Chief Zuidema clarified that though the percentages may seem high, the actual numbers were quite low. For example, for violent crime by juvenile offenders in the night time period, 11 p.m. to 5 a.m., the 31% increase was the difference between 2.7 and 3.5 offenses, less than one offense. He explained that the curfew was another tool to address crime, but it was not intended to solve juvenile crime. He noted that many of the cases which did not result in a conviction were taken under advisement by the courts, which could include community service, essays, and tours of detention facilities.

Councilmember Reed said that they needed more people involved in young people's lives. They needed mentors because children who had meaningful relationships had a greater chance of success. She said that they would not need curfews if they had more people involved in young people's lives.

Councilmember Misjuns called the question, seconded by Vice Mayor Diemer.

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

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of Community Development, Agenda Item #6, Council considered introducing Resolution #R-25-005 amending the FY 2025 General Fund budget and appropriating \$86,160 from the General Fund Reserve for Contingencies to provide additional demolition funding.

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Since January 2024, there have been nine (9) city funded demolitions, fourteen (14) privately funded demolitions, and two (2) private/city demolitions of blighted properties. The City's goal is rehabilitation of blighted properties and there have been eight (8) renovations with an additional thirteen (13) renovations in progress. At the September 24, 2024, Work Session, city staff identified two (2) structures that needed to be demolished for which adequate funding is unavailable: 1106 Jackson Street and 808 Florida Avenue. Since that time, three additional structures have been identified that are in need of demolition: 2021 Campbell Avenue, 1013 Hemlock Street and 900 Florida Avenue.

The following is a brief description of each property with an estimated cost of demolition and land fill fees:

The structure at 1106 Jackson Street has been declared an Emergency. The stability of the structure is compromised. All paperwork and public notices were completed as of September 3, 2024. The owner does not have insurance to cover costs and no permit has been obtained to date. The quote for demolition is \$25,910, not including landfill fees (estimated at \$4,000).

The structure at 808 Florida Avenue is a fire case (January 2024). The original owner had fire insurance, and then sold the property in April 2024. The current owner received a Notice of Violation to demolish and appealed the decision. A demolition permit was applied for on October 9, 2024, but has not been approved. Staff are awaiting an asbestos report, contractor information, and payment for the permit. This property is considered eligible for demolition as of October 25, 2024, unless there is action by the owner. The quote for demolition of the property is \$17,630, not including landfill fees (estimated at \$3,000).

The structure at 2021 Campbell Avenue was damaged by a recent fire. The owner does not have insurance and the structure/yard is in complete disarray. This property is not a case for the derelict program since it has not been vacant for a period of one year. Awaiting a quote for

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demolition, estimated to be \$20,000 for demolition, not including landfill fees (estimated at \$5,000, including cleaning up the yard).

The property at 1013 Hemlock Street is in the Derelict Program. The owner is currently being billed \$500 a month. A previous demolition order was on this property when the current owner purchased it in October 2023. The owner is out-of-state. No permits have been obtained, and no progress has been made to date. Awaiting a quote for demolition, estimated to be \$25,000, not including landfill fees (estimated at \$5,000).

Following staff's presentation to the City's Physical Development Committee, the structure at 900 Florida Avenue was added to this list. The structure was damaged by a recent fire and is adjacent to the structure at 808 Florida Avenue - such that the two structures bookend the White Rock Food Market. It has been condemned since 2008 and has been in the Derelict Program since April 2024. The quote for demolition of the property is \$26,100, not including landfill fees (estimated at \$5,000).

The City uses the funds for demolition to remove structures that are a hindrance to public safety and quality of life. For any funds spent, staff collaborate with the Billings and Collections Department in the collection process to bill owners for the City's expense to demolish and dispose of debris.

At its January 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns said that the Finance Committee left one of the structures off the demolition list because they felt they needed more information, but otherwise, the Committee unanimously approved the request. This brought the total down from \$116,160 to \$86,160. No second was required.

Councilmember Wilder said that they should consider assigning more funds to the program during the budget process.

Vice Mayor Diemer supported the use of the contingency fund, but he would prefer that these types of requests come through the regular budget process.

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City Manager Wynter Benda said that they had increased the Community Development budget proposal to address blighted properties, and they planned to appropriately scale the fund to address the need.

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

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of the Police Department, Agenda Item #7, Council considered introducing Resolution #R-25-006 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$200,380 to purchase night vision equipment for the Police Department. The Police Department was awarded \$200,380 through a competitive grant process from the Virginia Department of Emergency Management, State Homeland Security Program to purchase night vision equipment. This funding will be used to replace equipment that is well beyond its usable lifespan. The total cost is \$200,380 which is fully reimbursable by the grant; no local matching funds are required.

At its January 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns 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: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of the Police Department, Agenda Item #8, Council considered introducing Resolution #R-25-007 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$35,870 for DUI enforcement activities, equipment, and training.

The DMV Highway Safety Grant Program has awarded the City \$23,056 for DUI enforcement activities, alcohol testing equipment, and annual DMV grant-related training. The grant agreement includes an in-kind match of \$11,528 from the department's fuel and vehicle

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maintenance services budget. The grant excludes reimbursement of \$1,286 in Medicare and Social Security (collectively FICA) benefit costs associated with the allotted overtime. Both the in-kind match and FICA costs are available to transfer from the FY 2025 Police Department General Fund budget.

At its January 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns 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: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// In the matter of the Police Department, Agenda Item #9, Council considered introducing Resolution #R-25-008 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$58,885 for speed enforcement activities and equipment.

The DMV Highway Safety Grant Program has awarded the City \$38,400 for speed enforcement activities, along with radar and LiDAR equipment. The grant agreement includes an in-kind match of \$19,200 from the department's fuel and vehicle maintenance services budget. This grant excludes reimbursement of \$1,285 in Medicare and Social Security (collectively FICA) benefit costs associated with the allotted overtime. Both the in-kind match and FICA costs are available to transfer from the FY 2025 Police Department General Fund budget.

At its January 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns 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: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

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// In the matter of the Police Department, Agenda Item #10, Council considered introducing Resolution #R-25-009 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$89,004 to purchase 79 replacement bulletproof vests for law enforcement officers.

The Police Department applies annually for the Bulletproof Vest Partnership Grant through the Office of Justice Programs. For the 2024 Police Bulletproof Vest Partnership, the City was awarded funding that covers the cost of replacement ballistic vests for both the Lynchburg Police Department and the Lynchburg Sheriff's Office. The vests provide protection to officers in the line of duty and the life of the vest is five years from the manufacturing date. The total replacement cost for 79 vests is \$89,004. The grant requires a 50% local match; these funds are available in the FY 2025 General Fund Police (\$40,827) and Sheriff's Office (\$3,675) operating budgets.

At its January 28, 2025 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Misjuns brought the committee's recommendation for approval forward as a motion. No second was required. Councilmember Misjuns said that there was nothing more important the Council could do then ensure that the police and firefighters were given all the resources to get home safe.

Mayor Taylor asked what the old vests were used for. Chief Zuidema said that they were sometimes used at the range for various purposes. There were questions about whether they could be donated because of liability concerns.

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

Ayes: Taylor, Diemer, Reed, Wilder, Misjuns, Timmer 6

Noes: Faraldi 1

// The meeting adjourned at 8:05 p.m.

Clerk of Council