// A special meeting of the Council of the City of Lynchburg was held on the 14th day of March 2023, at 4:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members of the Council were present:

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

Absent: 0

// In the matter of Horizon Behavioral Health (HBH), Agenda Item #1, Ms. Melissa Lucy, Executive Director, provided the annual presentation to Council.

Vice Mayor Faraldi asked for a further explanation about the Crisis Receiving Center and what the benefits would be. Ms. Lucy responded that there currently was no medical detox in the City or surrounding counties, and individuals seeking detox must go to the emergency room where they may be placed into ICU care. She said that the Crisis Receiving Center will help law enforcement because they would be stationed at the center. She said the center would pay to staff officers. She said the center would meet individual needs faster and holistically. She said there would be a 23-hour service, which meant they would have 23 hours to evaluate an individual's needs. She said there was a greater need in the community, and they were seeing more severe cases. She said the center would enable people to stay in their community. She said if patients met the criteria for a residential stay bed, they could be provided crisis services. Vice Mayor Faraldi asked if currently, a law enforcement officer was required to be present in the hospital full-time; Ms. Lucy responded yes. Vice Mayor Faraldi asked what challenges were present to securing the crisis center. Ms. Lucy said she had secured $7M to-date for the center, and she had applied for four more grants, but there could still be a potential funding gap. Vice Mayor Faraldi asked if the City could fund the project through the CIP.

Mr. Benda stated that there were ways for staff to bring back opportunities to the Council. He asked if there were net new jobs in the resource. Ms. Lucy responded yes. She said there were 45 new positions and 105 total.

Vice Mayor Faraldi requested to review potential opportunities in the upcoming CIP process and noted it related to public safety and mental health.

Councilmember Wilder said that the crisis center was needed in the community, and the Council should seek to support the efforts. He asked for more information about the permanent supportive housing grant. Ms. Lucy responded that there were 30 slots, and they applied for the grant through the department. She said that as the slots filled, she would seek more funding from the department, which covered all costs—furniture, deposit, and ongoing rent. Councilmember Wilder asked who was eligible for the grants. Ms. Lucy responded that there had to be a behavioral health component. Councilmember Wilder asked if the grants were for specific housing locations or for apartments generally. Ms. Lucy responded the grants could be used anywhere a landlord would agree to a contract. Councilmember Wilder asked what the application process was for the program. Ms. Lucy said applicants could show up to the admissions department and express a need. Councilmember Wilder asked if they partnered with the Continuum of Care. Ms. Lucy responded that they partnered with the Continuum of Care, and staff members regularly attended meetings with them.

Mayor Reed stated she attended the Blue Ridge Reentry Council summit and noted how the reentry services were essential to the community. She said that recidivism rates were higher without reentry services. Ms. Lucy stated that the program was done in partnership with the jail, and it was fully funded.

Councilmember Helgeson asked what the recidivism rate was. Ms. Lucy said she would have to review the figures, but they could provide a follow-up to the Council. She said recidivism rates covered the entire jail diversion program.

// In the matter of Downtown Lynchburg Association, Agenda Item #2, Executive Director Ms. Ashley Kershner, provided a presentation of the annual report to Council.

Councilmember Dolan asked how many of the empty storefronts on Main Street were owned by people that did not live in the City. Ms. Kershner responded very few were owned by people who did not live in the City. Councilmember Dolan asked if they would be able to initiate action on those storefronts. Ms. Kershner responded that of the total vacant storefronts, about 65, a majority had the potential for development in the near future. She said outside of Main Street, there were several property developers in the pipeline or with ready-to-go spaces. She said they had partnerships on Main Street which were in the process of developing, and there were several other storefronts in the City ready for tenants.

Vice Mayor Faraldi asked when the six weeks for Christmas lights began and ended. Ms. Kershner responded that six weeks was the minimum length of time. She said the lights would likely start in mid-November with a new, major holiday event in coordination with the tree lighting.

Councilmember Helgeson said there was about 2% growth between 2019 and 2022. He said that localities received about 1% of the local sales gross receipts, about a $23K difference between 2019 and 2022. He asked how the growth was justified over three years. Ms. Kershner responded that the tax revenue generated in the district was not the only inherent benefit of investing in downtown. She said she did not have a comparison of the figures to the rest of the community, and businesses were still recovering from COVID-19. Councilmember Helgeson said he assumed the gross receipts would increase due to inflation.

Councilmember Wilder said he attended the openings of Art Alley and the City Market. He said the downtown district increased the quality of life in the City.

Councilmember Dolan noted people were still recovering from the pandemic, so they should wait for one more year of data to compare to 2019.

// In the matter of the Fire Department, Agenda Item #3, Proposed New Lynchburg Fire Department Fire station and Partnership with Liberty University, Deputy City Manager Mr. Greg Patrick provided the presentation of the staff report. He stated that Fire Chief Mr. Greg Wormser was also present along with representatives from Liberty University: Vice President of Real Estate Craig Petit and Director of Real Estate Matt Grig. Mr. Greg Wormser presented about the needs for a new fire station in the City. The city received a proposal from Liberty University to partner in the construction of a new fire station near the intersection of Odd Fellows and Liberty Mountain Rd. Liberty University would build the fire station on land they currently own and rent the station to the city in perpetuity or for as long as it remains in use as a fire station. The City, through the Lynchburg Fire Department, will operate the station and be responsible for all staffing, maintenance, and apparatus costs.

Vice Mayor Faraldi requested that the Council continue to pursue the partnership.

Councilmember Misjuns said overworked paramedics put the community and first responders at risk, and the proposal would benefit the community and first responders. He said that the partnership could reduce health insurance premiums.

Councilmember Helgeson disclosed he was a member of a group of professors at Liberty University, but he would be able to objectively and impartially debate the matter. He asked what would be required of a budget amendment to use the surplus funds. Mr. Patrick responded that typically, they would draft a resolution or ordinance to appropriate from the fund balance a sufficient amount to purchase the fire apparatus. Councilmember Helgeson clarified that multiple items could be funded in one budget amendment. Mr. Patrick said that multiple items could be included. He explained that if they were above 1% of the operating budget, a public hearing was required. Councilmember Helgeson clarified that they could include immediate tax relief in the budget amendment; Mr. Patrick replied yes.

Mayor Reed stated she supported the partnership.

// In the matter of the Budget, Agenda Item #4, FY 2024 - FY 2028 Capital Improvement Program (continued), Chief Financial Officer Ms. Donna Witt presented the FY 2024 - FY 2028 Capital Improvement Program at the February 28, 2023 City Council Work Session. All questions that were received have been responded to by email. Staff will be present to answer any additional questions.

Councilmember Helgeson clarified the discussion preceded the regular CIP process.

Councilmember Misjuns requested more information regarding privatizing the Mid-Town Parking Deck. Ms. Witt responded that it was on her list.

Councilmember Wilder requested information about the long-term capital needs of the community. Ms. Witt said there was a bridge replacement and a number of plans in the transportation section.

Vice Mayor Faraldi clarified that they did not currently have the capital needs from the school division. Mr. Benda said they were just delivered, and it was about $100M over the next five years. He said they expected two high schools and three middle schools. He said there was about $43M set aside. Vice Mayor Faraldi asked for clarification about the allocation for a placeholder for an elementary school construction in the prior budget. Ms. Witt stated the schools proposed to carryover prior-year placeholder funding for future school projects. Vice Mayor Faraldi asked if the allocation was backed by cash or if it was included in the debt service. Ms. Witt stated it would be debt service because the projects would need to be bond-funded. She clarified that there was no borrowing for the five-year plan. Vice Mayor Faraldi asked for clarification about reallocating one-time cash funding for projects to use for other purposes, such as one-year cost offsets. Ms. Witt said in the proposed plan, the only funds the Council could utilize were what was allocated to Pay Go product, which were generally maintenance type projects. She said if the funds were used for a long-term project, then they would not be used for maintenance, which would be delayed. She explained that it was difficult to swap debt service for cash funding to make the same impact because it was about a 10:1 ratio. She said the Pay Go funds could be used to move a project forward, but the plan was to utilize the City's credit in two to three years to permanently finance those projects which did not have financing. Vice Mayor Faraldi asked whether there were maintenance items which could be delayed to accommodate a one-time cost allocation to facilitate relief of about $3.6M. He said that he wanted to use the CIP to create an opportunity for tax relief. Ms. Witt responded that the Vice Mayor was mixing funding streams. She explained the only way the $3.6M could be returned to taxpayers was if it was entitled to a real estate surplus or personal property tax surplus. City Attorney Mr. Matthew C. Freedman said the funds would have to be traceable directly to the surplus funds of real estate tax revenues or personal property tax revenues. Vice Mayor Faraldi asked if they could reduce the CIP by $3.6M to generate the funding. Mr. Freedman responded that if they had the $3.6M in the surplus funds, that would be returned as the surplus. He said that there would be no transferring of the surplus needs. Vice Mayor Faraldi said he was referring to the $14M of additional revenue. He said by state statute, the revenue was not technically a surplus. He said that he wanted to provide the full $4.8M in excess revenue back to taxpayers using the CIP. Ms. Witt said the Pay Go funding came from the same fund balance as the $14M. Vice Mayor Faraldi clarified that they could not return $3.6M of the excess revenues from sales tax, meals tax, and other taxes to taxpayers. Ms. Witt responded that there was not a provision in state code that allowed them to return those revenues. Mr. Freedman said that it was due to the Dillon Rule. He said surplus funds from real estate and personal property taxes could be returned because there was a specific provision in state code.

Councilmember Helgeson said that the real estate tax rate could be reduced to provide the $3.6M in relief to taxpayers. He said if they were to use one-time funding for the $3.6M, then they would have to reallocate $3.6M from other projects in the CIP. He said that they would likely have to find a $36M reduction in the CIP to generate the $3.6M in cash funding because of the 10:1 debt service ratio. Ms. Witt responded that the impact would not be immediate. Councilmember Helgeson said the impact could be immediate by lowering the rate. Ms. Witt responded yes. She said that there would be no impact on the debt service until it was permanently financed. Councilmember Helgeson said that the Pay Go funding was for maintenance projects, but they could delay some maintenance for a year. Ms. Witt explained that if they reduced the transfer to a capital fund, the money was returned to an unassigned fund balance. She continued that there was no provision in state code which enabled localities to return the balance to taxpayers unless by reducing the tax rate.

Mr. Freedman said that such an action by the Council would have to be from funds classified as surplus real estate or personal property tax revenues. He said that if Council and staff agreed the return to taxpayers fit under the state statute, then the funds could be returned.

Councilmember Misjuns clarified that they would be able to reduce the tax rate moving forward to affect the $3.6M return to taxpayers. Mr. Freedman stated that they could reduce the real estate tax rate. // In the matter of Rezoning, Agenda Item #5, Conditional Use Permit (CUP) - Residential/Commercial Mixed-Use - 2307 Bedford Avenue, Mayor Reed stated the item would appear before the Council for action at the April 11, 2023 meeting. Senior Planner Ms. Rachel Frischeisen provided the presentation of the staff report. Fritts Price, LLC is petitioning for a conditional use permit at 2307 Bedford Avenue to allow ten (10) apartments in a mixed-use building. The proposed development would exceed the ratio of fifty percent (50%) commercial use to fifty percent (50%) residential use currently allowed by zoning. The majority of the building's ground floor would be used for commercial space. The addition of the upper floors would be for residential units. The building was formerly used as a dry-cleaning business. Redevelopment of the property would provide for any needed environmental remediation associated with the former use. The Future Land Use Map (FLUM) recommends a Community Commercial use for the property. That use suggests that residential development may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings.

Councilmember Helgeson clarified that the conditional use permit was required to increase the number of floors or to change the amount of residential and commercial space. Ms. Frischeisen responded that a majority of the first floor would be retained for commercial use, and the plan noted 3,300 square feet for commercial use. She said that the proposal exceeded the 50% residential and 50% commercial ratio.

// In the matter of Rezoning, Agenda Item #6, Conditional Use Permit - James Energy Center - 3920 Harbor Street and 109 Old Trents Ferry Road, Mayor Reed stated the item would appear before the Council for action at the April 11, 2023 meeting. Senior Planner Ms. Rachel Frischeisen provided the presentation of the staff report. James Energy, LLC is petitioning for a CUP at 3920 Harbor Street and 109 Old Trents Ferry Road to allow the construction of a battery energy storage system in an R-3, Medium Density Residential District. Major Public Utilities Services are permitted in this zoning district upon approval of a CUP from City Council. Following discussion at their March 8, 2023 meeting, Planning Commission recommended the following conditions apply to the petition:

1. The property shall be developed in substantial compliance with the concept plan entitled "James Energy Center, LLC" dated February 22, 2023.

2. All site lighting shall be controlled by a motion detector and shall not be on continuously. 3. HVAC units shall not be located on top of battery enclosures.

4. Battery enclosures shall not exceed twelve (12) feet in height.

// In the matter of Rezoning, Agenda Item #7, Conditional Use Permit (CUP) – Wyndsor View Townhomes – 710 and 714 Leesville Road, Mayor Reed stated the item would appear before the Council at the April 11, 2023 meeting. Senior Planner Ms. Rachel Frischeisen provided the presentation of the staff report. Lynchburg Renting, LLC is petitioning for a CUP at 710 and 714 Leesville Road to allow the construction of eighty-seven (87) townhomes. Townhome developments are permitted in this zoning district upon approval of a CUP from City Council. City Council previously approved a CUP at this location on September 24, 2019, but it has expired. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Medium Density Residential use for the area. These areas are characterized by small-lot single-household detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre.

Councilmember Misjuns asked how many acres were on the site. Ms. Frischeisen responded that the site was 8 acres. Councilmember Misjuns asked how many units per acre 87 townhomes would be. Ms. Frischeisen responded that it would be about 10.9 units per acre.

Vice Mayor Faraldi asked for clarification about the context of the property. Ms. Frischeisen responded that the property was previously denied for a CUP for townhomes in 2007 and 2015. She said the denial was mainly over erosion and sediment control. She said that the neighborhood had several concerns about environmental impacts, and the applicant proffered that storm water management facilities would be designed to improve an increased 30% runoff factor.

Councilmember Dolan asked if the erosion issues had been resolved. Ms. Frischeisen said it was a proffer as part of the 2019 petition, and those proffers were still intact and applicable.

// In the matter of the Towing Advisory Board, Agenda Item #8, Towing Advisory Board & Procurement Authorization, Mayor Reed stated the item would appear before the Council for action on March 28, 2023. City Attorney Matthew Freedman provided the report to the Council. Every few years, the City enters into a contract for towing services which includes: (i) towing of City vehicles; (ii) police-initiated tows; and (i) towing of inoperative vehicles. The City's current towing services contract is with Bee Line Transport; however, such contract is set to expire on May 31, 2023. Thus, it is time to start the process of awarding a new towing contract. Under § 46.2-1217 of the Code of Virginia, 1950, as amended, "the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of [a towing contract]. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public." In 2017, the City's Towing Advisory Board consisted of the following individuals:

Tim Clements - Police Department Representative

Chuck Cramer - Fleet Director

James Hall - Risk Manager Representative

Melissa Foster - Emergency Communications

Donald Irby - Towing & Recovery Representative

Daniel Laslie - Towing & Recovery Representative

Warren McCormick - Towing Representative

Jeff Nichols - Collision Repair Representative

Kendall Craft - Car Sales Representative

Pursuant to the requirements of City of Lynchburg Resolution #R-79-297, Kendall Craft, Melissa Foster, Jeff Nichols, Donald Irby, and Daniel Laslie are ineligible to serve. Tim Clements, Chuck Cramer, and Warren McCormick may serve again on the Towing Advisory Board. James Hall has expressed a desire not to be reappointed to the said board. As the City Council will note, the attached Towing Advisory Board - Proposed Resolution, if adopted, ratifies the City's Towing Advisory Board, re-organizes the board's make up, and defines the terms of the board members. The said Proposed Resolution further outlines the requirements of the Towing Advisory Board and authorizes the commencement of procuring a new City contract for towing services.

// In the matter of the City Attorney, Agenda Item #9, Claim/Litigation Settlements under the Self-Insurance Program Plan Document, Mayor Reed stated the item would appear before Council for action at the March 28, 2023 meeting. City Attorney Matthew Freedman provided the report to Council. The settlement authority of the City Attorney (without the City Council's approval) under the City's Self-Insurance Program is currently $20,000 or less. This number has remained unchanged since 1986. To ensure the settlement authority of the City's Self-Insurance Program remains current w/ general inflation, an increase to $55,000 or less is being sought by the City Attorney. On February 21, 2023, the City's Chief Financial Officer opined that "$20,000 in 1986 is equivalent in purchasing power to about $54,593.07 [as of February 21, 2023], an increase of $34,593.07 over 37 years. The dollar had an average inflation rate of 2.75% per year between 1986 and [February 21, 2023], producing a cumulative increase of 172.97%." As shown in the Proposed Resolution attached, the amendments proposed would amend the City's Self-Insurance Plan Program Document 1) to increase the settlement authority of the City Attorney (without the City Council's approval) for litigation/claims faced by the City, its officers, employees, etc. to $55,000 or less and 2) to incorporate a historical practice of permitting the City Manager (or his designee) to contribute to the settlement of a non-litigated property damage claims where requested.

// In the matter of Roll Call, Councilmember Wilder announced Heritage High School track team won the state championship, and the EC Glass High School basketball team made it to the state championship; Councilmember Taylor stated that he visited Dearington Elementary School; Vice Mayor Faraldi announced that Liberty Flames men's basketball was hosting Villanova, and he congratulated EC Glass High School on their basketball season; he thanked staff for facilitating discussions on improvements for Enterprise Drive, and he planned to have proposals to improve traffic in the corridor; and he thanked the governor for selecting the University of Lynchburg to be a lab-school partner; Mayor Reed acknowledged the history and contributions of the Lynchburg Regional Airport department; she said dissolving the 1993 LCS agreement at the prior meeting was done with the commitment that conversations would remain ongoing.

// On motion of Councilmember Dolan, seconded by Councilmember Wilder, by the following recorded vote, elected to hold a closed meeting to discuss a contract matter affecting the City where litigation may be probable and such discussion in an open meeting would adversely affect the negotiating or litigating posture of the City, 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: Community Development Advisory Committee, Greater Lynchburg Transit Company Board of Directors, Lynchburg Parking Authority, Lynchburg Redevelopment and Housing Authority, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

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

Ayes: Stephanie Reed, Larry Taylor, Sterling Wilder, Jeff Helgeson, Chris Faraldi, MaryJane Dolan	6
Noes:	0
Absent: Marty Misjuns	1

// 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:

<u>Transit Company Board of Directors</u> – No appointments were made at this time.

<u>Lynchburg Parking Authority</u>: Mr. Jason Cudd was appointed to an unexpired term commencing March 14, 2023 and expiring October 31, 2025.

<u>Youth Services Citizens Board:</u> Mr. James Polk was appointed to an unexpired term commencing March 14, 2023 and expiring June 30, 2024

Ayes: Stephanie Reed, Larry Taylor, Sterling Wilder, Jeff Helgeson, Chris Faraldi, MaryJane Dolan, Marty Misjuns	7
Noes:	0

// The meeting was recessed at 6:15 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

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

Absent: 0

Councilmember Misjuns gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Agenda, Councilmember Misjuns made the motion to add Mr. Martin Kirsch to the end of the Public Comment section, and the motion carried by unanimous consent. Councilmember Misjuns made the motion, seconded by Councilmember Taylor, to amend the Agenda to add a discussion on tax relief.

Councilmember Wilder said the matter had been discussed at several sessions, and they had more budget sessions scheduled to discuss the matter.

Councilmember Dolan stated she supported following the established process.

Vice Mayor Faraldi made the substitute motion, seconded by Councilmember Dolan, to approve the Agenda as amended.

Councilmember Helgeson said he supported Councilmember Misjuns' request.

Councilmember Misjuns said several citizens had signed up to speak on the topic, and he did not support the substitute motion.

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

Ayes: Stephanie Reed, Chris Faraldi, Sterling Wilder, MaryJane Dolan 4

Noes: Jeff Helgeson, Marty Misjuns, Larry Taylor 3

With the affirmative vote, the substitute motion became the main motion. Vice Mayor Faraldi encouraged people to attend and speak at the future budget sessions.

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

Ayes: Stephanie Reed, Chris Faraldi, Sterling Wilder, MaryJane Dolan 4

Noes: Jeff Helgeson, Marty Misjuns, Larry Taylor 3

// In the matter of Recognitions, Mayor Reed stated that the Bee City Working Group had requested the Council to consider adopting an honorary resolution for a No Mow April. Mayor Reed read the proposed resolution.

Councilmember Helgeson said the grass was already too long in April, and lawn care businesses would be impacted.

Councilmember Wilder made the motion, seconded by Councilmember Dolan, to approve the resolution. Councilmember Wilder stated that the resolution was not a requirement, and it brought recognition of species in the environment.

Councilmember Helgeson said he opposed section II which prevented the City from citing individuals for grass that was too tall.

Mayor Reed asked if the resolution could be modified. City Attorney Mr. Matthew C. Freedman responded yes. He noted that the resolution was a formality, and the City had an ordinance in place that would take precedence.

Councilmember Misjuns said he supported business owners. He made a substitute motion, seconded by Councilmember Helgeson, to strike section II from the resolution.

Vice Mayor Faraldi requested that the Council reconsider the matter at the end of the agenda. Mayor Reed noted there was consensus to move the matter to the end of the agenda.

// In the matter of the Consent Agenda Item #2, copies of the minutes of the April 12, 2022 meeting have been previously furnished to Council. Vice Mayor Faraldi made the motion, seconded by Councilmember Dolan to approve the minutes.

Councilmember Misjuns stated he would abstain from the vote because he was not a member of the Council for the meeting to approve the minutes.

Councilmember Taylor stated he would abstain from the vote because he was not a member of the Council for the meeting to approve the minutes.

Mayor Reed stated she would abstain from the vote because she was not a member of the Council for the meeting to approve the minutes.

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

Ayes: Chris Faraldi, Sterling Wilder, MaryJane Dolan, Jeff Helgeson	4
Noes:	0
Abstain: Stephanie Reed, Larry Taylor, Marty Misjuns	3

// In the matter of the Consent Agenda Item #3, copies of the minutes of the January 10, 2023 meeting have been previously furnished to Council, and on motion of Vice Mayor Faraldi, seconded by Councilmember Dolan, Council by the following recorded vote approved the minutes as presented:

Ayes: Stephanie Reed, Larry Taylor, Marty Misjuns, Chris Faraldi, Sterling Wilder, MaryJane Dolan, Jeff Helgeson 7

Noes: 0

// In the matter of the Consent Agenda Item #4, Council conducted a second reading and adopted Resolution #R-23-015a amending the FY 2023 General Fund budget and appropriating $260,000 from unexpended FY 2022 Schools Operating Fund appropriations for transfer to the FY 2023 Schools Capital Fund to fund Security Vestibule Installations. On motion of Vice Mayor Faraldi, seconded by Councilmember Dolan, Council by the following recorded vote approved the adoption:

Ayes: Stephanie Reed, Larry Taylor, Marty Misjuns, Chris Faraldi, Sterling Wilder, MaryJane Dolan, Jeff Helgeson 7

Noes: 0

// In the matter of the Consent Agenda Item #5, Council conducted a second reading and adopted Resolution #R-23-017 amending the FY 2023 City/Federal/State Aide fund budget and appropriating $34,950 from the Library of Virginia to preserve several Circuit Court Records. On motion of Vice Mayor Faraldi, seconded by Councilmember Dolan, Council by the following recorded vote approved the adoption:

Ayes: Stephanie Reed, Larry Taylor, Marty Misjuns, Chris Faraldi, Sterling Wilder, MaryJane Dolan, Jeff Helgeson 7

Noes: 0

// In the matter of the Consent Agenda Item #6, Council conducted a second reading and adopted Resolution #R-23-018 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating $54,163 from the Virginia Office of Emergency Medical Services Grant Program through the Rescue Squad Assistance Fund (RASF) to purchase one (1) Lifepak 15 monitor/defibrillator and one (1) Lucas 3 chest compression system for the Fire Department. On motion of Vice Mayor Faraldi, seconded by Councilmember Dolan, Council by the following recorded vote approved the adoption:

Ayes: Stephanie Reed, Larry Taylor, Marty Misjuns, Chris Faraldi, Sterling Wilder, MaryJane Dolan, Jeff Helgeson 7

Noes: 0

// In the matter of the Consent Agenda Item #7, Council conducted a second reading and adopted Resolution #R-23-19 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating $913,700 to purchase Self-Contained Breathing Apparatus (SCBA) and related equipment for the Fire Department. On motion of Vice Mayor Faraldi, seconded by Councilmember Dolan, Council by the following recorded vote approved the adoption:

Ayes: Stephanie Reed, Larry Taylor, Marty Misjuns, Chris Faraldi, Sterling Wilder, MaryJane Dolan, Jeff Helgeson 7

Noes: 0

// In the matter of Rezoning, Agenda Item #8, Council conducted a public hearing and considered adopting Resolution #R-23-023 granting a Conditional Use Permit to allow for the renovation of three townhomes into two household units located at 1312,1316, and 1316.5 Church Street, Senior Planner Ms. Rachel Frischeisen provided the summary staff report. AHC Investments, LLC is petitioning for a CUP at 1312, 1316, and 1316.5 Church Street to allow the renovation of three (3) townhomes into two (2)-household-unit buildings (i.e. duplexes) in a B-3, Community Business District. Duplexes are permitted in this zoning district with approval of a CUP by City Council.

Mr. Will Andrews, AHC Investments, said they would renovate three existing townhome structures into three new duplexes, and they would add two one-bedroom apartments, three two-bedroom apartments, and one three-bedroom apartment.

There was no one to speak in favor or in opposition, and there were no emails or phone calls. Mayor Reed closed the public hearing and brought the matter back before Council.

Councilmember Wilder said he supported the measure.

Vice Mayor Faraldi said he supported the measure.

Councilmember Taylor said he supported the project.

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

Ayes: Stephanie Reed, Larry Taylor, Marty Misjuns, Chris Faraldi, Sterling Wilder, MaryJane Dolan, Jeff Helgeson 7

Noes: 0

// In the matter of Rezoning, Agenda Item #9, Council conducted a public hearing and considered adopting Ordinance #O-23-024 approving the rezoning 422, 426, 434, 440, 442 and 434, Rivermont Avenue (Jones Memorial Library) to allow the of a new hotel, Senior Planner Ms. Rachel Frischeisen provided a summary of the staff report. PD Investment, LLC (Library Holdings, LLC) is petitioning to rezone approximately two and fifty-four hundredths (2.54) acres located at 422, 426, 434, 440, 442 Victoria Avenue and 434 Rivermont Avenue to B-4C, Urban Commercial District (Conditional). The proposed rezoning would allow the adaptive reuse of the Jones Memorial Library building at 434 Rivermont Avenue and allow the construction of a new hotel on three (3) of the Victoria Avenue properties. The proposed hotel building would have a total of one hundred seven (107) guest rooms and one hundred seven (107) parking spaces in a structured garage below the hotel. The petitioner has voluntarily submitted the following proffers:

1) A minimum of 107 off-street parking spaces will be provided within the new hotel parking facility constructed on Victoria Avenue.

2) All recommendations provided in the "Traffic Impact Study for Jones Memorial Library Hotel Project" dated 1/16/2023 will be implemented.

3) The below uses allowed by-right in B-4 zones will not be used:

a. Boat or Marine Craft Dealer	b. Automotive Parts, Accessories, or Tire Store Gasoline Service Station
c. Gasoline Service Station	d. Auto Repair Shop
e. Mail Order or Direct Selling Establishment	f. Health or Personal Care Retail Pawn Shop
g. Pawn Shop	h. Short Term Loan/Pay-Day Lender
i. Precious Metal Buyer	j. Recreational Goods Rental
k. Veterinary Services	l. Employment Agency
m. Collection Agency	n. Laundromat/Dry Cleaning
o. Photofinishing	p. Adult Retail Entertainment
q. Pet or Pet Supply Store	r. Animal Services
s. Rail Passenger Transportation	t. Marine and Sightseeing Transportation
u. National Post Office	v. Retail Courier & Package Delivery
w. Wireless Telecommunications Transmission	x. Telephone & Other Wire Telecommunications
y. Data Procession & Management	z. Public Utilities Services, Major
aa. Public Utilities Services, Minor	bb. Electric Substation

cc. Water Treatment Plant & Utility Facilities	dd. Amusement or Theme Park Establishments
ee. Commercial Amusements	ff. Country Club
gg. Shooting Ranges, Indoor	hh. Nursery or Preschool
ii. Grade School	jj. College or University
kk. General Technical School	ll. Public Safety
mm. Outpatient Care Clinic	nn. Medical or Diagnostic Laboratory
oo. Hospital	pp. Child and Adult Day Care
qq. Death Care Services	rr. Funeral Home & Services
ss. Columbarium	tt. Construction-Related Businesses
uu. Animal Production	

Mr. Brian Cossman, Hurt and Proffitt, said they had worked to address a number of the issues associated with the project, such as parking and traffic issues.

Citizen Stephen Kuusakoski, speaking in favor, spoke about the lack of development in the area and how the proposed development would improve the area. He said he supported the proposal and requested the Council approve it.

Citizen Bree Curtis, speaking in favor, stated she was a homeowner on Rivermont Avenue and supported the redevelopment of the Rivermont area.

Citizen Jeremiah Gelzo, speaking in favor, stated he was a homeowner on Rivermont Avenue and supported the project. He said Rivermont required revitalization for the City to grow.

Citizen John Lemley, speaking in favor, said he supported the redevelopment of the Rivermont area and requested the Council approve the resolution.

Citizen Jaclyn Junior Linus, speaking in favor, said he was a homeowner in the Rivermont area. He said he supported the project and the expansion of the downtown area.

Citizen Kimberly Dyke-Harsley, speaking in opposition, said she lived in the area of Daniels Hill and traffic was dangerous. She said that the road required traffic lights to increase traffic and public safety. She said that it was dangerous for pedestrians and vehicle traffic.

Clerk of Council Ms. Alicia L. Finney reported that one email was received from Citizen Kevin Landergen and read it into the record. The correspondence was supportive of the petition, but cited three areas of concern: traffic, parking, and noise.

Mayor Reed stated Mr. Cossman had five minutes for rebuttal.

Mr. Cossman responded that the traffic study indicated 40 additional vehicle movements within the block leaving the parking structure. He said most of the traffic was directed towards downtown. He said they had worked on parking issues with staff. He said there were 107 spaces in the parking structure, and the owner was looking for additional options for parking. He said parking was available downtown. Mr. Mike Griffin, CJMW Architecture, said that the only outdoor space was rooftop space adjacent to the event center. He said that the space would be on the east side of the rooftop, facing away from residential neighbors towards the downtown area and the library.

Mayor Reed closed the public hearing and brought the matter back before Council.

Vice Mayor Faraldi made the motion, seconded by Councilmember Helgeson, to approve Ordinance #O-23-024. Vice Mayor Faraldi stated that the development would serve as a gateway between downtown and Rivermont, and the City needed more hotel space. Councilmember Helgeson said he supported the measure.

Councilmember Wilder said he did not support the project because he had too many concerns. Councilmember Dolan clarified that the D Street and Victoria Avenue intersection improvement projects were included in the CIP. City Manager Mr. Wynter C. Benda said that they were looking to ensure the traffic improvements coincided with the development.

Councilmember Dolan said she supported the project because it would enhance the neighborhood.

Councilmember Taylor asked if the roundabout could be replaced with a traffic light. Mr. Cossman said that the City performed a traffic study for the intersection which they used in the application. He noted roundabouts were seen as safer than traffic lights.

Councilmember Misjuns said he had never responded to an accident at a roundabout, but he had at traffic intersections. He asked for more information about pedestrian features for the development. Mr. Cossman said that they would include sidewalks as part of the code for the site plan. Councilmember Misjuns clarified that there would be pedestrian improvements on the site. Mr. Cossman said they would have sidewalks, and they could add crosswalks. He said that there was a pedestrian bridge into the hotel building. Councilmember Misjuns asked if the pedestrian bridge would be accessible to the public. Mr. Griffin said the bridge would only be accessible to hotel guests and people using the event center.

Councilmember Misjuns said he supported the measure. He asked how many jobs would be generated by the development. Mr. Benda said he could follow up with the Council.

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

Ayes: Stephanie Reed, Larry Taylor, Marty Misjuns, Chris Faraldi, MaryJane Dolan, Jeff Helgeson 6

Noes: Sterling Wilder 1

// In the matter of an Historic Preservation Commission Appeal, Agenda Item #10, Council conducted a public hearing and considered adopting a resolution to either uphold or reverse the decision of the Historic Preservation Commission (HPC) to deny a Certificate of Appropriateness (COA) at 210/212 Harrison Street, Planner Ms. Eve Mergenthaler introduced Historic Preservation Commission Chair Ms. Shanda Horner who presented the HPC's decision. Chris Carlson is appealing the decision of the HPC to deny a COA request to replace the original windows with vinyl windows at 210/212 Harrison Street. The vinyl windows were installed without approval from the HPC. The HPC reviewed the "after-the-fact" petition on January 23, 2023, and found that the vinyl replacement windows are not consistent with the Lynchburg Historic Districts Residential Design Review Guidelines, the style of the house, or the surrounding historic district. The City's Zoning Ordinance, Section 35.2-13.11, Appeals to City Council, states: "On any such appeal, the final decision of the HPC ... shall be stayed pending the outcome of the appeal to City Council, except that the filing of such appeal shall not stay the decision of the HPC if such decision denies the right to raze or demolish a historic landmark, building or structure. The City Council shall conduct a full and impartial public hearing on the matter and apply the same criteria as the HPC before rendering any decision. The City Council may affirm, reverse or modify the decision of the HPC, in whole or in part. The decision of City Council, subject to the provisions of section 35.2- 13.12, shall be final. If approved, a certificate of appropriateness, signed by the clerk of the City Council, shall be issued to the applicant."

Vice Mayor Faraldi asked if the petitioner should be given more time to present a rebuttal to give equal time to both parties. City Attorney Mr. Matthew C. Freedman responded that the Council had the discretion to wave time requirements, and it would not be unreasonable to allow the petitioner to present as needed. Clerk of Council Ms. Alicia L. Finney clarified that the petitioner had a 10-minute time limit to present and a 5-minute rebuttal period.

Mayor Reed noted that the petitioner was not available to make a presentation.

Citizen Francis Calhoun, speaking in favor of the HPC decision, spoke about the improvements and historic restoration to the neighborhood. She said that the petitioner was an investor who was flipping renovated properties. She said overturning the HPC decision would be detrimental to historic districts in the City. She encouraged the Council to support the decision of the HPC.

Citizen Bill Watson, speaking in favor of the HPC decision, stated he moved to Lynchburg because of the historic properties. He said that there was a distinct difference between the historic windows and the newly installed windows.

Citizen Mike Gergeoga, Vice Chair of the HPC, speaking in favor of the HPC decision, said that the petitioner had multiple opportunities to consult the HPC, and overturning the decision would disrupt the historic districts.

There was no one to speak in opposition of the HPC decision, and there were no emails or phone calls.

Mayor Reed closed the public hearing and brought the matter back before Council.

Councilmember Helgeson made the motion, seconded by Councilmember Helgeson, to reverse the decision of the HPC. Councilmember Helgeson stated that he supported the property owner.

Councilmember Wilder stated that he did not support the motion because property owners should know the standards for historic properties.

Councilmember Dolan said she did not support the motion.

Vice Mayor Faraldi suggested that the Council amend the decision to allow the vinyl windows but require that the lower window be changed. He said that he did not want to require the property owner to replace all of the windows, but he did not want to void the policies. He asked if it was possible to specify the decision to a specific window; Mr. Freedman responded yes. He said the Council had the ability to affirm, deny, or modify the decision. He said if the Council had a proposed modification, then it could be adopted.

Mayor Reed said that it was not a matter of aesthetics. She said she had an issue with the ethics of the matter because the homeowner had been informed of the guidelines and had the opportunity to cooperate throughout the process, but he did not. She stated that they could review the HPC rules in a different discussion, but the issue was that the petitioner disregarded the established guidelines. Councilmember Helgeson said guidelines were not rules, and they should support the property owner who was renovating properties in the area.

Councilmember Misjuns said he supported reversing the decision because he did not want to financially punish property owners. He said that guidelines were not ordinances or policies.

Vice Mayor Faraldi moved the pending question. He clarified that a vote in favor would reverse the HPC decision.

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

Ayes: Marty Misjuns, Jeff Helgeson 2

Noes: Stephanie Reed, Larry Taylor, Chris Faraldi, MaryJane Dolan, Sterling Wilder 4

Councilmember Wilder made the motion, seconded by Councilmember Dolan, to approve the Resolution #R-23-025 upholding the decision of the HPC to deny to Certificate of Appropriateness. With no further discussion from Council, the following vote was recorded:

Ayes: Stephanie Reed, Larry Taylor, Chris Faraldi, MaryJane Dolan, Sterling Wilder 4

Noes: Marty Misjuns, Jeff Helgeson 2

// In the matter of Public Comment, Agenda Item #11, Citizen Timothy Santiago who originally signed up for Public Comment, asked to be removed from the agenda.

// In the matter of Public Comment, Agenda Item #12, Citizen Curt Diemer spoke about the need for tax relief and the rights of people to keep their money.

// In the matter of Public Comment, Agenda Item #13, Citizen Trent Warner spoke about the need to lower taxes so landlords like himself could lower rents.

// In the matter of Public Comment, Agenda Item #14, Citizen Greg Lester spoke about the need for real estate tax relief and the associated benefits to the City.

// In the matter of Public Comment, Agenda Item #15, Citizen Angie Diemer requested the Council to approve tax relief for the taxpayers of Lynchburg.

// In the matter of Public Comment, Agenda Item #16, Citizen Gary Woodson spoke about the need for tax relief.

// In the matter of Public Comment, Agenda Item #17, Citizen Peter Cefaratti spoke about the need for Council to approve immediate real estate tax relief.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Martin Kirsch spoke about the need to upgrade Breezewood Road before 2027.

// In the matter of the Budget, Agenda Item #18, City Manager Mr. Wynter C. Benda provided a summary presentation of the Fiscal Year 2024 Budget recommendation.

Councilmember Helgeson noted the budget proposed a $10M real estate tax increase. He requested that the City Manager propose a $10M reduction in the budget. He said that he did not support the proposal.

Vice Mayor Faraldi said that the reduction should be $12M. He said he supported several proposals in the budget, and he wanted to pay teachers more. He stated that a $1.05 tax rate should not be considered, and it would likely be $0.92.

Councilmember Misjuns suggested an $0.85 tax rate. He noted that the 16th largest bank collapsed over the weekend. He said that they should reduce the tax rates so that rents would not increase.

Councilmember Taylor suggested a tax rate of $0.88.

Councilmember Dolan said $0.85 was not possible. She said that City services were not immune from inflation. She said that home prices could crash, so she could not support an $0.85 tax rate.

Councilmember Wilder said that citizens wanted services and amenities, which came at a cost. He said he supported providing those services and amenities to the residents in the community to continue to grow. He said the City should continue to fund its services so that people stay in the City and continue to move to the City.

Councilmember Helgeson stated that they should not raise the burden on the taxpayers.

Mayor Reed stated that she campaigned on public safety, and the proposed budget funded public safety needs in the City. She stated that the Council would meet next on Tuesday, March 21st, 2023 in the 2nd Floor Training Room at 4:00 p.m. for the first budget reconciliation work session.

// In the matter of the Airport, Agenda Item #19, Council considered adopting Resolution #R-23-026 authorizing the execution of a Campbell County Stormwater Management Maintenance Agreement between the City of Lynchburg and Campbell County, Mayor Reed stated the Council was previously briefed on the item during the February 14, 2023 Business Item Briefing.

Councilmember Wilder made the motion, seconded by Councilmember Dolan, to approve Resolution #R-23-026. With no further discussion from Council, the following vote was recorded:

Ayes: Stephanie Reed, Larry Taylor, Marty Misjuns, Chris Faraldi, Sterling Wilder, MaryJane Dolan, Jeff Helgeson 7

Noes: 0

// In the matter of Opioid Abatement Funding, Agenda Item #20, Council considered adopting Resolution #R-23-027 approving the City of Lynchburg's participation in the National Opioid Settlement specific to Teva, Allergan, Walmart, Walgreens, and CVS and their related corporate entities, Mayor Reed stated the Council was briefed on the item during the February 28, 2023 Business Item Briefing.

Councilmember Wilder made the motion, seconded by Councilmember Dolan, to approve Resolution #R-23-027. With no further discussion from Council, the following vote was recorded:

Ayes: Stephanie Reed, Larry Taylor, Marty Misjuns, Chris Faraldi, Sterling Wilder, MaryJane Dolan, Jeff Helgeson 7

Noes: 0

// In the matter of Schools, Agenda Item #21, Council conducted a second reading of Resolution #R-23-015b amending the FY 2023 General Fund budget and appropriating $839,856 from unexpended FY 2022 Schools Operating Fund appropriations for transfer to the FY 2023 Schools Capital Fund to fund RS Payne structural and building envelope repair and structural analysis and repair at various schools.

Councilmember Wilder made the motion, seconded by Councilmember Dolan, to approve Resolution #R-23-015b. Councilmember Wilder noted that the schools were the City's property and were in dire need of repairs. Councilmember Dolan said that the action was necessary for the schools.

Mayor Reed stated that the schools required essential repairs.

Councilmember Helgeson clarified that there was a divided question.

Vice Mayor Faraldi clarified that they adopted the first part in the Consent Agenda.

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

Ayes: Stephanie Reed, Larry Taylor, Sterling Wilder, MaryJane Dolan 4

Noes: Marty Misjuns, Chris Faraldi, Jeff Helgeson 3

// In the matter of Items not on the Agenda, Reconsideration of the No Mow April Resolution, Councilmember Misjuns stated the substitute motion was to strike section II of the resolution, removing the requirement preventing enforcement of grass height regulations. Councilmember Helgeson stated he had seconded the motion.

Councilmember Wilder asked for clarification from a representative of the Bee City Committee.

Ms. Judy France, Bee City Committee member, said they were trying to work with Parks and Recreation and Economic Development to become a Bee City. She encouraged the Council support the proposal, and people would not be required to not mow. She said that the matter would be part of the Parks and Recreation educational agenda.

A citizen stated that not mowing lawns would not help bees, and it would increase mosquitos, snakes, and rats. He said that bees needed bee-appropriate plans, so people should be encouraged to plant those species. He said bees required water sources, so they encouraged people to put out bird feeders or other water sources. He stated that he was not called previously to speak, so he had more points to make. He requested a reduction of the housing development and renovation requirements.

Councilmember Helgeson suggested tabling the matter until next meeting by consensus.

Councilmember Misjuns withdrew his substitute motion.

Mayor Reed stated there was consensus to table the matter to the next meeting.

// The meeting adjourned at 10:20 p.m.

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Clerk of Council