// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of April, 2024, at 4:00 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

// In the matter of Community Development, Agenda Item #1, Council was briefed regarding Revenue Sharing for Solar and Energy Storage Facilities. Mayor Reed stated that the item would appear before Council for action on May 14, 2024. Community Development Director Tom Martin briefed Council. The City currently has two (2) battery energy storage facilities in the review process for development - one at 3920 Harbor Street / 109 Old Trents Ferry Road and the other at 3920 Carroll Avenue. The Code of Virginia § 58.1-3660 provides that energy storage facilities shall be assessed at eighty (80) percent of the assessed value in the first five (5) years of service, seventy (70) percent of the assessed value in the second five (5) years in service and sixty (60) percent of the assessed value for all remaining years of service. The reduction in assessed value would apply to the City's Machinery & Tools Tax or, if applicable, the State Corporation Commission (SCC) Assessment.

In lieu of the reduced Machinery & Tools Tax, Code of Virginia § 58.1-2636 provides that a locality may, by ordinance, assess a revenue share of up to fourteen hundred dollars ($1400) per megawatt of the energy storage facility. This assessment would increase on July 1, 2026 and every five years thereafter by ten (10) percent. This revenue share agreement would remain in place for the life of the facility regardless of ownership.

If the City adopts the proposed Revenue Sharing Ordinance, the City's Machinery & Tools Tax would no longer be applicable to Solar or Energy Storage Facilities.

// In the matter of Planning, Agenda Item #2, Council was briefed regarding Rezoning: B-5, General Business District; B-5C, General Business District (Conditional); and I-2, Light Industrial

District to B-5C, General Business District (Conditional) - 2731, 2735 & 2739 Wards Road. Mayor Reed stated that the item would appear before Council for action on May 14, 2024. City Planner Rachel Frischeisen briefed Council on the request. Wards Road Development, LLC, is petitioning to rezone approximately two and three tenths (2.3) acres 2731, 2735, & 2739 Wards Road from I-2, Light Industrial District, B-5, General Business District, and B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional). The purpose of the petition is to allow for a gas station with a convenience store and a light auto repair facility.

A left turn taper, right turn taper, and medians are proposed to be installed in Wards Road. These improvements have been proffered by the petitioner and are consistent with the initiatives outlined in the traffic study currently being prepared by the Virginia Department of Transportation (VDOT). The four existing entrances on Wards Road will be consolidated into one entrance.

The proposed rezoning should have limited impact on the area and would fit in with the zoning of the surrounding properties. The proposed uses are similar in nature to those that have been previously located on the site. The proffered improvements to Wards Road should mitigate traffic impacts and improve safety in the corridor.

// In the matter of the School Board, Agenda Item #3, Council was briefed regarding the 2024 School Board Appointment Process. Clerk of Council Alicia Finney briefed Council on the process.

Outlined below is the proposed schedule:

- May 14, 2024 - Conduct a public hearing to receive citizen input regarding potential candidates
- May 28, 2024 - Continuation of a public hearing to receive citizen input regarding potential candidates. At the close of the public hearing and while remaining in open session, Council will review and discuss applications filed with the Clerk of Council to determine those individuals to interview.

- June 11, 2024 - Finalization of choosing candidates during General Business
- June 12 - June 24, 2024 - Hold a slate of special meetings for the purpose of conducting interviews with candidates. These will be live-streamed as well as open to the public.
- June 25, 2024 - City Council will discuss candidates during General Business and appoint three members to the School Board for new terms commencing July 1, 2024 and expiring June 30, 2027.

Councilmember Helgeson suggested that Council vote on appointees via a ballot. He said that if a candidate did not receive a majority of the votes, the candidate with the lowest number of votes would be removed. He said that after the initial interview, candidates should be placed on the ballot for consideration. Ms. Finney explained that currently, a motion was made to appoint a candidate, which was then seconded and voted upon; and if the motion carried, then the candidate was appointed to the School Board. City Attorney Mr. Matthew Freedman said that the main issue with a ballot process was that there was the risk of having less than four votes for a candidate. He said that Council's rules of procedure only permitted one motion on the table at a time as the main motion. He said that if multiple nominations were made as motions, it could create confusion because there would be multiple motions on the table that fail, but these would keep coming back for consideration until a candidate was chosen. He suggested that if Council wanted to consider all candidates, it should vote on each candidate as they came before Council. Councilmember Helgeson said that they should be able to consider all candidates before appointing one. He said they could have a ballot for each ward.

Councilmember Dolan said that it would not be fair to have someone on the ballot who was unfit for the position. She said that the number of candidates could make the process cumbersome.

Councilmember Helgeson said that Council would nominate candidates to be on the ballot, then they would vote on all of the nominated candidates at once.

Councilmember Misjuns suggested a process for School Board appointments which he had proposed last year as well. He said that using a ballot process would streamline the process and allow Council to discuss and consider each candidate. He said that they could set a rule where each councilmember may only nominate one candidate.

Vice Mayor Faraldi stated that he felt there should be an elected School Board so that they are chosen by the voters. He said that Councilmember Misjuns' proposal was an attempt to control and purify the process. He asked whether the proposed rules for School Board appointments should be applied to every other board appointment made by Council so that there would be equal treatment. Mr. Freedman said that Council should try to have a standard or normal procedure for appointments rather than unique processes for each type of appointment because it would lead to unfair treatment. He said that if there were multiple candidates on the ballot, it would be likely that Council would not reach a majority decision on the appointment.

Ms. Finney suggested that after Council interviews candidates, they could address the nominations in a Roll Call style, and after the discussion, the floor could be opened for motions.

Mayor Reed said she would poll Council on whether to change the process or keep it the same.

Councilmember Wilder said he supported the process as it was presented.

Councilmember Dolan said she supported the process as it was presented.

Councilmember Helgeson said that Council should nominate candidates by ballot and then vote.

Councilmember Misjuns said that the same concerns raised about his proposal could be raised about the current process. He said he supported his proposal, as he had done the year before.

Councilmember Taylor said that they had a nomination process in place, and they would continue to nominate the best candidates for the position.

Vice Mayor Faraldi said he supported the process as-is.

Mayor Reed said she supported the process as-is.

// In the matter of Budget, Agenda Item #4, Council held a work session regarding FY 2025 Proposed Budget Reconciliation. City Manager Wynter Benda said that staff would present options to Council on how to achieve funding to keep Sandusky Elementary and TC Miller Elementary open for one more year. Chief Financial Officer Donna Witt provided a presentation to Council.

Mayor Reed asked, in regards to holding the funds in reserve, if Council would have to make an amendment to the budget in order to release the funds to LCS. Ms. Witt explained that they would move $1.6 million from the capital fund to the general fund and hold it in a reserve. She said that if LCS required the additional funds, it would take an action of Council to appropriate and transfer the funds to LCS.

Councilmember Helgeson said that they should hold off on spending for other projects on the City side. He said that they should keep the funds in contingency and roll them over so that the funds would total $3.2 million, which Council could allocate if needed.

Councilmember Misjuns asked what Council got from the $4.5 million spent on the Florida Avenue sidewalk. Ms. Witt said that they had not spent the funds. She said that a portion of the funds was revenue share funding which they had not received because the project had not moved forward. She said that the remaining portion was through a line of credit which they had not borrowed yet. Deputy City Manager Greg Patrick explained that they had reduced the project scope, and it was currently in design. He explained that they encountered issues getting sidewalk across the railroad.

Vice Mayor Faraldi said that staff's proposed plan was creative and fiscally responsible—it kept TC Miller and Sandusky open for one year, kept all capital projects and City services moving forward, and it reduced City debt.

Councilmember Misjuns asked if they would have the available funds in the budget to move the CAD replacement project forward within the next five years. Ms. Witt said that the project was already appropriated, but they had not moved forward on drawing down the line of credit. She said that there would be capacity for the project, but capital projects were fluid, so should the need for funding arise, they could move projects around to free up the funds.

Mr. Benda asked whether Council still desired to hold the scheduled budget reconciliation work session next week.

Councilmember Misjuns said that he could not decide whether to cancel the next budget reconciliation work session until after Council's regular meeting.

Councilmember Taylor said he was comfortable canceling the work session.

Vice Mayor Faraldi said he supported canceling the work session.

Councilmember Wilder said he supported canceling the work session.

Councilmember Dolan said she was comfortable canceling the work session.

Councilmember Helgeson said that they should cancel the work session.

Mayor Reed said that there was consensus to cancel the work session.

// In the matter of Roll Call, Councilmember Wilder said that the LCS Strings Program held an event last Saturday to celebrate the program's 50th anniversary. He thanked the people who supported the project. He said that on Sunday, several hundred students played violin at an event, showcasing the great programs in the school system. He commended the school system and community partners who made it possible. He said that Lynchburg United held an event at EC Glass last Saturday. He said that they must unite together to address violence in the community.

Vice Mayor Faraldi said that he was invited to the LCS Strings event, but he was unable to attend. He commended the program for its success, noting that 50 years of a program was amazing. He said that he received an email which he would forward to staff expressing some concerns, and he wanted staff to look into some of the issues. He said that in anticipation of the

250th anniversary of the signing of the Declaration of Independence, there was a national organization working to allow localities to solicit funds for the celebration. He said that Old City Cemetery was the principal organizer, and they required a resolution from Council empowering them to solicit funds and plan the event. He said that the resolution would be presented at the next Council meeting as a Business Item Briefing.

Mayor Reed stated that next Thursday was the National Day of Prayer, and Council would be holding an event at the base of Monument Terrace from 8:30 a.m. to 9:30 a.m. She said that citizens were invited to participate. She said that the Mayor's Youth Council was hosting a multi-part cleanup event on Saturday, April 27 from 9 a.m. to 12. She said that the Mayor's Youth Council called on peers to help cleanup [Biggers Park, Hollins Mill, and Riverside Park]. She said that participants would engage in litter cleanup to enhance the beauty of City parks. She said that they would also be accepting donations to support the planting of trees throughout the community. She said that together, they could ensure the parks remained vibrant and welcoming spaces for everyone to enjoy. She said that more details were available on Instagram, @lyh_mayorsyouthcouncil. She also acknowledged the contributions and work of the City Attorney's Office.

// On the motion of Councilmember Wilder, seconded by Councilmember Taylor, Council elected, by the following recorded vote, to enter into a closed meeting to discuss the potential resolution of a pending law-enforcement lawsuit pursuant to Section(s) 2.2-3711(A)(7) and -(A)(8) of the Code of Virginia, 1950, as amended; and to discuss litigation (and alternatives thereto) being brought by the City against a private party pursuant to Section(s) 2.2-3711(A)(7) and -(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, Dolan, Taylor, Wilder, Faraldi	5
Noes: Helgeson	1
Abstain: Misjuns	1

After the vote, Councilmember Misjuns noted he abstained from voting because he is a private party currently in litigation against the City.

// The meeting was reopened to the public.

// Vice Mayor Faraldi made the following motion:

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

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

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

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

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

6

Noes: Misjuns 1

// The meeting recessed at 6:26 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of April, 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

// Vice Mayor Faraldi led the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, the Mayor gave a Proclamation recognizing Small Business Week.

Director of Economic Development Marjette Upshur and Small Business Development Center Executive Director Stephanie Keener accepted the Proclamation.

// In the matter of Recognitions, the Mayor gave a Proclamation recognizing Economic Development Week.

Director of Economic Development Marjette Upshur and Lynchburg Regional Business Alliance CEO Megan Lucas accepted the Proclamation.

// In the matter of Engineering, Agenda Item #3, Council held a public hearing in consideration of adopting Resolution #R-24-024 granting a non-exclusive interim license agreement to maintain and operate 1,670 linear feet of fiber optic cable between the City of Lynchburg and Sprint. City Engineer Lee Newland provided a brief summary of the item to Council. Sprint has asked to continue use and be granted a non-exclusive interim license to maintain and operate 1,670 linear feet of fiber optic cable for telecommunications purposes leaving the Norfolk Southern Railway corridor commencing at 12th Street and proceeding in a northerly direction along the westerly side of the abandoned railroad track (formerly Norfolk Western) within the corporate limits of the City of Lynchburg, Virginia (City), as more specifically described in that certain Interim License Agreement, dated January 9, 2024, between the City and Sprint. Staff recommends authorization of the attached license agreement by adopting the attached proposed Resolution to permit the existing communications cable to remain, given that the encroachments cause no undue hardship to the City.

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

Mayor Reed said that this item was presented to the Physical Development Committee on March 12, 2024, and she would defer to the Chair of that committee, Councilmember Taylor.

Councilmember Taylor said that the PDC had voted for approval of this item. He motioned for the Council to adopted Resolution #R-24-024 granting a non-exclusive interim license agreement to maintain and operate 1,670 feet of fiber optic cable between the City of Lynchburg and Sprint.

No second was required and with no discussion from Council, the following vote was recorded:

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

// In the matter of Planning, Agenda Item #4, Council considered adopting Ordinance #O-24-025 changing a certain area located at 717 & 725 Leesville Road from R-1, Low Density Residential District to R-4, High Density Residential District. Senior Planner Rachel Frischeisen provided a brief summary of the item to Council. Abundant Life Estates, LLC, is petitioning to rezone approximately forty-eight hundredths (0.48) of an acre located at 717 & 725 Leesville Road from R-1, Low Density Residential District to R-4, High Density Residential District. The purpose of the rezoning petition is to allow the construction of an entrance to a twenty-six (26) unit residential development. The “duplex” style residential units and associated parking would be located in Campbell County and accessed via property in the City of Lynchburg. The portion of the project located in Campbell County was rezoned in 2023 from Business – General Commercial to Residential – Multi Family, and the County’s Future Land Use Map was amended from Urban Development Area Commercial to Medium to High Density Mixed. The proposed residential development would create a transition between the single household homes along Leesville Road and the more intense commercial development that may occur in Campbell County in the future.

Amy Seipp of Accupoint Surveying and Design was present to represent the petitioner. She said that after a long period of working on this project, it had received approval from Campbell County. She noted that an even larger swathe of the area had been rezoned to create a transition from the heavier general commercial to the single family residential in the area. In addition, the technical requirements of Campbell County only allowed 40% of the property to be covered in impervious area, so the remaining 60% would be green space and landscaping buffers. The request was before Council so they could access the property, and no structures or residences would be proposed in this area.

Carl Miller, 1819 Rural Oak Drive, spoke in favor of the proposed project. He explained that he was a one-third partner on this project owned by Abundant Life Estates along with partners Nathan Swarey and Kendal Hostetler, the owners of H&S Improvements. This project was mostly in Campbell County, and per City law they required access to it through their owned City property. Their intent was to be a good neighbor, create an attractive project, and provide 26 housing units at under $300,000 per unit to meet the demand for affordable housing in Lynchburg.

Timothy Santiago, Euclid Avenue, spoke in opposition to the proposed project. He said that he opposed this proposal because there was not enough room or infrastructure for rezonings such as this to continue being granted. He noted that Emergency Services in Lynchburg was not close enough to this area to respond in case of an accident on the already-congested road. He urged Council to deny any high-density proposals in this area until they had sufficient infrastructure to support such density.

Mayor Reed asked if the applicant would like to make a rebuttal to the statement of opposition.

Ms. Seipp said that the neighborhood had definitely started to become a transitional neighborhood; it had become more populated with rentals and development along the road. Improvements to the road would be made as a need was identified. A traffic analysis had been performed for this development, and they were in compliance for the needs of an entryway. The technical requirements and engineering specifications of the City would be met as they related to traffic along this road.

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

Councilmember Helgeson stated that as discussed at their business item briefing a few weeks ago, he saw no reason to do spot zoning of R-4 in an area that was almost exclusively R-1 zoning. Due to the surrounding residential zoning and the minimal benefit the rezoning would bring to Lynchburg, he could not vote in favor of this proposal. He suggested that they build the entrance through Campbell County rather than through the City. He reiterated that although it would likely be a good development for Campbell County, there was no benefit to the City of Lynchburg. He expressed concern regarding the precedent that would be set if they approved this type of high-density rezoning. He made a motion, seconded by Councilmember Misjuns, to deny this rezoning as presented.

Councilmember Misjuns asked Fire Chief Gregory Wormser how this development would impact the operations of the City's Fire Rescue services. Chief Wormser replied that it was difficult to say at this juncture, and he may require more information. He explained that they have mutual aid agreements with all of their County partners. Councilmember Misjuns asked if it was correct that the only ingress and egress out of this project located in Campbell County was through the City of Lynchburg. Ms. Frischeisen answered that it was the only egress available. Councilmember Misjuns said that any traffic accidents on that road would be automatic City responses because the road was located in the City. Chief Wormser said yes, that was his understanding. Councilmember Misjuns asked Ms. Seipp if alternatives to this rezoning had been explored, knowing that this proposed rezoning was likely the easiest and least restrictive path. Ms. Seipp said that because they were only access to an entrance, it reverts to the County zoning. The zoning in the City must match whatever was occurring in the County, which in this case was multi-family. While it had been suggested that it was spot zoning, the area could only be used for a driveway. Research from her firm and City staff had shown that there were some roads in the City and County that did not have documented ownership, which made development processes difficult. She noted that the proposed plan included turnaround access for fire apparatus, as well as exit-only access to Bud Drive for emergency services. Councilmember Misjuns said that he agreed with Councilmember Helgeson that this parcel should not be spot zoned, but he also wanted to see this project succeed. He asked if more time could be given for the applicant to find a solution to this issue. Ms. Seipp said that if the City would take ownership of Bud Drive, then it would become a public street and not a private street. The applicant had exhausted their research and legal documents, so she could not provide any further solutions.

Councilmember Helgeson asked if the applicant could take ownership of Bud Drive in order to extend the driveway and avoid rezoning it. Ms. Seipp said that she did not think they could purchase something that did not have an owner. Ms. Frischeisen added that if they could figure out how to acquire it or were able to prove that it was a City right-of-way, it would still present a problem for the project because it did not meet the City's standard for a small residential street. The applicant did not own the adjoining parcels, so they could not give up what they did not own. Ms. Seipp said that it would likely have to go through an eminent domain take, which they would like to avoid. A private, commercial, or multi-family entrance was what they were left with in this case.

Councilmember Misjuns asked if the main issue was that the zoning had to match what was in Campbell County; Ms. Seipp replied yes. Ms. Frischeisen said that this was consistent with the zoning decisions made by the City in the past, including other driveways on Leesville Road. Councilmember Misjuns asked if more time would allow for some alternative to be identified. Ms. Seipp said that unless the City would like to donate some other roads and parcels, they did not have access to any other area for this entryway. Councilmember Misjuns said that his concern was the potential spot zoning that could occur through this proposal. Ms. Frischeisen said for context, staff initially recommended approval because when considering both the City and County zoning of the area, staff concluded that the townhome-style apartments would make a better transition between the residential and industrial uses. Ms. Seipp added that it would serve as a buffer between the R-1 and commercial zoning.

Vice Mayor Faraldi asked if this proposal was asking for the entrance to be a public or private street. Assistant City Manager Kent White answered that it would be a private street. Vice Mayor Faraldi said that the owner of the private street would be responsible for its maintenance, while if it were a public street, the taxpayer would pay for the maintenance. He said that in the case of eminent domain, the City would inform whomever the owner of the street is that the City was taking ownership of the street. Mr. White said that was correct. Vice Mayor Faraldi said that the alternative being considered was that Bud Drive could be used and either the developer or the City would have to maintain it. He explained that his point was that it was better for the City's finances to let the private developer create a private entrance, and because they could not identify an owner of Bud Drive, it would be best to avoid any issues that may arise from rights of first refusal or other legal issues. He asked where the City's new fire station would be located. City Manager Benda said that it would be located on Liberty Mountain Road. Vice Mayor Faraldi said that this station would primarily serve Wards Road and Leesville Road, and the station would have a new ladder truck. Mr. Benda said that was correct. Vice Mayor Faraldi said that the issue raised regarding the City's emergency services response rates, the ladder truck, and the safety were addressed. He made a substitute motion, seconded by Councilmember Wilder, to approve the Ordinance as presented. Councilmember Wilder asked what happened if the rezoning was not approved. He asked if the applicant had a backup plan. Ms. Seipp said that if there was no entrance, the project could not move forward. They would have a time limit of one year to bring the item back to Council with an alternative. Because this was their only way to access the parcel, it would remain zoned as it is in Campbell County, with no entrance to the property. Councilmember Wilder asked which piece of the property was located in the City. Ms. Seipp indicated the heavy green line on the zoning map which represented the City/County line. The red and orange properties to the right of the map were all in Campbell County, and the piece the left of the green line was in the City. Councilmember Wilder asked if there were any objections from the Planning Commission regarding this project. Ms. Frischeisen said that the Planning Commission received no comments on this application, and subsequently recommended approval of the item.

Councilmember Dolan said that she supported the project, which provided affordable housing that people could own rather than rent. In the spirit of being good neighbors to Campbell County, it would be beneficial for the City to support this proposal. She said that she respected the past work of the developer and knew the good work they would be doing. She expressed her support for the item.

Councilmember Taylor said that he supported the item. He asked if it was possible for the City and County to create an agreement for the County to maintain that stretch of road or put into a contract that the developer would maintain it. Mr. White answered that as it was proposed, the developer would maintain the road.

Councilmember Misjuns noted that Fire Chief Wormser had requested 198 firefighter positions for the FY 25 budget, but the manager had requested ten less for a total of 188. He asked if they had the staffing available to open the ninth fire station at this time. Chief Wormser said that they currently did not have the staffing, but had applied for a SAFER grant, as the Council was aware. Councilmember Misjuns asked if staffing would be the most expensive part of operating the fire station. Chief Wormser said that was correct. Deputy City Manager Greg Patrick noted that one of the reasons the request for those ten positions was not granted was because it was very unlikely that station would be open in FY 25. The request would be reconsidered for FY 26 when the station was likely to open. If the timeline was moved up at all, staff would return to Council with a request for adequate staffing to open the station. Mr. Benda said that due to their financial restrictions in this year's budget, he made the decision to not put those ten positions in the budget but they would roll on when the station opened. They did not currently have the staff for the station that did not yet exist, but the hope was that once the station was built, the SAFER grant would ensure they had the appropriate staffing for that new ninth station. Councilmember Misjuns asked how many years it would be until the station opened. Mr. Benda replied that it would likely be open within two years. Councilmember Misjuns reiterated that his main objection to the proposed rezoning was not because of public safety, but due to the spot zoning and the potential consequences the applicant may face if they did not receive the approval.

Councilmember Helgeson said that his concern remained that rezoning this area to R-4 amidst a majority of R-1 parcels was not beneficial to the neighborhood or the City. He noted that the developer should find a mode of access through Campbell County, which would be receiving the tax base of this development. He said that he would not be voting in favor of the proposal.

Mayor Reed asked if this proposal involved spot zoning, and if spot zoning was illegal. Ms. Frischeisen said that she would defer to Mr. Freedman for his opinion on the legality. The decision as to whether to rezone the parcel ultimately rested with Council, but considering the surrounding parcels and the impact to health and welfare, staff believed it was not spot zoning. Mr. Freedman asked if the parcel that was going to be on R-1 would be developed or was only for purposes of a road. Ms. Frischeisen replied that on the zoning map, the yellow portion was R-1 and was only for access to the road. The orange piece, labeled MF for multi-family, was located in the County. Mr. Freedman asked if the R-1 parcel would only serve as a point of ingress and egress or if buildings were proposed to be built. Ms. Frischeisen said that no buildings were proposed to be built on the County portion if it was rezoned to R-4 because there was a 50-foot setback in R-4 when it bordered R-1. The only buildings would be in the County. Mr. Freedman said that spot zoning was something that depended on one's view of the matter.

Based on Ms. Frischeisen's explanation, he believed the proposal would be consistent with the area's zoning. If they were not building on the portion zoned R-1 and it only served as a point of ingress and egress, he did not see an issue for that particular community unless the traffic increased to the point of being dangerous. Mayor Reed asked if there was another multi-family development across the street. Ms. Frischeisen said that the area across the street was zoned R-3 with a special use permit for townhomes.

Mayor Reed called the vote on the substitute motion to approve the Ordinance as presented.

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

The substitute motion then became the main motion.

Councilmember Helgeson asked if the R-1 parcel would be changed to R-4 on the zoning map. Ms. Frischeisen said that was correct. He expressed concern that the change to R-4 would allow any of the other adjacent R-4 parcels to use the entryway onto Leesville Road, creating severe congestion to the road. Mr. Freedman said that regarding the potential of spot zoning, he was presented with the use that would specifically be in the City and on that parcel. Because the use of that parcel would be for a road and there was no indication that there would be heavy traffic on that road, it did not appear that the proposal was inconsistent with the uses of the surrounding area, even though the zoning in Campbell County was different. Councilmember Helgeson said that the City had no control over the future development of those other R-4 parcels, but they did control the rezoning of the R-1 parcel to R-4. He said that he did not approve of rezoning the parcel to R-4 and had to vote against it.

Vice Mayor Faraldi said that the entryway would be a private road and use was restricted by the property owner. He said that Councilmember Helgeson was correct in that they could not control the development of the parcels in Campbell County. He said that he highly doubted that the developers would be allowing the neighboring parcels to use their private road because it would be an encumbrance on them.

Councilmember Misjuns asked what the by-right use of the property would be if the rezoning did not pass. Ms. Frischeisen said that the portion in the City was subject to the 50-foot building setback against R-1, so it could not be used for apartments. Councilmember Misjuns said that he agreed with Councilmember Helgeson that they should think about the long-term impact of such a rezoning. He expressed concern that future development may create dangerous conditions on Leesville Road. He said that he could not support the proposal.

Mayor Reed called the vote on approval of Ordinance #O-24-025 changing a certain area located at 717 & 725 Leesville Road from R-1, Low Density Residential District to R-4, High Density Residential District.

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

// In the matter of Public Comment, Agenda Item #5, Citizen Consuela Mosley addressed Council regarding people that have inherited property forcing to sell demolished or $500 a month derelict program property taxes with only 30 day time period. She requested more transparency in what the collected funds were used for.

// In the matter of the Schools, Agenda Item #6, Council considered introducing a resolution amending Lynchburg City Schools Major Classification Funding for FY 2024 and transferring $1,671,820 from Contingency Reserves to Instruction. Mayor Reed stated that the item was previously presented to Council at the April 9, 2024 meeting.

Vice Mayor Faraldi motioned, seconded by Mayor Reed, to table the resolution until the next meeting on May 14, 2024. Vice Mayor Faraldi said that there were still a number of questions which remained to be answered, and delaying two weeks would not result in any fiscal damage to LCS. Mayor Reed said that tabling the motion would enable LCS staff to respond to and answer the remaining questions.

Councilmember Helgeson said that if LCS received more money from the state, the matter should be tabled further so that the funds would not be spent.

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

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

Noes: 0

// In the matter of the Circuit Court, Agenda Item #7, Council considered introducing Resolution #R-24-026 amending the FY 2024 City/Federal/State Aid fund budget and appropriating $27,326 from the Library of Virginia to preserve several Circuit Court Records. Mayor Reed stated that the item was presented to the Finance Committee. Clerk of the Circuit Court K. Todd Swisher briefed Council on the request. The Library of Virginia allows Circuit Court Clerks' Offices to submit applications for grant funding. Staff submitted a grant application to The Library of Virginia to preserve records held at the Circuit Court Clerk's Office. The approved grant funding of $27,326 will allow Deed Book 45 T-T 1891; Deed Book 46 U-U 1891-1892; Deed Book 47 V-V 1892-1893; Deed Book 48 W-W 1893; Deed Book 57 1898-1899; and Marriage Licenses 1864-1866 to be reformatted and preserved. The grant covers 100% of preservation work; no local match is required for this grant.

At its April 23, 2024 meeting, the Finance Committee recommended approval. As Chair of that committee, Vice Mayor Faraldi brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

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

Noes: 0

// In the matter of Procurement, Agenda Item #8, Council considered adopting Resolution #R-24-027 approving the newly amended "Guidelines for Implementation of the Public-Private

Transportation Act of 1995 and Public-Private Education Facilities & Infrastructure Act of 2002" for the City of Lynchburg. Mayor Reed stated that the item was previously presented to Council at the February 27, 2024 meeting.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-027.

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

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

// In the matter of the Fire Department, Agenda Item #9, Council considered adopting Resolution #R-24-028 approving the Revised Emergency Operations Plan. Mayor Reed stated that the item was previously presented to Council at the March 12, 2024 meeting and at the April 9, 2024 meeting. Fire Chief Greg Wormser provided Council an overview of the revisions made to the request. The City's current Emergency Operations Plan (EOP) was originally adopted by City Council on April 23, 2002. 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

Staff provided Council with two different options; Option A includes language regarding calling a special meeting and Option B does not include language regarding a special meeting.

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to adopt Resolution #R-24-028 with Option A, stating this puts the burden on Councilmembers, those who were elected by citizens.

Councilmember Wilder asked if Council had the authority to call a special meeting already? Staff replied, yes.

Councilmember Dolan stated that Option A appears to be Council encroaching on the City Manager's lane. She also stated that she was not in favor of the removal of the language that referenced people with special needs.

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

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

// The meeting adjourned at 8:25 p.m.

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Clerk of Council