// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of March 2024, at 4:00 p.m. in 2nd Floor Training Room, City Hall, Stephanie Reed, 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

// In the matter of Finance, Agenda Item #1, Council was briefed on a bond refunding resolution concerning the issuance of not to exceed $76,950,000 General Obligation Public Improvement Refunding Bonds, Series 2024. This item will appear for City Council vote on the March 26, 2024 General Business agenda. Chief Financial Officer Donna Witt provided a summary of the item. The City's financial advisors have reviewed the City's bond portfolio and believe there is a refunding opportunity associated with the Series 2014 bonds. This refunding is estimated to result in approximately $6 million in net savings over the life of the bonds. Savings would be allocated between the General, Water and Sewer Funds as appropriate.

This refunding is in alignment with the City's "Refinancing Debt Policy" which states "a refunding transaction to achieve debt service savings should only be undertaken when the net present value of the savings, net of issuance costs, will be at least 3% of the principal amount of the refunded bonds". The City's financial advisors estimate that the net present value of the savings will be in compliance with this policy.

The following is a summary of the proposed cost of issuance:

Costs of Issuance	**Amount**
Bond Counsel	$60,000
Bond Ratings	$156,000
Financial Advisor	$189,329
Verification Services	$5,000
Escrow Services	$5,000
CUSIPS	$1,105
OS Preparation/Distribution	$1,600
Miscellaneous	$31,966
Total	**$450,000**

// In the matter of the Fire Department, Agenda Item #2, Council was briefed on the Adoption of the Revised Emergency Operations Plan. Fire Chief Gregory Wormser provided a summary of the item. The City's current Emergency Operations Plan (EOP) was originally adopted by City Council on April 23, 2020. It was revised and adopted on February 14, 2012, January 26, 2016, and January 28, 2020. The City is required to revise and adopt the plan every four years. Overall, the plan has served the City well through numerous planned and unplanned events. The proposed EOP is an incorporation of best practices from the previous plan, input from the Emergency Policy Team, Emergency Support Functions (ESFs), and Fire Department staff. The most noteworthy changes include:

- Transition of Emergency Management responsibilities from Emergency Services to Fire Department
- Greater emphasis on provisions to ensure that the plan is applied equitably and that the

  needs of minority and vulnerable communities are met during emergencies
- Greater emphasis on management of potential cybersecurity incidents
- Additional policies and information as a result of lessons learned since update in 2020

Councilmember Helgeson asked what would dictate the duration of the emergency operations plan during an emergency event. Chief Wormser replied that the decision would ultimately rest with the City Manager and City Council.

Councilmember Misjuns asked for a version of the EOP that outlined the changes made from the previous EOP. He asked if there were any changes to the public health portion of the plan. Chief Wormser said no; there were no substantive changes to the response to public health. He explained that it did not direct how to respond, but directed what ESFs would respond and which personnel would be notified when there was a public health emergency.

Councilmember Taylor asked for clarification regarding the radio system mentioned in the plan. Chief Wormser answered that one of the additions to the plan was to redistribute radios as needed during an operation, especially if they had to call in resources from outside of the City.

// In the matter of Planning, Agenda Item #3, Council was briefed on Rezoning: B-3C, Community Business District (Conditional to B-5C, General Business District (Conditional) – 2820, 2840, 2842, 2844 Linkhorne Drive. This item will appear for City Council vote on the April 9, 2024 Public Hearing agenda. City Planner Rachel Frischeisen provided a summary of the item. Swintstorage Conversion Fund, LLC is petitioning to rezone six and thirteen hundredths (6.13) acres located at 2820, 2840, 2842, and 2844 Linkhorne Drive from B-3C, Community Business District(Conditional) to B-5C, General Business District (Conditional) to allow a portion of the existing shopping center to be used for storage units. The petitioner has voluntarily submitted proffers which limit the area that would be used for storage units and state that non-metal exterior finishes are to be used on the self-storage buildings. During the 2019 rezoning, several issues related to stormwater were identified. Proffers from the 2019 rezoning related to stormwater are proposed to be carried forward with this rezoning.

Councilmember Helgeson asked what staff's perspective was regarding the potential effects the change in zoning from B-3 to B-5 may have on the surrounding area. Ms. Frischeisen replied that staff had prioritized maintaining the retail presence and existing uses. She said that it was reflected in the proffers that the proposed use was limited to only storage and only in certain areas. Councilmember Helgeson asked if the entire B-3 portion would be rezoned to B-5. Ms. Frischeisen clarified that it was only the B-3(C) portion that would be rezoned to B-5(C). Councilmember Helgeson said that he did not view the storage units as being beneficial to the community. Ms. Frischeisen noted that the applicant had sent out letters to adjoining property owners and hosted a community meeting, which had resulted in positive feedback regarding the reutilization of the shopping center.

Vice Mayor Faraldi asked City Attorney Matthew Freedman if it was correct that Council must find an itemized reason as articulated in state code in order to deny a permit such as the proposed rezoning. Mr. Freedman said yes, zoning decisions primarily considered the health, safety, and welfare of the community, and the reasons must be enunciated and be lawfully reliable. Vice Mayor Faraldi noted that the success of the proposed rezoning would depend on if it was designed appropriately for the neighborhood.

Councilmember Dolan asked if the existing building on the site would be demolished. Ms. Frischeisen said no. She said that the applicant had proposed to use the existing space, and would be designing it so that access to the storage units would be internal.

Councilmember Helgeson said that the petitioner must present good reason for the rezoning request to be approved, and it was not the City's job to do so. He asked if the comprehensive plan called for this property to be zoned as B-5. Ms. Frischeisen replied that the Future Land Use Map (FLUM) indicated commercial, but not specifically B-3 or B-5, so that specification was the Council's decision. Mr. Freedman said that while the applicant should present good reason for the change, Council could not deny the rezoning without a lawful reason.

Mayor Reed asked how many vacant shops were in the shopping center. Ms. Frischeisen said that she understood the center was mostly occupied, and some residents at the community meeting had expressed that they wanted to see some of those uses stay and to accommodate some of the spaces that would be replaced with storage units by moving them elsewhere on the property.

// In the matter of Public Works, Agenda Item #4, Council was briefed on the Flag Display Resolution. Director of Public Works Gaynelle Hart provided a summary of the item. Our current practices for flying flags at city buildings are outlined below:

- Flags are handled by various departments depending on the location of the flag pole.
- Damaged flags are taken to the American Legion for proper disposal.
- Flags are purchased from a local flag shop when they need to be replaced.

- Departments or the City Manager's office receive Governors flag notification to lower the flag.

The proposed resolution will:

- Provide a list of flags permitted to be flown at city buildings.
- Encourage the City Manager or his designee to establish policies and procedures for proper
flag displays.
- Ensure flags at city buildings/facilities are flown in accordance with State and Federal law.

Councilmember Dolan said that a citizen had brought forth a concern, which questioned how the City would address a flag celebrating a future president that was approved as an official flag to be displayed, or if a government-sanctioned flag displayed a message that demeans someone. Vice Mayor Faraldi said that considering the United States Flag was an act of Congress, it would likely have to be more robust than a presidential candidate. Mr. Freedman said that the Vice Mayor was correct. He said that the United States Flag was covered by congressional acts in the U.S. Code. He said that regardless of how a new flag may be adopted into law, the City would have to account for that in the Flag Display Resolution and the City’s policies.

Councilmember Misjuns requested that the Flags of the Armed Forces of the United States be added to the list of flags permitted. He asked for clarification regarding the language of the resolution, which stated that the flags shall be flown, but not that they were permitted. Mr. Freedman said that the reason for that language was to make clear that the City as an entity is required to fly these flags, and to standardize what flags the City would fly in accordance with state and federal law. He said that staff would return with information regarding the inclusion of the Flags of the Armed Forces. Councilmember Misjuns said that he would be in favor of prohibiting nongovernmental flags from being flown. Mr. Freedman said that he would recommend the Council avoid prohibiting specific flags within this Resolution, in order to retain the intent of referring to the City as an entity.

Councilmember Dolan asked if the language as presented would require the City to fly the flags. Mr. Freedman said that his understanding was that by using the term “shall,” it allowed the City to fly the flags listed, but changing “shall” to “may” created ambiguity in the language that he did not recommend. Councilmember Dolan said that perhaps the language should state that if they were going to fly a flag, the listed flags would be allowed.

Councilmember Helgeson said that his suggestion would be to state that the listed flags were permitted to be flown on City property, rather than to state that they shall be flown. He asked if department flags were necessary. Mr. Benda said that the department flags included those of the police and fire departments, which were helpful in terms of branding.

Mayor Reed said that there was consensus from the Board to change the phrasing from “shall” to “permitted” and to include the Flags of the Armed Forces and the Freedom Flag which commemorates 9/11. Mr. Benda said that staff would distribute information regarding the official Flag of the City of Lynchburg.

// In the matter of Budget, Agenda #5, Council heard a follow-up presentation regarding the FY 2025 – 2029 Capital Improvement Program – City and Schools, presented by Chief Financial Officer Donna Witt, who provided information and clarifications regarding questions that were asked at the previous budget work session.

Councilmember Helgeson asked if the federal funding for Bedford Avenue Bridge was specific to that project. Ms. Witt said that was correct. Councilmember Helgeson asked if there had been any work performed or if they must wait until they appropriate funds in 2026. Ms. Witt said that there were prior appropriations for the state of good repair funding, so the design work was ongoing. Councilmember Helgeson asked if work would be able to be completed if there was an imminent need for stabilization of the bridge. Deputy City Manager Greg Patrick said that there was a rating system for bridges, and if there was a need to immediately stabilize the bridge, they would do so. Ms. Witt clarified that it was structured so that they would spend the outside funding before the local funding.

Councilmember Taylor asked if there was any funding for railroads. Ms. Witt said that there was none to her knowledge.

Vice Mayor Faraldi asked whether the funds for the Nationwide Drive roundabout project could be repurposed to other projects where they may have a greater need. He said that he did not want to move forward with the project if it was 100% local funded.

Councilmember Dolan asked for information about the crash data at the Nationwide Drive intersection. Director of Public Works Gaynelle Hart said that they did not pull accident data for the intersection, but there were several near misses. She said that since it was a four-way stop, many drivers did not know what to do. Ms. Hart said that the roundabout project was funded through City money, but they may have an opportunity to apply for revenue sharing.

Councilmember Misjuns said that they should always be presented accident data when reviewing intersection projects. He said that traffic safety should be the guiding principle for project decisions. He asked what the cost difference was for a signalized intersection versus a roundabout. Ms. Hart said that capital investment was generally less for a traffic signal, but there were associated costs of maintenance. She said that roundabouts were a VDOT-approved and recommended solution for similar intersections. She said that she did not have an exact cost comparison, but there were many advantages beyond safety for roundabouts.

Mayor Reed said that it would be helpful to review the traffic data and consider smaller alternative options. Ms. Hart said that on average, for a similar intersection, the cost of signalization was about $350,000. She said that they had done a lot of community engagement to educate people on driving in roundabouts. She said that it was the most efficient and the safest solution, but she understood the frustration regarding people not knowing how to use them properly.

Vice Mayor Faraldi requested information regarding what the funds could be used for if the project was removed. Mr. Benda noted that the project was scheduled for FY 29 and asked whether Council wanted to accelerate the project to 2025. Vice Mayor Faraldi said that he wanted to consider options, but he would rather leave the intersection as-is and find another use for the debt capacity or provide tax relief to residents.

Vice Mayor Faraldi asked why they were waiting to complete the Timberlake Road project. Ms. Hart said that it was a maintenance project to perform deep deck repairs on the bridge. Vice Mayor Faraldi asked why they were waiting until FY 29 to perform the maintenance given the projects in the development pipeline. Ms. Hart said that it was a funding and staffing capacity issue. Ms. Hart noted that the bridge was in good condition and did not necessitate immediate maintenance. She said that they had recently completed a five-year bridge condition report which guided their CIP, along with funding and staffing.

Councilmember Misjuns asked if they had considered widening Timberlake Road. Ms. Hart said that they had not considered it, but there were scheduled improvements to the road in FY 30 and beyond. She said that they could consider widening, but it would be expensive. She said that they had completed a safety study of Timberlake Road and identified numerous projects to undertake.

Vice Mayor Faraldi said that if the ADA improvements for the City Stadium visitors' side project were not mandated, then the funding should be pulled and the project scope changed. Parks and Recreation Director Mr. Wyatt Woody said that the ADA improvements were not required, but they were aiming to make the visitors' side equitable to the home side. He said that if they did do improvements, they would have to follow additional ADA requirements, such as an access ramp. Vice Mayor Faraldi said that they should consider funding the ramp and nothing else. Mr. Benda said that the stadium was used for graduations and other events, so it was a revenue generator. He said staff would provide cost options for the project in the later years.

Vice Mayor Faraldi asked what the $30 million for Timberlake Road improvements would entail. Ms. Hart said that it would involve restricting U-turns and crossover availability, along with turn lane improvements. She said they would possibly be able to use revenue sharing on some of the improvements.

Mayor Reed asked if Council would consider reincluding the Bluffwalk Lights Hardware project in the CIP since it served as a revenue generator for businesses in the area.

// In the matter of Roll Call, Councilmember Misjuns said he wanted to thank the City Manager who helped a concerned member of the community get their trashcan delivered.

Vice Mayor Faraldi said there was an issue regarding Papa John's trash on Enterprise Drive, and multiple citizens had complained to him regarding the issue. He asked if staff could find out what was happening. He said that he had been approached by multiple people with concerns about two stories in the surrounding area regarding people who were in the state illegally and engaging in criminal activity. He said he wanted to know the City's policies regarding immigration and what the City's law enforcement practice has been regarding engaging the issue.

Mayor Reed recognized the work and contributions to the City of the Public Works Department. She congratulated the LCA Girls Varsity Basketball team for winning the VHSL State Championship. She announced that the YWCA was hosting a domestic violence awareness event at EC Glass High School on March 28 at 7 p.m. She said that it was MS Awareness Month, and she wanted to acknowledge its significance. She said that the month served as a pivotal opportunity to raise awareness of MS, which affected millions of people. She said that through education and advocacy, they can foster understanding and support for those living with MS, as well as for their families and care givers. She said that by recognizing the challenges they face and the resilience they demonstrated daily, they could contribute to a more supportive and inclusive society.

Councilmember Misjuns announced that the New Covenants Boys Basketball team won its state championship.

// On the motion of Councilmember Wilder, seconded by Councilmember Misjuns, Council elected to hold a closed meeting to receive legal advice and information regarding the term of a member of a board or commission, pursuant to sections § 2.2-3711 (A)(1) and § 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended.

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

Ayes: Reed, Faraldi, Dolan, Misjuns, Taylor, Wilder	6
Noes:	0
Absent: Helgeson	1

// The meeting was reopened to the public.

// Councilmember Wilder 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 Dolan, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

Absent: Helgeson 1

// The meeting recessed at 6:36 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of March, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

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

Absent: 0

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

// In the matter of the Agenda, Mayor Reed stated that Item #8 under General Business would be removed. City Attorney Matthew Freedman explained that the Office of Procurement Director brought some changes to his attention, so he suggested deferring the matter so that the corrections could be made.

Vice Mayor Faraldi requested to add Kimberly Dyke-Harsley to Public Comment. There was a consensus from Council.

// In the matter of the Consent Agenda, Agenda Item #1, a second reading was conducted and Council adopted Resolution #R-24-014 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating $189,985 from the Virginia Department of Forestry for tree maintenance and planting. Councilmember Dolan motioned, seconded by Councilmember Wilder, to approve the resolution.

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

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

Noes: 0

// In the matter of Planning and Zoning, Agenda Item #2, Council held a public hearing in consideration of adopting Resolution #R-24-016 amending the Future Land Use Map (FLUM) from Resource Conservation to Community Commercial and adopting Ordinance #O-24-017 changing a certain area located at 6201 Fort Avenue from I-2, Light Industrial District to B-3, Community Business District. City Planner Rachel Frischeisen provided a summary of the request to Council. Watan Holdings, LLC is petitioning to amend the Future Land Use Map from Resource Conservation to Community Commercial and to rezone approximately eight hundred ninety-two thousandths (0.892) of an acre located at 6201 Fort Avenue from I-2, Light Industrial District to B-3, Community Business District to allow the use of an existing structure as a restaurant.

The property has been used commercially since at least 1978 and has previously been used as a restaurant several times. Those restaurants were considered "legally nonconforming" as restaurants are not permitted in the I-2, Light Industrial District. Since more than two (2) years have passed since the most recent use as a restaurant, the nonconforming status has lapsed and rezoning would be required to use this property as a restaurant.

Thomas Brooks Sr., representing Acres of Virginia Inc, presented on behalf of the petitioner, Watan Holdings LLC.

Beth White, speaking in support of the request, said that there had not been a successful restaurant in that location since Golden Corral left, and the City should give the business the opportunity to be successful.

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

Councilmember Helgeson motioned, seconded by Councilmember Dolan, to adopt Resolution #R-24-016, amending the FLUM.

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

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

Councilmember Helgeson motioned, seconded by Councilmember Taylor, to adopt Ordinance #O-24-017, amending the zoning from I-2, Light Industrial District, to B-3, Community Business District.

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

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

Noes: 0

// In the matter of Public Comment, Agenda Item #3, Citizen Jo Meadows addressed Council regarding the public comment policy. He said that last month, Council denied two speakers from making comments regarding the ongoing war in Palestine. He said that the motive for denying the speakers was not relevant to the City, and the behavior showed a clear bias of Council. He said that towns and cities across the US had approved resolutions calling for a ceasefire in Gaza, and the citizens of Lynchburg had the right to do the same. He requested that Council consider a resolution supporting a ceasefire.

// In the matter of Public Comment, Agenda Item #4, Citizen Margaret Johnson was not present.

// In the matter of Public Comment, Agenda Item #5, Citizen Keely Meadows addressed Council regarding the Lynchburg taxpayer's money and where it goes. She said that while Council refused to let two speakers make public comment regarding the war in Palestine, a City official made public social media posts containing hashtags in support of Israel in the war. She said that a local group was formed, Lynchburg for Palestine, and its membership was growing. She said that councilmembers would not stand unopposed as they misrepresented the community, and she called for an immediate ceasefire in Gaza.

// In the matter of Public Comment, Agenda Item #6, Citizen Penny Page addressed Council regarding School Board appointments. She requested that Council remove members of the School Board on the grounds that members of the School Board had shown an inability to regulate their emotions, making them incapable of performing their duties. She said that the School Board had abandoned its obligation to manage funds responsibly by refusing a $10 thousand grant for LGBTQ students without following proper procedures. She said that School Board member Christian DePaul was fostering and facilitating an unsafe environment for students, and the most appropriate action was to remove such members from the School Board.

// In the matter Public Comment, Item Not on the Agenda, Citizen Kimberly Dyke-Harsley addressed Council regarding Women's History Month, and she thanked the women in City leadership.

// In the matter of the Budget, Agenda Item #7, Council received its first presentation on the FY 2025 Budget from City Manager Wynter Benda.

// The meeting adjourned at 7:36 p.m.

____

Clerk of Council