

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of March, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

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

Absent: 0

// In the matter of Budget, Agenda Item #1, Dr. Reid Wodicka, Interim City Manager, introduced the Proposed FY 2022 Operating Budget and Capital Improvement Program – All Funds which included the General, Fleet, Airport, Water, Sewer, Stormwater and other minor funds as well as Component Units. The budget totals \$421.5 million which is an increase of \$54 million compared to the FY 2021 Operating Budget and Capital Improvement Program – All Funds. Dr. Wodicka explained that this increase is primarily due to increased federal and State funding for capital projects and additional CARES Act funding for Schools.

City Council previously identified five Priority Budget Strategic Initiatives that staff were directed to recommend funding proposals for each priority: Strategic Initiative 1 – Improvements to Public Safety Staffing; Strategic Initiative 2 – Public Education Funding; Strategic Initiative 3 – Continued Implementation of the City-Wide Salary Study, Particularly for the lowest paid employees in the organization; Strategic Initiative 4 – Refuse Collection Staffing and Fleet; Strategic Initiative 5 – Diversity, Equity, and Inclusion. Dr. Wodicka briefly reviewed staff recommendations for each.

Dr. Wodicka, in conjunction with Mr. Kent White, Interim Deputy City Manager, and Mr. John Hughes, Interim Assistant City Manager for Human Development, began walking through the Operating Budget. Councilmember Faraldi added the following items to The List: Virginia Legal Aid; he asked to know if the lowest paid fire department employees would be making less than or equal to the lowest paid employee being addressed in the City-Wide salary study.

The budget complies with all Financial Management Policies that Council reaffirmed in December 2019. This budget is passed on not equalizing the Real Property Tax rate; by truly equalizing the tax rate, this would create approximately a \$5 million gap in funding needs.

Councilmember Helgeson stated that before Council begins going through the budget, line by line, now is the best time to let citizens know where Council stands with whether or not to raise taxes. He made a motion to not set the Real Property Tax rate to anything higher than the equalized rate of \$1.03, commenting that if Council does not equalize the tax rate, the burden will be placed on citizens who are dealing with the financial effects of the pandemic.

Councilmember Faraldi seconded the motion stating that he is supportive of the motion because it considers the perspective of the tax payer. Individuals and businesses alike are struggling and at a time when everybody's budgets are decreasing, the government should not increase the fiscal burden on the tax payer. He continued by stating that Council must advocate for constituents now and upfront so that there will be ample time to go back and figure out what can be done with the budget proposal.

Councilmember Wilder stated that he does not support the motion, but he does support the people of Lynchburg. He is appreciative of City staff bringing forth a budget with very minimal increase. He's appreciative that people are hurting, but that he is not interested in cutting public safety services or refuse collection services.

Councilmember Nelson commented that at this point, the fact that the assessed values went up is a good thing; it means people want to live in Lynchburg. However, every one of Lynchburg's citizens is suffering. He agreed that City Council has a duty to protect its citizens. There is the ability to cut within the budget to get the city to a point where the citizens don't need to carry all of the burden. However, the gap in the budget from equalizing the rate would be about \$5 million. That gap cannot be filled by cutting alone, but there may be a compromise. He is hopeful that Council will be able to find about \$2.5 million in this budget to cut. He reiterated that he would be looking for that type of solution, and as such, will not be supporting this motion at this time.

With no other discussion, Council denied the motion by the following recorded vote:

Ayes: Helgeson, Faraldi 2

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

// In the matter of Roll Call, Agenda Item #2, Councilmember Faraldi had no items. Councilmember Wilder thanked staff for their continued hard work to maintain operations during the pandemic; he also congratulated Mayor Dolan for an upcoming recognition with Centra Health. Councilmember Tweedy said she appreciates what staff have brought forward in regards to the budget, commenting that she chooses to live in the City of Lynchburg because of the services offered. Councilmember Nelson had no items. Councilmember Helgeson asked staff to look into a buzzard problem in Windsor Hills that a constituent brought forward. Mayor Dolan had the following items and announcements:

- Over the weekend, the City, in partnership with the Lynchburg City Schools, vaccinated more than 1,500 people at the Mass Vaccination Site. We continue to vaccinate more than 600 people a week. We are hopeful that vaccines will become more readily available as supply chains continue to grow.
- The Parks & Recreation Needs Assessment kicks off Monday, March 15th. The last time Lynchburg conducted a Comprehensive Park Master Planning Process was 24 years ago. The work being conducted now in collaboration with the Lynchburg community will help design Lynchburg's parks, trails, and facilities of the future.
- Yesterday, March 8 was International Women's Day is a global day celebrating the social, economic, cultural, and political achievements of women. The day also marks a call to action for accelerating women's equality. This year's theme was Choose to Challenge." A challenged world is an alert world. Individually, we're all responsible for our own thoughts and actions - all day, every day. We can all choose to challenge and call out gender bias and inequality. We can all choose to seek out and celebrate women's achievements. Collectively, we can all help create an inclusive world.
From challenge comes change, so let's all choose to challenge.
- One final announcement, pursuant to Section 2.2-3712(B.) of the Code of Virginia, the Executive Search Committee will be holding closed meetings at an undisclosed location within the following fifteen days for the purpose of interviewing candidates for the position of City Manager.

// The meeting was recessed at 5:52 p.m.

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

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

Absent: 0

Councilmember Wilder gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan congratulated Dr. Reid Wodicka for his third year as a credentialed manager through the International City/County Management Association (ICMA) Credentialing Program.

// In the matter of the Consent Agenda Item #3, copies of the minutes of the February 23, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of the Consent Agenda Item #4, Council conducted a second reading and adopted Resolution #R-21-015 amending the FY 2021 City/Federal/State Aid Fund Budget and appropriating \$64,840 for the Lynchburg Adult Drug Court with resources from the Supreme Court of Virginia Drug Treatment Court Docket Grant. On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Community Development - Planning, Agenda Item #5, a public hearing was held and Council considered adopting Ordinance #O-21-018 approving a rezoning of approximately thirty-nine hundredths (.39) acres to allow for the redevelopment of the property at 400, 404, & 406 12th Street for commercial and residential purposes. Mr. Tom Martin, City Planner provided Council with a brief summary of the request. AC Capital, LLC is petitioning to rezone the property from B-5, General Business District to B-4, Urban Commercial District to allow the redevelopment of the property for commercial and

residential purposes. If approved, the first floor of the building would be renovated for commercial uses, the basement would be renovated for a residential use and future plans would include adding one to three floors above the existing building for residential space. Twelve (12) parking spaces are available on the property with additional parking spaces available for lease on an adjacent property. The Planning Commission previously reviewed the request and recommended approval.

Mr. Will Andrews and Mr. William Cook, co-owners of the building, were in attendance and made a presentation. The request to rezone the property stems from the intended residential use of the property. Also, rezoning to a B-4, Urban Commercial District would be in lockstep with the rest of downtown.

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

Councilmember Wilder made the motion to approve the ordinance, seconded by Councilmember Nelson. With no discussion from Council, the following vote was recorded approving #O-21-018:

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

Noes: 0

// In the matter of Community Development – Planning, Agenda Item #6, a public hearing was held and Council considered adopting Resolution #R-21-019 approving a Conditional Use Permit (CUP) to allow for the expansion of the “Reusens Substation” at 200 Old Trents Ferry Road. Mr. Tom Martin, City Planner, provided Council with a brief summary of the request. Appalachian Power Company is petitioning for the CUP to allow the expansion of an electric substation in an R-1, Low Density Residential District and an R-3, Medium Density Residential District. The expansion would involve forty-eight hundredths (.48) of an acre and include a one hundred fifty (150) foot by fifty (50) foot gravel pad with stormwater facilities. A substation has existed on the property since the 1940's. The Planning Commission previously reviewed the item and recommended approval.

Mr. Jim Lovell, a consultant to the Appalachian Power Company, was in attendance and made a presentation. The expansion will allow for one additional transformer, three voltage regulators, and

additional circuits to serve the Peakland and Boonsboro area. This substation also provides the primary backup to Virginia Baptist Hospital. The one change from the site plan is the existing pond may or may not be needed for stormwater management, but the developer will follow the Department of Environment Quality (DEQ) regulations.

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

Councilmember Faraldi made the motion to approve the resolution, seconded by Councilmember Wilder.

Councilmember Helgeson stated that a part of the approval is the property should be developed with substantial compliance with the site plan. He explained that the petitioner just said they may do something different with the site plan in terms of stormwater management, if it is allowed. Mr. Martin responded that the change in the stormwater management came after the Council report was written. The city cannot require a different stormwater approach from what DEQ approves. Councilmember Helgeson asked Councilmembers Faraldi and Wilder to accept a friendly amendment to the motion to approve the resolution with the addition of the language, "with the exception of the Stormwater Facilities Management". Councilmembers Faraldi and Wilder accepted the friendly amendment.

With no other discussion from Council, the following vote was recorded approving #R-21-019:

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

Noes: 0

// In the matter of Public Comment, Agenda Item #7, Ms. Letitia Lowery, a resident of Ward IV, asked Council to consider not raising Real Property Tax rates, stating that Lynchburg is a small community and not a large metropolis with great funds lying around. She continued by stating that COVID has hurt everyone, but Council needs to work with the community to come up with a better solution. There are ways to work with the community to come up with creative solutions for service delivery. If Council does raise taxes they will be punishing the working middle class homeowners. She also stated that utility bills such as power rates and trash rates have also gone up.

// In the matter of Public Comment, Agenda Item #8, Mr. Andrew Glover withdrew from speaking.

// In the matter of Public Safety, Agenda Item #9, Council considered adopting a resolution affirming the Central Virginia Planning District Commission (CVPDC) Hazard Mitigation Plan. Ms. Melissa Foster, Director of Emergency Services, and Ms. Kelly Hitchcock, Planning and Development Director of CVPDC, presented Council with a brief summary of the request. The Disaster Mitigation Act of 2000 requires local governments, as a condition for eligibility to receive federal mitigation funds, establish a plan to identify hazards, risks, vulnerabilities, and strategies to address disaster events. The CVPDC, in partnership with its member localities, state and local agencies, and public stakeholders, have completed a planning process to develop a regional pre-disaster plan or Hazard Mitigation Plan. The regional mitigation plan was developed through grant funding and under the guidance of Virginia Department of Emergency Management (VDEM) and the Federal Emergency Management Agency (FEMA). The regional pre-disaster plan identifies hazards, including flooding, severe weather and wildfires, area vulnerabilities, establishes goals and objectives, and presents regional and locality-specific mitigation strategies. The CVPDC Hazard Mitigation Plan website, www.cvhmp.org, is a comprehensive and interactive website that in addition to Plan access, provides vulnerability, risk, and historic data, interactive maps, and a review of the regional and locality identified mitigation strategies. Locality adoption of the regional mitigation plan allows the local government to apply for funding through FEMA's Hazard Mitigation Grant Program (HMGP), Building Resilient Infrastructure Communities (BRIC), Flood Mitigation Assistance (FMA), and Rehabilitation of High Hazard Potential Dam (HHPD) grant programs. The original Multi-Jurisdiction Hazard Mitigation Plan was adopted by Lynchburg City Council on May 23, 2006, and a subsequent update was adopted in 2013.

Given the size of the document and since passing the resolution isn't a time sensitive matter, Councilmember Helgeson suggested to table the item until the March 23, 2021 meeting, giving Council more time to review the plan. There was a consensus among Council.

// In the matter of City Code, Agenda Item #10, Council considered adopting Ordinance #O-21-020 amending Section § 28-40 of the City Code to revise the usage fees schedule structure and amounts for the football and baseball stadiums. This item was previously considered by Council at the February 23,

2021 City Council Meeting where Council asked staff to revise the ordinance with the following statement; "When the City Manager or designee determines that it is in the City's best interest to do so, it may reduce or waive the rates and fees set forth above for nonprofit and community service organizations."

Councilmember Helgeson stated that it is arbitrary and capricious to state that the City Manager can decide if and when the fee is waived. Interim City Manager Dr. Wodicka stated that if Council would like to further define the parameters of the ordinance, staff would be happy to include the additional language.

Councilmember Nelson suggested the following additional language to the ordinance so that the City Manager would have clearer guidelines when assessing each request; "...when it is reasonably demonstrated that the use of the facilities will directly promote the interests of the general public". Councilmember Nelson brought this forward as a motion; Vice Mayor Wright seconded the motion. With no further discussion from Council, the following vote was recorded approving #O-21-020:

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

Noes: 0

// In the matter of the Fire Department, Agenda Item #11, Fire Chief Greg Wormser reviewed the department's Annual Report. The report highlighted four main areas of focus:

- Calls for Service – There were 16,160 calls for service. Total responses included 15,727 calls for service. Of those 13,583 were medical calls and 1,692 were fire calls.
- Community Engagement – Continue to inspect code required structures; permits have decreased; in-person programming and visits are down; virtual programming has increased
- Training – Recruit Academy 2019 is completed; Recruit Academy 2020 has just began; Officer Development Program; Career Development for all employees; Task book for every riding position
- COVID – Videos; policies and SOG's; 1/3 of the department workforce tested positive for COVID since March 2020; approximately 1/3 of department personnel have been vaccinated.

He also reviewed the department's Strategic Plan which has three focus areas; People, Service Delivery, and Resources. Each focus area is divided into goals and each goal is further divided into several objectives. Chief Wormser reviewed the following highlights from the plan:

- Recently completed Tasks: facilities plan, fleet management plan, accreditation, community CPR program, and post incident action program.
- Strengths: accountability, measurable outcomes, living road map.
- Weaknesses: lack of community input and again infrastructure.
- Revisions of the Strategic Plan should include both citizen and rank and file stakeholders.
- Plan to integrate and align with the Lynchburg Plan.
- Seek opportunities for improvements related to mental fitness.
- Updates will come in 2022.

Councilmember Faraldi asked Chief Wormser to explain what the impact of having one-third of the workforce contract the coronavirus has on the department. Chief Wormser explained that sometimes there would be about 20 or 30 employees out at one time, but everyone stepped up and worked the extra hours to make sure their colleagues were taken care of. Councilmember Faraldi stated that in the proposed budget, the fire department is requesting additional staffing to increase the ranks. He asked if there was a level that needed to be reached from a staffing perspective similar to what the police department is doing. Chief Wormser replied that there is a need of about 20 uniformed personnel in order to obtain a point of a proper relief factor. The department, in conjunction with the City Manager's Office, is working to develop a staffing plan. Also, currently there are only nine administrative support staff in the department so there is a definite need for additional support. Councilmember Faraldi asked if the staffing plan attempts to address compression issues. Chief Wormser replied that discussion addressing compression issues are ongoing and that they need to be addressed throughout the entire organization.

// In the matter of Economic Development, Agenda Item #12, Council received a presentation regarding the CARES Business Recovery Program from the Office of Economic Development & Tourism. The CARES Business Recovery Program was a one-time fund that offered financial assistance to businesses whose operations were either closed or restricted by the Commonwealth of Virginia in response to the

novel coronavirus. City Council approved a portion of the City's allocation of the Coronavirus Relief Funds provided through the federal CARES Act. The program was administered by the Office of Economic Development & Tourism and the Economic Development Authority (EDA). On July 23, 2020 and August,11, 2020 respectively City Council approved the use of CARES Act funding to assist with business support initiatives. \$3,232,640 in awards, heaters and administration of the CARES Business Recovery and Winterization programs was provided to businesses in the City.

Councilmember Wilder thanked staff for initiating the winterization program and for ensuring that it was a diverse group that received help.

Councilmember Tweedy thanked staff for pulling all of the partners together to make this program work and that the statistic of 64% of minority-owned, women-owned, and veteran-owned businesses that were supported during these efforts was not a number happening in every community. She wants to continue serving the community with this type of intentionality and attention to these underserved groups.

Vice Mayor Wright thanked staff for the thoughtful comprehensive communication, wraparound services, and responsive programs that are tailored to the needs of the business community.

Councilmember Faraldi thanked staff for their hard work, but expressed his sentiments that he would like to see the economy open back up.

Councilmember Tweedy stated that she is appreciative that these businesses are adhering to the regulations, policies, and requests that will keep customers alive.

// The meeting adjourned at 9:15 p.m.

Clerk of Council