

April 26, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of April 2022, at 4:00 p.m. in Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,	
Sterling A. Wilder, Chris Faraldi	7
Absent:	0

// In the matter of Agenda Item #1, Council continued a discussion on redistricting. Mr. Kent White, Director of Community Development, gave a brief overview of the item to the Council. The Council was previously briefed on this matter on April 12, 2022. This was the fifth work session for redistricting, which was required based on the results of the 2020 Census. Staff requested direction from Council on selecting a scenario for adoption, with the intent of advertising the public hearing and bringing the item back on May 24, 2022 to discuss precinct boundary changes in that day's work session, and finalizing in June to allow adequate time for notice prior to the November election. He said that the survey for public input has been reopened but no responses had been received as of yet.

Vice Mayor Wright clarified that at the previous Council meeting, he had mentioned that he wished to provide another redistricting map to consider, but after discussion with staff, he decided that it was best to not submit the new map.

Councilmember Faraldi made a motion to adopt the Resolution in conjunction with Option D, seconded by Councilmember Nelson.

Councilmember Faraldi said that Option D met many of the requirements of the state while also addressing the growth in the majority of the City. He said that further, the corresponding data from staff indicates that this option is best supported by the public who was surveyed, and that this option was closest to the standard deviation.

Councilmember Nelson said that the standard deviation for this item was the best that they had, and as such was most likely to survive without any modifications when the next Census was taken in 2030, which translated to not disrupting more citizens after the next Census.

Councilmember Helgeson said that ward-specific issues have historically been addressed by the public officials who represented that ward and that representative was given deference when dealing with

specific issues. He said that he could support Option D, but his stated preference was a scenario that presented minimal impact to citizens, and Option D had noticeable impact on the ward he represents.

Vice Mayor Wright said that he was in greatest support of Scenario B, because it had a relatively low impact on citizens and would limit confusion among the public, and thus lessening the work the Registrar's Office would be performing related to the redistricting process.

Councilmember Wilder said that finding the least disruptive option was his primary focus, and while he understood the drive to keep the neighborhood structures contained, citizens would certainly be confused by this change, so he was more in support of Scenarios A and B.

Councilmember Tweedy said that she supported a scenario that had the least impact on their residents.

Mayor Dolan said that she supported a scenario with the least impact, and ultimately preferred Scenario B.

Councilmember Faraldi asked how many total people would be affected by a change in polling precinct rather than in representation of their ward. Mr. White responded that for Scenario D, 9,777 people would change from one ward to another. Ward I would gain population from Ward IV and would also gain from Ward II. Councilmember Faraldi asked how many voters were in the precinct for 101, which currently under Scenario D would be split in half down Lakeside Drive. General Registrar Ms. Christine Gibbons answered that from the November 3, 2020 election, there were 4,789 registered voters and a total turnout for the election of 3,222, and Ward IV had 5,148 registered voters in 2020 with a turnout of 3,746. Councilmember Faraldi asked if the changes only affected the residents between those two precincts. Ms. Gibbons answered that she would not know that information until she physically changed the precinct streets. Councilmember Faraldi reiterated that he was supportive of Scenario D because it did not split neighborhoods in the way that Scenarios A and B did.

Councilmember Helgeson asked if there were any other changes that could be made to compromise and allow for precincts to stay the same while allowing for changes in representation of the Wards. Mr. White answered that it varied. Mayor Dolan asked if this would be more advantageous to Councilmember Helgeson. Councilmember Helgeson replied that it was not more advantageous, but that amendments could be made to these scenarios. Mayor Dolan said that she was viewing the numbers of

people impacted, and Scenario A moved a small number in Councilmember Helgeson's ward.

Councilmember Helgeson said that it moved 1,050 people, and asked Mr. White if that number was equal to those affected in Scenario D. Mr. White responded that it was about the same between the two scenarios for those affected in Councilmember Helgeson's ward.

Mayor Dolan asked what the long-term effect was of Scenario D. Councilmember Helgeson said that the long-term effects were that over the next 10 years, changes would be made, and those changes must distribute growth more equally around the City so redistricting would not need to happen again. Councilmember Faraldi said that in 10 years, Scenarios A and B would require significant adjustments because the growth in the south end of town was projected to continue, and Scenario D allowed them to make that adjustment now to avoid impacting the future, larger population. Vice Mayor Wright said that while there was general consensus about where the future growth was projected to occur, they could not predict it, and regardless of where the growth was, there would be boundary modifications required to accommodate any change. Councilmember Faraldi said that he did not disagree with Vice Mayor Wright, but by making the adjustment now, it would give minimal impacts in the future because they were acknowledging the growth areas that exist currently. Councilmember Helgeson said that the future growth would have to occur in areas other than the southern end of the City based on how developed it currently is in that area. Councilmember Nelson said that he agreed with Councilmembers Faraldi and Wright that things would certainly change over 10 years, but Scenario D was closest to the standard deviation and could absorb any large population growth better than A or B, therefore impacting the least amount of citizens over time by limiting future changes. He added that Scenario B did not follow contiguity or compactness as well as Scenario C or Scenario D, and in order to be true to the philosophies of the movement against gerrymandering, Scenario D was the best choice to make.

With no further discussion, the following vote was recorded:

Ayes: Nelson, Helgeson, Dolan, Faraldi	4
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Noes: Tweedy, Wright, Wilder	3
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// In the matter of Economic Development, Agenda Item #2, Council received a presentation from Ms. Marjette Upshur, Director of the Office of Economic Development and Tourism, on the 2022 special events for spring and summer. All sectors in the City have seen a growth in special events for this fiscal

year, with 11 races, 3 food and beverage events, and 20 community engagement events, and the Office of Economic Development and Tourism was on track to permit more than 42 special events this year with a total economic impact of over \$2 million. Special events, whether offered by the City of Lynchburg, businesses or nonprofit partners, contribute to community pride, quality of place and help to enhance Lynchburg as a great place to live, work, and play. The Office of Economic Development and Tourism will distribute a roundup of events planned throughout the City through summer 2022. The summer events flyer was attached in the Council materials and was available at www.lynchburgvirginia.org/events.

// In the matter of Agenda Item #3, "Housing Toolkit," Council reviewed proposed changes to City Code to address neighborhood blight abatement strategies. Mr. Kent White, Director of Community Development, gave a brief overview of the item to the Council. On March 8, 2022, staff presented a strategy to use the targeted sale of tax delinquent properties, additional demolition resources, and City Code changes to help address the impacts of derelict housing and clutter. One recurring theme during the recent Strong Neighborhood Alliance's listening sessions in Diamond Hill is the impact of derelict housing and blight on the neighborhood as a whole. This feedback is consistent with concerns expressed in other neighborhood planning efforts and complaints that City Council and staff receive. The proposed derelict building ordinance would require owners to submit a plan to repair or remove the structure. The code is structured to incentivize owners to correct the issue or transfer ownership to someone who would correct it, and after a grace period, residential structures without a plan of action could be fined \$500 per month up to the cost of demolition. There is no proposal for additional staffing, so the process would be measured with a focus on condemned buildings, with the penalty payments supporting demolition funding. There is a current inconsistency of demolition requirements of a private owner removing the structure versus the City; the proposed amendments for the demolition code would codify the demolition requirements to require private owners and contractors to match City standards. Amendments to the City's nuisance ordinance would add items including mechanical equipment, household furniture, and containers that can be seen from a public street, and would include materials that were not intended for use within 30 days, or if there was no active building permit. There would be an outreach campaign performed before citing anyone, with a 30-day reminder letter sent prior to any violation notice, and if the issue still remained, the timing and billing of the removal would be communicated.

Councilmember Helgeson said that the goal for this program is to help renovate these vacant or derelict buildings, and the examples given were illustrative in how drastically it could improve the property and the surrounding neighborhood. He asked what incentives there were for promoting this behavior of homeowners. Mr. White said that staff previously presented five overall strategies, one being to discuss what incentives existed and what priorities should be made for these individual properties.

Councilmember Helgeson said that being able to adequately provide incentives to developers and homeowners was integral to solving the issue.

Councilmember Wilder said that there were many older homes in Ward II, with a variety of homeowner issues, so he was glad to see this as another option in their housing toolkit to address blight and clutter in their community.

Councilmember Helgeson asked if the changes to the demolition ordinance were counterintuitive, because it took away the preferential treatment of a private owner to remove derelict buildings by giving the responsibility to the City. Mr. White said that many of these derelict houses are located in the most densely populated areas of the City, and a focus was minimizing the impact to the neighbors by giving them appreciating values. One important incentive was that the demolition permit costs were waived. Councilmember Helgeson asked how much a permit for demolition cost. Mr. White answered that the amount varied based on the size of the structure, but was a few hundred dollars. Councilmember Helgeson asked if the City had ever resisted demolishing derelict houses. Mr. White replied that his position from Community Development was never that demolition is bad, but the goal is to have demolition with something to follow, and multiple tools and pathways for owners are a part of that. Councilmember Helgeson said that if there is a way to incentivize individuals to do so, it would be beneficial. Mr. White said that they would take lead from Council, as it is a separate ordinance, but it is true that there would be potential for costs and they should make sure they were not further negatively impacting those living next to these structures. Councilmember Helgeson asked if Mr. White could address the issue of clutter. Mr. White said that there was a state code change in 2021 that addressed specific items and gave an expansion of power on that item. Councilmember Faraldi asked if there was an appeals process in the proposal. Mr. White said that there was both an administrative appeals process

for nuisance and clutter, and an administrative and Council-appointed appeals body for building code issues.

Councilmember Faraldi asked if the owner had the ability to combat the administrative ruling in court. Mr. White said yes. Councilmember Faraldi asked if the notification would be communicated only by physical mail or if electronic means of communication could be used. Mr. White said that the requirement is that they post the property as well as take the time to mail it to the mailing address on file.

// In the matter of the Airport, Agenda Item #4, Council opened the bidding process for the Freedom Aviation Franchise Bid Opening and Acceptance. As a result of legal notice that was published in the *News & Advance* on March 24, 2022, and again on April 1, 2022 one bid was received on April 6, 2022 from Freedom Aviation. Mayor Dolan addressed the audience and asked if there were any additional bids offered; there were none and Mayor Dolan declared the bidding closed. Councilmember Helgeson said that Freedom Aviation had relation to Liberty University, and he must disclose that he is an adjunct professor at Liberty University, however he could participate in this discussion objectively and openly to cast a vote for or against this regarding this franchise. Councilmember Faraldi made a motion to accept the bid. The motion was seconded by Councilmember Helgeson, and the following vote was recorded:

Ayes: Nelson, Tweedy, Helgeson, Dolan, Wright, Wilder, Faraldi 7

Noes: 0

Mayor Dolan announced that there would be a public hearing at the April 26, 2022, at 7:30 p.m. in Council Chamber to hear from members of the public regarding the adoption of an ordinance granting the franchise to the successful bidder.

// In the matter of Animal Control, Agenda Item #5A, the Council was briefed on the Extreme Weather/Dogs in Cars Ordinance by Mr. Ryan Ball, Chief Animal Warden. The item will appear before City Council for action on May 10, 2022. On March 26, 2019 City Council approved §7-43, and subsequent amendments were requested to be made to the City ordinance due to 2020 Virginia legislation changes to the definition of “adequate shelter,” which added language requiring a windbreak at the entrance to a dog house in cold weather and properly shaded shelter in hot weather. The proposed ordinance also creates specific language that properly addresses the problem of animals left in vehicles during the summer heat, so that if it was 75°F or greater outside, it would be classified as a Class 4

misdemeanor, and a repeat offense would be classified as a Class 2 misdemeanor. The current terminology and classifications were inadequate to describe animals left in cars, so the ordinance provides animal control officers and police officers the ability to navigate the situation with discretion and communicate to the public that dogs should only be in the car when necessary and never should be left in cars. This ordinance did not affect transporting dogs in the bed of pickup trucks, but if that situation became unsafe, the charge of animal cruelty would apply.

Councilmember Faraldi asked about §3, which dealt with animals in cars. He asked if a cat would qualify in these scenarios for the intent of the ordinance and if it met the definition in actuality. Mr. Ball said that specifically included were dogs, but they could certainly change the language to encompass domesticated animals or pets. Councilmember Faraldi said that there was no exemption as he read the ordinance that allowed for a situation such as if the car was running or had “significant airflow” such as windows or sunroof being opened. Mr. Ball said that he would be amenable to including that information. Councilmember Faraldi said that he would specifically look for that when approving it in the future. He asked what the fines associated with Class 2 and Class 4 misdemeanors. Mr. Ball replied that Class 2 offered a \$1000 fine and jailtime, and Class 4 was up to a \$250 fine. Councilmember Faraldi asked if temperatures above 95°F were included in the ordinance under the information for doghouses in §C. Mr. Ball replied that for temperatures above 95°F, the dog was supposed to be brought indoors. Councilmember Faraldi asked if that information was contained in the associated materials. Mr. Ball said yes, it was contained under §B-2. Councilmember Faraldi said that the only item he would like to see would be an addition that gives exemption for airflow.

Mayor Dolan said that many people left their dog in the car with the air conditioning on, so language to acknowledge that would be helpful.

Councilmember Nelson asked what a windbreak for a doghouse was. Mr. Ball said that a windbreak was a plastic flap that covered the entrance.

// In the matter of Planning, Agenda Item #5b, Council was briefed on the Cornerstone Condominiums, 1240 Greenview Drive. The item will appear before City Council for action on May 10, 2022. Ms. Rachel Frischeisen, Planner II, summarized to Council that Cornerstone Professional Offices, LLC is petitioning for a CUP at 1213 Greenview Drive to allow three additional condominium units in the Cornerstone TND.

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The property is zoned R-1 Residential, and the future land use map of the comprehensive plan recommends it be a mixed-use area. The additional units would exceed the 600 multi-family units approved for the Cornerstone TND. The proposed buildings would contain commercial office space facing Greenview Drive, consisting of approximately 4,200 square feet, and a total of three residential units would be constructed on the upper levels of the building. The units were not expected to have an overall detrimental impact on the area, which is near a signalized intersection at Greenview Drive and Lighthouse Drive, and no additional curb cuts would be made onto Greenview Drive as a result of this development. The Technical Review Committee reviewed the petition on March 22, 2022 with no major comments of concern, and the Planning Commission recommended approval (5-1) with one vacancy of the CUP petition, and they recommended approval of the rezoning petition on April 13, 2022.

Councilmember Helgeson said that he was not in favor of the petition as presented, because it was missing the intent and codified requirements of the TND, which set the maximum limit of 600 condominiums. He mentioned that a recent proposal requesting the same type of exception for a different property was denied by the Council. He asked if the property could be removed from the Cornerstone TND. Ms. Frischeisen replied that from Council's perspective, that would be held as a public hearing, and from the TND perspective, it was unclear what it would mean to remove this block from Cornerstone. Councilmember Helgeson said that he did not wish to allow an excess of the maximum allowable units in the Cornerstone TND, so another solution would have to be presented before the item returned on May 10, 2022.

Councilmember Wilder asked if the Planning Commission expressed any concerns. Ms. Frischeisen said that one member dissented over the matter for the same reason that Councilmember Helgeson stated, which was that it was reaching above the maximum allowable units. There was discussion of what the allocation was of all the units and if there was flexibility of the unit ranges, but overall, there was not concern over adding the three units. Staff continued to view objectively from the perspective of if the matter negatively impacted the area, which it should not, however, if Council wishes to adhere to the maximum allowed amount of 1,000, that is within its right. Councilmember Wilder asked how many units were proposed in the petition recently denied by Council, mentioned by Councilmember Helgeson. Ms. Frischeisen said that it was 12 units.

Councilmember Helgeson asked if the current petition was equivalent or greater than 12 units. Ms. Frischeisen stated that there were three units, and the bottom floor was a commercial unit.

Councilmember Faraldi said that he agreed with Councilmember Helgeson that if it was across the street and clearly away from the TND, removing the block from the TND would be appropriate. He asked if there would be a legal implication if they approved amending the TND while having recently denied a similar project. Mr. Freedman replied that he would have to look into the matter with Community Development staff. Ms. Frischeisen said that the property had been described as a townhouse with commercial on the bottom, but from a zoning perspective, that would be viewed more as multi-family.

Councilmember Helgeson said that another solution could be sought rather than exceeding the regulations of the TND. Ms. Frischeisen said that they would discuss options with Mr. Freedman's office. // In the matter of Roll Call, Agenda Item #6, Councilmember Tweedy said that she had received complaints about the business that sat across from E.C. Glass and the Plaza, and she would provide more information later. City Manager Mr. Wynter C. Benda asked if it was the Dollar General. Councilmember Tweedy said yes.

Councilmember Faraldi said that last night, he attended the first community conversations with City schools at Sandusky Elementary regarding the facilities study, and the next one was the upcoming Monday at Linkhorne Elementary. He noted that the Lieutenant Governor was in Lynchburg on Friday, joining LU Serve, an event with Liberty students who cleaned up and tended to things around Lynchburg, to do some gardening work at the Boys and Girls Club. He said that Lynchburg firefighters are currently fundraising and have devoted an immeasurable amount of time to acquiring funds for the fire department.

Councilmember Wilder said that this past Saturday, Liberty University had over 1,200 students from the community representing various nonprofits and agencies that provided services to the community. He said that the City also has a group called the Strong Neighborhoods Alliance that was working in the community with an event called "Clean Your Block Party," which is a much appreciated effort that helped to make the entire community better. He said that he also attended a very informative session along with the Lieutenant Governor and Senator Kaine at the Lynchburg Water Resources Treatment Plant. He congratulated the University of Lynchburg for a program called "Lynchburg Tomorrow," a free leadership workshop offered to 10th-12th graders on May 4th.

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Vice Mayor Wright said that he offered his thanks to the City team that made the state of the City possible last week, the community members and Councilmembers who were able to attend last week, and to those who received the Mayor's Award for Excellence.

Mayor Dolan recognized the Lynchburg Sheriff's Office for their recent support for the citizens of Ukraine. The Sheriff's Office not only responded to a call to action to donate expired body armor to the Lift Up Ukraine Organization, but went beyond the line of duty to partner with Lift Up Ukraine to organize donation of the body armor for over 50 law enforcement agencies throughout the state. This protective gear has been now equipped in Ukraine as they protected their country. The Lynchburg Sheriff's Office not only demonstrates their desire to keep the citizens of Lynchburg safe on a daily basis, but answered the call to help and protect citizens around the world. She said that May 1st–7th was National Travel and Tourism Week, a time when travel and tourism professionals across the country united to celebrate the value that travel holds for their economy, businesses, and personal wellbeing. In 2020, the City of Lynchburg tourism jobs comprised 3,245 of their local employment, and the tourism industry drove \$18.9M in state and local revenues. During National Travel and Tourism Week, the Office of Economic Development and Tourism encouraged citizens to celebrate and thank restaurants, retail, attractions, and lodging partners that made an impact on their workforce, economy, and community. She noted that the Mayor's Youth Council is very busy this year working on a project, with the culmination being a mural painted across from the skate park, to be completed on Saturday. She thanked the Public Works Department for the help in orchestrating the project.

// The meeting was recessed at 5:31 p.m.

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

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,

Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Recognitions, Mayor Dolan proclaimed May 1, 2022 – May 7, 2022 as Drinking Water Week. Director of Water Resources Mr. Tim Mitchell was in attendance to accept.

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Mayor Dolan also proclaimed April 26, 2022 as Gary Christie Day in honor of the retirement of Mr. Gary Christie, Executive Director of Central Virginia Planning District Commission. Mr. Christie and wife Fran Christie were in attendance to accept.

Mayor Dolan presented Rev. Dr. Carl B. Hutcherson, Jr. with a Key to the City, recognizing his service to the City of Lynchburg. She also recognized his recent retirement as senior pastor of First Baptist Church of South Lynchburg and proclaimed April 26, 2022 as Rev. Dr. Carl B. Hutcherson, Jr. Day.

// In the matter of the Consent Agenda Item A, Council conducted a second reading and adopted Ordinance #O-22-024 releasing surplus funds received by the City from the delinquent tax sale of 1119 Wise Street to Robert L. Crews, Sr., the prior sole owner of that property. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// In the matter of the Consent Agenda Item B, Council conducted a second reading and adopted Resolution #R-22-029 appropriating \$50,000 of the FY 2023 Reserve for Contingencies for use by the City Manager. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// In the matter of the Consent Agenda Item C, copies of the minutes of the February 4, 2022 meeting have been previously furnished to Council. Councilmember Faraldi stated he would be abstaining from the vote due to his absence from this meeting. On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder	6
Noes:	0
Abstain: Faraldi	1

// In the matter of the Consent Agenda Item D, copies of the minutes of the February 8, 2022 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Agenda Item #7, a public hearing was held and Council received citizen input regarding appointments to vacancies that will exist June 30, 2022, in School Board Districts I, II, and III. Mayor Dolan read the names of the citizens who had volunteered to serve on the School Board and the School Districts in which they lived: School District 1 had Mr. James Porter, Mr. Clifton Reed, Ms. Ashley Reich, Ms. Brandy Gibbs, Mr. Anthony Andrews, Ms. Mary Wieberg, Dr. Justin Hensley, Mr. Elliot Clifton, and Ms. Marianne Criswell. School District 2 had Dr. Veronica McCue, Ms. Letitia Lowery, Dr. Martin Day, Ms. Erin Cruz, and Ms. Charleta Mason. School District 3 had Dr. Jason Fleshman, Mr. John Miska, Mr. Gary Woodson, and Mr. Steven Smith.

Mayor Dolan opened the floor to any candidates who would like to speak at tonight's public hearing.

Dr. Martin Day, nominee for School District 2, spoke before the Council.

Ms. Letitia Lowery, nominee for School District 2, spoke before the Council.

Mr. James Porter, nominee for School District 1, spoke before the Council.

Dr. Veronica McCue, nominee for School District 2, spoke before the Council.

Ms. Brandy Gibbs, nominee for School District 1, spoke before the Council.

Ms. Erin Cruz, nominee for School District 2, spoke before the Council.

Dr. Jason Fleshman, nominee for School District 3, spoke before the Council.

Dr. Justin Hensley, nominee for School District 1, spoke before the Council.

Mr. Clifton Reed, nominee for School District 1, spoke before the Council.

Mr. Steven Smith, nominee for School District 3, spoke before the Council.

Ms. Charleta Mason, nominee for School District 2, spoke before the Council.

Mayor Dolan opened the floor to any citizens present who would like to comment upon any name that had been submitted, or offer additional names for consideration.

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Ms. Susan D. Morrison, School Board Member, spoke in favor of Anthony Andrews for School District 1.

Mr. Andrew Glover spoke about the need to appoint members who will listen to parents.

Clerk of Council Ms. Alicia L. Finney read Mr. Anthony Andrews' emailed statement into the record which spoke to his qualifications to perform as a School Board member.

Councilmember Helgeson made a motion to keep the public hearing open until May 10, 2022, seconded by Councilmember Faraldi, and with no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

Mayor Dolan stated that the public hearing would remain open until May 10, 2022.

// In the matter of Budget, Agenda Item #8, a public hearing was held and Council considered a Resolution #R-22-032 amending the FY2022 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY2022 Third Quarter Detail by Fund. The Council was previously briefed on this matter at the April 12, 2022 work session Business Item briefing. Ms. Donna Witt, Chief Financial Officer, gave an overview to Council. The third quarter adjustments were needed prior to the end of the fiscal year and represented multiple funds, and since that presentation, three changes had been made to Attachment A regarding the General Fund, with two items being removed in regard to the Registrar's Office because they were no longer needed and one \$7,000 item added to the Attorney General's Office for temporary staff.

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

Vice Mayor Wright made a motion to adopt the Resolution, seconded by Councilmember Wilder.

Vice Mayor Wright stated that line item information for the budget could be accessed on the City Council webpage.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Airport, Agenda Item #9, a public hearing was held and Council considered approving an Ordinance #O-22-033 granting a franchise to Freedom Aviation, Inc., to construct, manage, and operate a new aircraft maintenance/storage hangar and office facility. The Council was previously briefed on this matter at the March 22, 2022 City Council work session Business Item briefing, and the Lynchburg Regional Airport Commission formally recommended adoption on April 18, 2022.

Councilmember Helgeson said that while he was unsure of the relationship between Freedom Aviation and Liberty University, he would disclose his status as an adjunct professor of finance at Liberty University, but believed that he could participate in this matter fairly, objectively, and in the public interest.

Mr. Andrew La Gala, Airport Director, stated that Freedom Aviation has been operating as a fixed base operator (FBO) and tenant at Lynchburg Regional Airport (LYH) since acquiring Falwell Aviation in 2011. In 2014, Freedom Aviation purchased the airport's other FBO, Virginia Aviation, and was subsequently awarded a separate lease by City Council effective October 1, 2015. Since that time, Freedom Aviation has operated under two separate agreements: the original 20-year, six-month Falwell Aviation franchise agreement with an expiration of December 2027 and a revised Virginia Aviation lease set to expire in June 2023. Consequently, in order to consolidate its operations and to accommodate growing demand for its aviation services, Freedom Aviation desires to expand its aeronautical facilities through the construction of a new 19,600 square-foot aircraft hangar at LYH, while combining its current facilities contained in its two existing agreements under one franchise ordinance. This franchise consists of two terms; Term One is 20-year, six months for certain facilities (shown in the presentation) and Term Two is for five years with a five-year option for the remaining facilities. Based on the terms proposed under the franchise, Virginia law requires advertising for bids and a public hearing before voting on whether to adopt the franchise and grant proposed.

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 Faraldi made a motion to adopt the Ordinance, seconded by Councilmember Helgeson.

Councilmember Nelson said that extensive discussions and analysis of the facilities and operations at the airport had been going on for the past six years, with the result of a lease and franchise

that was now expiring, and the lessons of what could be done with the airport were reflected in the expiring lease and franchise and injected into the new arrangement. He said that he was pleased to support this.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Public Comment, the Council heard from a group representative, Dr. John Vassar, Jr. of the Oasis Special Needs Parents Support Group, addressed the City Council. It came to the attention of the group that the upcoming Lynchburg City budget had a reduction of 25% of funding for special needs education in relation to the proposed funding level for other students. They noted that special education, in addition to being a federal mandate, was meant to execute programs that allowed students to become productive, taxpaying citizens. His wife is a corporate CEO who served in the education market space, and recently toured their local special education facilities. She was quite disappointed at the apparent lack of resources and dismal atmosphere despite the heroic efforts of the staff and faculty. There was a significant budget surplus that could easily cover the shortfall with minimal reduction to the surplus. He noted that they were on the verge of an unavoidable economic downturn, and if they remembered the collapse of City tax revenue during 1930-1933, the budget surplus should be used to finance the City during the next recession.

// In the matter of the Police Department, Agenda Item #10, the Council considered adopting an Ordinance #O-22-034 approving the comprehensive agreement for the design and construction of a new police headquarters and to approve the acquisition of property. The Council was previously briefed on this matter at the March 8, 2022 City Council public hearing on the PPEA proposals received for the project. Mr. Ryan Zuidema, Chief of Police, gave a brief overview to staff. After thorough negotiation, the form of the final negotiated comprehensive agreement was posted to the City's website for public inspection and review on April 19, 2022. The comprehensive agreement is ready for review and approval by the City Council, but will not be signed until the associated posting requirement is satisfied.

Vice Mayor Wright said that the contract contained a contingency amount of \$1.75M, and anything remaining from that contingency would be split on a 70/30 basis with English retaining. He asked

if that was customary in agreements such as this for a contingency amount to not come back to the sponsoring entity but to be split in such a manner. Mr. Zuidema said that he would defer to Mr. Freedman or Mr. Benda for that information, but there were negotiations contained within the documents that led to that agreement. Mr. Benda said that usually, the agreement was a 50/50 split, but in these negotiations, the projected costs associated had increased, so for English that split allowed for them to continue. Vice Mayor Wright asked if any of the money was expected to remain at the end of the process. Mr. Benda answered no.

Councilmember Faraldi made a motion to adopt the Ordinance #O-22-034, seconded by Councilmember Wilder.

City Attorney Mr. Matthew C. Freedman clarified that the motion was the adoption of the Ordinance before the City Council, titled "An uncodified ordinance to approve a comprehensive agreement for the design and construction of a new police headquarters building, authorize the acquisition of related real property, and authorize other actions related to such comprehensive agreement."

Councilmember Helgeson said that it was also approving approximately \$47M in funding, which he was glad to support to build this much-needed facility. He asked what the construction timeline was expected to be. Chief Zuidema answered that the most recent schedule provided by English Construction Company estimated their date to occupy the building was September 2024.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the FY 2023 Budget, Agenda Item #11A, the Council considered adoption of an Ordinance #O-22-035a approving a method for returning surplus real estate tax revenues to taxpayers during the 2023 fiscal year.

Councilmember Helgeson asked if the language of the ordinance separated the 2-cent tax rebate as one vote; City Manager Mr. Wynter C. Benda stated that was correct.

Councilmember Faraldi asked City Attorney Mr. Matthew C. Freedman how necessary was the language for Item 1 that referenced a specific dollar amount of \$2.6. Mr. Freedman answered that the

statute required the establishment that a surplus existed in the appropriate fiscal year that it was issued, so it was necessary to state the actual surplus amount when doing the return of a portion of the surplus revenues at issue. Councilmember Faraldi said he was attempting to understand if \$2.6M was the surplus, but \$4.8M was the overall increase, where that fell. Chief Financial Officer Ms. Donna Witt answered that they were in the same years, and the \$2.6M was the additional amount budgeted for uncollectable real estate tax that must be attached to real estate tax as a surplus. They did not count on that additional uncollectable being available to the budget, so it could therefore be considered a surplus. The \$4.8M was in FY2022 and was to equalize the tax rate.

Councilmember Faraldi made a motion to approve the Ordinance #O-22-025a, seconded by Councilmember Wilder.

Councilmember Helgeson said that he was glad to see this item come forward and stated his support.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the FY 2023 Budget, Agenda Item #11B, the Council conducted a second reading and adopted Resolution #R-22-025 appropriating the FY2023 General Fund Operating Budget (excluding Discretionary External Service Providers).

Councilmember Tweedy made a motion to approve the Resolution #R-22-025, seconded by Councilmember Wilder.

Councilmember Faraldi said that there were multiple items he supported in the general fund, including increases in firefighter and EMS pay to \$40,000, and he would have liked to see the cost-of-living adjustment be targeted more towards those frontline workers. He reiterated that funds were not being properly allocated within the school system, which was an issue that rested with the School Board and had been difficult to manage. He voiced his support of the general fund budget because of the many positive things it would accomplish, noting that the budget as a whole failed to address the \$4.8M increase from the previous year, an issue that could be addressed with the federal funds available through the CIP.

Councilmember Helgeson said that he could not support this item due to the many opportunities presented to create a balanced budget for the taxpayers and the needs of the City, which were not included in this proposed budget.

Mayor Dolan said that the budget allowed them to do what was needed to advance their first responders, employees, citizens, and infrastructure. They needed to continue to invest in the City if they wanted it to be relevant and grow, which was why she would support this budget.

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

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi 6

Noes: Helgeson 1

// In the matter of the FY 2023 Budget, Agenda Item #11C, the Council conducted a second reading and adopted a Resolution #R-22-026 appropriating the FY2023 Discretionary External Service Providers Budget.

Vice Mayor Wright made a motion to adopt the Resolution #R-22-026, seconded by Councilmember Nelson.

Vice Mayor Wright stated that his support of the Virginia Legal Aid Society and the critical role the organization had in the legal system of the City was one of the reasons he was especially supportive of this Resolution.

Councilmember Nelson stated that he supported the lawyers who donated their time to legally represent citizens in order to help them navigate what could be a difficult legal system, especially to those who were unfamiliar with it.

Councilmember Helgeson said that Legal Aid assisted a citizen in suing the City's police officers for discrimination and violation of constitutional rights relating to assisting in the repossession of the citizen's vehicle, and he did not agree with funding an organization that would sue the taxpayers or the police department.

Councilmember Nelson said that while he was precluded from commenting on information he received in a closed session, the characterization of a high-profile case was not factually accurate. He explained that some of the oversights and omissions in that high-profile case were subsequently

discussed, and communication procedures and policies were changed with Legal Aid so that it would not happen again.

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

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of the FY 2023 Budget, Agenda Item #11D, Council conducted a second reading and adopted Resolution #R-22-027 approving FY2023 Operating Fund Budgets for all other funds and appropriating the sums of each fund.

Vice Mayor Wright made a motion to adopt the Resolution #R-22-027, seconded by Councilmember Wilder, and with no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of the FY 2023 Budget, Agenda Item #11E, Council conducted a second reading and adopted Resolution #R-22-028 approving the FY2023 - FY2027 Capital Improvement Program.

Councilmember Wilder made a motion to adopt the Resolution #R-22-028, seconded by Vice Mayor Wright.

Councilmember. Wilder said that he supported this because of the several sessions held discussing the long-term strategy to ensure citizens had infrastructure and facilities that were needed, which had been stated to be hundreds of millions of dollars in repairs and renovations. The strategic funding to support their capital needs and ensure their City maintained a good bond rating and their citizens maintained a good quality of life.

Councilmember Helgeson said that it would have been more beneficial to take ARPA funds to apply it to the police headquarters project because it would lower the debt service to be paid, and would be one project paid for rather than the numerous projects included in the capital improvement plan that had not been discussed previously as funded projects, yet were now included as yearly funded projects. He reiterated his desire for fiscal restraint and utilization of budgetary priorities. Mayor Dolan asked Councilmember Helgeson to speak in less generalities about the projects and to be more specific in his comments, as each item in the CIP had been previously discussed. Councilmember Helgeson mentioned

one in particular was the \$4M put towards the park in the floodplain, which was mentioned in the 2040 plan, but now was moved into the top projects included. He would rather debate and prioritize the items not at the expense of the money that could be used towards the police headquarters, so debt would not need to be financed in the following years. Mayor Dolan replied that many of these items were included so that all of the neighborhoods were being invested in by the City.

Councilmember Faraldi said that City Council would be failing to reconcile an unnecessary \$4.8M tax increase from last year. A 2-cent property tax credit was being applied in part to correct this, after much conversation and debate.

Councilmember Helgeson asked City Manager Mr. Wynter C. Benda if the fuel reserve amount was at zero. Mr. Benda said no; it was \$300,000 to begin with, and the increase would have been \$200,000 more. Councilmember Helgeson said that that reserve was eliminated to be spent, as well as multiple other reserves to be spent on this budget, which he did not find fiscally prudent when it could have been given back to the taxpayers rather than spent.

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

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// The meeting adjourned at 9:25 p.m.

Clerk of Council