// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of July, 2023, at 4:00 p.m. in the Council Chamber, 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

// In the matter of Downtown Lynchburg Association, Agenda Item 1, the Council received an informational presentation from Downtown Lynchburg Association Executive Director Ms. Ashley Kershner regarding the Launch LYH and Fireworks on the River Front Update. Downtown Lynchburg Association Executive Director Ashley Kershner will provide City Council with an update on the Launch LYH Pitch Competition and the Fireworks on the Riverfront Event. The Launch LYH Pitch Competition is a grant funded program designed to fill vacant downtown storefronts and to provide current and potential small business owners with funding to start or expand a business in Downtown Lynchburg. The competition saw seven local businesses receive $115K in funds to help with business startup costs.

Councilmember Misjuns asked how they generated the riverfront visitation numbers. Ms. Kershner responded that the DLA used a software called Placer.AI which used cellphone data to track across the whole city, and historical data was available for the past three years. Councilmember Misjuns asked how often they held similar events downtown. Ms. Kershner responded that fireworks were typically the largest event, but moving forward, the park would have similarly-sized events fairly often.

Councilmember Helgeson asked whether the funding was seed capital or matching. Ms. Kershner responded that it was seed capital, and they were allowed to use it for various purposes, such as inventory or rent. She noted that it was a reimbursement grant, so the expenses had to be submitted before they were reimbursed.

// In the matter of Water Resources, Agenda Item 2, an informational presentation was provided to Council by Director of Water Resources Mr. Tim Mitchell regarding the Combined Sewer Overflow (CSO) Tunnel Project Update. In 2015 the Department of Water Resources renegotiated a 1993 State Water Control Board Consent Special Order. The new Order eliminated the need to completely separate all sanitary and storm systems and the need to remove all of the remaining permitted CSO points resulting in a savings of nearly $300 million (in today's dollars) to the citizens of Lynchburg. Under the new Order, a certain amount of combined sewage is to be captured and treated at the Water Resource Recovery Facility prior to discharge to the James River. CSO 52, along the Point of Honor Trail, is the largest and most challenging remaining project. Not only do we need to control the volume and frequency of the combined sewer overflows, we also need to restore flow capacity for future development in nearly 2/3rds of the City. After extensive analysis, it was determined that a CSO tunnel was the most effective option. This briefing will highlight the progress of that project.

Councilmember Helgeson asked for information about the storage plans for wastewater before it was treated. Mr. Mitchell explained that the storage would need to be roughly the volume of the tunnel. Councilmember Helgeson asked whether the storage was in conjunction with the tunnel. Mr. Mitchell responded that they had considered several options for storage, such as underground storage tanks. He explained that the tunnel proposal was a combination of storage and conveyance for the flow. Councilmember Helgeson asked whether DEQ had expressed concerns about soil disturbances from the tunneling. Mr. Mitchell stated that they had received approval of a preliminary engineering report from DEQ that approved the concept of the tunnel. Councilmember Helgeson asked whether the project would be funded through BANs. Mr. Mitchell responded that it would not.

Mr. Benda acknowledged that the American Waterworks Association (AWA) awarded Mr. Mitchell the George Warren Fuller Award, which was given to an individual for their distinguished service to the water supply field in commemoration of the sound engineering skill, the brilliant diplomatic talent, and the constructive leadership which characterized the life of George Warren Fuller.

// In the matter of Planning, Agenda Item 3, the Council was briefed on a Conditional Use Permit (CUP) for a Telecommunications Tower at 109 Leroy Bowen Drive by Senior Planner Rachel Frischeisen. Mayor Reed stated that the item would appear before Council for action on August 8, 2023. LCC Telecom Services, on behalf of US Cellular, is petitioning for a to allow the construction of a one-hundred fifty (150) foot tall telecommunications tower at 119 Leroy Bowen Drive. Telecommunications towers of this height are permitted in the B-1C, Limited Business District (Conditional) upon approval of a CUP from City Council.

Vice Mayor Faraldi asked whether there were visualizations of the site from the Sandusky neighborhood. Ms. Frischeisen explained that the zoning ordinance required them to submit elevations from each direction from the closest roads, but she could request that views from the Sandusky neighborhood be provided.

Councilmember Helgeson asked how large the tower footprint would be on the parcel; he specifically wanted to know whether the footprint would preclude possible business expansion. Ms. Frischeisen noted that the whole site was 2.5 acres, and 0.23 acres would be leased for the tower.

Councilmember Misjuns asked for information about disguising the towers. Ms. Frischeisen responded that the ordinance did have a stealth design requirement, and they would work with the developer to decide the best choice.

// In the matter of Roll Call, Councilmember Wilder commended the City for its work and the accomplishments of staff; he stated that he went on a bus trip to North Carolina to view the statue of M.W. Thornhill. Councilmember Misjuns stated that he received a message from a constituent related to increasing stormwater and sewer rates and requested to have a discussion on reducing account charges; he stated that on Sunday morning, he received a phone call about a local firefighter who had a heart-attack while on a cruise ship, and the firefighter was experiencing issues getting off the ship; he continued that he called Congressman Bob Good to try to help the situation, and by 9 a.m., Rep. Good was in contact with the U.S. Coast Guard and tracking the firefighter; he noted that aircraft had been prepared on standby to retrieve the firefighter if private flights did not work out; he thanked Rep. Good for his role in helping the rescue effort; he requested to add a proclamation for Rep. Good on an evening agenda. Councilmember Taylor requested that the City find ways to address the chaotic parking behaviors of residents. Mayor Reed acknowledged the work and accomplishments of the Department of Emergency Services.

// On the motion of Councilmember Misjuns, seconded by Councilmember Wilder, by the following recorded vote, the Council elected to hold a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Central Virginia Community College Board of Directors, Economic Development Advisory, Historic Preservation Commission, Martin Luther King, Jr./Lynchburg Community

Council, and Museum Advisory Board, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

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

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Dolan made the following motion:

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

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

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

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

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

Noes: 0

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

Martin Luther King, Jr./Lynchburg Community Council: Beth White – new term ending June 30, 2025.

Economic Development Authority: John Stone – new term ending June 30, 2027.

Historic Preservation Commission: William Watson – new term ending June 30, 2026.

Central Virginia Community College Board: Bonnie Svrcek – new term ending June 30, 2027. Joe Tucker – June 30, 2027.

Museum Advisory Board: Laura Crumbley – new term ending June 30, 2026. Michelline Hall – new term ending June 30, 2026. Hermina Hendricks – new term ending June 30, 2026. Todd Leap – new term ending June 30, 2026. Jessica Watts – new term ending June 30, 2026. Lisa Richards – new term ending June 30, 2026.

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

// The meeting recessed at 5:21 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of July, 2023, at 7:30 p.m. in the Council Chamber, City Hall, Stephanie Dolan, 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

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

// In the matter of Recognitions, Agenda Item 1, Mayor Reed read a proclamation recognizing the Aerofin Corporation's 100-Year Anniversary. Jeff Spaeth, President, was in attendance to accept.

// In the matter of Recognitions, Agenda Item 2, Mayor Reed read a proclamation recognizing Bert Dodson for his years of service to the city serving in his capacity on the Commonwealth Transportation Board. Mr. Dodson accepted the proclamation.

// In the matter of the Consent Agenda, Agenda Item 3, Council conducted a second reading and adopted Ordinance #O-23-062 authorizing the sale of City-owned real estate to ANCH LLC located at Early Street. On the motion of Councilmember Wilder, seconded by Councilmember Taylor, Council by the following recorded vote approved the adoption:

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

// In the matter of the Consent Agenda, Agenda Item 3, Council conducted a second reading and adopted Resolution #R-23-066 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating $964,424 from the National Opioid Settlement Funds to expand the work of the Lynchburg Adult Drug

Court (LADC). On the motion of Councilmember Wilder, seconded by Councilmember Taylor, Council by the following recorded vote approved the adoption:

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

Noes: 0

// In the matter of the Consent Agenda, Agenda Item 5, copies of the minutes of the March 21, 2023 meeting have been previously furnished to Council, and on the motion of Councilmember Wilder, seconded by Councilmember Taylor, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of the Consent Agenda, Agenda Item 6, copies of the minutes of the March 28, 2023 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Taylor, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Agenda Item 7, a public hearing was held and Council considered the adoption of an ordinance vacating a public easement lying between 1504 Elm Street, 1500 Main Street, and 1520 Main Street. Planner I Ms. Eve Mergenthaler provided the Council with a summary of the request. Andy Maddox of Main, LLC is petitioning to vacate an easement for public right-of-way on a portion of Elm Street located between 1504 Elm Street, 1500 Main Street, and 1520 Main Street. The purpose of the petition is to allow the installation of parking to facilitate the continued expansion of The Wayne, which is a development that consists of condo units and amenities. The total area of the proposed easement vacation is approximately five hundred seventy-two thousandths (0.572) of an acre. The area contains a paved road that serves the adjoining lots. If the petition is approved, access would continue through the establishment of several easements. A fifteen (15) foot wide public Bluff Walk pedestrian easement has been established on 1504 Elm Street and a twenty-four (24) foot wide public access easement has been established on 1500 Main Street. With these easements in place, the easement vacation would not impact vehicle or pedestrian access

Mr. Andy Maddox, petitioner, stated that the proposal represented the second phase of expansion, and it was intended to increase parking in the area. He noted that the motel was built in 1962, and it was the City's first 5-star hotel.

Citizen Christine Dixon, speaking in opposition, stated that she owned property on Pearl Street. She expressed concerns about the traffic impacts of the housing development. She noted that Pearl Street was too narrow to accommodate the increased traffic that would be generated by the housing development, and there were safety concerns.

Citizen Sid Storezum, speaking in opposition, stated that he worked at Diamond Hill Animal Hospital, and he and Ms. Dixon owned all of the property on the west side of Pearl Street. He expressed concerns about the traffic impacts of the development because Pearl Street was the only access to the site.

Citizen Lisa Rice, speaking in opposition, stated she was the owner of Tri-County Maintenance at 1408 Main Street. She said she was in agreement with the previous public comment. She noted that Pearl Street was already a crowded, busy street, and the proposal was not compatible with the available traffic infrastructure.

There was no one to speak in favor or opposition by phone or by email.

Mayor Reed offered the petitioner the opportunity for a rebuttal. Mr. Maddox stated he had met previously with the public speakers and had discussed with them ways to improve parking for their businesses. He noted that Pearl Street was not the only access to the site.

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

Vice Mayor Faraldi clarified that Pearl Street was still maintained by the City. Ms. Mergenthaler responded that it was. Vice Mayor Faraldi asked whether the City could limit through-traffic on Elm Street. Ms. Mergenthaler responded that she was unsure the limitation could be implemented through the vacation proposal. She also noted that even if the street were not vacated, the development could continue. She stated that there was a dedicated public access easement through 1500 Main Street, and that would serve as the main entrance for the residents. She said that the proposal would provide additional parking spaces and reduce on-street parking on Pearl Street.

Councilmember Helgeson made the motion, seconded by Councilmember Misjuns, to deny the resolution.

Ms. Mergenthaler explained that the ownership of the land could not be determined, so the City was vacating the easement for right-of-way. She stated that the applicant was being given the opportunity to pursue ownership. Mr. Freedman explained that the City did not hold a fee-simple interest in the site, so it was only releasing the easement on the site and relinquishing its right to use the site for the public right-of-way. He explained that it was up to the petitioner to take legal action to determine or pursue ownership.

Councilmember Helgeson amended his motion, seconded by Councilmember Misjuns, to defer the matter to the September 26 meeting to provide time for more information to be considered.

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

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

Noes: 0

// In the matter of Agenda Item 8, a public hearing was held and Council considered adopting a resolution granting a Conditional Use Permit to allow for thirty-one (31) apartments in a mixed-use building located at 5900–5906 Fort Avenue. Senior Planner Ms. Rachel Frischeisen provided a brief presentation of the request to Council. The Way, LLC is petitioning for a conditional use permit at 5900 and 5906 Fort Avenue to allow thirty-one (31) apartments. Ten (10) units would be located in a former carpet and flooring store, with commercial space on the ground floor and basement. Twenty-one (21) units would be located in a new building, connected by a lobby. 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, petitioner, stated that the proposal lowered the residential density to address concerns expressed by Councilmembers. He said that they had increased opportunities on the first floor for commercial uses. He stated that they had met with the pastor from Quaker Memorial Church, who indicated her support for the project.

Citizen Billy Hansen, speaking in favor, stated he was a local commercial real estate appraiser and broker. He said that he and Mr. Calfee had previously worked on projects together, and he owned the former SunTrust location neighboring the subject property. He stated that the area needed improvement and investment from development to attract more businesses.

There was no one to speak in opposition, and there were no phone calls or emails, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson noted that the development was proposed at about 40 units per acre, and he asked for clarification about the units per acre for high-density development. Ms. Frischeisen stated that the density of the original proposal was about 44 units per acre, and the revised proposal density was about 35 units per acre. She stated that high-density development was 21.78 units per acre in the R4 zoning. Councilmember Helgeson said that the proposed development was too dense for the site.

Councilmember Helgeson made the motion, seconded by Councilmember Misjuns, to deny the resolution.

Councilmember Misjuns asked whether there were other feasible options for developing the site. Mr. Calfee responded that the project would break even at 25 units. He said that the project would not be sustainable with 50/50 residential and commercial uses. Councilmember Misjuns asked how much time the developer would need to draft an alternative proposal. Mr. Calfee said that they would be open to deferring the matter, but it would not be financially feasible to propose 12 units.

Councilmember Helgeson amended his motion, seconded by Councilmember Misjuns, to defer the matter to the September 26 meeting.

Councilmember Wilder asked whether the neighboring residents expressed concerns about the proposed density or the development. Mr. Calfee noted that they met with the pastor from Quaker Memorial Church, and her concerns included preventing people from parking on the grass and getting the City to redevelopment the adjacent park. He stated that the pastor and the church elders were in full support of the development.

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

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

Noes: 0

// In the matter of Public Comment, Agenda Item 9, Citizen Consuella Jordon spoke against the resolution on racism, sexism, and using merit practices by Lynchburg City government. She spoke about the legacies and remaining impacts of institutionalized racism and sexism in the City and how affirmative action served as a legal redress to those injustices.

// In the matter of Public Comment, Agenda Item 10, Citizen Peter Cefaratti was not present.

// In the matter of Public Comment, Agenda Item 11, Citizen Alan Trefzger was not present.

// In the matter of Public Comment, Agenda Item 12, Citizen Jeff Rosner spoke regarding the future of City elections. He expressed concerns about the appointment process for the election registrar.

// In the matter of General Business, Agenda Item 13, the Council considered adopting Resolution #R-23-068 approving City Council's Rules of Procedure. City Attorney Mr. Matthew Freedman provided a summary of the changes to the Council's rules of procedure. Section § 15.2-1416 of the Code of Virginia and Section § 2-6 of the City Council's Rules of Procedure provide that each year the local governing body shall prescribe by resolution the schedule of meeting dates, times, and places for the upcoming year. City Council's schedule of meetings and work sessions is set forth in its rules of procedure under Section § 2-1. Meetings shall be held in the City Council Chamber, on the first floor in City Hall, as follows: Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m. in City Hall, Council Chamber, except for the month of March where the 4:00 p.m. meetings will be held in City Hall, 2nd Floor Training Room. There will be no regular meeting on the fourth Tuesdays during the months of July, August, and December. As such, City Council's Rules of Procedure should be readopted to confirm City Council's schedule of regular meetings and work sessions for the upcoming year. Additionally, staff are proposing changes to the rules of procedure as outlined in "Option A" and "Option B".

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt the resolution.

Councilmember Misjuns made a substitute motion, seconded by Councilmember Helgeson, to defer action on the changes to the rules of procedure to the September 12 meeting to allow further discussion.

Vice Mayor Faraldi stated that he would support the substitute motion if there was a commitment from councilmembers to not introduce surprise or unexpected actions. Councilmember Helgeson stated that he could recall one instance of a surprise motion that year, but he could not recall the specifics, and the motion was offered because five of the Council members had discussed the matter prior. He said that he did not support surprise motions. Councilmember Misjuns stated that he would commit to no surprise motions if the Mayor and Vice Mayor committed to communication.

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

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

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

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

// In the matter of General Business, Agenda Item 14, the Council received a second reading and considered adopting Resolution #R-23-065 amending the FY 2024 General, Water, Sewer, and Stormwater Funds’ Operating Budgets to provide appropriations totaling $250,000 with resources from a bond anticipation note (BAN), Series 2023 for costs associated with the issuance of $68,500,000 in BAN. It has been City practice to finance capital projects through a BAN or line of credit to avoid interest charges until the funds are needed on a monthly draw basis. In March 2023, City staff closed on a General Obligation Bond Issue to permanently finance the 2020 BAN. A request for proposals (RFP) was issued May 11, 2023, to local, regional, and national lending institutions for bids to establish the next BAN. This BAN will fund current and future projects in the City ($35.9m), Schools ($5.6m), Water ($13.0m), Sewer ($9.0m), Stormwater ($3.0m), and Airport ($1.5m) Capital Projects Funds. Staff received three responses to the RFP that included two- and three-year options. In working with the City's financial advisor, Davenport & Company, a three-year option with J.P. Morgan was selected. This option includes a variable interest rate which is currently 4.694%. There is no penalty for early repayment of the line nor is there a penalty if the full line of credit is not drawn.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to approve Resolution #R-23-065.

Councilmember Helgeson stated that he would be voting in opposition because this would be putting a $68.5M burden on taxpayers and create unnecessary debt.

Councilmember Misjuns stated that he would be voting in opposition due to the debt service that would need to be paid back.

Mayor Reed clarified that the funding which would actually be used were for projects already approved in 2024 and ongoing projects; Ms. Witt responded yes. She explained that the allocation was for the issuance, and Council already approved the credit line. She explained that it took two readings to approve the issuance cost for bond counsel, the financial advisors, the financial institutions, and the associated closing fees. Mayor Reed clarified that the process would reduce interest costs and save taxpayers money.

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

Ayes: Reed, Dolan, Wilder, Taylor 4

Noes: Faraldi, Helgeson, Misjuns 3

// The meeting adjourned at 9:08 p.m.

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Clerk of Council