

December 12, 2023

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of December 2023, at 4:00 p.m. in Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

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

Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// City Manager Wynter Benda provided an overview of the work session agenda to City Council. He asked Assistant City Manager Mr. Kent White to provide clarification regarding the monitoring of methane gas in Jefferson Park. Mr. White explained that the issue arose from an awful time in the City's history when the City closed Jefferson Park community pool and turned the park itself into a City dump. The methane gas is the result of the natural decomposition of the materials currently in Jefferson Park. The City has been monitoring this on and off for over a decade, and as recently as last year they consulted with a firm called TRC to continue that monitoring. The gas ranges were determined to be well within the state health and safety guidelines, so there was no threat to the public. TRC would monitor it again next year, and then in two-year increments moving forward. This was meant to assure the public and Council that the situation with the gas was not changing or transitioning. He said that the subject had been raised at Dearington neighborhood planning meetings and when discussing the improvements to Jefferson Park that had been approved by Council. The construction of that work was due to begin next year and would not impact the fill area and would not make the methane gas situation any worse. The contractors also will be well-briefed on the fact of that in advance.

Councilmember Dolan asked if this situation was on a monitoring schedule and was being routinely monitored. Mr. White answered yes, they did it intensively while doing erosion control and stormwater repair work from 2014 through 2017, and then at the behest of Council, they began doing it again last year and would continue every two years moving forward.

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// In the matter of Finance, Agenda Item #1, Council received a presentation of the FY 2023 Annual Comprehensive Financial Report (ACFR) and related reports. Chief Financial Officer Donna Witt provided a summary of the item to Council. Chris Banta, leader of the state and local government practice of the City's external auditing firm, Brown Edwards, LLC, presented the results of the annual audit to City Council. The following reports are attached for reference:

- FY 2023 Annual Comprehensive Financial Report
- Audit Committee Letter (ACL) – Required Communication with those Charged with Governance - City of Lynchburg
- Management Letter (ML) – City of Lynchburg
- Audit Committee Letter (ACL) – Required Communication with those Charged with Governance – Lynchburg City Schools
- Management Letter (ML) – Lynchburg City Schools
- Independent Auditor's Report on Applying Agreed-Upon Procedures – City of Lynchburg's Sheriff's Office
- Independent Auditor's Report on Census Data submitted to the Virginia Retirement System-City of Lynchburg

// In the matter of Public Safety, Agenda Item #2, Council received information regarding a Public Safety Recruitment and Retention Plan. Diversity, Equity, & Inclusion Strategist Dr. Hollie Jennings provided a summary of the item to Council. Public safety continues to be a top priority for the City of Lynchburg and City Council. Nationally, police officer resignations and retirements have spiked over the past three years. The Police Executive Research Forum (PERF) reported that nationally there were 47% more sworn officer resignations in 2022 than in 2019. In Lynchburg, the number of resignations did not significantly increase between 2019 and 2023. However, the police department currently has 30 sworn officer vacancies. These vacancies are placing a significant strain on our police officers and police department. The Department of

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Emergency Services has a similar strain on staffing, with 14 vacancies for public safety communications specialists. The national shortage of police officers will require the City of Lynchburg to implement a strategic and creative approach to attracting and retaining the best officers for our city.

The comprehensive plan to recruit and retain highly qualified police officers has a four-pronged approach: increase employee satisfaction, implement procedural changes to hiring, expand recruitment outreach, and develop meaningful compensation strategies. This plan can be replicated in any of our public safety departments based on the number of vacancies the department is facing.

Vice Mayor Faraldi asked if six months was the proper time to gauge if someone would be staying, considering the fact that it may take a year for people to get into other agencies and organizations. Dr. Jennings replied that they chose six months because they wanted to know what the immediate outlook would be in regard to staffing. New officers were under contract for the training they went through, so they would likely stay at least three years. This initiative was targeted more toward those that had been here for a while, and they wanted to know how many people planned to stay or leave over the next six months. Vice Mayor Faraldi asked what discussions arose regarding procedures that limited the ability for police officers to serve. Dr. Jennings answered that there had been feedback from officers currently serving in Lynchburg regarding current policies, and that was part of what the committee would be providing feedback on. The procedural changes in this initiative focused on the hiring process, and the question she received during that discussion was about making sure they were not lowering standards or expectations, which was certainly not being done; it was more about how the required processes could be made easier for people to complete, especially if they were recruiting out of state. Vice Mayor Faraldi said that anything they could do to make the police officers' jobs easier to do was beneficial and should be undertaken in order to achieve their goal of making

Lynchburg Police Department the number one choice for law enforcement professionals in Virginia.

Councilmember Helgeson suggested utilizing the exit interviews of those individuals they were unable to retain in order to better comprehend why people choose to leave the department.

Councilmember Misjuns asked if there was an option for someone upon retirement to continue paying into the group at a lesser rate than the commercial market. Dr. Jennings clarified that City employees, upon retirement, could keep their health insurance by paying their portion of the City portion, which would be much lower than the commercial rates. They continued to explore other options that may be able to be provided. Councilmember Misjuns asked if the cost was known. Dr. Jennings answered that it depended on whether it was an individual plan or if it was family insurance. She clarified that Ms. Witt had communicated that it was \$8,000 per year. Councilmember Misjuns said that any options that made it easier for first responders to get health insurance without it becoming a burden to the taxpayers should be considered. He asked how accrued sick leave for employees was budgeted. Chief Financial Officer Ms. Donna Witt said that employees could accrue eight hours of sick leave per month and carry up to 968 hours, but employees were not paid for those upon their departure. Councilmember Misjuns asked how that was budgeted compared to annual leave. Ms. Witt said that it was based on accrual, so they looked at entries at the end of the year based on the value of it, and did not carry that cost because they did not pay it out when employees left. It also looked different when considering hybrid employees who may have short-term disability. Councilmember Misjuns asked if retention and new hiring bonuses were designed in a way so that it was a lump sum or if there was a way to separate it out. Dr. Jennings said that they would continue to explore options for retention bonuses, but it was known to be more attractive to give the bonus as a lump sum. Ms. Witt noted that there was about \$3.5 million budgeted annually

for retirees, or those employees who had retired and were still receiving benefits because they were hired prior to June 30, 1996.

Councilmember Wilder asked if staff's analysis included studying other peer localities such as Roanoke or other urban areas. Dr. Jennings said those areas were looked at when analyzing bonuses, and currently their northern neighbors were offering a \$20,000 bonus, the western neighbors increased theirs to \$7,000 in 2021, southern neighbors offered \$5,000, and east toward Richmond was a \$10,000 recruitment bonus plus a longevity bonus. She said that she was unaware if any other areas had done a similar type of survey or marketing strategy in this area. She said that she also looked into how many localities were still offering health insurance upon retirement, and it was very few in the state that still did this, with the only one in their region being Salem. Councilmember Wilder asked what the main concerns were of those people leaving the force. Dr. Jennings said that the main concerns seen throughout the survey were the vacancies, workload, and number of hours that employees had to work.

Councilmember Wilder asked if survey respondents felt that management supported them well. Dr. Jennings said that there were 296 comments in the survey, and one person could comment up to three different times throughout the survey. Less than 1% of those comments were any type of complaint around command staff or the Chief, so the majority of folks felt supported and wanted to stay with LPD. Councilmember Wilder asked if there was a cadet program for the City of Lynchburg to facilitate training prior to joining the police force. Dr. Jennings answered that there was a P&R team of police officers that handled recruitment-type initiatives, and they went to City schools, including the criminal justice program, to engage the youth of the City around what was happening at LPD and encourage joining the police force after graduation.

Councilmember Helgeson asked if the \$3.5M budgeted for retiree health insurance was used each year. Ms. Witt answered that the majority of it was used to cover claims, and any excess at the end of the year was written back.

// In the matter of Community Development, Agenda Item #3, Council was briefed on the Community Development Block Grant (CDBG) and HOME Program – Public Hearing and Adoption of a Resolution Regarding Housing and Non-Housing Goals for the Fiscal Year 2025 (Program Year 2024) Annual Action Plan. This item will appear for City Council vote on the January 9, 2024 Public Hearing agenda. Grants Manager Ms. Melva Walker provided a summary of the item to Council. The Consolidated Plan for the CDBG and HOME Program was approved in June 2020 and covers the period from July 1, 2020 through June 30, 2025. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires Community Development Block Grant (CDBG) and HOME Program entitlement communities to review the goals in the Plan on an annual basis. City Council will be seeking the input of citizens and other interested parties regarding the approved goals at the public hearing. A 15-day public comment period to receive citizen input regarding the goals will be initiated on December 22, 2023 through a legal notice published in The News and Advance.

// In the matter of Planning, Agenda Item #4, Council was briefed on the Conditional Use Permit (CUP) for West Lynchburg Baptist Church Preschool at 3031 Memorial Avenue. This item will appear for City Council vote on the January 9, 2024 Public Hearing agenda. Senior Planner Rachel Frischeisen provided a summary of the item to Council. West Lynchburg Baptist Church is petitioning for a CUP at 3031 Memorial Avenue to allow the use of a portion of the existing church as a childcare facility/preschool in an R-3, Medium Density Residential District. These facilities are permitted in this zoning district upon approval of a CUP by City Council.

The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends an Institutional use for the subject property. The City's institutions include the religious, educational, and other nonprofit entities in the City. The petitioner has indicated that the facility would be operated by the YMCA of Central Virginia. The impact of the facility within the existing church should be minimal. Staff recommended the approval of this item to the Planning Commission,

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which would hold a public hearing on December 13, 2023 and make a recommendation, and City Council will hold a public hearing on January 9, 2024.

// In the matter of the Registrar's Office, Agenda Item #5, Council was briefed on the relocation of a polling place for the Second Ward, Fourth Precinct. This item will appear before City Council for action on January 9, 2024. Chair of the Electoral Board David Neumeyer and Registrar Dan Pense provided a summary of the item to Council. The Electoral Board for the City of Lynchburg, Virginia (Electoral Board) voted at its meeting on December 7, 2023, to transfer the Fairview Heights precinct 204 polling place to Bass Elementary School. The new polling place would be located outside the precinct, but within one mile of the precinct boundary as required by Section 24.2-310 of the Code of Virginia. The reason for the request is that the current polling place, Fairview Christian Church, has several access barriers for the disabled, including a flight of stairs from the most-used parking area on Leyburn Street to the polling place entrance, an off-street parking lot on Sackett Street that, for the handicapped, has a difficult slope, and an entryway threshold that is approximately 3" above the approaching sidewalk. The Electoral Board would like to make use of Bass Elementary School for the Fourth Precinct of the Second Ward starting with the expected March 2024 Republican Primary Election and continuing through all subsequent elections for the indefinite future.

A public hearing concerning the proposed change will be held before the Lynchburg City Council on January 9, 2024.

Councilmember Helgeson asked how far the polling precinct was located outside of the boundary district. Mr. Pense said that it was about 350 feet, and the polling precinct was required to be within one mile of the precinct boundary line.

Vice Mayor Faraldi said that while there were no outstanding issues with this proposed change in polling precinct location, he would like to avoid having polling precincts located outside of the boundaries in the future.

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Councilmember Dolan asked if they had considered any locations within the precinct. Mr. Neumeyer answered that they had reviewed other potential locations, but they were unable to secure them for Election Day.

Councilmember Wilder asked what the time period was for notifying voters in the area of the precinct change. Mr. Pense replied that it somewhat depended on action of the Attorney General, who had to approve the decision of City Council. He said that they must promptly correspond with the Attorney General and notify the Council of that response in order for things to be ready for March.

Mayor Reed said that she agreed that this was the best option available for the polling precinct, so she was in support of staff's recommendation.

// In the matter of Roll Call, Councilmember Wilder said he would like to thank and commend all the men who grew mustaches for the month to support Mustaches 4 Kids, which raised over \$570,000. He said that he appreciated everyone on the team who worked so hard for the children in the community, who showed the spirit of giving and how much better they were when they all worked together. He said that he wanted to express his appreciation of their work.

Councilmember Helgeson said that regarding recreation and tourism and generating tax revenue, a couple of days ago, last Saturday afternoon, they had lots of activity in Lynchburg. The state football championships were at Liberty, Liberty also hosted a big meet for track, they had a basketball game that brought in Grand Canyon, who just beat the semi-finalist from last year, San Diego State, in the NCAA tournament. They had hundreds of Grand Canyon people, family, friends, alumni, and students, who all came into Lynchburg. There were lots of flights, which helped with per-flight tax. Looking at the hotels, rooms, meals, all the lines inside for the concessions were very long and were subject to meals tax. He talked to several people from Grand Canyon, which is Phoenix, and they came, and it was neat and refreshing. As that happened, he wondered how much people had to pay for that as a City taxpayer, and the answer was nothing. All they had to do was say thank you. All they had to do was allow Liberty,

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like they did several years ago when they gave them their property rights back so they could build and expand. It is so nice to see that the generation of all these taxes, whether it be the airport, property, meals tax, cars, all the rental cars that were there, the hotels, all those things for a basketball game. There were 20 basketball games per year, so it was neat. He expressed his thanks for them and noted it was a barn-burner of a game. It was sold out at 2 p.m. and had a raucous crowd with great revenues, so it was fantastic for the City. Councilmember Misjuns said that he wanted to make sure they were stressing to City employees, which he thought they would discuss the next time the City Manager and he had a one-on-one, was their rights under whistleblower protection laws and making sure that it is clear to them that they had a right to come to elected officials with things to blow the whistle, so to speak. That was one of the things he wanted to bring up and discuss one-on-one. Over the weekend, there was a call for the execution of Councilmember Misjuns, Councilmember Helgeson, their Congressman, and several other folks aligned with them. They did not need to be doing that as a community. One thing that was also interesting to him was, as an elected official in Lynchburg, why were they not notified of that by their police department, because someone else called it in. He said that stuff needs to stop. It had gone a little bit too far, and death threats are just not okay. Vice Mayor Faraldi congratulated the Bulldogs, the Liberty Christian High School's football team, for winning their first state championship. He thanked City staff for engaging with him. He said that there were a lot of things to focus on, and one of which was leaf collection and frustration around the scheduling. He thanked the staff for amending it to some degree in some of the problem areas that constituents had highlighted during the last week and a half. One item he wanted them to consider was what Senator Newman offered at their legislative dinner with the potential policy changes and items that may come down the pipe from Richmond. It might be worth doing something they have not done in the past, and if there are legislative matters that really could impact Lynchburg, whether it was per-pupil funding, Smart Scale applications, or the other things Senator Newman mentioned, to have those come to Council for taking an official stance

on so they could say that it would really affect Lynchburg in a positive or negative way and whether they supported or opposed it. He did not intend for City Council to get into state business, but for those major items that will dramatically impact how they do business, he believed it was something they should at least consider. If Council said no, they did not want to engage with that as it was Richmond's final decision, he would take that loss, but he thought it was something they should consider for those major items that their delegation could use the extra backup on. He said that in closing, he would also agree that a lot of things had gone too far, to use Councilmember Misjuns' term, and to the degree of going after someone's work history on both sides of this topic, whether they used to work for the City and are now suing them, or if they used to work for the state and are now a realtor, or if their husband is a retired colonel from the air force and served this nation admirably, it was not appropriate in any of those topics for them to use that as political capital to go after each other. He said that he wanted to make that clear. Mayor Reed congratulated the Bulldogs on their game, which she attended and thought was amazing. It had been an impressive and really cool football season for their City, and she was super proud. Even for those who were not fans of Liberty or LCA, it was really great for their City to have those two victories, and she was very proud. They have to support great athleticism, so those who enjoyed football and athletics had gotten to see some good, hardworking players, along with great coaching. She said that tonight, they would be highlighting the division of Juvenile Services. The division of Juvenile Services is part of the Lynchburg Department of Human Services and is comprised of the Lynchburg Youth Group Home and the Lynchburg Regional Juvenile Detention Center. The group home provides crisis stabilization through its shelter care services, as well as a longer-term program for youth requiring more structure. This facility provides services to youth from the City of Lynchburg, the Counties of Amherst, Bedford, Campbell, and Nelson, as well as other social services agencies throughout the state. In addition to meeting the basic needs of each youth, residents also engage in educational, employment, therapeutic, community service, and daily and/or weekly

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groups and activities in the community. The detention center provides supervision of up to 48 youth awaiting education or disposition for a delinquent offense, serving time ordered by the court, or youth participating in the post-disposition program. The facility ensures the basic needs of residents are met and provides educational, recreational, and health opportunities designed to promote positive change within each youth in the hopes that they are able to transition back into the community as a more productive member of society. From January to November of 2023, 215 residents were admitted to the group home and 245 to the detention center. The facilities worked closely together with a goal to actively avoid re-traumatization and address the individual needs of each resident, and promote positive change within each youth they encounter. She thanked all those who work and serve at the Juvenile Services centers. She said that the Central Virginia United Soccer Club (CVU) was pleased to sponsor the 2023 United We Give collaborative giveback community event on Saturday, December 16, 2023 at the Lynchburg City Stadium. CVU representatives will be collecting food, toys, coats, pajamas, and sporting equipment for delivery to various local charities. This event will be conducted between 10 a.m. and 4 p.m., during which there will be open soccer sessions, free food items, and free activities for local youth. Activities conclude with a 2 p.m. charity soccer match between CVU coaches and players. CVU will donate the proceeds raised for each goal scored to Miriam's House. Sporting goods received will be given to Challenge Sports Exchange, food will go to LYH Food Not Bombs, coats and clothing to the Salvation Army of Lynchburg, toys to the Parkview Mission, and pajamas to the Bedtime Pajama Drive. As stated, Miriam's House will receive the funds raised from the charity soccer match. Central Virginia United especially thanks the Lynchburg Parks and Recreation Department for assisting CVU in this public-private initiative to benefit their fellow citizens.

// Council considered a closed session to discuss appointments for vacancies to the Community Development Advisory Committee and Horizon Behavioral Health Board of Directors, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

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Mayor Reed noted that the first closed session was struck from the agenda and would not be considered at this time.

Councilmember Dolan made a motion to go into a closed meeting, seconded by Councilmember Wilder, and with no further discussion, the following vote was recorded:

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Misjuns made the following motion:

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

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

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

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

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

Noes: 0

Absent: Helgeson 1

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

Community Development Advisory Committee: Councilmember Larry Taylor, as Chair, for a new 1-year term expiring December 31, 2024; Mayor Stephanie Reed, as Vice Chair, for a new 1-year term expiring December 31, 2024; Sandra Mitchell for a new 1-year term expiring December 31, 2024; Sally Schneider for a new 1-year term expiring December 31, 2024; Dr. Brenda Farmer for a new 1-year term expiring December 31, 2024; Kay Reid for a new 1-year term expiring December 31, 2024; and Lana Musgrave for a new 1-year term expiring December 31, 2024.

Ayes: Wilder, Dolan, Reed, Faraldi, Taylor, Misjuns	6
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Noes:	0
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Absent: Helgeson	1
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// On motion of Councilmember Misjuns, seconded by Councilmember Taylor, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Horizon Behavioral Health Board of Directors: Councilmember Chris Faraldi for a new 3-year term expiring December 31, 2026.

Vice Mayor Faraldi stated he would abstain from the vote to avoid a conflict of interest by voting for himself.

Ayes: Wilder, Dolan, Reed, Taylor, Misjuns	5
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Noes:	0
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Abstain: Faraldi	1
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Absent: Helgeson	1
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// The meeting recessed at 5:39 p.m.

December 12, 2023

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of December, 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, Larry Taylor, MaryJane Dolan,

Sterling A. Wilder, Chris Faraldi 7

Absent: 0

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

// In the matter of Recognitions, Agenda Item #1, Mayor Reed recognized the 2023 Liberty University Undefeated Football Team and Coaches. She noted that the Liberty Flames were the first FBS team in Virginia to post a 12-0 season. She invited Liberty President Dr. Dondi Costin, Head Coach Jamey Chadwell, Assistant Athletic Director Brad Queen, and Director of Government and Community Relations Kenny Craig to the dais to be recognized.

// In the matter of Recognitions, Agenda Item #2, Mayor Reed recognized Emily Asbury of the Mayor's Youth Council who was in attendance.

// In the matter of the Agenda, Councilmember Taylor requested to amend the agenda to include Ed McCann, Kiwanis Club, under Public Comment. Mayor Reed noted that there was consensus from Council to amend the agenda.

// In the matter of the Consent Agenda, Councilmember Dolan motioned, seconded by Councilmember Wilder, to approve the Consent Agenda.

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

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

Noes: 0

// In the matter of Planning, Agenda Item #9, Council held a public hearing in consideration of adopting Resolution #R-23-104 granting a Conditional Use Permit (CUP) to allow the use of an existing structure at 805 15th Street as a childcare facility. Senior Planner Rachel Frischeisen provided Council with a summary of the request. Diamond Hill Baptist Church is petitioning for a

CUP at 805 15th Street to allow the use of an existing structure as a childcare center in an R-2, Low-Medium Density Residential District. Childcare facilities are permitted in this zoning district upon approval of a CUP by City Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Traditional Residential use for the subject property. Public and private institutional uses are appropriate in these areas when they are designed to blend into the existing urban fabric. The petition is supported by the Diamond Hill Neighborhood Plan draft. During the neighborhood planning process, stakeholders and residents have expressed strong support for the expansion of early childhood care and education opportunities. With ample parking in the adjacent Diamond Hill Baptist Church parking area, the impact of the childcare center should be minimal.

Owen Cardwell, pastor of Diamond Hill Baptist Church and representing the petitioner, provided a statement in support of the request.

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

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to adopt the Resolution #R-23-104.

Councilmember Dolan disclosed that she served on the board of LynCAG, however, she was able to act impartially on the motion as she did not benefit personally.

Vice Mayor Faraldi disclosed that he served on the board of LynCAG via proxy, but he did not have a conflict of interest.

Councilmember Misjuns said that the resolution would help address the need for childcare in the City.

Councilmember Helgeson said that the proposal was a good use of property.

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

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

Noes: 0

// In the matter of Planning, Agenda Item #10, Council held a public hearing in consideration of adopting Ordinance #O-23-105 to change a certain area located at 602 Taylor Street & 1212 Park Avenue from B-4, Urban Commercial to B-5, General Business District. Senior Planner Rachel Frischeisen provided a summary of the request. Mr. Hunter Dawson is petitioning to rezone 602 Taylor Street and 1212 Park Avenue from B-4, Urban Commercial to B-5, General Business District to allow the use of the properties for used automobile sales. The properties are included in the area covered by the Fifth Street Corridor Master Plan adopted by City Council on May 23, 2006. The Comprehensive Plan 2013-2030 FLUM recommends a Neighborhood Commercial land use for the properties fronting 5th Street & Park Avenue. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Planning Commission recommended denial of the petition, citing concerns of setting precedence for auto-oriented uses which negatively impacted 5th Street and the adjoining neighborhoods in the past. The proposed rezoning does not align with the recommendations of the FLUM, Comprehensive Plan 2013-2030, and the 5th Street Corridor Master Plan.

Amy Igarta-Seipp, Accupoint Surveying and Design, and Hunter Dawson, property owner, provided a presentation of the request for the petitioner.

Ernesto Santos, speaking in favor, said he lived near the proposed development and was comfortable with the location.

Wesley Woods, speaking in opposition, said that he owned several neighboring properties that he planned to redevelop. He said that he believed a used car lot was not appropriate for the neighborhood.

There were no phone calls, voicemails, or emails, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson motioned, seconded by Vice Mayor Faraldi, to adopt the Ordinance #O-23-105.

Councilmember Helgeson said that the proposal would meet a need in the community and allow the petitioner to pursue the American Dream.

Vice Mayor Faraldi asked why the Planning Commission recommended denial of the proposal. Ms. Frischeisen replied that the Commission felt the B5 zoning was not conducive to the redevelopment that the neighborhood wanted to see on 5th Street. She said that they felt the uses permitted in B5 were not appropriate for the area. Vice Mayor Faraldi asked if a CUP would be appropriate to address concerns regarding future uses. Ms. Frischeisen replied that a CUP was not an option in a B4 district for auto sales. She stated the Commission recognized that rezoning the site would potentially set the stage for similar rezonings, which did not align with the vision for the 5th Street corridor. Vice Mayor Faraldi asked whether staff or other developers had expressed interest in developing the property. Vice Mayor Faraldi said that the Council should approve the resolution because it would provide business and revitalization opportunities for the corridor.

Mayor Reed asked whether there had been conversations with community members and residents in the neighborhood regarding the project. Ms. Frischeisen replied that the community feedback was reviewed from the public outreach in the 2006 vision plan.

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

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

Noes: 0

// In the matter of Public Comment, Agenda Item #11, Citizen Cherie Kemper addressed Council regarding building a teen social lounge. She stated that teens needed places to go and hang out after school or on the weekends that were dedicated for teens. She said that when she graduated from EC Glass, there were more things for teenagers to do then there were now.

// In the matter of Public Comment, Agenda Item #12, Citizen Christopher White was not present.

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// In the matter of Public Comment, Agenda Item #13, Citizen Vicente Gonzalez, representing Latin American Community Center, addressed Council regarding the School Board. He said that opening the Council meeting with a prayer violated the Constitution and served no business purpose. He stated that regarding the rejection of a \$10 thousand grant from the It Gets Better campaign, there was misinformation being spread by elected and appointed City officials. He explained that the It Gets Better campaign was a suicide prevention campaign. He explained that Councilmember Misjuns claimed the campaign promoted porn literacy and group masturbation, which was a lie, and students would not be required to watch videos to enter into the space. He noted the myriad concerns about accepting a grant from a suicide prevention organization, but there were no concerns about associating with Liberty University, which had been investigated by the US Department of Education for systemic cover-ups of rape and sexual assault. He said that the letter to the City Attorney from Councilmember Misjuns regarding sexually charged and adult themed performances mirrored language in anti-Drag performance legislation, and he questioned how terms such as "sexually charged", "adult themed", "vice", or "immorality" would be defined. He said that such restrictions were violations of Free Speech. He urged Council to reject such an ordinance.

// In the matter of Public Comment, Agenda Item #14, Citizen Kelsey Molseed addressed Council regarding the conduct of Councilmember Misjuns. She stated that Councilmember Misjuns replied to comments on his social media by using his family to hide and deflect from criticism. She said that members of the public would continue to demand Councilmember Misjuns' expulsion from Council so long as he continued to levy accusations against members of the public. She said community members had expressed fears over retaliation from Councilmember Misjuns, as he kept a list of names of people who complained against him. She requested Council to expel Councilmember Misjuns.

// // In the matter of Public Comment, Item Not on the Agenda, Citizen Ed McCann, representing the Centennial Committee of the Kiwanis Club of Lynchburg, spoke in support of fully funding the Riverfront Park Improvements project.

// In the matter of Budget, Agenda Item #15, Council considered introducing Resolution #R-23-106 amending the FY 2024–2028 Capital Improvement Program and the FY 2024 City Capital Projects Fund budget and appropriating \$3,000,000 in funds from the FY 2024 General Fund Unassigned Fund Balance to be used for Riverfront Park Improvements (Amphitheater). The creation of Riverfront Park was one of the key components of the Downtown and Riverfront Master Plan 2000. In FY 2023, City Council approved funding to complete improvements to the park with the goals of:

- Build a destination amphitheater capable of hosting national touring acts
- Install a fence and gate system to designate event areas and allow passive use between events
- Build permanent public restrooms.
- Partner with the Kiwanis to build a new playground next to the splash pad
- Include additional shade canopy and landscaping
- Upgrade stormwater, sewer and rain garden capacity

The project was put out for bid on May 19, 2023 with a bid opening on July 13, 2023. Although the last estimate of cost (July 2022) was approximately \$4.6 million dollars (+/- 6% of budget), the low bid came in at \$7,998,000 from Jamerson-Lewis, which is significantly over budget. The project timing has been impacted by this effort as well, the contractor indicated that the steel components for the amphitheater will take a much longer lead time than originally anticipated. The project construction time will extend from an estimated 420 calendar days to 630 calendar days for completion in July 2025.

Project Impact

Riverfront Park will be better positioned to drive visitor traffic through large-scale special events, festivals, movies and performances. On average there are approximately 16 local events per year at Riverfront Park varying from small community engagement events to music and food festivals. In 2022, local events in Riverfront Park generated 16,960 visits. The attendance capacity of the venue is approximately 3,500, up to 5,000. We expect an additional 10-20 nationally programmed performances per year in the new amphitheater within the first three years of operation. Based on actual visits to nationally performing artist events in Riverfront Park in recent years, we estimate that 20 additional nights of programming would conservatively drive nearly 75,000 visitors per year, a 330% increase in utilization of the Park. More than 90% of the foot traffic to Riverfront Park is for one-time events, meaning visitors are already using the park as a destination. Driving more visitors to the destination, will increase direct spending in restaurants, retail, transportation, lodging, and more associated with event attendance, across the City.

Councilmember Dolan motioned, seconded by Councilmember Wilder, to adopt the Resolution #R-23-106.

Councilmember Dolan said that the resolution served as an opportunity to continue investment in the City, support local businesses and residents, and increase tourism.

Councilmember Wilder stated that the downtown area was vital for a healthy community, as it served as the center of activity. He said that economic development was important to the revitalization of the downtown. He said that he supported continued investment in the City.

Councilmember Helgeson expressed concerns about the increased cost of the project, and he suggested that the funding could be used to reduce taxes for residents. He said that they should move forward with the park aspect of the project and re-distribute the funds for the amphitheater to lower the car tax.

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Councilmember Helgeson made a substitute motion, seconded by Councilmember Misjuns, to deny the \$8 million request, lower the car taxes by \$0.15, and direct staff to find ways to lower the tax burden while funding the Kiwanis Park project.

Councilmember Helgeson said that since the budget process was approaching, staff would have a chance to reconsider the funding and find a way to alleviate the car tax burden.

Councilmember Misjuns said that he received 80 emails from citizens that he separated into folders, and some requested relief on the car tax bill. He said that he would support the construction of a park. He said that the proposal from Councilmember Helgeson would free up funding that could be used to pay down debt.

Vice Mayor Faraldi asked for clarification as to whether they can do what Councilmember Helgeson proposed. Chief Financial Officer Donna Witt explained that there could not be a direct correlation between reducing the taxes based on reducing debt service. She explained that the debt service was based on bond offerings that had already been completed, so the debt schedule was already set. She said that there was no way to reduce debt service in the FY25 budget. She explained that the project was cash funded, so there was no debt service to reduce. She said that if the \$8 million was allocated to a different project so that it would not use debt service, then it would reduce the debt service for that specific project, but it would not reduce the overall debt service because they would have to issue bonds for mandatory projects. She said that they could not reduce debt service because it was set at previous borrowings for FY24 and FY25. Vice Mayor Faraldi clarified that the debt service had already been issued. Ms. Witt said that was correct. Vice Mayor Faraldi clarified that if Council wanted to reduce the tax rate, it had to be addressed at the beginning of the fiscal year. Ms. Witt said that it would have to be addressed during the budget process, and Council would have to find a way to replace the recurring revenue from personal property taxes. Vice Mayor Faraldi said that he agreed with the desire to eliminate personal property taxes, but the substitute

motion would not achieve that goal. He said that Council should reject the substitute motion and address the matter of the Riverfront Parks Improvement project.

Councilmember Dolan stated that there were 38 emails which had been solicited by certain councilmembers themselves.

Councilmember Taylor said that residential developers in downtown needed places to entertain potential residents. He noted that the potential economic impact of the project should be compared to the impact of the John Paul Jones Arena in Charlottesville since it would serve as the preeminent venue in the City.

Councilmember Helgeson said that the funds could be used to reduce the need to issue more debt and lower personal property taxes.

Vice Mayor Faraldi stated he did not appreciate colleagues manipulating facts for political purposes when they were on record stating that the personal property tax should not be addressed for another five years. He said that the motion would not achieve the stated goals.

Mayor Reed called for the vote on the substitute motion.

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

Ayes: Helgeson, Misjuns	2
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Noes: Dolan, Faraldi, Reed, Taylor, Wilder	5
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Mayor Reed emphasized that the project funding could not be used to provide tax relief, and if the Council wanted to provide tax relief, it had to be done during the budget process. She noted the parallels between the City investing in the Riverfront Park Amphitheater project and that of Liberty University continued expansion and growth due to its investments of itself.

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

Ayes: Dolan, Faraldi, Reed, Taylor, Wilder	5
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Noes: Helgeson, Misjuns	2
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// Mayor Reed stated that after the meeting, the voting board would be decommissioned. She noted that the voting boards were built in-house by City staff around 1981, and had been used for an estimated 4,000 votes over the course of 42 years. She said that in January, Council would be using updated voting software that would improve the viewing experience and streamline the meetings. She stated that the voting boards would be memorialized and put on display at the Lynchburg Museum.

// The meeting adjourned at 9:06 p.m.

Clerk of Council