

October 22, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of October, 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 Taylor led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Agenda Item #1, copies of the minutes of the September 24, 2024 meeting were previously furnished to Council; Councilmember Taylor made the motion to approve the minutes, seconded by Councilmember Helgeson.

Councilmember Dolan stated that she would abstain because she was not present for the September 24 meeting.

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

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

// In the matter of the Consent Agenda, Agenda Item #2, copies of the minutes of the October 8, 2024 meeting were previously furnished to Council, and on motion of Councilmember Dolan, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Planning, Agenda Item #3, Council conducted a public hearing and considered adopting Resolution #R-24-075 granting a Conditional Use Permit (CUP) to Kerr Holdings, LLC to allow the use of an existing structure as an auto body shop at 1101 5th Street and associated parking at 1107 5th Street. City Planner Rachel Frischeisen provided a

presentation to Council. Kerr Holdings, LLC, is petitioning for a CUP to allow the use of an existing structure as an auto body shop at 1101 5th Street and associated parking at 1107 5th Street. The properties are included in the area covered by the Fifth Street Corridor Master Plan adopted by City Council on May 23, 2006. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Neighborhood Commercial land use for the property. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. A petition to rezone 1101 5th Street from B-4, Urban Commercial District to B-5, General Business District was denied by City Council on July 9, 2024. That rezoning would have allowed a number of more intense uses that are inappropriate in this setting, in addition to the auto body repair use. Approval of the CUP would allow auto body repair without altering the zoning.

Dave Durbin, representing the petitioner, Kerr Holdings, LLC, provided a presentation to Council.

Marvin Marcia, current tenant of the property, spoke in support of the petition. He requested that Council support the petition so he can support his family.

Mike Everett, representing 5th Street Baptist Church, spoke in favor of the petition. He noted the improvements that Mr. Marcia had made to the property and his positive contributions to the neighborhood.

Andrew Brown, representing Community Funeral Home, spoke in favor of the petition. He said that the petition would provide additional job opportunities to people in the community.

Kevin Grissom spoke in favor of the petition. He suggested that the City should incentivize enterprise-level ambitions to provide the best services to the community.

Elsa Duran, representing Hispanic Community Center, spoke in favor of the petition. She expressed concerns about discrimination.

Consuela Moseley spoke in favor of the petition. She said that everyone should be given a chance to support their family.

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Rose Lee spoke in favor of the petition. She said that the petition would increase the diversity of businesses in the area.

Franklin Smith spoke in favor of the petition. He noted Mr. Marcia's contributions to improving the neighborhood.

Terrence Spencer spoke in favor of the petition. He emphasized his long business relationship with Mr. Marcia and the need for more body shops in the City.

Romana Battle, representing the Legacy Museum of African American History, spoke in opposition to the petition. She noted the prevalence of auto body and auto sales shops in the area and the negative traffic impacts they had on the museum's events.

Hunter Dawson spoke in opposition to the petition. He expressed concerns about Mr. Marcia's business practices and criminal record.

Lonnie Woodson spoke in opposition to the petition. He expressed concerns about Mr. Marcia's business practices.

Mayor Reed provided the petitioner with a chance to address the public comments.

Mr. Durbin provided a rebuttal to public comment. He addressed the petitioner's commitment to working with the City and the community.

The public hearing was closed and the matter rested with Council.

Councilmember Helgeson suggested that Condition #6, "the building shall be maintained in good condition" should be stricken since it was better addressed by the building code.

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to approve #R-24-075 with Condition #6 stricken. Councilmember Helgeson said that the site was designed to be a body-shop use, and it should be able to be used as one.

Councilmember Misjuns said that providing jobs for people should be the focus, and they should allow Mr. Marcia to do business.

Councilmember Wilder asked if the 5th Street CDC had provided comments. Ms. Frischeisen said that they had not submitted any comments.

Vice Mayor Faraldi asked if there were other CUPs that contained similar language to Condition #6. Ms. Frischeisen said that she did not recall another CUP with a similar condition. She explained that the condition may be redundant because the petitioner would still have to maintain the property even if the condition were not included. Vice Mayor Faraldi asked if there was a way to make the condition related to parking more specific to address concerns raised by the Legacy Museum. Ms. Frischeisen replied that she believed the condition as presented addressed the museum's concerns, but it was dependent on enforcement of the condition.

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

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

Noes: 0

// In the matter of Planning, Agenda Item #4, Council conducted a public hearing and considered adopting Resolution #R-24-076 amending the Future Land Use Map and adopting Ordinance #O-24-077 changing the zoning of a certain area located at 273 Riverside Drive. City Planner Rachel Frischeisen presented the request to Council. James and Carolyn Wicks are petitioning to amend the Future Land Use Map (FLUM) from Low Density Residential to Resource Conservation and to rezone approximately two and one hundred twenty-five thousandths (2.125) acres from R-2, Low-Medium Density Residential District to R-C, Conservation District located at 273 Riverside Drive to allow the conservation of the property. The property is currently recommended for Low Density Residential and Resource Conservation uses on the City's Future Land Use Map (FLUM). The property fits the description of a Resource Conservation area in its current state, which is undeveloped, vegetated open space. The absence of street frontage and presence of steep terrain severely limit any development potential on the property. No future improvements are proposed.

Carolyn Wicks, the petitioner, provided a presentation to Council.

Bethany Harrison spoke in favor of the petition. She emphasized the importance of conservation spaces.

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

Councilmember Helgeson noted that the petitioner had to pay fees and go through several steps just to have Council deem their property as a conservation area.

Councilmember Taylor motioned, seconded by Vice Mayor Faraldi, to approve #R-24-076 amending the FLUM.

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

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

Noes: 0

Vice Mayor Faraldi motioned, seconded by Councilmember Misjuns, to approve #O-24-077 changing the zoning.

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

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

Noes: 0

// In the matter of the Budget, Agenda Item #5, Council held a public hearing and conducted its first reading of Ordinance #O-24-078 approving the FY 2025 First Quarter Adjustments. Chief Financial Officer Donna Witt provided a summary of the request to Council. The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Home Investment Partnerships Program (HOME), Regional Juvenile Detention Center, Technology, Fleet Services, as well as the City Capital Projects and Airport Capital/Grant Projects Funds are amended to reflect the FY 2025 First Quarter Adjustments.

There was no one 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 Wilder motioned, seconded by Councilmember Dolan, to approve #O-24-078.

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

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

Noes: Faraldi 1

Vice Mayor Faraldi stated he voted in opposition so that this item will appear for a second reading during General Business instead of the Consent Agenda at the November 12th meeting, per Council's Rules of Procedure.

// In the matter of Public Comment, Agenda Item #6, Citizen Jeff Rosner addressed Council regarding local and national election reform and election acceptance.

// In the matter of Public Comment, Agenda Item #7, Citizen Heather Cash addressed Council regarding the city towing contract. She requested that Council consider a rotation system for the contract.

Councilmember Misjuns requested that staff provide follow-up information regarding who signed the consensus document.

// In the matter of Public Comment, Agenda Item #8, Citizen Gary Taylor was not present.

// In the matter of Water Resources, Agenda Item #9, Council considered adopting Ordinance #O-24-079 consolidating the City's Erosion Control and Stormwater Management Requirements and revising the City's Illicit Discharge Requirements. Mayor Reed stated that the item was presented to Council at the October 8, 2024 meeting. Water Quality Manager Erin Hawkins provided the summary to Council. The City is one of many cities in the Commonwealth required to have ordinances to meet federal and state requirements for erosion and sediment control management, stormwater runoff, and illicit discharge controls. City Code chapters 16.1 and 16.2 currently outline those requirements. Recent changes by the state require the consolidation of the erosion control requirements and stormwater control requirements into one ordinance. The illicit discharge revisions are separate, related, and included as part of this process under the proposed revised City Code chapter 16.2. The proposed ordinance amendments to the erosion control requirements and stormwater control requirements are consistent with the state-mandated regulations.

Councilmember Dolan motioned, seconded by Councilmember Wilder, to approve #O-24-079.

Councilmember Helgeson asked if the criminal penalties were added as part of the City policies or state policies. Ms. Hawkins replied that the criminal penalties were allowable under state code for enforcement of the program. She noted that the City had not jailed anyone for violations, but civil penalties had been issued. City Attorney Matthew Freedman explained that they had a third-party attorney review the ordinance and he was confident that it protected the City's interests in maintaining stormwater and erosion regulations. Ms. Hawkins said that the criminal penalties were included in the previous version of the ordinance.

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

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

Noes: 0

// In the matter of the Lynchburg Fire Department, Agenda Item #10, Council conducted its first reading of Resolution #R-24-080 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$4,434.217 to hire (21) twenty-one firefighters with the Lynchburg Fire Department. Mayor Reed stated that the item was presented to the Finance Committee. Fire Chief Greg Wormser presented the summary of the request to Council. The Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) awards Staffing for Adequate Emergency Response (SAFER) grant funding to focus on enhancing the local fire departments' abilities to comply with staffing, response and operational standards established by the NFPA. The funds provided by the SAFER grant accomplishes this by providing direct funding to eligible fire departments for the purposes of increasing staffing.

The funds in the amount of \$4,434,217 awarded by FEMA will be used to hire twenty-one (21) firefighters paying for their salaries and benefits for a period of no less than three (3) years, at which point the City of Lynchburg will provide the commensurate amount of funding.

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The SAFER grant performance period begins on or about March 1, 2025 and ends on or about March 1, 2028. The department intends to hire personnel in early Calendar Year 2025 ahead of the completion of Fire Station 9 so that when the station is completed, it will be staffed with incumbent personnel who are well trained to respond to emergencies.

Councilmember Misjuns suggested that they should start including the costs in the operating budget rather than rely on one-time funds.

Councilmember Helgeson stated that previous Council's have prioritized funding to a school system with declining enrollment and that they should have been giving those resources to public safety since the entire City benefits from those resources. He stated that funding the fire department helps with ISO certification and helps keep insurance costs down.

At its October 22, 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:

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

Noes: 0

// In the matter of Lynchburg Adult Drug Court/Recovery Court, Agenda Item #11, Council conducted its first reading of Resolution #R-24-081 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$95,000 to expand substance abuse treatment capacity in the Lynchburg Adult Drug Court. Mayor Reed stated that the item was presented to the Finance Committee. Special Assistant to the City Manager for Data & Innovation Dr. Hollie Jennings provided the summary to Council. The Lynchburg Drug/Recovery Court Docket (BHD) is a court docket designed to enhance public safety by providing an integrated system of treatment and judicial supervision that results in a reduction in substance use/dependency and recidivism. The Lynchburg Adult Drug/Recovery Court began in December 2021, as the result of a federal grant from the Bureau of Justice Administration and operates in the Lynchburg Circuit Court.

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Horizon Behavioral Health has been awarded funding from a federal SAMHSA grant. The awarded funds will be used to increase the capacity of the Lynchburg Adult Recovery Court (LARC) by adding a probation officer to supervise participants (Community Corrections and Pretrial), funding for recovery housing, and a robust external evaluation. The City of Lynchburg will be a sub-grantee, and will be responsible for hiring an additional Community Corrections Probation Officer that will be dedicated to providing supervision to participants of the Lynchburg Adult Recovery Court. No City funding is required.

At its October 22, 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.

Councilmember Helgeson asked if the position would be back-filled once the grant funding ran out. Chief Financial Officer Ms. Donna Witt replied that the grant was for five years, after which, the position would not be funded if the grant was not renewed.

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

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

Noes: 0

// In the matter of Lynchburg Adult Drug Court/Recovery Court, Agenda Item #12, Council conducted its first reading of Resolution #R-24-082 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$45,266 for support of the Drug/Recovery Court docket by enhancing testing. Adult Recovery Court Program Director Taylor Jones provided the summary to Council. The Lynchburg Drug/Recovery Court is a court docket within the existing Circuit Court that is designed to enhance public safety by providing an integrated system of treatment and judicial supervision that results in a reduction in substance use/dependency and recidivism. The Lynchburg Drug/Recovery Court began in March 2017 as the result of a grant from the Supreme Court of Virginia.

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At its October 22, 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:

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

Noes: 0

// In the matter of the Commonwealth's Attorney Office, Agenda Item #13, Council conducted its first reading of Resolution #R-24-083 amending the FY 2025 City/Federal/State Aid Fund budget and appropriating \$500,000 to enhance the criminal justice response to sexual assault, domestic violence, dating violence, and stalking in the City of Lynchburg. Commonwealth's Attorney Bethany Harrison provided the summary. The Commonwealth's Attorney's Office was awarded \$500,000 in 2024 Improving Criminal Justice Responses Grant Program funds for the period of 10/1/2024 to 9/30/2027. The Office of the Commonwealth's Attorney is requesting approval to appropriate \$500,000 towards the following criminal justice responses and services:

- A) Support the salary and benefits (40%) of a full-time prosecutor dedicated to prosecuting intimate partner violence and (60%) of a full-time in-house investigator, and an hourly Domestic Abuse Response Team Coordinator,
- B) Subcontract with the YWCA of Central Virginia, Domestic Violence Program to hire a full-time Domestic Abuse High Risk Team Case Manager,
- C) Provide training for grant-supported staff and community partners, and
- D) Develop and implement an intimate-partner high risk assessment team to intervene in cases identified through use of a high-risk instrument, the Danger Assessment for Law Enforcement, which will be implemented in November 2024 within the Lynchburg Police Department and the Lynchburg Office of the Commonwealth's Attorney.

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At its October 22, 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.

Councilmember Helgeson clarified that this is a 3-year grant; Ms. Harrison replied that was correct.

Mayor Reed noted that this grant was a very timely item and she was grateful for the resources.

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

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

Noes: 0

Councilmember Misjuns asked how much capacity this would provide to the Commonwealth's Attorney's Office. Ms. Harrison replied that this grant helps maintain the domestic violence team made up of four prosecutors and Ms. Harrison.

// In the matter of City Council, Agenda Item #14, Council considered adopting Ordinance #O-24-084 amending Lynchburg City Code Section § 2-16.1 to align the City Council's salaries to the City's present payments and practices (Option B). Mayor Reed stated that the item had been tabled at the October 8, 2024 meeting for consideration at the October 22nd meeting. In December 2019, by adopting Lynchburg City Code Section 2-16.1, the City Council set its salaries at \$14,000 per member, per year, and \$16,000 for the Mayor, per year, beginning July 1, 2020. However, because of budget uncertainties associated with the COVID-19 Pandemic, the City Council maintained its salaries at \$10,000 per member, per year, and \$12,000 for the Mayor, per year, beginning July 1, 2020, as part of the FY 2021 Adopted Budget. Technical changes were made to the proposed ordinance.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt #O-24-084.

Councilmember Helgeson said that Council should not make decisions for their own benefit or detriment. He said that Council compensation was surprisingly low compared to other

jurisdictions, and they should be paying councilmembers more. He said that Council should reconsider Option A, even though it was tabled.

Councilmember Misjuns expressed concerns that the ordinance would result in a reduction of pay for councilmembers. He suggested that the issue of councilmember pay should be put to a referendum and lowering all pay for Councilmembers to \$10,000.

Vice Mayor Faraldi asked that if the fines imposed on Councilmembers through the censorship should be based on the Charter amount or the actual amount. City Attorney Matthew Freedman replied that the fines should be based on the salary at the time of the censorship.

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

Ayes: Reed, Faraldi, Dolan, Wilder 4

Noes: Helgeson, Misjuns, Taylor 3

// In the matter of Legislative Agenda, Agenda Item #15, Council considered adopting a resolution approving the 2025 Legislative Agenda. Mayor Reed stated that the item was presented to Council at the October 8, 2024 meeting. The 2025 Legislative Agenda Draft outlines Lynchburg's key priorities for the upcoming 2025 General Assembly Session. These include Public Safety, Economic Development and Lifelong Learning as well as other key priorities.

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

Councilmember Wilder stated that he did not support all of the items, specifically those related to school choice funding and elected school boards.

Councilmember Dolan said that she did not support school choice funding items because it would increase inequities between public and private schools.

Councilmember Misjuns asked why the school choice funding language did not match that from the previous year. He requested that it should be amended to exactly match the

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previous language. He asked for clarification on the Use of Unmanned Aircraft Systems by Public Bodies item. City Attorney Matthew Freedman replied that the Lynchburg Police Department wanted this included so that any department employee with proper licensing could operate the department's drone, not just sworn officers.

Vice Mayor Faraldi and Councilmember Taylor stated that they were amenable to Councilmember Misjuns' request.

Councilmember Helgeson expressed concerns about elected school boards because it could create confusion regarding ballots and term lengths.

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

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

// The meeting adjourned at 9:09 p.m.

Clerk of Council