// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of April, 2023, at 4:00 p.m. in the 2nd Floor Training Room, City Hall, Stephanie Reed, President, presiding. The following Members were present:

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

Absent: 0

// Mr. Timothy Mitchell, Director of Utilities, briefed Council on the Commerce Street waterline break that had occurred on April 9, 2023. The waterline of issue is a 16-inch-high pressure fire line that holds 120 pounds per square inch. The line was installed in 1911, and at that time one of the connections to the T-section was capped off, which was the source of the break. The water treatment plant staff noticed tanks dropping around 5:30 a.m. on Sunday morning, the first citizen call was received at 5:43 a.m., and crews were dispatched at 5:45 a.m. The water was completely shut off by 8:00 a.m., which was a large effort due to the size and age of the waterline. The estimated flow rate was 20,000 gallons per minute and the estimated volume was 3 million gallons, or enough to fill five (5) Olympic swimming pools. Because of the magnitude of the break, there was significant undermining of a number of foundations on the bluff walk and the steps going down to Jefferson Street, so a structural engineer investigated the area at 9:00 a.m. Monday morning to assess the break from a structural standpoint. The steps to Jefferson Street had been reopened, but additional restoration and repairs were scheduled for the areas affected.

// In the matter of Community Development, Agenda Item #1, Council was briefed on the Community Development Advisory Committee recommendations for CDBG/HOME Program funds. This item will appear for City Council vote on the April 25, 2023 Public Hearing agenda. Ms. Melva Walker, Grants Manager, gave a brief summary of the item to Council. City staff has accepted the applications for the FY 2024 CDBG and HOME program, and the Department of Housing and Urban Development had provided the final titlement amounts for Lynchburg. The Community Development Advisory Committee (CDAC) met on March 30, 2023 and reviewed the applications that were submitted. The attached worksheet provides the project requests and CDAC recommendations.

Councilmember Wilder said that the CDBG funding was a challenging process to go through in order to secure funding, but it was very effective in addressing poverty and housing issues in the City.

Councilmember Dolan asked if the Lighthouse Project would be able to execute its plan with the $100,000 of the $200,000 they had requested. Ms. Walker said that it was down payment assistance to clients, so they would be able to serve them, but with less than anticipated. Councilmember Wilder said that the committee had received twice as much in requests, so they decided to award half of the amounts requested.

// In the matter of the Downtown Lynchburg Association, Agenda Item #2, Council was briefed on the proposed lease agreement between the City of Lynchburg and the Downtown Lynchburg Association (DLA) at 901 Church Street. This item will be scheduled for a public hearing and vote during the April 25 Regular Session of City Council. Mr. Matthew C. Freedman, City Attorney, gave a summary of the item to Council. The Downtown Lynchburg Association (DLA) and the City of Lynchburg have an existing agreement to lease office space at 901 Church Street. DLA Executive Director Ashley Kershner communicated the need for additional space to Assistant City Manager John Hughes. After consultation with City Attorney Matthew Freedman and IT Director Tom Williamson, the attached updated lease document for suite 103 and suite 104 was drafted and subsequently approved by legal counsel for DLA.

Councilmember Helgeson asked why the lease payments for the 2,400 square feet of space was not included in this lease. Mr. Freedman answered that there was a Memorandum of Understanding with the Downtown Lynchburg Association, so City staff agreed that because they had the MOU, they would not charge them market rate but to continue the partnership using the MOU as the consideration. Councilmember Helgeson asked if they would pay for staff and other items as in the previous agreements. Mr. Freedman said that that would remain as a part of a separate MOU. The idea was that they were giving them office space in addition to what they already have at Monument Terrace. Councilmember Helgeson asked if that was in lieu of funding the organization. Mr. Freedman said no, it was the City allowing the DLA to use this space as part of the MOU. Councilmember Helgeson said that a fiscal impact should be associated with this use of the space, and requested more information about this arrangement. Mr. Freedman said that he could contact Ms. Upshur to ask if she had an idea of what the market rate for this, and when the item returned for public hearing that information could be included in the agenda packet. Councilmember Helgeson said that he assumed that the act of giving away tax dollars would require the supermajority rule. Mr. Freedman said that this would not be considered a donation in the context that other things such as franchises or donations would be. Councilmember Helgeson said that this would be defined as a gift by the IRS. Mr. Freedman said that he would research further information and update the Council on the matter.

Councilmember Dolan requested that staff also bring information on the use of the space and its derived economic value impacted the economy of the downtown businesses.

Councilmember Wilder said the investment made in the downtown area made Lynchburg a vibrant city with an attractive main street, and this investment was crucial to ensure that businesses were thriving in the city. He requested to see more information regarding the economic impact of the investment and its benefits.

City Manager Benda clarified that Ms. Ashley Kershner was the sole City employee paid as a part of Downtown Lynchburg Association, and all other employees were categorized under the non-profit.

// In the matter of Finance, Agenda Item #3, Council was briefed on the FY 2023 Third Quarter Adjustments. City Council will consider this item at its regular meeting on April 25, 2023 following a public hearing. Ms. Donna Witt, Chief Financial Officer, gave a summary of the item to Council. In March, staff began the normal review of FY 2023 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, Children's Services Act (CSA), Technology, Sewer, Airport, Fleet, City Capital Projects, Sewer Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2023 Third Quarter Adjustments.

Councilmember Faraldi asked if Ms. Witt could explain what dedicated revenue was. Ms. Witt stated that dedicated revenue came from state, federal, and other grant organizations that was dedicated to specific programs or grants for specific projects.

// In the matter of Engineering, Agenda Item #4, Council was briefed on the Enterprise Drive Traffic Overview. This item will appear for action by Council at its regular meeting on April 25, 2023. Mr. Lee Newland, City Engineer, gave a summary of the item to Council. Enterprise Drive is a minor arterial roadway connecting Bedford County to Campbell County through the City of Lynchburg with a posted speed limit of 35 MPH. The roadway was constructed in 2000 and intended to function as a connection between US 221 and US 460 and to take traffic off of Old Graves Mill Road in the City. After a request from Vice-Mayor Faraldi, city staff reviewed speed data from Lynchburg Police Department from 2017, 2018 and 2019, met with Mr. Faraldi on site and made modifications of adding signs, trimming trees, and increasing walk times for the pedestrian activated crosswalks. Mr. Faraldi asked for additional solutions to the speeding problem. City staff hired Clark Nexsen, a consultant engineering firm with offices in Richmond to perform a speed study on Enterprise Drive. Clark Nexsen collected data between late October and early November and submitted a report on February 8, 2023. The report shows that the average speed is 37 MPH with over 16,000 vehicles per day traveling on the roadway. A review of the crash data showed 29 crashes from 2015 to 2022 with none of them involving a pedestrian or bicyclist and only one crash involved speeding. There are two areas where the Pace Speed Range, defined as the speed at which the majority of cars are going on a stretch of road, falls within 36-45 MPH. These areas are an opportunity to apply calming treatments to facilitate lower travel speeds. Suggested treatments that are proposed are, creating an increased fines zone from Paulette Circle to the southern city limits and installing four (4) pole mounted speed display signs at the sag between Paulette Circle and the Jamerson YMCA and between Wyndhurst Drive and the south city limits.

Councilmember Faraldi said that there was a vested interest in the residents of this corridor to see some change in the area. The signs that tracked speed did not have cameras and would not be used to ticket people, but were simply saying drivers were going too fast. Included in the ordinance was the potential for an increased fine, which was used in other parts of the City and had precedence to be used in areas of concern. Both HOAs in the area had reached out to him due to the few but severe instances of speeding on the road, and it should continue to be something the City is mindful of as to how it affected businesses and residences. He expressed his thanks to staff for their work on this and expressed his hope that Council would support the initiative.

Councilmember Helgeson said that he could appreciate the need for enforcement and slowing drivers down in this area, but did not feel that the signs were adequate solutions for the type and design of the road. He said that this was vastly different than the other roads that these traffic calming measures were used on, so he hoped that a more precise solution would be found. Councilmember Faraldi said that this was a main corridor for both business and a large living community, and it would continue to exist strongly as a residential area, so it must be recognized in the management of traffic. He said that he was a strong advocate of this traffic calming measure because this area had been unintentionally neglected in some ways regarding the heavy traffic passing through a residential area. He asked that Council consider supporting this component. Councilmember Helgeson said that there was an intentionally high bar for citizens approving these measures because those living in the area were likely to get ticketed for speeding. Councilmember Faraldi said that he held two public town hall meetings with both area HOAs and had discussions with business owners, as well as lunches with the executive team at Summit, so there was buy-in. Councilmember Helgeson asked if they required signatures; Mr. Newland answered that they did not. He said that a traffic study was performed with the consultant, brought it back to the Vice Mayor, who asked for it to be presented to Council.

Councilmember Dolan said that it was unwise to give people false hopes about their safety by installing signs, because people sped everywhere in the City due to the lack of enforcement. Councilmember Faraldi said that he agreed, and he knew that one of the other mitigation strategies utilized by the police department was to drive police cars down Enterprise Drive when possible to increase the presence and enforcement. Councilmember Dolan said that she was not unsupportive of the initiative, but cautioned against giving false hopes to citizens in any manner.

Councilmember Misjuns said that it was clear from the information presented and personal experiences shared that action must be taken on the matter, but he wanted to make sure that what they did was effective. Anything that could be done to slow citizens down when driving in that area was worth their effort.

Councilmember Faraldi said that the item would return for vote by Council in May 2023.

// In the matter of Budget, Agenda Item #5, Council continued a discussion on the FY 2024 Proposed Budget Reconciliation. Police Chief Ryan Zuidema walked Council through the history of recruitment and retention and the goals of the public safety pay plan. The current pay progression plan was developed in conjunction with the Police Benevolent Association (PBA), and there were certain restrictions in terms of pay rate that they had to fit the plan into. Many factors went into compression with the police department, and this plan addressed compression through pay progression. Under the proposed public safety pay plan, pay was based off of current salary and not solely on years of service. Officers were given a minimum of 3.5% raise to get into the plan, a higher annual increase percentage than the current plan, and increased maximums for the plan. It also gave additional opportunities for compensation and earning potential for those not seeking promotion. Once reaching the maximum, employees became eligible for a general wage increase equivalent to what other City employees received up to a maximum of 2.5%. For the police department, it would re-implement the additional duties pay for all officers who did things outside of their normal duties. The approval of the public safety pay plan would enhance the recent successes had by the police department with the current plan.

Councilmember Wilder asked what the Police Benevolent Association's feedback on this plan was. Chief Zuidema said that the PBA had reviewed the plan and approved of it. Detective Hendrix, the current president of the PBA, spoke at the most recent public hearing in support of the plan. Councilmember Wilder asked what the main reasons that applicants were not selected. Chief Zuidema said that many factors affected selection, but a main one that cycled out applicants was the full psychological screening performed by UVA mental health services for the prospective officers.

Councilmember Taylor asked how many officers should be on the street for a City of 80,000 people. Chief Zuidema said that they were currently allocated 176 officers and were 27 officers short. A workload assessment had been performed a few years ago, and that assessment indicated that they needed around 200 or lower.

Councilmember Misjuns asked for information on the 21 PO3 positions that were leveled to the same salary in the proposed plan despite their varying years of service, versus the current plan that had the salaries spread out. Chief Zuidema said that there were multiple factors and historical data that led to the current salary that people had before being bumped in the new plan. He said that he would review that information further and if Councilmember Misjuns could share what he had, he would come back with more detail. Councilmember Misjuns stated that he supported this full public safety plan, but wanted to ensure that they were fixing everything and doing it in the right way.

Mayor Reed asked Chief Zuidema to share information about the additional positions originally requested by City Manager Benda. Chief Zuidema said that the additions included three cadet positions, which had been a successful program in the past. Mayor Reed asked if members joined at 18 and were sworn in as officers at 21. Chief Zuidema said that was correct. He continued that two sworn officer positions, one in the Intelligence Unit and one in the Investigations Unit, were requested to be funded by the City when the grant that currently supported them ran out. An IT Security Analyst position was included to address the demands of IT in the department, along with additional technology through grants and new cars if approved. The new police building would be significantly more technology-laden than the current building. Additional positions included a police captain, a non-sworn crime scene technician, a part-time CALEA position, and five-part time officer positions. Mayor Reed asked if Chief Zuidema could address take-home cars. Chief Zuidema said that they were requesting 10 vehicles in order to do a pilot program, acknowledging that the start-up costs were offset by the longevity, presence, and faster response time of a take-home car compared to pool cars. With that came a technology position and a part-time position for a fleet manager.

Councilmember Misjuns asked if there was any conversation about reducing taxes or fees as a perk for officers living in the City. City Manager Benda said that there was provision with personal property tax for that, but it was unclear as to whether anything could be done related to real estate tax relief for public safety personnel. Chief Zuidema said that if there needed to be change at the state level, they could support that.

Councilmember Taylor asked where the new cars would be parked. Chief Zuidema stated that the cars would be parked wherever the officers who were awarded them resided. Councilmember Taylor asked if officers resided in White Rock. Chief Zuidema said yes, so if they were selected for that program, they would have cars there. Councilmember Taylor said that they were needed on 16th Street.

Fire Chief Greg Wormser stated that he would provide context to the Fire Department's compensation request as provided in the City Manager's proposed FY24 budget. The current proposal is based on addressing two critical elements: compression and progression. The plan relieves historical compression from underfunding positions through an algorithm based on rank and tenure. The current pay philosophy moved from over 200 pay points to the new plan's 78 pay points, which made predicting future costs easier, provided transparency for the workforce, and was a recruiting tool for future employees. The new plan for progression included a minimum of 18 progression steps compared to the current 5 progression steps. The amount of money to address this progression for the current fiscal year would be $346,770. Since 2015, 120 employees left the department for other jobs, most of them not in public safety. Built into the system was a 5% pay increase at specific steps which coincided with moments that individuals were likely to leave the workforce as incentive for those individuals to stay. This plan ultimately capitalizes on the pay raises received in FY 23, where the starting salary was raised to market rates. The starting salary changes alone realized a 25% increase in applications, with a market increase noted for ALS-certified employees. The plan was well-supported by staff and acknowledged to be very impactful to the employees, department, and the City.

Mayor Reed said that she was supportive of the Fire Department getting all of the funds they required for their operations and staffing.

Councilmember Helgeson asked if the Fire Department charged people for false alarms. Chief Wormser said they do. Councilmember Helgeson said that it would be nice to get rid of that.

Councilmember Wilder asked what the feedback from employees was regarding the pay progression. Chief Wormser said that staff was excited about what was presented and what it had taken to get to that point, and all staff was met with individually to ensure that the plan was transparent.

Councilmember Misjuns said that he supported the plan, which had been a years-long effort to achieve, and he was glad to see many people who deserved raises being compensated. He asked if they wrapped certification pay into compensation. Chief Wormser stated that paramedics had certification pay wrapped into total compensation, but the remainder of certification pays were separate and considered other pay. Councilmember Misjuns thanked staff for all of the work done to achieve the plan, and said he looked forward to the Council supporting their public safety employees.

Vice Mayor Faraldi said that he appreciated that this public safety plan would impact employees on a personal level, and he was glad to support this as a core responsibility of local government.

Councilmember Wilder stated that it was important to support their public safety employees and all related departments who interacted so closely with the community, as compression of pay was affecting many City employees

Councilmember Dolan noted that Council had funded the Police and Fire Departments each year to the full amount that they had requested, and would continue to do so.

Director of Emergency Services Ms. Melissa Foster stated that attrition in 911 services had always been high nationwide, and that did not exclude Lynchburg. In FY 20, the five-year average turnover was 24%, in FY 21, after a full year of the pandemic, the turnover was 46%, which led to a lot of additional overtime and employee burnout at the job. In July 2021, a shift differential was implemented to encourage employees to remain on evening and midnight shifts, in August 2021, the starting pay was increased to $17 per hour along with other ranks, and in July 2022, 5 additional positions were added to account for attrition. The data was based on a workload study completed each year, and there were consistent results that indicated they needed to increase staffing, so they worked with the City Manager to add that to the budget. In August 2022, the starting pay was increased to $18 and went through the ranks to ensure they were not creating unnecessary compression. Hourly employees had assisted greatly in filling gaps and reduced overtime to 4 hours per month. Staff were supportive of the proposal to increase starting pay and take it throughout the ranks.

Councilmember Misjuns asked how many vacancies there currently were in the departments. Ms.

Foster answered that there were 15 vacancies. When they increased the pay to $17 and the shift differential was installed, they were able to hire 9 employees, which was comparably a lot. In this current fiscal year, from June through December, they had only been able to hire 3, but it was partially because more industries were moving towards an $18 per hour wage, so there was more competition. Councilmember Misjuns said that they should consider part-time employees consistently. He asked if they were able to dedicate dispatchers to the Fire Department. Ms. Foster said no, they did not have the staffing to be able to do that unless they closed the PD2 for the Police Department. Councilmember Misjuns said that they may be able to do that if they recruited and staffed the department fully.

Councilmember Wilder asked what the status was on the reclassification of 911 workers at the state level. Ms. Foster stated that the industry had been working for a long time to reclassify the 911 professionals to be public safety, because they were currently classified as clerical, and impacted staff morale because they were not eligible for some of the same benefits and other things that public safety personnel were. The bill went through committee this last year and referred to JLARC to do a study on the positions. JLARC had visited some 911 centers in the Richmond area to understand the job and its expansive responsibilities in being the first responder to traumatic events. Councilmember Wilder asked when the JLARC study would conclude. Ms. Foster said that the study was due to be completed by the end of December, so they should know more by the end of the year.

Councilmember Misjuns asked how many phone calls the department answered per year. Ms. Foster said that they answered about 189,000 calls per year including emergency and non-emergency.

Mr. Benda introduced Deputy City Manager Mr. Greg Patrick to discuss the budget reconciliation.

Mr. Patrick walked Council through the budget and performance expectations of the City Manager, adjustments to the proposed budget, and identifying options for closing the budget gap through legal framework and City Council's financial policies, along with an overview of budget gap reduction strategies. The revenue adjustments to the Proposed FY 2024 Budget totaled $12.65M in revenue reductions, $5.31M in expenditure reductions, and $545,000 in technical adjustments. By making these reductions, they arrived at a $6.795M budget gap. The City Council's financial policy did not permit using one-time funding for ongoing expenses, but there was no state restriction on doing so, so it was a legal option. The strategies for gap reduction that did comply with the financial policy included budget for vacancy savings, reduction of ongoing vehicle replacement funds, and department service level reductions. Gap reduction strategies were not without risk, and if the strategies were implemented now, they were decreasing the financial resilience should a recession arrive. Details on budget reductions would be provided to Council if that direction were taken. Further guidance from Council was requested on what items were included for funding in the budget.

Vice Mayor Faraldi asked if the numbers presented were with the assumptions that there was a 5% salary increase for City staff; Mr. Patrick said yes. Vice Mayor Faraldi asked what the allocation was to Lynchburg City Schools; Mr. Patrick said it was $2.1M. Vice Mayor Faraldi asked if they amended those and allocated to Lynchburg City Schools by category there would be savings to close the gap and not impact City services. Mr. Patrick said that if they spent less in those categories, they could use some of that savings to not have to make budget reductions for departments or to do additional items on the budget. Vice Mayor Faraldi said that they could do these things without impacting City services, and they could adopt policies that achieved that. He said that it was not wise to continue working with the School Division to increase their budget drastically without assurance as to how the dollars were spent, because he had little confidence in the School Board. He said that they should talk about funding Lynchburg City

Schools with a targeted approach to ensure that the dollars got to where they needed to be. He said that a 3% raise rather than a 5% raise for City employees would allow them to close the budget gap without affecting City services. He said that he was focused on the discussion of cutting new spending proposals, because they were in difficult times right now, and there were a lot of different strategies they could use before cutting City services to achieve that.

Councilmember Wilder said that he was concerned about all staff in the City who needed compression addressed in their salaries as well as relief from heavy caseloads in understaffed departments. The stress of not being funded enough caused attrition of employees and affected services. Mr. Patrick said that many surrounding localities were paying in excess of 5% in raises to their staff this year, so if minimal raises affected people's ability to live in Lynchburg, they would move elsewhere.

Councilmember Helgeson said that these funds were in addition to the funds used for these services last year, so the cuts were only cuts to proposed spending and not to anything provided last year. All Councilmembers had voiced approval of funding public safety, but they must identify what services could be privatized and what budgetary reductions could be made in departments.

Councilmember Misjuns asked if information about the designators in the pay grades could be provided. He said that they should focus on delivering raises to the frontline employees, including social workers and other employees with heavy caseloads.

Mayor Reed asked if the public safety positions were added into this budget. Mr. Patrick said that the $6.8M gap was composed of all items listed on slide 38.

Councilmember Misjuns asked what the total amount for managed vacancies was; Mr. Patrick said it was $6M. Chief Financial Officer Ms. Donna Witt asked if Councilmember Misjuns was referring to funds in the budget currently appropriated to vacant positions. Councilmember Misjuns said that was correct. Ms. Witt said that she would return with that information for Council. Councilmember Misjuns said that his recommendation was to keep the 40 public safety managed vacancies in the budget, and to give an additional number on top of that. Mr. Patrick said that they could provide a breakdown of the framework around managed vacancies in the current fiscal year and in the proposed FY 24 budget. Councilmember Misjuns asked if all new positions proposed were eliminated in the adjusted budget; Mr. Patrick said yes.

Councilmember Dolan said that by reducing the City Councilmembers' compensation to zero, they could fund one new police position with benefits.

// In the matter of Roll Call, Agenda Item #6, Councilmember Helgeson said that there must be reporting on the gang activity in the City. He said that they should understand what level of gang activity there was and where it was beginning. He said that there were issues in the school system with an inability to enforce, charge, or prosecute, and then they were coming out and they were seeing shootings happening left and right. He said that it had only been confined to gang members, but eventually it spilled over to innocent citizens who were getting shot. He said that it did nothing for the City when people had to fear going out to get gas or groceries at 9 p.m. He said that they needed to have a serious discussion about what to do about the gang activity. He said that he appreciated their police officers, and they needed to figure out how to give officers who caught gang members a medal and award rather than them being worried about being prosecuted. He said that violent crime was up even though overall crime was down, so they had to figure out what level of gang activity was actually happening in Lynchburg and what could actually be done about it.

Councilmember Misjuns said that he had received a quick response from Public Works on Alta Lane, where a massive crater was caused by construction in that area of the city. He said that Alta Lane had traffic-calming islands, and the crater was near one of those. He said that he appreciated the quick response in getting out there and fixing that part of the road. He said that he thought it was time to bring back the Office of Internal Audit to the City of Lynchburg. He said that in FY 10, there was a department called Internal Audit, and this budget would have been put through the process, which was described as provide objective evaluations of processes, programs, and systems of internal controls of the City of Lynchburg and make recommendations to improve efficiency and effectiveness of operations. He said that the charter said that the City Council hired the auditor, so they should look into how to achieve that. He said that the February 4, 2009 News & Advance archived had a story about a faulty figure in enrollment explained at a Lynchburg School Board meeting, which was a number caught by the Office of Internal Audit, and the faulty figure resulted in a deficit in the school budget. He said that from the FY 10 adopted budget to the next year, the Director of Internal Audit position became vacant, and he would like to know the reason. Ms. Witt stated that the employee retired. Mr. Misjuns said that the position was then taken out of the budget, and by FY 13, it was completely eliminated as a department, and replaced with

$10,000 in contractual services in Financial Services. He said that it would be beneficial for this City Council to have an auditor that was accountable to the City Council and not any other bureaucratic members in order to audit the City government. Councilmember Helgeson said that he agreed. He said that there were many items that came up at the time, and the auditor would be beneficial, as well as being allowed in their charter.

Councilmember Faraldi said that there would be a very important process in the coming months related to the School Board appointment process, and while he promoted an elected process, that was not what this was about. He said that he had been a strong advocate for opening up this process, and there were many things that had to be revised, but what he and the Clerk of Council had talked about as being of most import was that the process had historically been conducted behind closed doors and then released via video online. He said that his request to Council was that it be open to the public from the get-go. It was duplicitous to film it and not be able to watch it live, but then release it anyway. He said that that was his request, and he was unsure if a vote was needed, but he wanted to bring the matter before Council.

Mayor Reed said that during her tenure as Mayor, she intends to acknowledge each of the fantastic City departments. The City Manager proposed acknowledging departments alphabetically, and the next one on the list is the Assessor's Office. The Assessor's Office is mandated by state and City code to guide all real estate in the City every two years based on 100% of market value. This office has 9 employees, including a GIS manager who tracked all existing parcel changes on a daily basis. The administrative staff keep the office appraised of all sales or deed transfers, the appraisers confirm all sales and use valid sales to guide them during the reevaluation process. She noted that the Assessor's Office also administered the land use and real estate rehabilitation programs. Their tax parcels were also used to populate a diverse amount of information about the City to determine items like zoning, school, and historic building districts. She said that in March, Governor Youngkin announced that two City of Lynchburg universities had been awarded planning grants from the Virginia Department of Education. CVCC was awarded funding for a lab school to provide credentialed career preparation in electrical technology, HVAC, welding, cybersecurity, health sciences, manufacturing, and public safety. In full partnership with school superintendents at five school divisions, including Amherst, Appomattox, Bedford, Campbell, and the City of Lynchburg, the initiative aims to create seamless career technical education pathways that extended from middle school to high school to CVCC to career. The University of Lynchburg was also awarded a planning grant for a K-5 school focused on early literacy instruction and science of reading. Lab schools were designed to stimulate the development of innovative education programs for preschool through grade 12 students. Applicants that receive planning grants can then receive up to $1M to establish the school once their full application was approved. She congratulated CVCC and the University of Lynchburg for these awards. She congratulated Vice Mayor Faraldi on his upcoming wedding date this weekend.

// Councilmember Helgeson made the motion to move the scheduled closed sessions after the 7:30 p.m. meeting, seconded by Councilmember Misjuns. The following vote was recorded:

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

// The meeting was recessed at 6:25 p.m.

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

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

Councilmember Dolan led the Council in the invocation and the Pledge of Allegiance.

// In the matter of Recognitions, Agenda Item #1, National Public Safety Telecommunicator Week, Mayor Reed presented the proclamation to Director of Emergency Services Ms. Melissa Foster. Ms. Foster introduced the Emergency Services team, which oversaw the 911 operations and dispatch for the City. Mayor Reed read the proclamation.

Ms. Foster thanked the Council for the recognition. She stated that the telecommunicators continued to serve under challenging circumstances, but they ensured there would be someone to answer calls to 911. She said that the telecommunicators served on the City's frontlines, and she was proud to be the director.

// In the matter of Recognitions, Agenda Item #2, No Mow April Proclamation, Mayor Reed presented the proclamation to Director of the Bee City Working Committee Ms. Heidi James.

// In the matter of Consent Agenda, Agenda Item #3, Consideration of approving the minutes from the February 14, 2023 Council meeting, Councilmember Dolan stated she would abstain from the vote because she was not present at the meeting. Councilmember Helgeson made a correction to page 7 of the minutes where the property tax rate for automobiles was quoted as $3.88 when it should state $3.80.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to approve the consent agenda as amended.

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

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

// In the matter of Planning, Agenda Item #4, a public hearing was held and Council considered adopting Resolution #R-23-032 granting a Conditional Use Permit (CUP) to allow a mixed-use building in a B-3 located at 2307 Bedford Avenue, Senior Planner Ms. Rachel Frischeisen provided a summary 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.

Mr. Daryl Calfee, speaking in favor and representing Fritts Price, stated that they had worked on developing Bedford Avenue over the past five years, and the private investment would exceed $40M. He said that the project would fit in with the surrounding development, and there would be ample parking.

There was no one to speak in opposition, and there were no phone calls or emails from citizens.

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

Councilmember Helgeson motioned, seconded by Councilmember Wilder, to approve the Resolution, #R-23-032. Councilmember Helgeson said he appreciated how the area had been developed. Councilmember Wilder said he was glad to see continued development on Bedford Avenue.

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

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

// In the matter of Planning, Agenda Item #5, a public hearing was held and Council considered adopting Resolution #R-23-033 granting a Conditional Use Permit (CUP) to James Energy, LLC to allow the construction of a battery energy storage system located at 3920 Harbor Street and 109 Old Trents Ferry Road, Senior Planner Ms. Rachel Frischeisen provided a summary 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.

*The concept plan was revised after the Planning Commission meeting to reduce the project footprint. The date has been updated in the resolution.

**Condition #3 was added due to concerns about the potential noise generated by the proposed use. The petitioner has suggested a modified condition to address the noise concern; "the project shall not exceed Maximum Sound Pressure Levels stipulated in the Residential Category of Sec. 26-56 related to noise." This modified condition could replace condition #3 if City Council sees fit.

Citizen Chris Meyer, presenting on behalf of the applicant, East Point Energy, stated that East Point Energy was a battery energy storage project development based in Charlottesville. He said that they were recently purchased by a multinational company called Equinor, which also invested in oil and gas development. He said that battery energy storage technology was similar to what was in laptops or cellphones. He said there would be an estimated one visit to the site once it was operational. He said the project would support electrical grid resiliency and would function to reduce energy costs. He said a similar project was located in Martinsville, constructed and operated by Appalachian Power, which would save rate payers a projected $3M to $6M over 10 years. He said the location was selected to be near existing infrastructure, and there were only three neighboring residences. He said the existing trees would be maintained around the perimeter, and additional plantings would be added. He said they proposed to keep the northern portion a grassy area at the neighboring resident's request to maintain the viewshed. He said they met with the fire department multiple times to review and address concerns. He expressed concerns about one of the conditions from the Planning Commission related to not locating the HVAC units on the top of the structure to mitigate noise. He requested to modify the condition to reflect the City noise ordinance.

Citizen Neil Buckley, speaking in opposition, stated his property neighbored the proposed development site. He said that the site would be located in a natural dell with a large amount of macro-biodiversity. He explained there was a basic understanding that the footprint of the battery storage would not expand, but there was no legal mechanism to ensure the agreement was enforced. He requested that a condition be added to prevent the industrial footprint of the storage facility from expanding.

Clerk of Council, Ms. Alicia L. Finney read eight emails into the record which were previously submitted.

Ms. Finney read an email from Jedi Kauanui into the record. The email read that it was sent in regards to East Point Energy’s proposal for a battery storage center in Lynchburg, which would implement a battery station that would decrease the load on Lynchburg's electrical grid. In doing so, it would increase Lynchburg's resilience towards electrical blackouts and brownouts, while also being of importance with the Virginia Clean Economy Act and providing safe and clean energy.

Ms. Finney read an email from Hannah Cloven into the record. The email read that it was sent in regards to the James Energy Center conditional use permit for East Point Energy's proposed battery storage facility. The plan would allow the battery to be charged off the grid when it was cheapest and put the power back on the grid in times of high demand, which would overall reduce homeowners' electricity bills while providing electricity when it was needed the most during peak demand and outages. It would also give an opportunity for more jobs and helped make the shift from coal to clean, renewable energy sources.

Ms. Finney read an email from Ainsley Sims into the record. The email read that it was written in regards to the battery storage system proposed by East Point Energy. East Point Energy was petitioning for a conditional use permit, which allowed for the company to use the land through zoning exceptions because they wanted to locate the system in a residential zoned area. Battery storage systems increased reliability of electricity systems and decreased the likelihood of major long-term power outages due to greater demand than supply. The email expressed support of the project.

Ms. Finney read an email from Olivia Richards into the record. The email read that she had been a member of the Lynchburg community for four years and was writing about consideration of adoption of the CUP for the battery system proposed by East Point Energy. The proposed project was a multi-faceted project that would benefit current and future Lynchburg residents directly. The company had proven through its success with other projects in the state that the battery storage was a successful source of energy that could succeed in the Lynchburg area and provide economic benefits and resilience.

Ms. Finney read an email from Jenna McDermott into the record. The email read that as a resident of the community, she believed it was important for them to consider the potential impacts this project may have on their environment and community. The potential negative effects included potential hazards, noise pollution, traffic congestion, and other disturbances to the surrounding areas. She requested the City Council conduct a thorough environmental safety assessment of the proposed battery storage system to take into account the risks and benefits of the project, as well as alternative solutions.

Ms. Finney read an email from Gabrielle Quintero into the record. The email read that she had been a resident of Lynchburg since 2005 and was writing in regards to the proposed battery storage system on Old Trents Ferry Road and Harbor Street. The storage system would greatly benefit Lynchburg residents by lowering electricity costs, promoting local spending, and reducing power outages. She stated support for this permit to allow construction of the energy storage system and asked the Councilmembers to consider the benefits of the system to Lynchburg's energy consumers, economy, and weather resilience.

Ms. Finney read an email from Kathryn Davis into the record. The email read that with battery storage facilities, energy could be used at a later date, which could be beneficial in times of energy grid overload to avoid brownouts, blackouts, and severe weather. However, safety was an issue as the storage facilities had potential to fire hazards and mechanical abuse, but the main concern was the threat of releasing harmful chemicals into the environment and the impact of the building of the storage facility itself on the environment.

Ms. Finney read an email from Aleighson Robertson into the record. The email read that it was sent to request Lynchburg City Council to hear her reasoning as to why they should allow construction of the battery storage on Harbor Street and Old Trents Ferry Road. Companies like East Point Energy had found ways to store energy until it was needed again, meaning that communities could be immune to power outages. Energy as they knew it was at risk of total depletion due to their society's reliance on nonrenewable resources, and this was an opportunity for Lynchburg to move towards a more sustainable future.

Mr. Meyer provided a rebuttal. He said that the proposed footprint had been decreased after discussions with the neighbors, and they were interested in preserving the biodiversity and greenspace in the dell area. He said that if the site were to expand, another CUP process would be required. He said that in terms of the safety of lithium-ion batteries, the enclosures had several sensors to manually and remotely shut down the facility, and fire suppression systems would be installed.

Mayor Reed closed the public hearing and the matter rested with the Council.

Vice Mayor Faraldi made the motion, seconded by Councilmember Wilder, to approve the Resolution, #R-23-033. Vice Mayor Faraldi noted that there was a need for creative opportunities for clean energy infrastructure. He asked if it was possible to impose stricter restrictions on the expansion of the industrial footprint as requested by the neighboring property owner. Ms. Frischeisen stated that the concept plan was a condition of the CUP. She said that there would be no opportunity for expansion without coming back before the Council. She said she did not see a way to impose more restrictions beyond a deed restriction, but the City would not be party to that type of agreement. She noted that an MOU had been reached between the applicant and the neighbors. Vice Mayor Faraldi asked whether the MOU and concept plan addressed the concerns and requests of the neighbors. Mr. Freedman explained that to add an additional condition of approval, the developer would have to agree to the addition and the item would have to come back for approval. Ms. Frischeisen stated that in terms of concerns over expansion, the MOU and concept plan mitigated those concerns because the concept plan as submitted was binding with approval of the CUP. Vice Mayor Faraldi noted that Mr. Buckley indicated approval from the gallery. He said he was eager to support the project and begin to build up the battery capacity in the City.

Councilmember Wilder noted there were no negative comments from the Planning Commission.

Councilmember Dolan asked for more information about the fire risks. Mr. Meyer said that none of the projects which were operational had caught fire. He said that there were dozens of systems throughout the US, and some had caught fire, but in many instances, facility fires were not the result of battery-runaway but were due to the fire suppression systems leaking onto the electrical equipment. Councilmember Dolan asked how the water issues were addressed. Mr. Meyer said that best-practices were to let the batteries burn or use some other type of suppression. Councilmember Dolan asked whether a fire engine could reach the site. Mr. Meyer said that a fire engine was able to reach the site, and they were required to meet the City building ordinance to not have more than a 10% incline for fire engine access.

Councilmember Helgeson clarified that the Council could impose conditions as part of the CUP which did not require any further agreement, advertisement, or hearing. Mr. Freedman said that they wanted to ensure the conditions were not deemed unreasonable, and they wanted to be able to work with the project petitioner and staff to come to the determination. Councilmember Helgeson asked whether doubling the amount of battery storage would be considered within substantial compliance with the site plan. Mr. Meyer stated that they were constrained to the footprint indicated on the site plan. He said the modified footprint was submitted attempting to address the neighbors' concerns. He said that the developer was supportive of constraining the footprint. He noted that expanding into the dell would be difficult and require more site preparation than would be economical. Councilmember Helgeson clarified that expanding the footprint would require a conditional use permit.

Councilmember Misjuns asked whether a wildlife impact study had been performed. Mr. Meyer responded that they had done an initial analysis to determine the presence of endangered or protected species which indicated there were no endangered species or critical habitat that would be impacted. Councilmember Misjuns asked if it was possible to include the MOU in the CUP. Vice Mayor Faraldi said he did not believe a private MOU could be added to the CUP, which would make the City a third party to the agreement. Mr. Freedman said that it would not be good practice because the MOU was specific to a particular neighbor, and the CUP was for City-wide purposes. Councilmember Misjuns asked whether the site plan constrained the height of the facility. Mr. Meyer stated that a condition of the Planning Commission was a limit on the enclosure height to 12 feet.

Councilmember Taylor asked what portion of the City population would be impacted by the battery facility. Mr. Meyer said that in theory, it would be all customers of Appalachian Power, but it was at Appalachian Power's discretion how the power was distributed.

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

Ayes: Stephanie Reed, Chris Faraldi, Jeff Helgeson, Larry Taylor, MaryJane Dolan, Sterling Wilder 6

Noes: Marty Misjuns 1

// In the matter of Planning, Agenda Item #6, a public hearing was held and Council considered adopting Resolution #R 23-034 granting a Conditional Use Permit (CUP) to allow the construction of 87 townhomes to be located at Wyndsor View Townhomes, 710 and 714 Leesville Road, Senior Planner Rachel Frischeisen provided a summary 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.

Mr. Russ Nixon, Nixon Land Surveying, presenting on behalf of the applicant, Lynchburg Renting, stated that prior to the pandemic, the applicant had received approval after working 10 years on the application. He stated that the CUP expired in early 2022, but the client was unaware of the expiration. He said he began surveying the property when he received the project in August 2022 and presented a surveying plat to the City Surveying Office for an 87-unit townhome development. He said they underwent a TRC review where they were informed the CUP had expired. He said an application for the CUP was resubmitted for renewal. He said the site plan was the same one that was submitted and approved in September 2019. He said that the proffers from the prior rezoning and conditions from the CUP were still in place. He stated that a new traffic study on Leesville Road was performed to determine the type of entrance necessary into the site, and a right-in right-out only entrance was approved. He said that Middle Street would be used as another access to the property.

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 the Council.

Councilmember Helgeson noted that the project was denied in 2007 and 2015, but it was approved in 2019. He said that in 2019, he did not vote to approve the project, and he had committed to protecting the neighborhood from high-density development. He said he would vote against the proposal.

Councilmember Misjuns expressed concerns about the number of proposed units and the traffic impacts. He said he was not able to approve CUPs for multifamily developments until there was another ladder truck in the City.

Vice Mayor Faraldi asked what resources would be available to the City with the potential new fire department in partnership with Liberty University. Mr. Patrick stated that there would be a ladder truck and hazmat truck. Vice Mayor Faraldi noted that there were more resources coming to the City to address previously stated concerns. He said he wanted to support increasing the housing stock and homeownership in the City.

Vice Mayor Faraldi made the motion, seconded by Councilmember Taylor, to approve the Resolution #R-23-034.

Councilmember Dolan stated she supported the motion because it would increase homeownership opportunities.

Councilmember Wilder asked whether a public hearing was required for the Planning Commission. Ms. Frischeisen responded that a public hearing was held as required. Councilmember Wilder asked whether comments from the neighbors were received. Ms. Frischeisen stated there was comment from one neighbor who expressed concerns related to the timing of the project.

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

Ayes: Stephanie Reed, Chris Faraldi, Larry Taylor, MaryJane Dolan, Sterling Wilder	5
Noes: Marty Misjuns, Jeff Helgeson	2

// In the matter of Public Comment, Agenda Item #7, Citizen John Salmon, representing Unified Potential, spoke about community IT and connectivity. He said that they developed a comprehensive digital infrastructure that would enable users to access services such as transportation and health care through a simple interface. He said that the digital infrastructure would improve quality of life for residents. He said that they would not be able to implement such an infrastructure because the Council was unwilling to help.

// In the matter of Public Comment, Agenda Item #8, Citizen Erin Rupe spoke regarding the property tax cut. She expressed concerns about the democratic process in the Council's decisions and requested they advertise at what meetings they would be taking action and provide residents with time for public comment. She said the tax rate would not be able to support the City's infrastructure and requested the Council consider the City Manager's proposed budget and offer a realistic tax reduction.

// In the matter of Public Comment, Agenda Item #9, Citizen Kathleen Davis stated that City residents were requesting and telling the Council to make a compromise regarding the tax rate. She asked how four councilmembers met to propose the $0.89 tax plan, where they met, and where the documents were signed. She said Vice Mayor Faraldi stated that he and Councilmembers Misjuns, Taylor and Helgeson had met to decide that $0.89 would be the tax rate regardless of any further input. She said that the $0.89 rate would impact the livelihoods of City workers and drive away business investment.

// Vice Mayor Faraldi made the motion, seconded by Councilmember Misjuns, to amend the agenda to include a discussion about the rules of procedure at the end of the public comment.

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

Ayes: Chris Faraldi, Jeff Helgeson, Larry Taylor, Marty Misjuns, Sterling Wilder 5

Noes: Stephanie Reed, MaryJane Dolan 2

// In the matter of Public Comment, Agenda Item #10, Citizen Tom Rogers who previously signed up to speak was not in attendance.

// In the matter of Public Comment, Agenda Item #11, Citizen Cory Schutter expressed concerns about the proposed $0.89 tax rate. He questioned the ability to fund and staff critical services with the proposed tax rate, the largest reduction in modern Lynchburg history.

// In the matter of Public Comment, Agenda Item #12, Citizen Carly Sheaffer said the tax rate should not decrease below the $1.05 rate proposed by the City Manager. She said she supported the proposed budget from Superintendent Dr. Edwards which proposed salary increases for LCS staff. She said that the City Manager, CFO, and budget staff had brought the City to a Double-A+ bond rating, yet councilmembers claimed to know more. She said reducing the tax rate would harm the schools and result in millions in lost revenue, and she requested the Council reconsider the rate.

// In the matter of Public Comment, Agenda Item #13, Citizen Beverly Adams spoke about prospective presentation professionalism and expressed concerns about Facebook pages run by councilmembers. She said the statements by councilmembers on their social media were not designed to create community or educate citizens by presenting facts.

// In the matter of Public Comment, Agenda Item #14, Citizen Jack Underwood stated he used to live in [Plano, Texas], a conservative area with a tax rate of 2.31%. He said that property taxes were essential for schools, police, and infrastructure. He said that without schools, police, or infrastructure, people would not come to the City, and property values would begin to fall, and people would stop moving to the City. He said that Plano schools were consistently ranked first or second in the nation, and people continued to move there despite the high property taxes.

// In the matter of Public Comment, Agenda Item #15, Citizen Michael Bremer expressed concerns about a real estate tax reduction below the City Manager's proposed rate. He said that the proposed rate by councilmembers would reduce revenues by $12.6M and he was concerned about the impacts. He requested the Council to hold additional hearings to consider the tax rate.

// In the matter of Public Comment, Agenda Item #16, Citizen Chal Nunn said he moved to the City from a locality where the real estate tax rate was $0.62, which was reflected in the quality of services. He said that the proposed rate of $1.05 was too high, but the Council needed to bridge its internal differences to provide leadership. He said that they did not want to lose staff or the gains in quality of life that they had achieved. He said with a low tax rate, the City and schools would suffer, and he requested the Council to reconsider the tax cut.

// In the matter of Public Comment, Agenda Item #17, Citizen Amanda Linehan expressed concerns that the Council did not offer City service members the opportunity to speak on the tax rate before taking a vote to set the rate. She said that City service workers needed the Council's support with a $1.05 tax rate.

// In the matter of Public Comment, Agenda Item #18, Citizen Siobhan Byrns who previously signed up to speak was not in attendance.

// In the matter of Public Comment, Agenda Item #19, Citizen Nichole Sanders expressed concerns about the Council's lack of regard for proper procedure and about last-minute amendments to the agenda. She requested that another public hearing be held for the tax rates. She asked that the Council consider ways to address poverty and the people who did not own property but lived in the City.

// In the matter of Public Comment, Agenda Item #20, Citizen Emily Kelly stated she was a math teacher in LCS. She expressed concerns that the $0.89 tax rate would leave the school division unable to properly staff its positions. She said that to attract qualified employees, LCS had to offer competitive salaries. She said that a Bedford teacher with 16 years of experience was paid $5K more than an LCS teacher, a Roanoke teacher was paid $12K, and an Amherst teacher was paid $1K more. She said that students were being deprived of the best education they could receive and all employees deserved a livable wage.

// In the matter of Public Comment, Agenda Item #21, Gail Goldsmith stated that the Council had yet to explain the impacts of the $0.89 tax rate proposal. She said she was interested in what programs would be cut and disinvested from. She noted that the City Manager presented a well-researched budget that invested in housing solutions, schools, parks, and quality of life. She said that as a homeowner, she and

her wife would only save $20 per month from the tax cut. She said she supported her taxes being used to support schools, parks, and core City services and requested the Council to continue to invest in the City.
// In the matter of Public Comment, Agenda Item #22, Citizen Courtney Sinha stated she supported the City Manager's proposed budget and opposed the proposed $0.89 tax. She said she and her family moved to and purchased a house in the City because they valued the amenities and services provided by Lynchburg and were willing to pay the taxes. She said the City Manager's proposed budget included critical investments in City services and the future of the City. She expressed concerns that the public hearing was not rescheduled due to the bomb threat and that the Council held an unscheduled vote late in the night against the City Attorney's recommendation.
// In the matter of Public Comment, Agenda Item #23, Citizen Kelsey Molseed stated she was speaking as a homeowner. She said the City Manager's proposed budget lowered taxes, supported City services, and provided a necessary salary increase. She said that programs would lose funding, and City employees would face job cuts with the proposed tax rate of $0.89. She said better funded schools correlated with lower crime rates.
// In the matter of Public Comment, Agenda Item #24, Citizen Patrick Earl expressed concerns about the

$0.89 property tax rate. He asked what the impacts would be on City staff, police, fire fighters, emergency response personnel, schools, and parks. He begged the Council to reconsider the tax rate.
// In the matter of Public Comment, Agenda Item #25, Citizen Solveig Kjeseth who previously signed up to speak was not in attendance.
// In the matter of Public Comment, Agenda Item #26, Citizen Niro Rasanayagam urged the Council to support the City Manager's budget and to not lower the property tax rate below $1.05. She said deciding the tax rate before hearing citizen input undermined the democratic process. She requested the Council clarify which services would be cut from the budget. She said that Councilmember Misjuns had a conflict of interest in the budget process while he was suing the City. She said the $0.89 rate would save her $660 annually, but she would rather the money be collected as tax used to support City amenities and services.
// In the matter of Public Comment, Agenda Item #27, Citizen Samantha Citty said she opposed the tax cut voted on by Council the previous week. She expressed concerns that the City Manager's

recommendation was entirely dismissed and that a vote was made when there was no indication in the agenda that a vote was scheduled. She noted that the bomb threat at the meeting had prevented people from being able to speak. She questioned how the Council concluded $0.89 was the best tax rate and how the City would be able to fund its services. She requested another public hearing be scheduled and that the Council reconsider the $1.05 property tax rate.

// In the matter of Public Comment, Agenda Item #28, Citizen Paul Henderson stated that the proposed rate of $0.89 was a 16% cut from the rate proposed by the City Manager, and when inflation was considered, the cut was equal to 19% to 23%. He said the $0.89 rate would reduce the number of City workers, personnel, staff, and first responders. He said the $0.89 rate would increase the student to teacher ratio, negatively impacting students. He said that the City would suffer with an $0.89 rate.

// In the matter of Public Comment, Agenda Item #29, Citizen April Watson who previously signed up to speak was not in attendance.

// In the matter of Public Comment, Agenda Item #30, Citizen Patricia Bower expressed concerns about the unscheduled Council vote on the real estate tax rate prior to citizen comment. She said that such a drastic cut would send a message to prospective employees, businesses, and residents that the City had given up on pursuing excellence. She expressed concerns about the budget for the schools. She said that LCS continued to invest in students, but meeting the needs of all children could not be done without resources. She said that all employees should receive a 5% raise considering the inflation rate. She urged the Council to reconsider the rate before it was finalized by ordinance.

// In the matter of Public Comment, Agenda Item #31, Citizen Jeff Rosner said that property owners could file assessment appeals if they believed their assessments were too high, and low-income property owners could file for real estate tax relief. He stated that the Council should consider expanding low-income real estate tax relief and include state expansion in the next legislative agenda. He said that the surplus was smaller than councilmembers had indicated, and a portion had to be added to an emergency contingency fund. He said that higher taxes were not driving residents from the City as evidenced by Census data.

// In the matter of Public Comment, Agenda Item #32, Citizen Leslie King said she did not support the proposed $0.89 real estate tax rate. She said residents in Ward II wanted more services from the City.

She questioned whether the Council respected the input of all citizens and whether it had a vision for the City.

// In the matter of Public Comment, Agenda Item #33, Citizen Anna-Lisa Rosner spoke about the development that had increased in the City and brought more businesses to the downtown area over the past 15 years. She said that public education was the cornerstone of a democratic society and increased public safety. She said that wraparound services were needed in addition to the police.

// In the matter of Public Comment, Agenda Item #34, Citizen Own Cardwell, speaking on behalf of Lynchburg Voters League, spoke in support of the real estate rate reduction of $1.05 as proposed by the City Manager. He said that the Voters League would file a FOIA request for disclosure regarding information about the $0.89 real estate tax rate. He said there were suspicions the process was in violation of the open meeting policy. He said that a budget had not been produced based on the $0.89 tax rate, but the citizens deserved to see the budget prior to a decision. He requested that another public hearing be held on the budget.

// In the matter of Public Comment, Agenda Item #35, Citizen Rebecca Frye spoke about the positive impacts of LCS during the pandemic. She said that the lack of the appropriate administrative, behavioral, and support staff in the schools harmed students. She said she was in favor of the budget and tax rate proposed by the City Manager.

// In the matter of Public Comment, Agenda Item #36, Citizen Sara Beck advocated support for competitive compensation for teachers and LCS staff. She said that the schools served families experiencing different challenges across different life experiences, and the more challenges families faced, the higher the risk was to children for poor academic and social outcomes. She requested that the Council fully fund LCS or propose what items would be cut should the $0.89 rate be adopted.

// In the matter of Public Comment, Agenda Item #37, Citizen Shelley Blades said she was disappointed in the conduct of the April 4 public hearing. She said that many people were not able to speak due to delays from the bomb threat. She stated that the Council disregarded the voice of the community, moving forward with a decision on the tax rate rather than waiting for public input. She said that there was still time to hold a second public hearing.

// In the matter of Public Comment, Agenda Item #38, Citizen Thomas Brennan spoke in opposition to the proposed $0.89 real estate tax rate and expressed concerns about the potential consequences of the rate on the budget. He said that the $0.89 real estate tax rate would impact the City for years. He said that the Council was not considering the full consequence of the decision.

// In the matter of Public Comment, Agenda Item #39, Citizen Darienne Skye Montgomery spoke in support of the parks system in the City. She said that green spaces improved local taxes and increased property values. She said that parks were one of the few places people could gather that did not involve eating, drinking, or sitting. She said she supported the continued funding of education.

// In the matter of Public Comment, Agenda Item #40, Citizen Maggie Millard spoke in support of the

$1.05 real estate tax rate proposed by the City Manager. She asked what experience the $0.89 rate was based on, how the City was planned to function under the rate, and what the impact would be on the community.

// In the matter of Public Comment, Agenda Item #41, Citizen H.C Eschenroeder expressed concerns about the impacts of underfunding the City and the long-term ramifications.

// In the matter of Public Comment, Agenda Item #42, Citizen Jim Wright expressed concerns about the Council passing a tax rate at the April 4 meeting without public input. He said that there was time to schedule another public hearing and hold another vote. He said that the Double-A+ bond rating reflected the skill of the budget office. He questioned why the Council would make a drastic budget cut during high inflation and when the economic outlook was unknown.

// In the matter of Public Comment, Agenda Item #43, Citizen Josh Mezzano who previously signed up to speak was not in attendance.

// In the matter of Public Comment, Agenda Item #44, Citizen Ed Parrish spoke about the importance of funding the City Manager's proposed budget.

// In the matter of Public Comment, Agenda Item #45, Citizen Carl Hutcherson expressed concerns about the lack of information regarding a plan for the $0.89 rate. He said that the City Manager's team worked hard every day to serve the City. He said that the council members were part of the people, too.

// In the matter of Discussion on the Rules of Procedure, Vice Mayor Faraldi made the motion, seconded by Councilmember Misjuns, to affirm the Rules of Procedure. Vice Mayor Faraldi spoke about the need to follow the Council rules of procedure regardless of political affiliation during public meetings. Councilmember Misjuns spoke about how public discourse was the bedrock of democracy and how they must adhere to the rules of procedure. Mayor Reed requested to know which Rules of Procedure had been violated. She noted that all but four public speakers had signed up by noon. Vice Mayor Faraldi stated that there were discrepancies through many past meetings, so he wanted to make a commitment to the Rules of Procedure for meetings moving forward. Councilmember Wilder stated he was unclear how the Council was not following procedure. Councilmember Helgeson expressed concern about how a citizen was reprimanded for shaking their head in the audience at the April 4 meeting. He noted that they typically reaffirmed the rules of procedure when a new council was sworn in. Mayor Reed clarified that the citizen was reprimanded for shaking their head and mouthing words at her multiple times throughout the meeting, and the City Attorney informed her the response was appropriate.

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

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

// Vice Mayor Faraldi made the motion, seconded by Councilmember Wilder, to hold a closed meeting to discuss property owned by the City where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City pursuant to § 2.2-3711(A)(3) of the Code of Virginia, 1950 as amended; and to discuss appointments for vacancies to the following boards and commissions: Lynchburg Regional Airport Commission; pursuant to § 2.2-3711(A)(1) of the Code of Virginia, 1950 as amended.

Councilmember Misjuns said he was happy to discuss the third closed session item regarding the performance of the City Manager in an open meeting.

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to amend the motion to include a closed session to review or evaluate the performance of the City Manager 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 on the motion to amend.

Ayes: Stephanie Reed, Jeff Helgeson, Larry Taylor, Marty Misjuns 4

Noes: Chris Faraldi, MaryJane Dolan, Sterling Wilder 3

The amended motion became the main motion and with no further discussion from the Council, the following vote was recorded.

Ayes: Stephanie Reed, Jeff Helgeson, Larry Taylor, Marty Misjuns 4

Noes: Chris Faraldi, MaryJane Dolan, Sterling Wilder 3

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

Noes: 0

// In the matter of Boards and Commissions, there were no appointments made to the Lynchburg Regional Airport Commission at this time.

// The meeting adjourned at 11:00 p.m.

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Clerk of Council