

January 9, 2024

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

The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Larry Taylor, Sterling A. Wilder,	
Chris Faraldi	5
Absent: MaryJane Dolan, Jeff Helgeson	2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Taylor, and Council, by the following recorded vote, adopted the motion:

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

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

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

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

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

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

The following Members were present:

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

Sterling A. Wilder 6

Absent: Jeff Helgeson 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Plan and Construct Heritage Park - \$450,000

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

Improve Parking at Awareness Garden - \$250,000

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

Replace City Stadium Artificial Turf - \$700,000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Noes: 0

Absent: Helgeson 1

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

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

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

Noes: Faraldi 1

Absent: Helgeson 1

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

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

Ayes: Reed, Misjuns, Taylor, Wilder 4

Noes: Dolan, Faraldi 2

Absent: Helgeson 1

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

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

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

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

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

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

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

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

Noes: Misjuns 1

Absent: Helgeson 1

// The meeting adjourned at 8:10 p.m.

Clerk of Council

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

Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns, Larry Taylor, Sterling A. Wilder	6
Absent: Martin Misjuns	1

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

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

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

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

Mayor Reed said that the City could not force people to accept resources, but she asked for information about what outreach efforts were being made to encourage people to utilize the available resources. Ms. Quarantotto replied that they partnered with Community Access Network to provide street outreach services. She said that Community Access Network had a dedicated employee who went to

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known locations where people may be sleeping to perform outreach. She said that they were typically successful, even if it took time to build a rapport or overcome bad past experiences. She said that unless the person was a danger to themselves or others, they had the right to reject services.

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

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

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

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

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

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

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

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

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

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

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

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

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Taylor, and Council, by the following recorded vote, adopted the motion:

Ayes: Wilder, Dolan, Reed, Faraldi, Taylor	5
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Noes: 0

Absent: Helgeson, Misjuns 2

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

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

Members were present:

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

Wilder 6

Absent: Martin Misjuns 1

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

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

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

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

Ayes: Faraldi, Helgeson, Dolan, Wilder 4

Noes: 0

Absent: Misjuns 1

Abstain: Reed, Taylor 2

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

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

Ayes: Faraldi, Helgeson, Wilder 3

Noes: 0

Absent: Misjuns 1

Abstain: Reed, Taylor, Dolan 3

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

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

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

Noes: 0

Absent: Misjuns 1

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

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

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

Noes: 0

Absent: Misjuns 1

Abstain: Helgeson 1

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

// In the matter of City Code, Agenda Item #5, Council held a public hearing and considered adopting Ordinance #O-24-008 amending City Code to provide surety requirements for the decommissioning of energy storage facilities. City Planner Rachel Frischeisen provided a summary of the staff report. The purpose of this Zoning Ordinance amendment is to ensure energy storage projects within the City have a signed agreement and surety in place to decommission all equipment, facilities, and/or devices of the energy storage facility or solar facility. The Ordinance would ensure the proper removal of equipment when operations at the facility cease. This amendment was initiated by staff as a result of siting agreement discussions related to a proposed energy storage facility within the City. The terms of these agreements would be determined on a project-by-project basis and approved by the City Attorney's office prior to execution of the agreements.

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

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

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

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

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

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

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

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

// In the matter of Public Comment, Agenda Item #6, Citizen Robert Flood addressed Council regarding the hate mail situation and what the City can do about it. He said that street lights in Ward II were either

dim or had gone out, and if the lights had been brighter, it would have made identification of the suspect easier. He said that they should brighten the streetlights to increase safety.

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

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

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

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

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

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

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

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

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

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

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

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

Absent: Misjuns

1

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

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

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

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

// In the matter of Budget, Consent Agenda Item #4, Council held a second reading and considered adopting Resolution #R-24-004 amending the FY 2024 Budget to reflect adjustments in the General (\$1,000,000), Fleet Services (\$2,400,000), and City Capital Projects (\$4,900,000) Funds with resources of \$8,300,000 from the Unassigned General Fund Balance.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to approve Resolution #R-24-004.

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

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

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

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

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

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

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

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

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

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

Councilmember Helgeson stated that this is not a matter of benevolence; Council would be taking taxpayer dollars to give to someone else. He wondered how many other groups would come in and ask for money in the future. If the schools want to utilize these resources, he suggested taking the funds from

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their contingencies and move it into instruction for this purpose. He stated that if Council approves this item, then it will set a bad precedent especially when there are other solutions that could be worked out.

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

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

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

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

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

Clerk of Council

February 13, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of February, 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 Greater Lynchburg Transit Company, Agenda Item #1, Council received a presentation from General Manager of GLTC Josh Moore providing Council with an overview of the work it has completed in 2023 and an update on its plans for 2024. This included updates on projects both completed and in process as well as updates on ridership and strategic planning completed by the Board of Directors.

Councilmember Wilder asked how they were partnering with other organizations to meet all the needs of riders. Mr. Moore said that they partnered with organizations in various ways. He said that one way was by providing pass discounts to organizations. He said the new mobile fare collection system granted better control, and they were able to extend the discounts to more individuals. He said that smaller organizations helped to connect the City's systems to other jurisdictions, and they acted as a passthrough party for state funds for vanpools.

// In the matter of Water Resources, Agenda Item #2, Council received a presentation on the Water System Master Plan Status Report from Director of Water Resources Tim Mitchell. The Department of Water Resources contracted with Whitman, Requardt and Associates (WRA), a national engineering firm, to assess our water system's condition, prioritize water system replacement projects, and develop strategies to accommodate growth through 2050. Priority projects were based on pipes that are undersized, made of inferior material, over 100 years old, with a high break history, and that match up with other utility projects. Additionally, the Master Plan projected future growth in the City and identified projects needed to meet the associated water demands. Staff will provide an overview of the Master Plan findings and associated recommendations to "catch-up" to a 100-year replacement cycle and meet future water needs.

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// In the matter of Planning, Agenda Item #3, Council was briefed on the Monument Terrace Memorials. Mayor Reed stated that the item would appear before Council for action on February 27, 2024.

Community Development Director Tom Martin provided a summary of the item to Council. The Virginia Piedmont Chapter of the Military Order of the World Wars (MOWW) and the Lynchburg Area Veterans Council (LAVC) wish to recognize the next major American conflicts after the Vietnam War on Monument Terrace: the Gulf War (1990–1991) and Global War on Terror (2001–). The organizations are proposing a 36” x 24” bronze plaque to be installed on the northwest wall of the Purple Heart terrace. MOWW and LAVC would raise the necessary funds to purchase the memorial plaque. If Lynchburg citizens are identified who died in these conflicts, their names can be engraved on the limestone blocks of the surrounding wall.

The Lynchburg Chapter of the Military Order of the Purple Heart (MOPH) also wishes to install a “Soldier’s Battlefield Cross” memorial sculpture in the landscaped area between the World War I terrace of Monument Terrace and the Monument Terrace building. The bronze sculpture, measuring 19” x 19” x 51”, is a recognized symbol of the ultimate sacrifice among the armed forces. The MOPH has already raised the funds necessary to purchase the sculpture.

Lastly, the MOPH wishes to install a bench for the convenience of visitors on the Purple Heart terrace of Monument Terrace. The black, powder-coated, metal bench bears the purple heart emblem in color on the seat back and measures approximately 48” wide. It would be placed on the northeast wall of the terrace, between the steps and the north corner.

All additions or modifications to Monument Terrace must be approved by City Council. The last time an addition was made was the Desmond Doss interpretive marker on the World War II terrace in 2017. The Monument Terrace Advisory Committee has reviewed the three new proposals with their sponsors and recommends them to City Council for adoption.

// In the matter of CASA of Central Virginia, Agenda Item #4, Council was briefed on the CASA Lease Agreement. Mayor Reed stated that the item would appear before Council for action on February 27, 2024. Director of Public Works Gaynelle Hart provided a summary of the item to Council. Court Appointed Special Advocates (CASA) of Central Virginia and the City of Lynchburg have an existing agreement to

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lease office space at 901 Church Street. CASA currently occupies 3,218 square feet of space for its offices on the first floor.

At the time the lease was first approved in October 2012, CASA agreed to pay for \$20,000 of improvements to the space and the City agreed to waive rent payments in lieu of a \$12,000 annual contribution to CASA. The lease was last renewed on September 10, 2019 at which time 888 square feet of space that was formerly occupied by the City's Health Nurse was added to the lease. However, 136 square feet of that office space currently being used by CASA was not accounted for in the renewal. The attached lease incorporates all the office area currently in use.

Councilmember Helgeson asked how they distinguished CASA from other non-profits which received funding from the City. Ms. Hart said that CASA had been a tenant since 2012, and Council had budgeted funds for CASA since before that. She said that in lieu of providing funds, the City provided the organization space. Councilmember Helgeson said he did not think this was a good way to do it, since it was reviewed every five years rather than every year. He said there were other non-profits with needs for space. He suggested that they could rent the space at market value or sell it instead. Mr. Benda said that a large portion of the building was filled by municipal services, so he would not recommend selling only a portion of the building. He said that Council could structure an RFP that would be released for bid, and staff could present the proposed rates. He said that he was unsure whether CASA was prepared to move to another space, but Council could consider structuring a shorter lease agreement allowing all parties time to consider other options. Councilmember Helgeson said that would be a better option. Mr. Benda said that he would come back to Council with options as well as with a layout of the building to provide context.

City Attorney Mr. Matthew C. Freedman asked whether Council would like the lease to be amended and for the item to come back to Council with a lease-term of one year with the option to renew for up to five-year terms. Councilmember Wilder said he preferred the item as presented. Mayor Reed said she preferred the five-year lease agreement. She said the current location of CASA was prudent for the services it provided, and she did not support changing the lease agreement. Councilmember Misjuns said he would like to see options. Mr. Freedman said he was looking for Council guidance because if the Council took action at the February 27 meeting, they would have to advertise for a public hearing. He said

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that the advertisement currently stipulated a five-year term, but they could pull the current advertisement. He said that if Council wanted to consider options, he would return at the next meeting with options and postpone the public hearing. Councilmember Dolan said she preferred the five-year lease option.

Councilmember Taylor said he preferred the plan with the five-year lease. Mr. Freedman said that there appeared to be four councilmembers in favor of keeping the five-year lease, so he would leave the lease and advertisement as submitted.

// In the matter of Roll Call, Councilmember Wilder said that the NAACP held a forum in reference to the hateful flyers which had been distributed in the City. He said that they wanted to express love in the community and show it was not a place for hatred. He said that a unity walk would be held on Saturday at 10 p.m. on 5th Street. He said there was a shooting on Friday resulting in the death of Carroll Mack. He said that there was no place for hatred or gun violence in their community. He said that a memorial service would be held on Saturday in remembrance of Carroll Mack. He said that a longtime resident of Ward II, Delores Key, passed away on Sunday at the age of 90. He said that Ms. Key and her husband were strong supporters of the Ward II community.

Councilmember Taylor said that he condemned the racist flyers which were distributed through the City. He said that it took a coward to take such actions at 2 a.m. He said that he stood with the community. He said that the City was above such prejudices, and whoever was leaving the flyers needed to stop.

Mayor Reed acknowledged the work and contributions to the City of the Lynchburg Police Department. Mayor Reed also said that on Christmas Eve and again a few weeks prior, hateful flyers were distributed throughout City neighborhoods. She said that she addressed the matter at a meeting with the Chief of Police and Commonwealth's Attorney where they discussed options to address the flyers. She said that the City Attorney had researched possible ordinances to enact, however, there were few options available to the City that were not already addressed at the state level. She said that the community could stand together, and she extended her apologies to those who had been targeted by the racist and antisemitic flyers. She said that they would not let the flyers divide the City by zip code, race, or religion. She said that the community would stand together and love their neighbors.

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// On the motion of Councilmember Helgeson, seconded by Councilmember , by the following recorded vote, Council elected to enter into a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Lynchburg Regional Airport Commission, Greater Lynchburg Transit Company Board of Directors, Lynchburg Redevelopment & Housing Authority Board of Directors, Planning Commission, Parking Authority, and Towing Advisory Board, and; to discuss the performance of specific membership of the City's Youth Services Advisory Board, in relations to the operations of the City, 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: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

// On motion of Vice Mayor Faraldi, seconded by Councilmember Helgeson, Council by the following recorded vote appointed the following members to the respective boards and commissions:

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Lynchburg Redevelopment and Housing Authority: Councilmember MaryJane Dolan; new term expiring September 30, 2027. Dr. Owen Cardwell; unexpired term ending September 30, 2026.

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

Noes: 0

Lynchburg Parking Authority: Scott Campbell; new term expiring October 31, 2025. Thorne McCraw; Council asked that Mr. McCraw holdover his position until a replacement can be named.

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

Noes: 0

Towing Advisory Board: Robert Taylor, Jr.; new term expiring December 31, 2028. Kelly Currier; new term expiring December 31, 2028.

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

Noes: 0

Planning Commission: Nancy Marion; Council asked Ms. Marion to holdover her position until her replacement can be named.

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

Noes: 0

Greater Lynchburg Transit Company Board of Directors: Gary Dupriest; new term ending October 31, 2026. Tabatha Sprouse; unexpired term ending October 31, 2025. Deputy City Manager Greg Patrick; new term expiring October 31, 2026. Brian Landergan; new term expiring October 31, 2026.

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

Noes: 0

Lynchburg Regional Airport Commission: Jones Stanley; new term expiring December 31, 2026.

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

Lynchburg Regional Airport Commission: Ryan Campbell; unexpired term ending December 31, 2026.

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

Noes: Reed, Faraldi 2

// The meeting was recessed at 5:24 p.m.

February 13, 2024

// City Council reconvened the meeting at 7:00 p.m. The following members were present:

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Larry Taylor, MaryJane Dolan, Sterling

A. Wilder, Chris Faraldi 7

Absent: 0

Vice Mayor Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Agenda Item #1, Council conducted a second reading and adopted Resolution #R-24-009 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating \$225,692 for the 2023 US Department of Justice COPS Hiring Program Grant. On motion of Councilmember Dolan, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

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

Noes: 0

// In the matter of the Consent Agenda, Agenda Item #2, Council conducted a second reading and adopted Resolution #R-24-010 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating \$400,000 for the implementation of a mental health co-responder model. On motion of Councilmember Dolan, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

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

Noes: 0

// In the matter of the Consent Agenda, Agenda Item #3, Councilmember Dolan requested to pull the November 28, 2023, meeting minutes from Consent Agenda Item #3 to make a correction.

Councilmember Dolan motioned, seconded by Councilmember Wilder, to approve the meeting minutes from the following City Council meetings: February 10, 2023; June 20, 2023; June 21, 2023; June 27, 2023; November 14, 2023; and December 1, 2023.

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

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

Noes: 0

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// In the matter of Water Resources, Agenda Item #4, Council held a public hearing and considered adopting Resolution #R-24-013 repealing Resolution #R-23-59 adopted by City Council on June 13, 2023, and approving the Virginia Department of Health Drinking Water State Revolving Fund FY 2022 Bipartisan Infrastructure Law Lead Service Line Inventory Funding. Director of Water Resources Tim Mitchell provided Council with a summary. On January 15, 2021, the Environmental Protection Agency (EPA) published the Lead and Copper Rule Revisions, which later took effect on December 16, 2021. These revisions laid out a series of new actions for all water utilities in the United States, some of which are to be completed by October 16, 2024. The goal of this initiative is to identify lead sources in a water system, implement and/or optimize corrosion control treatment, and establish a plan to eliminate all sources of lead in the water supply system. While the Water Resources Department has been replacing lead service lines on the public side for decades, this current effort focuses on the development of a formal Lead Service Line (LSL) Inventory and Replacement Plan that must be submitted to the State by the regulatory deadline of October 16, 2024. The LSL Inventory must identify all service line materials on both the public side and the private side. This is accomplished through a combination of historical record review and field investigation. Any service line that is an unknown material must be assumed to be lead and treated as lead until the material is confirmed. On November 7, 2022, the City was awarded funding by the Virginia Department of Health (VDH) through the Virginia Drinking Water State Revolving Fund FY 2022 Bipartisan Infrastructure Law Lead Service Line Inventory program in the total award amount of \$500,000. This was presented at a Public Hearing on June 13, 2023 along with an amendment to the Water Capital Fund. Since then on October 24, 2023 the VDH has amended the offer adding an additional \$750,000 for a total award of \$1,250,000, This award is comprised of \$475,000 in a principal forgiveness grant and at least a \$775,000 20 year, 1.0% interest loan. The current expected cost for the LSL Inventory is \$1.45 million. As a result, we will be asking Council to rescind the original resolution and adopt a new resolution reflecting the new award amount and the most current cost of the LSL Inventory.

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 Resolution #R-24-013.

Councilmember Taylor asked whether they were receiving federal funds. Mr. Mitchell said that \$475,000 in principal forgiveness was through the bipartisan infrastructure law funding. He said that the program was required regardless of the source of the funds, but this was the lowest cost funding they could secure at this point.

Councilmember Wilder asked whether the resolution was modifying what had been approved last year. Mr. Mitchell said that last year, Council approved a lesser amount for principal forgiveness, a lower loan amount, and a shorter repayment period. He said the resolution provided additional funding to complete the program.

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 Schools, Agenda Item #5, a second reading was conducted and Council considered adopting Resolution #R-24-012 amending the FY 2024 Adopted Schools Operating Budget and appropriating \$15,000 from the City of Lynchburg's General Fund Reserve for Contingencies to Instruction with the FY 2024 Adopted Schools Operating Budget.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-012.

Councilmember Helgeson stated that reserve for contingency fund should not be spent especially when the request was out of the blue even though it's for a good cause. He stated he would support this if it came from LCS' contingency fund and not the City's.

Councilmember Dolan stated that she would be voting in favor of the proposal, however, she cautioned it sets a bad precedent and could possibly open the City up for future groups to ask for funding. She stated that this would be the only proposal of this nature that she would support.

Councilmember Misjuns made a substitute motion, seconded by Councilmember Helgeson, to amend the resolution to draw funds from the LCS classification budget contingency reserve rather than drawing funds from the City's reserve for contingencies.

Councilmember Misjuns said that they should not set a precedent of distributing City reserve funds to groups. He said that there was \$1.6 million set aside for LCS which should be used instead.

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

Ayes: Helgeson, Misjuns, Taylor 3

Noes: Reed, Faraldi, Dolan, Wilder 4

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

Ayes: Reed, Faraldi, Dolan, Wilder 4

Noes: Helgeson, Misjuns, Taylor 3

// The meeting adjourned at 7:17 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of February, 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 Budget, Council held a work session regarding the FY 2025 - 2029 Capital Improvement Program for the City and Schools. Chief Financial Officer Donna Witt provided Council with a presentation. As part of the FY 2025 Budget, the FY 2025 - 2029 Capital Improvement Program was presented to highlight City and Schools capital projects that are funded by the general fund.

Vice Mayor Faraldi asked for clarification as to whether new items in the maintenance budget referred to items that were new in the current year or items that had not yet been started. Ms. Witt said that the new items had not yet been started. She said that there may be new projects closer to 2029 because they had to be included to work with VDOT for funding. She said that there was no guaranteed VDOT funding, but they intended to apply for funding for those projects. Vice Mayor Faraldi requested additional information for a later work session regarding Nationwide Drive roundabout, Lakeside Drive improvements, Bedford Avenue bridge, and Timberlake Road westbound lanes.

Councilmember Misjuns asked what happened to the funding for projects which were removed in the current fiscal year. Ms. Witt said that those projects were to be funded with a line of credit, and they had not borrowed for some projects, so they would move the appropriations to fully fund 501/221. Councilmember Misjuns asked whether the items for appropriation through 06/30/2024 with dollar amounts were all funded through a line of credit. Ms. Witt said that they were all line of credit items. She said that the only project with bond funding at this point was the police department.

Councilmember Helgeson said that the Finance Committee recently approved a grant for tree plantings downtown. He said that if funding for the tree replacement program in Parks and Recreation was removed, the City could potentially use some of the grant funding to replace trees in some of the parks.

Councilmember Misjuns asked about the nonprofit fundraising efforts of the Fire Department. Ms. Witt said that the funds were still in a reserve account. Councilmember Misjuns asked if the Parks and Recreation foundation could raise funds from private entities to complete park projects. City Manager Mr. Wynter C. Benda stated that Council could accept a note of transfer which was earmarked for specific projects. He said that if there were private interests, staff would make sure that they understood the full requirements to complete the project. Councilmember Misjuns said that leveraging private interests could help complete projects without using tax payer money.

Vice Mayor Faraldi said that he wanted to include funding for all elementary schools, middle schools, and high schools for security improvement projects in the CIP.

Mayor Reed asked why they had to remove several projects and cut funding. Ms. Witt said that there were three main reasons: inflation, increased interest rates, and the ability to pay increased debt service. Mayor Reed asked whether they were seeing differences in revenue streams. Ms. Witt said that many of the economic-driven revenues were starting to flatten.

Councilmember Dolan stated that there was a fourth reason: lowering the Real Estate Tax rate and that subsequent lack of revenue. Ms. Witt replied that this impacts the City's ability to pay debt service.

Mayor Reed stated for the record that there seems to be an argument from some on Council that the reason the schools aren't able to be funded is due to the funding of the Riverfront Amphitheater project when in fact the same Council chose to not fully fund the schools in FY 2024.

// In the matter of Public Works and Lynchburg Police Department, Agenda Item #2, Council was briefed regarding the City and ApCo Easement (3405 Odd Fellows Road - LPD Facility). Deputy Director of Public Works Clay Simmons provided a summary of the item to Council. ApCo needs to obtain an easement across the City property located at 3405 Oddfellows Road to provide permanent power to the new police department headquarters.

// In the matter of Rezoning, Agenda Item #3, Council was briefed regarding Rezoning: I-2, Light Industrial District to B-3, Community Business District & FLUM Amendment: Resource Conservation to Community Commercial – 6201 Fort Avenue. Mayor Reed stated that the item would appear before Council for action at the March 12th, 2024 meeting. City Planner Rachel Frischeisen provided a summary of the item to Council. Watan Holdings, LLC is petitioning to rezone approximately eight hundred ninety-two thousandths (0.892) of an acre located at 6201 Fort Avenue from I-2, Light Industrial District to B-3, Community Business District and to amend the Future Land Use Map from Resource Conservation to Community Commercial to allow the use of an existing structure as a restaurant. This property has been used commercially since at least 1978 and has previously been used as a restaurant several times. Those restaurants were considered "legally nonconforming" restaurants and are not permitted in the I-2, Light Industrial District. Since the structure has been vacant for more than two (2) years, the nonconforming status has lapsed and rezoning would be required to use the property as a restaurant.

Councilmember Helgeson asked whether the cost for the developer to do the rezoning was high; he stated that this has been a restaurant for as long as he could remember and he asked specifically if the petitioner had to pay a lot of money. Ms. Frischeisen said that there was a rezoning fee and an advertisement fee. She said that the applicant was not required to submit engineering or architectural plans unless they intended to change the building. She said that the applicant had indicated they would not do any exterior changes. She said that the use had previously been a restaurant, and the original permit was issued in September 1978. She said that at the time, it was operating as a legally nonconforming use, but since the use had lapsed

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for more than two years, a zoning permit was required to move the development forward. He stated that time lapsed due to governmental COVID restrictions when the restaurant had to shut down and that he hoped the petitioner didn't have to pay a lot of money to operate this as a restaurant going forward since it has historically been a restaurant.

// In the matter of Finance, Agenda Item #4, Council was briefed regarding the PPTA/PPEA Guidelines Update. Mayor Reed stated that the item would appear before Council for action at the March 12th meeting. Chief Financial Officer Donna Witt provided a summary of the item to Council. City Council adopted guidelines for implementation of both the Public-Private Transportation Act (PPTA) and Public-Private Education Facilities & Infrastructure Act (PPEA) in 2004 and then amended both in 2006. Changes to the PPTA legislation over the years have resulted in procedural differences from the PPEA. An update to the guidelines is needed.

// In the matter of Roll Call, Councilmember Wilder said that he wanted to thank those who attended the Unity Walk. He said that more unity was needed in the community. He announced that there was a Youth Conference scheduled for March 16th at 9 a.m. at the Jubilee Center. He said that they wanted to focus on positive events to reduce the negative aspects of the community.

Councilmember Helgeson said that it was sad what they were seeing in society and in the school system. He said that surveys showed students felt less and less safe as they aged through the school system. He said that a culture of permissiveness was fostered when there was no stern action. He said that not being hard on the crime was being hard on the students who were trying to learn. He said that yesterday, a student was put into a coma due to a fight at Heritage High School. He said that they had to change the culture. He said that 365 suspensions and consequences were to protect students. He said that the students were not safe, and there was a continued decline in enrollment. He said that the Council could affect change through its appointments to the School Board. He said that he hoped the School Board

would recognize that discipline was critical. He said that they should remove students who were causing disruptions from the classroom.

Councilmember Misjuns asked citizens to pray for full recovery of the student who was injured at Heritage High School.

Councilmember Taylor said that he echoed Councilmember Misjuns' comments. He said that parents should be responsible for disciplining their children. He said that if there was a father and mother in the house to discipline the children, they would grow up to be productive citizens. He said that they had to give discipline back to the parents.

Vice Mayor Faraldi said that he came from a family of teachers. He said that it pained him to hear that teachers were tasked with educating, counseling, raising, feeding, and protecting students, which was too much. He said that he echoed the previous comments, and there needed to be a comprehensive look at what needed to be done in Lynchburg regarding violent behavior in the schools. He said that it spoke to the crime in the City, and he wanted to thank the City Manager, Chief of Police, and the Commonwealth's Attorney for engaging him on items he requested to determine ways the Council could address violence.

Vice Mayor Faraldi continued by requesting staff to add an ordinance to address a citywide policy on flying flags to an upcoming meeting.

Mayor Reed said that she had a heavy heart, as it had been a rough month for the City. She said that there had been two senseless killings among other incidents that could have resulted in injury or death. She said that they often discussed taxpayers, partnerships, and parents. She said that when looking at the demographics of who the City was arresting, who was in the juvenile detention center, who was in the Fort Hill Alternative School, who was in the group home, the statistics of who would be incarcerated, and the statistics of who was in foster care, it was evident that the City had a desperate need for strong, positive, male mentorship. She said that many homes did not have two strong parents, and there was a large number of young men who were not having their needs met to have the direction to make good choices.

She said that she wanted to see a partnership in their community of men who wanted to be mentors. She said that if men in the community did not get involved, the statistics would not change. She said that she wanted the churches to partner with the City, since there was one on every corner. She said that there were several retirees in the community. She said she wanted to see the City meet the needs of the children. She said that if the children did not receive direction, they would continue to make choices that led to others becoming victims. She said that last week, a 19-year-old woman was murdered because of the choices of a young man. She said that another young man was in a coma because of similar choices.

// On the motion of Councilmember Helgeson, seconded by Councilmember Misjuns, Council elected, by the following recorded vote, to enter into closed session to discuss the investment of public funds in relation to a project with a private party, where competition or bargaining will be 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; to discuss the performance of specific membership of the City's Youth Services Advisory Board and the Lynchburg Youth Services, Inc., in relation to the operations of the City, and to receive legal advice regarding the same, pursuant to Sections 2.2-3711(A)(1) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended; to discuss probable litigation being brought by the City in relation to a development project within the corporate limits of the City and to receive legal advice regarding the same, pursuant to Sections 2.2-3711(A)(7) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended; and to discuss appointments for vacancies to the following Boards and Commissions: MLK/Lynchburg Community Council, Greater Lynchburg Transit Company Board of Directors, 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: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

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

6

Noes: Misjuns 1

// There were no appointments made for either the MLK/Lynchburg Community Council or the Greater Lynchburg Transit Company Board of Directors.

// The meeting recessed at 5:59 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of February, 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 Taylor, Sterling A. Wilder

7

Absent:

0

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

// In the matter of Recognitions, Agenda Item #1, Mayor Reed recognized the Liberty Christian Academy Varsity Co-Cheer team. She said that the team placed 9th in the game-day division and 4th in the co-ed division of Universal Cheerleaders Association (UCA) National High School Cheer Championships held at the ESPN Wide World of Sports Complex in Orlando Florida. She said they were the only team from Virginia to advance to the final round. She said that the team was coached by Coach Susan Hunter, Assistant Coach Morgan Preston and Assistant Coach Morgan Andrews.

// In the matter of Recognitions, Agenda Item #2, Mayor Reed recognized the Lynchburg Fire Department for receiving the Governor's Award for Excellence in Community Risk Reduction. She said the department received the award due to its collaborative efforts with the Fire Marshall's Office and the University of Lynchburg Bonner Program. Fire Chief Wormser said that he had accepted the award on behalf of the City. He said that the award was a testament to the dedication, professionalism, and passion of each member of the Fire Department. He said that the Walkabout Program had resulted in more than 168 smoke alarms installed, 50 smoke alarm batteries changed, and countless conversations which connected citizens to community resources.

// In the matter of the Consent Agenda, Agenda Item #3, Councilmember Misjuns requested to pull the November 28th, 2023 minutes to address some typographical errors; there was a consensus from Council.

// In the matter of the Consent Agenda, Agenda Item #4, copies of the minutes of the January 23, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Dolan, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

7

Noes: 0

// In the matter of the Consent Agenda, Agenda Item #5, copies of the minutes of the February 13, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Dolan, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

7

Noes: 0

// In the matter of CASA of Central Virginia, Agenda Item #6, Council held a public hearing in consideration of adopting a resolution authorizing the letting of property at the Monument Terrace Building and to approve a lease agreement between CASA of Central Virginia, Inc. and the City of Lynchburg. Director of Public Works Gaynelle Hart provided a summary of the request. Court Appointed Special Advocates (CASA) of Central Virginia and the City of Lynchburg have an existing agreement to lease office space at 901 Church Street. CASA currently occupies 3,218 square feet of space for its offices on the first floor. At the time the lease was first approved in October 2012, CASA agreed to pay for \$20,000 of improvements to the space and the City agreed to waive rent payments in lieu of a \$12,000 annual contribution to CASA. When the original 2012 lease was approved for a five-year term, it contemplated the option for two additional five-year renewals. The lease was last amended on September 10, 2019 at which time 888 square feet of space that was formerly occupied by the City's Health

Nurse was added to the lease. However, 136 square feet of that office space currently being used by CASA was not accounted for in the renewal. The attached lease incorporates all the office area currently in use. CASA requests that the City renew their lease and continue to waive the rent in lieu of the City making an annual contribution to support CASA operations.

Kelli Diaz, speaking in favor of the request on behalf of CASA, said that she was the Recruitment and Development Director of CASA for Central Virginia. She said that she requested the City renew the five-year lease. She said that CASA played a crucial role in the lives of children who experienced abuse or neglect. She said that since CASA began 35 years ago in the City, they had served over 5,000 children, and they were currently the third largest CASA program in the state. She said that last year, 79 CASA volunteers served 221 children. She said that the local judges supported the CASA program and relied on the CASA reports. She said that CASA performed crucial, imperative work for the community which was unmet by any other nonprofit in the area. She said the provision of free office space was vital for them to continue their work by providing a stable and accessible location. She said that the Lynchburg office was the central hub for the regional operations, and it was necessary to provide access to the courts and training. She asked the Council to consider the costs of not supporting CASA, without which, the children would bear the impact. She said that children with a CASA volunteer were half as likely to reenter the foster care system, spending 8 months less time in the system. She said that the children were more likely to find a safe and permanent home and more likely to succeed in school. She said that the services provided by CASA saved the City costs by reducing foster care expenses.

Rex Hammond, speaking in favor of the request, asked Council to renew the five-year lease due to the positive impact of CASA on the community. He said that the current facility was uniquely situated to benefit an organization like CASA, providing convenient access to the juvenile courts and the Department of Social Services. He said that few other organizations

would benefit to the same extent. He said that moving the CASA location would disrupt all of their operations. He asked Council to approve another five-year lease.

Kevin Birnbaum, speaking in favor of the request on behalf of the CASA of Central Virginia Board, said that he had served as a board member of CASA of Central Virginia for the last three years. He said that they received financial support from regional partners through grants or in-kind contributions, and if the lease agreement were not approved, there would be a disproportionate contribution from those other partners. He said that last year was the first where they ran a deficit, and their budget would not be able to sustain the fair-market rents. He asked the Council to consider the positive community impacts of CASA. He said that when he was 12, he was removed from his home due to abuse and neglect, and a CASA advocate provided him guidance through the foster care system. He said that because of his CASA advocate, he was able to graduate high school, obtain a master's degree, and start a family.

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.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to approve the resolution. Councilmember Wilder said that he had been a foster parent for 25 years and commended the work CASA had done in the community. He said that CASA provided a great service and partnership with the community.

Councilmember Helgeson said that the lease stated, "the lessor lets the premises to the lessee for a one-time payment of \$50,000 annually, which shall be waived in lieu of the City making an annual contribution." He said that this language was confusing. Mr. Benda explained that there were provisions in the lease that had been carried over from previous agreements, and staff would recommend removing the third paragraph since it did add confusion to the document.

Vice Mayor Faraldi asked how the lease should be amended to reflect the recommended staff changes. Mr. Freedman recommended that if Council, by consensus, amended the motion

to state an arbitrary dollar amount in lieu of contribution, there should be an acknowledgment that there was a money-value to the lease to give it legal weight. Vice Mayor Faraldi said that the current language was structured to show the value of what a lease would be. He said that it would be unfair to write the lease for \$1 because it would require the City to market the space at a \$1 annual rent for other potential tenants. Mr. Freedman said that was a fair statement. Vice Mayor Faraldi said that from a legal stand point, it made more sense to maintain the current lease terms as currently written.

Councilmember Helgeson said that would mean it would be at the \$20,000 rate. He said that currently, the fair-market value was \$48,270. He said that \$20,000 was as arbitrary as the dollar, and \$48,000 was a reasonable price. Mr. Freedman said that if the value was set at \$48,000, the result would be the same, and the value would only serve as an illustration of the rent. He said Council should consider whether CASA had an objection to the lease amendment because it was being approved with the assumption they would sign it.

Vice Mayor Faraldi amended his motion to reflect the \$48,270 fair-market value in the lease. Councilmember Wilder was amenable to the changes.

Mr. Birnbaum said that CASA would require a board vote to accept any changes. He said that he did not see any issue with the changes as they were to reflect the fair-market value of the lease, but that he did not have the authority to unilaterally accept the changes. Vice Mayor Faraldi asked whether it would make sense for the Council to delay action on the lease agreement until the CASA board was able to take action. Mr. Freedman said that Council could defer the matter to see CASA's position on the amendment. Vice Mayor Faraldi asked when the next board meeting would be held; Mr. Birnbaum replied that it would be in late March. Vice Mayor Faraldi asked when the current lease expired. Mr. Freedman said that the lease had expired, and had not been renewed. He said that a new lease was before Council which would commence on March 1st. He said that CASA was currently in holdover status, but the City had no objection to the organization remaining until a decision was made on the lease. Vice Mayor

Faraldi asked whether making the lease effective on May 1st would provide enough time for the CASA board to make a decision. Mr. Birnbaum said that would provide the board enough time. Mr. Freedman said that would be possible; he clarified that the lease term would be amended to May 1, 2024 through April 30, 2029, and the rents would be changed to reflect a payment of \$48,270 annually.

Vice Mayor Faraldi amended his motion to reflect changes in the lease term from May 1, 2024 through April 30, 2029, and changes in the rents to reflect a payment of \$48,270 annually. Councilmember Wilder was amenable to the changes.

Mr. Birnbaum clarified that the holdover would still be in effect; Vice Mayor Faraldi said yes.

Mayor Reed clarified that the vote would be to delay the item. Vice Mayor Faraldi said that the motion was to approve the lease as amended pending approval from the CASA board. Mr. Freedman recommended that instead of taking action at the meeting, Council should defer the matter to the first meeting in April to allow the CASA board to act first.

Vice Mayor Faraldi amended his motion to approve the amendments to the lease as articulated without approving the lease. Councilmember Wilder was amenable to the changes. He said that after the vote on the motion, they could take consensus to defer the item.

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

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

7

Noes:

0

Vice Mayor Faraldi requested to defer the item until April 9th by consensus. Mayor Reed stated that there was consensus and the item would be deferred.

// In the matter of Public Comment, Agenda Item 7, Citizen Colleen Larkins, speaking on behalf of Sandusky PTO, addressed Council regarding the budget for schools. She said that the schools faced issues of violence and literacy, where 2/3s of students who did not have proficient

literacy by 4th grade ended up incarcerated or on welfare. She said that this is what happened when schools were closed and financial decisions were made without putting schools first. She requested that Council should put education at the center of the comprehensive plan.

// In the matter of Public Comment, Agenda Item 8, Citizen Laila Daher addressed Council regarding a ceasefire. She said that God created human beings and loved them all regardless of faith or nationality.

Vice Mayor Faraldi called a point of order that only matters related to City business could be addressed during public comment. Mr. Freedman said that if the speaker was not addressing matters that directly concerned the City, its operations, or its officers, the Council was within its rights to correct the same or not permit the comment. Ms. Daher said she was addressing current issues in Lynchburg. Mr. Freedman said that the presiding officer could give the speaker leeway to continue their comment, redirect the speaker, or not allow the comment. Mayor Reed said she would allow the comment to continue as long as it pertained to City business.

Ms. Daher said that the City's tax dollars were funding genocide while in the City, residents were unable to care for themselves. She said that homeless people and students in public schools needed help in coping with personal horrors, and this help could be provided with available funds. She said that tax dollars should be kept in the City to fund programs for residents, not sent to kill and maim the people of Gaza and the West Bank. She requested that Council request the federal government to stop supporting a genocide.

Vice Mayor Faraldi called a point of order because the comments were not related to City business. Mayor Reed said she agreed with what was needed within the City; however, the content did not relate to City business. She said comments could address City revenue for City issues.

Ms. Daher said that Council should advocate for a ceasefire.

// In the matter of Public Comment, Agenda Item 9, Citizen Cynthia Capps, representing Save Sandusky/Rebuild Sandusky, addressed Council regarding rebuilding Sandusky Elementary

School. She requested that Council not approve funds for additions to Bass Elementary. She said that the Council should work with the School Board to add a line item to rebuild or renovate Sandusky Elementary. She said that closing the school was irresponsible, and literacy was improved when class sizes were kept small. She said that overcrowding cultivated an unsafe environment. She said that they had worked for five months to get more information and save Sandusky, but each request had been redirected and they had made no progress. She said that closing the school would benefit no one.

// In the matter of Public Comment, Agenda Item 10, Citizen Jordan Nesbitt addressed Council regarding the LCS Budget and potential impacts. She requested that Council deny the funding request for renovations to Bass Elementary. She said that LCS administration and School Board members had been provided a packet with data and a contact for Movement Foundation, who was a viable partner to rebuild the school at a fraction of the cost. She said that Sandusky was the third ranked elementary school in LCS, nearly at the state average for proficiency in math scores and double the state average in reading. She said that rebuilding allowed for Scenario 1, supported by 70% of the community.

// In the matter of Public Comment, Agenda Item 11, Citizen Vicente Gonzalez, speaking on behalf of Queer Town Hall, addressed Council regarding a ceasefire. He said that he was requesting the Council to adopt a resolution. He said Queer Town Hall had been working to support queer and LGBTQ+ youth in LCS who were discriminated against by the School Board. He said they stood in solidarity with Save Our Schools at Sandusky and TC Miller. He said that they stood in solidarity with comrades across the country who called on local government to pass resolutions demanding a humanitarian ceasefire in Gaza.

Vice Mayor Faraldi called a point of order because the matter did not relate to City business. Mr. Gonzalez said it was related to City business because the City was requested to approve a resolution. City Attorney Mr. Matthew Freedman said that back and forth debate was not permitted. He said that the Mayor was able to make a ruling on the point of order. Mayor

Reed said that comments could relate to City business, not matters nationally or internationally related. She said that a resolution could be requested addressing matters within the City; otherwise the comment would not be permitted.

Mr. Gonzalez asked City Council to pass a resolution requesting a ceasefire in Gaza.

Mayor Reed stated such comments did not relate to City business.

// In the matter of Budget, Agenda Item #12, Council conducted a first reading of Resolution #R-24-014 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating \$189,985 from the Virginia Department of Forestry for tree maintenance and planting. Mayor Reed stated that the item appeared before the Finance Committee on February 27th, 2024. The City of Lynchburg, Department of Public Works, has been granted \$189,985 from the Virginia Department of Forestry, Urban and Community Forestry, Non-Matching Grants Program. This funding is earmarked for the acquisition of vendor services, following Virginia procurement procedures. The selected vendor will be responsible for the pruning/maintenance of 650 existing trees and the planting of an additional 250 trees in downtown neighborhoods.

Pruning for Long-Term Success:

- Address the critical age and size of existing trees.
- Undertake pruning activities of 650 trees to enhance the likelihood of long-term success and resilience, combating the heat island effect in neighborhoods.

Strategic Tree Planting:

- Plant 250 trees, giving priority to large species where possible, as a key component of the initiative to enhance the urban canopy. The designated planting sites have been pinpointed within the Public Works Department tree inventory, concentrating on blocks lacking street trees or displaying noticeable gaps in the current tree plantings.
- Ongoing support from Lynchburg Tree Stewards spanning a decade guarantees the sustained well-being of these trees, as well as dedicated care and maintenance from the Department of Public Works.

At its February 27, 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, Dolan Helgeson, Misjuns, Taylor, Wilder 7

Noes: 0

// In the matter of Memorials, Agenda Item #13, Council considered adopting Resolution #R-24-015 approving the installation of additional memorials to Monument Terrace. Museum Director Ted Delaney provided a summary of the request to Council. The Virginia Piedmont Chapter of the Military Order of the World Wars (MOWW) and the Lynchburg Area Veterans Council (LAVC) wish to recognize the next major American conflicts after the Vietnam War on Monument Terrace: The Gulf War (1990–1991) and Global War on Terror (2001–). The organizations are proposing a 36" x 24" bronze plaque to be installed on the northwest wall of the Purple Heart terrace. MOWW and LAVC would raise the necessary funds to purchase the memorial plaque. If Lynchburg citizens are identified who died in these conflicts, their names can be engraved on the limestone blocks of the surrounding wall.

The Lynchburg Chapter of the Military Order of the Purple Heart (MOPH) also wishes to install a "Soldier's Battlefield Cross" memorial sculpture in the landscaped area between the World War I terrace of Monument Terrace and the Monument Terrace building. The bronze sculpture, measuring 19" x 19" x 51", is a recognized symbol of the ultimate sacrifice among the armed forces. The MOPH has already raised the funds necessary to purchase the sculpture.

Lastly, the MOPH wishes to install a bench for the convenience of visitors on the Purple Heart terrace of Monument Terrace. The black, powder-coated, metal bench bears the Purple Heart emblem in color on the seat back and measures approximately 48" wide. It would be placed on the northeast wall of the terrace, between the steps and the north corner.

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All additions or modifications to Monument Terrace must be approved by City Council. The last time an addition was made was the Desmond Doss interpretive marker on the World War II terrace in 2017. The Monument Terrace Advisory Committee has reviewed the three new proposals with their sponsors and recommends them to City Council for adoption as presented here.

Steve Bozeman, member of the Lynchburg Area Veterans Council, said that a WWII veteran, John Burch, inspired him to undertake this monument project. He said that he hoped Council would approve the new monuments.

Mayor Reed motioned, seconded by Councilmember Helgeson, to adopt Resolution #R-24-015. Mayor Reed said that it was her honor to support this labor of love. Councilmember Helgeson said that the monuments would honor veterans in the City, and he was thankful for the installations.

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

Ayes: Reed, Faraldi, Dolan Helgeson, Misjuns, Taylor, Wilder	7
Noes:	0

// The meeting adjourned at 8:15 p.m.

Clerk of Council

March 12, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of March 2024, at 4:00 p.m. in 2nd Floor Training Room, City Hall, Stephanie Reed, President, presiding.

The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Larry Taylor, MaryJane Dolan,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Finance, Agenda Item #1, Council was briefed on a bond refunding resolution concerning the issuance of not to exceed \$76,950,000 General Obligation Public Improvement Refunding Bonds, Series 2024. This item will appear for City Council vote on the March 26, 2024 General Business agenda. Chief Financial Officer Donna Witt provided a summary of the item. The City's financial advisors have reviewed the City's bond portfolio and believe there is a refunding opportunity associated with the Series 2014 bonds. This refunding is estimated to result in approximately \$6 million in net savings over the life of the bonds. Savings would be allocated between the General, Water and Sewer Funds as appropriate.

This refunding is in alignment with the City's "Refinancing Debt Policy" which states "a refunding transaction to achieve debt service savings should only be undertaken when the net present value of the savings, net of issuance costs, will be at least 3% of the principal amount of the refunded bonds". The City's financial advisors estimate that the net present value of the savings will be in compliance with this policy.

The following is a summary of the proposed cost of issuance:

Costs of Issuance	Amount
Bond Counsel	\$60,000
Bond Ratings	\$156,000
Financial Advisor	\$189,329
Verification Services	\$5,000
Escrow Services	\$5,000
CUSIPS	\$1,105
OS Preparation/Distribution	\$1,600
Miscellaneous	\$31,966
Total	\$450,000

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// In the matter of the Fire Department, Agenda Item #2, Council was briefed on the Adoption of the Revised Emergency Operations Plan. Fire Chief Gregory Wormser provided a summary of the item. The City's current Emergency Operations Plan (EOP) was originally adopted by City Council on April 23, 2020. It was revised and adopted on February 14, 2012, January 26, 2016, and January 28, 2020. The City is required to revise and adopt the plan every four years.

Overall, the plan has served the City well through numerous planned and unplanned events.

The proposed EOP is an incorporation of best practices from the previous plan, input from the Emergency Policy Team, Emergency Support Functions (ESFs), and Fire Department staff.

The most noteworthy changes include:

- Transition of Emergency Management responsibilities from Emergency Services to Fire Department
- Greater emphasis on provisions to ensure that the plan is applied equitably and that the needs of minority and vulnerable communities are met during emergencies
- Greater emphasis on management of potential cybersecurity incidents
- Additional policies and information as a result of lessons learned since update in 2020

Councilmember Helgeson asked what would dictate the duration of the emergency operations plan during an emergency event. Chief Wormser replied that the decision would ultimately rest with the City Manager and City Council.

Councilmember Misjuns asked for a version of the EOP that outlined the changes made from the previous EOP. He asked if there were any changes to the public health portion of the plan. Chief Wormser said no; there were no substantive changes to the response to public health. He explained that it did not direct how to respond, but directed what ESFs would respond and which personnel would be notified when there was a public health emergency.

Councilmember Taylor asked for clarification regarding the radio system mentioned in the plan. Chief Wormser answered that one of the additions to the plan was to redistribute

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radios as needed during an operation, especially if they had to call in resources from outside of the City.

// In the matter of Planning, Agenda Item #3, Council was briefed on Rezoning: B-3C, Community Business District (Conditional to B-5C, General Business District (Conditional) – 2820, 2840, 2842, 2844 Linkhorne Drive. This item will appear for City Council vote on the April 9, 2024 Public Hearing agenda. City Planner Rachel Frischeisen provided a summary of the item. Swintstorage Conversion Fund, LLC is petitioning to rezone six and thirteen hundredths (6.13) acres located at 2820, 2840, 2842, and 2844 Linkhorne Drive from B-3C, Community Business District(Conditional) to B-5C, General Business District (Conditional) to allow a portion of the existing shopping center to be used for storage units. The petitioner has voluntarily submitted proffers which limit the area that would be used for storage units and state that non-metal exterior finishes are to be used on the self-storage buildings. During the 2019 rezoning, several issues related to stormwater were identified. Proffers from the 2019 rezoning related to stormwater are proposed to be carried forward with this rezoning.

Councilmember Helgeson asked what staff's perspective was regarding the potential effects the change in zoning from B-3 to B-5 may have on the surrounding area. Ms. Frischeisen replied that staff had prioritized maintaining the retail presence and existing uses. She said that it was reflected in the proffers that the proposed use was limited to only storage and only in certain areas. Councilmember Helgeson asked if the entire B-3 portion would be rezoned to B-5. Ms. Frischeisen clarified that it was only the B-3(C) portion that would be rezoned to B-5(C). Councilmember Helgeson said that he did not view the storage units as being beneficial to the community. Ms. Frischeisen noted that the applicant had sent out letters to adjoining property owners and hosted a community meeting, which had resulted in positive feedback regarding the reutilization of the shopping center.

Vice Mayor Faraldi asked City Attorney Matthew Freedman if it was correct that Council must find an itemized reason as articulated in state code in order to deny a permit such as the

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proposed rezoning. Mr. Freedman said yes, zoning decisions primarily considered the health, safety, and welfare of the community, and the reasons must be enunciated and be lawfully reliable. Vice Mayor Faraldi noted that the success of the proposed rezoning would depend on if it was designed appropriately for the neighborhood.

Councilmember Dolan asked if the existing building on the site would be demolished. Ms. Frischeisen said no. She said that the applicant had proposed to use the existing space, and would be designing it so that access to the storage units would be internal.

Councilmember Helgeson said that the petitioner must present good reason for the rezoning request to be approved, and it was not the City's job to do so. He asked if the comprehensive plan called for this property to be zoned as B-5. Ms. Frischeisen replied that the Future Land Use Map (FLUM) indicated commercial, but not specifically B-3 or B-5, so that specification was the Council's decision. Mr. Freedman said that while the applicant should present good reason for the change, Council could not deny the rezoning without a lawful reason.

Mayor Reed asked how many vacant shops were in the shopping center. Ms. Frischeisen said that she understood the center was mostly occupied, and some residents at the community meeting had expressed that they wanted to see some of those uses stay and to accommodate some of the spaces that would be replaced with storage units by moving them elsewhere on the property.

// In the matter of Public Works, Agenda Item #4, Council was briefed on the Flag Display Resolution. Director of Public Works Gaynelle Hart provided a summary of the item. Our current practices for flying flags at city buildings are outlined below:

- Flags are handled by various departments depending on the location of the flag pole.
- Damaged flags are taken to the American Legion for proper disposal.
- Flags are purchased from a local flag shop when they need to be replaced.

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- Departments or the City Manager's office receive Governors flag notification to lower the flag.

The proposed resolution will:

- Provide a list of flags permitted to be flown at city buildings.
- Encourage the City Manager or his designee to establish policies and procedures for proper flag displays.
- Ensure flags at city buildings/facilities are flown in accordance with State and Federal law.

Councilmember Dolan said that a citizen had brought forth a concern, which questioned how the City would address a flag celebrating a future president that was approved as an official flag to be displayed, or if a government-sanctioned flag displayed a message that demeans someone. Vice Mayor Faraldi said that considering the United States Flag was an act of Congress, it would likely have to be more robust than a presidential candidate. Mr. Freedman said that the Vice Mayor was correct. He said that the United States Flag was covered by congressional acts in the U.S. Code. He said that regardless of how a new flag may be adopted into law, the City would have to account for that in the Flag Display Resolution and the City's policies.

Councilmember Misjuns requested that the Flags of the Armed Forces of the United States be added to the list of flags permitted. He asked for clarification regarding the language of the resolution, which stated that the flags shall be flown, but not that they were permitted. Mr. Freedman said that the reason for that language was to make clear that the City as an entity is required to fly these flags, and to standardize what flags the City would fly in accordance with state and federal law. He said that staff would return with information regarding the inclusion of the Flags of the Armed Forces. Councilmember Misjuns said that he would be in favor of prohibiting nongovernmental flags from being flown. Mr. Freedman said that he would

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recommend the Council avoid prohibiting specific flags within this Resolution, in order to retain the intent of referring to the City as an entity.

Councilmember Dolan asked if the language as presented would require the City to fly the flags. Mr. Freedman said that his understanding was that by using the term “shall,” it allowed the City to fly the flags listed, but changing “shall” to “may” created ambiguity in the language that he did not recommend. Councilmember Dolan said that perhaps the language should state that if they were going to fly a flag, the listed flags would be allowed.

Councilmember Helgeson said that his suggestion would be to state that the listed flags were permitted to be flown on City property, rather than to state that they shall be flown. He asked if department flags were necessary. Mr. Benda said that the department flags included those of the police and fire departments, which were helpful in terms of branding.

Mayor Reed said that there was consensus from the Board to change the phrasing from “shall” to “permitted” and to include the Flags of the Armed Forces and the Freedom Flag which commemorates 9/11. Mr. Benda said that staff would distribute information regarding the official Flag of the City of Lynchburg.

// In the matter of Budget, Agenda #5, Council heard a follow-up presentation regarding the FY 2025 – 2029 Capital Improvement Program – City and Schools, presented by Chief Financial Officer Donna Witt, who provided information and clarifications regarding questions that were asked at the previous budget work session.

Councilmember Helgeson asked if the federal funding for Bedford Avenue Bridge was specific to that project. Ms. Witt said that was correct. Councilmember Helgeson asked if there had been any work performed or if they must wait until they appropriate funds in 2026. Ms. Witt said that there were prior appropriations for the state of good repair funding, so the design work was ongoing. Councilmember Helgeson asked if work would be able to be completed if there was an imminent need for stabilization of the bridge. Deputy City Manager Greg Patrick said that there was a rating system for bridges, and if there was a need to immediately stabilize the

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bridge, they would do so. Ms. Witt clarified that it was structured so that they would spend the outside funding before the local funding.

Councilmember Taylor asked if there was any funding for railroads. Ms. Witt said that there was none to her knowledge.

Vice Mayor Faraldi asked whether the funds for the Nationwide Drive roundabout project could be repurposed to other projects where they may have a greater need. He said that he did not want to move forward with the project if it was 100% local funded.

Councilmember Dolan asked for information about the crash data at the Nationwide Drive intersection. Director of Public Works Gaynelle Hart said that they did not pull accident data for the intersection, but there were several near misses. She said that since it was a four-way stop, many drivers did not know what to do. Ms. Hart said that the roundabout project was funded through City money, but they may have an opportunity to apply for revenue sharing.

Councilmember Misjuns said that they should always be presented accident data when reviewing intersection projects. He said that traffic safety should be the guiding principle for project decisions. He asked what the cost difference was for a signalized intersection versus a roundabout. Ms. Hart said that capital investment was generally less for a traffic signal, but there were associated costs of maintenance. She said that roundabouts were a VDOT-approved and recommended solution for similar intersections. She said that she did not have an exact cost comparison, but there were many advantages beyond safety for roundabouts.

Mayor Reed said that it would be helpful to review the traffic data and consider smaller alternative options. Ms. Hart said that on average, for a similar intersection, the cost of signalization was about \$350,000. She said that they had done a lot of community engagement to educate people on driving in roundabouts. She said that it was the most efficient and the safest solution, but she understood the frustration regarding people not knowing how to use them properly.

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Vice Mayor Faraldi requested information regarding what the funds could be used for if the project was removed. Mr. Benda noted that the project was scheduled for FY 29 and asked whether Council wanted to accelerate the project to 2025. Vice Mayor Faraldi said that he wanted to consider options, but he would rather leave the intersection as-is and find another use for the debt capacity or provide tax relief to residents.

Vice Mayor Faraldi asked why they were waiting to complete the Timberlake Road project. Ms. Hart said that it was a maintenance project to perform deep deck repairs on the bridge. Vice Mayor Faraldi asked why they were waiting until FY 29 to perform the maintenance given the projects in the development pipeline. Ms. Hart said that it was a funding and staffing capacity issue. Ms. Hart noted that the bridge was in good condition and did not necessitate immediate maintenance. She said that they had recently completed a five-year bridge condition report which guided their CIP, along with funding and staffing.

Councilmember Misjuns asked if they had considered widening Timberlake Road. Ms. Hart said that they had not considered it, but there were scheduled improvements to the road in FY 30 and beyond. She said that they could consider widening, but it would be expensive. She said that they had completed a safety study of Timberlake Road and identified numerous projects to undertake.

Vice Mayor Faraldi said that if the ADA improvements for the City Stadium visitors' side project were not mandated, then the funding should be pulled and the project scope changed. Parks and Recreation Director Mr. Wyatt Woody said that the ADA improvements were not required, but they were aiming to make the visitors' side equitable to the home side. He said that if they did do improvements, they would have to follow additional ADA requirements, such as an access ramp. Vice Mayor Faraldi said that they should consider funding the ramp and nothing else. Mr. Benda said that the stadium was used for graduations and other events, so it was a revenue generator. He said staff would provide cost options for the project in the later years.

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Vice Mayor Faraldi asked what the \$30 million for Timberlake Road improvements would entail. Ms. Hart said that it would involve restricting U-turns and crossover availability, along with turn lane improvements. She said they would possibly be able to use revenue sharing on some of the improvements.

Mayor Reed asked if Council would consider reincluding the Bluffwalk Lights Hardware project in the CIP since it served as a revenue generator for businesses in the area.

// In the matter of Roll Call, Councilmember Misjuns said he wanted to thank the City Manager who helped a concerned member of the community get their trashcan delivered.

Vice Mayor Faraldi said there was an issue regarding Papa John's trash on Enterprise Drive, and multiple citizens had complained to him regarding the issue. He asked if staff could find out what was happening. He said that he had been approached by multiple people with concerns about two stories in the surrounding area regarding people who were in the state illegally and engaging in criminal activity. He said he wanted to know the City's policies regarding immigration and what the City's law enforcement practice has been regarding engaging the issue.

Mayor Reed recognized the work and contributions to the City of the Public Works Department. She congratulated the LCA Girls Varsity Basketball team for winning the VHSL State Championship. She announced that the YWCA was hosting a domestic violence awareness event at EC Glass High School on March 28 at 7 p.m. She said that it was MS Awareness Month, and she wanted to acknowledge its significance. She said that the month served as a pivotal opportunity to raise awareness of MS, which affected millions of people. She said that through education and advocacy, they can foster understanding and support for those living with MS, as well as for their families and care givers. She said that by recognizing the challenges they face and the resilience they demonstrated daily, they could contribute to a more supportive and inclusive society.

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Councilmember Misjuns announced that the New Covenants Boys Basketball team won its state championship.

// On the motion of Councilmember Wilder, seconded by Councilmember Misjuns, Council elected to hold a closed meeting to receive legal advice and information regarding the term of a member of a board or commission, pursuant to sections § 2.2-3711 (A)(1) and § 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended.

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

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

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Dolan, and Council, by the following recorded vote, adopted the motion:

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

Absent: Helgeson 1

// The meeting recessed at 6:36 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of March, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

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

Larry Taylor, Sterling A. Wilder 7

Absent: 0

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

// In the matter of the Agenda, Mayor Reed stated that Item #8 under General Business would be removed. City Attorney Matthew Freedman explained that the Office of Procurement Director brought some changes to his attention, so he suggested deferring the matter so that the corrections could be made.

Vice Mayor Faraldi requested to add Kimberly Dyke-Harsley to Public Comment. There was a consensus from Council.

// In the matter of the Consent Agenda, Agenda Item #1, a second reading was conducted and Council adopted Resolution #R-24-014 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating \$189,985 from the Virginia Department of Forestry for tree maintenance and planting. Councilmember Dolan motioned, seconded by Councilmember Wilder, to approve the resolution.

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

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

Noes: 0

// In the matter of Planning and Zoning, Agenda Item #2, Council held a public hearing in consideration of adopting Resolution #R-24-016 amending the Future Land Use Map (FLUM)

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from Resource Conservation to Community Commercial and adopting Ordinance #O-24-017 changing a certain area located at 6201 Fort Avenue from I-2, Light Industrial District to B-3, Community Business District. City Planner Rachel Frischeisen provided a summary of the request to Council. Watan Holdings, LLC is petitioning to amend the Future Land Use Map from Resource Conservation to Community Commercial and to rezone approximately eight hundred ninety-two thousandths (0.892) of an acre located at 6201 Fort Avenue from I-2, Light Industrial District to B-3, Community Business District to allow the use of an existing structure as a restaurant.

The property has been used commercially since at least 1978 and has previously been used as a restaurant several times. Those restaurants were considered "legally nonconforming" as restaurants are not permitted in the I-2, Light Industrial District. Since more than two (2) years have passed since the most recent use as a restaurant, the nonconforming status has lapsed and rezoning would be required to use this property as a restaurant.

Thomas Brooks Sr., representing Acres of Virginia Inc, presented on behalf of the petitioner, Watan Holdings LLC.

Beth White, speaking in support of the request, said that there had not been a successful restaurant in that location since Golden Corral left, and the City should give the business the opportunity to be successful.

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

Councilmember Helgeson motioned, seconded by Councilmember Dolan, to adopt Resolution #R-24-016, amending the FLUM.

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

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

Noes: 0

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Councilmember Helgeson motioned, seconded by Councilmember Taylor, to adopt Ordinance #O-24-017, amending the zoning from I-2, Light Industrial District, to B-3, Community Business District.

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

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

Noes: 0

// In the matter of Public Comment, Agenda Item #3, Citizen Jo Meadows addressed Council regarding the public comment policy. He said that last month, Council denied two speakers from making comments regarding the ongoing war in Palestine. He said that the motive for denying the speakers was not relevant to the City, and the behavior showed a clear bias of Council. He said that towns and cities across the US had approved resolutions calling for a ceasefire in Gaza, and the citizens of Lynchburg had the right to do the same. He requested that Council consider a resolution supporting a ceasefire.

// In the matter of Public Comment, Agenda Item #4, Citizen Margaret Johnson was not present.

// In the matter of Public Comment, Agenda Item #5, Citizen Keely Meadows addressed Council regarding the Lynchburg taxpayer's money and where it goes. She said that while Council refused to let two speakers make public comment regarding the war in Palestine, a City official made public social media posts containing hashtags in support of Israel in the war. She said that a local group was formed, Lynchburg for Palestine, and its membership was growing. She said that councilmembers would not stand unopposed as they misrepresented the community, and she called for an immediate ceasefire in Gaza.

// In the matter of Public Comment, Agenda Item #6, Citizen Penny Page addressed Council regarding School Board appointments. She requested that Council remove members of the School Board on the grounds that members of the School Board had shown an inability to regulate their emotions, making them incapable of performing their duties. She said that the School Board had abandoned its obligation to manage funds responsibly by refusing a \$10

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thousand grant for LGBTQ students without following proper procedures. She said that School Board member Christian DePaul was fostering and facilitating an unsafe environment for students, and the most appropriate action was to remove such members from the School Board.

// In the matter Public Comment, Item Not on the Agenda, Citizen Kimberly Dyke-Harsley addressed Council regarding Women's History Month, and she thanked the women in City leadership.

// In the matter of the Budget, Agenda Item #7, Council received its first presentation on the FY 2025 Budget from City Manager Wynter Benda.

// The meeting adjourned at 7:36 p.m.

Clerk of Council

March 19, 2024

// A special meeting of the Council of the City of Lynchburg was held on the 19th day of March 2024, at 4:00 p.m. in the Second Floor Training Room, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Larry Taylor, MaryJane Dolan,	
Sterling A. Wilder, Chris Faraldi	7
Absent:	0

// City Manager Wynter Benda provided an overview of the work session agenda to City Council. Mr. Benda noted that absent from the meeting was Timothy Mitchell, Director of Water Resources.

// In the matter Water Resources, Agenda Item #1, Council was briefed on the Water, Sewer, and Stormwater FY 2025 Budget Overview and Rate Recommendation. Deputy City Manager Greg Patrick presented an overview of the FY 2025 Proposed Water, Sewer, and Stormwater Funds budgets including rate recommendations which are as follows: Water proposed rate of \$3.29 per Hundred Cubic Feet (HCF) up from \$2.93 per HCF; Sewer proposed rate of \$8.30 per HCF up from \$8.10 per HCF; Stormwater proposed rate of \$4.93 per Single Family Unit (SFU) up from \$4.48 per SFU. These rate increases total an average of \$3.22 bill increase per month based on 4.95 HCF average use.

Councilmember Helgeson asked if it was possible to streamline operating costs and focus more on capital costs. Mr. Patrick answered that debt service cost increases were rising due to inflation, so the only way to reduce those costs was to reduce the amount of work being done. Councilmember Helgeson stated that regarding stormwater management issues, rather than focusing on the College Park project, funds should be utilized to focus on current problems such as on Oakley Avenue where pipes were overwhelmed with water, causing manhole covers to pop off. Deputy Director of Water Resources Mr. Greg Poff, said that fixing that issue was going to take millions of dollars and would have to be decided in a few years. Mr. Patrick said

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that he would return with further information regarding the current stormwater issues at College Park.

Vice Mayor Faraldi stated that he knew from personal experience that the stormwater issues at College Park were legitimate.

Councilmember Wilder asked for clarification regarding Option 3, which recommended \$3.29 per hundred cubic feet (HCF). Mr. Patrick answered that the \$3.29 would be the new rate per HCF, amounting to \$1.78 for the average residential user. Councilmember Wilder asked if the \$3.22 was per household. Mr. Patrick said yes, that was the cost of all fees combined per household. Councilmember Wilder stated that he trusted the expertise of the water resources staff and the system outlined in the master plan, which would allow them to strategically maintain their infrastructure without wasting money. He noted that this was an area where expertise was needed, so they must at least maintain a 3% salary increase in this department. He added that by cutting costs and putting off this necessary work, it would only compromise their infrastructure and lead to increased costs in the future, which he firmly opposed.

Vice Mayor Faraldi stated that regarding College Park, by doing the strategy proposed by staff, it would require increasing rates down the line. Vice Mayor Faraldi said that he would not be opposed to that if the rates would roll off once the project was paid for, in order to avoid the City from holding onto the rate to fund future projects. Mr. Patrick answered that the rate increase would cover the debt service on the capital investment, which would not roll off for 20 to 30 years. He said that eventually, yes, but it would be difficult to determine when or how the rate increase rolled off. Vice Mayor Faraldi stated that he was unsure if \$2 million was worth 20 to 30 years of debt service.

Councilmember Misjuns asked if there was a priority list for the pipes that were scheduled to be replaced. Engineering Manager Mr. Scott Parkins stated that they were currently working with an engineering firm, RWA, to develop a master plan that is going to take them through various phases through the year 2050, and their highest priority projects had

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already been slated for 2035 and would be done first. Councilmember Misjuns asked if staff could provide the portions of expenditures and revenues that are variable versus those that are fixed. Mr. Benda said that it could be included in the memo as early as next week and they could discuss it on April 9. Councilmember Misjuns asked if he could see information regarding how many hundred cubic feet did they produced over time.

Councilmember Helgeson asked if most of the debt service was covering the new capital projects. Mr. Poff said that they took a list of projects, had a cash flow that went into the debt service, which goes into the operating budget. Mr. Patrick clarified that the projects were funded according to which was the next scheduled investment. Mr. Parkins stated that the 2030 water master plan list had 49 different projects, which were spread out throughout the entire City.

Councilmember Taylor asked how much in savings they could achieve if they stopped using multiple mail envelopes for the same address. Chief Financial Officer Ms. Donna Witt said that she could not provide that information at this time. She said that she would look into why the water bills were not combined when going to the same address.

// In the matter of Budget, Agenda Item #2, Council was briefed on the FY 2025 Proposed Budget. Deputy City Manager Greg Patrick provided information regarding recent and planned engagements in the budget reconciliation process, including review of the Lynchburg City Schools funding request.

Vice Mayor Faraldi asked if Lynchburg City Schools had requested funds to cover the \$17 million shortfall of funding. Mr. Patrick said no, they did not request the full \$17M. The administration asked for \$3M of the \$17M, and the School Board asked for \$8M.

Councilmember Misjuns requested information regarding the true vacancy of positions in the school system in order to determine how many positions could be eliminated without affecting currently-filled positions.

Councilmember Dolan asked if information could be provided as to what types of positions would be eliminated based on the proposed reductions. Mr. Patrick said that he was

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unsure if the school system knew yet where the reductions would come from, but they could provide a breakdown of positions and vacancies for the proposed division-level reductions. Councilmember Dolan asked if there was a plan regarding the placement of the 600 children whose schools had been proposed to be closed. City Manager Mr. Wynter Benda said that he could request information regarding the strategy for that. Mr. Patrick said that the rezoning plan they were working on had assumed an expansion of W.M. Bass Elementary, so they may have to revisit that entire plan at this point.

Councilmember Helgeson noted that CARES Act funding was for specific purposes that was not meant to be replaced with City revenue. He stated that the \$5 million requested from the School Board was ad hoc. Councilmember Helgeson asked for information clarifying the enrollment and average daily membership. Mr. Benda said that he would follow up on that. Councilmember Helgeson said that he would like to see data regarding the City's population and the enrollment numbers for schools over time.

Councilmember Wilder asked for information regarding the City's investment in the schools over the past five years, as well as data for the non-SOQ positions. He stated that he would like to know the plan for the students of the two schools that they discussed closing, because he did not think that Bass could be prepared within 6 months. He said that he would also like to know what the effects of this proposal would be on the class sizes of their schools. He stated that it should be kept in mind that they were an urban school system with different challenges from that of schools in the surrounding counties.

Mayor Reed asked if information regarding the costs associated with Individualized Education Program (IEP) positions in the school system could be provided, as she understood that there were many children in Lynchburg Schools who required IEPs.

Councilmember Wilder asked if information regarding the suspension rates of children in the City schools versus those of County schools in order to give context to the challenges faced by the school system. Mr. Patrick said that he would look into that information.

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Councilmember Misjuns stated that the policy regarding violent and threatening behavior in the classroom should be addressed district-wide to ensure there were less fights in their schools.

Councilmember Helgeson stated that it was inappropriate for the schools to request \$1M in one-time funding to cover ongoing costs. Ms. Witt clarified that the \$1M was to cover insurance claims that surpassed the budgeted amount, and they planned to raise insurance premiums to offset this as well.

Councilmember Taylor asked what the cost was of the increase in claims. Ms. Witt said that there was an upcoming meeting this week with their health insurance advisor, which schools would be part of as well, so she would ask that question then.

// The meeting adjourned at 5:47 p.m.

Clerk of Council

March 26, 2024

// A joint meeting of the Council of the City of Lynchburg and the School Board was held on the 26th day of March, 2024, at 4:00 p.m. at 300 Lucado Place, Stephanie Reed, President, presiding. The following Councilmembers were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns,	
Larry Taylor, Sterling A. Wilder	7
Absent:	0

The following School Board members were present:

Present: Atul Gupta, Martin Day, Anthony Andrews, Christian DePaul, Randy Trost,	
Sharon Carter, Letitia Lowery, Farid Jalil, Gloria Preston	9
Absent:	0

// In the matter of the Budget, Superintendent of Schools Dr. Crystal Edwards presented the Lynchburg City Schools FY 2025 Budget.

Vice Mayor Faraldi asked whether the budget request would enable LCS to keep Sandusky Elementary open. School Board Vice Chair Dr. Martin Day explained that all the financial planning projections were based on the decision of the School Board to close TC Miller and Sandusky Elementary by fall 2025. He stated that the annual cost for keeping the schools open was more than \$3 million, and the School Board had been informed by Council that they could not afford to keep 11 elementary schools open. He said that they had not produced a budget that was contrary to the School Board's decisions. School Board Chair Dr. Atul Gupta clarified that with the current budget request, Sandusky Elementary and TC Miller would remain open through the upcoming academic year.

Vice Mayor Faraldi asked why the School Board did not request full funding if there was going to be a shortfall from the start related to the \$17 million in COVID-19 pandemic funding. Superintendent Edwards explained that during the pandemic, when LCS received CARES funding, they ran on a lower budget, supplemented by the CARES funding, to reduce the budget impact on the City. She said that since then, in the absence of additional CARES or other

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federal funding, they had been working to get back on track with a regularly funded budget, and over the past few years, they had requested incrementally more funding each year to achieve that goal. She said that for the current school year, the goal was to support the schools and not bankrupt the City. She said that they had worked with staff and the City to plan and forecast the next couple years, and they were willing to do the hard work and make the necessary cuts to get back on track in a fiscally responsible manner.

Vice Mayor Faraldi asked why the budget request from the School Board was not fully funding the schools. Vice Chair Martin replied that they believed a request fully funding the schools would not be accepted.

Councilmember Helgeson said that he questioned the cost increases associated with utilities being attributed to rate increases. He said that in order for the cost increase to be associated with rate increases, rates would have had to be increased by 25%. He said that each year, Council voted on the rates, and they had not been anywhere close to increasing by 25%. Deputy Superintendent Dr. Reid A. Wodicka said that he would share the consumption data for water and sewer for the schools after the meeting. He noted that during the pandemic when schools were closed, consumption data would appear much lower.

Councilmember Misjuns asked how many positions were added since 2020. Superintendent Edwards said she did not have that data, but she could provide the total FTEs. Councilmember Misjuns noted that last year, they lost several teaching positions due to late contracts. He asked whether there was a plan to issue contracts by May 1. Superintendent Edwards explained that only when the state and the City issue their final budgets can the schools issue contracts, and in the past few years, the state had been late in releasing its budget. She said that they could draft contracts prior to budget approval if they were confident in the funding they would receive, otherwise, it was difficult to determine the contracts.

Councilmember Misjuns asked if they had considered K-6 elementary schools and converting Sandusky Elementary into a middle school. Superintendent Edwards said they had

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consultants develop potential options for the School Board's consideration, and options similar to Councilmember Misjuns' suggestions did not rise to the level of being presented to the Board. School Board member Randy Trost said that if they did not receive appropriate funding, they would have to close the schools early. He said that the Board wanted the opportunity to evaluate creative ideas to prevent closing the schools, but they would not be able to do so unless the \$43 million request was approved. School Board Chair Dr. Atul Gupta said that they did not have the capacity or funding to rebuild either of the schools. He said they had considered the consolidation of middle schools, but they lost 77 seats by converting three schools into two, so they did not have the space to consolidate in the upcoming school years.

Vice Mayor Faraldi asked whether the \$43.7 million funding request would achieve the 3% salary increase for teachers. Dr. Gupta said that it would if they received the projected state funding, however, currently, it only provided for a 1% bonus.

// Mayor Reed called a five-minute recess at 05:26 p.m. to allow Dr. Edwards to respond to a school alert.

// The meeting reconvened at 5:38 p.m.

Councilmember Helgeson asked whether there had been savings associated with the electric buses and if they were working. Dr. Edwards said that they only had one electric bus at the moment, but they were awaiting more. She said that the electric utility costs were not associated with the electric buses.

Councilmember Wilder asked for information about the impacts on the community without the non-SOQ positions and without the additional \$3 million. Superintendent Edwards said that if they did not have additional teachers, they were not in a position to maintain the support they received from class size reduction. She said that class size reduction funds allowed them to have class sizes between 19 and 24 students for K-3. She said that removing the non-SOQ positions would result in higher class sizes. She said that in regards to the \$3 million in funding, without it, they would have to make additional cuts, and one option was to

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close a school in the fall. She said that a rushed school closure would have significant negative impacts on the community.

Mayor Reed apologized to the parents and teachers fighting to keep their schools open. She stated that the rollout for school closures has not been good and that they've been put in the middle of what feels like a game.

// Council held a discussion regarding the Lynchburg 25 Year Population Change and the Lynchburg ADM as a Percentage of Population. Councilmember Helgeson provided a presentation outlining the increasing City population and a decreasing school enrollment.

// The meeting recessed at 6:12 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of March, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns,	
Larry Taylor, Sterling A. Wilder	7
Absent:	0

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

// In the matter of Bid Openings, Agenda Item #1, Council opened bidding on the Appalachian Power Company Easement at 3405 Odd Fellows Road. Clerk of Council Alicia L. Finney announced that as a result of an advertisement placed in *The News and Advanced* on February 29th and March 8th, one bid was received on March 20th from Appalachian Power Company. Ms. Finney read the bid into the record. There were no additional bids, and Mayor Reed closed the bidding.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to accept the sole bid from Appalachian Power.

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

Ayes: Reed, Helgeson, Misjuns, Dolan, Taylor, Wilder, Faraldi	7
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Noes: 0

// In the matter of Recognitions, Agenda Item #2, Mayor Reed read a proclamation recognizing National Community Development Week. Grants Coordinator Gabrielle Bateman accepted the proclamation.

// In the matter of the Consent Agenda, Agenda Item #3, Councilmember Misjuns requested to correct the three uses of "Senator Bob Good" on page 21 of the November 28, 2023 minutes to "Congressman Bob Good". Vice Mayor Faraldi motioned, seconded by Councilmember Dolan, to approve the November 28, 2023 City Council meeting minutes as amended.

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

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

Noes: 0

// In the matter of Public Works, Agenda Item #4, Council held a public hearing in consideration of adopting Ordinance #O-24-018 authorizing an easement to Appalachian Power Company at 3405 Odd Fellows Road. Council received a summary of the request from Deputy Public Works Director Clay Simmons. ApCo needs to obtain an easement across the City property located at 3405 Oddfellows Road to provide permanent power to the new Police Department headquarters. A grammatical correction was made on page 2 of the proposed ordinance.

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.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt Ordinance #O-24-018.

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

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

Noes: 0

// In the matter of Public Comment, Agenda Item #5, Citizen Phillip Stump who previously signed up was not present.

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// In the matter of Public Comment, Agenda Item #6, Citizen Robert Flood addressed Council regarding the fight at Heritage High School and what needed to be done about it. He said that the superintendent should not be forced to resign due to the fight, and the City should stop trying to find parties to blame for the problems. He said that they should instead come together and find solutions.

// In the matter of Public Comment, Agenda Item #7, Citizen Michael Bremer addressed Council regarding the importance of public education. He said that public education was a public good, and quality public education benefitted everyone. He said that Council should consider the long-term value of the schools and fully fund the LCS budget request.

// In the matter of Public Comment, Agenda Item #8, Citizen James City was not present.

// In the matter of Public Comment, Agenda Item #9, Citizen Kacey Crabbe was not present.

// In the matter of Public Comment, Agenda Item #10, Citizen Christopher Glover was not present.

// In the matter of Public Comment, Agenda Item #11, Citizen Randy Dunton was not present.

// In the matter of Public Comment, Agenda Item #12, Citizen Nettie Webb, representing Save Our Schools, addressed Council regarding the failure of the school board and administration and the upcoming budget. She requested Council to increase funding for LCS. She said that despite promises from the School Board that positions will not be cut, LCS teachers and staff would lose their jobs due to the decreased funding. She said that there was no trust between the teachers and administration, and there was no transparency. She said that ultimately, the students were harmed by Council and the School Board blaming each other for the shortfalls in the school system.

// In the matter of Finance, Agenda Item #13, Council considered adopting Resolution #R-24-019, authorizing the issuance of not to exceed \$76,950,000 of General Obligation Public Improvement Refunding Bonds, Series 2024, and introducing Resolution #R-24-020 authorizing

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appropriations for issuance costs. Mayor Reed stated that the item was presented to Council during Business Item Briefings on March 12, 2024.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-019 authorizing the issuance of not to exceed \$76,950,000 of General Obligation Public Improvement Refunding Bonds, Series 2024. Vice Mayor Faraldi said that he appreciated how staff had structured the authorizations, which would result in about \$6 million in net savings for the life of the bonds.

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

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

Noes: 0

Vice Mayor Faraldi motioned, seconded by Councilmember Helgeson, to adopt Resolution #R-24-020 authorizing appropriations for issuance costs.

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

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

Noes: 0

// In the matter of Public Works, Agenda Item #14, a second reading was held and Council considered adopting Resolution #R-24-021 approving the City of Lynchburg's Flag Display resolution. Mayor Reed stated that the item was presented to Council during Business Item Briefings on March 12, 2024.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-021. Vice Mayor Faraldi said that the resolution was an opportunity to standardize how the City presented, displayed, housed, and handled flags.

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

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

Noes: 0

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// On the motion of Councilmember Misjuns seconded by Councilmember Helgeson, Council elected to enter into a closed session to discuss the investment of public funds connected to proposed energy storage system siting agreements with a private party, where bargaining is involved and where if made public initially, the financial interest of the City would be adversely affected, and to receive legal advice in connection with the same, pursuant to Sections 2.2-3711(A)(6) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended.

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

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

Noes: 0

// The meeting was reopened to the public.

// Vice Mayor Faraldi made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Helgeson, and Council, by the following recorded vote, adopted the motion:

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

7

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Noes:

0

// The meeting adjourned at 7:59 p.m.

Clerk of Council

April 9, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of April, 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

// City Manager Wynter Benda provided an overview of the work session agenda to City Council. Mr. Benda requested that Agenda Item #2 *Request to Amend the Lynchburg City Schools Major Classification Funding for FY 2024* be moved before Agenda Item #1 *Rezoning: R-1, Low Density Residential District to R-4, High-Density Residential District – 717 & 725 Leesville Road* so that LCS staff could present prior to their 5 p.m. meeting. Mayor Reed noted the consensus from Council.

// In the matter of Schools, Agenda Item #1, Council was briefed regarding a request to amend the Lynchburg City Schools Major Classification Funding for FY 2024. Chief Financial Officer Donna Witt provided Council with a summary of the request. In a letter dated March 19, 2024 Lynchburg City Schools Superintendent reported, "On March 12, 2024, the Lynchburg City School Board voted to request that the City Council transfer the remaining \$1,671,820 in the FY 2024 LCS Contingency Reserve to the Instruction category. This request is crucial for addressing several pressing financial challenges faced by our school division."

If approved, the FY 2024 Adopted Schools Operating Budget would be amended by transferring \$1,671,820 from Contingency Reserves to Instruction. This request does not change the total operating revenues appropriated by City Council but rather moves \$1,671,820 from Contingency Reserves to Instruction.

Councilmember Helgeson asked whether the contingency funds were for 2024. Ms. Witt responded yes, and the sales tax revenue resulted in a reduction of \$1.2 million. She explained

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that LCS and the City received separate sales tax allotments, and LCS received \$1.2 million less than projected.

Councilmember Misjuns asked if the 40% increase in utility costs had been itemized. Deputy Superintendent Dr. Reid A. Wodicka said that cost increases were primarily in increased electric utility costs. Councilmember Misjuns asked whether the consumption was the same. Dr. Wodicka said there was a relatively small increase in usage, up to 4%, while costs had increased about 25%. Councilmember Misjuns asked if there was a projection on the cost increase once the City began utilizing the electric school bus fleet. He asked how much savings would be generated by switching to electric buses given that electric costs were increasing. Dr. Wodicka explained that when they negotiated with the power company for the easement for the electric school bus station, the power company provided a special rate for charging stations, and the rate was held in perpetuity. He said that they had projected for about \$300,000 in savings by moving from diesel engines to electric vehicles.

Vice Mayor Faraldi asked how this request would impact LCS in the next fiscal year. Dr. Wodicka said that they were attempting to right-size the budget figures, and they had made adjustments of about \$250,000. He said that they wanted to ensure the budget reflected the actual costs. Vice Mayor Faraldi asked whether this was related to school closure plans. Dr. Wodicka said that it was not. Vice Mayor Faraldi asked why the School Board was advertising improvements to Bass Elementary when Council had not been briefed on or approved a plan. Dr. Wodicka said that the School Board had received an unsolicited PPEA proposal, and it was considering whether or not to accept the bid before presenting the request to Council.

Councilmember Helgeson asked why utility costs were considered under instruction funding. Dr. Wodicka said that the intent of including the funds under instruction was to attempt to pay for the health insurance claims and benefits, their biggest cost, and they believed this was the simplest way. He said that utilities were part of the increased costs, which was why they were included in the Superintendent's letter.

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Councilmember Misjuns asked if Council could be briefed on the Bass Elementary PPEA in a closed session. City Attorney Matthew Freedmen said that because the proposal had not been formally accepted by the School Board, it was still under proprietary/trade-secret discretion. He said that once the School Board began advertising for proposals, other individuals could make submissions. He said that at that point, the parts of the proposal, absent trade secrets and financing, were open for public inspection.

Mayor Reed clarified that there was a shortfall of approximately \$1.6 million, so LCS was requesting a transfer from the contingency fund to the instruction fund to address the shortfall. She said that instruction was chosen because the category included teachers, which was the biggest expense for LCS, particularly related to benefits costs. Dr. Wodicka replied that was correct. Mayor Reed asked if the shortfall applied to FY 24; Dr. Wodicka replied that was correct. He said that to reduce costs, they had established a hiring freeze for the remainder of the fiscal year, stopped all purchase orders not directly affecting student experiences, and were attempting to reduce utilities consumption.

// In the matter of Planning, Agenda Item #2, Council was briefed on Rezoning: R-1, Low Density Residential District to R-4, High Density Residential District - 717 & 725 Leesville Road. City Planner Rachel Frischeisen briefed Council on the request. Abundant Life Estates, LLC, is petitioning to rezone approximately forty-eight hundredths (0.48) of an acre located at 717 & 725 Leesville Road from R-1, Low Density Residential District to R-4, High Density Residential District. The purpose of the rezoning petition is to allow the construction of an entrance to a twenty-six (26) unit residential development. The “duplex” style residential units and associated parking would be located in Campbell County and accessed via property in the City of Lynchburg.

The portion of the project located in Campbell County was rezoned in 2023 from Business – General Commercial to Residential – Multi Family, and the County’s Future Land Use Map was amended from Urban Development Area Commercial to Medium to High Density

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Mixed. The proposed residential development would create a transition between the single household homes along Leesville Road and the more intense commercial development that may occur in Campbell County in the future.

Councilmember Helgeson stated that they should look to preserve the R1 zoning. He asked how many units could be built on the site. Ms. Frischeisen replied that R4 allowed up to 21.7 units per acre, but because the zoning was directly adjacent to R1 zoning, there was a 50-foot building setback, so no units could be built on the portion of the parcel in the City.

Councilmember Dolan clarified that the units would be built in Campbell County, and the property within the City would be used for the access road. Ms. Frischeisen said that was correct. She said that in previous petitions, the City had held that the zoning for the access should match the zoning for the use if Council were to permit it.

Councilmember Misjuns asked whether Campbell County had approved the development. Ms. Frischeisen said that they had approved the rezoning, but not the site plan because they were awaiting the decision on the access. Councilmember Misjuns asked if they could still use the property for access if Council did not rezone the property. Ms. Frischeisen said that they would have to dedicate the right-of-way and build a City street.

Vice Mayor Faraldi asked why rezoning was better than requiring a City street to be built. Ms. Frischeisen said that they had not discussed the street option with the developer because that was just posed as a hypothetical situation. She said staff recommended approval to the Planning Commission because they believed it would be a better transition between the residential use on the City side and the high-intensity commercial use on the County side. Vice Mayor Faraldi asked who would have to build and maintain the street. Ms. Frischeisen said that if the zoning were granted, the developer would have to maintain the private street; but if the zoning were denied and the developer dedicate the parcel for a City street, they would still be responsible for building the street. Community Development Director Tom Martin said that if Council denied the rezoning, and the developer dedicated the parcel for a public street, then the

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cost for curb, gutter, and sidewalk would be split 50/50 between the City and the developer, and the City would be responsible for maintenance.

Councilmember Misjuns said he was interested in investigating other access options where the City did not have to rezone the property.

Vice Mayor Faraldi asked what was currently on the site. Ms. Frischeisen said that it was used by a mobile home. Vice Mayor Faraldi said he was interested in how long since the site had last been sold.

Councilmember Helgeson asked why Bud Drive was not used as an access. Ms. Frischeisen said that the conditions of Bud Drive were closer to a driveway, and the status of whether it was public or private and who owned the property was unclear at the time the proposal was presented to the Planning Commission. She said that in the developer's concept plan, they proposed gating Bud Drive and using it as an emergency access road.

Councilmember Helgeson expressed concerns about the impacts on the City residents. He said that the request appeared similar to spot-zoning, which should be avoided.

Ms. Frischeisen said she would relay Council's concerns to the developer.

// In the matter of Budget, Agenda Item #3, Council held a work session regarding the FY 2025 Proposed Budget Reconciliation. Chief Financial Officer Donna Witt provided Council with a presentation. City Manager Wynter Benda relayed to Council the presentation was solely based on the questions asked by Councilmembers since the last meeting.

Councilmember Helgeson asked if they had received cost figures for installing a traffic signal instead of a roundabouts. Mayor Reed called a point of order. Mr. Freedman said that if Councilmember Helgeson's comments were specific to the presentation on the table, the discussion could continue, otherwise, the Mayor could request comments or questions from other members which were relevant to the presentation. Councilmember Helgeson said that his comments were germane to the topic of the FY 2025 budget reconciliation. He said that installing a traffic signal would provide improvements at a lower cost and with a shorter timeline.

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Mayor Reed asked for clarification about funding for Bright Nights. Ms. Witt asked that Council allow staff to find funding within current appropriations rather than through FY 25 projects. Mr. Benda said that staff's understanding was that Council was supportive of the project, so they were working within their existing authorization to make it happen.

Councilmember Misjuns requested that they ensure there were individual votes for each line item regarding non-profit type funding. He said he wanted to consider alternative uses for the Bright Nights funds, such as investing in literacy or workforce programs. Ms. Witt clarified that for Bright Nights, the City would purchase and own the lighting infrastructure; they would not be transferring the funds to DLA to purchase the lights. Mr. Patrick noted that the Bright Nights event was an economic development driver, and it was delivering ongoing revenue.

Councilmember Helgeson said that he thought it was a stretch to say the Bright Nights event was an economic development tool. He said that he doubted many people would travel to the City for the event. Mr. Patrick said that the event generated compelling data to show a positive impact on Meals Tax Revenue.

Councilmember Wilder said that it was important to invest in the quality of life of City residents so that the City continued to grow and improve.

Vice Mayor Faraldi said that funding Bright Nights offered an opportunity to provide a one-time investment and create an annual attraction. He said that the data from the event showed it did generate revenue for the City and attracted visitors from the region. He said that he supported moving forward with the project.

// In the matter of Roll Call, Councilmember Taylor announced that he had the opportunity to visit an energy storage battery facility in San Diego, and they were building a similar facility in the City. He said that it was an interesting tour. Mayor Reed announced that she was invited to speak at the Main Library over spring break and read to children, and she had the opportunity to read *Goodnight Lynchburg* by Richard Loving. She said that she had been advocating literacy campaigns over the past few months due to literacy issues in the City, across the state, and

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throughout the country. She said that children who were not literate by the third grade were 65% more likely to be incarcerated, and 70% of Black men who were incarcerated were illiterate. She said that several students in the middle and high schools struggled to read, so she wanted to ensure that LCS students became confident readers so they could have successful futures. She said she partnered with Legacy Education Center to find reading teachers to assist students and adults increase their literacy. She said that they did not have reading teachers at the high school level where there was a need. She said that they were seeking private funding to help get the program running in the schools. She said that it was important to read with children, read to children, and support literacy at a young age. She highlighted the work and contributions of the Lynchburg Water Resources Department.

// On the motion of Councilmember Misjuns, seconded by Councilmember Taylor, Council elected, by the following recorded vote, to enter into a closed meeting to discuss a proposed building improvement project under the authority of the Public-Private Education Facilities Infrastructure Act of 2002, pursuant to Sections 2.2-3705(6)(1)(1) and 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended.

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

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

Noes: 0

// The meeting was reopened to the public.

// Vice Mayor Faraldi 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 Taylor and Council, by the following recorded vote, adopted the motion:

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

6

Noes: Misjuns

1

// The meeting recessed at 5:44 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of April, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

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

Larry Taylor, Sterling A. Wilder

7

Absent:

0

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

// In the matter of Recognitions, Mayor Reed gave a Proclamation recognizing Sexual Assault Awareness Month. Sheila Austin of YWCA Central Virginia accepted the Proclamation and gave remarks.

// In the matter of Recognitions, the Mayor gave a Proclamation recognizing National Safety Telecommunicator Week. Police Chief Ryan Zuidema accepted the Proclamation and gave remarks. Director of the Emergency Communications Center Melissa Foster was also in attendance and gave remarks with several of the department's dispatchers alongside.

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// In the matter of the Consent Agenda, Agenda Item #3, Council adopted Resolution #R-24-020 authorizing appropriations for issuance costs related to general obligation public improvement refunding bonds. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, the following vote was recorded:

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

Noes: 0

// In the matter of the Consent Agenda, Agenda Item #4, copies of the minutes of the February 27, 2024 meeting were previously furnished to Council. Clerk of Council Alicia Finney stated that Councilmember Helgeson had requested to pull the minutes until a later meeting; there was consensus from Council.

// In the matter of the Consent Agenda, Agenda Item #5, copies of the minutes of the March 19, 2024 meeting were previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Taylor, the following vote was recorded:

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

Noes: 0

// In the matter of Planning, Agenda Item #6, Council held a public hearing in consideration of adopting Ordinance #O-24-022 changing a certain area located at 2820, 2840, 2842, 2844 Linkhorne Drive from B-3, Community Business District and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional). City Planner Rachel Frischeisen provided a summary of the item to Council. Swintstorage Conversion Fund, LLC is petitioning to rezone six and forty-two hundredths (6.42) acres located at 2820, 2840, 2842, and 2844 Linkhorne Drive from B-3, Community Business District and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow a portion of the existing shopping center to be used for storage units. The petitioner has voluntarily submitted proffers which limit the area that would be used for storage units and state that non-metal exterior finishes are to be used on the self-storage buildings. During the 2019 rezoning, several issues

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related to stormwater were identified. Proffers from the 2019 rezoning related to stormwater are proposed to be carried forward with this rezoning.

Colin Edwards with Swintstorage Conversion Fund, LLC, made a presentation to Council on behalf of the petitioner. He said that through their close collaboration with City staff and the neighborhoods in the area, they had created proffers and restrictions so that the use for the site was limited to storage. He said that this would be a catalyst for encouraging retail at the property, and he would continue to work on this project for many years into the future.

Rick Reed, speaking in favor of the request on behalf of Coldwell Banker Commercial Reed & Co. He said that his company had been the leasing agent on this property for about ten years, and he provided background on the leasing history of the property. He stated that this was a great opportunity to revitalize the center.

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.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt the Ordinance #O-24-022 changing a certain area located at 2820, 2840, 2842, 2844 Linkhorne Drive from B-3, Community Business District and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional).

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

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

Noes: 0

// In the matter of Public Comment, Agenda Item #7, Etaf Jumaa representative of the Lynchburg Free Palestine Coalition regarding challenging Council members Dolan and Wilder for their stance on the ongoing genocide being committed against Palestine. She stated that the colonial past of Lynchburg must be recognized, because the continued ignorance and hypocrisy of City leaders hindered the progress of the Monacan Nation. She said that the damage done to the indigenous community of Lynchburg can never be reversed; they had an opportunity to not

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repeat the suffering of the past by acknowledging the genocide of the Palestinian people and passing a ceasefire resolution now.

// In the matter of Public Comment, Agenda Item #8, Mayor Reed noted that Ms. Consuela Mosley had notified the Council she would be unable to attend the meeting to make her comments.

// In the matter of Public Comment, Agenda Item #9, Council heard from a citizen regarding school budget/veteran affairs. Vicente Gonzalez of the Latin American Community Center of Lynchburg addressed Council. He said that on May 4, Lynchburg would celebrate its annual International Festival, celebrating the different ethnicities in the City. He stated that while Lynchburg readily acknowledges and provides support to their veteran population, the City provides much less support for the refugees, asylum-seekers, and victims of wars and genocides in which the U.S. has been involved. Councilmembers had the ability to put forth a resolution calling for a ceasefire in Gaza, and he asked that they use their voices to stand up for the Palestinian community.

// In the matter of Public Comment, Agenda Item #10, Council heard from citizen Michael Bremer regarding literacy. He stated that literacy is a public safety concern. They cannot police their way to a more just and peaceful society; they must educate. He provided statistics regarding the negative consequences that resulted from a lifelong deficit in literacy. He requested that the City Council support the public schools' literacy programs as requested by the School Board and work towards restoring the funding in future years.

// In the matter of Public Comment, Agenda Item #11, Council heard from citizen Phillip Stump regarding the city budget as it affects schools. He stated that by being shortsighted in cutting taxes, they were hurting the City's s property values, their fundamental values, and their children, who are their future. Lynchburg was spending half as much on schools as their neighboring cities. For their long-range plan, the City should not cut taxes but in fact raise them to provide adequate salaries and qualify for more funding from the state, and the short-term

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solution for this year was to increase the proportion of the City's budget for their schools in order to raise teachers' salaries and keep schools from closing.

// In the matter of Public Comment, Agenda Item #12, Nicole Spangenberg representing Queer Town Hall regarding the rise of Islamophobia; discrimination. Ms. Spangenberg expressed concern for the verbal abuse and targeted harassment that her Muslim friends had been experiencing in Lynchburg recently. The City should never tolerate prejudice or hate against any religious group, and Muslims as well as Palestinians needed their solidarity. Queer Town Hall requested that Council follow in the actions of other cities around the U.S. by passing a resolution demanding a ceasefire in Gaza and cessation of military aid to Israel.

// In the matter of CASA of Central Virginia, Inc, Agenda Item #13, Council considered adopting Resolution #R-24-023 authorizing the letting of property at the Monument Terrace Building and to approve a lease agreement between CASA of Central Virginia, Inc. and the City of Lynchburg. Assistant City Manager Kent White provided a summary of the item to Council. Court Appointed Special Advocates (CASA) of Central Virginia and the City of Lynchburg have an existing agreement to lease office space at 901 Church Street. CASA currently occupies 3,218 square feet of space for its offices on the first floor. The lease was last amended on September 10, 2019 at which time 888 square feet of space that was formerly occupied by the City's Health Nurse was added to the lease. However, 136 square feet of that office space currently being used by CASA was not accounted for in the renewal. The lease incorporates all the office area currently in use. During their February 27th Public Hearing, Council tabled action on the lease until this meeting to allow CASA's board time to review proposed changes. Those changes include a modification to the effective dates (page 1, #2) and a change to the amount of the lease to reflect the market value of the space (page 1, #3). CASA's board approved these changes at their March 22nd meeting.

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Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-023 authorizing the letting of property at the Monument Terrace Building and to approve a lease agreement between CASA of Central Virginia, Inc. and the City of Lynchburg.

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

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

Noes: 0

// In the matter of the Fire Department, Agenda Item #14, Council considered adopting a resolution approving the Revised Emergency Operation Plan. Fire Chief Greg Wormser provided Council with a presentation. The City's current Emergency Operations Plan (EOP) was originally adopted by City Council on April 23, 2002. It was revised and adopted on February 14, 2012, January 26, 2016, and January 28, 2020. The City is required to revise and adopt the plan every four years. Overall, the plan has served the City well through numerous planned and unplanned events. The proposed EOP is an incorporation of best practices from the previous plan, input from the Emergency Policy Team, Emergency Support Functions (ESFs), and Fire Department staff. The most noteworthy changes include:

- Transition of Emergency Management responsibilities from Emergency Services to Fire Department
- Greater emphasis on provisions to ensure that the plan is applied equitably and that the needs of minority and vulnerable communities are met during emergencies
- Greater emphasis on management of potential cybersecurity incidents
- Additional policies and information as a result of lessons learned since update in 2020

Councilmember Misjuns asked Chief Wormser if they could amend the plan to put the responsibility of deciding extension of the duration of the emergency plan onto the elected officials rather than putting the responsibility on City staff. Chief Wormser said that to achieve that, they likely would have to put that in a separate ordinance, and he would be happy to work with the City Attorney's Office to accomplish that.

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Mayor Reed asked City Attorney Mr. Matthew Freedman if, in this situation, the Mayor or two members of Council could call a special meeting on their own at any time. Mr. Freedman said that the Code of Virginia puts a limit on the amount of time that can pass between the declaration of local emergency to the point that it was ratified by City Council or expires, but nothing within that time period would prevent City Council under its Rules of Procedure and State Code from calling a special meeting on their own volition in order to ratify the declaration of local emergency or override the decision to call the emergency. Council could add language, but the checks and balances would be there irrespective of what was included in the plan.

Councilmember Misjuns said that if there was a decision made that results in the schools being closed, that decision should rest with the elected governing body rather than an individual. It would behoove them to have language that indicated they would hold a special meeting within a certain amount of time. He asked if efforts would be made to engage all communities in the emergency planning and decision-making processes; Chief Wormser replied yes.

Councilmember Misjuns said that it did not say that in writing. He asked what the definition of culturally appropriate messaging was. Chief Wormser said that according to the Code of Virginia, it was messaging that was in an appropriate language that people can understand and speak. Councilmember Misjuns asked if they would collaborate with community partners that serve all populations; Chief Wormser replied yes. Councilmember Misjuns said that it did not say that in writing. He asked if the effectiveness of strategies to address the needs of all communities be regularly evaluated with adjustments made based on feedback and lessons learned from past emergencies; Chief Wormser said yes. Councilmember Misjuns said that it did not say that in writing. He said that he did not know if he could support this plan without changes to the language.

Councilmember Dolan said that she was unsure if she was in favor of Councilmember Misjuns' proposal regarding the 45-day period because there must be safeguards in place to prevent the process from becoming political.

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Mayor Reed asked Diversity, Equity, and Inclusion Strategist Dr. Hollie Jennings if minority populations were identified in the language in order to ensure they were provided fair treatment. Dr. Jennings said that in order to provide fair treatment, services may need to be provided differently in order to effectively communicate the same message to specific populations, such as Spanish speakers, the hearing-impaired, and the visually impaired. She said that the method of provision may be different based on the need.

Councilmember Helgeson asked if this document needed to be approved today. Chief Wormser said that yes, it would be appropriate to have it approved today because otherwise they will be out of compliance with state requirements. Councilmember Helgeson asked if it would be any more out of compliance if they adopt it in two weeks. Chief Wormser said no. Councilmember Helgeson asked when the last time they approved an Emergency Operations Plan. Chief Wormser said that the Emergency Operations Plan was required to be adopted every four years, per state code, and 2020 was the last time they adopted it. Councilmember Helgeson said that it would be appropriate to amend the language to include that a meeting of Council would be called within the 45 days.

Councilmember Taylor asked if the language could be amended to reflect that all persons would be included. Chief Wormser said that as Dr. Jennings had noted, the language that referenced minority populations was added to the State Code because those populations had historically been underserved in these circumstances, but the intent was to include all populations in the EOP. Mr. Freedman said that at the very end of page 5, it stated that the Emergency Operations Plan reaffirms their commitment to serving all members of their community equitably in times of crisis and in accordance with the principles outlined in the Code of Virginia.

Mayor Reed asked if the implementation of this plan must be in accordance with State Code. Chief Wormser said yes, the plan must fall within the guidelines of State Code. He said

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that they could add or change language regarding the days, but ultimately, the 45 days must remain in the plan because it was required by State Code.

Councilmember Misjuns said that they should not leave anything up for assumption in this language by omitting it, and should explicitly state their intentions in the document. He said that focusing on the City as a whole would allow this document to be a long-term solution.

Vice Mayor Faraldi asked when the Code of Virginia being referenced was changed. Mr. Freedman said that he was unsure, but could find out that information. Chief Wormser said that the update would have been within the past four years, because without these changes they would be out of compliance. Vice Mayor Faraldi asked if this language was an issue during the last EOP adopted by the City. Chief Wormser said that his understanding was that this language was not included in the last EOP. Mr. Freedman said that he would need to compare the previous EOP to the legislative history in order to answer the Vice Mayor's question.

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to table the item until the Council meeting in two weeks.

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

Ayes: Helgeson, Misjuns, Taylor, Faraldi, Reed 5

Noes: Dolan, Wilder 2

Councilmember Wilder asked what the consequences were of them not being in compliance. Chief Wormser said that he did not have an answer.

// The meeting adjourned at 8:18 p.m.

Clerk of Council

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// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of April, 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 Community Development, Agenda Item #1, Council was briefed regarding Revenue Sharing for Solar and Energy Storage Facilities. Mayor Reed stated that the item would appear before Council for action on May 14, 2024. Community Development Director Tom Martin briefed Council. The City currently has two (2) battery energy storage facilities in the review process for development - one at 3920 Harbor Street / 109 Old Trents Ferry Road and the other at 3920 Carroll Avenue. The Code of Virginia § 58.1-3660 provides that energy storage facilities shall be assessed at eighty (80) percent of the assessed value in the first five (5) years of service, seventy (70) percent of the assessed value in the second five (5) years in service and sixty (60) percent of the assessed value for all remaining years of service. The reduction in assessed value would apply to the City's Machinery & Tools Tax or, if applicable, the State Corporation Commission (SCC) Assessment.

In lieu of the reduced Machinery & Tools Tax, Code of Virginia § 58.1-2636 provides that a locality may, by ordinance, assess a revenue share of up to fourteen hundred dollars (\$1400) per megawatt of the energy storage facility. This assessment would increase on July 1, 2026 and every five years thereafter by ten (10) percent. This revenue share agreement would remain in place for the life of the facility regardless of ownership.

If the City adopts the proposed Revenue Sharing Ordinance, the City's Machinery & Tools Tax would no longer be applicable to Solar or Energy Storage Facilities.

// In the matter of Planning, Agenda Item #2, Council was briefed regarding Rezoning: B-5, General Business District; B-5C, General Business District (Conditional); and I-2, Light Industrial

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District to B-5C, General Business District (Conditional) - 2731, 2735 & 2739 Wards Road.

Mayor Reed stated that the item would appear before Council for action on May 14, 2024. City Planner Rachel Frischeisen briefed Council on the request. Wards Road Development, LLC, is petitioning to rezone approximately two and three tenths (2.3) acres 2731, 2735, & 2739 Wards Road from I-2, Light Industrial District, B-5, General Business District, and B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional). The purpose of the petition is to allow for a gas station with a convenience store and a light auto repair facility.

A left turn taper, right turn taper, and medians are proposed to be installed in Wards Road. These improvements have been proffered by the petitioner and are consistent with the initiatives outlined in the traffic study currently being prepared by the Virginia Department of Transportation (VDOT). The four existing entrances on Wards Road will be consolidated into one entrance.

The proposed rezoning should have limited impact on the area and would fit in with the zoning of the surrounding properties. The proposed uses are similar in nature to those that have been previously located on the site. The proffered improvements to Wards Road should mitigate traffic impacts and improve safety in the corridor.

// In the matter of the School Board, Agenda Item #3, Council was briefed regarding the 2024 School Board Appointment Process. Clerk of Council Alicia Finney briefed Council on the process.

Outlined below is the proposed schedule:

- May 14, 2024 - Conduct a public hearing to receive citizen input regarding potential candidates
- May 28, 2024 - Continuation of a public hearing to receive citizen input regarding potential candidates. At the close of the public hearing and while remaining in open session, Council will review and discuss applications filed with the Clerk of Council to determine those individuals to interview.

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- June 11, 2024 - Finalization of choosing candidates during General Business
- June 12 - June 24, 2024 - Hold a slate of special meetings for the purpose of conducting interviews with candidates. These will be live-streamed as well as open to the public.
- June 25, 2024 - City Council will discuss candidates during General Business and appoint three members to the School Board for new terms commencing July 1, 2024 and expiring June 30, 2027.

Councilmember Helgeson suggested that Council vote on appointees via a ballot. He said that if a candidate did not receive a majority of the votes, the candidate with the lowest number of votes would be removed. He said that after the initial interview, candidates should be placed on the ballot for consideration. Ms. Finney explained that currently, a motion was made to appoint a candidate, which was then seconded and voted upon; and if the motion carried, then the candidate was appointed to the School Board. City Attorney Mr. Matthew Freedman said that the main issue with a ballot process was that there was the risk of having less than four votes for a candidate. He said that Council's rules of procedure only permitted one motion on the table at a time as the main motion. He said that if multiple nominations were made as motions, it could create confusion because there would be multiple motions on the table that fail, but these would keep coming back for consideration until a candidate was chosen. He suggested that if Council wanted to consider all candidates, it should vote on each candidate as they came before Council. Councilmember Helgeson said that they should be able to consider all candidates before appointing one. He said they could have a ballot for each ward.

Councilmember Dolan said that it would not be fair to have someone on the ballot who was unfit for the position. She said that the number of candidates could make the process cumbersome.

Councilmember Helgeson said that Council would nominate candidates to be on the ballot, then they would vote on all of the nominated candidates at once.

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Councilmember Misjuns suggested a process for School Board appointments which he had proposed last year as well. He said that using a ballot process would streamline the process and allow Council to discuss and consider each candidate. He said that they could set a rule where each councilmember may only nominate one candidate.

Vice Mayor Faraldi stated that he felt there should be an elected School Board so that they are chosen by the voters. He said that Councilmember Misjuns' proposal was an attempt to control and purify the process. He asked whether the proposed rules for School Board appointments should be applied to every other board appointment made by Council so that there would be equal treatment. Mr. Freedman said that Council should try to have a standard or normal procedure for appointments rather than unique processes for each type of appointment because it would lead to unfair treatment. He said that if there were multiple candidates on the ballot, it would be likely that Council would not reach a majority decision on the appointment.

Ms. Finney suggested that after Council interviews candidates, they could address the nominations in a Roll Call style, and after the discussion, the floor could be opened for motions.

Mayor Reed said she would poll Council on whether to change the process or keep it the same.

Councilmember Wilder said he supported the process as it was presented.

Councilmember Dolan said she supported the process as it was presented.

Councilmember Helgeson said that Council should nominate candidates by ballot and then vote.

Councilmember Misjuns said that the same concerns raised about his proposal could be raised about the current process. He said he supported his proposal, as he had done the year before.

Councilmember Taylor said that they had a nomination process in place, and they would continue to nominate the best candidates for the position.

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Vice Mayor Faraldi said he supported the process as-is.

Mayor Reed said she supported the process as-is.

// In the matter of Budget, Agenda Item #4, Council held a work session regarding FY 2025 Proposed Budget Reconciliation. City Manager Wynter Benda said that staff would present options to Council on how to achieve funding to keep Sandusky Elementary and TC Miller Elementary open for one more year. Chief Financial Officer Donna Witt provided a presentation to Council.

Mayor Reed asked, in regards to holding the funds in reserve, if Council would have to make an amendment to the budget in order to release the funds to LCS. Ms. Witt explained that they would move \$1.6 million from the capital fund to the general fund and hold it in a reserve. She said that if LCS required the additional funds, it would take an action of Council to appropriate and transfer the funds to LCS.

Councilmember Helgeson said that they should hold off on spending for other projects on the City side. He said that they should keep the funds in contingency and roll them over so that the funds would total \$3.2 million, which Council could allocate if needed.

Councilmember Misjuns asked what Council got from the \$4.5 million spent on the Florida Avenue sidewalk. Ms. Witt said that they had not spent the funds. She said that a portion of the funds was revenue share funding which they had not received because the project had not moved forward. She said that the remaining portion was through a line of credit which they had not borrowed yet. Deputy City Manager Greg Patrick explained that they had reduced the project scope, and it was currently in design. He explained that they encountered issues getting sidewalk across the railroad.

Vice Mayor Faraldi said that staff's proposed plan was creative and fiscally responsible—it kept TC Miller and Sandusky open for one year, kept all capital projects and City services moving forward, and it reduced City debt.

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Councilmember Misjuns asked if they would have the available funds in the budget to move the CAD replacement project forward within the next five years. Ms. Witt said that the project was already appropriated, but they had not moved forward on drawing down the line of credit. She said that there would be capacity for the project, but capital projects were fluid, so should the need for funding arise, they could move projects around to free up the funds.

Mr. Benda asked whether Council still desired to hold the scheduled budget reconciliation work session next week.

Councilmember Misjuns said that he could not decide whether to cancel the next budget reconciliation work session until after Council's regular meeting.

Councilmember Taylor said he was comfortable canceling the work session.

Vice Mayor Faraldi said he supported canceling the work session.

Councilmember Wilder said he supported canceling the work session.

Councilmember Dolan said she was comfortable canceling the work session.

Councilmember Helgeson said that they should cancel the work session.

Mayor Reed said that there was consensus to cancel the work session.

// In the matter of Roll Call, Councilmember Wilder said that the LCS Strings Program held an event last Saturday to celebrate the program's 50th anniversary. He thanked the people who supported the project. He said that on Sunday, several hundred students played violin at an event, showcasing the great programs in the school system. He commended the school system and community partners who made it possible. He said that Lynchburg United held an event at EC Glass last Saturday. He said that they must unite together to address violence in the community.

Vice Mayor Faraldi said that he was invited to the LCS Strings event, but he was unable to attend. He commended the program for its success, noting that 50 years of a program was amazing. He said that he received an email which he would forward to staff expressing some concerns, and he wanted staff to look into some of the issues. He said that in anticipation of the

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250th anniversary of the signing of the Declaration of Independence, there was a national organization working to allow localities to solicit funds for the celebration. He said that Old City Cemetery was the principal organizer, and they required a resolution from Council empowering them to solicit funds and plan the event. He said that the resolution would be presented at the next Council meeting as a Business Item Briefing.

Mayor Reed stated that next Thursday was the National Day of Prayer, and Council would be holding an event at the base of Monument Terrace from 8:30 a.m. to 9:30 a.m. She said that citizens were invited to participate. She said that the Mayor's Youth Council was hosting a multi-part cleanup event on Saturday, April 27 from 9 a.m. to 12. She said that the Mayor's Youth Council called on peers to help cleanup [Biggers Park, Hollins Mill, and Riverside Park]. She said that participants would engage in litter cleanup to enhance the beauty of City parks. She said that they would also be accepting donations to support the planting of trees throughout the community. She said that together, they could ensure the parks remained vibrant and welcoming spaces for everyone to enjoy. She said that more details were available on Instagram, @lyh_mayorsyouthcouncil. She also acknowledged the contributions and work of the City Attorney's Office.

// On the motion of Councilmember Wilder, seconded by Councilmember Taylor, Council elected, by the following recorded vote, to enter into a closed meeting to discuss the potential resolution of a pending law-enforcement lawsuit pursuant to Section(s) 2.2-3711(A)(7) and - (A)(8) of the Code of Virginia, 1950, as amended; and to discuss litigation (and alternatives thereto) being brought by the City against a private party pursuant to Section(s) 2.2-3711(A)(7) and -(A)(8) of the Code of Virginia, 1950, as amended.

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

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

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After the vote, Councilmember Misjuns noted he abstained from voting because he is a private party currently in litigation against the City.

// The meeting was reopened to the public.

// Vice Mayor Faraldi made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

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

6

Noes: Misjuns

1

// The meeting recessed at 6:26 p.m.

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

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

Larry Taylor, Sterling A. Wilder

7

Absent:

0

// Vice Mayor Faraldi led the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, the Mayor gave a Proclamation recognizing Small Business Week.

Director of Economic Development Marjette Upshur and Small Business Development Center Executive Director Stephanie Keener accepted the Proclamation.

// In the matter of Recognitions, the Mayor gave a Proclamation recognizing Economic Development Week.

Director of Economic Development Marjette Upshur and Lynchburg Regional Business Alliance CEO Megan Lucas accepted the Proclamation.

// In the matter of Engineering, Agenda Item #3, Council held a public hearing in consideration of adopting Resolution #R-24-024 granting a non-exclusive interim license agreement to maintain and operate 1,670 linear feet of fiber optic cable between the City of Lynchburg and Sprint. City Engineer Lee Newland provided a brief summary of the item to Council. Sprint has asked to continue use and be granted a non-exclusive interim license to maintain and operate 1,670 linear feet of fiber optic cable for telecommunications purposes leaving the Norfolk Southern Railway corridor commencing at 12th Street and proceeding in a northerly direction along the westerly side of the abandoned railroad track (formerly Norfolk Western) within the corporate limits of the City of Lynchburg, Virginia (City), as more specifically described in that certain Interim License Agreement, dated January 9, 2024, between the City and Sprint. Staff recommends authorization of the attached license agreement by adopting the attached proposed Resolution to permit the existing communications cable to remain, given that the encroachments cause no undue hardship to the City.

There was no one present 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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Mayor Reed said that this item was presented to the Physical Development Committee on March 12, 2024, and she would defer to the Chair of that committee, Councilmember Taylor.

Councilmember Taylor said that the PDC had voted for approval of this item. He motioned for the Council to adopted Resolution #R-24-024 granting a non-exclusive interim license agreement to maintain and operate 1,670 feet of fiber optic cable between the City of Lynchburg and Sprint.

No second was required and with no discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Planning, Agenda Item #4, Council considered adopting Ordinance #O-24-025 changing a certain area located at 717 & 725 Leesville Road from R-1, Low Density Residential District to R-4, High Density Residential District. Senior Planner Rachel Frischeisen provided a brief summary of the item to Council. Abundant Life Estates, LLC, is petitioning to rezone approximately forty-eight hundredths (0.48) of an acre located at 717 & 725 Leesville Road from R-1, Low Density Residential District to R-4, High Density Residential District. The purpose of the rezoning petition is to allow the construction of an entrance to a twenty-six (26) unit residential development. The “duplex” style residential units and associated parking would be located in Campbell County and accessed via property in the City of Lynchburg. The portion of the project located in Campbell County was rezoned in 2023 from Business – General Commercial to Residential – Multi Family, and the County’s Future Land Use Map was amended from Urban Development Area Commercial to Medium to High Density Mixed. The proposed residential development would create a transition between the single household homes along Leesville Road and the more intense commercial development that may occur in Campbell County in the future.

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Amy Seipp of Accupoint Surveying and Design was present to represent the petitioner. She said that after a long period of working on this project, it had received approval from Campbell County. She noted that an even larger swathe of the area had been rezoned to create a transition from the heavier general commercial to the single family residential in the area. In addition, the technical requirements of Campbell County only allowed 40% of the property to be covered in impervious area, so the remaining 60% would be green space and landscaping buffers. The request was before Council so they could access the property, and no structures or residences would be proposed in this area.

Carl Miller, 1819 Rural Oak Drive, spoke in favor of the proposed project. He explained that he was a one-third partner on this project owned by Abundant Life Estates along with partners Nathan Swarey and Kendal Hostetler, the owners of H&S Improvements. This project was mostly in Campbell County, and per City law they required access to it through their owned City property. Their intent was to be a good neighbor, create an attractive project, and provide 26 housing units at under \$300,000 per unit to meet the demand for affordable housing in Lynchburg.

Timothy Santiago, Euclid Avenue, spoke in opposition to the proposed project. He said that he opposed this proposal because there was not enough room or infrastructure for rezonings such as this to continue being granted. He noted that Emergency Services in Lynchburg was not close enough to this area to respond in case of an accident on the already-congested road. He urged Council to deny any high-density proposals in this area until they had sufficient infrastructure to support such density.

Mayor Reed asked if the applicant would like to make a rebuttal to the statement of opposition.

Ms. Seipp said that the neighborhood had definitely started to become a transitional neighborhood; it had become more populated with rentals and development along the road. Improvements to the road would be made as a need was identified. A traffic analysis had been

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performed for this development, and they were in compliance for the needs of an entryway. The technical requirements and engineering specifications of the City would be met as they related to traffic along this road.

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 stated that as discussed at their business item briefing a few weeks ago, he saw no reason to do spot zoning of R-4 in an area that was almost exclusively R-1 zoning. Due to the surrounding residential zoning and the minimal benefit the rezoning would bring to Lynchburg, he could not vote in favor of this proposal. He suggested that they build the entrance through Campbell County rather than through the City. He reiterated that although it would likely be a good development for Campbell County, there was no benefit to the City of Lynchburg. He expressed concern regarding the precedent that would be set if they approved this type of high-density rezoning. He made a motion, seconded by Councilmember Misjuns, to deny this rezoning as presented.

Councilmember Misjuns asked Fire Chief Gregory Wormser how this development would impact the operations of the City's Fire Rescue services. Chief Wormser replied that it was difficult to say at this juncture, and he may require more information. He explained that they have mutual aid agreements with all of their County partners. Councilmember Misjuns asked if it was correct that the only ingress and egress out of this project located in Campbell County was through the City of Lynchburg. Ms. Frischeisen answered that it was the only egress available. Councilmember Misjuns said that any traffic accidents on that road would be automatic City responses because the road was located in the City. Chief Wormser said yes, that was his understanding. Councilmember Misjuns asked Ms. Seipp if alternatives to this rezoning had been explored, knowing that this proposed rezoning was likely the easiest and least restrictive path. Ms. Seipp said that because they were only access to an entrance, it reverts to the County zoning. The zoning in the City must match whatever was occurring in the County, which in this

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case was multi-family. While it had been suggested that it was spot zoning, the area could only be used for a driveway. Research from her firm and City staff had shown that there were some roads in the City and County that did not have documented ownership, which made development processes difficult. She noted that the proposed plan included turnaround access for fire apparatus, as well as exit-only access to Bud Drive for emergency services.

Councilmember Misjuns said that he agreed with Councilmember Helgeson that this parcel should not be spot zoned, but he also wanted to see this project succeed. He asked if more time could be given for the applicant to find a solution to this issue. Ms. Seipp said that if the City would take ownership of Bud Drive, then it would become a public street and not a private street. The applicant had exhausted their research and legal documents, so she could not provide any further solutions.

Councilmember Helgeson asked if the applicant could take ownership of Bud Drive in order to extend the driveway and avoid rezoning it. Ms. Seipp said that she did not think they could purchase something that did not have an owner. Ms. Frischeisen added that if they could figure out how to acquire it or were able to prove that it was a City right-of-way, it would still present a problem for the project because it did not meet the City's standard for a small residential street. The applicant did not own the adjoining parcels, so they could not give up what they did not own. Ms. Seipp said that it would likely have to go through an eminent domain take, which they would like to avoid. A private, commercial, or multi-family entrance was what they were left with in this case.

Councilmember Misjuns asked if the main issue was that the zoning had to match what was in Campbell County; Ms. Seipp replied yes. Ms. Frischeisen said that this was consistent with the zoning decisions made by the City in the past, including other driveways on Leesville Road. Councilmember Misjuns asked if more time would allow for some alternative to be identified. Ms. Seipp said that unless the City would like to donate some other roads and parcels, they did not have access to any other area for this entryway. Councilmember Misjuns

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said that his concern was the potential spot zoning that could occur through this proposal. Ms. Frischeisen said for context, staff initially recommended approval because when considering both the City and County zoning of the area, staff concluded that the townhome-style apartments would make a better transition between the residential and industrial uses. Ms. Seipp added that it would serve as a buffer between the R-1 and commercial zoning.

Vice Mayor Faraldi asked if this proposal was asking for the entrance to be a public or private street. Assistant City Manager Kent White answered that it would be a private street. Vice Mayor Faraldi said that the owner of the private street would be responsible for its maintenance, while if it were a public street, the taxpayer would pay for the maintenance. He said that in the case of eminent domain, the City would inform whomever the owner of the street is that the City was taking ownership of the street. Mr. White said that was correct. Vice Mayor Faraldi said that the alternative being considered was that Bud Drive could be used and either the developer or the City would have to maintain it. He explained that his point was that it was better for the City's finances to let the private developer create a private entrance, and because they could not identify an owner of Bud Drive, it would be best to avoid any issues that may arise from rights of first refusal or other legal issues. He asked where the City's new fire station would be located. City Manager Benda said that it would be located on Liberty Mountain Road. Vice Mayor Faraldi said that this station would primarily serve Wards Road and Leesville Road, and the station would have a new ladder truck. Mr. Benda said that was correct. Vice Mayor Faraldi said that the issue raised regarding the City's emergency services response rates, the ladder truck, and the safety were addressed. He made a substitute motion, seconded by Councilmember Wilder, to approve the Ordinance as presented. Councilmember Wilder asked what happened if the rezoning was not approved. He asked if the applicant had a backup plan. Ms. Seipp said that if there was no entrance, the project could not move forward. They would have a time limit of one year to bring the item back to Council with an alternative. Because this was their only way to access the parcel, it would remain zoned as it is in Campbell County, with

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no entrance to the property. Councilmember Wilder asked which piece of the property was located in the City. Ms. Seipp indicated the heavy green line on the zoning map which represented the City/County line. The red and orange properties to the right of the map were all in Campbell County, and the piece the left of the green line was in the City. Councilmember Wilder asked if there were any objections from the Planning Commission regarding this project. Ms. Frischeisen said that the Planning Commission received no comments on this application, and subsequently recommended approval of the item.

Councilmember Dolan said that she supported the project, which provided affordable housing that people could own rather than rent. In the spirit of being good neighbors to Campbell County, it would be beneficial for the City to support this proposal. She said that she respected the past work of the developer and knew the good work they would be doing. She expressed her support for the item.

Councilmember Taylor said that he supported the item. He asked if it was possible for the City and County to create an agreement for the County to maintain that stretch of road or put into a contract that the developer would maintain it. Mr. White answered that as it was proposed, the developer would maintain the road.

Councilmember Misjuns noted that Fire Chief Wormser had requested 198 firefighter positions for the FY 25 budget, but the manager had requested ten less for a total of 188. He asked if they had the staffing available to open the ninth fire station at this time. Chief Wormser said that they currently did not have the staffing, but had applied for a SAFER grant, as the Council was aware. Councilmember Misjuns asked if staffing would be the most expensive part of operating the fire station. Chief Wormser said that was correct. Deputy City Manager Greg Patrick noted that one of the reasons the request for those ten positions was not granted was because it was very unlikely that station would be open in FY 25. The request would be reconsidered for FY 26 when the station was likely to open. If the timeline was moved up at all, staff would return to Council with a request for adequate staffing to open the station. Mr. Benda

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said that due to their financial restrictions in this year's budget, he made the decision to not put those ten positions in the budget but they would roll on when the station opened. They did not currently have the staff for the station that did not yet exist, but the hope was that once the station was built, the SAFER grant would ensure they had the appropriate staffing for that new ninth station. Councilmember Misjuns asked how many years it would be until the station opened. Mr. Benda replied that it would likely be open within two years. Councilmember Misjuns reiterated that his main objection to the proposed rezoning was not because of public safety, but due to the spot zoning and the potential consequences the applicant may face if they did not receive the approval.

Councilmember Helgeson said that his concern remained that rezoning this area to R-4 amidst a majority of R-1 parcels was not beneficial to the neighborhood or the City. He noted that the developer should find a mode of access through Campbell County, which would be receiving the tax base of this development. He said that he would not be voting in favor of the proposal.

Mayor Reed asked if this proposal involved spot zoning, and if spot zoning was illegal. Ms. Frischeisen said that she would defer to Mr. Freedman for his opinion on the legality. The decision as to whether to rezone the parcel ultimately rested with Council, but considering the surrounding parcels and the impact to health and welfare, staff believed it was not spot zoning. Mr. Freedman asked if the parcel that was going to be on R-1 would be developed or was only for purposes of a road. Ms. Frischeisen replied that on the zoning map, the yellow portion was R-1 and was only for access to the road. The orange piece, labeled MF for multi-family, was located in the County. Mr. Freedman asked if the R-1 parcel would only serve as a point of ingress and egress or if buildings were proposed to be built. Ms. Frischeisen said that no buildings were proposed to be built on the County portion if it was rezoned to R-4 because there was a 50-foot setback in R-4 when it bordered R-1. The only buildings would be in the County. Mr. Freedman said that spot zoning was something that depended on one's view of the matter.

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Based on Ms. Frischeisen's explanation, he believed the proposal would be consistent with the area's zoning. If they were not building on the portion zoned R-1 and it only served as a point of ingress and egress, he did not see an issue for that particular community unless the traffic increased to the point of being dangerous. Mayor Reed asked if there was another multi-family development across the street. Ms. Frischeisen said that the area across the street was zoned R-3 with a special use permit for townhomes.

Mayor Reed called the vote on the substitute motion to approve the Ordinance as presented.

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

Noes: Helgeson, Misjuns 2

The substitute motion then became the main motion.

Councilmember Helgeson asked if the R-1 parcel would be changed to R-4 on the zoning map. Ms. Frischeisen said that was correct. He expressed concern that the change to R-4 would allow any of the other adjacent R-4 parcels to use the entryway onto Leesville Road, creating severe congestion to the road. Mr. Freedman said that regarding the potential of spot zoning, he was presented with the use that would specifically be in the City and on that parcel. Because the use of that parcel would be for a road and there was no indication that there would be heavy traffic on that road, it did not appear that the proposal was inconsistent with the uses of the surrounding area, even though the zoning in Campbell County was different.

Councilmember Helgeson said that the City had no control over the future development of those other R-4 parcels, but they did control the rezoning of the R-1 parcel to R-4. He said that he did not approve of rezoning the parcel to R-4 and had to vote against it.

Vice Mayor Faraldi said that the entryway would be a private road and use was restricted by the property owner. He said that Councilmember Helgeson was correct in that they could not control the development of the parcels in Campbell County. He said that he highly

doubted that the developers would be allowing the neighboring parcels to use their private road because it would be an encumbrance on them.

Councilmember Misjuns asked what the by-right use of the property would be if the rezoning did not pass. Ms. Frischeisen said that the portion in the City was subject to the 50-foot building setback against R-1, so it could not be used for apartments. Councilmember Misjuns said that he agreed with Councilmember Helgeson that they should think about the long-term impact of such a rezoning. He expressed concern that future development may create dangerous conditions on Leesville Road. He said that he could not support the proposal.

Mayor Reed called the vote on approval of Ordinance #O-24-025 changing a certain area located at 717 & 725 Leesville Road from R-1, Low Density Residential District to R-4, High Density Residential District.

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

Noes: Helgeson, Misjuns 2

// In the matter of Public Comment, Agenda Item #5, Citizen Consuela Mosley addressed Council regarding people that have inherited property forcing to sell demolished or \$500 a month derelict program property taxes with only 30 day time period. She requested more transparency in what the collected funds were used for.

// In the matter of the Schools, Agenda Item #6, Council considered introducing a resolution amending Lynchburg City Schools Major Classification Funding for FY 2024 and transferring \$1,671,820 from Contingency Reserves to Instruction. Mayor Reed stated that the item was previously presented to Council at the April 9, 2024 meeting.

Vice Mayor Faraldi motioned, seconded by Mayor Reed, to table the resolution until the next meeting on May 14, 2024. Vice Mayor Faraldi said that there were still a number of questions which remained to be answered, and delaying two weeks would not result in any fiscal damage to LCS. Mayor Reed said that tabling the motion would enable LCS staff to respond to and answer the remaining questions.

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Councilmember Helgeson said that if LCS received more money from the state, the matter should be tabled further so that the funds would not be spent.

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

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

Noes: 0

// In the matter of the Circuit Court, Agenda Item #7, Council considered introducing Resolution #R-24-026 amending the FY 2024 City/Federal/State Aid fund budget and appropriating \$27,326 from the Library of Virginia to preserve several Circuit Court Records. Mayor Reed stated that the item was presented to the Finance Committee. Clerk of the Circuit Court K. Todd Swisher briefed Council on the request. The Library of Virginia allows Circuit Court Clerks' Offices to submit applications for grant funding. Staff submitted a grant application to The Library of Virginia to preserve records held at the Circuit Court Clerk's Office. The approved grant funding of \$27,326 will allow Deed Book 45 T-T 1891; Deed Book 46 U-U 1891-1892; Deed Book 47 V-V 1892-1893; Deed Book 48 W-W 1893; Deed Book 57 1898-1899; and Marriage Licenses 1864-1866 to be reformatted and preserved. The grant covers 100% of preservation work; no local match is required for this grant.

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

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

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

Noes: 0

// In the matter of Procurement, Agenda Item #8, Council considered adopting Resolution #R-24-027 approving the newly amended "Guidelines for Implementation of the Public-Private

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Transportation Act of 1995 and Public-Private Education Facilities & Infrastructure Act of 2002” for the City of Lynchburg. Mayor Reed stated that the item was previously presented to Council at the February 27, 2024 meeting.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-027.

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

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

// In the matter of the Fire Department, Agenda Item #9, Council considered adopting Resolution #R-24-028 approving the Revised Emergency Operations Plan. Mayor Reed stated that the item was previously presented to Council at the March 12, 2024 meeting and at the April 9, 2024 meeting. Fire Chief Greg Wormser provided Council an overview of the revisions made to the request. The City’s current Emergency Operations Plan (EOP) was originally adopted by City Council on April 23, 2002. It was revised and adopted on February 14, 2012, January 26, 2016, and January 28, 2020. The City is required to revise and adopt the plan every four years. Overall, the plan has served the City well through numerous planned and unplanned events. The proposed EOP is an incorporation of best practices from the previous plan, input from the Emergency Policy Team, Emergency Support Functions (ESFs), and Fire Department staff. The most noteworthy changes include:

- Transition of Emergency Management responsibilities from Emergency Services to Fire Department
- Greater emphasis on provisions to ensure that the plan is applied equitably and that the needs of minority and vulnerable communities are met during emergencies
- Greater emphasis on management of potential cybersecurity incidents
- Additional policies and information as a result of lessons learned since update in 2020

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Staff provided Council with two different options; Option A includes language regarding calling a special meeting and Option B does not include language regarding a special meeting.

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to adopt Resolution #R-24-028 with Option A, stating this puts the burden on Councilmembers, those who were elected by citizens.

Councilmember Wilder asked if Council had the authority to call a special meeting already? Staff replied, yes.

Councilmember Dolan stated that Option A appears to be Council encroaching on the City Manager's lane. She also stated that she was not in favor of the removal of the language that referenced people with special needs.

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

Ayes: Reed, Helgeson, Misjuns, Taylor, Faraldi 5

Noes: Dolan, Wilder 2

// The meeting adjourned at 8:25 p.m.

Clerk of Council

April 16, 2024

// A special meeting of the Council of the City of Lynchburg was held on the 16th day of April, 2024, at 6:00 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

// Vice Mayor Faraldi asked to lead an invocation, followed by the Pledge of Allegiance.

// In the matter of Public Utilities, Agenda Item #1, Council held a public hearing on the FY 2025 Water Rate. Mayor Reed opened the public hearing for comments from the public.

Roman Grochowski, resident of the City of Lynchburg, addressed Council regarding a sewer inlet at the Community Market Fountain. He said that the inlet had popped tires and torn off front bumpers of vehicles because it was proud in the ground. He said he had informed Public Works but did not get a response, and he was working with other City staff to address the issue.

There was no one else to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed.

// In the matter of Budget, Agenda Item #2, Council held a public hearing on the FY 2025 Budget. Mayor Reed opened the public hearing for comments from the public.

Megan Huffman, representing PTO Connect, addressed Council regarding concerns about funding for LCS. She said that LCS could not withstand further budget cuts, and they were losing critical roles that helped to supplement the loss of funding. She said that students required more services after the COVID-19 pandemic, yet Council proposed reduced funding. She asked Council to consider whether this was the City they wanted to be.

Phil Stump addressed Council regarding the LCS budget. He said that the proposed budgets were unsustainable and did not keep up with inflation. He said public education was

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important for workforce equality and teaching children to work together, and it was the foundation of US democracy. He requested Council increase the LCS budget.

Jennifer Long, resident of Pawnee Drive, addressed Council regarding the closure of the Lynchburg Virtual Academy (LVA). She said that LVA was important to the success of her child in school, and closing the academy would have negative impacts on his education.

Cynthia Capps, representing Sandusky Elementary, addressed Council regarding the closure of Sandusky Elementary. She said that closing the elementary school would be devastating to students and teachers, and the surrounding schools would become overcrowded. She said that Council could pass a budget increase of \$3.2 million to prevent the closure of Sandusky Elementary.

Michael Bremmer, resident of Ward 4, addressed Council regarding the tax rate. He said that lowering the tax rate beyond staff's recommendation jeopardized the City's well-being. He said that LCS should receive the same 11% average increase other City departments were being given. He said City revenue had increased, yet the proposed budget represented a reduction of nearly \$50 million. He said that Council was destroying the very structure of the public education system; and they should prove him wrong by funding the \$48 million request.

Derrick Womack addressed Council regarding closing LCS schools. He said that the schools required necessary maintenance, but day after day, teachers and students continued to come to school. He said that he could not put a price tag on saving the schools for the students.

Rebecca May addressed Council regarding funding for LCS. She said that they needed to invest in education because the students would become future community members. She said that safe learning environments, small class sizes, certified teachers, and equitable instruction drew families to the City, but LCS must be fully funded to compete in these areas.

Aaron Reed addressed Council regarding the budget for LCS. He said that 30 years ago, discipline in the schools boiled down to referrals, suspensions, and expulsions; however, they now knew that the most effective way to address behavioral problems was by teaching and

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educating, not sending children away. He said that this approach cost money for specialists, staff, and learning environments. He said that costs had increased because they were now educating kids on how to read, do math, and behave in society, but this should be something to be proud of.

Molly McClennan, resident of 712 Riverside Drive, addressed Council regarding funding for LCS and the tax rate. She said that they must help children learn that each life held value and that they had a place within society. She requested that Council fund LCS and increase City taxes.

Kathleen Davis, resident of Ward 2, addressed Council regarding the tax rate. She said that the City's tax reductions had hurt schools and caused residents to lose jobs, causing real harm and damage. She said that landlords, some who did not live in the state, continued to raise rents on tenants despite the tax breaks provided by the City. She said that Council should stop sending tax dollars out-of-state, benefiting the wealthy, and instead give it to City schools and programs

Lanaux Hailey, resident of Ward 1, addressed Council regarding funding for LCS. She said that the COVID-19 pandemic disrupted and forever changed the educational landscape. She said that skill deficits, chronic absenteeism, and building maintenance plagued school systems across the country. She said that best practices encouraged increased local funding, yet the City's budget lagged at 2015 rates and required the elimination of 103 staff positions. She said that Council manufactured the funding crisis, and Lynchburg residents had the choice to make changes in the next election.

Jennifer Woofter, resident of Ward 2, addressed Council regarding concerns about the tax rate and items cut from the budget. She said that as a homeowner and small business owner, she hoped to stay in the City for decades to come, but she did not want to live in a city which deferred needed CIP projects because of tax cuts. She said that reductions to the LCS budget put the long-term interests of students and families behind those of political donors.

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Dr. Beth White, resident of Ward 3, addressed Council regarding concerns about the reduced tax rate. She said that last year, she addressed Council about the negative impacts of a reduced tax rate, and now they were facing the consequences of the reduced rates. She said that schools would be closed due to a lack of funding, and this harmed the students and families.

Carley Shaffer, resident of Ward 4, addressed Council regarding the closure of LCS schools and funding for LCS. She said that nationwide and locally, the funding for LCS was laughable. She said that a struggling public school system led to higher costs and crime; but when the schools thrived, the City thrived. She requested Council to fund LCS to keep schools open.

Colleen Larkins, representing Save Sandusky, addressed Council regarding funding LCS. She said that keeping Sandusky and TC Miller open was worth the \$3.2 million. She said that closing Sandusky would leave 240 students without a place to go to school. She said that the students deserved to have their school remain open and requested Council fund the \$3.2 million to keep the schools open.

Beth Schrock, resident of Ward 4, addressed Council regarding funding for LCS. She requested that Council support education in the City. She said that despite increases in City revenue, Council was allocating \$3.2 million less than what was budgeted five years ago. She said that Lynchburg residents wanted excellent schools according to a City survey, receiving three times more votes than the second place item, mental health services.

Tiersha Royal, representing Sandusky Elementary PTO President, addressed Council regarding funding for LCS. She said that the closure of Sandusky and TC Miller would have negative impacts on the community, displacing 240 students without a place to go.

Kevin Larkins, representing Sandusky Student Council President, addressed Council regarding the closure of Sandusky Elementary and requested that Council find funding to keep the school open.

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Nettie Webb, representing Save Our Schools, addressed Council regarding funding for LCS. She requested that Council allocate an additional \$3.2 million to LCS. She said that public education was central to a vibrant city, and not allocating the necessary funds would be catastrophic. She said that closing schools went against the Council's goals of increasing literacy rates, supporting public safety, and compensating public servants.

Jordan Nesbitt, resident of Ward 4, addressed Council regarding funding for LCS. She asked when the City would intervene to address LCS administration shortfalls in maintenance and management. She said that if the \$3.2 million funding request was granted, they would continue to hold the administration accountable and look for creative solutions.

Kimberly Dyke-Harsley, resident of Ward 2, addressed Council regarding CIP. She requested Council to support the Jefferson Park Phase 2 project. She said that the timing of reduced funding to LCS coincided with when people of color became the majority demographic in the schools. She said she understood the national efforts to dismantle public education, and she disagreed with the lies that had been taught. She said that public education needed to be rebuilt.

Nichole Sanders, resident of Ward 3, addressed Council regarding LCS and concerns about the level funding proposed in the budget. She said that LCS staff needed to be fully supported. She said that strong public schools were integral to the community, and she urged Council to pay attention to and support the people who took their time to address Council at the meeting.

Carla Jones, representing TC Miller PTO, addressed Council regarding the closure of LCS schools. She said that if Council kept the schools open, they would be able to develop a plan to move forward. She said that urban schools required additional resources to address urban-specific problems. She said that closing the schools would overcrowd every other elementary school in the City, negatively impacting student learning. She said that education was the top priority for Lynchburg residents.

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Betty Kain addressed Council regarding LCS. She said that they were at a crossroads regarding the schools, and it had become a City-wide problem, not just a school issue. She said that the reduced tax rate and budget contributed to the issues. She said that while enrollment had decreased, the needs of students had decreased, and education was the key to address several problems in their community.

Jack Underwood addressed Council regarding the tax rate. He compared the City's tax rates to those of Plano, Texas, citing that Plano's high tax rates enabled the locality to have some of the highest ranked public schools in the country. He said that Council should not make the City like Plano or Uvalde.

Mayor Reed stated that for the past month, she had spent a significant amount of time with LCS administration, teachers, and families. She said that they did not want teachers to start leaving for other jobs because they were uncertain about their job security. She said that the City Manager had informed her that five councilmembers had requested funding to help Sandusky and TC Miller remain open for one more year. She said that at the next meeting, options would be presented to find available funds to keep the schools open.

Mayor Reed asked if there were members of the public wishing to speak who did not sign up.

Eva, a Sandusky Elementary student, said that she loved her teachers and the students, and she asked that Council help her school.

April Watson, resident of Ward 4, addressed Council regarding funding for public education. She said that they should increase funding for public education, not reduce it.

Sam Ford, resident of Ward 4, addressed Council regarding public schools and requested that Council fully fund public education. He said that the interactions within LCS encouraged students to serve the public in the future.

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Daniel, a TC Miller first-grade student, addressed Council regarding keeping schools open. He said that schools should be free, people should make good decisions, and there should be no war when deciding what schools should be closed.

A citizen who did not self-identify addressed Council regarding LCS. She requested that Council encourage the School Board to keep Sandusky open beyond a year.

Roman Grochowski, resident of Diamond Hill, addressed Council regarding concerns about use limits at the public library. He said that despite no one waiting in line, he was asked to stop his research because his time was up. He said that when no one was waiting, the limits should not apply. He said he had not received a response to his request for more information about the policy. He said that the library was seldom used, but it was a valuable resource, and the hours should be adjusted to make it more available to the community.

Pastor Shirley addressed Council regarding LCS. She asked what they could do to increase public school enrollment and get students back in school.

There was no one left to speak, either by phone, email, or in-person, so the public hearing was closed.

// The meeting adjourned at 7:47 p.m.

Clerk of Council

May 14, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of May, 2024, at 4:00 p.m. in Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Larry Taylor, MaryJane Dolan, Sterling A. Wilder, Chris Faraldi	7
Absent:	0

// In the matter of Schools, Agenda Item #1, Council received a request to amend the Lynchburg City Schools Major Classification Funding for FY 2024. LCS Superintendent Dr. Crystal Edwards and LCS Chief Financial Officer Sonia Jammes provided a summary of the item to Council. In a letter dated March 19, 2024, Lynchburg City Schools Superintendent reported, *"On March 12, 2024, the Lynchburg City School Board voted to request that the City Council transfer the remaining \$1,671,820 in the FY 2024 LCS Contingency Reserve to the Instruction category. This request is crucial for addressing several pressing financial challenges faced by our school division."*

If approved, the FY 2024 Adopted Schools Operating Budget would be amended by transferring \$1,671,820 from Contingency Reserves to Instruction. This request does not change the total operating revenues appropriated by City Council but rather moves \$1,671,820 from Contingency Reserves to Instruction.

Vice Mayor Faraldi asked how the hiring freeze on positions would impact the ability to keep schools open for the upcoming school year. Dr. Edwards answered that they had implemented a reduction in the workforce of the schools, which meant that according to their protocols, they must fill positions using their current employee force before advertising to fill open positions. This allowed them to avoid filling positions that may not exist if funding became unavailable for certain programs or schools.

Councilmember Helgeson asked Ms. Jammes where the Average Daily Membership (ADM) estimate on the spreadsheet came from. Ms. Jammes said that LCS sent their Student Record Count (SRC) to the Virginia Department of Education (VDOE), which VDOE then calculated, reducing the unallowable students out of that calculation, and provided their estimate for ADM back to LCS. Councilmember Helgeson asked if the LCS calculation for ADM was the amount paid by the state. Ms. Jammes replied that no; VDOE's calculation provided revenues according to their estimation but that was not what LCS actually had in their classrooms. Dr. Edwards clarified that in terms of ADM, there were multiple calculations. The internal ADM for LCS was the count of students in seats per month and was not used by the VDOE in their calculations for state funding. The count of students on March 31 submitted to VDOE was called the Student Record Count (SRC) and was calculated three times per year. VDOE used the SRC to calculate the ADM for the year and was the basis for the schools' final state revenue. She reiterated that the monthly ADM count provided by LCS was not used by VDOE to calculate state funding and she could not reproduce the calculations used by VDOE. Any calculations she provided regarding state funding were using predictions from the State for future funding or the VDOE's previously calculated amounts.

Mayor Reed clarified that the total amount of shortfalls, including the State's shortfall, health insurance, and utilities, was roughly \$4.3 million and the request from the schools was to move \$1.6 million that was allocated in last year's budget from contingency to instruction so it could be applied to the health insurance shortfall. The other cuts, such as the hiring freeze, would be applied to fix the balance mid-year so they would have a cleaner budget for 2024. Dr. Edwards said that was correct.

Deputy City Manager Greg Patrick said that in response to Councilmember Helgeson's questions regarding the student counts for 2024, he had requested the March 31 estimate for the ADM for LCS, if not the official actual. The answer was that as of March 31, the K-12 Average Daily Membership for LCS 2023 school year was 7414.86, not including the 361.05 pre-K students, which would bring the total to 8075.91. Councilmember Helgeson said that the ADM provided today was about 100 children less than what was provided at that time. Dr. Edwards said that at the time Councilmember Helgeson asked that question, she provided the internal monthly ADM which did not use the VDOE calculated formula. As of May, the March 31 SRC had been submitted to the state and returned the current estimate. VDOE would again provide an estimate with the end-of-year SRC, which may differ from the estimate they had at this time. Councilmember Helgeson expressed concern at the varying numbers provided regarding the actual number of students in the schools. Mr. Patrick said that without regard to the variance in ADM calculations, there was less funding available to schools in the special session budget from the State than there was in the governor's initial budget. He noted that the variance in ADM could result in different funding available as well. Councilmember Helgeson said that he did not see the ADM or the rising utilities prices as concerns regarding the reduction in funding; however, the health insurance claims were a legitimate issue they should address. He asked Ms. Witt if the health insurance funding for the schools was different than the City's health insurance funding. Ms. Witt answered that it was different. She further explained that the City has a separate reserve for health insurance claims and the schools had requested the City to keep some of their return fund balance in case of similar issues. They were requesting to use those funds for the 2025 budget because those costs were predicted to continue based on critically ill staff and dependents.

Mayor Reed asked if Dr. Edwards could explain why the VDOE calculations for ADM reduced some children from the total count of students in the schools. Dr. Edwards said that VDOE had very detailed calculations for SRC reductions, which she could provide to Council but could not accurately describe at this time. Mayor Reed said that she was interested in understanding why the VDOE consistently calculated reductions for the schools. Dr. Edwards said that it was the basis for their funding formula and not necessarily the calculation for necessary services.

Councilmember Misjuns asked what progress had been made regarding the issues with reconciliation and financial reporting as detailed in last year's Annual Comprehensive Financial Report (ACFR). Dr. Edwards answered that the schools' financial staff had been meeting regularly with the City's financial staff to ensure utilities were budgeted and reviewed appropriately. There was also restructuring of the financial department to have better checks and balances to remedy past concerns, as well as

citation of sources for all data provided from the schools to the City to ensure accuracy in reporting. Councilmember Misjuns said that he had previously asked about the locally-zoned students at T.C. Miller and could not find an answer to that question. Amy Pugh, Deputy Superintendent of Instruction, answered that as of today, for the current school year there are 195 students at T.C. Miller and 107 of those are invited while 80 of them are zoned. Last year, T.C. Miller applications were 91 and this year they are 48. Of the 91 last year, there were eligibility requirements and only about 50 of those 91 were eligible. This year, of the 48 applicants, 35 were eligible and so far, 20 had been accepted. She explained that it was difficult to predict the applications and enrollment for the upcoming school year due to a variety of factors, but each year principals provided data regarding the current enrollment, past trends in enrollment, and predictions for available seats for each grade level. She noted that there may be more applicants than there are available seats at the school. Councilmember Misjuns asked how the open staff positions at T.C. Miller would be addressed during the hiring freeze. Dr. Edwards said that some teachers who previously taught for the virtual academy had been placed in those open positions. After they could be certain they were not closing the school, they could more accurately predict how many open positions needed to be filled. Councilmember Misjuns asked if there was an estimate for how many positions would be hired for the upcoming school year. Dr. Edwards said that the most recent School Board agenda provided information regarding the retirements and resignations of staff, which gave insight into how many positions they would be hiring for this upcoming school year. Councilmember Misjuns expressed concerns regarding the funding allocations for staffing. He asked if the grant-funded positions were being kept on as permanent positions in the schools. Dr. Edwards said that some positions that had previously been grant-funded or temporary had been hired full-time through LCS Restore as well as through contracted services to address the ongoing critical behavioral health issues in the schools.

Councilmember Wilder asked when VDOE provided their estimate for ADM to the schools. Dr. Edwards answered that it was usually provided as a projected ADM in the governor's budget in December. The final number was provided in August regarding the previous year's total revenues. She said that she would follow up to ensure that she was providing the accurate dates for that information. Councilmember Wilder expressed his appreciation to the schools' staff for their hard work in educating and helping the City's children.

Councilmember Helgeson asked what the consequences would be if City Council did not help the schools with this request. Dr. Edwards said that the schools would have to make further cuts, which would likely be to staff.

// In the matter of Planning, Agenda Item #2, Council received a Comprehensive Plan Update. City Planner Rachel Frischeisen provided a summary of the item to Council. During City Council's December 1, 2023 retreat, representatives from The Berkley Group provided an overview of the community engagement process for updating Lynchburg's Comprehensive Plan. City staff will provide an overview of where we are currently with that process, highlights of the feedback we have received to date and next steps.

Councilmember Wilder expressed his appreciation to staff for their engagement with the community and ensuring the voices of the City's citizens are heard.

// In the matter of Community Development, Agenda Item #3, Council was briefed on a Siting Agreement for 3920 Harbor Street & 109 Old Trents Ferry Road. This item will appear for City Council vote on the May 28, 2024, Public Hearing agenda. Community Development Director Tom Martin provided a summary of the item to Council. James Energy Center, LLC is requesting that the City enter into a "Siting Agreement" for a proposed battery energy storage facility to be located at 3920 Harbor Street & 109 Trents Ferry Road. City Council approved a Conditional Use Permit (CUP) to allow for up to a twenty (20) megawatt facility on April 11, 2023. The Code of Virginia §15.2-2316.7 provides that the City and the applicant may enter into a Siting Agreement in order to mitigate impacts related to the facility and provide financial compensation to the City in order to address capital needs. Impacts related to these types of facilities include emergency response, and depending on the underlying zoning, loss of housing opportunities or job creation. James Energy Center, LLC is offering a total of \$55,000 payment to the City which would be disbursed based upon a Capital Payment Schedule as listed in Exhibit C of the Agreement:

- \$5,000 - within ninety (90) days of agreement.
- \$10,000 - commencement of construction.
- \$30,000 (for fire department equipment) - commencement of construction
- \$10,000 -within ninety (90) days of commercial operation.

In addition to the cash payment, James Energy Center, LLC will fund specialized training for the Lynchburg Fire Department that may be needed to respond to an emergency at the facility. These one-time payments are separate from and in addition to real estate taxes and proposed revenue sharing.

// In the matter of Community Development, Agenda Item #4, Council was briefed on a Siting Agreement for 2904 Carroll Avenue. This item will appear for City Council vote on the May 28, 2024, Public Hearing agenda. Community Development Director Tom Martin provided a summary of the item to Council. Quarry Energy Center, LLC is requesting that the City enter into a "Siting Agreement" for a proposed battery energy storage facility to be located at 2904 Carroll Avenue. The proposed facility would be permitted "by-right" on the industrial zoned property. The submitted siting agreement indicates the facility could be as much as twenty (20) megawatts. The Code of Virginia §15.2-2316.7 provides that the City and the applicant may enter into a Siting Agreement in order to mitigate impacts related to the facility and provide financial compensation to the City in order to address capital needs. Impacts related to these types of facilities include emergency response, and depending on the underlying zoning, loss of housing opportunities or job creation. Quarry Energy Center, LLC is offering a total of \$65,000 payment to the City which would be disbursed based upon a Capital Payment Schedule as listed in Exhibit C of the Agreement:

- \$5,000 - within ninety (90) days of agreement.

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- \$20,000 - commencement of construction.
- \$40,000 -within ninety (90) days of commercial operation.

These one-time payments are separate from and in addition to real estate taxes and proposed revenue sharing.

Councilmember Helgeson asked how cash payments differed from cash proffers. Mr. Martin said that it was allowed by state code, and in his opinion, it was a way to encourage localities to improve these types of facilities. He clarified that it was not the same as cash proffers.

// In the matter of Museums, Agenda Item #5, Council was briefed on the VA 250 Local Committee. This item will appear for City Council vote on the May 28, 2024, General Business agenda. Museum Director Ted Delaney provided a summary of the item to Council. VA 250 local committees work with the State's VA 250 Commission to commemorate the 250th anniversary of Virginia's role in American independence (1776–1781). The state's commission will provide grant funding opportunities for commemorative events or projects and will make available programs to include traveling exhibitions and teacher resources to the local committee. Grants are offered through the Virginia Tourism Corporation and Virginia Humanities.

Local representatives have self-selected as Lynchburg's committee and listed themselves on the VA250 website; the committee contact is listed as Ashleigh Meyer, with the Old City Cemetery (Southern Memorial Association). The narrative from the website listing notes "Old City Cemetery will serve as the focal point for Lynchburg's 250th programming, and we are excited to work with the Lynchburg Museum, Jones Memorial Library, area historians, and the nearby counties of Bedford and Campbell to bring about a regional celebration of this important anniversary for our nation."

To have an officially recognized (or "certified") VA 250 committee, City Council must pass a support resolution. The attached resolution formally designates the local committee through December 31, 2026 and assigns the Southern Memorial Association as the fiscal agent for purposes of applying for receiving and managing state programs and grants on behalf of the committee.

Councilmember Wilder asked how people interested in joining the committee could contact staff. Mr. Delaney said that they were welcome to contact the museum, Old City Cemetery, Poplar Forest, or the local Daughters of the Revolution or Sons of the Revolution chapters. Anyone connected with those organizations could connect them.

// In the matter of Roll Call, Councilmember Wilder said that there was a Mental Health Summit on Saturday at the Jubilee Center from 10:00 a.m. to 2:00 p.m. He said that it was free and open to the public, and there would be some great door prizes. He said that with all the mental health challenges in their community, they needed to encourage people to attend this event. He said that there were a variety of agencies sponsoring the event and he was just the location holder. He said that they held the Police Memorial yesterday, which was a beautiful event where the Mayor gave a proclamation and several other Councilmembers were in attendance. He said that the scenery was beautiful and the speaker was great, and he was glad for the community and City staff working together. He said that he would continue to pray for their community, as there was another death of a young man from a shooting. He said that he

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would pray for more love in their community. He said that this was why they needed to have more mental health awareness and see how they would bring healing to the community.

Councilmember Helgeson said that this past weekend, there was the 51st year in graduations at Liberty, which had record numbers. He said that there were 50,000 to 60,000 people who came into town. He said that in their minutes, they had approval of an item that said to look at the economic development for people coming downtown with the string of lights coming up at Christmastime. He said that they should look at the real economic development when 50,000 to 60,000 people come in and fill up their hotels and restaurants. He said that it was a great event and fantastic to be a part of it. He said that it was a great time and a great event. He said that it was sad to see the students who had done so well to leave, but a new group was coming. He said that also on Saturday, there was a great event where the Peacemakers had another rally. He said that their Congressman Bob Good came and they had a great event of folks who were trying to figure out what to do downtown in Ward II to make sure they had privately funded cameras up and other eyes in the street. He said that they were looking out for folks and looking out for making sure the community is safe. He said that they came together very nicely and it was a great event.

Councilmember Misjuns said that he was also at the Peacemakers' event and could not add anything else other than that it was a great event and was great to be down in that part of their City and seeing people come together with a common theme of wanting to take their streets back. He said that one of the things that was interesting when thinking about what had happened on Morrison Street, Wadsworth, Kemper Street, and Main Street, was that those four streets were all streets where someone had been murdered this year. He said that they were all in Ward II, so to see folks in their community being proactive about that and pushing for things like conflict resolution training and actual responses that the citizens could do. He said that putting doorbell cameras up and talking to citizens about sharing that when they see something, and things like that were very helpful and it was nice to see that proactive approach to keep each other safe in their community.

Councilmember Taylor said that he agreed with the comments about the violence in the City. He said that they needed to stop pacifying criminals. He said that if they had a law in their City that made the use of a firearm in a crime a ten-year sentence off the bat, it would help. He said that it would make people think about if they grabbed a firearm and went outside their house to shoot someone, they would be going to jail automatically for ten years before even going to court. He said that it was not that they could not have a firearm in the City, but they should make the penalty so harsh that they would think about what they were getting ready to do. He said that he would like to give the City Manager blessings for his father, and he thanked him for the example of strength he was showing as he was present with them. He said that they must figure out a way to help the people who would have benefited from the International Festival. He said that they could not let a group of people stop their citizens from earning income on an event. He said that they needed to bring it back this year and make it stronger than ever.

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He said that people lost revenue and they needed to do something for them by bringing it back and letting them make some revenue. He said that the City would benefit from it if they could.

Vice Mayor Faraldi said that he wholeheartedly agreed with Councilmember Taylor's comments. He said that it was National Police Week and last night was a very moving ceremony. He said that it had become one of his favorites during his time on City Council as it highlighted those who were putting themselves in harm's way to protect their way of life. He said that it was a very good ceremony and he was thankful that they continued to have it. He said that one of the other weeks they had was National Nurse's Week last week. He said that his wife was a nurse and he had never imagined some of the things she had to see every day in the medical field. He said that he had come to an immense level of respect for those in medical professions and what they did as frontline workers protecting the community. He said that there had been a lot of athletic success at University of Lynchburg. He asked everyone to please review the championships and events that had recently been won by the Hornets. He said that he commended them on their success and wished them the best of luck as the baseball team was playing for the national championship. He thanked the City Manager and staff for working with him on Enterprise Drive. He said that the residents at The Summit continued to make that a priority and the surrounding neighborhood. He said that he looked forward to an update at their next meeting. He said that there was a request for that area to continue to be a priority. He said that they could not get into Wyndhurst without going through one of two counties, so they could not forget that it was a City asset, neighborhood, and community. He said that he wanted to stress that to the Council and to their neighbors.

Mayor Reed said that she agreed with her fellow Councilmembers' remarks. She said that the Police Memorial ceremony last night was beautiful and they appreciated all of their police officers who currently or previously served, as well as the sacrifices of their families. She said that she attended her first AARP event last week, where she had been asked to speak but also was one year short of qualifying as a member. She said that they had been sending her things for about ten years now so they seemed to be very excited about her joining the club. She said that however, it was called the Scam Jam and was a very educational event that she wanted their citizens to know about. She said that they could be scammed at any age and did not have to just be retired or a senior citizen to be scammed. She said that scammers were getting more and more clever each day, and the purpose of the Scam Jam was to educate citizens about the different fraud and scam efforts happening out there. She said that AARP had some great information on their website that educated the public on all the new scams occurring every day and how people were targeted. She said that people could report them if they learned about them and find ways to protect themselves and their loved ones from new scams and fraud targets. She said that she had learned a lot and when she was a proud member of AARP, she would bring them all with her. She said that also, as they discussed the unfortunate recent crimes in the area and looked at the ages of many of the perpetrators, many of them were young. She said that she had previously discussed a coalition founded and efforts to target their youth. She said that one of the things they were working on right now was a midnight basketball program they would pilot this June. She asked everyone to mark their

calendars for Friday, June 14, June 21, and June 28 at the City Armory, where from 10:00 p.m. to 12:00 a.m. they would be launching their first midnight basketball program for 16- to 22-year olds in the City. She said that it would hopefully get their youth off the streets to play pickup basketball games in teams of five. She said that it would be advertised by the City and was in partnership with different organizations. She said that the Parks and Recreation Department of the City of Lynchburg was the sponsor and they were very happy about that. She said that she was glad they were able to do this and she hoped it would be a great program they could build from the summer onwards. Mayor Reed highlighted the work and contributions of the Clerk of Council Office.

// The meeting recessed at 5:41 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of May, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns, Larry Taylor, Sterling A. Wilder	7
Absent:	0

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

// In the matter of Recognitions, Agenda Item #1, Mayor Reed read the Proclamation recognizing Emergency Medical Services (EMS) Week. Fire Chief Greg Wormser accepted the proclamation.

// In the matter of the Consent Agenda, Agenda Item #2, a second reading was conducted and Council adopted Resolution #R-24-026 amending the FY 2024 City/Federal/State Aid fund budget and appropriating \$27,326 from the Library of Virginia to preserve several Circuit Court Records.

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, 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 the Consent Agenda, Agenda Item #3 - #8, Councilmember Misjuns requested to defer the minutes from the February 27, 2024, March 12, 2024, March 26, 2024, April 9, 2024, April 16, 2024, and April 23, 2024 City Council meetings because he had not had time to review the minutes. There was consensus from Council.

// In the matter of Planning, Agenda Item #9, Council held a public hearing in consideration of adopting Ordinance #O-24-029 changing a certain area located at 2731, 2735 & 2739 Wards Road from B-5, General Business District; B-5C, General Business District (Conditional); & I-2, Light Industrial District to B-5C, General Business District (Conditional). City Planner Rachel Frischeisen provided Council with a summary of the request. Wards Road Development, LLC, is petitioning to rezone approximately two and three tenths (2.3) acres 2731, 2735, & 2739 Wards Road from I-2, Light Industrial District, B-5, General Business District, and B-5C, General Business District (Conditional) to B-5C, General Business District

(Conditional). The purpose of the petition is to allow for a gas station with a convenience store and a light auto repair facility.

A left turn taper, right turn taper, and medians are proposed to be installed in Wards Road. These improvements have been proffered by the petitioner and are consistent with the initiatives outlined in the traffic study currently being prepared by the Virginia Department of Transportation (VDOT). The four existing entrances on Wards Road will be consolidated into one entrance.

The proposed rezoning should have limited impact on the area and would fit in with the zoning of the surrounding properties. The proposed uses are similar in nature to those that have been previously located on the site. The proffered improvements to Wards Road should mitigate traffic impacts and improve safety in the corridor.

Daniel Cyrus, Wards Road Development, LLC, representing the petitioner, provided a presentation to Council.

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

Vice Mayor Faraldi motioned, seconded by Councilmember Helgeson, to adopt the Ordinance.

Councilmember Helgeson asked if there would be an entrance on Glass Avenue. Mr. Cyrus replied that there would be a full access entrance on Glass Avenue, and access would be limited on Wards Road with right-in, left-in, and right-out. He said they intended to channelize the existing turn lanes with concrete medians.

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 School Board Appointments, Agenda Item #10, Council held a public hearing to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2024, in School Board Districts I, II, III. Clerk of Council Alicia Finney provided a summary of the request. Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year. Section §22.1-29.1 of the Code of Virginia requires City Council to hold a public hearing on school board appointments at least seven days prior to making the appointments. It also provides that no nominee or applicant whose name has not been considered at a public hearing can be appointed to the school board.

Ms. Finney read into the record the names of the candidates who have applied.

District 1: Brandon Hill, Daryl Conner, Selina Morgan, Patrick Earl, Nettie Webb, Cynthia Deutsch, and Elizabeth Jenkins.

District 2: Joserah Schenck, Mark Tinsley, Timothy Smith, Margaret Deyerle, Jibri Poe, and Jordan Nesbit.

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District 3: Aaron Borsay, Taormina Howard, Atul Gupta, Carlos Cifuentes, Beth-Anee Fretz, Alysha Brown, and Kimberly Thompson.

Mayor Reed opened the floor for candidates to speak on their qualifications.

Patrick Earl, candidate for District 1, addressed Council and outlined his qualifications for the School Board.

Nettie Webb, candidate for District 1, addressed Council and outlined her qualifications for the School Board.

Margaret "Peggy" Deyerle, candidate for District 2, addressed Council regarding her qualifications for the School Board.

Mark Tinsley, candidate for District 2, addressed Council regarding his qualifications for the School Board.

Selina Morgan, candidate for District 1, addressed Council regarding her qualifications for the School Board.

Atul Gupta, candidate for District 3, addressed Council regarding his qualifications for the School Board.

Jibri Poe, candidate for District 2, addressed Council regarding his qualifications for the School Board.

Mayor Reed opened the floor for citizens to comment upon any name that has been submitted, or offer additional names for consideration.

Beth White, District 2, endorsed Mark Tinsley for the School Board based on her past work experiences with Mr. Tinsley.

Olivia Raj endorsed Selina Morgan for the School Board based on Ms. Morgan's work in the foster care system.

Kimberly Dyke-Harsley endorsed Selina Morgan, Atul Gupta, and Jibri Poe for the School Board.

Jasmine Payne-Winchester endorsed Selina Morgan for the School Board based on Ms. Morgan's work in the community.

Aileen Lass endorsed Selina Morgan for the School Board.

Sam City, District 2, endorsed Selina Morgan for the School Board because Ms. Morgan understood the challenges faced by children and students.

Mayor Reed stated that the public hearing would be held open until the following meeting to receive citizen input and nominations. She noted that there was consensus from Council to keep the public hearing open.

// In the matter of Public Comment, Agenda Item #11, Citizen Timothy Santiago was not present.

// In the matter of Public Comment, Agenda Item #12, Citizen Martin Day addressed Council regarding the qualifications of a school board member.

// In the matter of Public Comment, Agenda Item #13, Citizen Vicente Gonzalez, representing Latino Community Center of Lynchburg, addressed Council regarding the International Festival. He said that the

City should make amends with the festival organizers and vendors and provide full transparency regarding the alleged safety threats justifying the cancellation of the festival. He requested Council pass a resolution calling for a ceasefire in Gaza.

// In the matter of Public Comment, Agenda Item #14, Citizen Dan Harrison, representing Church of the Covenant, addressed Council regarding creating a safe inclusive city for all, and one that includes inclusion of the LGBTQIA+ community. He requested Council pass a resolution calling for a release of the hostages taken on October 7 by Hamas and a permanent ceasefire in Gaza.

// In the matter of Public Comment, Agenda Item #15, Citizen Samantha Citty, representing Period Access Distribution Center, addressed Council regarding Period Poverty Awareness Week. She requested that Council consider School Board appointees who would prioritize equitable access to period products in schools and consider supplying free period products in government buildings.

// In the matter of Public Comment, Agenda Item #16, Citizen Ricardo Muñoz-Morales-Torrez addressed Council regarding Gaza and the City's role in the conflict. He expressed concerns about a locally based company, BWXT, which manufactured nuclear cores for aircraft carriers and submarines, and which contributed to the genocide ongoing in Gaza. He requested Council to pass a resolution calling for an immediate and permanent ceasefire in Gaza.

// In the matter of Budget, Agenda Item #17, Council conducted a first reading on the adoption of the FY 2025 Budget. City Manager Wynter Benda provided a presentation to Council. Following the April 16, 2024 Public Hearing and further discussions during City Council Work Sessions, including staff adjustments, the Proposed FY 2025 General Fund Budget was reconciled as follows:

	FY 2025 Proposed Budget	Adjustments	FY 2025 Adopted Budget
Revenues and Use of Fund Balance			
Revenues	\$227,597,864		\$227,597,864
Transfers From Other Funds	0	1,600,000	1,600,000
Use of (Additions to) Committed/Assigned Fund	5,015,643		5,015,643
Balance Reserves			
Use of Fund Balance	1,433,500		1,433,500
Total Revenues and Use of Fund Balance	\$234,047,007	\$1,600,000	\$235,647,007
Expenditures, Reserves, and Transfers			
Operations	\$157,543,565		\$157,543,565
Debt Service	19,679,065		19,679,065
Schools Operations	39,360,355		39,360,355
Schools - Operations - Use of Health Insurance	1,000,000		1,000,000
Reserve			

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Greater Lynchburg Transit Company (GLTC) - City Operating	1,879,308		1,879,308
Transfers to Other Funds	1,503,944		1,503,944
External Service Providers	9,953,067		9,953,067
Addition to Reserve: General Fund Reserve for Contingencies	1,200,000		1,200,000
Addition to Reserve: Law Library Reserve	3,999		3,999
Addition to Reserve: Public Safety Building Reserve	59,449		59,449
Addition to Reserve: Recreation Programs	53,295		53,295
Addition to Reserve: Community Corrections and Pretrial Services Reserve	8,000		8,000
Addition to Reserve: Schools Non-Closure	0	1,600,000	1,600,000
Capital Improvements	1,802,960		1,802,960
Total Expenditures, Reserves, and Transfers	\$234,047,007	\$1,600,000	\$235,647,007

Fund Balance

With the adjustments noted above, the Unassigned General Fund Balance as of June 30, 2025 is projected to be \$27,385,939 or 12.0% of revenues. City Council's target for Unassigned General Fund Balance is a minimum of 10% of General Fund revenues with a goal of 15% as the City strives to grow incrementally each year subject to revenues available.

// In the matter of Budget, Agenda Item #17A, Council considered adopting Ordinance #O-24-030 increasing the Water, Sewer, and Stormwater Rates.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt Ordinance #O-24-030 increasing the Water, Sewer, and Stormwater Rates.

Councilmember Helgeson said that he believed some of the budget items before Council should be tabled until further information was received regarding state funding. He said that he would be voting against this item because he did not believe they had done due diligence to avoid passing on increases to the citizens.

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

Ayes: Reed, Dolan, Taylor, Wilder 4

Noes: Faraldi, Helgeson, Misjuns 3

// In the matter of Budget, Agenda Item #17B, Council considered introducing Resolution #R-24-031 appropriating the FY 2025 General Fund Operating Budget (excluding Discretionary External Service Providers and Schools Operating Budget).

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

Councilmember Misjuns made a substitute motion, seconded by Councilmember Helgeson to table this item and the rest of general business items until the Council's next meeting in order to gather

more information. Councilmember Helgeson said that while not all items needed to be tabled at this time, there were numbers that required clarification prior to Council taking a vote on the budget. He made a friendly amendment to table items #17C and #17F for the reason that there was uncertainty regarding the funding available from the state for allocation to the schools. Councilmember Misjuns said that he accepted the friendly amendment. He withdrew his motion.

Mayor Reed called the vote to introduce Resolution #R-24-031 appropriating the FY 2025 General Fund Operating Budget (excluding Discretionary External Service Providers and Schools Operating Budget).

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

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

Noes: 0

// In the matter of Budget, Agenda Item #17C, Council considered adopting Resolution #R-24-032 regarding the FY 2025 Schools Non-Closure Reserve.

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to table this item. Councilmember Misjuns expressed his concern over the potential variance in funding from the state for allocation to the schools. Councilmember Helgeson said that it was prudent to table this item in order to determine if there were strings attached to the funding from the state and if the City must amend their budget accordingly.

Councilmember Wilder asked how the state funding affected the Resolution before Council. Deputy City Manager Mr. Greg Patrick said that the Resolution's purpose was to put \$1.6 million of City funds into a reserve held in case state funding did not cover the cost of keeping the two elementary schools open during the 2024-2025 year. The funds were not being appropriated but were being set aside in reserves. It was likely the state would provide adequate funding for the schools, and if that is the case, they would not necessarily need to set aside that funding. Mr. Benda said that the reserve was also meant to ensure the schools had enough resources to allow the schools to remain open if necessary. He reiterated that it was not an appropriation; it was a reserve. Councilmember Wilder clarified that if the reserve was not needed, it would not be used.

Councilmember Taylor clarified that this funding would be a safety net for the schools. Mr. Benda said that as previously discussed, the consensus was to ensure there were resources enough to keep these schools open and so people could keep their children enrolled and prepared to attend school there next year. Councilmember Taylor made a substitute motion, seconded by Councilmember Wilder, to approve Item #17C. Councilmember Taylor emphasized that it was important to keep children and parents in stable positions. If the funds were not needed, they would be returned to the treasury. Councilmember Wilder said that the City should not give any more mixed signals to the public about whether or not the schools would be kept open, so it was important to take this action.

Councilmember Helgeson clarified that the original motion was not to deny the funding but to table the item so they could vote on it with no issues in two weeks.

Councilmember Misjuns said that he would not be supporting the substitute motion, but he would be ready to support the reserve if necessary. The reserve may not be necessary due to state funding, and it would be prudent to take the time to review the matter and revisit it when they had a more definite answer as to whether it was truly necessary.

Mayor Reed called the vote on the substitute motion to vote on Item #17C.

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

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

Noes: Helgeson, Misjuns 2

The substitute motion then became the main motion and Mayor Reed called for the vote to adopt Resolution #R-24-032 regarding the FY 2025 Schools Non-Closure Reserve.

Councilmember Helgeson said that he would be voting against this motion because it would be more prudent to wait until they knew for certain what the state funding would cover.

Councilmember Misjuns disclosed that his wife was a schoolteacher in Lynchburg City Schools, and that he could vote on this matter impartially and objectively. He said that he would vote against this motion because it was irresponsible to create this reserve until it was known that the funding was necessary.

Vice Mayor Faraldi emphasized that this motion would not result in appropriation of funds; rather, it was safeguarding the funding from being used for any other purpose. Mr. Benda said that was correct.

Councilmember Dolan said that it was unknown whether there would be restrictions on the money received from the state. The funds in the reserve would not be appropriated, and it would give some comfort level to the parents and children of the community to know that Council would do what they said they would do.

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

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

Noes: Helgeson, Misjuns 2

// In the matter of Budget, Agenda Item #17D, Council considered adopting Resolutions #R-24-033a, #R-24-033b, #R-24-033c, #R-24-033d, and #R-24-033e appropriating the FY 2025 Discretionary External Service Providers Budget.

Councilmember Wilder motioned, seconded by Vice Mayor Faraldi, to adopt the Resolution #R-24-033a appropriating the FY 2025 Discretionary External Service Providers Budget for Amazement Square.

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

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

Noes: 0

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt the Resolution #R-24-033b appropriating the FY 2025 Discretionary External Service Providers Budget for Central Virginia Alliance for Community Living.

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

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

Noes: 0

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt the Resolution #R-24-033c appropriating the FY 2025 Discretionary External Service Providers Budget for Central Virginia Community College Board.

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

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

Noes: 0

Councilmember Misjuns motioned, seconded by Vice Mayor Faraldi, to adopt the Resolution #R-24-033d appropriating the FY 2025 Discretionary External Service Providers Budget for Impact Living Services.

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

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

Noes: 0

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt the Resolution #R-24-033e appropriating the FY 2025 Discretionary External Service Providers Budget for Legal Aid Society.

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

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

Noes: Helgeson, Misjuns 2

// In the matter of Budget, Agenda Item #17E, Council considered introducing Resolution #R-24-034 appropriating the FY 2025 Operating Fund Budgets for all other funds.

Councilmember Wilder motioned, seconded by Councilmember Dolan, to approve Resolution #R-24-034 appropriating the FY 2025 Operating Fund Budgets for all other funds.

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 Budget, Agenda Item #17F, Council considered introducing a resolution appropriating the FY 2025 Schools Operating Budget by major classification.

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to table this item for two weeks. Councilmember Helgeson said that it would be prudent to wait until they had more accurate numbers regarding state funding and their requirements prior to Council taking a vote on this item. Councilmember Misjuns disclosed that his wife is a schoolteacher in Lynchburg City Schools and he is able to consider this item objectively and impartially. He said that it would be prudent to wait until they received more information regarding the state funding and its implications before Council takes a vote on this item.

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

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

Noes: 0

Mr. Benda said that he would recommend Council take up this matter during their regularly scheduled meeting on May 28, 2024.

// In the matter of Budget, Agenda Item #17G, Council considered introducing Resolution #R-24-035 adopting the FY 2025-2029 Capital Improvement Program and appropriating the FY 2025 Capital Budget.

Councilmember Wilder motioned, seconded by Councilmember Dolan, to approve Resolution #R-24-035 adopting the FY 2025-2029 Capital Improvement Program and appropriating the FY 2025 Capital Budget.

Councilmember Helgeson said that he would be voting against the motion because he believed some of the plan included projects that could be postponed.

Councilmember Misjuns said that he would be voting against the motion because there were some projects that he did not think were necessary to be included.

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

Ayes: Reed, Dolan, Taylor, Wilder 4

Noes: Faraldi, Helgeson, Misjuns 3

// In the matter of Budget, Agenda Item #17H, Council considered introducing Resolution #R-24-036 appropriating \$50,000 of the FY 2025 Reserve for Contingencies for use by the City Manager.

Councilmember Helgeson motioned, seconded by Councilmember Wilder, to approve Resolution #R-24-036 appropriating \$50,000 of the FY 2025 Reserve for Contingencies for use by the City Manager.

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 #17I, Council considered adopting Resolution #R-24-037 setting the Personal Property Tax Relief Rate at 32.73% for January 1, 2024 through December 31, 2024.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-037 setting the Personal Property Tax Relief Rate at 32.73% for January 1, 2024 through December 31, 2024. Chief Financial Officer Ms. Donna Witt explained that this was a calculation performed by the Commissioner of the Revenue based on state funding of just over \$5.5 million for the Personal Property Tax Relief Act that had been in place since Governor Gilmore. It was a calculation based on the number of vehicles registered in the City against the \$5.5 million.

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 Schools, Agenda Item #18, Council considered introducing Resolution #R-24-038 amending Lynchburg City Schools Major Classification Funding for FY 2024 and transferring \$1,671,820

from Contingency Reserves to Instruction. Chief Financial Officer Ms. Donna Witt provided a summary of the request to Council. In a letter dated March 19, 2024 Lynchburg City Schools Superintendent reported, "On March 12, 2024, the Lynchburg City School Board voted to request that the City Council transfer the remaining \$1,671,820 in the FY 2024 LCS Contingency Reserve to the Instruction category. This request is crucial for addressing several pressing financial challenges faced by our school division."

If approved, the FY 2024 Adopted Schools Operating Budget would be amended by transferring \$1,671,820 from Contingency Reserves to Instruction. This request does not change the total operating revenues appropriated by City Council but rather moves \$1,671,820 from Contingency Reserves to Instruction.

Councilmember Wilder motioned, seconded by Councilmember Dolan, to approve Resolution #R-24-038 amending Lynchburg City Schools Major Classification Funding for FY 2024 and transferring \$1,671,820 from Contingency Reserves to Instruction.

Councilmember Helgeson said that he would not support this motion due to the discrepancy in numbers provided and he did not find convincing rationale for the schools to have this funding for the reasons stated.

Councilmember Misjuns said that he would not support this motion because he did not think the schools were utilizing their allocated funds appropriately and he was not confident in their operations. He disclosed that his wife was a schoolteacher and he was able to vote on this item impartially and objectively.

Mayor Reed clarified that these funds were requested by the schools to be transferred from the Contingency Fund to Instruction in order to cover the shortfall resulting from increased health insurance claims. The funding was meant to be requested by the schools, and the Superintendent had expressed earlier today that the schools needed the funding and therefore were requesting it for budgetary purposes.

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

Ayes: Reed, Faraldi, Dolan, Wilder	4
Noes: Helgeson, Misjuns, Taylor	3

// In the matter of Community Development, Agenda Item #19, Council considered adopting Ordinance #O-24-039 adding a new section to City Code specific to authorizing revenue sharing of solar and energy storage facilities. This item was previously briefed to Council during the April 23, 2024 Business Item Briefings. The City currently has two (2) battery energy storage facilities in the review process for development - one at 3920 Harbor Street / 109 Old Trents Ferry Road and the other at 2904 Carroll Avenue. The Code of Virginia § 58.1-3660 provides that energy storage facilities shall be assessed at eighty (80) percent of the assessed value in the first five (5) years of service, seventy (70) percent of the assessed value in the second five (5) years in service and sixty (60) percent of the assessed value for all remaining years of service. The reduction in assessed value would apply to the City's Machinery & Tools Tax or, if applicable, the State Corporation Commission (SCC) Assessment.

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In lieu of the reduced Machinery & Tools Tax, Code of Virginia § 58.1-2636 provides that a locality may, by ordinance, assess a revenue share of up to fourteen hundred dollars (\$1400) per megawatt of the energy storage facility. This assessment would increase on July 1, 2026, and every five years thereafter by ten (10) percent. This revenue share agreement would remain in place for the life of the facility regardless of ownership.

If the City adopts the proposed Revenue Sharing Ordinance, the City's Machinery & Tools Tax would no longer be applicable to Solar or Energy Storage Facilities.

Councilmember Helgeson motioned, seconded by Councilmember Taylor, to adopt Ordinance #O-24-039 adding a new section to City Code specific to authorizing revenue sharing of solar and energy storage facilities.

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

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

Noes: Faraldi 1

// The meeting adjourned at 9:28 p.m.

Clerk of Council

May 28, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of May, 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, Beverly Blair provided Council with an update regarding the Downtown Branch Library pilot project. She announced that the branch, located in the former Visitor's Center, was holding a grand opening on Saturday, June 8, from 9 a.m. to 2 p.m. She said that after a six-month pilot program, they would gather citizen feedback to try new ideas and schedules.

// In the matter of Public Works, Agenda Item #1, Council received an update regarding the Enterprise Drive traffic calming efforts. Lee Newland, City Engineer, provided a presentation to Council. In response to Council's request, staff ordered and installed radar feedback signs along with increased fine signs, which became operational on September 20, 2023.

Vice Mayor Faraldi asked for more information regarding the per-speed breakdown in chunks for the 45% of vehicles travelling over 5mph over the speed limit. He noted that the radar signs would flash white, not the speed, if a vehicle was travelling over a certain speed, and drivers had taken to speeding in order to make the signs flash. He asked if the signs could be adjusted so that they showed the speed rather than flash white. Mr. Newland said that the signs could be adjusted. He explained that the signs had been set to a 50-mph limit, and above that, it would show "Slow Down" in red. He noted that this had been changed on May 23. He explained that they did not want to show speeds above 50 mph because people may use it as a game to reach higher speeds.

Vice Mayor Faraldi asked how many tickets were issued which were actually cited. Ryan Zuidema, Chief of Police, said that the number of tickets issued was 29. Vice Mayor Faraldi asked if there was an increase in the number of tickets issued since the signs were installed and the ordinance amended. Chief Zuidema said that it depended on their capacity to patrol the area. He said that in comparing the time period from 09/20/2022 to 05/19/2023 and 09/20/2023 to 05/19/2024, there had been a tripling of tickets issued in the area since installing the signs, and accidents had halved.

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Vice Mayor Faraldi asked how the City was addressing traffic concerns around the Summit development. City Manager Mr. Wynter Benda said that staff was in discussions with the developer, and they were working to schedule a meeting. He said that they were looking for a solution that would benefit all parties. Vice Mayor Faraldi said that the residency council wanted a signalized intersection, and he agreed with the request given the amount and speed of traffic.

// In the matter of Youth, Agenda Item #2, Council held a work session regarding the Summer Fun and Safety Guide for the Youth of the City. Dr. Hollie Jennings, Diversity Equity & Inclusion Strategist, briefed Council.

Councilmember Helgeson expressed concerns about how the basketball courts were closed during the COVID-19 pandemic, which prevented children from even playing basketball by themselves.

Councilmember Wilder said that the guide provided positive activities for children to participate in and offered helpful tips to residents, such as places to get free food. He said that the basketball courts were likely closed to prevent children from getting sick and dying.

Councilmember Misjuns said that they should live in a bubble so people couldn't interact with, breathe on, sneeze on, or cough on each other. He said he was disappointed in the City for closing schools and outdoor basketball courts during the COVID-19 pandemic, and similar reasoning was used to cancel the International Festival. He said he wanted to see a reduction in crime while facilities and activities remained open.

// In the matter of Community Development, Agenda Item #3, Council was briefed regarding the Fiscal Year (FY) 2025 Program Year (PY) 2024 Community Development Advisory Committee (CDAC) recommendations for Community Development Block Grant (CDBG) and HOME Program Entitlement funds. Mayor Reed stated that the item would appear before Council for action at the June 11, 2024 meeting. Melva Walker, Grants Manager, briefed Council. The Community Development Advisory Committee (CDAC) met on February 22, 2024 and reviewed the applications that were submitted.

// In the matter of Schools, Agenda Item #4, Council was briefed regarding the FY 2025 School Funding Update and Tax Rates. Mayor Reed stated the item would appear before Council for action at the regular meeting. Donna Witt, Chief Financial Officer, provided a summary to Council.

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Councilmember Helgeson asked what the impact would be to lower the Personal Property Tax by \$0.10. Ms. Witt replied that a \$0.10 decrease would equate to a \$13 savings based on a vehicle valued at \$20,000, or just under \$0.01 on the Real Estate rate, which was equivalent to \$20 on a house valued at \$200,000. Councilmember Helgeson said he would support decreasing the Personal Property Tax rate by \$0.10 or the real estate rate by \$0.01. He asked for clarification regarding page 185 in the budget, where there was a 20% increase in administration from the prior year's allocation. Ms. Witt said she believed the increase was related to health insurance costs since the category included administration and health.

Vice Mayor Faraldi noted that the budget figures were not finalized, and the final impact of the tax reduction on tax payers could be as low as \$9, not even enough to buy a Happy Meal from McDonalds. He said he would gladly sacrifice a Happy Meal to provide pay raises to the teachers at Sandusky Elementary.

Councilmember Misjuns said that they should work to reduce administration costs in LCS and redirect the funds to instruction. He said that administration should be flat funded at most.

Councilmember Wilder clarified that they had provided tax relief to residents in the budget. Ms. Witt confirmed that Council had waived the \$10/month trash collection fee and the vehicle license fee.

Mayor Reed noted that the funding for LCS was not level funding due to inflation, and it should have been adjusted by about \$2.8 million. She said that LCS only received \$9 million of its \$139 million CIP request, which would be used to address lagging maintenance projects and building upkeep. She noted that teachers often paid for classroom expenses out of their own paychecks, yet councilmembers were suggesting reducing funding to LCS by \$660,000. She noted that Council had already advertised the budget and tax rates, so adjustments would require them to restart the process. She said there was no consensus from Council to adjust the tax rates.

// In the matter of Finance, Agenda Item #5, Council was briefed regarding the FY 2024 Third Quarter Adjustments. Donna Witt, Chief Financial Officer, provided a presentation 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,

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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.

Councilmember Helgeson said that they could reallocate the reserve for textbooks to another reserve or use it to help keep schools open. He asked why the expenditure was happening now. Ms. Witt said that the expenses occurred every so often when the DOE mandated upgraded textbooks. She said that the expense request was for textbooks for grades K-5. She said that the money was set aside for a number of years until the new textbooks were requested or mandated. Councilmember Helgeson asked if it was possible to use the increase in interest income rather than drawing from the reserve for contingencies. Ms. Witt said that it was possible. Councilmember Helgeson asked when they would see the extra funds from the interest income. Ms. Witt said that they were currently \$3 million above budget.

// In the matter of the Police Department, Agenda Item #6, Council was briefed regarding the City-Wide Youth Curfew. Ryan Zuidema, Chief of Police, briefed Council on the matter. 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 to sunset on June 1, 2024.

Councilmember Misjuns asked how children would be able to attend the midnight basketball event being hosted by the City. Mr. Zuidema replied that there was a provision of the curfew, Section B(5), which stated that a minor could attend an event sponsored by a school, religious, civic organization, public organization or agency, or a similar agency, where the activity is supervised by adults, and the minor is travelling to and from the activity without detour or stop.

// In the matter of Roll Call, Mayor Reed announced she attended a Memorial Day celebration at the City Armory. She thanked veterans for their service. She said she was able to read to students at Sandusky Elementary, and they told her that they wanted Astronaut Leland Melvin to read to them next year. She recognized and highlighted the work and contributions of the Circuit Court.

// The meeting was recessed at 5:46 p.m.

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// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of May, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns, Larry Taylor, Sterling A. Wilder	7
Absent:	0

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

// In the matter of Recognitions, Agenda Item #1, Mayor Reed recognized the 19th Citizens Academy Graduation. Anna Benson introduced the graduating class. Susan Murray, class spokesperson, provided remarks to Council. Mayor Reed presented the graduates with their certificates.

// In the matter of the Agenda, City Attorney Mr. Matthew Freedman said that staff had requested to add an item to the agenda under General Business related to the Youth Curfew. He noted that since the sunset clause was approaching, staff wanted Council's direction as to whether or not the curfew should continue. Councilmember Helgeson and Councilmember Misjuns did not support adding the item to the agenda because citizens should be provided the opportunity to prepare and speak on the matter.

Councilmember Wilder asked if the terms of the curfew had changed. Mr. Freedman replied that the extension dates had been changed; otherwise, it had the same terms as the previous curfew.

Councilmember Dolan motioned to add the item to the agenda as the first item under General Business. Councilmember Wilder seconded the motion.

Councilmember Misjuns said he would prefer to add the item to the end of General Business so that the citizens who were in attendance for the items that were already on the agenda wouldn't be beholden to the discussion of this item being put on the agenda. Councilmember Helgeson said that putting the item on at the ending would be the preference. Councilmembers Dolan and Wilder supported adding the item to the end of General Business.

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

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

// In the matter of Consent, Agenda Item #2, a second reading was conducted and Council adopted Resolution #R-24-031 appropriating the FY 2025 General Fund Operating Budget (excluding Discretionary External Service Providers and Schools Operating Budget); Resolutions #R-24-033(a), #R-24-033(b), #R-24-033(c), and #R-24-033(d) appropriating the FY 2025 Discretionary External Service Providers Budget; and Resolution #R-24-036 appropriating \$50,000 of the FY 2025 Reserve for Contingencies for use by the City Manager. Councilmember Helgeson motioned, seconded by Councilmember Wilder, to approve the resolutions.

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

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

Noes: Misjuns 1

// In the matter of the Consent Agenda, Agenda Item #3, copies of the minutes of the February 27, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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, Taylor, Wilder 6

Noes: Misjuns 1

// In the matter of the Consent Agenda, Agenda Item #4, copies of the minutes of the March 12 27, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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, Taylor, Wilder 6

Noes: Misjuns 1

// In the matter of the Consent Agenda, Agenda Item #5, copies of the minutes of the March 26 27, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

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

Noes: Misjuns 1

// In the matter of the Consent Agenda, Agenda Item #6, copies of the minutes of the April 9 27, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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, Taylor, Wilder 6

Noes: Misjuns 1

// In the matter of the Consent Agenda, Agenda Item #7, copies of the minutes of the April 16 27, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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, Taylor, Wilder 6

Noes: Misjuns 1

// In the matter of the Consent Agenda, Agenda Item #8, copies of the minutes of the April 23 27, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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, Taylor, Wilder 6

Noes: Misjuns 1

// In the matter of Community Development, Agenda Item #9, Council held a public hearing in consideration of adopting Resolution #R-24-040 approving the siting agreement between the City of Lynchburg and James Energy, LLC (d/b/a East Point Energy) at 3920 Harbor Street & 109 Old Trents Ferry Road. Director of Community Development Tom Martin provided a briefing to Council. James

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Energy Center, LLC is requesting that the City enter into a "Siting Agreement" for a proposed battery energy storage facility to be located at 3920 Harbor Street & 109 Trents Ferry Road. City Council approved a Conditional Use Permit (CUP) to allow for up to a twenty (20) megawatt facility on April 11, 2023. The Code of Virginia §15.2-2316.7 provides that the City and the applicant may enter into a Siting Agreement in order to mitigate impacts related to the facility and provide financial compensation to the City in order to address capital needs. Impacts related to these types of facilities include emergency response, and depending on the underlying zoning, loss of housing opportunities or job creation. James Energy Center, LLC is offering a total of \$55,000 payment to the City which would be disbursed based upon a Capital Payment Schedule as listed in Exhibit C of the Agreement:

\$5,000 - within ninety (90) days of agreement.

\$10,000 - commencement of construction.

\$30,000 (for fire department equipment) - commencement of construction

\$10,000 -within ninety (90) days of commercial operation.

In addition to the cash payment, James Energy Center, LLC will fund specialized training for the Lynchburg Fire Department that may be needed to respond to an emergency at the facility.

These one-time payments are separate from and in addition to real estate taxes and proposed revenue sharing.

Petitioner Chris Meyer, East Point Energy, told Council that he was present to answer any questions.

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.

Councilmember Taylor motioned, seconded by Councilmember Dolan, to adopt Resolution #R-24-040, approving the siting agreement between the City of Lynchburg and James Energy, LLC (d/b/a East Point Energy) at 3920 Harbor Street & 109 Old Trents Ferry Road. Jason Shoemaker, Project Manager for Interconnection Projects and representing the petitioner, was available to answer any questions.

Councilmember Taylor asked how the facility would handle the battery cells overheating. Mr. Meyer explained that batteries were contained in separate enclosures, and if they did begin to heat up,

they had various procedures to disconnect power and begin discharging them, which would reduce the combustion risk. He said that if the batteries did combust, there were vents to release the fumes and prevent explosions, and the fire would be contained to the individual enclosures. He said that the fire department's procedure was to protect the perimeter and allow the enclosure to burn safely.

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 #10, Council held a public hearing in consideration of adopting Resolution #R-24-041 approving a siting agreement between the City of Lynchburg and Quarry Energy Center, LLC (d/b/a East Point Energy) at 2904 Carroll Avenue. Director of Community Development Tom Martin provided a summary of the request to Council. Quarry Energy Center, LLC is requesting that the City enter into a "Siting Agreement" for a proposed battery energy storage facility to be located at 2904 Carroll Avenue. The proposed facility would be permitted "by-right" on the industrial zoned property. The submitted siting agreement indicates the facility could be as much as twenty (20) megawatts. The Code of Virginia §15.2- 2316.7 provides that the City and the applicant may enter into a Siting Agreement in order to mitigate impacts related to the facility and provide financial compensation to the City in order to address capital needs. Impacts related to these types of facilities include emergency response, and depending on the underlying zoning, loss of housing opportunities or job creation.

Quarry Energy Center, LLC is offering a total of \$65,000 payment to the City which would be disbursed based upon a Capital Payment Schedule as listed in Exhibit C of the Agreement:

\$5,000 - within ninety (90) days of agreement.

\$20,000 - commencement of construction.

\$40,000 -within ninety (90) days of commercial operation.

These one-time payments are separate from and in addition to real estate taxes and proposed revenue sharing. Petitioner Chris Meyer, East Point Energy, told Council that he was present to answer any questions.

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Fredrick Burton, Sr., 2700 and 2704 Clover Place, speaking in opposition, expressed concerns about the safety risks posed by the facility to nearby residents.

Mr. Meyer provided a rebuttal to the public input. He said that they performed outreach to nearby residents and addressed some concerns of residents who reached out. He said that the project was located on an industrially zoned site, so the project was by-right, and it was behind the existing substation, hundreds of feet from the majority of residences. He said that the facilities were designed so fail safely, and there was no significant risk to personal property or human health of nearby residents.

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 Dolan motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-041, approving a siting agreement between the City of Lynchburg and Quarry Energy Center, LLC (d/b/a East Point Energy) at 2904 Carroll Avenue.

Councilmember Helgeson asked for clarification regarding the safety of the facility. City Manager Mr. Wynter Benda stated that there were provisions in the agreement where the petitioner would help with equipment and training associated with a potential fire at the facility. Mr. Meyer said there was a low priority for an enclosure to catch fire, and there were multiple mitigation requirements and tests to ensure safety. He said that they would submit an emergency response plan (ERP) before site plan approval, and the fire department would be trained on the ERP.

Councilmember Misjuns asked what hazardous materials were associated with the batteries. Mr. Meyer said that they used lithium-ion chemistry, similar to electric vehicles and home-storage batteries. He said that testing on water, air, and soil pollution from fires or runoff showed no toxicity damages. Councilmember Misjuns asked if PFAS were associated. Mr. Meyer said he was not sure, but there could be, such as through construction materials. Councilmember Misjuns noted that there was no way to protect firefighters from PFAS exposure, so the petitioner should look to limit the materials used during construction to be safe for first responders.

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 Schools, Agenda Item #11, Council held a public hearing to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2024, in School Board Districts I, II, III. Clerk of Council Alicia Finney provided a summary of the request to Council. Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year. Section §22.1-29.1 of the Code of Virginia requires City Council to hold a public hearing on school board appointments at least seven days prior to making the appointments. It also provides that no nominee or applicant whose name has not been considered at a public hearing can be appointed to the school board.

The following individuals have applied:

District 1: Brandon Hill, Daryl Conner, Selina Morgan, Patrick Earl, Nettie Webb, Cynthia Deutsch, Elizabeth Jenkins, Brandy Gibbs, Miles Erwin, Joseph Malloy, Ken Kowalski.

District 2: Joserah Schenck, Mark Tinsley, Timothy Smith, Margaret Deyerle, Jibri Poe, Jordan Nesbitt.

District 3: Aaron Borsay, Taormina Howard, Atul Gupta, Carlos Cifuentes, Beth-Anee Fretz, Alysha Brown, Kimberly Thompson.

Daryl Conner, candidate for District 1, addressed Council and outlined his qualifications for the School Board.

Elizabeth Jenkins, candidate for District 1, addressed Council and outlined her qualifications for the School Board.

Joseph Malloy, candidate for District 1, addressed Council and outlined his qualifications for the School Board.

Jordan Nesbitt, candidate for District 2, addressed Council and outlined her qualifications for the School Board.

Gavin Proffit, District 1, endorsed Joseph Malloy for the School Board.

Jonathan Pen, District 2, endorsed Jibri Poe for School Board based on his life-long friendship with Mr. Poe.

Heaven Harrington, District 1, endorsed Selina Morgan for School Board based on her work in the YWA.

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Camille Thornton, District 1, endorsed Selina Morgan for School Board.

Z'Ayonna Winchester, District 1, endorsed Selina Morgan for School Board based on her work running the YWEA and her positive impacts on the community.

Shirley Conner, District 1, endorsed Daryl Conner for School Board based on his work in the community.

Kelvin Moore, District 2, endorsed Jibri Poe for School Board based on his commitment to accountability, integrity, and energy.

Brandon Arthur, District 2, endorsed Jibri Poe for School Board based on his engagement with young people.

There was no one left wishing to speak, either by phone in-person.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to close the public hearing and begin the selection of candidates.

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

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

Noes: 0

Vice Mayor Faraldi requested to add Daryl Conner, Nettie Webb, and Joseph Malloy from District 1; Mark Tinsley, Jibri Poe, and Jordan Nesbitt from District 2; and Atul Gupta from District 3 to be interviewed at the next meeting.

Mayor Reed requested to add Ken Kowalski and Selina Morgan from District 1.

Councilmember Wilder requested to add Patrick Earl from District 1 to be interviewed at the next meeting.

Councilmember Dolan requested to add Cynthia Deutsch and Elizabeth Jenkins from District 1 to be interviewed at the next meeting.

// In the matter of Public Comment, Agenda Item #12, Citizen Beverly McCloskey, on behalf of Embrace Our Schools, addressed Council regarding LCS funding. She stated the importance of LCS teachers in her children's development and schooling. She said that the quality of LCS was a direct reflection of the City, and without a quality education system, people would start to leave. She said that all LCS students deserved a bright future.

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// In the matter of Public Comment, Agenda Item #13, Citizen Colleen Larkins, on behalf of Save Sandusky, addressed Council regarding tax cuts. She expressed concerns about the impacts of further tax cuts to LCS. She noted that quality public education reduced crime rates and that it cost five times more to incarcerate someone than it did to provide quality education. She said that LCS students deserved to be funded.

// In the matter of Public Comment, Agenda Item #14, Citizen Johanna Derrenbacker addressed Council regarding defunding Lynchburg City Schools. She requested that Council prioritize funding of the public education system.

// In the matter of Public Comment, Agenda Item #15, Citizen Beth White was not present.

// In the matter of Public Comment, Agenda Item #16, Citizen Bruce Rubinberg, on behalf of Feks Martial Arts Center, addressed Council regarding a response to the City Council Public comment on 5/14 from Dan Harrison with Church of Covenant. He said that a ceasefire would not bring peace to Gaza, and his friends and family in the IDF who were in Rafah did not wish harm or bring suffering on the people in Gaza; they just wanted to live in peace.

// In the matter of Public Comment, Agenda Item #17, Citizen Cynthia Capps addressed Council regarding councilmembers and propaganda. She expressed concerns that an email she sent on May 19, in which she requested clarification regarding the votes that took place at the May 14 meeting, was being used by Councilmember Misjuns to spread propaganda in his newsletter. She noted that level funding for schools did not account for inflation, and continued level funding was widening the achievement gap for LCS students.

// In the matter of Public Comment, Agenda Item #18, Citizen Sarah Quarantotto addressed Council regarding funding for LCS. She expressed opposition to the proposal from some councilmembers to further decrease LCS funding if the state provided increased funding. She said that reducing LCS funding further would drive away the tax base and qualified teachers. She asked Council to maximize its investment in LCS.

// In the matter of Public Comment, Agenda Item #19, Citizen Kathleen Olinger addressed Council regarding school funding. She said that continuing to reduce property taxes would only benefit property

owners, many of whom did not live in the City, and would harm renters. She asked Council to continue to support LCS.

// In the matter of Public Comment, Agenda Item #20, Citizen George Dawson addressed Council regarding school funding. He said that the City's economic health would be negatively impacted by reduced investment in LCS.

// In the matter of Public Comment, Agenda Item #21, Citizen Erik Nygaard addressed Council regarding proposed changes to the City schools' budget. He requested Council to increase funding to LCS to bolster local business's abilities to attract local talent.

// In the matter of Public Comment, Agenda Item #22, Citizen Sam Citty addressed Council regarding funding for LCS. She said that reducing LCS funding to provide tax relief would not benefit her family which depended on the school system.

// In the matter of Public Comment, Agenda Item #23, Citizen Amanda Rumore, on behalf of Bedford Hills Elementary PTO, addressed Council regarding funding for LCS. She said she opposed any reduction in LCS funding for the fiscal year. She said that larger class sizes and staff cuts resulted from reduced funding which in turn would negatively impact the learning environment. She asked Council to fully fund LCS.

// In the matter of Public Comment, Agenda Item #24, Citizen Jeffrey Wooters addressed Council regarding LCS funding. He noted the importance of public education and expressed supported funding for LCS. He asked each councilmember to visit the schools and meet with the faculty and staff, and to consider the needs of LCS.

// In the matter of Public Comment, Agenda Item #25, Citizen Kate Sigler addressed Council regarding support for fully funding of LCS as a parent of middle and elementary school students.

// In the matter of Public Comment, Agenda Item #26, Citizen Bianca Childress, on behalf of Linkhorne Middle School PTO, addressed Council regarding the budget. She said that teachers had indicated the greatest need was for basic classroom supplies, and she was disheartened to learn that LCS was not able to fund these basic supplies, much less maintenance and salary needs. She said that quality public schools benefitted economic development, real estate assessments, great tax revenue, improved public health, reduced reliance on social assistance programs, and reduced crime.

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// In the matter of Public Comment, Agenda Item #27, Citizen Scott Wiebe addressed Council regarding support for LCS teacher pay. He asked Council to increase funding for LCS at the local level.

// In the matter of Public Comment, Agenda Item #28, Citizen Sara Beck addressed Council regarding funding for LCS. She expressed support for robust investment in LCS. She said that declining enrollment did not mean a reduced need for funding, but rather a need to consider how they can address the reasons why students and families were leaving LCS. She said there was no investment more important than public schools.

// In the matter of Public Comment, Agenda Item #29, Citizen Kelly Knight addressed Council regarding funding for the LCS budget. She said that LCS required full funding to address capital and operating needs. She said that investing in LCS would have positive long-term economic impacts on the City.

// In the matter of Public Comment, Agenda Item #30, Citizen Deirdra Flavin was not present.

// In the matter of Public Comment, Agenda Item #31, Citizen Ginna Haske, on behalf of Athletic Boosters, addressed Council regarding LCS funding. She asked Council to invest in LCS.

// In the matter of Public Comment, Agenda Item #32, Citizen Jamie Maxwell, on behalf of Stop Anti-Semitism, addressed Council regarding stopping antisemitism in the City. He asked the City to adopt a resolution in support of Israel.

// In the matter of Public Comment, Agenda Item #33, Citizen Dawn Wise, on behalf of LCS Education Foundation, addressed Council regarding LCS funding. She said that the Education Foundation had an increasing number of items they had to fund due to shortfalls in the City's budget. She asked Council to stop reducing the LCS budget.

// In the matter of Public Comment, Agenda Item #34, Citizen Maggie Millard was not present.

// In the matter of Public Comment, Agenda Item #35, Citizen Randy Trost addressed Council regarding the LCS budget. He said that investing in LCS was an investment in the City. He asked Council to support additional pay for LCS faculty and staff.

// Council called a recess at 9:30 p.m. and reconvened at 9:35 p.m.

// In the matter of the Museums, Agenda Item #36, Council considered adopting Resolution #R-24-042 establishing the City of Lynchburg's VA 250 Local Committee "LYH 250." Mayor Reed stated that the item was presented to Council during the Business Item Briefings at the May 14 meeting. VA 250 local

committees work with the State's VA 250 Commission to commemorate the 250th anniversary of Virginia's role in American independence (1776–1781). The state's commission will provide grant funding opportunities for commemorative events or projects and will make available programs to include traveling exhibitions and teacher resources to the local committee. Grants are offered through the Virginia Tourism Corporation and Virginia Humanities.

Local representatives have self-selected as Lynchburg's committee and listed themselves on the VA250 website; the committee contact is listed as Ashleigh Meyer, with the Old City Cemetery (Southern Memorial Association). The narrative from the website listing notes "Old City Cemetery will serve as the focal point for Lynchburg's 250th programming, and we are excited to work with the Lynchburg Museum, Jones Memorial Library, area historians, and the nearby counties of Bedford and Campbell to bring about a regional celebration of this important anniversary for our nation."

To have an officially recognized (or "certified") VA 250 committee, City Council must pass a support resolution. The attached resolution formally designates the local committee through December 31, 2026 and assigns the Southern Memorial Association as the fiscal agent for purposes of applying for receiving and managing state programs and grants on behalf of the committee. The committee would be monitored by the City's Finance Department like other subrecipients, such as those for Community Development Block Grant and HOME grant programs. Following the presentation of this item during City Council's May 14 work session, staff updated the resolution to designate the name of the committee as "LYH 250" and include a listing of the representative organizations to better comply with the certification requirements of the committee. Those organizations include the Southern Memorial Association, Thomas Jefferson's Poplar Forest, Avoca Museum and Historical Society, Daughters of the American Revolution, Patrick Henry's Red Hill, Sons of the American Revolution, and Jones Memorial Library.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-042 establishing the City of Lynchburg's VA 250 Local Committee "LYH 250."

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

Ayes: Reed, Faraldi, Dolan, Wilder	4
Noes:	0
Absent: Helgeson, Misjuns, Taylor	3

// In the matter of the Police Department, Agenda Item #37, Council considered introducing 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.

At its May 28, 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: Wilder, Dolan, Helgeson, Reed, Faraldi, Misjuns	6
Noes:	0
Absent: Taylor	1

// In the matter of Budget, Agenda Item #38(D), Council conducted a second reading and considered adopting Resolution #R-24-033(e) appropriating the FY 2025 Discretionary External Service Providers Budget. Councilmember Wilder motioned, seconded by Councilmember Dolan, to adopt Resolution #R-24-033(e).

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

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

// In the matter of Budget, Agenda Item #38(E), Council conducted a second reading and considered adopting Resolution #R-24-034 appropriating the FY 2025 Operating Fund Budgets for all other funds. Councilmember Wilder motioned, seconded by Councilmember Dolan, to adopt Resolution #R-24-034.

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 Budget, Agenda Item #38(G), Council conducted a second reading and considered adopting Resolution #R-24-035 adopting the FY 2025 – 2029 Capital Improvement Program and appropriating the FY 2025 Capital Budget. Councilmember Wilder motioned, seconded by Councilmember Dolan, to adopt Resolution #R-24-035.

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

Ayes: Reed, Dolan, Taylor, Wilder 4

Noes: Faraldi, Helgeson, Misjuns 3

// In the matter of Budget, Agenda Item #39(F), Council held a first reading on the adoption of the FY 2025 Schools Operating Budget and considered introducing Resolution #R-24-044 appropriating the FY 2025 Schools Operating Budget by major classification. Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to introduce the Resolution.

Councilmember Misjuns motioned to amend the classification funding as follows: Instruction will be \$77,658,521; Administration Attendance and Health will be \$7,336,922; Transportation will be \$6,599,342; Operations and Maintenance will be \$12,474,168; Food Services and other non-instructional operations will be \$42,145; Facilities will be \$25,210; Technology will be \$5,143,115; and Contingency Reserves will be \$1,642,897. Councilmember Helgeson seconded the motion.

Councilmember Misjuns disclosed that his wife was an LCS teacher, but he was able to consider the matter impartially and objectively. He said that the current resolution as presented would actually result in a reduction of funding for the Instruction category and more funding for Administration. He said that they had to address funding problems in LCS without leaving teachers and students behind.

Councilmember Helgeson expressed concerns that the LCS Operating Budget was \$110 million, but they were unable to provide teachers with basic classroom supplies. He said that the substitute motion did not lower funding but ensured more funds would be dedicated towards Instruction.

Vice Mayor Faraldi asked if Councilmember Misjuns or Councilmember Helgeson had reviewed the figures in the substitute motion with staff. Deputy City Manager Mr. Greg Patrick said no.

Councilmember Wilder said he did not support the substitute motion. He said he trusted LCS and the School Board to make decisions. He noted that the majority of the budget was allocated to the Police Department and public safety, yet, they were not having the same conversations about the Police Department. He said that there was value to education.

Mayor Reed expressed concern over the false statements made by members of Council which undermined the expert opinions of staff. She asked Superintendent Dr. Crystal Edwards if she could respond to some of the statements made. Dr. Edwards explained that there was a 3% staff raise made three years ago, followed by a 5% staff raise last year, then a 5% raise this year along with a 2% raise.

This was provided to all staff, including support staff. These raises were achieved by moving instructional staff from the operating budget and into their CARES budget. It was acknowledged at the time that this was not a sustainable method of funding and functioned as a stop-gap method to save jobs. She noted that when analyzing the funds for instruction in the operating budget, they were not counting the amount of people who were included in the CARES budget. She clarified that when the state gave a raise, it was not given as a 100% allocation but rather a 33% allocation, and the schools must request the City's support to provide the remaining 67%, otherwise she had to cut people in order to provide that raise. She clarified that the administration budget was not solely affecting the central office staff; it also affected the attendance personnel, nurses, and other staff that were in each school building. She explained further that the budget process for the schools was dependent on the information available of the state, and they could not predict the changes made at the state level. The first budget made at the beginning of the year was using the governor's budget, which was the only budget document that existed at that time of year. They would continue to refine the budget as the actual numbers were presented. She noted that potential cuts had been discussed during the joint work session between the School Board and the City Council. Once the final numbers were received, she would provide the full instructional funding without the CARES funding and there would be no assumptions.

Councilmember Misjuns asked if the proposed budget included the restorative academy. Dr. Edwards replied that the School Board's approved budget included the Restorative Academy, which was budgeted at \$1.2 million without the inclusion of grants and other funds. Councilmember Misjuns asked if the information regarding cuts that was provided at the joint meeting included the reduction in force plan. Dr. Edwards said yes. Councilmember Misjuns asked if the CARES funding had been overextended. Dr. Edwards said that it could be interpreted as such, but it operated as a way to commit to raises for the school staff. Councilmember Misjuns expressed his confusion over the provided numbers in the past budgeting for schools.

Mayor Reed called the vote for the substitute motion. The following vote was recorded:

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

Mayor Reed said that the original motion was on the floor.

Councilmember Misjuns stated that he could not support the motion because it did not adequately fund instruction in Lynchburg City Schools.

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

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

Noes: Helgeson, Misjuns 2

// In the matter of Schools, Agenda Item #40, Council conducted a second reading and considered adopting Resolution #R-24-038 to amend FY 2024 Schools Operating Budget by major classification.

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

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

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

Noes: Helgeson, Misjuns 2

// In the matter of Item Not on the Agenda, Council considered an Ordinance #O-24-045 to extend the “sunset” or expiration/repeal date of the City-wide Youth Curfew Ordinance, Section 27-28 of Article I of Chapter 27 of the Code of the City of Lynchburg, 1981, from June 1, 2024 to January 1, 2025. Police Chief Ryan Zuidema provided a summary of the item to Council. Staff recommended extension of the curfew to January 1, 2025.

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to deny the extension of the curfew to January 1, 2025. Councilmember Misjuns stated that it was unnecessary to extend the violation of civil liberties and they should unleash the police onto the City to find the dangerous criminals and lock them up. Councilmember Helgeson stated that while the curfew was productive in its first few months, he felt it had lost its effectiveness and was no longer necessary.

Councilmember Wilder stated that he could not support the motion because he relied on the expertise of the Police Department to determine whether it was necessary to extend the curfew.

Councilmember Taylor stated he had received positive feedback from citizens regarding the curfew, so he would support them and the Police Department.

Mayor Reed acknowledged that the impetus of the curfew was due to three youth deaths, and she recalled that the wards that those children resided in remained the biggest supporters of the curfew. She noted that the extension also served as a method to collect data related to crime trends. Chief

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Zuidema stated that Councilmember Helgeson was correct that they began the curfew with higher numbers that dipped during the winter months, but as they were reaching summertime, youth had much more unstructured time that the Police Department wanted to ensure was spent crime-free. In his opinion, continuing the curfew would allow the department to address some of the issues they otherwise would be unable to address.

Councilmember Wilder made a substitute motion, seconded by Councilmember Dolan, to approve the Ordinance #O-24-045 to extend the curfew. Councilmember Helgeson suggested amending the motion to only include summer months and sunset it after September. Councilmember Dolan noted that Chief Zuidema had stated the entire period requested would serve to collect a full period of data.

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

Ayes: Dolan, Wilder, Taylor, Reed	4
Noes: Faraldi, Helgeson, Misjuns	3

Mayor Reed called the vote on the motion to approve the Ordinance #O-24-045 to extend the curfew.

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

Ayes: Dolan, Wilder, Taylor, Reed	4
Noes: Faraldi Helgeson, Misjuns	3

// The meeting adjourned at 10:47 p.m.

Clerk of Council

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.

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// 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

Taylor, Sterling A. Wilder 7

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).

<u>CDBG AVAILABLE FUNDING/SOURCE</u>	<u>AMOUNT</u>
HUD Entitlement Allocation	\$722,622.00

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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

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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

Noes: Dolan, Wilder 2

// The meeting adjourned at 7:39 p.m.

Clerk of Council

June 12, 2024

// A special called meeting of the Council of the City of Lynchburg was held on the 12th day of June, 2024, at 9:30 A.M. in the Council Chamber, City Hall, for the purpose of interviewing candidates to the Lynchburg City School Board for Districts 1, 2, and 3 for terms beginning July 1, 2024. Stephanie T.

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

// Council proceeded to conduct 30-minute interviews with the following candidates: Jordan Nesbitt, District 2; Jibri Poe, District 2; Mark Tinsley, District 2; Daryl Conner, District 1.

// The meeting was recessed at 11:30 a.m.

// City Council reconvened the meeting at 12:00 p.m. The following members were present:

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

Taylor, Sterling A. Wilder 7

Absent: 0

// Council proceeded to conduct 30-minute interviews with the following candidates: Patrick Earl, District 1; Elizabeth Jenkins, District 1.

// The meeting adjourned at 12:58 p.m.

Clerk of Council

June 17, 2024

// A special called meeting of the Council of the City of Lynchburg was held on the 17th day of June, 2024, at 9:00 A.M. in the Council Chamber, City Hall, for the purpose of interviewing candidates to the Lynchburg City School Board for Districts 1, 2, and 3 for terms beginning July 1, 2024. Stephanie T.

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

// Council proceeded to conduct 30-minute interviews with the following candidates: Ken Kowalski, District 1; Joseph Malloy, District 1.

// The meeting was recessed at 10:00 a.m.

// City Council reconvened the meeting at 10:04 a.m. The following members were present:

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

Taylor, Sterling A. Wilder 7

Absent: 0

// Council proceeded to conduct 30-minute interviews with the following candidates: Selina Morgan, District 1; Nettie Webb, District 1; Brandy Gibbs, District 1; Atul Gupta, District 3.

// Councilmember Helgeson asked if there was consensus from Council to appoint Atul Gupta, District 3, since he was the only contender from District 3. City Attorney Mr. Matthew Freedman stated that the call of the special meeting only indicated that interviews would be conducted and did not include voting on appointments. Mayor Reed noted that there was not a consensus from Council to make appointments at this meeting.

// The meeting adjourned at 11:43 a.m.

Clerk of Council

June 25, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 25th 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 Downtown Lynchburg Association, Agenda Item #1, Council held a work session regarding the Downtown Lynchburg Association (DLA) 2023 Annual Report. DLA Executive Director Ashley Kershner provided a presentation to Council on the 2023 Annual Report and give an update on the Launch LYH program and its upcoming work in 2024.

Councilmember Misjuns asked what percentage of DLA funding came from the City. Ms. Kershner said that she could provide more exact numbers as a follow-up, but the support from the City went towards her salary. She said that there was no other general operating support. She noted that the funds for the Bright Nights on the Bluff Walk were not allocated to DLA; they were used for direct procurement.

// In the matter of Community Development, Agenda Item #2, Council held a work session regarding Sheltering Services. Assistant City Manager Kent White provided a presentation to Council. During the January 23, 2024 work session, the Virginia Continuum of Care briefed Council on the state of homelessness in Central Virginia. City staff also discussed the operation of a temporary warming center that opened for a brief period in January to assist un-housed residents during extremely cold evenings. He provided an update on the work that has been ongoing since this briefing and next steps Council and the community can expect in the months ahead.

Councilmember Wilder asked if the City had considered implementing programs to help subsidize rents for tenants, such as providing assistance based on income. Mr. White replied that Miriam's House provided services to connect people to such programs. He said that they

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used voucher programs through the Lynchburg Redevelopment and Housing Authority for mortgage and rental assistance, and there were several non-profits in the area that offered similar programs. Councilmember Wilder asked if the City could require developers to offer a percentage of units for low-income or subsidized-income housing. Mr. Benda said that Norfolk had recently implemented similar affordable housing requirements, and as Council was reviewing its comprehensive plan, it could consider implementing affordable housing requirements in the City. He stated that in Norfolk, they worked with the development community to draft the requirements, and there were federal tax credits that developers could take advantage of to reduce costs. Councilmember Wilder said he wanted to receive more information about affordable housing requirements in the City as they reviewed the comprehensive plan.

// In the matter of Boards and Commissions, Agenda Item #3, Council was briefed regarding a GLTC Retroactive Board Appointment. General Manager of GLTC Josh Moore briefed Council on the matter. The previous Centra representative informed the GLTC Board and Staff that her role was changing in the organization and that the CEO wished her to spend more time focused on Centra. Her replacement was selected by the Centra CEO and staff assumed that communication between Centra and Council had been initiated as this had been the process for the previous Centra Board Member transitions. This occasionally lagged due to matching with Council's agenda and the time of the year, so it was not initially noted by staff that there had been no formal communication with Council until after some time had passed.

Vice Mayor Faraldi said he was unsure about supporting retroactive appointments.

Councilmember Helgeson said that he did not support the retroactive appointment due to potential legal implications.

Councilmember Dolan asked what the rationale was for backdating the appointment. Mr. Moore explained that there would be no effect on GLTC actions if the retroactive appointment was not made. Mr. Freedman explained that resolutions, ordinances, and motions were

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legislative acts, and there were times where Council could make retroactive actions when the legislative intent was clear. He said that the requested action was cleaning up the record, but if Council was comfortable with a gap in a GLTC appointment, it was acceptable not to backdate the appointment. He said that the request was made to ensure a smooth transition in the appointment process, and this type of request would be made for any type of appointment.

Councilmember Misjuns said that he did not want to get in the habit of cleaning up mistakes that were made, especially since no decisions of the board would be impacted.

// In the matter of Planning, Agenda Item #4, Council was briefed regarding a Rezoning: B-4, Urban Commercial District to B-5, General Business District - 1101 5th Street. City Planner Rachel Frischeisen briefed Council on the matter. Kerr Holdings, LLC, is petitioning to rezone 1101 5th Street from B-4, Urban Commercial to B-5, General Business District to allow the use of the existing building for auto body repair. The properties are included in the area covered by the Fifth Street Corridor Master Plan adopted by City Council on May 23, 2006. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Neighborhood Commercial land use for the property. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood.

The Planning Commission recommended denial of the petition, citing concerns of setting precedence for auto-oriented uses which negatively impacted 5th Street and the adjoining neighborhoods in the past. The proposed rezoning does not align with the recommendations of the Future Land Use Map, Comprehensive Plan 2013-2030, and the 5th Street Corridor Master Plan.

Councilmember Helgeson noted that Adam's Motor Company was nearby. He stated that a change in zoning by a comprehensive plan affected a business' operations, emphasizing the importance of property rights and the historical use of the area for automotive businesses. He expressed support for a new business venture and questioned the impact of zoning changes

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on local businesses. He indicated his support for the new automotive business, considering its alignment with historical use and zoning regulations.

Councilmember Misjuns asked if the proposed use would be an autobody shop or for car sales or both. Ms. Frischeisen said that the current use was a carwash with a non-conforming status. She said that the owner wanted to perform autobody repairs, but the non-conforming status had lapsed. She said that rezoning to B5 would permit auto sales. She said that the owner did not intend to use the site for auto sales, but the use would be permitted if it was rezoned. Councilmember Misjuns asked where the closest autobody shop was. Ms. Frischeisen said that there was an auto repair shop across the street, which was also a non-conforming use. Councilmember Misjuns expressed support for the petition, stating that increased competition would improve services in the area. He noted that since there are already several auto businesses in the corridor and the area is densely populated, many residents would benefit from these services. Ms. Frischeisen pointed out that the 5th Street Neighborhood Masterplan emphasized the need for more places where residents could meet their everyday needs. She stated that an abundance of auto businesses might limit opportunities for dining, lodging, and recreation in the area.

Councilmember Wilder asked whether the business was coming in due to a change in ownership. Ms. Frischeisen clarified that ownership hasn't changed; the property is being leased to someone who wants to operate an auto repair shop. However, because more than two years have passed since the last auto repair business operated there, the non-conforming use status has lapsed.

Councilmember Helgeson noted that the business could have shut down and failed to operate due to the COVID pandemic.

// In the matter of Community Development, Agenda Item #5, Council was briefed regarding the Draft Annual Action Plan - Community Development Block Grant (CDBG) and HOME Program. Grants Manager Melva Walker briefed Council on the matter. The Department of Housing and

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Urban Development (HUD) requires local governments, which receive Federal Community Planning and Development (CPD) formula block grant funds, to prepare an Annual Action Plan as a component of the approved 2020-2024 Five-Year Consolidated Plan. The Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and consists of the required components, including the CDBG and HOME projects that will be implemented during the upcoming program year to address the identified needs and objectives.

// In the matter of the City Attorney's Office, Agenda Item #6, Council was briefed regarding the National Opioid Litigation Settlement - Kroger Opioid-Related Claims. City Attorney Matthew Freedman briefed Council on the matter. In order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic. The Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU"), an attachment to R-21-095, illustrates the results of such negotiations. 100% participation in the MOU and the previous multistate opioid settlements with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Johnson & Johnson, Teva, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart was achieved. As of June 17, 2024, the City's Finance Department indicated the City has received \$502,291.20 from the national opioid litigation settlements. Additionally, the City has received a grant from the Virginia Opioid Abatement Authority in the amount of \$1,946,372 for the Cooperative Partnership for Horizon Crisis Receiving Center.

The City Council will need to decide if they desire the City to participate in the negotiated settlement proposals with Kroger and related entities. The amount of funds that will flow to Virginia and its localities from these settlements depends on maximizing participation. Participating Virginia counties and independent cities may receive some of the settlement funds

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pursuant to the allocation framework described in the Virginia Opioid Abatement Fund and the MOU previously described.

// In the matter of City Council, Agenda Item #7, Council was briefed regarding the Rules of Procedure (RoP) - Organizational Meeting. Clerk of Council Alicia Finney and City Attorney Matthew Freedman briefed Council on the matter. Section § 15.2-1416 of the Code of Virginia and Section § 2-6 of the City Council's Rules of Procedure provide that each year the local governing body shall prescribe by resolution the schedule of meeting dates, times, and places for the upcoming year. City Council's schedule of meetings and work sessions is set forth in its Rules of Procedure under Section § 2-1. As such, City Council's Rules of Procedure should be readopted to confirm City Council's schedule of regular meetings and work sessions for the upcoming year.

Meetings shall be held as follows: Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m. in City Hall, Council Chamber, except for the fourth Tuesday of February and during the months of March and April where the meetings will be held in City Hall, 2nd Floor Training Room. In the months of July and December, there will be meetings on each of the second Tuesdays; in August, there will be meetings on the fourth Tuesday. City Council's Rules of Procedures Section 2-1 will be revised to reflect these changes.

Additionally, staff suggest adding language to Section 5-4(A) of the RoP specific to "Prohibited Conduct":

9. Bring pickets, stakes, poles, staffs, or the like into the Council Chamber.
10. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.
11. Block entrances, exits, or doorways of the Council Chamber.

Vice Mayor Faraldi suggested that the proposed prohibited conduct, specifically Item 9, should be clarified so that prohibited pickets, stakes, poles, staffs, or the like were banned based on the intent. He said that items such as mobility aids should still be permitted, but under

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the current language, they would not be. Mr. Freedman suggested changing the language to state, "Bring pickets, stakes, poles, staffs, or the like affixed to signs, posters, flags, etc., into the Council Chamber." Vice Mayor Faraldi said he agreed with the suggestion.

Councilmember Misjuns expressed concerns that the new rules could infringe on meeting attendees' First Amendment rights.

Councilmember Helgeson said that Item 9 and Item 11 should be removed. He said that Item 11 could remove the authority of the Fire Chief from enforcing fire code compliance. He said that if it was included, it would make it incumbent on the Mayor to enforce what should be fire code.

Mayor Reed asked for clarification regarding the Police Chief's recommendation for meeting attendees. Mr. Freedman explained that the recommendation was to address safety concerns where attendees could potentially use items attached to signs as weapons.

// In the matter of Roll Call, Councilmember Dolan announced that Jane White recently passed away. She said that she was a pioneer and innovator in the community, who facilitated the restoration of the City Cemetery and the Yoder Community Center, co-founded the Friends of Tinbridge Hill, and mentored young people in the City. She said that Ms. White was intentional in her actions and committed to doing the right thing, and the City had benefitted from her dedication.

Councilmember Wilder said that Ms. White was instrumental in the City, noting that several of the historical markers were because of her efforts. He said that Ms. White's legacy would continue, and he expressed his condolences to her family.

Councilmember Helgeson said that no matter one's political affiliation, Ms. White's initiatives were supported.

Councilmember Taylor said that he had worked with Ms. White at the Hutchinson Early Learning Center cemetery and the Ann Spencer House. He said that Ms. White loved history, which was a love they shared in common.

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Mayor Reed highlighted that the Midnight Basketball program was hosting its final event on Friday. She said that the program had been successful in bringing the community together. She thanked the Jubilee Center, Fellowship of Christian Athletes, LPD, the Fire Department, Parks and Recreation, Forty Ways Coalition, Liberty University, University of Lynchburg, and Heritage High School for their support in making the program a success. She noted that transportation had been a barrier preventing some people from participating, so GLTC had agreed to provide a special bus transport to bring participants home after the Friday event.

// On the motion of Councilmember Wilder, seconded by Councilmember Taylor, by the following recorded vote, Council elected to enter into a closed meeting 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 the renewal of a current City franchise; and to discuss appointments for vacancies to the 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, Towing Advisory Board, 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: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder 7

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson 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

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WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

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

Name	Board Name	Term End Date
Mark Smith (Ward 1)	Board of Zoning Appeals	06/30/2029
Jennipher Lucado (Ward 1)	Central Virginia Alcohol Safety Action Plan	08/31/2027
Stephanie Berkland (Ward 3)	City Employee Appeals Board	06/30/2027
Stuart Whetsell (Ward 1)	City Employee Appeals Board	06/30/2027
Georgeann Snead (Ward 1)	Economic Development Authority	06/30/2028
Patricia Mosby (Ward 2)	Economic Development Authority	06/30/2028
Emmett Lifsey (Ward 1)	Historic Preservation Commission	06/30/2027
Gerry Sherayko (Ward 4)	Historic Preservation Commission	06/30/2027
Julie Arrington (Ward 2)	Historic Preservation Commission	06/30/2027
Michael Erquiaga (Ward 2)	Historic Preservation Commission	06/30/2027
Brenda Farmer (Ward 2)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2027
Dale Reed (Ward 1)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2027
Evelyn Dickey-White (Ward 1)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2027
Jibri Poe (Ward 4)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2026
Sharon Brown (Ward 2)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2027
Joseph Krakora (Ward 1)	Museum Advisory Board	06/30/2027
Lisa Beverly (Ward 2)	Museum Advisory Board	06/30/2027
Ramona Battle (Ward 4)	Museum Advisory Board	06/30/2027

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

Noes: 0

// The meeting recessed at 5:59 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of June, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns,
Larry Taylor, Sterling A. Wilder 7

Absent: 0

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

// In the matter of Recognitions, Agenda Item #1, Mayor Reed recognized the American Library Association PR Xchange Award. Director of Libraries Beverly Blair accepted the award.

// In the matter of the Consent Agenda, Agenda Item #2, copies of the minutes of the May 28, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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 the Consent Agenda, Agenda Item #3, the June 11, 2024 minutes were pulled at the request of Councilmember Helgeson by a consensus of Council to review for corrections.

// In the matter of Planning, Agenda Item #4, Council conducted a public hearing in consideration of adopting Resolution #R-24-048 granting a Conditional Use Permit (CUP) to Ramp Church International to allow the use of the existing church building as a shelter for the un-housed at 2220 Memorial Avenue. Senior Planner Rachel Frischeisen provided a summary of the request to Council. Ramp Church International is petitioning for a CUP at 2220 Memorial

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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.

Carl Gartner, Director of Administration for Ramp Church International, representing the petitioner, presented to Council on the request.

Olyvia Brown-Coles, Director of Homeless System Coordination at Miriam's House, speaking in favor of the request, stated that Miriam's House was in full support of the Ramp Church opening a low-barrier shelter in the City. She said that the Central Virginia Continuum of Care would continue to work alongside the Ramp Church to support the shelter operations. She noted that the City was experiencing an increase in the number of unsheltered homeless people. She said that when the Salvation Army closes its shelter for renovations, there would be no shelter beds in the City.

There was no one to speak in opposition, either by phone 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 granting a Conditional Use Permit (CUP) to Ramp Church International to allow the use of the existing church building as a shelter for the un-housed at 2220 Memorial Avenue.

Councilmember Misjuns asked if the bed capacity would be increased in phases. Ms. Frischeisen said that the applicant planned to increase bed capacity in phases, but the condition recommended by staff and the Planning Commission was to permit 50 beds. She said

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that the first phase was planned for 15 beds. Councilmember Misjuns said he would support a phased approach to the bed capacity due to this being right across from E.C. Glass High School.

Mr. Gartner explained that there were previously 16 beds at the Reset Shelter, and according to data from Miriam's House, there were currently at least 50 unsheltered people in the City. He said that 15 beds would not meet the current needs. He said that they had requested 50 beds due to the capacity of the building and the need to house both individuals and families.

City Manager Wynter Benda explained that there were pending grants that were based on the number of available beds. Assistant City Manager Kent White explained that the funding from DHCD was based on 50 beds, and if the number were reduced, the funding could be prorated and reduced.

Mayor Reed stated that the request should be approved as presented so that they would not risk losing available funding.

Councilmember Taylor asked for clarification on how the shelter would address security. Mr. Gartner said that LPD helped to identify vulnerabilities on the property, and they planned to have LPD assist with security. He noted that LPD had increased patrolling in the area.

Councilmember Helgeson made a substitute motion, seconded by Councilmember Misjuns, to reduce the permitted bed capacity to 25 beds. Councilmember Helgeson said that he was concerned about security, and if the first phases were successful, they could have staff return to change the condition back to 50 beds. He asked Mr. White how difficult it would be to amend the CUP once it was approved. Mr. White replied that they would have to restart the public hearing process, resubmit an application, going before the Planning Commission, and receiving Council approval.

Councilmember Misjuns asked if there would be full-time private security. Mr. Gartner said that there were three security staff planned for 24-hour coverage. He said that there would

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be scheduled times when people were allowed to sleep in the facility, and access to the sleeping areas would be restricted otherwise. He said that neither of the current shelters in the City operated with security.

Mayor Reed stated that most homeless people were not criminals; they were families that needed help. She said she was embarrassed and appalled at the suggestion that the people using the shelter would pose a threat to the E.C. Glass students and other members of the community. She asked when they expected to be able to house people in the shelter if the request were approved. Mr. Gartner said that they had to install a sprinkler system in the building, and once that was installed, they intended to permit overnight access. He said that they anticipated the sprinkler system would be installed by the fall, and at that point, they would permit at least 15 bed spaces.

Mayor Reed called the vote on the substitute motion, to reduce the permitted bed space to 25 beds.

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

Ayes: Faraldi, Helgeson, Misjuns 3

Noes: Reed, Dolan, Taylor, Wilder 4

Mayor Reed called the vote on the original motion:

Ayes: Reed, Dolan, Taylor, Wilder 4

Noes: Faraldi, Helgeson, Misjuns 3

// In the matter of Engineering, Agenda Item #5, Council conducted a public hearing in consideration of adopting Resolution #R-24-049 granting a non-exclusive interim license to Zayo Group, LLC to maintain and operate telecommunications facilities within the city. City Engineer Lee Newland provided a summary of the request to Council. This new Agreement replaces previous agreements dated October 19th, 2012 which replaced the agreement dated June 16th, 2005 with CityNet Fiber Network, LLC. ZAYO has asked to continue to use and be granted a non-exclusive interim license to maintain and operate its facilities for

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telecommunications purposes more specifically described in that certain Interim License Agreement, dated May 21, 2024, between the City and ZAYO.

Staff recommends authorization of the attached license agreement by adopting a resolution after a public hearing to permit the telecommunications facilities, given that the encroachments cause no undue hardship to the City.

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.

Councilmember Taylor motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-049 granting a non-exclusive interim license to Zayo Group, LLC to maintain and operate telecommunications facilities within the city. Councilmember Taylor said that the request was presented to the Physical Development Committee, and it was recommended for approval.

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 the Airport, Agenda Item #6, Council considered adopting Resolution #R-24-050 authorizing the letting of property at the Lynchburg Regional Airport and to approve a deed of lease agreement for Virginia State Police operations. Mayor Reed stated that the item was presented to Council at the June 11, 2024 meeting during the Business Item Briefing. 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

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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.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-050 authorizing the letting of property at the Lynchburg Regional Airport and to approve a deed of lease agreement for Virginia State Police operations.

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 Water Resources, Agenda Item #7, Council considered adopting Ordinance #O-24-051 amending and reenacting the City Code removing certain sewer service availability changes in order to incentivize city-wide changes from septic systems to City sewer service during a particular timeframe. Mayor Reed stated that the item was presented to Council at the June 11, 2024 meeting during Business Item Briefings. 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. Conversion from septic systems to the central sewer system will result in pollution reduction, increased environmental protection, and increase the overall efficiency and effectiveness of the sewer

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system while producing water quality credits from the Department of Environmental Quality. 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 motioned, seconded by Councilmember Taylor, to adopt Ordinance #O-24-051 amending and reenacting the City Code removing certain sewer service availability changes in order to incentivize city-wide changes from septic systems to City sewer service during a particular timeframe.

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 Engineering, Agenda Item #8, Council considered adopting Resolution #R-24-052 endorsing the Virginia Department of Transportation (VDOT) SMART SCALE FY2025 Program Applications. Mayor Reed stated that the item was presented to the Physical Development Committee on June 11, 2024. A Candler's Mountain Road Study from University

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Blvd to Sunnymeade Road in Campbell County identified the offset intersection of Liberty Mountain Drive as a concern that needed to be addressed by aligning the two roads and other modifications as shown. The application process is required to be submitted by August 1, 2024, and a resolution of support from the governing body of the entity making the application is required.

At its June 11, 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.

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

Noes: 0

Councilmember Helgeson noted that the speed limit was 25 mph on Odd Fellows Road, but this was hard to maintain, and people regularly were driving 45 mph. He asked how they could increase the speed limit. Mr. Newland explained that the road used federal funding, so they were obligated to meet federal requirements, which stipulated that due to sight distances from hills and entrances, the speed should be set at 25 mph. He said that once the federal requirements expired, they would have to perform a traffic study to determine if it was appropriate to increase the speeds. Councilmember Helgeson said that he thought it should be increased.

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 School Board Appointments, Agenda Item #9, Council considered determining School Board appointments for terms beginning July 1, 2024, and expiring June 30, 2027, in Districts I, II, and III. Mayor Reed stated that Council held public interviews on June 12 and June 17, 2024. Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide

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that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year.

Councilmember Helgeson motioned, seconded by Councilmember Taylor, to appoint Daryl Conner for District 1.

Councilmember Taylor said that he would support Mr. Conner's appointment due to his experience.

Councilmember Misjuns said that he would support Mr. Conner's appointment because he would bring an operational expertise to the School Board.

Councilmember Wilder said that he supported Selina Morgan for the appointment.

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

Ayes: Reed, Faraldi, Helgeson, Misjuns, Taylor 5

Noes: Dolan, Wilder 2

Councilmember Wilder motioned, seconded by Vice Mayor Faraldi, to appoint Jibri Poe for District 2.

Councilmember Wilder said he supported Mr. Poe because of his dedication to the community and because he attended Lynchburg City Schools.

Councilmember Helgeson made a substitute motion, seconded by Councilmember Dolan, to appoint Mark Tinsley for District 2.

Councilmember Helgeson said he supported Dr. Tinsley because he had raised five children and because of his experience as a pastor, educator, and colonel.

Councilmember Dolan said she supported Dr. Tinsley due to his background in education.

Councilmember Misjuns said he supported Dr. Tinsley's appointment because he brought military expertise along with his background in education to the School Board. He said that Dr. Tinsley's children went to LCS, so he had a stake in its success.

Councilmember Taylor said he supported Dr. Tinsley because of his military experience.

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Mayor Reed called the vote on whether to accept the substitute motion.

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

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

Noes: Wilder 1

Mayor Reed called the vote on the substitute motion, to appoint Mark Tinsley for District

2.

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

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

Noes: Wilder 1

Councilmember Helgeson motioned, seconded by Councilmember Taylor, to appoint Atul Gupta for District 3.

Councilmember Helgeson said that he supported Dr. Gupta because of his record and tenure on the School Board.

Councilmember Taylor said he supported Dr. Gupta because of his dedication to the community.

Councilmember Misjuns disclosed that his wife was a teacher at LCS, and he was a member of a group called Spouses of LCS Teachers, but he was able to vote on the matters impartially and objectively. He said he supported Dr. Gupta's appointment.

Councilmember Dolan said she did not support the appointment of Dr. Gupta due to the decisions of the School Board over the past 18 months, many of which were made with political motivations and without research or transparency. She said that Dr. Gupta had made significant financial contributions to members of Council, and that was a conflict of interest.

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

Ayes: Reed, Faraldi, Helgeson, Misjuns, Taylor 5

Noes: Dolan, Wilder 2

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// In the matter of Budget, Agenda Item #10, Council conducted a second reading and considered adopting Resolution #R-24-047 amending the FY 2024 Adopted Budget to reflect the Third Quarter Adjustments. 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.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-047 amending the FY 2024 Adopted Budget to reflect the Third Quarter Adjustments.

Vice Mayor Faraldi asked why they were focusing on ballot boxes and voting machines, not security cameras on drop boxes in the Registrar's office. Daniel Pense, General Registrar, explained that they had submitted an application to DHS, and they were approved. He said that they were now awaiting a response from VDEM. Vice Mayor Faraldi asked if it could be guaranteed the cameras would be installed by the November election. Mr. Pense said that it could not because it was up to VDEM. Vice Mayor Faraldi asked what the process was for a recount with the new equipment. Mr. Pense said that it was the same process.

Councilmember Misjuns called a point of order since he felt the Vice Mayor's questions were unrelated to the agenda item. Mr. Freedman replied that if the questions were related to funding, then the questions were acceptable. He said that if the funding for the new equipment would impact the process, then the questions were acceptable.

Mr. Pense said that the only foreseeable impact on a recount would be that the process would be faster.

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Vice Mayor Faraldi asked how long the machines typically lasted. Mr. Pense said that the City depreciated similar assets at a five-year time frame. He said that the current machines were acquired in 2015, but they were still operational.

Councilmember Misjuns asked how the logic and accuracy tests compared between the old and new machines. Mr. Pense said that they were equivalent. Councilmember Misjuns asked if the Registrar's Office required additional staff to ensure fair and free elections. Mr. Pense explained that there were currently two deputy registrars, and they supplemented staff by hiring contractors. He said that they were able to function with the appropriate number of temporary staff, which fluctuated. He said that temporary staff costs were about \$10,000 per election, but the expectations for November were higher given projected turnouts.

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

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

Noes: Faraldi 1

// The meeting adjourned at 8:24 p.m.

Clerk of Council

July 3, 2024

// A special meeting of the Council of the City of Lynchburg was held on the 3rd day of July, 2024, at 4:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Jeff Helgeson, Martin Misjuns 3

Absent: Chris Faraldi, MaryJane Dolan, Larry Taylor, Sterling A. Wilder 4

// Mayor Reed established there was no quorum and therefore the meeting could not take place.

// The meeting adjourned at 4:01 p.m.

Clerk of Council

July 9, 2024

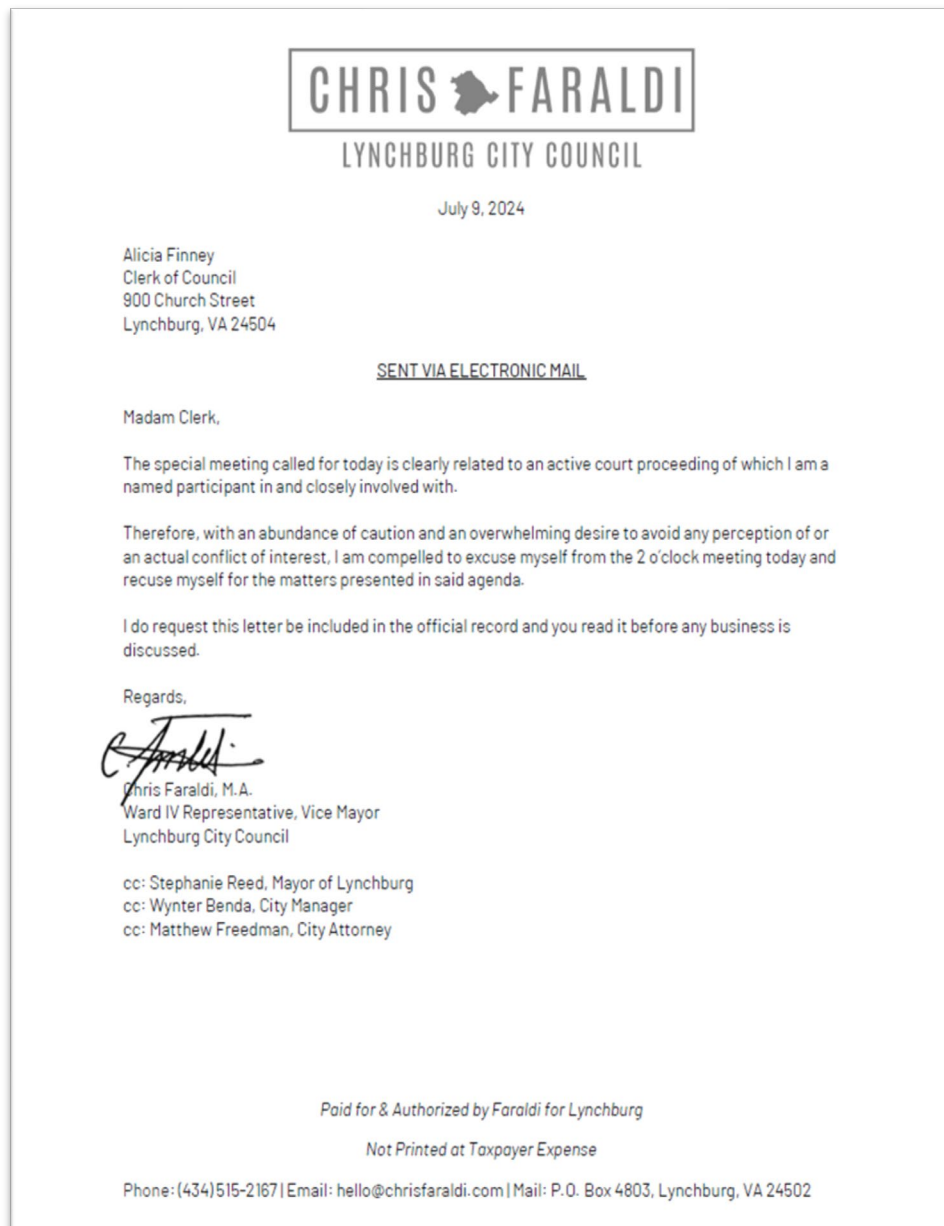
// A special meeting of the Council of the City of Lynchburg was held on the 9th day of July, 2024, at 2:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

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

Sterling A. Wilder 6

Absent: Chris Faraldi 1

// Clerk of Council Alicia Finney read a letter from Vice Mayor Chris Faraldi into the record, which explained his recusal from the agenda items due to a potential conflict of interest. In the letter, Vice Mayor Faraldi requested a copy of the email be included in the official minutes:



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Mayor Reed asked if Councilmember Misjuns would like to recuse himself from the discussion and votes today because he was also a named affiant in this same lawsuit.

Councilmember Misjuns replied no, he was not named in a capacity other than as a witness, so he could continue to execute his job on City Council in an objective manner.

Mayor Reed confirmed that there was consensus from Council to consider the following agenda items as a whole rather than individual items:

- Consideration of adopting Resolution #R-24-___ pledging our commitment as a governing body to comply with §2.2-3710 of the Code of Virginia, and to prohibit city staff from bypassing the deliberative process by the selective solicitation of votes, outside of meetings, away from the public eye.
- Consideration of adopting Resolution #R-24-___ to prohibit the expenditure of public funds controlled by the City of Lynchburg to provide legal representation, consultation, or support to City Council members for the defense of personal interests, including but limited to litigation assistance for political campaigns or political party nomination contests.
- Consideration of adopting Resolution #R-24-___ to formally request an opinion from the Virginia Office of Attorney General regarding the use of public funds to defend the personal interests of a political party candidate in a challenged nomination contest, and interpretation of how campaign finance law or other Virginia law restricts or allows the use of municipal attorneys to provide in-kind contributions in the form of legal consultation, litigation support, or defense of political campaigns or candidates.
- Consideration of adopting Resolution #R-24-___ directing the Office of the City Attorney for the City of Lynchburg to promote transparency and accountability in our election process by fully complying with requests for discovery in a timely manner and prohibiting the City of Lynchburg from taking an adversarial or obstructive position on valid requests

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for disclosure during contested challenges of political party nominations that are carried out by the City of Lynchburg's Electoral Board and Registrar's Office.

- Consideration of adopting Resolution #R-24-__ to waive attorney-client privilege on an email from City Attorney Matthew Freedman, on June 29, 2024, at 2:28:08 PM addressed to City Council, City Manager Wynter Benda, and Clerk of Council Alicia Finney with Subject Line "*Peter Alexander v. Chris Faraldi (election contest)*," to promote transparency and provide context to the public for the business conducted during this special called meeting.

David Levy, Chairman of the Lynchburg City Electoral Board, addressed Council. He provided information to Council regarding the operations and procedures of the General Registrar, the Electoral Board, and the Virginia Department of Elections in relation to the *Alexander v. Faraldi* lawsuit and the June 18, 2024 primary election. He clarified that the Electoral Board is not represented by counsel in the pending case; Daniel Pense, the Registrar, is now represented by counsel and is properly refraining from making any further comment until his deposition in the suit. He noted that the complaint in the lawsuit is based on an erroneous and mistaken understanding of the VERIS information system maintained by the state and not with the General Registrar's and Electoral Board's administration of the June 18, 2024 primary. He clarified that all of the 125 marked ballots of concern in the lawsuit were mailed or dropped in the Registrar's drop-box and were vetted by staff for compliance. All 125 voters specifically named in the affidavit are recorded in VERIS as having voted, their names also show up in the log kept by the Electoral Board, and the tabulation of the counts by the central absentee precinct confirmed that the votes were counted. He explained that the lawsuit will have no actual trial with evidence from the parties; there will be evidence taken from depositions. There is a three-judge panel that can broaden the suit, but the statute specifically states that no amendments will be done unless pursuant to rule of court, which is a distinct limitation. He clarified that the Electoral Board and the City of Lynchburg have a Memorandum of

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Understanding (MOU) that governs their relationship. The General Registrar and the Electoral Board are not requesting the City Attorney to represent them, and they are not requesting the City Council take a position on the election results. He reiterated that the Electoral Board stands by its certification of the votes for the June 18, 2024 primary election.

Mayor Reed asked what the result would be if the lawsuit were successful. Mr. Levy said that in that case, the judge would determine there was no candidate, and the local political party would have to determine who the candidate would be, likely decided per the rules of that party. He noted that this suit was brought to challenge the qualifications of a candidate and not to challenge whether the vote was wrong or right; that was usually done by the recount statute. However, they did not have the recount margin to call for a recount in this case.

Councilmember Taylor asked if the 125 ballots in question had been counted. Mr. Levy confirmed that was correct. Councilmember Taylor asked why it was being stated that they were not counted. Mr. Levy said that the lawsuit was suggesting that the ballots should have progressed from the pre-processed status to being marked on machine, while that in fact was not how the process worked. The lawsuit questioned where those 125 ballots are, but they had already been counted.

Councilmember Misjuns asked if the Mayor had previously discussed any potential questions asked at today's meeting with Mr. Levy; Mr. Levy replied no. Councilmember Misjuns asked if there was a vote from the Electoral Board to ask the City Attorney to represent the Electoral Board or Registrar in this litigation; Mr. Levy replied no. Councilmember Misjuns asked if the amendment to the MOU between the Electoral Board and the City had anything to do with the agreement for representation; Mr. Levy replied no. Councilmember Misjuns asked if the MOU required a written agreement for the City Attorney's Office to represent the Electoral Board; Mr. Levy said yes. Councilmember Misjuns asked if the Electoral Board had considered intervening in the lawsuit; Mr. Levy replied yes. Councilmember Misjuns asked if the Electoral

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Board had requested the City Attorney to enjoin or intervene on behalf of the Electoral Board; Mr. Levy replied no.

Mayor Reed asked if Mr. Levy could provide information regarding the state code referring to the Electoral Board as employees of the City. Mr. Levy said that he did not have the specific citation, but he could confirm that it is in the state code and is written in their MOU with the City. Mayor Reed asked if the Electoral Board and General Registrar are named in the lawsuit. Mr. Levy replied no; Daniel Pense had retained private counsel to file an appearance in the lawsuit in order to be heard by the judge. The judge had reached out with his initial notice of a hearing to include Mr. Pense in the lawsuit, but did not send such notification to the Electoral Board.

Councilmember Helgeson asked Mr. Levy if the City had asked the Electoral Board to be enjoined in any way with the case; Mr. Levy replied no. Councilmember Helgeson asked if there were any discussions with the Electoral Board regarding potential amendments to the MOU so the City could represent them as well. Mr. Levy said no; the Electoral Board members had held discussions among themselves when the lawsuit was filed about the fact that they were not requesting representation as an Electoral Board, and they discussed with Mr. Pense what he would do about representation. Councilmember Helgeson asked when Mr. Levy first heard about this litigation. Mr. Levy answered that he obtained a copy of the complaint on June 29, 2024. Councilmember Helgeson asked how he received the complaint. Mr. Levy replied that he received it from a news media representative who he believed had received it from Mr. Alexander's counsel. He noted that the lawsuit is public information.

City Attorney Matthew Freedman stated that he would like to take a moment to address the many statements made by Councilmembers Helgeson and Misjuns in the media regarding himself and the City. He clarified that the City is not representing Vice Mayor Faraldi in the pending *Alexander v. Faraldi* lawsuit. Councilmembers Helgeson and Misjuns are not attorneys, not qualified to speak on matters of law, and not in charge of the law business of the City. He

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noted that the City does have cognizable interest in the lawsuit because the result may potentially impact thousands of City voters and makes serious accusations of the operations of the General Registrar and Electoral Board. He stated that he does not think these matters that Councilmembers Helgeson and Misjuns have presented are worthy of consideration on this dais and that City Council, if it so chose, could indefinitely block consideration of these matters brought forward by Councilmembers Helgeson and Misjuns by motion.

Councilmember Dolan motioned, seconded by Councilmember Wilder, to block consideration of the agenda items indefinitely. Councilmember Dolan said that the reasons stated by the City Attorney spoke to why she would approve blocking these matters from consideration. Councilmember Wilder stated that there is currently a legal case regarding this matter; it would be resolved through the process of the courts and thus consideration by Council is unnecessary.

Councilmember Misjuns expressed concern that the City Attorney was unable to be an impartial party in this matter and that attorney-client privilege was being used to prevent pertinent information from being shared with the public. He emphasized that the City Attorney did not represent the Electoral Board and that the MOU should be followed as such. He stated that he would not support the motion because he wanted to ensure transparency of City business to the public. He noted that there could have been a special meeting to consider whether the City should intervene in the lawsuit and take a public vote on the matter, but that action had not been taken. Mr. Freedman clarified that attorney-client privileges were held by the Council as a body because the City is the client; Councilmembers Misjuns and Helgeson are not individual clients. The determination of whether the attorney-client privilege can be waived is the decision of the body, so there must be a majority vote to do so. He clarified that he answered to a majority of City Council and could not be directed by individual members of Council.

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Councilmember Helgeson asked if information could not be released unless a majority of Council agreed to do so; Mr. Freedman said that was correct. Councilmember Helgeson expressed concern that Mr. Freedman had violated attorney-client privilege by mentioning items in his statement that he had in an email he sent earlier in the week. Mr. Freedman clarified that while the subject matter may be similar, he did not provide any confidential information in his previous remarks. Councilmember Helgeson asked how Mr. Freedman first heard about this litigation. Mr. Freedman said that he would not divulge anything that would be confidential information, but as Mr. Levy said, these were public records. Councilmember Helgeson said that he would not be voting in favor of the resolution because he was concerned about the bypassing of the public deliberative process of Council.

Councilmember Dolan stated that the things mentioned by Mr. Freedman in his email and the statements he made today were items to substantiate state code and explain to Council why he took the position he did.

Mayor Reed stated that the City Attorney was not present at the previously called special meeting to explain the City's and his office's role in this matter. She clarified that many statements being made were misrepresentations on what the City Attorney had the right to enter in on behalf of Council as a whole and individually, and she encouraged the press to speak to the City Attorney to clarify this information. She emphasized that press conferences in the City Council chambers have been reserved for emergencies in order to communicate the significance of the information presented, which she would continue to uphold.

Mayor Reed called the vote to block consideration of the agenda items indefinitely.

Councilmember Misjuns appealed for a point of order; he stated that he was trying to motion to make a substitute motion.

Mr. Freedman asked if there was a desire from Council to consider anything other than the motion to block consideration of these matters indefinitely.

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Councilmember Helgeson stated that he would be in favor of a substitute motion to allow the consideration of some of the items such as following state law and having open meetings.

Councilmember Misjuns asked for a formal, recorded vote to be taken for the appeal of allowing a substitute motion to be made.

The following vote was recorded:

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

Mayor Reed called the vote to block consideration of the agenda items indefinitely. With no further discussion from the Council, the following vote was recorded:

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

// The meeting adjourned at 3:03 p.m.

Clerk of Council

July 9, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of July, 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 the Airport, Agenda Item #1, Council held a work session regarding the Lynchburg Regional Airport Air Service Update. Director of the Airport Andrew Lagala provided a presentation to Council. The Lynchburg airport has and continues to experience a modest increase in passenger demand. As such, American Airlines has advised the Airport Administration that flight crew availability is beginning to stabilize, and they plan to continue to increase capacity through the rest of the year including a return to seven daily departures this Fall. This will mark the first time Lynchburg flights are back to pre-pandemic frequency levels.

// In the matter of the Museums, Agenda Item #2, Council held a work session regarding the Museum Refresh and Exhibits. Museum Director Thomas Delaney provided a presentation to Council. The Lynchburg Museum System, our city's official history museum and archives, is approaching its 50th anniversary in 2026. In celebration of this major milestone, the Lynchburg Museum at the Old Court House has begun a multi-phase campaign to transform and reimagine the museum for the next 50 years. The overall goal is to ensure that the museum reflects the hospitality and charm of the Hill City and makes the best possible first impression on visitors. As part of this initiative, the museum is now open six days a week, Thursday through Tuesday (closed on Wednesdays). Admission is always free, and all three floors of exhibits and galleries are regularly updated. Current exhibit topics include the D-Day invasion of 1944 and midwifery in Lynchburg. Upcoming exhibits will explore the Virginia 10 Miler footrace and the Cold War in Lynchburg, 1945–1991.

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// In the matter of Community Development, Agenda Item #3, Council held a work session regarding the Fifth Street Corridor Revitalization. Community Development Director Tom Martin provided a presentation to Council. The Fifth Street Corridor Master Plan was adopted by the City Council on May 23, 2006. The plan establishes the vision for a rehabilitated and revitalized corridor that serves the needs of the surrounding neighborhoods. The City has committed Community Development Block Grant, Capital Improvement and Water and Sewer funds to improve the underground utilities and streetscape. A statue of Mayor M.W. Thornhill was unveiled in 2023 as a result of a partnership between the City of Lynchburg and the Fifth Street Community Development Corporation. As a result of plan implementation, the Fifth Street Corridor has seen considerable private investment which is working to achieve the vision of the plan.

Vice Mayor Faraldi asked if they had received interest in the Family Dollar property. Mr. Martin replied that they had not yet, but he planned to speak with Economic Development. Vice Mayor Faraldi noted that the Family Dollar location was in a food desert and that area could use a grocery store.

// In the matter of Planning, Agenda Item #4, Council was briefed regarding Rezoning: R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow forty-eight duplex, quadplex and townhouse-style residential units - 1015 & 1019 Pinehurst Street. City Planner Rachel Frischeisen provided a summary of the request to Council. Rush Homes is petitioning to rezone five and eighty-four hundredths (5.84) acres located at 1015 & 1019 Pinehurst Street R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of forty-eight (48) residential units.

The property is recommended for Medium Density Residential uses on the City's Future Land Use Map (FLUM). The proposed density of the housing fits within the recommended

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density range in Medium Density Residential areas, and is below the density that would be allowed by the current zoning.

The voluntarily submitted proffers indicate that access to Phase 1 of the development, consisting of eight (8) units, would be taken from Pinehurst Street; that access would be gated and used only for emergency access once the access drive from Florida Avenue is constructed. Access from Florida Avenue would be constructed as part of Phase II of the development. Residents and visitors would utilize the Florida Avenue entrance going forward.

// In the matter of Water Resources, Agenda Item #5, Council was briefed regarding City of Lynchburg and Griffin Pipe Products Co., LLC Parking and Ingress/Egress Easement. Director of Water Resources Timothy Mitchell provided a summary of the request to Council. This is associated with the Blackwater CSO Tunnel Project and is in accordance with the Memorandum of Understanding (MOU) previously discussed with Council and executed between the City of Lynchburg and Griffin Pipe Products Co., LLC. The purpose of the ingress/egress easement is to provide Griffin Pipe employees/agents access to a newly constructed employee parking lot that will offset the loss of parking during the construction of the Blackwater CSO Tunnel. This is one component of a complex MOU that was negotiated in order to acquire the property and temporary construction easements needed for the construction of the Blackwater CSO Tunnel. Bids for the easement will be due on September 10, 2024 and presented to City Council during the September 24, 2024 Work Session and then a Public Hearing held at the September 24, 2024 regular Council meeting.

// In the matter of Roll Call, Mayor Reed encouraged residents to take advantage of the cooling centers and to hydrate during the heatwave. She said that residents should check on their neighbors, especially elderly neighbors, and their pets during this time. She noted that pets should not be left outside since they can also experience heat-related emergencies. She highlighted the work and contributions of the Commonwealth Attorney's Office to the City.

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// On the motion of Councilmember Wilder, seconded by Councilmember Dolan, by the following recorded vote, Council elected to enter into a closed meeting to discuss the investment of public funds by the City 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 subject of the closed session being specific to the Region 2000 Services Authority and its potential expansion.

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

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

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// The meeting recessed at 5:02 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of July, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns,	
Larry Taylor, Sterling A. Wilder	7
Absent:	0

// Vice Mayor Faraldi led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Item #1, copies of the minutes of the June 11, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder	7
Noes:	0

// In the matter of the Consent Agenda, Item #2, copies of the minutes of the June 12, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder	7
Noes:	0

// In the matter of the Consent Agenda, Item #3, copies of the minutes of the June 17, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder	7
Noes:	0

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// In the matter of Planning, Item #4, Council held a public hearing in consideration of adopting an ordinance changing a certain area located at 1101 5th Street from B-4, Urban Commercial District to B-5, General Business District. City Planner Rachel Frischeisen provided a summary of the request to Council. Kerr Holdings, LLC, is petitioning to rezone 1101 5th Street from B-4, Urban Commercial to B-5, General Business District. The properties are included in the area covered by the Fifth Street Corridor Master Plan adopted by City Council on May 23, 2006. The Comprehensive Plan 2013- 2030 Future Land Use Map (FLUM) recommends a Neighborhood Commercial land use for the property. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood.

The Planning Commission recommended denial of the petition, citing concerns of setting precedence for auto-oriented uses which negatively impacted 5th Street and the adjoining neighborhoods in the past. The proposed rezoning does not align with the recommendations of the Future Land Use Map, Comprehensive Plan 2013-2030, and the 5th Street Corridor Master Plan.

The petitioner has indicated that the purpose of the rezoning to B-5 zoning is to allow the use of the existing building for auto body repair. The B-5 zoning district is one of the most intensive zoning districts with the City. Other uses permitted in B-5 include towing yards, industrial equipment rental, lumber yards, self-storage, warehousing, and recycling centers. If Council wished to approve the proposed auto body repair shop without allowing the other uses, the body shop could be permitted through a Conditional Use Permit (CUP) without rezoning the property.

Mr. Dave Durbin, representing the petitioner, presented to Council. He said that the location had been an automotive repair use for over 80 years. He said that the property owner was a good neighbor who frequently cleared the sidewalks and picked up trash.

Mayor Reed opened the public hearing to comments from the public.

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Mr. Rodney Hubbard, speaking in favor of the request, said that he operated a property across the street. He said that in 2015, when he took over the property, it was zoned B6, but the City informed him he was not permitted to sell vehicles, and three years later when he made a request of Council, it was also denied. He expressed concerns that Council attempted to change the zoning from B6 to B4 in 2015 after he took over the property.

A citizen who did not give her name spoke in favor of the request, saying that her father purchased property at 1006 4th Street in 1958, and she remembered the owner of the subject property maintaining it. She said that there used to be more businesses on 5th Street when she was a child, and she believed it could be like that again.

Yvette Harris, Vice President of the Legacy Museum of African American History Board of Directors, speaking in opposition of the request, said that rezoning the subject property to B-5 would jeopardize the goals of the 5th Street Corridor Master Plan. She said that 5th Street should not return to an industrial zone of autobody shops. She asked Council to deny the petition for rezoning and the conditional use permit.

Alvin Elliot, President of the 5th Street Community Development Corporation (5th Street CDC), speaking in opposition of the request, said that his organization had worked for a number of years to rehabilitate and revitalize the 5th Street corridor. He said that the 5th Street Corridor had been the historic hub of African American economic and social activity, and the present request would jeopardize that legacy. He requested Council to deny the request.

Hunter Dawson, owner of Car Commander, speaking in opposition to the request, expressed concerns that the prospective tenant would allow the property to fall into neglect. He said that the proposed request would drive away potential development along the corridor.

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.

Vice Mayor Faraldi asked whether the non-conforming status had lapsed. Ms. Frischeisen replied that through conversations with the Zoning Administrator, staff had

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determined that the lot had been vacant prior to 2015, and because there was no record of an autobody use within the past two years, there was no legally non-conforming status. She said that the applicant did have a non-conforming status for a carwash. Vice Mayor Faraldi asked if the City issued a determination regarding the zoning status. Ms. Frischeisen said that there was no formal document, but in the Zoning Administrator's research, there was no indication there was a previous non-conforming autobody use. Vice Mayor Faraldi clarified that the status of the non-conforming use was easily accessible to the parties involved. Ms. Frischeisen said that was correct.

Councilmember Wilder motioned, seconded by Vice Mayor Faraldi, to deny the petition.

Councilmember Wilder stated that the request was not in line with the 5th Street Corridor Master Plan, and the Planning Commission also recommended denial.

Vice Mayor Faraldi stated that regardless of the City planning documents, the non-conforming status had expired, so there would need to be a more convincing reason to change the zoning.

Councilmember Helgeson stated that the comprehensive plan for 5th Street, which is a substantial document, altered the zoning regulations for a parcel that has operated as an automotive shop for many years, now prohibiting its continued use for that purpose.

Councilmember Helgeson made a substitute motion, seconded by Councilmember Misjuns, to approve the request to rezone the property to B-5.

Councilmember Misjuns stated that it did not make sense to permit the current carwash non-conforming use to continue but not allow a body-shop use. He said that since a carwash use was permitted in the B-5 zoning, other B-5 uses should be permitted as well, such as a body-shop.

Councilmember Wilder stated his opposition to the substitute motion stating that the 5th Street CDC did not support the petition.

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Councilmember Taylor stated his support for rezoning the property to B-5. He said that it would allow more revenue to be generated from the area.

Mayor Reed said that rezoning the property to B-5 would permit unlimited uses on the site, while B-4 provided restrictions to the type of uses. She said that the community had expressed concerns about the B-5 zoning because it could allow a use that would impede the goals for the 5th Street corridor. She stated that Council should honor the will of the people.

With no further discussion from the Council, the following vote was recorded on whether to accept the substitute motion:

Ayes: Helgeson, Misjuns, Taylor 3

Noes: Reed, Faraldi, Dolan, Wilder 4

With no further discussion from the Council, the following vote was recorded on the original motion to deny the request:

Ayes: Reed, Faraldi, Dolan, Wilder 4

Noes: Helgeson, Misjuns, Taylor 3

// In the matter of Community Development, Council held a public hearing in consideration of adopting Resolution #R-24-053 approving the Fiscal Year 2025 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. Grants Manager Melva Walker provided a summary of the request. The Department of Housing and Urban Development (HUD) requires local governments, which receive federal Community Planning and Development (CPD) formula block grant funds, to prepare an Annual Action Plan as a component of the approved 2020-2024 Five-Year Consolidated Plan. The Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and consists of the required components, as well as the CDBG and HOME projects that will be implemented during the program year to address the identified needs and objectives.

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On June 7, 2024, a public notice was published in The News and Advance stating that a draft of the proposed Program Year 2024 (FY 2025) Annual Action Plan was available for public review for a 30-day public comment period and that City Council would be conducting a public hearing on July 9, 2024 to receive public comments regarding the Program Year 2024 (FY 2025) Annual Action Plan. The advertisement for the Annual Action Plan included the projects recommended by City Council at their June 11, 2024 meeting.

City staff has not yet received any public comments regarding the draft Plan. City Council and citizen comments received at the public hearing regarding the contents of the Annual Action Plan will be incorporated into the final document and submitted to HUD for approval.

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.

Councilmember Taylor motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-053.

Councilmember Taylor said that the Community Development Advisory Committee recommended approval, so he supported adoption of the resolution.

Councilmember Wilder said that CDBG funds were necessary for the community, and he supported adoption of 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 Public Comment, Agenda Item #6, Citizen Jo Meadows, representing Citizens for Responsible Government, addressed Council regarding Councilmember conduct. They said that some councilmembers regularly spread false and inflammatory information about transgender people because it was politically advantageous, but transgender people would

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never be intimidated by this rhetoric. They called on the Mayor to condemn, discipline, and expel councilmembers professing such violent rhetoric.

// In the matter of Public Comment, Agenda Item #7, Citizen Margaret Johnson was not present.

// In the matter of City Council, Agenda Item #8, Council considered adopting Resolution #R-24-054 approving City Council's Rules of Procedure. Mayor Reed stated that the item was previously presented to Council at the June 25 meeting. Section § 15.2-1416 of the Code of Virginia and Section § 2-6 of the City Council's Rules of Procedure provide that each year the local governing body shall prescribe by resolution the schedule of meeting dates, times, and places for the upcoming year. City Council's schedule of meetings and work sessions is set forth in its Rules of Procedure under Section § 2-1. As such, City Council's Rules of Procedure (RoP) should be readopted to confirm City Council's schedule of regular meetings and work sessions for the upcoming year.

Meetings shall be held as follows: Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m. in City Hall, Council Chamber, except for the fourth Tuesday of February and during the months of March and April where the meetings will be held in City Hall, 2nd Floor Training Room. In the months of July and December, there will be meetings on each of the second Tuesdays; in August, there will be meetings on the fourth Tuesday. City Council's Rules of Procedures Section 2-1 will be revised to reflect these changes.

Based on Council feedback given during the Business Item Briefing, staff reworked the additional language to Section 5-4(A) of the RoP specific to "Prohibited Conduct":

9. Use pickets, stakes, poles, staffs, or other similar items to display a sign, flag, poster, placard, or the like in the Council Chamber.
10. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.
11. Block entrances, exits, or doorways of the Council Chamber

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Councilmember Taylor motioned, seconded by Vice Mayor Faraldi, to adopt Resolution #R-24-054.

Councilmember Helgeson asked for clarification regarding the previously requested changes to the resolution. City Attorney Mr. Matthew Freedman explained that the resolution included the proposed changes to the Rules of Procedure, but the actual Rules of Procedure were not included with red-lined changes. He said that Section 5-4(A), Prohibited Conduct, included additions of Items 9, 10, and 11. Councilmember Helgeson said that Council had discussed keeping Item 10 but removing Items 9 and 11.

Councilmember Dolan said that Item 9 was a requested addition from the Chief of Police.

Mayor Reed noted there was consensus from Council to strike Item 11 since the Fire Marshall had the ability to enforce rules regarding blocking of entrances.

Mr. Freedman suggested proceeding with the adoption of the rules, and he could return with an additional rule to address issues with Item 9 at a later date.

Councilmember Helgeson motioned to amend to strike Items 9 and 11. He said that Council could consider a rule at a later date related to the use of pickets, stakes, poles, staffs, or other similar items to display a sign, flag, poster, placard. Mr. Freedman clarified that Items 9 and 11 would be stricken, and Item 10 would then become the new Item 9 under the Rules of Procedure.

Councilmember Taylor said that he accepted the amendment as friendly.

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

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

Noes: Dolan 1

// In the matter of the City Attorney's Office, Agenda Item #9, Council considered adopting Resolution #R-24-055 approving the City's participation in the proposed settlement of opioid-

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related claims against Kroger and its related corporate entities, and directing the City Attorney to execute the documents necessary to effectuate the City's participation in the settlement.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-055.

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

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

Noes: 0

// The meeting adjourned at 8:10 p.m.

Clerk of Council

August 13, 2024

// A special meeting of the Council of the City of Lynchburg was held on the 13th day of August, 2024, at 2:00 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 City Council, Agenda Item #1, Council considered adopting a Resolution #R-24-056 censuring and punishing Councilmembers Jeff Helgeson and Martin Misjuns for disorderly behavior and misconduct.

Mayor Reed motioned, seconded by Vice Mayor Faraldi, to adopt the resolution, excluding resolving clause #8.

Councilmember Taylor stated that he had discussed this issue with Mayor Reed, Councilmember Misjuns, and Councilmember Helgeson in order to come up with a peaceful solution. He asked City officials to forgive the Councilmembers for their lack of leadership. He expressed concern about how all of their behavior had been perceived by citizens across the country. He emphasized that it was essential that they put a stop to this conflict and ask for forgiveness from one another. He asked if Councilmembers Helgeson and Misjuns would like to apologize for the attitudes and actions displayed from City Council.

Councilmember Helgeson apologized for allowing personality conflicts and emotions to supersede Council's work representing the citizens of Lynchburg. He apologized for offending anyone as that was not his intent and he apologized for fighting too hard for the citizens.

Councilmember Misjuns expressed his agreement with Councilmember Taylor's comments; this issue had distracted them from doing business for the citizens. He apologized for being too forceful and trying too hard and offending both citizens and Councilmembers with his actions. He asked Councilmember Taylor who he stated was circulating a letter with apologies on it for Councilmembers to sign, who had signed the letter. Councilmember Taylor

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said he had signatures from Councilmembers Misjuns and Helgeson and needed one more signature from Mayor Reed.

Vice Mayor Faraldi stated that he was not satisfied with the communications had thus far regarding this issue. He said that he had apologized for losing his temper and saying things that were unproductive, which he acknowledged and would accept responsibility for. However, he was not satisfied with apologies from the Councilmembers and asked rhetorically to the citizens if they were satisfied with the apologies. He emphasized that the proposed resolution addressed how inappropriate it was to violate attorney-client privilege. He stated that he would accept an apology stating that the Councilmembers were regretful they violated and were in contempt of Council and that it would not happen again.

Mayor Reed expressed her agreement with Vice Mayor Faraldi. She stated that the actions that resulted in the proposal of this censure were that two Councilmembers violated attorney-client privilege and defamed the character and reputation of the City Attorney based on political motivations. She emphasized that discipline for misconduct was an obligation of their capacity as an organized body and was outlined in the language of the censure; everyone on the dais must be held to the same standard and integrity.

Councilmember Helgeson expressed concern that Councilmembers did not have enough time prior to this special meeting to digest the language of the proposed resolution. He stated he had concerns with the content of the resolution which may be best reviewed with legal counsel. He expressed concern that this proposed resolution did nothing to benefit the citizens of Lynchburg and only sowed further division on Council. Councilmember Helgeson made a substitute motion, seconded by Councilmember Misjuns, to table the resolution until the next regularly scheduled meeting of City Council on September 10, 2024.

Councilmember Misjuns asked to note for the record that he was not waiving his due process rights by participating in these deliberations. He expressed concern that the language in the proposed resolution barred himself and Councilmember Helgeson from discussing the

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City Attorney's performance and compensation, which was due to be discussed in an upcoming work session. Mayor Reed clarified that the City Attorney did not prepare the proposed resolution; it was prepared by outside counsel. Councilmember Misjuns said he was verbally submitting a Freedom of Information Act request for information pertaining to the preparation of the proposed resolution with outside counsel. He expressed concern that the City Attorney had the ability to prepare censures for elected officials but did not provide services for those elected officials to defend themselves. He expressed concern that attorney-client privilege had been violated by the Mayor and the City Attorney prior to his own violation of attorney-client privilege. He emphasized that conflicts of interest between the parties involved in preparation of this censure and its consideration during this special meeting may result in liabilities for the City and citizens.

Vice Mayor Faraldi clarified that due process was relevant for a legal court procedure, but as a legislative body, the City Council governs their own members.

Councilmember Dolan expressed concern that the dysfunction of Council was interfering with their ability to govern this City. She expressed her support for the resolution of censure because she hoped it would help the Councilmembers come to the conclusion that their behaviors had been detrimental to Council.

Mayor Reed stated that she had discussed with Councilmember Taylor her hope that if repentance was displayed by the offending members of Council, then the censure would not be necessary. She expressed concern that she had not heard any genuine apology for the actions that brought them to this current situation; rather, Councilmembers had voiced more excuses and unrelated deflections and accusations. Mayor Reed called the vote for the substitute motion.

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

Ayes: Helgeson, Misjuns, Taylor 3

Noes: Dolan, Wilder, Faraldi, Reed 4

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Councilmember Misjuns expressed concern that they did not have a thorough deliberative process to discuss the issues outlined in the proposed resolution. He asked what definition of disorderly behavior and misconduct was being referenced in the document. He asked what the concern was about releasing a recorded phone call when that action is considered legal under state law. He asked if it was true that a majority of Council must agree to release information from an email from their attorney. He noted that Mayor Reed's remarks in a radio interview and Mr. Freedman's remarks at the dais violated attorney-client privilege. He asked why Council wanted to give less than 24 hours' notice to present this proposed resolution without subpoenas for testimony and fact-finding.

Councilmember Wilder stated that he continued to pray for their community as they received comments from all over the country regarding the past two years of dysfunction with City Council. He expressed sorrow over how this affected everyone so negatively and hoped they could return to some semblance of normalcy as soon as possible. He stated that he supported the resolution so they could get back focusing on the issues that affected the City rather than issues outside of Council's purview.

Councilmember Helgeson expressed concern regarding the short amount of time Councilmembers were given to review the information presented in the proposed resolution. City Attorney Matthew Freedman replied that regarding whether due process in a legislative censure session would entitle him to counsel constitutionally, he did not believe it did. He said that due process in this setting referred to whether he had an opportunity to respond to what had been presented. He said that Councilmember Helgeson had an opportunity right now to respond. Councilmember Helgeson expressed concern that it was too short of a time frame to respond to the language in the proposed resolution.

Mayor Reed called the vote for the original motion.

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

Ayes: Dolan, Wilder, Faraldi, Reed

4

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Noes: Helgeson, Misjuns, Taylor

3

// The meeting adjourned at 3:50 p.m.

Clerk of Council

August 13, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of August, 2024, at 4:00 p.m. in the Council Chamber, City Hall, Chris Faraldi, Vice President, presiding.

The following Members were present:

Present: Chris Faraldi, MaryJane Dolan, Larry Taylor, Sterling A. Wilder,	
Martin Misjuns	5
Absent: Stephanie Reed, Jeff Helgeson,	2

// On the motion of Councilmember Wilder, seconded by Councilmember Taylor, Council elected, by the following recorded vote, to enter into a closed meeting to discuss the protection of the privacy of individuals and public safety of individuals in personal matters not related to public business pursuant to § 2.2-3711(A)(4) of the Code of Virginia, 1950, as amended.

With no further discussion from the Council, the following vote was recorded:	
Ayes: Faraldi, Dolan, Taylor, Wilder, Misjuns	5
Noes:	0
Absent: Reed, Helgeson	2

// The meeting was reopened to the public at 4:10 p.m.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters

as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Dolan, and Council, by the following recorded vote, adopted the motion:

Ayes: Reed, Faraldi, Dolan, Taylor, Wilder 4

Noes: 0

Absent: Helgeson, Misjuns 2

// In the matter of Elections, Agenda Item #1, Council was briefed regarding a proposed polling place change in Ward III, Precinct 4. General Registrar Daniel Pense provided a summary of the item to Council. The General Registrar has been notified that Compassion Church, the polling place for precinct 304, will no longer be able to serve as a polling location. The Registrar has met with staff at Heritage High School and the Electoral Board has authorized this location as a replacement polling place for the November General Election. City staff is preparing the paperwork for a precinct change to be presented to the City Council and, if approved, communication with the Attorney General's office.

Vice Mayor Faraldi noted that there were concerns related to the timeline of the change. He asked for clarification how they would ensure the change was made with the Attorney General's approval and with enough notice to the voters, considering the start of early voting in September and the election in November. Mr. Pense replied that ballot proofing was taking place on September 6 and should be complete by September 9. He said that early voting began on September 20 when absentee ballots were mailed. He said that these dates would not impact the opening of the polling locations. He explained that that the Department of Elections had a 60-day window prior to election day to request a polling place change, but they also permitted emergency polling place changes, which they were filing along with the regular polling place change request.

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Councilmember Wilder asked for information about notification to voters and new voting registration cards. Mr. Pense said that the law used to require a 15-day window to notify voters, but it was changed during the past legislative session to require a 30-day notification window. He said that in the past, they had used the same vendor that the City used for billing to send out notices, and they planned to continue doing so. Councilmember Wilder asked if there were available funds in the budget to cover the cost of notification. Mr. Pense said that the last time they had to notify voters, the cost was between \$1,000 and \$2,000, so it was expected to fall within their budget. He said that if they could not cover the cost, then they would submit a budget amendment request.

// In the matter of Planning, Agenda Item #2, Council was briefed regarding the Beacon Credit Union Headquarters Rezoning: I-2, Light Industrial District to B-5, General Business District - 5114 & 5208 Woodall Road. Mayor Reed stated that the item would appear before Council for action at the September 10, 2024 meeting. City Planner Rachel Frischeisen provided a summary of the request to Council. Beacon Credit Union is petitioning to rezone portions of 5114 & 5208 Woodall Road from I-2, Light Industrial District to B-5, General Business District to allow the construction of a forty thousand (40,000) square foot, four (4) story office building and associated parking. If approved, the proposed development would be used as the Corporate Headquarters of Beacon Credit Union.

The property is recommended for Employment 2 uses on the City's Future Land Use Map (FLUM). These areas are intended to include light and heavy manufacturing, research and development, flex space and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area.

While the proposed large-scale office use is appropriate in an Employment 2 area, the proposed B-5, General Business District would allow a wide range of uses that may not be appropriate. The Planning Commission discussed this at their public hearing, noting that voluntary proffers would be a way to alleviate concerns over potentially incompatible uses.

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Vice Mayor Faraldi asked whether the developer would have time to submit their anticipated changes for the request prior to the public hearing. Ms. Frischeisen said that she had checked with the developer the day before, and they seemed to intend to submit the changes soon. She said that staff would provide the developer with the deadline to have the changes included in Council's materials for the meeting.

// In the matter of Planning, Agenda Item #3, Council was briefed regarding Street Vacation: Portion of Waughs Landing Drive. Mayor Reed stated that the item would appear before Council for action at the September 10, 2024 meeting. Senior Planner Eve Mergenthaler provided a summary of the request to Council. Elmwood Holdings, LLC is petitioning to vacate a portion of Waughs Landing Drive located adjacent to 101 Daura Road and 123 Goodyear Drive. Another phase of development, including an extension of the right-of-way, was previously proposed for this area, but the developer is no longer pursuing that. The right-of-way vacation is proposed to allow the sale of the undeveloped property to one owner and to remove the unimproved portion of right-of-way from City maintenance. The total area of the proposed vacation is approximately twenty-five thousandths (0.025) of an acre. The area to be vacated is behind a gate and has not been improved for public use. The vacation would not impact vehicle or pedestrian access.

Councilmember Taylor asked if the road had any other uses. Ms. Mergenthaler said that it did not, and it was not improved.

// In the matter of the Police Department, Agenda Item #4, Deer Population Reduction, Council deferred the matter to the September 10, 2024 meeting.

// In the matter of Roll Call, Councilmember Wilder commended the organizers and partners who helped host the Back-to-School event where they distributed supplies to help students prepare for the school year. He said that the event demonstrated how strong the community could be when they pooled together resources and supported each other. He said that a basketball tournament was also held in the gymnasium, and he commended the success of the event. He said that they were conducting the Men 2 School event again, so they called on all

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men to help welcome students back to school. He said that the event would be held on Tuesday, August 20, the first day of school for Lynchburg City Schools.

Vice Mayor Faraldi said that he had received a large amount of correspondence regarding the deer population issue. He said that one comment noted that most deck heights were 8 feet, not 10 feet, so when they considered reducing the stand-height regulations, this should be taken into account. He asked staff if it was possible to find a way to integrate concerns about coyotes into the deer population issue since he continued to receive complaints about coyotes in the City. In the matter of Roll Call, Agenda Item #5, Vice Mayor Faraldi presented to Council regarding the Lifelong Learning Committee. He said that there was a memo which outlined the general purpose of the committee, the targeted business, its advisory role, and the proposed membership. He noted that during the School Board appointment process, the lack of trust and communication between and with Council, School Administration, and the School Board was frequently addressed. He said that traditionally, there used to be a Mayor/Vice Mayor – Chair/Vice Chair meeting between Council and the School Board, and this committee was proposed to expound on that process and demonstrate a consistent dialogue between the two bodies. He said that currently, the committee was suggested to be composed of six members, three from Council and three from the School Board; the overarching goal was to explore policy matters concerning both bodies. He said that if the committee was approved, it was scheduled to start with the new City leadership in the next year, after the elections.

Mayor Reed stated that she was able to attend the LCS Convocation, and Councilmember Wilder and Vice Mayor Faraldi also attended. She thanked LCS staff for organizing the event and for the effort they put into their daily work. She said that she attended the ceremonial funeral for Sergeant Mayburn Hudson, a WWII soldier who was killed overseas 80 years ago on August 7, 1944, at the age of 20. She said that Sgt. Hudson was originally declared MIA and KIA, however, his remains were recently identified and returned to Lynchburg. She said that his remains were buried at the Fort Hill cemetery, and she issued a proclamation

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on behalf of the City. She said that several veterans, reservists, and the Fire Department attended to provide full honors. She said that Sgt. Hudson was survived by his niece and his sister, who attended the funeral, along with other family. She said that she visited Richmond to meet with Secretary of Education Guidera to request more funding for Lynchburg schools. She said that the meeting went wonderfully, and she would continue to request for more funds from the state and advocate through their representatives for LCS.

// On the motion of Councilmember Dolan, seconded by Councilmember Wilder, Council elected, by the following recorded vote, to enter into a closed meeting to review and/or evaluate the performance of the City's Clerk of Council, City Attorney, and City Manager 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: Reed, Faraldi, Dolan, Taylor, Wilder	5
Noes:	0
Absent: Helgeson, Misjuns	2

// The meeting was reopened to the public.

// Councilmember Dolan made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters

as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

Absent: Helgeson, Misjuns 2

// The meeting adjourned at 5:30 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of August, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

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

Larry Taylor, Sterling A. Wilder 7

Absent: 0

// Councilmember Helgeson 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 June 25, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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 the Consent Agenda, Agenda Item #2, copies of the minutes of the July 3, 2024 special meeting were pulled by Councilmember Helgeson. He said that since the meeting was not official, there should not be official meeting minutes. He asked for staff to review this for next meeting; there was a consensus from Council.

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// In the matter of the Consent Agenda, Agenda Item #3, copies of the minutes of the July 9, 2024 special meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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 the Consent Agenda, Agenda Item #4, copies of the minutes of the July 9, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, 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 Planning, Agenda Item #5, Council conducted a public hearing in consideration of adopting Ordinance #O-24- changing a certain area located at 1015 & 1019 Pinehurst Street from R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) for Rush Homes, Carolyn's Place. City Planner Rachel Frischeisen provided a presentation of the request to Council. Rush Homes is petitioning to rezone five and eighty-four hundredths (5.84) acres located at 1015 & 1019 Pinehurst Street R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of forty-eight (48) residential units.

The property is recommended for Medium Density Residential uses on the City's Future Land Use Map (FLUM). The proposed density of the housing fits within the recommended density range in Medium Density Residential areas, and is below the density that would be allowed by the current zoning.

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The voluntarily submitted proffers indicate that access to Phase 1 of the development, consisting of eight (8) units, would be taken from Pinehurst Street; that access would be gated and used only for emergency access once the access drive from Florida Avenue is constructed. Access from Florida Avenue would be constructed as part of Phase II of the development. Residents and visitors would utilize the Florida Avenue entrance going forward.

Jamey White, White Engineering & Design, LLC, representing the petitioner, provided a presentation to Council.

Tracey Ballagh, Executive Director of Rush Homes and speaking in favor of the request, said that the organization was a local non-profit established 28 years ago. She said that Rush Homes' mission was to provide affordable and accessible housing to individuals with disabilities and low income. She said that they were dedicated to keeping residents housed, with an eviction rate of 1%.

Beth White, Ward III, speaking in favor of the request, addressed Council regarding the need for more affordable housing in the City, especially for elderly people.

Kate Goodman, Ward IV, speaking in favor of the request, said that she was employed by Rush Homes and had a sister who lived in one of their homes. She said that her sister depended on Rush Homes to provide her with affordable housing.

Carl Hutcherson, speaking in favor of the request, said that the developer should address traffic safety issues on Florida Avenue. He asked how many minority contractors would be working on the project to provide more economic opportunities.

Clerk of Council Alicia Finney played a voicemail from Milton Smith in support of the petition.

Ms. Finney played a voicemail from Fren Joy in support of the petition.

Ms. Finney played a voicemail from Rebecca Vie in support of the petition.

Ms. Finney played a voicemail from Maggie McDaniel in support of the petition.

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Mayor Reed provided the petitioner with a chance to address the public input regarding traffic safety issues and the hiring of contractors.

Mr. White said that regarding the traffic safety on Florida Avenue, the development would have a low impact on the traffic conditions, and they had worked with staff to determine the safest location for an entrance.

Ms. Ballagh said that regarding hiring minority contractors, they did not consider race, but they did encourage their contracts to hire low-income individuals. She said that contracts were awarded through an RFP process. She said that they also tracked this data.

Mayor Reed closed the public hearing, and the matter rested with Council.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-24-057. Councilmember Misjuns said that the development would address a housing need in the area. Councilmember Wilder said that the development would help address affordable housing needs in the City.

The following vote was recorded:

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

Noes: 0

// In the matter of Public Comment, Agenda Item #6, Citizen Peter Cefaratti addressed Council regarding the current affairs that the Council is dealing with. He said that the special meeting to censure councilmembers was a show-trial that would only sow more derision.

// In the matter of Public Comment, Agenda Item #7, Citizen Deborah Trefzger addressed Council regarding the special meeting. She said that the special meeting censure hearing felt like a kangaroo court, and it felt unfair and unjust.

// In the matter of Public Comment, Agenda Item #8, Citizen John Vassar, representing the Lynchburg Republican City Committee, addressed Council regarding the capital budget for public school construction. He said that they had to improve SOL scores to improve the reputation of LCS.

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// In the matter of Public Comment, Agenda Item #9, Citizen James Quattlebaum addressed Council regarding general Council concerns. He said that he was concerned regarding the procedure of the special meeting. He said that he would recommend to the Lynchburg Republican Committee to remove Mayor Reed and Vice Mayor Faraldi from the party. He said that Section 19.9 of the City Charter outlined the procedure to remove councilmembers, and he would recommend to begin those procedures for the Mayor and Vice Mayor.

// In the matter of Public Comment, Agenda Item #10, Citizen Cora Cefaratti addressed Council regarding the July 9 meeting. She expressed concerns about the conduct of the meeting. She said that after shaking her head in disagreement to statements made by the Mayor, she was called out by name and felt intimidated for quietly expressing her opinion. She said that the Mayor had been approached regarding this conduct privately, but there had been no response. She said that the meetings needed transparency and professionalism.

// In the matter of Public Comment, Agenda Item #11, Citizen Gary Woodson withdrew from public comment.

// In the matter of Public Comment, Agenda Item #12, Citizen Vincente Gonzalez, representing the Latino Community Center of Lynchburg, addressed Council regarding racism and Islamophobia. He said that immigrant communities and labor benefited the City, without which, it would not be able to pass resolutions for new development, housing, and government facilities. He called on Councilmember Dolan and Councilmember Wilder to express their support for the local Muslim and immigrant populations.

// In the matter of Public Comment, Agenda Item #13, Citizen Andrea Hurtt addressed Council regarding transparency. She said that the Mayor Reed betrayed the people who gave her campaign money by not letting Councilmember Helgeson be Mayor, essentially staging a coup. She called for the Mayor to resign.

// On the motion of Councilmember Misjuns, seconded by Councilmember Wilder, Council elected, by the following recorded vote, to enter into a closed meeting to discuss the protection

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of the privacy of individuals in personal matters not related to public business pursuant to § 2.2-3711(A)(4) of the Code of Virginia, 1950, as amended.

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

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Misjuns made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

Absent: Helgeson 1

// The meeting adjourned at 8:02 p.m.

Clerk of Council

September 10, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 10th 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, MaryJane Dolan, Jeff Helgeson, Martin Misjuns,	
Larry Taylor, Sterling A. Wilder	7
Absent:	0

// In the matter of Work Session, Deputy City Manager Greg Patrick provided a pop-up presentation to Council regarding school construction, closures, available resources, and next steps. He reviewed the costs associated with building an elementary school and available funding options. He said that there was a joint work session scheduled with the School Board on October 22, so the goal was to prepare Council for the work session. He said that the School Board had decided not to close TC Miller or Sandusky Elementary and not to expand Bass Elementary, and they decided instead to consider rebuilding Sandusky Elementary School.

Vice Mayor Faraldi said that Council should consider redirecting local funding for non-critical projects to rebuilding a school.

Councilmember Helgeson said that it was important to consider the critical needs of the City and to not cut out roads and bridges from the Capital Improvement Plan (CIP). He said that he was not in favor of moving forward.

Mayor Reed stated that even if they did not consider rebuilding Sandusky, they still had over \$100 million of improvements which was part of the CIP request from LCS. She said that they needed to find a funding source for these improvements, and she planned to continue requesting support from the state and federal government.

// In the matter of Work Session, Clerk of Council Alicia Finney provided a pop-up presentation to Council regarding the meeting management software. She conducted a sample vote to test the vote tallying software.

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// In the matter of Public Works, Agenda Item #1, Clerk of Council Ms. Alicia L. Finney stated that as a result of an advertisement placed in *The News and Advance* on August 15 and August 23, one bid was received on September 3 from Appalachian Power Company. She read the bid into the record. There were no additional bids. Mayor Reed closed the bidding.

Councilmember Taylor motioned, seconded by Councilmember Wilder, to accept the sole bid.

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

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

// In the matter of the Historic Preservation Commission, Agenda Item #2, Council was briefed regarding training for regional staff and Historic Preservation Commission members. Mayor Reed stated that the item would appear before Council for action at the regular meeting during General Business. Senior Planner Eve Mergenthaler provided a presentation to Council. The Department of Community Development has been awarded a \$9,500 Certified Local Government (CLG) grant from the Virginia Department of Historic Resources (DHR) to host training for regional staff and historic resource commission members. The National Alliance of Preservation Commission's (NAPC'S) Commissioner Assistance and Mentoring Program (CAMP) would provide a day-long workshop offering 6 sessions (topics) geared towards assisting staff, historic resource commission members, and other interested parties from the City and other regional CLGs.

NAPC CAMP training offerings include sessions such as Legal Basics, Standards and Guidelines for Design Review, Meeting Procedures, Alternative Materials, and the like. The specific topics for the workshop will be decided by the City in partnership with DHR after the grant is awarded. The workshop attendance will be capped at 50 people.

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This item will appear for City Council consideration on the September 10, 2024, General Business agenda and, if approved, the second reading would be September 24, 2024.

Vice Mayor Faraldi asked if the City had done any work or training with the organization in the past. Ms. Mergenthaler said that they had not since she had been secretary of the Historic Preservation Committee.

// In the matter of Parks and Recreation, Agenda Item #3, Council was briefed regarding the Perrymont Park improvements grants. Mayor Reed stated that the item would appear before Council for action on the first reading of the grants later during General Business, and again on September 24, 2024, for the acceptance of property, dedication of easements and second reading of the grants. Director of Parks and Recreation Wyatt Woody provided a presentation 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 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 will be 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, after a public hearing, adopt a resolution authorizing the dedication of open-space land as previously described; and 3) To appropriate the funding for the park improvements at Perrymont Park. The first reading (introduction) to amend the FY 2025 City/Federal State Aid Fund budget

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and appropriate funding will appear for City Council's consideration on the September 10, 2024, General Business agenda.

On September 24, 2024, City Council will be asked to take the three (3) actions described above.

Vice Mayor Faraldi did express that one citizen reached out to him asking why a dog park was included when the public didn't ask for it.

// In the matter of the Police Department, Agenda Item #4, Council was briefed regarding deer population reduction. Chief of Police Ryan Zuidema introduced the matter to Council. Chief Animal Warden Ryan Ball provided a presentation. The City of Lynchburg currently allows bow hunting on private property for seven months annually, with no cost for hunting permits. In response to citizen requests, recommendations for City Council include strengthening the ban on feeding deer year-round, modifying the 12-foot deer stand rule for larger properties, promoting urban archery, and allowing bow hunting on specific city-owned properties. These measures aim to manage the deer population effectively while ensuring public safety and adherence to regulations.

Vice Mayor Faraldi requested Council act to lower the 12-foot deer stand rule, considering that most decks were 8 feet to 10 feet tall. He said that they should consider creating a permit to allow non-City residents to hunt in the City. He asked for clarification on how bow-hunting was deemed not safe on a particular property. Mr. Ball said that he often based decisions on the City GIS information, using factors such as tree coverage and residential density. Vice Mayor Faraldi asked how many permits were denied. Mr. Ball said that for the current season, he had issued 203 permits, and last season, he issued 346 permits. Vice Mayor Faraldi asked if it was possible to address coyote concerns in this conversation. Mr. Ball said that as long as they could address coyote problems centering public safety, then it would be up to Council. He said that he would not want to permit coyote hunting on smaller parcels or in denser residential areas because of the risk of wounded coyotes escaping. Mr. Ball said that

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there were some localities that did not have height restrictions on deer stands, but the majority had 10-foot to 12-foot height requirements.

Councilmember Misjuns asked for clarification regarding if the property, hunter, or both required a permit. Mr. Ball said that the property was permitted to determine that it was reasonably safe to bow-hunt from an elevated position. He said that hunters on the property had to be given a copy of the permit while they hunted.

Councilmember Helgeson said that they should remove the 12-foot deer stand regulation. He said that they should focus on incentivizing deer hunting rather than fining people for feeding deer, so they should remove the deer feeding rules.

Councilmember Dolan asked how they would address bear issues. Mr. Ball said that they typically deferred to the Virginia Department of Wildlife Resources (DWR) and provided assistance in the case of bears, unless the bear posed an immediate threat. DWR District Wildlife Biologist Sarah Peltier said that bears were opportunistic and adaptable animals, and they were drawn to urban areas due to food sources. She said that the agency operated a wildlife conflict helpline where people were encouraged to report bear sightings or conflicts. She said that they provided people education on how to coexist with bears, as there was no bear hunting permitted in the City, and removal opportunities were limited. Councilmember Dolan said that it would be helpful for the City to issue a PSA for residents regarding bear safety.

Mr. Benda said that staff would focus on the deer stand height requirements, and if possible, on addressing coyote issues, before the next meeting.

// In the matter of Community Development, Agenda Item #5, Council was briefed regarding approval of the allocation of the HOME-ARP funds from HUD. Mayor Reed stated that the item would appear before Council for action at the September 24 meeting. Grants Manager Melva Walker provided a presentation 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

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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 for the construction of eight (8) rental housing units.

A public notice was published in *The News and Advance* on September 6, 2024.

// In the matter of Community Development, Agenda Item #6, Council was briefed regarding Consolidated Annual Performance and Evaluation Report (CAPER) – Program Year 2023; Fiscal Year 2024. Mayor Reed stated that the item would appear before Council for action at the September 24 meeting. Grants Manager Melva Walker provided a presentation to Council. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME Program) 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 2024) Annual Action Plan. This CAPER is for the period of July 1, 2023 through June

September 10, 2024

30, 2024. With the 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 for the public comment period and public hearing was published in The News and Advance on September 6, 2024.

// In the matter of Budget, Agenda Item #7, Council was briefed regarding FY 2024 Fourth Quarter and FY 2025 First Quarter Adjustments. Mayor Reed stated that the item would appear before Council for action at the September 24 meeting. Chief Financial Officer Donna Witt provided a presentation 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.

The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Home Investment Partnerships Program (HOME), Regional Juvenile Detention Center, Technology, Fleet Services, as well as the City Capital Projects and Airport Capital/Grant Projects Funds are amended to reflect the FY 2025 First Quarter Adjustments.

Lynchburg City Council salaries are proposed to be increased to align with Lynchburg City Code Sec. 2-16.1 effective July 1, 2024. In December 2019, by adopting Lynchburg City Code Sec. 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. Now that the said pandemic has passed, and the economy has stabilized, the City Code should be followed.

Vice Mayor Faraldi said that the City had several funding needs, including for schools, roads, water and sewer, and housing. He said he was concerned that Council was considering a 40% pay increase with backpay for councilmembers at the request of Councilmember

September 10, 2024

Misjuns. He said that considering such a pay increase was not the highest and best use of tax payer money. He said that support for the pay increase was reflective of a borderline religious opposition to basic core operations of government. He said that such opposition was outspoken, unwavering, and never ending, except in this instance where they stood to benefit.

Councilmember Misjuns said that primary candidates were being charged a filing fee based on the pay rate in the ordinance. He said that the City should follow the law and pay councilmembers according to the ordinance.

Vice Mayor Faraldi requested that the salary increase be separated from the other matters under consideration.

City Manager Wynter Benda said that maintaining the current pay rate would require a change in City code. City Attorney Matthew Freedman said that the matter could be brought back as a budget amendment or an ordinance amendment, and this would provide Council with two options to consider and discuss. Mayor Reed said that there was consensus from Council to consider both options.

// In the matter of City Council, Agenda Item #8, Council was briefed regarding the Lifelong Learning Committee. Special Assistant to the City Manager for Data & Innovation Dr. Hollie Jennings provided a presentation to Council. The Committee will provide collaborative review, analysis, and recommendations that support high-quality public education for all residents of the City of Lynchburg. The Committee will meet monthly, or at the discretion of the Co-Chairs, to work on topics including, but not limited to the following:

- Fiscal clarity,
- Capital construction and improvement projects,
- Student enrollment and population, school zoning,
- Talent management and resources, and
- Instructional excellence.

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The committee will be composed of three members from each governing body, with the Mayor and School Board Chair serving as ex-officio members. The Mayor and School Board Chair will be responsible for appointing the three members from each of the respective bodies.

Councilmember Misjuns expressed the need for an Audit Committee to provide fiscal accountability.

// In the matter of Boards and Commissions, Agenda Item #9, Council was briefed regarding Boards and Commissions Quarterly Reporting. Mayor Reed stated that the item would appear before Council for action at the September 24 meeting during Closed Session. Clerk of Council Alicia L. Finney provided a presentation to Council. The following volunteer opportunities with Council-appointed Boards and Commissions either currently exist or are upcoming:

- Social Services Advisory Board
- Lynchburg Redevelopment and Housing Authority
- Business Development Center
- Greater Lynchburg Transit Company
- Lynchburg Parking Authority
- Board of Zoning Appeals

Interested candidates are encouraged to apply by completing our online application at <https://lynchburg.seamlessdocs.com/f/boardsandcommissions>. Applications will be taken through Friday, September 20, 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 Helgeson said that City Assessor appraisals were coming in high, likely increasing by about 15% to 20%. He said that when they present the budget, it should show what was currently budgeted, and any increases should be substantiated.

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Councilmember Wilder said that he would like to remember those who lost their lives during 9/11. He said that there was a stair climb event on Saturday to honor the first responders.

Councilmember Misjuns said that he appreciated Councilmember Wilder's comments regarding 9/11 because it was near and dear to him. He said that he was on active duty in Yorktown with the Coast Guard during 9/11, and the event changed his life. He said that he felt old when he reflected on it, because there were some people on Council who were children when it happened.

Councilmember Taylor said that his oldest granddaughter was born on September 11, so he had mixed emotions on the day. He said that he cried when he first heard the news of the attacks. He said that Sergeant Major J.C. Coleman recently passed away, and he wanted to honor his legacy.

Vice Mayor Faraldi said that he was in first grade on 9/11, and he remembered seeing smoke from the beach. He said that he learned to never take anything from a bully after that.

Mayor Reed encouraged everyone to visit the Fields of Honor display, which held its opening ceremony recently. She said that 1,000 flags were displayed to honor veterans, and they would be in place until September 21. She said that she had the chance to shadow classes at Bass Elementary and Dearington Elementary and read to the students. She said that a second grader asked her what her vision was for the City, and she answered that it was for every child to have a choice for their future. She said that Council would be holding a joint work session with LCS School Board on October 22 at the Lynchburg Regional Business Alliance at 4 p.m. She announced the retirement of Superintendent Dr. Crystal Edwards and Deputy Superintendent of Instruction and Programs Amy Pugh. She said that they both had dedicated many years to LCS, and their leadership was instrumental in serving the City. She said that she wanted to address the importance of school safety. She said that the City remained committed to working closely with the Attorney General, Chief of Police, Commonwealth's Attorney, and

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other partners to ensure the City remained safe. She said that school security was a top priority, and they were taking necessary steps to safeguard students, staff, and the community.

// On the motion of Councilmember Dolan, seconded by Councilmember Wilder, by the following recorded vote, Council elected to hold a closed meeting to discuss the investment of public funds by the City 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 subject being the Region 2000 Services Authority and its potential expansion, and (ii) to, where needed, consult with legal counsel and receive briefings from staff members about actual litigation, where such consultation in an open meeting would adversely affect the negotiating or litigating posture of the City, pursuant to Section 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended, the subject being the litigation between the City, other localities, and the Region 2000 Services Authority; and to discuss the investment of public funds and/or the disposal of City real estate, where competition or bargaining is involved, where, if made public or discussed publicly initially, the financial interest and bargaining position of the City would be adversely affected, pursuant to Sections 2.2-3711(A)(6) and 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to the renewal of a current City franchise or lease.

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

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

Noes: Helgeson 1

// 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

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WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Taylor, and Council, by the following recorded vote, adopted the motion:

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

// The meeting recessed at 6:38 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 10th 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, MaryJane Dolan, Jeff Helgeson, Martin Misjuns, Larry Taylor, Sterling A. Wilder	7
Absent:	0

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

// In the matter of Recognitions, Mayor Reed recognized Dylan Childress, an 8th grader at Linkhorne Middle School, for his outstanding accomplishments and engagements in his school and the Lynchburg community.

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// In the matter of the Consent Agenda, Item #1, copies of the minutes of the July 3, 2024 meeting were previously furnished to Council, and on motion of Councilmember Dolan, seconded by Councilmember Wilder, the following vote was recorded:

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

Noes: Misjuns 1

// In the matter of the Consent Agenda, Item #2, copies of the minutes of the August 13, 2024 special called meeting were previously furnished to Council, and on motion of Councilmember Dolan, seconded by Councilmember Wilder, the following vote was recorded:

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

Noes: 1

// In the matter of the Consent Agenda, Item #3, copies of the minutes of the August 13, 2024 meeting were previously furnished to Council, and on motion of Councilmember Dolan, seconded by Councilmember Wilder, the following vote was recorded:

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

Noes: 1

// In the matter of the General Registrar, Item #4, Council held a public hearing in consideration of adopting Ordinance #O-24-058 changing the polling place for Ward III, Precinct 4 from the Compassion Church of the Nazarene to the Heritage High School. General Registrar Daniel Pense provided a summary of the item to Council. The General Registrar has been notified that Compassion Church, the polling place for precinct 304, will no longer be able to serve as a polling location. The Registrar has met with staff at Heritage High School and the Electoral Board has authorized this location as a replacement polling place for the November General Election. City staff is preparing the paperwork for a precinct change to be presented to the City Council and, if approved, communication with the Attorney General's office.

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.

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Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to adopt the Ordinance #O-24-058 changing the polling place for Ward III, Precinct 4 from the Compassion Church of the Nazarene to the Heritage High School.

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

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

Noes: 0

// In the matter of Public Works, Item #5, Council held a public hearing in consideration of adopting Ordinance #O-24-059 authorizing the grant and conveyance of a right of way and easement to Appalachian Power Company on property owned by the City, more specifically, 1100 Jefferson Street and 8 9th Street. Deputy Director of Public Works Clay Simmons provided a summary of the item to Council. 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.

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 Dolan, to adopt the Ordinance #O-24-059 authorizing the grant and conveyance of a right of way and easement to Appalachian Power Company on property owned by the City, more specifically, 1100 Jefferson Street and 8 9th Street.

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

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

Noes: 0

// In the matter of Planning, Item #6, Council held a public hearing in consideration of adopting Ordinance #O-24-060 changing a certain area located at 5114 & 5208 Woodall Road for Beacon Credit Union Headquarters. City Planner Rachel Frischeisen provided a summary of the item to Council. Beacon Credit Union is petitioning to rezone portions of 5114 & 5208 Woodall

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Road from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the construction of a forty thousand (40,000) square foot, four (4) story office building and associated parking. If approved, the proposed development would be used as the Corporate Headquarters of Beacon Credit Union.

The property is recommended for Employment 2 uses on the City's Future Land Use Map (FLUM). These areas are intended to include light and heavy manufacturing, research and development, flex space and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area.

While the proposed large-scale office use is appropriate in an Employment 2 area, the proposed B-5, General Business District, would allow a wide range of uses that may not be appropriate. The Planning Commission discussed this at their public hearing, noting that voluntary proffers would be a way to alleviate concerns over potentially incompatible uses.

After the Planning Commission meeting and the City Council Business Item Briefing, a voluntary proffer limiting allowable uses was submitted: A list of excluded uses are indicated in attachment #2.

Mayor Reed asked if the petitioner would like to address Council.

Michael Bryant of Hurt & Proffitt, Inc. stated that he was the engineer representing the petitioner. The CEO of Beacon Credit Union, Greg McConville, stated that this property would accommodate Beacon Credit Union's new corporate headquarters and allow them to consolidate their management functions and provide for future growth.

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.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt the Ordinance #O-24-060 changing a certain area located at 5114 & 5208 Woodall Road for Beacon Credit Union Headquarters.

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

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

Noes: 0

// In the matter of Planning, Agenda Item #7, Council held a public hearing in consideration of adopting Ordinance #O-24-061 vacating a portion of right-of-way known as Waughs Landing Drive. Senior Planner Eve Mergenthaler provided a summary of the item to Council. Elmwood Holdings, LLC is petitioning to vacate a portion of Waughs Landing Drive located adjacent to 101 Daura Road and 123 Goodyear Drive. Another phase of development, including an extension of the right-of-way, was previously proposed for this area, but the developer is no longer pursuing that expansion. The right-of-way vacation is proposed to allow the sale of the undeveloped property to one owner and to remove the unimproved portion of right-of-way from City maintenance. The total area of the proposed vacation is approximately twenty-five thousandths (0.025) of an acre. The area to be vacated is behind a gate and has not been improved for public use. The vacation would not impact vehicle or pedestrian access.

Mayor Reed asked if the petitioner would like to address Council.

Ron Blackwood and Andy Flint from Elmwood Holdings, LLC stated that they had attempted multiple designs but found that the site was not feasible for development. They had previously dedicated a section of right-of-way and now requested it be returned to their ownership.

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 Misjuns motioned, seconded by Councilmember Taylor, to adopt Ordinance #O-24-061 vacating a portion of right-of-way known as Waughs Landing Drive.

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

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

Noes: 0

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// In the matter of Public Comment, Agenda Item #8, Timothy Santiago was not present to address Council.

// In the matter of Public Comment, Agenda Item #9, Council heard from a group representative regarding “to the men of Lynchburg: a widow’s perspective and observations.” Dr. Beth White of Citizens United for Lynchburg addressed Council. She stated that her husband had never wavered in his respect towards women, and she requested that all men in Lynchburg follow his example and stand up against the verbal and psychological abuse that men had inflicted on Mayor Reed during her tenure on City Council.

// In the matter of Public Comment, Agenda Item #10, Katie Yergler was not present to address Council.

// In the matter of Public Comment, Agenda Item #11, Council heard from citizen Melanie Traber regarding downtown parking police. She expressed concern that the parking police were harassing merchants, drivers, and delivery drivers in downtown Lynchburg.

// In the matter of Public Comment, Agenda Item #12, Vicente Gonzalez of Queer Town Hall addressed Council regarding the school board. He expressed the group’s disappointment in the school board’s decision to dissolve the Equity Task Force as part of an anti-diversity agenda, which involved disingenuous and misleading comments as well as unfair metrics and rationale used to evaluate the committee’s work.

// In the matter of Public Comment, Agenda Item #13, Gary Woodson of the Lynchburg Breakfast Club addressed Council regarding tax reductions for Lynchburg 2024-25. He requested Council appoint a government efficiency czar to address spending in the City. He requested that Council consider whether policymakers who pay zero real estate taxes should recuse themselves from setting tax rates for the upcoming year.

// In the matter of Public Comment, Agenda Item #14, Jeff Rosner of Lynchburg Democratic Committee addressed Council regarding recent developments in City Council elections. He stated that the Electoral Board Chair and Registrar have both confirmed that there is no

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evidence of the actions described in the Lynchburg Republican Committee and Peter Alexander's Facebook posts regarding the June primary election ballot drop box, so he requested that they provide retractions of those statements and apologize. He expressed concern that the timing of Councilmember Jeff Helgeson's resignation did not allow for new candidates to participate in the state-run primary in June, or for independent candidates to file documents and gather petition signatures by the September 6 deadline.

// In the matter of Historic Preservation Commission, Agenda Item #15, Council considered introducing Resolution #R-24-062 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. Council was previously briefed on this item during their September 10, 2024 work session. The Department of Community Development has been awarded a \$9,500 Certified Local Government (CLG) grant from the Virginia Department of Historic Resources (DHR) to host training for regional staff and historic resource commission members.

The National Alliance of Preservation Commission's (NAPC'S) Commissioner Assistance and Mentoring Program (CAMP) would provide a day-long workshop offering 6 sessions (topics) geared towards assisting staff, historic resource commission members, and other interested parties from the City and other regional CLGs. NAPC CAMP training offerings include sessions such as Legal Basics, Standards and Guidelines for Design Review, Meeting Procedures, Alternative Materials, and the like; the specific topics for the workshop will be decided by the City in partnership with DHR after the grant is awarded. The workshop attendance will be capped at 50 people.

Councilmember Taylor motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-062 and amend 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.

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

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

Noes: 0

// In the matter of Parks and Recreation, Agenda Item #16, Council considered introducing 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. Council was previously briefed on this item during their September 10, 2024 work session. 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.

Three actions will ultimately be 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, after a public hearing, adopt a resolution authorizing the dedication of open-space land as previously described; and 3) To appropriate the funding for the park improvements at Perrymont Park.

This evening, City Council is being asked to approve the first reading (introduction) to amend the FY 2025 City/Federal State Aid Fund budget and appropriate funding. On September 24, 2024, City Council will be asked to take the remaining three (3) actions described above.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-063 to amend 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.

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

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

Noes: 0

// The meeting adjourned at 7:47 p.m.

Clerk of Council

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

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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

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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

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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

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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

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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

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// 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.

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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

October 8, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of October, 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 Water Resources, Agenda Item #1, Ms. Finney stated that as a result of an advertisement placed in *The News and Advance* on September 12 and September 20, one bid was received on October 1 from Griffin Pipe Products Co, LLC. She read the bid into the record. There were no additional bids. Mayor Reed closed the bidding.

Councilmember Taylor motioned, seconded by Councilmember Wilder, to accept the sole bid.

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

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

Noes: 0

Absent: Misjuns 1

// In the matter of Lynchburg Regional Business Alliance, Agenda Item #2, Council conducted a work session on the Lynchburg Regional Business Alliance (LRBA) Overview of Site and Building Readiness. CEO of the LRBA, Megan Lucas, provided a presentation to Council. Competition in economic development is fierce, especially in terms of attracting capital investment for business and industrial projects – among 3,141 counties, 19,000 municipalities, and 90,000 taxing jurisdictions, just in the United States. Speed to market is often a deciding factor for relocating and growing companies, and it has shortened tremendously over the years as communities have gotten aggressive in preparing themselves to recruit and retain businesses. Today, as we compete globally for new capital investment, many companies require a pad-ready site so they start producing as quickly as possible.

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Councilmember Misjuns expressed concerns that there were 90,000 taxing jurisdictions. He said that they needed to ensure taxes were not high in the City.

Mayor Reed asked if the City's taxes had been a concern for developers. Ms. Lucas said that in her 10 years of working in the City, taxes had not been a factor preventing developers from doing business in the City. Mayor Reed asked if there were other concerns related to the City that they should consider. Ms. Lucas said that existing buildings were a significant factor when recruiting businesses to the region, and many industries did not relocate to the region because other areas had existing buildings or buildings in better condition. She said that the age of the existing buildings in the region made it difficult for contemporary manufacturers to upgrade the infrastructure.

Vice Mayor Faraldi asked how the City could shorten the gap to site-readiness. City Manager Mr. Wynter Benda said that they should consider more investment in site creation. He explained that it was more expensive to repurpose old buildings than to build new ones. Ms. Lucas said that they should focus on increasing wages, job opportunities, and investment in an industrial spec-building program. She explained that high-wage jobs supported all other jobs. She said that in order to have a thriving economy, they had to grow their economic base by focusing on basic industries.

Mayor Reed said that it was crucial for the City to offer jobs that would retain local talent from the universities and colleges in the region and students who were looking to enter into the trades.

// In the matter of Economic Development, Agenda Item #3, Council conducted a work session on the Office of Economic Development & Tourism Sports Tourism Update. Director of Economic Development and Tourism Marjette Upshur provided a presentation to Council. Sports Tourism is integral to local and national economies across the United States. Travelers attending sports tournaments, races, and other events, either as participants or spectators, generate significant economic benefits for households, businesses, and governments and

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represent a critical driver of the overall economy. While some states generate a larger share of economic impact given their size, seasonality, and location within the U.S., the Sports Events and Tourism Association State of the Industry Report ranks Virginia in the Top 10 States in Sports Tourism Impact for 2023.

// In the matter of Water Resources, Agenda Item #4, Council was briefed regarding Consolidation of Erosion Control and Stormwater Management Requirements & Revising Illicit Discharge Requirements. Water Quality Manager Erin Hawkins briefed Council on the item. The City is one of many cities in the Commonwealth required to have ordinances to meet federal and state requirements for erosion and sediment control management, stormwater runoff, and illicit discharge controls. City Code chapters 16.1 and 16.2 currently outline those requirements. Recent changes by the state require the consolidation of the erosion control requirements and stormwater control requirements into one ordinance. The illicit discharge revisions are separate, related, and included as part of this process under the proposed revised City Code chapter 16.2. The proposed ordinance amendments to the erosion control requirements and stormwater control requirements are consistent with the state-mandated regulations.

// In the matter of Planning, Agenda Item #5, Council was briefed regarding 273 Riverside Drive – Rezoning: R-2, Low-Medium Density Residential District to R-C, Conservation District & FLUM Amendment: Low Density Residential to Resource Conservation – Riverside Conservation. Mayor Reed stated that the item would appear before Council for action at the October 22, 2024 meeting. City Planner Rachel Frischeisen provided a briefing to Council. James and Carolyn Wicks are petitioning to amend the Future Land Use Map (FLUM) from Low Density Residential to Resource Conservation and to rezone approximately two and one hundred twenty-five thousandths (2.125) acres from R-2, Low-Medium Density Residential District to R-C, Conservation District located at 273 Riverside Drive to allow the conservation of the property.

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The property is recommended for Low Density Residential and Resource Conservation uses on the City's Future Land Use Map (FLUM). The property fits the description of a Resource Conservation area in its current state, which is undeveloped, vegetated open space. The absence of street frontage and presence of steep terrain severely limit any development potential on the property. No future improvements are proposed.

// In the matter of Planning, Agenda Item #6, Council was briefed regarding 1600 Graves Mill Road – Rezoning: B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) - Rosedale Gas Station. Mayor Reed stated that the item would appear before Council for action at the October 22, 2024 meeting. City Planner Rachel Frischeisen provided Council with a briefing on the item. Daniel Cyrus, on behalf of Rosedale Investments, LLC, is petitioning to rezone approximately three and three tenths (3.3) acres located at 1600 Graves Mill Road from B-3C, Community Business District Conditional to B-3C, Community Business District Conditional to revise proffers and allow an adjustment in orientation of a fueling station canopy and parking area.

The property is recommended for Mixed Use on the City's Future Land Use Map (FLUM). A fueling station design was proffered with the Phase 1 & 2 concept plan as part of the 2014 rezoning. The design showed an intentional canopy orientation that was discussed with staff and reviewed by the Design Review Board (DRB). The proffered site layout from 2014 also follows development principles for connectivity, mixed use, and building placement as called for by the Comprehensive Plan 2013-2030's Goals and Policies in Chapter 6: Land Use Development & Community Design.

The voluntarily submitted proffer indicates development in conformance with a revised concept plan, which shows the canopy located in front of the store, along Graves Mill Road, with a parking area fronting Rosedale Boulevard. This is contrary to the walkable, mixed use development that the area received previous approvals to become.

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Vice Mayor Faraldi expressed concerns about traffic and walkability related to the layout and design of the site. He said that he had concerns about the runoff generated from the site and the relocation to the other side of the road.

Councilmember Misjuns said that he did not support an exit onto Graves Mill Road. He expressed concerns about the traffic impacts and the design changes.

Vice Mayor Faraldi asked if the City would need to alter its traffic improvement plans for Graves Mill Road due to the change in layout. Ms. Frischeisen said that City engineering staff did not have any comments or concerns regarding the alternate layout. She explained that there would only be a right-in/right-out on Graves Mill Road, so all traffic would be routed through the roundabout and light.

Vice Mayor Faraldi expressed concerns about how the project had changed its scope. He asked if there were zoning issues related to changing the scope and layout of the project. City Attorney Matthew Freedman said that he would defer to staff since it relied on an interpretation of what was permitted under the plans, and that was typically a discretionary matter. Ms. Frischeisen explained that the Zoning Administrator determined that the orientation of the uses was more important than the locations of the uses. She said that so long as the developer followed City code and met the spirit and intent of the CCD and rezoning proffers, then the Zoning Administrator would be likely to approve any changes.

Councilmember Misjuns asked if they could ask the developer to submit a revised site plan reflecting the proposed changes. Ms. Frischeisen said that they could ask the question, but she was not sure if they could require a new site plan to be submitted. City Manager Mr. Wynter Benda said that they could return to the developer with the comments and concerns from Council. Councilmember Misjuns said that he would support tabling the item until they were presented with a revised site plan.

// In the matter of Planning, Agenda Item #7, Council was briefed regarding 1101 & 1107 5th Street – Conditional Use Permit – 5th Street Auto Body Shop. Mayor Reed stated that the item

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would appear before Council for action at the October 22, 2024 meeting. City Planner Rachel Frischeisen briefed Council. Kerr Holdings, LLC, is petitioning for a CUP to allow the use of an existing structure as an auto body shop at 1101 5th Street and associated parking at 1107 5th Street. The properties are included in the area covered by the Fifth Street Corridor Master Plan adopted by City Council on May 23, 2006. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Neighborhood Commercial land use for the property. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. A petition to rezone 1101 5th Street from B-4, Urban Commercial District to B-5, General Business District was denied by City Council on July 9, 2024. That rezoning would have allowed a number of more intense uses that are inappropriate in this setting, in addition to the auto body repair use. Approval of the CUP would allow auto body repair without altering the zoning.

// In the matter of the Legislative Agenda, Agenda Item #8, Council was briefed regarding the 2025 Legislative Agenda Draft. Mayor Reed stated that the item would appear before Council for action at the October 22, 2024 meeting. Assistant to the City Manager Mercedes Braun provided a briefing to Council. The 2025 Legislative Agenda Draft outlines Lynchburg's key priorities for the upcoming 2025 General Assembly Session. These include Public Safety, Economic Development and Lifelong Learning as well as other key priorities.

Vice Mayor Faraldi requested to add an item to the legislative agenda regarding a reconsideration of removing mandatory minimums for violent crime and the use of deadly force in the act of a crime. He said that he would support increasing the emphasis on school construction funding.

Councilmember Misjuns noted that school choice funding had been removed from the agenda, and it should be added back.

// In the matter of Roll Call, Councilmember Helgeson said that a year and a half ago, they had discussed funding and drafting the comprehensive plan internally. He said that since then, they

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had hired a consultant, and it had been some time since they had received any update. He said that there were questions about the comprehensive plan pushing road diets, which had negative consequences. He said that he wanted to ensure that some properties did not have conflicting zoning with the FLUM because property investors bought properties based on the FLUM. He requested an update on the comprehensive plan process.

Councilmember Wilder said that the Day at the Point event was held over the weekend. He commended staff for organizing the event. He said that the Party on Pierce event was held successfully. He commended staff for the White Rock community engagement event. He commended Riverviews on hosting a talk on how art could be an economic driver in the community. He offered his prayers to the community regarding the recent losses due to crime.

Councilmember Misjuns said that if people thought they were being followed, they should not go home, but they should contact 911 or go to a police station. He said that they needed to ensure they were teaching children how to make smart decisions and how to pay attention to their surroundings. He said that there had been four homicides in the City since the previous meeting, and even one murder was too many. He said that they needed to unchain law enforcement to allow them to aggressively pursue the people who committed these crimes. He said that morning, he was dropping his son at RS Payne Elementary, and 10 minutes later, he received notification that there were police presence two blocks away due to a homicide. He said that he did not receive any notification about this from the school. He said that he saw parents walking to school with their children. He said that parents should be notified when things happen around the school, especially related to crime. He questioned why school security officers were not armed. He said that they needed to arm the school security officers to protect students.

Councilmember Taylor offered his prayers to the bus driver who discovered the murder victim and to the children who were nearby. He said that any crime in the City was personal to him, as he took an oath to protect the citizens of the City.

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Vice Mayor Faraldi said that he received a request related to short-term rentals. He said that the request was regarding regulations around offering RV parking spots that could be used for Airbnb-style rentals. He said that the concept was to allow another way for property owners to use their property. He requested follow-up information on how this would work with the current short-term rental system.

Mayor Reed expressed her prayers and condolences to the families affected by recent tragedies. She acknowledged the impact on the public safety officials tasked with responding to and investigating these events. She announced that October was Breast Cancer Awareness Month, a time to reflect on the strength and courage of those afflicted with the illness and to raise awareness about the importance of early detection, education, and research. She noted that her sister was battling breast cancer and had recently rung her bell for her final round of chemotherapy.

// On the motion of Councilmember Wilder, seconded by Councilmember Taylor, by the following recorded vote, Council elected to hold a closed meeting to discuss the investment of public funds, where competition or bargaining is involved, where, if made public or discussed publicly initially, the financial interest and bargaining position of the City 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 a Campbell County Utilities and Service Authority (CCUSA) sewer capacity request; and to discuss appointments for vacancies to the Social Services Advisory Board, Lynchburg Redevelopment and Housing Authority, Business Development Center, Greater Lynchburg Transit Company, Lynchburg Parking Authority, and Board of Zoning Appeals, 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: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder 7

Noes: 0

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// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Taylor, and Council, by the following recorded vote, adopted the motion:

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

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

Name	Board Name	Appointment Date	Term Start Date	Term End Date
Arthur Pike (Ward 3)	Business Development Centre	10/08/2024	10/08/2024	09/30/2027
Cheryl Valentine (Ward I)	Business Development Centre	10/08/2024	10/01/2022	09/30/2025
Corey Davis (Ward I)	Business Development Centre	10/08/2024	10/01/2022	09/30/2025
Kamal Darden (Ward IV)	Business Development Centre	10/08/2024	10/01/2022	09/30/2025
Pavlina Dirom (Ward I)	Business Development Centre	10/08/2024	10/01/2022	09/30/2025
Samuel Howe (Ward I)	Business Development Centre	10/08/2024	10/01/2022	09/30/2025
Andre Miller (Ward 2)	Greater Lynchburg Transit Board of Directors	10/08/2024	11/01/2024	10/31/2027
Cameron Howe (Ward 1)	Greater Lynchburg Transit Board of Directors	10/08/2024	11/01/2024	10/31/2027
Jerry Padgett (Ward 1)	Greater Lynchburg Transit Board of Directors	10/08/2024	11/01/2024	10/31/2027
David Marple (Ward 2)	Lynchburg Parking Authority	10/08/2024	11/01/2024	10/31/2027
Marc Schewel (Ward 1)	Lynchburg Redevelopment and Housing Authority	10/08/2024	10/01/2024	09/30/2028
Brenda Farmer (Ward 2)	Social Services Advisory Board	10/08/2024	10/08/2024	09/30/2027
Carroll Falls (Ward 1)	Social Services Advisory Board	10/08/2024	10/08/2024	09/30/2028
Denise Dempsey (Ward 4)	Social Services Advisory Board	10/08/2024	10/01/2024	09/30/2028
Janaye Wagner (Ward 2)	Social Services Advisory Board	10/08/2024	10/08/2024	09/30/2027
Julie Clark (Ward 1)	Social Services Advisory Board	10/08/2024	10/08/2024	09/30/2028
Mary Prillaman (Ward 4)	Social Services Advisory Board	10/08/2024	10/08/2024	09/30/2028
Patrick Brown (Ward 1)	Social Services Advisory Board	10/08/2024	10/08/2024	09/30/2028
Sydney Hughes (Ward 2)	Social Services Advisory Board	10/08/2024	10/08/2024	09/30/2028
Tammy Callen (Ward 1)	Social Services Advisory Board	10/08/2024	10/08/2024	09/30/2028

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

// The meeting was recessed at 6:19 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of October, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Martin Misjuns, Larry Taylor, Sterling A. Wilder 6
 Absent: Jeff Helgeson 1

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

// In the matter of Recognitions, Item #1, Mayor Reed presented a Proclamation recognizing October as Domestic Violence Awareness Month. Amy McIvor with the YWCA accepted the proclamation and gave remarks.

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// In the matter of Recognitions, Item #2, Mayor Reed presented a Proclamation recognizing Fire Prevention Week. Fire Chief Greg Wormser accepted the proclamation and gave remarks.

// In the matter of the Consent Agenda, Agenda Item #3, Council conducted a second reading and adopted 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). On motion of Vice Mayor Faraldi, seconded by Councilmember Wilder, Council by the following recorded vote approved Resolution #R-24-066.

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

// In the matter of the Consent Agenda, Agenda Item #4, Council considered adopting 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. On motion of Vice Mayor Faraldi, seconded by Councilmember Wilder, Council by the following recorded vote approved Resolution #R-24-070.

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

// In the matter of the Consent Agenda, Agenda Item #5, Council considered adopting Resolution #R-24-072 approving the FY 2024 Fourth Quarter Adjustments. On motion of Vice Mayor Faraldi, seconded by Councilmember Wilder, Council by the following recorded vote approved Resolution #R-24-072.

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

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// In the matter of the Consent Agenda, Agenda Item #6, copies of the minutes of the September 10, 2024 meeting have been previously furnished to Council, and on motion of Vice Mayor Faraldi, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Water Resources, Agenda Item #7, Council held a public hearing in consideration of adopting Ordinance #O-24-073 authorizing the City's grant conveyance of an ingress/egress easement to Griffin Pipe Products Co., LLC at 4 Adams Street, Lynchburg, Virginia. Director of Water Resources Timothy Mitchell provided a summary of the item to Council. This is associated with the Blackwater CSO Tunnel Project and is in accordance with the Memorandum of Understanding (MOU) previously discussed with Council and executed between the City of Lynchburg and Griffin Pipe Products Co., LLC. The purpose of the ingress/egress easement is to provide Griffin Pipe employees/agents access to a newly constructed employee parking lot that will offset the loss of parking during the construction of the Blackwater CSO Tunnel.

In accordance with Virginia Code, an Invitation for Bids and a Public Hearing advertisement was published in the News & Advance on September 12, 2024, and September 20, 2024, with bids due on, or before, 5:00 p.m., on October 2, 2024.

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.

On motion of Vice Mayor Faraldi, seconded by Councilmember Misjuns, to adopt Ordinance #O-24-073 authorizing the City's grant conveyance of an ingress/egress easement to Griffin Pipe Products Co., LLC at 4 Adams Street, Lynchburg, Virginia.

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

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

// In the matter of Public Comment, Agenda Item #8, Council heard from a citizen regarding “LCS capital improvement plan.” Cynthia Capps addressed Council. She urged City Council to invest more attention and financial support in their public schools, specifically related to rebuilding Sandusky Elementary School.

// In the matter of Public Comment, Agenda Item #9, Council heard from a group representative regarding “rebuilding Sandusky Elementary.” Colleen Larkins, Save Sandusky, addressed Council. She urged City Council to prioritize the city’s schools and to collaborate with citizens and the School Board in their work.

// In the matter of Public Comment, Agenda Item #12, Council agreed by consensus to move the following public comment ahead of Agenda Item #10. Council then heard from a group representative regarding “a citizen’s view of the key ingredients to keep our city great and to look for the future.” Chal Nunn, Citizens for Community Connections, addressed Council. He expressed that his diagnosis of Parkinson’s Disease provided him with a new outlook on many parts of life, but it did not change his heart. He explained the importance of maintaining strong relationships, listening to each other despite their differences, and coordinated efforts of City government and other organizations to facilitate efficient progress in Lynchburg.

// In the matter of Public Comment, Agenda Item #10, Council heard from a group representative regarding “rental inspections.” Darlene Holland, UDDUP, LLC, addressed Council. She expressed concern that the requirement of installing screen doors for ventilation was largely unnecessary and not cost-effective for local landlords.

// In the matter of Public Comment, Agenda Item #11, Peter Cefaratti was not present to address Council.

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// In the matter of Public Comment, Agenda Item #13, Council heard from a group representative regarding “Lynchburg politics.” Gary Taylor, Citizens for a Better Lynchburg, addressed Council. He expressed concern that the Republican Party was in total disarray due to local politics and division.

// In the matter of Lynchburg Hillcats Baseball, Agenda Item #14, Council considered adopting Resolution #R-24-074 consenting to Lynchburg Baseball, LLC selling, assigning, or transferring its rights under its Baseball Stadium Franchise Agreement with the City to Hillcats Baseball, LLC. This item was previously presented to Council during their September 24, 2024 work session. 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.

On motion of Vice Mayor Faraldi, seconded by Councilmember Misjuns, to adopt Resolution #R-24-074 consenting to Lynchburg Baseball, LLC selling, assigning, or transferring its rights under its Baseball Stadium Franchise Agreement with the City to Hillcats Baseball, LLC.

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

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

Mr. Dylan Narang, new owner of the Hillcats, emphasized his excitement on this venture.

// In the matter of Towing and Recovery Operations, Council considered adopting a resolution approving the City’s award and execution of a Towing and Vehicle Recovery Services Contract with Bee Line Transport, Inc. This item was previously presented to Council at their September 24, 2024 work session. Deputy City Manager Gregory Patrick provided some further clarifying details regarding this item. 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 resolicited. This

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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 Wilder asked if the amount paid by a vehicle owner offset what the City paid. Mr. Patrick replied no; the City received no funding back from the chosen provider. Councilmember Wilder asked if staff could provide the amount paid by vehicle owners. Mr. Patrick answered that the proposed amount was \$110 plus \$50 per day.

Councilmember Misjuns motioned, seconded by Councilmember Taylor, to deny the resolution. Councilmember Misjuns stated that a Towing Advisory Board member expressed her concern to him that the process leading up to this proposal was not in line with the Virginia Public Procurement Act. He requested that they restart the process in order to allow fair and transparent competition.

Vice Mayor Faraldi asked if Councilmember Misjuns could name the member of the Towing Advisory Board who made this communication. Councilmember Misjuns answered that it was Kelly Currier. Vice Mayor Faraldi asked if Ms. Currier could answer some of his questions. He asked the City Attorney if this communication offered to one Councilmember implicate the City in any capacity since Ms. Currier declined to communicate with other Councilmembers. Mr. Freedman replied no. Vice Mayor Faraldi asked why Ms. Currier chose to only communicate with Councilmember Misjuns. Ms. Currier replied that she did not; she sent

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Vice Mayor Faraldi an email as well. Vice Mayor Faraldi asked if Ms. Currier could tell the public the information she had provided. Ms. Currier explained that on September 26, she sent an email to Council regarding her current term on the Towing Advisory Board, and her discomfort with signing the document given to the Board to endorse the RFP award. She said that she had asked Ms. Suter why there was so much controversy around this issue and if she was missing something. Vice Mayor Faraldi asked if Ms. Currier could elaborate on her concerns. Ms. Currier stated that as part of this process, she had asked if there had been audits to ensure they were paying the correct amount for this contract. She said that there was no audit; it was stated that if someone claimed they had been overpaid, it was reviewed and a refund was determined. She emphasized there was nothing to determine if the contracted prices were correct or not. She noted that there was a general consensus and that the decision had already been made, but she believed there was one other member of the Board who did not agree. Vice Mayor Faraldi asked how many Board members expressed concern prior to the vote. Ms. Currier replied there were none. She expressed concern that based on her experience and feedback received, she felt her position as a citizen did not allow her to adequately voice her concern or vote as she felt was necessary. Vice Mayor Faraldi expressed concern that Ms. Currier's insinuation could not be substantiated with the information provided. He clarified that the City's policy did not allow police officers to recommend to the public any services of a particular towing service, and he expected that policy would be followed.

Councilmember Wilder asked if Bee Line Transport was chosen through the RFP process, as part of public procurement. Ms. Suter replied that was correct. Mr. Patrick noted that the Towing Advisory Board actively selected the approved provider and approved the RFP, including the language of important aspects and how they would judge the received proposals. Councilmember Wilder asked if Ms. Suter reviewed the numbers and compared them. Ms. Suter said yes; they compared them and used a scoring matrix. They came up with pros and cons for

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each submittal, and the Towing Advisory Board all agreed on this proposal. Through their discussion, they amended it as necessary to reflect their discussion.

Councilmember Misjuns asked if a police officer mentioning the name of the City's contracted towing service was the same as a recommendation. Mr. Patrick said that he was unsure. Councilmember Misjuns expressed his discomfort with approving this five-year contract that excluded all other businesses and did not give them any opportunity, as well as Ms. Currier's experience with the process. He recommended that Council deny the resolution and begin the process again.

Vice Mayor Faraldi asked what the proposal failed to accomplish in terms of Councilmember Misjuns' concerns. Councilmember Misjuns expressed concern that the five-year contract kept other small businesses out of the loop; the police-initiated tows and City vehicle tows should be separated; there should be rotation of tow companies; and small businesses should be included in the ability to do this business. He expressed concern that they had received adequate documentation of consensus, approval, and acceptance of the RFP, but were now hearing concerns that those documents were incorrect or unfair in some manner. He emphasized that inclusion of police-initiated tows was an integral part of holding the City and the towing company responsible in a legally binding agreement when those situations occurred. He requested that Council table this item until their next meeting to receive stakeholder input and offer another opportunity for public comment.

Councilmember Wilder asked if the request for proposal had been advertised. Ms. Suter replied that it was advertised as they did all RFPs; it was on the City's website and the state's website, eVA, which sent it to all towing providers registered with the state.

Councilmember Dolan asked if all submittals had the appropriate equipment to tow City vehicles. Ms. Suter answered that two companies out of the three proposals had the appropriate equipment for heavy vehicle tows.

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Mayor Reed noted that the RFP was reviewed by a subcommittee, the Towing Advisory Board, and that Board was entrusted to make an informed vote on the information provided. She asked if Council had the authority to tell the Towing Advisory Board that Council disapproved of their decision and to reconsider the vote. She asked if there was a legal consideration of getting involved in the public procurement process in that way.

// Due to heightened public participation, Mayor Reed recessed the meeting to allow time for the situation to de-escalate and restore order. The meeting was recessed at 8:24 p.m.

// The meeting was reopened to the public at 8:29 p.m.

Mr. Freedman said that he would attempt to answer Mayor Reed's earlier question. The towing contract for the locality was not necessarily bound by the determination of the Towing Advisory Board; the Council has the power to award one towing contract, two towing contracts, or no towing contract. The written recommendation from the Towing Advisory Board was something he had drafted based on the resolution creating the Towing Advisory Board earlier in the year. The resolution had mentioned the Council receiving a written recommendation or some type of guidance on how to proceed. The written recommendation included everyone's signature except for Ms. Currier's, and she had spoken about that this evening. He stated that the written recommendation still had validity, as there was nothing disproving the other signatures. City Council did have options; however, if a majority of Council did not want to proceed tonight, staff would request guidance on what information to bring back at the subsequent meeting. If they did not approve anything under this item, they would continue on the month-to-month basis they currently had with Bee Line Transit.

Councilmember Misjuns asked if Councilmember Taylor would consider adding Vice Mayor Faraldi's request to table the item for two meetings as a friendly amendment to the original motion.

Councilmember Wilder stated that he did not support the motion because the request for proposal went through proper procurement process, and the Towing Advisory Board made the

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decision to accept the contract. He did not agree on the particular motion to deny the contract. He stated that he was amenable to tabling it, but was unsure of the reason why because more time would not change his vote.

Councilmember Dolan asked Vice Mayor Faraldi what would be accomplished by tabling the item. Vice Mayor Faraldi said that he believed that if delaying this item ensured that everyone, including Ms. Currier, the stakeholders, Councilmembers, and staff could get on the same page and feel confident in making the right decision, and that they could clarify with City staff what the policy is regarding towing recommendations, then they could move forward. He expressed his hope that they could unanimously support this item after that time.

Councilmember Misjuns accepted the amendment to table the item for two meetings. Councilmember Taylor accepted the amendment.

Mr. Freedman asked if Council could provide staff with direction on next steps for this item.

Councilmember Wilder requested that the other members of the Towing Advisory Board provide comments to give context to Ms. Currier's concerns.

Mayor Reed confirmed there was consensus from Council to table this item until the November 12, 2024 meeting of Lynchburg City Council.

// In the matter of City Council, Agenda Item #16, Council considered 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). 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. Technical changes were made to the proposed resolution.

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Vice Mayor Faraldi made the motion, seconded by Councilmember Wilder, to table the item indefinitely. Vice Mayor Faraldi emphasized that a sitting politician should not vote on a pay increase for their self.

Councilmember Misjuns noted that the proposal was to align practices with written City Code. He recommended they table this item until they had all seven Councilmembers present, rather than tabling it indefinitely.

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

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

On motion of Vice Mayor Faraldi, seconded by Councilmember Dolan, to reintroduce Option B regarding City Council's salaries, keeping Councilmembers' pay at \$10,000 and the Mayor's pay at \$12,000.

Councilmember Misjuns made a substitute motion to align the Mayor's pay with Councilmembers' pay at \$10,000. Mayor Reed noted that there was no second for the motion, so the motion died.

Councilmember Wilder stated that he did not support the motion because he would prefer to have Councilmember Helgeson present for the vote.

Councilmember Misjuns said that he agreed with Councilmember Wilder; Council had previously determined that it was essential that all seven members be present to vote on this item, so they should remain consistent in that regard. He would not support the motion without the presence of all seven Councilmembers at the dais.

Vice Mayor Faraldi asked Clerk of Council Alicia Finney if she heard from Councilmember Helgeson; she replied that she had not. Vice Mayor Faraldi noted that at the September 24th meeting where this was first voted on, Councilmember Dolan let Council and staff know with ample time that she would not be able to attend that meeting.

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Mayor Reed called the vote on reintroduction of Option B.

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

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

Vice Mayor Faraldi motioned, seconded by Councilmember Dolan, to place Option B on the agenda at the October 22, 2024, City Council meeting under General Business.

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

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

// The meeting adjourned at 8:47 p.m.

Clerk of Council

October 22, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of October, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns,	
Larry Taylor, Sterling A. Wilder	7
Absent:	0

// Councilmember Taylor 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 September 24, 2024 meeting were previously furnished to Council; Councilmember Taylor made the motion to approve the minutes, seconded by Councilmember Helgeson.

Councilmember Dolan stated that she would abstain because she was not present for the September 24 meeting.

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

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

// In the matter of the Consent Agenda, Agenda Item #2, copies of the minutes of the October 8, 2024 meeting were previously furnished to Council, and on motion of Councilmember Dolan, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder	7
Noes:	0

// In the matter of Planning, Agenda Item #3, Council conducted a public hearing and considered adopting Resolution #R-24-075 granting a Conditional Use Permit (CUP) to Kerr Holdings, LLC to allow the use of an existing structure as an auto body shop at 1101 5th Street and associated parking at 1107 5th Street. City Planner Rachel Frischeisen provided a

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presentation to Council. Kerr Holdings, LLC, is petitioning for a CUP to allow the use of an existing structure as an auto body shop at 1101 5th Street and associated parking at 1107 5th Street. The properties are included in the area covered by the Fifth Street Corridor Master Plan adopted by City Council on May 23, 2006. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Neighborhood Commercial land use for the property. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. A petition to rezone 1101 5th Street from B-4, Urban Commercial District to B-5, General Business District was denied by City Council on July 9, 2024. That rezoning would have allowed a number of more intense uses that are inappropriate in this setting, in addition to the auto body repair use. Approval of the CUP would allow auto body repair without altering the zoning.

Dave Durbin, representing the petitioner, Kerr Holdings, LLC, provided a presentation to Council.

Marvin Marcia, current tenant of the property, spoke in support of the petition. He requested that Council support the petition so he can support his family.

Mike Everett, representing 5th Street Baptist Church, spoke in favor of the petition. He noted the improvements that Mr. Marcia had made to the property and his positive contributions to the neighborhood.

Andrew Brown, representing Community Funeral Home, spoke in favor of the petition. He said that the petition would provide additional job opportunities to people in the community.

Kevin Grissom spoke in favor of the petition. He suggested that the City should incentivize enterprise-level ambitions to provide the best services to the community.

Elsa Duran, representing Hispanic Community Center, spoke in favor of the petition. She expressed concerns about discrimination.

Consuela Moseley spoke in favor of the petition. She said that everyone should be given a chance to support their family.

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Rose Lee spoke in favor of the petition. She said that the petition would increase the diversity of businesses in the area.

Franklin Smith spoke in favor of the petition. He noted Mr. Marcia's contributions to improving the neighborhood.

Terrence Spencer spoke in favor of the petition. He emphasized his long business relationship with Mr. Marcia and the need for more body shops in the City.

Romana Battle, representing the Legacy Museum of African American History, spoke in opposition to the petition. She noted the prevalence of auto body and auto sales shops in the area and the negative traffic impacts they had on the museum's events.

Hunter Dawson spoke in opposition to the petition. He expressed concerns about Mr. Marcia's business practices and criminal record.

Lonnie Woodson spoke in opposition to the petition. He expressed concerns about Mr. Marcia's business practices.

Mayor Reed provided the petitioner with a chance to address the public comments.

Mr. Durbin provided a rebuttal to public comment. He addressed the petitioner's commitment to working with the City and the community.

The public hearing was closed and the matter rested with Council.

Councilmember Helgeson suggested that Condition #6, "the building shall be maintained in good condition" should be stricken since it was better addressed by the building code.

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to approve #R-24-075 with Condition #6 stricken. Councilmember Helgeson said that the site was designed to be a body-shop use, and it should be able to be used as one.

Councilmember Misjuns said that providing jobs for people should be the focus, and they should allow Mr. Marcia to do business.

Councilmember Wilder asked if the 5th Street CDC had provided comments. Ms. Frischeisen said that they had not submitted any comments.

Vice Mayor Faraldi asked if there were other CUPs that contained similar language to Condition #6. Ms. Frischeisen said that she did not recall another CUP with a similar condition. She explained that the condition may be redundant because the petitioner would still have to maintain the property even if the condition were not included. Vice Mayor Faraldi asked if there was a way to make the condition related to parking more specific to address concerns raised by the Legacy Museum. Ms. Frischeisen replied that she believed the condition as presented addressed the museum's concerns, but it was dependent on enforcement of the condition.

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 Planning, Agenda Item #4, Council conducted a public hearing and considered adopting Resolution #R-24-076 amending the Future Land Use Map and adopting Ordinance #O-24-077 changing the zoning of a certain area located at 273 Riverside Drive. City Planner Rachel Frischeisen presented the request to Council. James and Carolyn Wicks are petitioning to amend the Future Land Use Map (FLUM) from Low Density Residential to Resource Conservation and to rezone approximately two and one hundred twenty-five thousandths (2.125) acres from R-2, Low-Medium Density Residential District to R-C, Conservation District located at 273 Riverside Drive to allow the conservation of the property. The property is currently recommended for Low Density Residential and Resource Conservation uses on the City's Future Land Use Map (FLUM). The property fits the description of a Resource Conservation area in its current state, which is undeveloped, vegetated open space. The absence of street frontage and presence of steep terrain severely limit any development potential on the property. No future improvements are proposed.

Carolyn Wicks, the petitioner, provided a presentation to Council.

Bethany Harrison spoke in favor of the petition. She emphasized the importance of conservation spaces.

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

Councilmember Helgeson noted that the petitioner had to pay fees and go through several steps just to have Council deem their property as a conservation area.

Councilmember Taylor motioned, seconded by Vice Mayor Faraldi, to approve #R-24-076 amending the FLUM.

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

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder	7
Noes:	0

Vice Mayor Faraldi motioned, seconded by Councilmember Misjuns, to approve #O-24-077 changing the zoning.

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 the Budget, Agenda Item #5, Council held a public hearing and conducted its first reading of Ordinance #O-24-078 approving the FY 2025 First Quarter Adjustments. Chief Financial Officer Donna Witt provided a summary of the request to Council. The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Home Investment Partnerships Program (HOME), Regional Juvenile Detention Center, Technology, Fleet Services, as well as the City Capital Projects and Airport Capital/Grant Projects Funds are amended to reflect the FY 2025 First Quarter Adjustments.

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.

Councilmember Wilder motioned, seconded by Councilmember Dolan, to approve #O-24-078.

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

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

Noes: Faraldi 1

Vice Mayor Faraldi stated he voted in opposition so that this item will appear for a second reading during General Business instead of the Consent Agenda at the November 12th meeting, per Council's Rules of Procedure.

// In the matter of Public Comment, Agenda Item #6, Citizen Jeff Rosner addressed Council regarding local and national election reform and election acceptance.

// In the matter of Public Comment, Agenda Item #7, Citizen Heather Cash addressed Council regarding the city towing contract. She requested that Council consider a rotation system for the contract.

Councilmember Misjuns requested that staff provide follow-up information regarding who signed the consensus document.

// In the matter of Public Comment, Agenda Item #8, Citizen Gary Taylor was not present.

// In the matter of Water Resources, Agenda Item #9, Council considered adopting Ordinance #O-24-079 consolidating the City's Erosion Control and Stormwater Management Requirements and revising the City's Illicit Discharge Requirements. Mayor Reed stated that the item was presented to Council at the October 8, 2024 meeting. Water Quality Manager Erin Hawkins provided the summary to Council. The City is one of many cities in the Commonwealth required to have ordinances to meet federal and state requirements for erosion and sediment control management, stormwater runoff, and illicit discharge controls. City Code chapters 16.1 and 16.2 currently outline those requirements. Recent changes by the state require the consolidation of the erosion control requirements and stormwater control requirements into one ordinance. The illicit discharge revisions are separate, related, and included as part of this process under the proposed revised City Code chapter 16.2. The proposed ordinance amendments to the erosion control requirements and stormwater control requirements are consistent with the state-mandated regulations.

Councilmember Dolan motioned, seconded by Councilmember Wilder, to approve #O-24-079.

Councilmember Helgeson asked if the criminal penalties were added as part of the City policies or state policies. Ms. Hawkins replied that the criminal penalties were allowable under state code for enforcement of the program. She noted that the City had not jailed anyone for violations, but civil penalties had been issued. City Attorney Matthew Freedman explained that they had a third-party attorney review the ordinance and he was confident that it protected the City's interests in maintaining stormwater and erosion regulations. Ms. Hawkins said that the criminal penalties were included in the previous version of the ordinance.

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 the Lynchburg Fire Department, Agenda Item #10, Council conducted its first reading of Resolution #R-24-080 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$4,434,217 to hire (21) twenty-one firefighters with the Lynchburg Fire Department. Mayor Reed stated that the item was presented to the Finance Committee. Fire Chief Greg Wormser presented the summary of the request to Council. The Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) awards Staffing for Adequate Emergency Response (SAFER) grant funding to focus on enhancing the local fire departments' abilities to comply with staffing, response and operational standards established by the NFPA. The funds provided by the SAFER grant accomplishes this by providing direct funding to eligible fire departments for the purposes of increasing staffing.

The funds in the amount of \$4,434,217 awarded by FEMA will be used to hire twenty-one (21) firefighters paying for their salaries and benefits for a period of no less than three (3) years, at which point the City of Lynchburg will provide the commensurate amount of funding.

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The SAFER grant performance period begins on or about March 1, 2025 and ends on or about March 1, 2028. The department intends to hire personnel in early Calendar Year 2025 ahead of the completion of Fire Station 9 so that when the station is completed, it will be staffed with incumbent personnel who are well trained to respond to emergencies.

Councilmember Misjuns suggested that they should start including the costs in the operating budget rather than rely on one-time funds.

Councilmember Helgeson stated that previous Council's have prioritized funding to a school system with declining enrollment and that they should have been giving those resources to public safety since the entire City benefits from those resources. He stated that funding the fire department helps with ISO certification and helps keep insurance costs down.

At its October 22, 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, Dolan, Helgeson, Misjuns, Taylor, Wilder 7

Noes: 0

// In the matter of Lynchburg Adult Drug Court/Recovery Court, Agenda Item #11, Council conducted its first reading of Resolution #R-24-081 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$95,000 to expand substance abuse treatment capacity in the Lynchburg Adult Drug Court. Mayor Reed stated that the item was presented to the Finance Committee. Special Assistant to the City Manager for Data & Innovation Dr. Hollie Jennings provided the summary to Council. The Lynchburg Drug/Recovery Court Docket (BHD) is a court docket designed to enhance public safety by providing an integrated system of treatment and judicial supervision that results in a reduction in substance use/dependency and recidivism. The Lynchburg Adult Drug/Recovery Court began in December 2021, as the result of a federal grant from the Bureau of Justice Administration and operates in the Lynchburg Circuit Court.

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Horizon Behavioral Health has been awarded funding from a federal SAMHSA grant. The awarded funds will be used to increase the capacity of the Lynchburg Adult Recovery Court (LARC) by adding a probation officer to supervise participants (Community Corrections and Pretrial), funding for recovery housing, and a robust external evaluation. The City of Lynchburg will be a sub-grantee, and will be responsible for hiring an additional Community Corrections Probation Officer that will be dedicated to providing supervision to participants of the Lynchburg Adult Recovery Court. No City funding is required.

At its October 22, 2024 meeting, the Finance Committee recommended approval. As Chair of that committee, Vice Mayor Faraldi brought the committee's recommendation for approval forward as a motion. No second was required.

Councilmember Helgeson asked if the position would be back-filled once the grant funding ran out. Chief Financial Officer Ms. Donna Witt replied that the grant was for five years, after which, the position would not be funded if the grant was not renewed.

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 Lynchburg Adult Drug Court/Recovery Court, Agenda Item #12, Council conducted its first reading of Resolution #R-24-082 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$45,266 for support of the Drug/Recovery Court docket by enhancing testing. Adult Recovery Court Program Director Taylor Jones provided the summary to Council. The Lynchburg Drug/Recovery Court is a court docket within the existing Circuit Court that is designed to enhance public safety by providing an integrated system of treatment and judicial supervision that results in a reduction in substance use/dependency and recidivism. The Lynchburg Drug/Recovery Court began in March 2017 as the result of a grant from the Supreme Court of Virginia.

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At its October 22, 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, Dolan, Helgeson, Misjuns, Taylor, Wilder 7

Noes: 0

// In the matter of the Commonwealth's Attorney Office, Agenda Item #13, Council conducted its first reading of Resolution #R-24-083 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$500,000 to enhance the criminal justice response to sexual assault, domestic violence, dating violence, and stalking in the City of Lynchburg. Commonwealth's Attorney Bethany Harrison provided the summary. The Commonwealth's Attorney's Office was awarded \$500,000 in 2024 Improving Criminal Justice Responses Grant Program funds for the period of 10/1/2024 to 9/30/2027. The Office of the Commonwealth's Attorney is requesting approval to appropriate \$500,000 towards the following criminal justice responses and services:

- A) Support the salary and benefits (40%) of a full-time prosecutor dedicated to prosecuting intimate partner violence and (60%) of a full-time in-house investigator, and an hourly Domestic Abuse Response Team Coordinator,
- B) Subcontract with the YWCA of Central Virginia, Domestic Violence Program to hire a full-time Domestic Abuse High Risk Team Case Manager,
- C) Provide training for grant-supported staff and community partners, and
- D) Develop and implement an intimate-partner high risk assessment team to intervene in cases identified through use of a high-risk instrument, the Danger Assessment for Law Enforcement, which will be implemented in November 2024 within the Lynchburg Police Department and the Lynchburg Office of the Commonwealth's Attorney.

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At its October 22, 2024 meeting, the Finance Committee recommended approval. As Chair of that committee, Vice Mayor Faraldi brought the committee's recommendation for approval forward as a motion. No second was required.

Councilmember Helgeson clarified that this is a 3-year grant; Ms. Harrison replied that was correct.

Mayor Reed noted that this grant was a very timely item and she was grateful for the resources.

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

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder	7
Noes:	0

Councilmember Misjuns asked how much capacity this would provide to the Commonwealth's Attorney's Office. Ms. Harrison replied that this grant helps maintain the domestic violence team made up of four prosecutors and Ms. Harrison.

// In the matter of City Council, Agenda Item #14, Council considered adopting Ordinance #O-24-084 amending Lynchburg City Code Section § 2-16.1 to align the City Council's salaries to the City's present payments and practices (Option B). Mayor Reed stated that the item had been tabled at the October 8, 2024 meeting for consideration at the October 22nd meeting. 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. Technical changes were made to the proposed ordinance.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt #O-24-084.

Councilmember Helgeson said that Council should not make decisions for their own benefit or detriment. He said that Council compensation was surprisingly low compared to other

jurisdictions, and they should be paying councilmembers more. He said that Council should reconsider Option A, even though it was tabled.

Councilmember Misjuns expressed concerns that the ordinance would result in a reduction of pay for councilmembers. He suggested that the issue of councilmember pay should be put to a referendum and lowering all pay for Councilmembers to \$10,000.

Vice Mayor Faraldi asked that if the fines imposed on Councilmembers through the censorship should be based on the Charter amount or the actual amount. City Attorney Matthew Freedman replied that the fines should be based on the salary at the time of the censorship.

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

Ayes: Reed, Faraldi, Dolan, Wilder 4

Noes: Helgeson, Misjuns, Taylor 3

// In the matter of Legislative Agenda, Agenda Item #15, Council considered adopting a resolution approving the 2025 Legislative Agenda. Mayor Reed stated that the item was presented to Council at the October 8, 2024 meeting. The 2025 Legislative Agenda Draft outlines Lynchburg's key priorities for the upcoming 2025 General Assembly Session. These include Public Safety, Economic Development and Lifelong Learning as well as other key priorities.

Councilmember Taylor motioned, seconded by Vice Mayor Faraldi, to adopt the resolution.

Councilmember Wilder stated that he did not support all of the items, specifically those related to school choice funding and elected school boards.

Councilmember Dolan said that she did not support school choice funding items because it would increase inequities between public and private schools.

Councilmember Misjuns asked why the school choice funding language did not match that from the previous year. He requested that it should be amended to exactly match the

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previous language. He asked for clarification on the Use of Unmanned Aircraft Systems by Public Bodies item. City Attorney Matthew Freedman replied that the Lynchburg Police Department wanted this included so that any department employee with proper licensing could operate the department's drone, not just sworn officers.

Vice Mayor Faraldi and Councilmember Taylor stated that they were amenable to Councilmember Misjuns' request.

Councilmember Helgeson expressed concerns about elected school boards because it could create confusion regarding ballots and term lengths.

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

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

// The meeting adjourned at 9:09 p.m.

Clerk of Council

November 12, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of November, 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 reiterated to Council that the Legislative Agenda had failed to be approved at the October 22, 2024 meeting, but Councilmember Taylor and Councilmember Dolan requested for the matter to be brought back before Council, so it was included as a Business Item Briefing. He provided a pop-up presentation updating Council regarding the White Rock Community Hub Project and the upcoming schedule for community meetings.

// In the matter of the Fire Department, Agenda Item #1, Council held a work session regarding the Fire Department Pharmacy Update. Fire Chief Gregory Wormser provided a presentation on coming operational changes at the Fire Department related to the drug box exchange program.

Vice Mayor Faraldi asked if they had considered locating these services at the new police department since it was centrally located. Mr. Wormser said that they had considered numerous locations, and he could not disclose the locations due to security reasons.

Councilmember Misjuns stated that a lot of work went into this item. He asked Chief Wormser what the most expensive drug was that the department carried; Chief Wormser replied Glucagon at \$207 per dose. Councilmember Misjuns stated that soft billing wasn't possible before because it was coming from Centra. Chief Wormser replied that taking Centra out of the equation will actually reduce out of service time.

Councilmember Helgeson asked if it was possible to coordinate a regional partnership to reduce costs associated with the program. He said that smaller neighboring jurisdictions could benefit from the shared costs. Mr. Wormser explained that since the City was responsible for

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the drugs, it was challenging to exchange them with other entities according to the rules set by the Drug Enforcement Administration and pharmacies. He said that other localities may require different drugs, and the City would be responsible for them under a shared system.

Councilmember Taylor asked if there was federal or state funding to implement the program. Mr. Wormser said that there was not, currently. He said that it was part of the legislative agenda to seek state and federal support.

Mayor Reed asked if the pharmacy manager position was required once the program started. Mr. Wormser replied that it was not required, and they did not yet know the time and resource allocation required for the position. He said that the duties of the position were currently managed by five individuals in the department.

// In the matter of Water Resources, Agenda Item #2, Council held a work session regarding the Water Resources Annual report. Director of Water Resources Timothy Mitchell provided a brief overview of the FY 2024 Annual Report, highlighting some of the Water Resources Department's accomplishments, key projects, and exceptional staff.

Councilmember Helgeson requested additional information regarding the financial figures. Mr. Mitchell replied that he could follow-up with more detailed information.

// In the matter of Legislative Agenda, Agenda Item #3, Council was briefed on the 2025 Legislative Agenda. Mayor Reed stated that the item would appear before Council for action at the evening session. Assistant to the City Manager Mercedes Braun briefed Council on the legislative package with edits from feedback provided, post the October 22, 2024 Council meeting. This will include the package with the two items of contention removed (School Choice Funding and Elected School Board). Staff will request that Council vote on the package as a whole, then two separate votes to add the aforementioned items back into the package.

Councilmember Helgeson expressed concerns about the literacy program item. He said that it appeared the item was just adding another government program on top of the already

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available programs. Ms. Braun explained that the program would essentially serve as an elective, and they were seeking to provide students with every opportunity to succeed.

Councilmember Helgeson expressed concerns about the item related to the suspension of a business's ABC license if a patron committed an act of violence. He said that businesses should not be responsible if a patron committed a crime. Ms. Braun said that the item would enable the City to temporarily limit alcohol sales while the crime was investigated. City Manager Mr. Wynter Benda explained that this item developed as a response to business proprietors who were not responding to investigation requests. City Attorney Mr. Matthew Freedman clarified that the City already had the power to petition the circuit court to enjoin the serving of alcoholic beverages, however, this usually happened after it was truly needed. He said that there were some establishments that attracted criminals and high levels of crime, and it was a massive burden on law enforcement to address issues related to these establishments. He said that the item would serve as tool to address the worst-case scenarios. Councilmember Helgeson said that they should consider a different method to address these issues.

Councilmember Helgeson expressed concerns about the item related to unlawful discharges of weapons in public spaces. He said that he was concerned about people being charged with felonies for celebratory fire or other willful discharges that did not result in harm. He said that the felony should only apply if there was intent to harm somebody.

Councilmember Helgeson expressed concerns about the language for the item related to mental health resources. He said that since it stated "any and all" resources, it implied unlimited resources. He suggested that the item should read, "the City supports additional resources provided by the State."

Councilmember Helgeson requested that an item be added to the agenda to include party affiliation on the ballot for candidates in local elections.

Councilmember Misjuns said that it was already a crime to consume alcohol and carry a firearm, so they should not be adding additional laws regarding firearms. He asked what tools

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the City had to revoke business licenses in the case of public safety. Mr. Freedman replied that they did not have any tools related to an immediate emergency need. He said that the item related to ABC licenses would allow ABC to take immediate action.

Councilmember Misjuns said that they should not be creating more felons if people were not hurt related to willfully discharging a weapon in a public place. He said that if people were hurt, they should pursue the maximum charges.

Vice Mayor Faraldi expressed concerns about the frequency of people shooting firearms in the street. He said that currently, those instances could only be prosecuted as a misdemeanor. He said that he supported increasing the penalty for unlawful discharges.

Councilmember Taylor said that he supported the ABC license item because the City needed a way to address businesses that could not control their customers.

Mayor Reed stated that they would vote on each of the proposed changes separately at the evening session, then they would take action on the legislative agenda as a whole.

Mayor Reed stated that there was consensus from Council to strike the language related to "any and all" resources related to the mental health item.

// In the matter of the Airport, Agenda Item #4, Council was briefed on the Rental Car Concession Agreement and Lease. Mayor Reed stated that the item would appear before Council at the December 10, 2024 meeting. Acting Airport Director Cedric Simon briefed Council on the matter. Rental car concessions constitute a vital service to both airline passengers and the local community. Earlier this year, the Lynchburg Regional Airport rebid the rental concession agreements and received interest from four rental car companies. Following the successful completion of these negotiations, all parties also agreed to minor changes to the existing agreements in order to keep terms consistent across all four companies. The term of the new agreements would be for five (5) years with the option to renew for up to five (5) additional years, in one (1) year increments.

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Overall, the minimum annual guaranteed (MAG) revenue amounts and rental revenues will remain the same for the first year of the agreement and will be re-evaluated based on actual gross revenues and the updated Consumer Price Index for future years. The Customer Facility Charge (CFC), a daily fee collected by the rental car companies, would increase from \$3.00 per day to \$3.50 per day to cover maintenance expenditures related to the rental car facilities.

// In the matter of Community Development, Agenda Item #5, Council was briefed on the Diamond Hill Neighborhood Plan. Mayor Reed stated that the item would appear before Council for action at the December 10, 2024 meeting. Charlotte Lester briefed Council on the matter. The Diamond Hill Neighborhood Plan is a product of the input received from neighborhood residents, citizen members of the project's Stakeholder Advisory Group, and City of Lynchburg staff, working together to envision opportunities for sustainable growth in the neighborhood. The neighborhood planning framework and recommendations are built around Diamond Hill's anchor institutions, community streets, housing, marketplace, and parks and historic resources.

The plan has been developed under the direction established by the City's Comprehensive Plan 2013-2030 to build strong neighborhoods; conserve the City's unique places and resources; promote business vitality; enhance the attractiveness of gateways and travel corridors; and protect the natural environment while also promoting sensitive development and redevelopment.

To achieve this vision, the Diamond Hill Neighborhood Plan is to be adopted as a supplement to the Comprehensive Plan 2013-2030; as such, it reinforces and extends its goals and policies.

Councilmember Helgeson asked how much it would cost to implement the recommendations. Ms. Lester replied that several projects were identified with various funding sources. She said that there was no total cost estimate for the entire plan. Councilmember Helgeson requested an estimate on the total cost before action was taken on the plan.

Councilmember Wilder noted that the Diamond Hill residents are excited for this plan.

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// In the matter of Planning, Agenda Item #6, Council was briefed on 750 Leesville Road – Future Land Use Map (FLUM) Amendment; Rezoning, and; Conditional Use Permit (CUP) – Townhomes. Mayor Reed stated that the item would appear before Council for action at the December 10, 2024 meeting. City Planner Rachel Frischeisen briefed Council on the matter. Maddox and Sons Construction, Inc. is petitioning to amend the FLUM, to rezone, and for a CUP to allow the construction of eighty-eight (88) townhomes, located at 750 Leesville Road. The FLUM currently recommends Institutional uses for the property. These areas include the religious, educational, and other nonprofit entities in the City, such as churches, private schools and universities, private nonprofit hospitals, and other nonprofit institutions. The petition proposes to amend the FLUM to Medium Density Residential. These areas are characterized by small lot single-family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type.

The proposed density is below that which is recommended by the requested Medium Density Residential category on the FLUM and would be located adjacent to an existing townhome community. The petitioner is working with the neighboring property owners to address buffering, and plans to submit proffers accordingly.

Councilmember Helgeson said that there had been enough high-density development in Ward 3 and Ward 4, and until they started seeing high density development in Ward 1 and Ward 2, he would vote against the proposal.

Vice Mayor Faraldi stated that he appreciates that these are townhomes as it helps with not raising taxes but he shared Councilmember Helgeson's concerns about density.

Councilmember Misjuns asked if there was a traffic study. Ms. Frischeisen said that there was a traffic narrative, but the development did not meet the threshold to warrant a traffic study. She said that the narrative indicated a need for a right-turn taper lane. Councilmember Misjuns expressed concerns about the existing traffic conditions.

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// In the matter of Horizon Behavioral Health, Agenda Item #7, Council was briefed on Horizon Crisis Receiving Center Funding. Mayor Reed stated that the item would appear before Council for action at the evening session. Chief Financial Officer Donna Witt briefed Council on the matter. Last year, Horizon Behavioral Health requested the City partner in a new Crisis Receiving Center (CRC). The CRC would benefit the City and surrounding localities' public safety staff by providing a detoxification and stabilization facility for citizens with acute opioid disorders.

At the time, Horizon had a shortfall of \$4.1 million. Their request was that the City commit to funding this shortfall. City staff, in cooperation with Campbell County, submitted a grant application to the Virginia Opioid Abatement Authority for \$1,946,372 to contribute towards the site acquisition and renovation costs for Horizon's CRC. Council unanimously authorized the City Manager to execute all documents in connection with the grant, and set aside up to \$4.1 million for the CRC.

The Virginia Opioid Abatement Authority grant was awarded and appropriated. The \$4.1 million was reduced by the grant award of \$1,946,372.

City Council action is required to appropriate the Assigned Funds. The first reading (introduction) to amend the FY 2025 General Fund budget and appropriate funding will appear for Council's consideration on the November 12, 2024, General Business agenda.

Vice Mayor Faraldi noted that he was a member of the Horizon Board, and the leadership team continued to seek all options to reduce the reliance on these funds. He said that the funds would serve as a contingency to ensure the project was completed.

// In the matter of Boards and Commissions, Agenda Item #8, in the interest of time, Council forwent their briefing on the Boards and Commissions Quarterly Reporting. Clerk of Council Alicia Finney stated that she would send a memo to Council containing the information in the presentation and advertise the positions on social media.

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// In the matter of Roll Call, Councilmember Helgeson said that yesterday was Veteran's Day where he honored his father who served in the Army Air Corp. He said that his father's story helped understand what people went through during WWII. He thanked veterans for their service. He said that they had to share those stories because many children had not heard them.

Councilmember Wilder thanked the police department for responding to a person running through his church during daycare hours. He said that police were able to diffuse the situation and calm the children. He said that Diane Swain, a retired principal at Sheffield Elementary, passed away, and they held a memorial service last Saturday. He thanked the people in the community for participating in Mustaches for Kids, raising over \$600,000 in 30 days. He said that it showed how much the community loved children and how well they worked together.

Councilmember Misjuns said that last year, a friend of his contacted him about the safe haven baby boxes. He explained that the boxes served as a discrete and safe option for mothers in crisis to surrender an infant. He encouraged staff to prioritize this program so that people had the option, and he asked them to come to Council for help navigating any obstacles.

Vice Mayor Faraldi said that Richland Hills residents were demanding speed bumps. He noted that while the traffic figures did not merit one, he wanted to see speed bumps to help reduce traffic speed concerns. He thanked all of the service members in the City. He highlighted the National Center for Healthy Veterans, which recently had a fire, and he encouraged people to donate to its recovery. He said that yesterday, they recognized the latest edition to Monument Terrace commemorating the War on Terror and the Gulf War. He congratulated the EC Glass Hilltoppers for winning the Jug Bowl.

Mayor Reed honored her grandfather, who passed away on November 1 at the age of 102. She said that he was a WWII veteran, serving in the Army 6th Division as an infantryman. She said that he served four years in the Pacific Theater, deployed to New Guinea and the

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Philippines. She said that she was thankful for the years she got to spend with him. She highlighted the work and contributions of the Office of the Treasurer. She highlighted the work and contributions of the Community Corrections and Pretrial Services Department. She announced that November was recognized as Lung Cancer Awareness Month. She said that it was an important opportunity to support those affected and promote early detection. She encouraged everyone to learn about the risks from smoking and other environmental factors.

// On the motion of Councilmember Dolan, seconded by Councilmember Taylor, by the following recorded vote, elected to hold a closed meeting to 1) discuss the award of a public contract involving the expenditure of public funds, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, and to 2) discuss private and personal matters connected to such public contract which are not related to public business, pursuant to Sections 2.2-3711(A)(9) and – (A)(29) of the Code of Virginia, 1950, as amended. The closed meeting being specific to discussing the award of a Towing and Vehicle Recovery Service contract to a particular vendor pursuant to § 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: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder 7

Noes: 0

// The meeting was reopened to the public.

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

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

Noes: 0

// The meeting recessed at 6:05 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of November, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

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

Larry Taylor, Sterling A. Wilder 7

Absent: 0

// Vice Mayor Faraldi led the invocation, followed by the Pledge of Allegiance.

// Mayor Reed noted that there was a consensus from Council to move the Legislative Agenda item to the very end of the agenda.

// In the matter of Recognitions, Mayor Reed presented the Nurse Practitioner Week Proclamation. Liz Melcher, Lynchburg Chapter President of the Virginia Council of Nurse Practitioners, and Allison Helgeson, fellow Nurse Practitioner, were present to accept the proclamation.

// In the matter of Recognitions, Mayor Reed presented the GIS Day Proclamation. Allison Johnson, GIS Manager, accepted the proclamation.

// In the matter of the Consent Agenda, Agenda Item #3, Council considered adopting Resolution #R-24-080 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$4,434,217 to hire (21) twenty-one firefighters with the Lynchburg Fire Department.

Councilmember Helgeson motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-080.

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 the Consent Agenda, Agenda Item #4, Council considered adopting Resolution #R-24-081 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$95,000 to expand substance abuse treatment capacity in the Lynchburg Adult Drug Court.

Councilmember Helgeson motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-081.

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 the Consent Agenda, Agenda Item #5, Council considered adopting Resolution #R-24-082 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$45,266 for support of the Drug/Recovery Court docket by enhancing testing.

Councilmember Helgeson motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-082.

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

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

Noes: 0

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// In the matter of the Consent Agenda, Agenda Item #6, Council considered adopting Resolution #R-24-083 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$500,000 to enhance the criminal justice response to sexual assault, domestic violence, dating violence, and stalking in the City of Lynchburg.

Councilmember Helgeson motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-083.

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 the Consent Agenda, Agenda Item #7, Councilmember Helgeson requested to defer approval of the October 22, 2024 meeting minutes to the December 10 meeting to review a clarification. There was a consensus from Council.

// In the matter of Public Comment, Agenda Item #8, the Consuella Jordan was not present to address Council.

// In the matter of Public Comment, Agenda Item #9, Citizen Jeremy Rowlett, representing Big Toe Towing LLC, addressed Council regarding the City of Lynchburg going to towing rotation for accidents. He stated that Big Toe Towing was capable of participating in a tow rotation, as they had contracted previously with the state police. He said that all drivers had a DAD license, accident response training, and vehicle recovery training.

// In the matter of Public Comment, Agenda Item #10, Citizen Susan Stengel addressed Council regarding misogyny by members of City Council. She outlined the instances of misogyny directed at Mayor Reed and Councilmember Dolan. She said that the men on Council should lead by example, not by their present and past behavior.

// In the matter of Public Comment, Agenda Item #11, Citizen Michael Bremer addressed Council regarding moving forward in Lynchburg. He advocated for focusing on local issues rather than national political concerns.

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// In the matter of City Council, Agenda Item #12, Council considered adopting Resolution #R-24-085 to establish the Lifelong Learning Committee of the City of Lynchburg, Virginia. Mayor Reed stated that the item was presented to Council during Business Item Briefings at the September 10, 2024 meeting.

The Committee will provide collaborative review, analysis, and recommendations that support high-quality public education for all residents of the City of Lynchburg. The Committee will meet monthly, or at the discretion of the Co-Chairs, to work on topics including, but not limited to the following:

- Fiscal clarity
- Capital construction and improvement projects,
- Student enrollment and population, school zoning,
- Talent management and resources, and
- Instructional excellence.

The committee will be composed of three members from each governing body, with the Mayor and School Board Chair serving as ex-officio members. The Mayor and School Board Chair will be responsible for appointing the three members from each of the respective bodies.

Vice Mayor Faraldi motioned, seconded by Mayor Reed, to adopt Resolution #R-24-085.

Vice Mayor Faraldi stated that the committee served as an effort between Council and the School Board to improve communication between the bodies.

Mayor Reed stated that the resolution was supported by both the chair and vice-chair of the School Board, as well as the deputy superintendent.

Councilmember Helgeson noted that the current the joint meeting with the School Board had been canceled without rescheduling. He suggested that Council should hold regular meetings with the School Board instead of creating the committee. He said that Council should wait until the new Councilmembers took their seats to approve the committee, and he would be voting against the present motion.

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Vice Mayor Faraldi clarified that the most recently scheduled meeting with the School Board was canceled because the chair was hospitalized, the superintendent resigned, and the deputy superintendent indicated he would not be present for the meeting, so there was no one to guide the discussion on the School Board's 49-page presentation on maintenance needs. He said that the committee meetings would increase transparency because they would be open to the public and held monthly, and it would only serve in an advisory capacity.

Councilmember Dolan suggested adding parent representatives to serve on the committee.

Councilmember Misjuns asked if the interim superintendent supported the creation of the committee. City Manager Mr. Wynter Benda said that they did not request the interim superintendent's opinion, but he had been informed about the committee.

Councilmember Misjuns made a substitute motion, seconded by Councilmember Helgeson, to table the matter until the first regular meeting of Council in January.

Councilmember Wilder said that he supported the idea of having parents serve on the committee, and he would not support the substitute motion.

Councilmember Helgeson said that tabling the item would allow the new councilmembers to have a say in whether the committee should exist.

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

Ayes: Helgeson, Misjuns, Taylor 3

Noes: Reed, Faraldi, Dolan, Wilder 4

Vice Mayor Faraldi proffered an amendment to the original motion to make the effective date January 14, 2025. Mayor Reed seconded the amendment.

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

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

// In the matter of Towing and Recovery Operations, Agenda Item #13, Council considered adopting Resolution #R-24-086 approving either Option A, Option B, or Option C related to the City's Towing and Vehicle Recovery Services Contract. Mayor Reed stated that the item was tabled at the October 8, 2024 meeting.

The City's towing and vehicle recovery services contract with Bee Line Transport, Inc. 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.

Based on direction of City Council, three options were brought back for review and they are now included:

- Option A: Consideration of adopting Resolution #R-24-__ approving the City's award and execution of a Towing and Vehicle Recovery Services Contract with Bee Line Transport, Inc. as provided in the City's Request for Proposal 2024-058.
- Option B: Consideration of adopting Resolution #R-24-__ approving the City's award and execution of a Towing and Vehicle Recovery Services Contract with Bee Line Transport, Inc. as provided in the City's Request for Proposal 2024-058, but for a three (3) year term.

- Option C: Consideration of adopting Resolution #R-24-__ to direct (i) the issuance of a Request for Proposals specific to a City Towing and Vehicle Recovery Services contract, with uniform rates, to a single provider for the towing of City-owned vehicles, inoperative vehicles, and police-initiated tows resulting in impoundment, and (ii) the development of a separate Request for Proposals specific to multiple City towing and recovery service contracts, with rotations and uniform rates, for all other police-initiated tows of privately-owned vehicles.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Option A, Resolution #R-24-86.

Vice Mayor Faraldi said that he had full faith and confidence in the bid process, and choosing an option other than Option A would be detrimental to the integrity of the RFP process.

Councilmember Misjuns expressed concerns about not having a copy of the towing contract because he could not make a decision on the terms and he did not know what fees citizens would be charged. Deputy City Manager Mr. Greg Patrick explained that they typically developed the full contract after Council voted to award it.

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

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

Noes: Misjuns 1

// In the matter of Horizon Behavioral Health, Agenda Item #14, Council conducted a first reading of Resolution #R-24-087 amending the FY 2025 General Fund budget and appropriating \$2,153,628 to provide additional funding for site acquisition and renovation costs for the Horizon Crisis Receiving Center (CRC). Mayor Reed stated that the item was presented to Council during the Business Item Briefings at the earlier session.

Last year, Horizon Behavioral Health requested the City partner in a new Crisis Receiving Center (CRC). The CRC would benefit the City and surrounding localities' public

safety staff by providing a detoxification and stabilization facility for citizens with acute opioid disorders.

At the time, Horizon had a shortfall of \$4.1 million. Their request was that the City commit to funding this shortfall. City staff, in cooperation with Campbell County, submitted a grant application to the Virginia Opioid Abatement Authority for \$1,946,372 to contribute towards the site acquisition and renovation costs for Horizon's CRC. Council unanimously authorized the City Manager to execute all documents in connection with the grant, and set aside up to \$4.1 million for the CRC. The Virginia Opioid Abatement Authority grant was awarded and appropriated. The \$4.1 million was reduced by the grant award of \$1,946,372.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-087.

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 #15, Council conducted a second reading and adopted Ordinance #O-24-078 approving the FY 2025 First Quarter Adjustments. The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Home Investment Partnerships Program (HOME), Regional Juvenile Detention Center, Technology, Fleet Services, as well as the City Capital Projects and Airport Capital/Grant Projects Funds are amended to reflect the FY 2025 First Quarter Adjustments.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-24-078.

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 Business, Agenda Item #16, Council considered adopting Resolution #R-24-088 approving the 2025 Legislative Agenda.

Mayor Reed stated that Council would proceed through the list of recommendations given during the evening's Work Session and vote on whether to include or remove the item from the legislative agenda.

Mayor Reed requested a motion on the addition of support for school choice funding.

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to adopt support for school choice into the legislative agenda.

Councilmember Helgeson said that school choice allowed parents the ability to pick which schools their children would attend, and it made sense to fund those choices with the money that would normally be allocated to public schools.

Councilmember Misjuns said that tax dollars should follow the students to the schools that they attended.

Councilmember Dolan said she supported school choice, but she did not support using tax dollars for private schools. She noted that a majority of the private schools in the City were religious schools, and she was concerned about the separation of church and state.

Councilmember Wilder said that he did not support the motion because it was another method to defund the school system.

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

Ayes: Reed, Faraldi, Helgeson, Misjuns, Taylor 5

Noes: Dolan, Wilder 2

Mayor Reed requested a motion on the addition of support for elected school boards.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt support for elected school boards into the legislative agenda.

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Councilmember Helgeson expressed concerns about an elected school board. He noted the lack of taxing authority, and the 3-year terms would make election cycles confusing. He said that he did not support the motion.

Councilmember Misjuns said that he would not support the motion because he did not want to see further political polarization of the School Board.

Vice Mayor Faraldi said that schools were already politicized, and the City was one of only a few remaining jurisdictions that still appointed school board members, a process held over from the Byrd political era.

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

Ayes: Reed, Faraldi, Taylor	3
Noes: Dolan, Helgeson, Misjuns, Wilder	4

Mayor Reed noted that there was consensus from Council to adjust the wording from the Mental Health item to remove the verbiage “any and all”.

Mayor Reed requested a motion on the removal of the item regarding the felony status of willfully discharging firearms in public spaces.

Chief Zuidema explained that currently, willfully discharging firearms in public spaces was a Class 6 Felony if it caused an injury and a Class 1 Misdemeanor otherwise. He said that the discharge had to be willful. He said that this item would serve as another tool for the City to address unlawful discharges. He explained that the Commonwealth's Attorney had the discretion to not pursue charges under this code section.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to deny removal of the item from the legislative agenda.

Councilmember Wilder said that this would provide police with more resources to address unlawful discharges.

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Councilmember Helgeson said that he wanted the police to focus on people who were intentionally trying to cause harm. He said that if someone accidentally discharged a weapon and no one was harmed, then it should not be a felony.

Councilmember Misjuns expressed concerns about charging people with felonies who accidentally discharged their weapon.

Councilmember Taylor said that he was concerned about the gunshots he often heard outside of his home. He said that the police needed tools to be able to address the gunshots.

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

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

Noes: Helgeson, Misjuns 2

Mayor Reed requested a motion on whether to remove the item related to the emergency suspension of ABC licenses after an act of violence involving a firearm in the establishment.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to retain the item in the legislative agenda.

Councilmember Helgeson said that this item would hurt businesses and employees because it would require establishments to close for 14 days. He said that they should instead target the individuals who committed the crime rather than business owners.

Councilmember Misjuns said that this item could harm businesses even if the crime did not happen within the building because the law applied to acts immediately adjacent to the establishment. He said that he did not support closing a business for 14 days if the business was not directly involved. He said that he supported making it easier for police officers to do their job.

Vice Mayor Faraldi asked if the policy would require businesses to shutdown entirely. Mr. Freedman replied that it would not. Mayor Reed clarified that the policy would only suspend

the ABC license for up to 14 days. She said that food sales could continue, but alcoholic beverage sales would be suspended.

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

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

Noes: Helgeson, Misjuns 2

Mayor Reed requested a motion on whether to remove the item related to the literacy program.

Mayor Reed explained that there were hundreds of students in LCS reading below grade level, and the item would advocate for allocating funds to provide a full-time reading teacher for middle school and high school.

Councilmember Misjuns asked what was preventing the City from staffing that position now. Mayor Reed said that there was currently not enough funding to staff the reading teacher positions, so the item would advocate for additional funds from the state.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to retain the literacy program item in the legislative agenda.

Councilmember Helgeson suggested amending the language of the item to make the request clearer. He said that he would support the motion.

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

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

Noes: 0

Mayor Reed requested a motion on the addition of the item related to the political party affiliation ballot identifier.

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to adopt the item into the legislative agenda, using the same language as the previous year.

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

Mayor Reed requested a motion on the adoption of the legislative agenda.

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to adopt the legislative agenda.

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

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

Noes: 0

// The meeting adjourned at 9:00 p.m.

Clerk of Council

November 19, 2024

// A special called meeting of the Council of the City of Lynchburg and its local delegation was held on the 19th day of November, 2024, at 6:00 P.M. at the University of Lynchburg, Stephanie Reed, President, presiding. The following members of City Council were present:

Present: Jeff Helgeson, Sterling A. Wilder, Chris Faraldi, Stephanie Reed, Larry Taylor, Martin Misjuns	6
Absent: MaryJane Dolan	1

// The following local legislatures were present:

Present: Mark Peake (Senator of Virginia, District 8), Wendell Walker (Virginia House of Delegates, District 52)	2
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// The following Councilmembers-elect were present:

Present: Curtis Diemer, Jacqueline Timmer	2
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// Councilmember Wilder gave the Invocation, followed by a dinner served in the Drysdale Student Center of the University of Lynchburg.

// Honorable Secretary Aimee Guidera, Virginia Secretary of Education, provided the group with an overview of how the City of Lynchburg's legislative agenda's education priorities align with the State's work. The group was given the opportunity to weigh in on the discussion.

// The meeting adjourned at 8:00 p.m.

Clerk of Council

December 10, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of December, 2024, at 4:00 p.m. in the Council Chamber, City Hall, Chris Faraldi, Vice President, presiding. The following Members were present:

Present: Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns, Larry Taylor, Sterling A. Wilder	6
Absent: Stephanie Reed	1

// In the matter of Public Utilities, Item #1, Council received an introduction to Robb Mann, new Executive Director of AEP, and an update on an upcoming project involving a Small Modular Reactor (SMR) development in Campbell County.

// In the matter of Finance, Agenda Item #2, Council received a presentation regarding the FY 2024 Annual Comprehensive Financial Report (ACFR) and Related Reports. Chief Financial Officer Donna Witt provided a summary of the item to Council. Chris Banta, representing the City's external auditing firm, Brown Edwards, LLC, presented the results of the annual audit to City Council. The following reports were discussed:

- FY 2024 Annual Comprehensive Financial Report
- Audit Committee Letter (ACL) – Required Communication with those Charged with Governance
 - City of Lynchburg
- Management Letter (ML) – City of Lynchburg
- Audit Committee Letter (ACL) – Required Communication with those Charged with Governance
 - Lynchburg City Schools
- Management Letter (ML) – Lynchburg City Schools
- Independent Auditor's Report on Applying Agreed –Upon Procedures – City of Lynchburg's Sheriff's Office
- Independent Auditor's Report on Census Data submitted to the Virginia Retirement System
 - City of Lynchburg

Vice Mayor Faraldi asked for clarification about the finding related to concerns over LCS. Mr. Banta explained that when they received the audited trial balance, certain balances were not reconciled and required further assistance. He said that they were related to cash reconciliations and insurance

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liabilities, and they did not expect the issues to continue. He said that the cash reconciliations should be occurring monthly. He said the insurance liabilities were typically reconciled once a year before the audit, however, this year, due to staff turnover, they had to provide assistance in completing the work.

Councilmember Helgeson asked for clarification about the items which were being prepared for the next audit. Mr. Banta explained that when planning for the next audit, they reviewed the previous findings, and the City will receive a letter outlining the adjustments. He said that they applied additional audit procedures focused on the adjustments to ensure they would not happen again. He said that LCS's response was thorough and involved additional training, and they would verify the response was adequate in the next audit.

Councilmember Misjuns questioned the increase in the number of school employees since 2022. He expressed concerns about the use of one-time funds from the COVID-19 pandemic to finance ongoing full-time employee positions.

// In the matter of the Police Department, Agenda Item #3, Council received a presentation regarding Public Safety Recruitment and Retention Update. Special Assistant to the City Manager for Data & Innovation Dr. Hollie Jennings provided a summary of the item to Council. A year ago, the police department had 30 sworn officer vacancies and emergency communication officers had 14 vacancies. The national shortage of police officers required the City of Lynchburg to implement a strategic and creative approach to attracting and retaining the best officers for the city. At that time, City Council approved a one-million-dollar investment to assist with retaining and recruiting sworn police officers and emergency communication officers. A comprehensive plan to recruit and retain highly qualified police officers was implemented with a four-pronged approach: increase employee satisfaction, implement procedural changes to hiring, expand recruitment outreach, and develop meaningful compensation strategies. An update will be provided regarding each of the four areas of the plan, along with data around the progress of recruitment and retention in public safety.

Councilmember Wilder asked if they were making intentional efforts to increase diversity or have a better reflection of the City's demographics. Dr. Jennings said that they were intentional in making sure they were reaching the community and being diverse in their outreach. She said that they hosted an event at VUL, and they attended over 40 community events.

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// In the matter Planning, Agenda Item #4, Council was briefed on the 2712 Concord Turnpike and 118/120 Spinoza Circle – Rezoning – Residential Subdivision. Vice Mayor Faraldi stated that the item would appear before Council for action on January 14, 2025. City Planner Rachel Frischeisen provided a summary of the item to Council. Michael L. Dillard is petitioning to rezone approximately four and fifty-four hundredths (4.54) acres from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional) at 2712 Concord Turnpike and 118/120 Spinoza Circle to allow the construction of a residential subdivision with single-household detached homes. The property is recommended for Low Density Residential Use on the City's Future Land Use Map (FLUM). These areas are dominated by single family detached housing at densities of up to four (4) dwelling units per acre. Proffers indicate that the property will be subdivided to accommodate up to twenty-two (22) single-household detached homes. The density of the proposed development is similar to that which is recommended by the FLUM. The proposed development of single-family homes would also adjoin other single-family lots and would align with the development recommendations of the Tyreanna & Pleasant Valley Neighborhood Plan.

Vice Mayor Faraldi asked if lowering the lot size requirement for single-family homes would incentivize development in the City. Ms. Frischeisen said that there was some merit in reviewing the zoning standards, and they were looking to review that chapter in the comprehensive plan with the Planning Commission. Vice Mayor Faraldi said that he was interested in exploring options. He said that if they wanted to keep taxes low, they had to increase the tax base.

Councilmember Taylor asked if the development would include affordable units. Ms. Frischeisen said that they were not yet at the design phase, so they did not have an established price range for the homes.

// In the matter of Planning, Agenda Item #5, Council was briefed on 3142, 3146, and 3150 Wards Ferry Road – Future Land Use Map (FLUM) Amendment; Rezoning; and Conditional Use Permit (CUP) – Townhome Development. Vice Mayor Faraldi stated that the item would appear before Council for action on January 14, 2025. City Planner Rachel Frischeisen provided a summary of the item to Council. Timberlake Investments, LLC is petitioning to amend the FLUM, to rezone, and for a CUP to allow the construction of eighteen (18) townhomes, one (1) duplex, and associated parking at 3142, 3146, and

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3150 Wards Ferry Road. The petitioner initially wanted to develop townhomes at this location, but did not have enough acreage to meet the two (2) acre minimum and chose to pursue a twenty-four (24) unit apartment complex instead. That petition was withdrawn prior to the City Council public hearing in October 2023 to again explore the possibility of townhomes. The Board of Zoning Appeals approved a variance on May 30, 2024, to reduce the minimum acreage needed for a townhouse development in this instance. The Future Land Use Map (FLUM) recommends a Neighborhood Commercial use for 3146 and 3150 Wards Ferry Road properties. These areas consist primarily of office, retail, personal service and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. The petitioner proposes to amend the FLUM from Neighborhood Commercial to Medium Density Residential. These areas include small-lot single family detached housing, duplexes and townhomes at densities up to twelve (12) units per acre. The Future Land Use Map (FLUM) already recommends a Medium Density Residential use for 3142 Wards Ferry Road. The proposed townhomes would serve as a transition between the commercially-zoned properties on the opposite side of Copley Place and the single household residences on Adams Drive. Due to the location near the intersection of Wards Ferry and Timberlake Roads, Copley Place should be restricted to right-in, right-out turning movements due to safety concerns, as noted by the Transportation Engineer. This has been recommended as a condition of the Conditional Use Permit. It is likely that improvements to Copley Place to limit turning movements to right-in, right-out only would be required at the site plan phase of a by-right development at this location as well. The Wards Ferry Road Corridor Study was adopted by City Council on January 14, 2014. The plan recommended "revising study forecasts if land use development policies in the corridor area are modified to accommodate an increase in dwelling units" and that "it is likely that an increase in density will generate traffic volumes that would need a widened Wards Ferry Road to provide adequate service levels." However, uses such as offices, could be permitted by-right in the existing B-1, Limited Business District zoning that may generate more traffic than the proposed twenty (20) units.

Councilmember Misjuns expressed concerns about the traffic impacts. He said that there were traffic speed issues, and there should be a physical barrier on the right-in right-out entrance. He said that he was not inclined to support the proposal.

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Councilmember Helgeson expressed concerns about the density and type of housing. He said that the traffic impacts and density would not be healthy for the neighborhood.

// In the matter of Planning, Agenda Item #6, Council was briefed on 742 Leesville Road – Conditional Use Permit (CUP) – K-12 Private School. City Planner Rachel Frischeisen provided a summary of the item to Council. NSS Propco, LLC, d/b/a Rivermont School, is petitioning for a CUP to allow the use of an existing structure as a K-12 private school in an R-1, Low Density Residential District at 742 Leesville Road. Private schools are permitted in the R-1, Low Density Residential District upon approval of a CUP by City Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends an Institution use for the subject property. Private schools are consistent with this recommendation. Public school transportation will be utilized for most of the students attending this facility. The reuse of the existing structure as a private school should have limited impact on the surrounding area.

Vice Mayor Faraldi stated that the item would appear before Council for action on January 14, 2025.

// In the matter of Roll Call, Councilmember Wilder thanked the men who participated in Mustaches for Kids, raising nearly \$608,000 in 30 days. He said that it demonstrated how the community could come together. He said that the funds would support charities and children in their community.

Councilmember Misjuns thanked Councilmember Helgeson for his service on Council. He said that he appreciated every impact that he had on the citizens and City. He thanked Councilmember Dolan for her service on Council and to the citizens.

// On the motion of Councilmember Helgeson, seconded by Councilmember Wilder, by the following recorded vote, elected to hold a closed meeting to discuss appointments for vacancies to the Planning Commission, Lynchburg Regional Airport, Community Development Advisory Committee, Horizon Behavioral Health Board, Martin Luther King, Jr./Lynchburg Community Council, Greater Lynchburg Transit Company, Lynchburg Redevelopment and Housing Authority, Lynchburg Parking Authority, Board of Zoning Appeals, and Business Development Center; and to review and/or evaluate the performance of the City Manager, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended. pursuant to § 2.2-3711(A)(1) of the Code of Virginia, 1950 as amended.

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

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

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

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

// 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:

Name	Board Name	Term Start Date	Term End Date
Dodd Harvey (Ward 1) *	Board of Zoning Appeals	01/01/2025	06/30/2029
Christopher Hackman (Ward 2)	Business Development Centre	12/10/2024	09/30/2027
Jerry Brooks (Campbell Co.)	Business Development Centre	12/10/2024	09/30/2027
Randall Calloway (Bedford Co.)	Business Development Centre	12/10/2024	09/30/2025
Brenda Farmer (Ward 2)	Community Development Advisory Committee	01/01/2025	12/31/2025
Kimberly Dyke-Harsley (Ward 2)	Community Development Advisory Committee	01/01/2025	12/31/2025
Sally Schneider (Ward 2)	Community Development Advisory Committee	01/01/2025	12/31/2025
Sandra Mitchell (Ward 2)	Community Development Advisory Committee	01/01/2025	12/31/2025
Christopher Hackman (Ward 2)	Greater Lynchburg Transit Board of Directors	12/10/2024	10/31/2027
Valerie Holmes (Ward 4)	Greater Lynchburg Transit Board of Directors	12/10/2024	10/31/2025
Sonya Baker (Ward 2)	Horizon Behavioral Health Board of Directors	01/01/2025	12/31/2027
Christopher Hackman (Ward 2)	Lynchburg Parking Authority	01/01/2025	10/31/2027
Lafayette Lovelace (Ward 4)	Lynchburg Redevelopment and Housing Authority	01/01/2025	09/30/2028
Carl Conner, Jr. (Ward 1)	Martin Luther King, Jr./Lynchburg Community Council	12/10/2024	06/30/2025
Ronald Henderson (Ward 2)	Planning Commission	01/01/2025	12/31/2027

*Members of the Board of Zoning Appeals are appointed by the Circuit Court; this motion is to refer Dodd Harvey to this position.

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

// On motion of Councilmember Wilder, seconded by Vice Mayor Faraldi, Council by the following recorded vote appointed the following member to the Planning Commission:

Name	Board Name	Term Start Date	Term End Date
Dimitri Young (Ward 2)	Planning Commission	01/01/2025	12/31/2026

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

// On motion of Councilmember Taylor, seconded by Vice Mayor Faraldi, Council by the following recorded vote appointed the following member to the Lynchburg Regional Airport Commission:

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Name	Board Name	Term Start Date	Term End Date
Dwight Williams III (Ward 3)	Lynchburg Regional Airport Commission	01/01/2025	12/31/2027

Ayes: Wilder, Dolan, Faraldi, Taylor 4

Noes: Helgeson, Misjuns 2

Absent: Reed 1

// The meeting was recessed at 6:25 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of December, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Chris Faraldi, Vice President, presiding. The following Members were present:

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

Wilder 6

Absent: Stephanie Reed 1

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

// In the matter of Recognitions, Agenda Item #1, Vice Mayor Faraldi recognized Councilmember MaryJane Tousignant-Dolan for 8 years and 6 months of service. Councilmember Dolan accepted the key to the City of Lynchburg.

// In the matter of Recognitions, Agenda Item #1, Vice Mayor Faraldi recognized Councilmember Jeff S. Helgeson for 20 years and 6 months of service. Councilmember Helgeson accepted the key to the City of Lynchburg.

Councilmember Misjuns motioned, seconded by Councilmember Taylor, to amend the agenda to include opportunity for public comment for those present who wished to speak regarding the recognition of Councilmember Helgeson during Public Comment. A friendly amendment was made to include anyone who was present to also speak regarding the recognition of Councilmember Dolan; Councilmember Dolan declined. There was a consensus from Council.

// In the matter of the Consent Agenda, Agenda Item #2, Council considered adopting Resolution #R-24-087 amending the FY 2025 General Fund budget and appropriating \$2,153,628 to provide additional funding for site acquisition and renovation costs for the Horizon Crisis Receiving Center (CRC).

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-087.

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

Noes: 0

Absent: Reed 1

// In the matter of the Consent Agenda, Agenda Item #3, copies of the minutes of the October 22, 2024 meeting were previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Taylor, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Reed 1

// In the matter of the Consent Agenda, Agenda Item #4, copies of the minutes of the November 12, 2024 meeting were previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Taylor, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: 1

// In the matter of Planning, Agenda Item #5, Council held a public hearing in consideration of adopting Resolution #R-24-089 approving the Diamond Hill Neighborhood Plan. Charlotte Lester provided a summary of the item to Council. This item was previously presented to Council as a Business Item Briefing at the November 12, 2024 Work Session. The Diamond Hill Neighborhood Plan is a product of the input received from neighborhood residents, citizen members of the project's Stakeholder Advisory Group, and City of Lynchburg staff, working together to envision opportunities for sustainable growth in the neighborhood. The neighborhood planning framework and recommendations are built around Diamond Hill's anchor institutions, community streets, housing, marketplace, and parks and historic resources. The plan has been developed under the direction established by the City's Comprehensive Plan 2013-2030 to build strong neighborhoods; conserve the City's unique places and resources; promote business vitality; enhance the attractiveness of gateways and travel corridors; and protect the natural environment while also promoting sensitive development and redevelopment. To achieve this

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vision, the Diamond Hill Neighborhood Plan is to be adopted as a supplement to the Comprehensive Plan 2013-2030; as such, it reinforces and extends its goals and policies.

Dennis Newton, 505 Washington Street, President of Diamond Hill Historical Society, spoke in support of the Resolution. He stated that the Diamond Hill Historical Society supported the Resolution because of the plan attributes, including that it is broad and comprehensive, its development process included residents and relevant stakeholders, and it is compatible with the mission of the Diamond Hill Historical Society.

Sarah Blankenship, Lynchburg City resident, Executive Director of Pierce Street Gateway, spoke in support of the Resolution. She stated that adoption of the plan would be a step towards fostering a diverse, connected, thriving, and culturally rich community that values its past while looking forward to a vibrant future.

Betty Kain, member of the Diamond Hill Baptist Church and Director of the Diamond Hill Health and Wellness Community Service, spoke in support of the Resolution. She stated that the historic church's leadership and members were very supportive of the plan and hoped Council would adopt it as soon as possible.

Shaun Spencer-Hester, 901 Jefferson Street, Director and Curator of Anne Spencer House and Garden Museum, spoke in support of the Resolution. She stated that the Pierce Street Historic District and Spencer House Museum was significant for its cultural heritage, literature, and African American history, and as a neighborhood stakeholder, was supportive of the plan.

Randy Woods, Diamond Hill Neighborhood resident, spoke in support of the Resolution. He stated that as a stakeholder board member for this plan over the past year, he greatly appreciated Ms. Lester's work in making a cohesive vision and strategy for the future of Diamond Hill.

Don Good spoke in opposition to the Resolution. He stated that Diamond Hill was already in a restrictive historic district and this plan would lead to more restrictions on private property.

With no further speakers, the public hearing was closed and the matter rested with Council.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-089 Diamond Hill Neighborhood Plan.

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Councilmember Wilder thanked staff for including all the residents and community partners of Diamond Hill in this planning process. He noted that his own house was built in 1853 in Diamond Hill and was the residence of Thomas Jefferson's great-granddaughter. Additionally, the Pierce Street corridor and Anne Spencer's house had an incredibly rich history that they would continue to embrace and support with this neighborhood plan.

Councilmember Misjuns stated he expressed his support of the plan; however, he could not support millions of dollars in streetscaping paid for by taxpayer funds, so he encouraged the citizens to raise the funds to sustain the vision of the Diamond Hill Neighborhood Plan while the City provided them with the ability to make it happen.

Councilmember Helgeson expressed his support of the plan; however, he cautioned against prioritizing planning and funding efforts for specific neighborhoods over others in the City.

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

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

// In the matter of Planning, Agenda Item #6, Council held a public hearing in consideration of adopting a resolution amending the Future Land Use Map (FLUM), and; adopting an ordinance approving the rezoning, and; adopting a resolution approving the Conditional Use Permit (CUP) and allowing for 88 townhomes and associated parking at 750 Leesville Road. City Planner Rachel Frischeisen provided a presentation to Council. Maddox and Sons Construction, Inc. is petitioning to amend the FLUM, to rezone, and for a CUP to allow the construction of eighty-eight (88) townhomes, located at 750 Leesville Road. The FLUM currently recommends Institutional use for majority of the property, with a small portion along the frontage recommended for Neighborhood Commercial. Institutional areas include the religious, educational, and other nonprofit entities in the City, such as churches, private schools and universities, private nonprofit hospitals, and other nonprofit institutions. The petition proposes to amend the FLUM to Medium Density Residential. These areas are characterized by small lot single-family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. The proposed density is

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below that which is recommended by the requested Medium Density Residential category on the FLUM and would be located adjacent to an existing townhome community.

Andy Maddox, representing the petitioner, Maddox and Sons Construction, Inc., provided a presentation to Council.

Alvin Leroy Yancey, 806 Wexford Place, spoke in support of the petition. As the next-door neighbor of this development, a retired developer, and member of the Board of Directors for Wexford Place Homeowners Association, he believed this would be a positive development for the area.

William Price, Manager of the Lansbrook Partnership spoke in support of the petition. As the property owner for this parcel and in his capacity as a professional land developer, he was confident that the petitioner and their proposed project would be the best option for this property.

James Taylor spoke in support of the petition. He noted that the petitioner, who was experienced in working locally in their area, had proven to be a responsible developer in past projects and would positively impact the neighborhood and City economy.

Michael Harrison, 752 Leesville Road, spoke in opposition to the petition. He expressed concerns regarding the current traffic issues on Leesville Road and requested that road improvements be made before any future development was considered.

David Herb, representing the Lakeland Association and the properties located behind the proposed project, spoke in opposition to the petition. He expressed concerns regarding the additional stormwater runoff and traffic issues which would be exacerbated from this proposed project.

Vice Mayor Faraldi asked if the petitioner would like to give a rebuttal. Mr. Maddox stated that in response to the concerns about stormwater, his project would not be creating any new water; he was actually required to retain and treat all water on the property. In response to the concerns regarding traffic, the volume of traffic was not the issue; it was the speed of traffic that was the problem. He noted that he was committing to donating his property's right-of-way land back to the City in case they wished to install a stoplight as part of the solution to the traffic issues on the road.

The public hearing was closed and the matter rested with Council.

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Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt the resolution amending the Future Land Use Map (FLUM) from Institution and Neighborhood Commercial to Medium Density Residential.

Councilmember Helgeson expressed concern regarding the cumulative high-density development that had occurred in this area over time. He emphasized that a more creative solution was essential for future residential development along Leesville Road. He recommended that detached single-family housing should be considered for this parcel.

Councilmember Misjuns made a substitute motion, seconded by Councilmember Helgeson, to defer this item until the first City Council meeting in February. He agreed there were some legitimate concerns heard from the neighbors of this parcel, including the stormwater runoff and Leesville Road traffic, and he would prefer the petitioner have the opportunity to address those issues without denying the project entirely.

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

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

With the affirmative vote, the substitute motion became the main motion. Vice Mayor Faraldi called the vote on the main motion to table the resolution to amend the Future Land Use Map (FLUM) from Institution and Neighborhood Commercial to Medium Density Residential until the first City Council meeting in February.

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

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

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to table an ordinance approving the rezoning until the first City Council meeting in February.

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

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

Absent: Reed 1

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to table the resolution approving the Conditional Use Permit (CUP) and allowing for 88 townhomes and associated parking at 750 Leesville Road until the first City Council meeting in February.

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

Ayes: Dolan, Helgeson, Misjuns, Taylor 4

Noes: Faraldi, Wilder 2

Absent: Reed 1

// In the matter of the Airport, Agenda Item #7, Council considered adopting Resolution #R-24-090 authorizing the execution of Rental Car Concession Agreement and lease documents between the City and four rental car companies. Acting Airport Director Cedric Simon provided a summary of the item to Council. Rental car concessions constitute a vital service to both airline passengers and the local community. Earlier this year, the Lynchburg Regional Airport rebid the rental concession agreements and received interest from four rental car companies. Following the successful completion of these negotiations, all parties also agreed to minor changes to the existing agreements in order to keep terms consistent across all four companies. The term of the new agreements would be for five (5) years with the option to renew for up to five (5) additional years, in one (1) year increments. Overall, the minimum annual guaranteed (MAG) revenue amounts and rental revenues will remain the same for the first year of the agreement and will be re-evaluated based on actual gross revenues and the updated Consumer Price Index for future years. The Customer Facility Charge (CFC), a daily fee collected by the rental car companies, would increase from \$3.00 per day to \$3.50 per day to cover maintenance expenditures related to the rental car facilities.

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.

Councilmember Helgeson motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-090 authorizing the execution of Rental Car Concession Agreement and lease documents between the City and four rental car companies.

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

// In the matter of Engineering, Agenda Item #8, Council considered adopting Resolution #R-24-091 to grant a non-exclusive license to Liberty University, Inc. to maintain and operate light poles and related equipment in the public right-of-way known as Liberty Mountain Drive. Councilmember Helgeson disclosed that he teaches at Liberty University and is a member of a group, and can vote objectively on this item. Lee Newland provided a summary of the item to Council. LU has asked to use and be granted a non-exclusive interim license to maintain and operate streetlights along a portion of Liberty Mountain Drive within the corporate limits of the City of Lynchburg, Virginia (City). Staff recommends authorization of the attached license agreement by adopting the attached proposed Resolution to permit LU to operate within the City given that the encroachments cause no undue hardship to the City.

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 November 12, 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: Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder	6
Noes:	0
Absent: Reed	1

// In the matter of Public Comment, Item Not on the Agenda, Council heard from a citizen regarding recognizing Councilmember Helgeson. Don Good addressed Council and gave remarks. He expressed his gratitude for Councilmember Helgeson's public service to the citizens of Lynchburg.

// In the matter of Public Comment, Item Not on the Agenda, Council heard from a citizen regarding recognizing Councilmember Helgeson. Sarah Kalafian addressed Council and gave remarks. She expressed her gratitude for Councilmember Helgeson's public service to the citizens of Lynchburg.

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// In the matter of Public Comment, Item Not on the Agenda, Council heard from a citizen regarding recognizing Councilmember Helgeson. Michael Kalafian addressed Council and gave remarks. He expressed his gratitude for Councilmember Helgeson's public service to the citizens of Lynchburg.

// In the matter of Public Comment, Item Not on the Agenda, Council heard from a citizen regarding recognizing Councilmember Helgeson. Curt Diemer addressed Council and gave remarks. He expressed his gratitude for Councilmember Dolan's and Councilmember Helgeson's public service to the citizens of Lynchburg.

// In the matter of Public Comment, Item Not on the Agenda, Council heard from a citizen regarding recognizing Councilmember Helgeson. Karen Quigg addressed Council and gave remarks. She expressed her gratitude for Councilmember Helgeson's public service to the citizens of Lynchburg.

// In the matter of Public Comment, Item Not on the Agenda, Council heard from a citizen regarding recognizing Councilmember Helgeson. Peter Alexander addressed Council and gave remarks. He expressed his gratitude for Councilmember Helgeson's public service to the citizens of Lynchburg.

// In the matter of Public Comment, Item Not on the Agenda, Council heard from a citizen regarding recognizing Councilmember Helgeson. Robert Garber addressed Council and gave remarks. He expressed his gratitude for Councilmember Helgeson's public service to the citizens of Lynchburg.

// In the matter of Public Comment, Item Not on the Agenda, Council heard from a citizen regarding recognizing Councilmember Helgeson. Janice Quattlebaum addressed Council and gave remarks. She expressed her gratitude for Councilmember Helgeson's public service to the citizens of Lynchburg.

// In the matter of Public Comment, Item Not on the Agenda, Council heard from a citizen regarding recognizing Councilmember Helgeson and Councilmember Dolan. Beth White addressed Council and gave remarks. She expressed her gratitude for Councilmember Dolan's and Councilmember Helgeson's public service to the citizens of Lynchburg.

// In the matter of Public Comment, Item Not on the Agenda, Council heard from a citizen regarding recognizing Councilmember Helgeson. Chuck Gammon addressed Council and gave remarks. He expressed his gratitude for Councilmember Helgeson's public service to the citizens of Lynchburg.

// The meeting adjourned at 9:07 p.m.

Clerk of Council