

February 22, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of February, 2022, 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 Community Development, Agenda Item #1, Ms. Rachel Frischeisen, City Planner II, presented Council with the Tyreeanna and Pleasant Valley Neighborhood Plan. The Tyreeanna and Pleasant Valley Neighborhood Plan is a product of the input received from neighborhood residents, citizen members of the project's Steering Committee, City of Lynchburg staff and the consultant firm Hill Studio working together to envision opportunities for sustainable growth in the neighborhood. The draft plan includes recommendations for recreation improvements for parks and trails, neighborhood gateway enhancements, as well as quality of life improvements in the neighborhood. The plan has been developed under the direction established by the City's Comprehensive Plan 2013 - 2030 to build strong neighborhoods; conserve the City's unique places and resources; promote business vitality; enhance the attractiveness of gateways and travel corridors; and protect the natural environment while also promoting sensitive development and redevelopment. To achieve this vision, the Tyreeanna and Pleasant Valley Neighborhood Plan is to be adopted as a supplement to the Comprehensive Plan 2013 - 2030. The presentation was for information only and no Council action was required.

Councilmember Wilder asked how the neighborhood received the plan overall. Ms. Frischeisen replied that the feedback received has been mixed; there have been some families that have lived in the neighborhood for generations and remember being annexed. Staff hope that investing in this neighborhood plan would help lay the foundation of working with the neighborhood. Councilmember Wilder stated that he is glad to see the plan include single-family homes since those developments do not always come forward. He wondered if there was an opportunity to bring in commercial development. He asked staff how long this plan would take to implement. Ms. Frischeisen referenced a matrix found in the back of the plan that identifies short-, mid-, and long-term goals of the plan.

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Councilmember Nelson stated that the lack of sewer connectivity in the neighborhood has always posed a problem. He asked how critical sewer is for all of the amenities, features, and commercial development aspects to the plan and what a cost estimate would look like. Ms. Frischeisen stated that the Department of Water Resources is currently working on a comprehensive plan that would identify all of the unsewered areas of the city and what it would take to get sewer to those areas, however, she did not want to speak for the department. He asked if all tenants in the neighborhood are on septic. Ms. Frischeisen replied that not all, but most tenants are.

Councilmember Helgeson stated that he was not comfortable with providing sewer and water hook-ups for new citizens when there are still neighborhoods in the community affected by the annexation that are without those amenities.

Councilmember Tweedy stated that she believes the investment in this community is long overdue and that Council and staff need to be creative in thinking of ways to fund this because it was worth the investment. She also noted that the plan included an RV park and that the nearest park currently is in Amherst County.

Councilmember Faraldi asked staff if there have been talks with connecting trails to the Liberty University trail system. Ms. Frischeisen stated that there had not been but that it was a good idea.

// In the matter of Planning, Agenda Item #2, Mayor Dolan opened the bidding process for the Colonnade Encroachment Franchise Agreement. As a result of the legal notice published in the News and Advance on January 27, 2022, and then again on February 4, 2022, the Clerk of Council Ms. Alicia L. Finney received one bid from Colonnade Partners, LLC. Mayor Dolan addressed the audience and asked if there were any additional bids offered; there were none and Mayor Dolan declared the bidding closed. Councilmember Tweedy made the motion to accept the sole bid, seconded by Vice Mayor Wright, and the following vote was recorded:

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

Noes: 0

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Mayor Dolan announced that a public hearing will be conducted on February 22, 2022, at 7:30 p.m. in Council Chamber to hear from members of the public regarding the adoption of an ordinance granting the franchise to the successful bidder.

// In the matter of Budget, Agenda Item #3, Council continued review of the FY 2023 – 2027 Capital Improvement Program (CIP) and Personal Property Tax Discussion. Deputy City Manager Dr. Reid Wodicka briefed Council on the CIP, and Commissioner of the Revenue Mr. Mitch Nuckles led Council through the Personal Property discussion.

Councilmember Nelson stated that he would like to see some of the projects that do not have a clear economic development tie be funded through other opportunities and not allocating money within the budget for them. For example, the stage at Riverfront Park, aside from the bathrooms, and the trail extensions from Peaks View Park to Ivy Creek Park. He explained that those funds could be reallocated to address sewer extensions to neighborhoods.

Councilmember Helgeson stated that the city is comprised of fifty square miles but a lot of the projects in the CIP focus on the downtown area. He proposed using the ARPA funds to fund the police headquarters. He also stated that if Council were to fund every project in the proposed CIP then that would leave no room in the budget to offer citizens any tax relief down the road.

Councilmember Tweedy stated that if a lot of the projects are centralized to downtown then it could be because it is the oldest part of the city with an aging infrastructure. She asked staff if it was possible to break down the plan based on neighborhoods so that citizens can visually understand where these funds are being spent and see that they are being spent across the city. Dr. Wodicka replied that staff would be able to put together.

Councilmember Wilder stated that the infrastructure in the downtown area is older and needs attention. He also stated that the area is a gateway to the city and investing in parks and recreation projects downtown helps keep people in the area.

Councilmember Faraldi asked why the approach of using all ARPA funds to fund the police headquarters was not feasible. Dr. Wodicka replied that staff were trying to spread the funds to multiple

stakeholders and constituencies throughout the city. Councilmember Faraldi stated that he is not opposed to some of the projects that would bring economic development to the city, however, some of the residents were promised things a long time ago, like access to sewer, so he is interested in exploring what that might look like.

Vice Mayor Wright stated that this CIP comes with no tax burden to the citizens and is supportive of sprinkling ARPA funds for multiple projects that benefit citizens instead of using them all on the police headquarters.

Mr. Nuckles opened the floor for any questions or comments on utilizing a 75% ratio against the assessed value for personal property.

Councilmember Helgeson stated citizens build wealth by investing in assets that appreciate in value. He is appreciative of the personal property refund, but would like to see a rebate for real estate also.

Vice Mayor Wright stated that nobody expected cars to appreciate in value. He is appreciative of staff bringing this recommendation forward and if Council did not act to correct this, it would be at a total cost of a few million from the taxpayer.

Councilmember Faraldi stated that this is the fair and right thing to do for citizens. He stated for the record that he did not view this as a substitute for the real estate tax burden.

Councilmember Nelson stated that the proposal is equitable in that it will benefit more citizen because more people in the city own a vehicle than they do real estate.

Councilmember Wilder stated that he was in support of the proposal.

// In the matter of the Library, Agenda Item #4, City Manager Mr. Wynter C. Benda asked to table the discussion of the Unsolicited Proposal for the Branch Library discussion for the sake of time; Council agreed by consensus.

// In the matter of Planning, Agenda Item #5(a), Council was briefed on a Conditional Use Permit for the Spencer Pointe Apartments. City Planner Mr. Tom Martin provided Council with a summary of the

request. Woda Cooper Development, Inc. is petitioning for a CUP to allow the construction of a fifty-unit apartment development in a B-1, Limited Business District at 1700 Graves Mill Road. A CUP to allow the construction of fifty townhomes on the property was approved on August 11, 2009, but expired. The Planning Commission recommended Approval (4-0, with 2 members absent, Bowden, Perault) of the rezoning petition. The item will be brought back to Council for action at its March 8, 2022 Council meeting.

Councilmember Faraldi asked if there was any discussion by the Planning Commission in regards to the magnitude of the project. Mr. Martin replied that a traffic study was completed and determined the impacts to traffic would be negligible. Councilmember Faraldi stated that he liked that the back of the property would remain wooded and commented on being mindful of maintaining a natural look when developing more parts of the city. He stated that he does not think it is right to use B1 zoning for residential purposes and requested to have a conversation on this at a later date.

Councilmember Helgeson stated he is not in favor of having more rental apartments in a business zone.

// In the matter of Transportation, Agenda Item #5(b), Council was briefed on VDOT SMARTSCALE pre-applications for FY 2029. City Engineer Mr. Lee Newland provided Council with a summary of the request. In order to be able to submit projects for Round 5 of SMARTSCALE, the City is required to submit a list of proposed projects in the form of pre-applications to VDOT for review. For the FY 2029 SMARTSCALE process, staff has identified three potential projects. These projects come from various studies by VDOT and/or the MPO.

- A Candler's Mountain Road Study from University Boulevard to Sunnymede Road in Campbell County identified the offset intersection of Liberty Mountain Drive as a concern that needed to be addressed by aligning the two roads or another solution to be determined.
- A Potential Safety Improvement (PSI) Study identified the intersection of Langhorne Road, Rivermont Terrace and Vassar Street. A concept plan is underway, to include public outreach, to determine what is the best solution for this intersection.

- A Corridor Study along Graves Mill Road identified an improvement to the bridge over 501. The improvement recommended is modifying it to a diverging diamond interchange, similar to Route 15 over I-64 in Zion Crossroads (attached).

It is required that City staff submit these projects as “pre-applications” several months prior to the formal application and as such, the item will return for Council action at a regular Council meeting either in June or July.

Councilmember Helgeson stated that he has heard from citizens on Vassar Street and Langhorne Road about not wanting a roundabout. Mr. Newland stated that there will be a public meeting to garner citizen input when determining the best solution.

// In the matter of Transportation, Agenda Item #5(c), Council was briefed on the Liberty Mountain Drive acceptance from Virginia Department of Transportation (VDOT). City Engineer Mr. Lee Newland provided Council with a brief summary of the request to approve a resolution asking the Commonwealth Transportation Board to transfer the street as an addition to the City's Street Inventory. VDOT has requested that the City of Lynchburg formally accept into our street maintenance system two sections of road that are currently considered frontage roads in their system. These two sections are:

- A – B. Liberty Mountain Drive from Candler's Mountain Road south to Liberty University Drive
- B – C. Liberty Mountain Drive from Liberty University Drive south to the end of public maintenance, approximately 0.25 miles from the City limits with Campbell County. This 0.25-mile section is currently maintained by LU and not VDOT. The City can work with LU and add it into our system next year.

The total length of these two sections is 0.92 miles, which would add 1.84 lane miles to the City street system. By taking these streets into the City system, the City will be responsible for any and all required maintenance including repaving, street lighting, mowing, snow removal, etc. If City Council approves the addition of these street sections, the Commonwealth Transportation Board will take action on this item at a future meeting. These streets have been reviewed by Public Works and are in relatively good condition. There is an area that will require maintenance and VDOT has agreed, by letter, to perform that

maintenance at no charge to the City. This is planned to be accomplished later this year. The item will appear before City Council for action at its March 8, 2022 meeting.

// In the matter of Roll Call, Agenda Item #6, Councilmember Tweedy thanked the organizers of the Martin Luther King, Jr. walk that had to be postponed originally due to inclement weather. Councilmember Faraldi encouraged citizens to research a grant the area's Veteran Council is hoping to obtain; he encouraged participants to engage on an issue the Department of Labor is considering regarding masking in the workplace. Councilmember Wilder also thanked the organizers of the Martin Luther King, Jr. walk; he asked staff to continue addressing challenges on Washington Street; he acknowledged a few events scheduled at both the Academy Center of the Arts and at the YWCA. Vice Mayor Wright thanked staff for their work with the Tyreeanna neighborhood plan. Mayor Dolan asked staff to prepare the adoption of the budget calendar for the regular City Council meeting scheduled for that night.

// The meeting was recessed at 6:17 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
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Absent:	0
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Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized a member of the Mayor's Youth Council, Mr. Teddy Tharp, Junior at E.C. Glass, who was in attendance.

Mayor Dolan also proclaimed the month of February as Benefit Program Specialist Month, stating that Lynchburg's Benefit Programs Specialists have been at the forefront of public efforts to meet the needs of steadily maintaining a high rate of application processing and case management to ensure those qualified for social services benefits receive and continue to receive them. Director of Human Services Mr. Preston Sellers was in attendance to accept.

// Councilmember Wilder made the motion to amend the agenda to discuss two items not on the agenda: adoption of the FY 2023 Budget Calendar and meeting location changes, and the adoption of the

Personal Property Tax credit. Vice Mayor Wright seconded the motion. Council agreed to amend the agenda by consensus.

// In the matter of the Consent Agenda Item A, copies of the minutes of the November 9, 2021 Council meeting have been previously furnished to Council, and on motion of Councilmember Tweedy, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of the Consent Agenda Item B, copies of the minutes of the November 16, 2021 Legislative meeting have been previously furnished to Council, and on motion of Councilmember Tweedy, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of a Franchise Agreement, Agenda Item #7, a public hearing was held and Council considered adopting Ordinance #O-22-014 granting a non-exclusive limited franchise to Colonnade Partners, LLC, to permit certain encroachments into the city public rights-of-way of Rotunda Street and Colonnade Street and into a drainage easement held by the city.

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

Vice Mayor Wright made the motion to approve the ordinance, stating this was the only bid received and he believes it to be a reasonable one. Councilmember Tweedy seconded the motion.

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

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

Noes: 0

// In the matter of Public Comment Item A, Council heard from Ms. Vickie Craig, speaking on behalf of the group Central Virginia Alliance for Community Living, who recognized the Lynchburg Sheriff's Department who were key partners for the agency in the holiday gift program, "Elves for Elders".

// In the matter of Public Comment Item B, Council heard from Mr. Gary Taylor who addressed Council on schools in Virginia, Lynchburg City Schools' budget as it pertains to salaries, and school boards. He provided Council with handouts regarding his topics of discussion and gave a brief overview of the materials. He asked Council to consider requesting the Lynchburg City School Board adjust the teacher salary gap as compared to other localities to put it into proper perspective.

// In the matter of City Code, Agenda Item #8, Council considered adopting Ordinance #O-22-015 amending and reenacting Section § 37-109 of the City Code related to taxicab rates permitted within the City. Council was previously briefed on this item during its December 14, 2021 Business Item Briefings.

Councilmember Faraldi asked if there was any consideration on behalf of the City as to the justification for being involved in this regulation. Mr. Hughes responded that the request stemmed from safety issues. Councilmember Faraldi stated he would vote no on principal; he does not think the City should be involved with the process because as business owners and that cab companies should set rates without the input of Council.

Councilmember Wilder made a motion to approve the ordinance, stating that since the four taxicab owners are all in agreement and want this change, he supports it. Councilmember Tweedy seconded the motion, thanking the cab companies and their owners for working together.

Councilmember Helgeson stated that voting in favor of this would affect the price citizens would have to pay and stated that Council should be promoting competition among the businesses to help drive prices down.

Councilmember Nelson stated that he would be supporting this motion because without regulation, bigger companies would drive out the smaller businesses.

Vice Mayor Wright stated that there is a certain amount of public safety associated with this ordinance and that the police department would like to be involved with the verification and certification of taxi drivers. He stated his support with adjusting the rates to keep up with inflation.

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Mayor Dolan stated that she is in support of the motion since it is a request for an immediate change and that she would be in favor of a conversation in the future on whether or not government should be involved with setting the rates.

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

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

Noes: Helgeson, Faraldi 2

// In the matter of Schools, Agenda Item #9, a second reading was conducted of Resolution #R-22-013 amending the FY 2022 General Fund budget and appropriating \$2,347,404 from the unexpended FY 2021 Schools Operating Fund appropriations for transfer to the FY 2022 Schools Operating Fund and to the FY 2022 Schools Capital Fund.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Nelson who stated that there is a need for these resources.

Councilmember Helgeson stated that he will be voting against this since this money will be going into a reserve that the schools will determine how to spend at a later date. He would rather see the funds in a City reserve.

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

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

Noes: Helgeson, Faraldi 2

// In a matter of an item not on the agenda, Personal Property Tax credit, Councilmember Faraldi made the motion to adopt Resolution #R-22-016 approving the Personal Property Tax credit, seconded by Councilmember Nelson.

Councilmember Helgeson stated that he is in support of this resolution and hopes that Council can find a way to offer a Real Estate Tax rebate as well.

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

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

Noes: 0

// In the matter of an item not on the agenda, FY 2023 Budget Calendar, Mayor Dolan read the following Resolution #R-22-017:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the portion(s) of the Lynchburg City Council's Rules of Procedure relating to the location of the work session portion of the said Council's regular meetings is hereby suspended through April 5, 2022. All other parts of said Rules of Procedure shall remain in full force and effect.
2. That, with the exception of the March 22, 2022, work session portion of the Lynchburg City Council's regular meeting, the Lynchburg City Council's work session portion of its regular meetings shall be held in the 2nd Floor Training Room of the City Hall, at 4:00 p.m., through April 5, 2022. The March 22, 2022, work session portion of the Lynchburg City Council's regular meeting shall be held at the Lynchburg Regional Business Alliance, 300 Lucado Place, Lynchburg, VA 24504 at 4:00 p.m.
3. That, as shown on Exhibit "A", identified as the City of Lynchburg Budget Calendar FY 2023, incorporated herein by reference, the following additional meetings of the Lynchburg City Council are hereby scheduled pursuant to the said Rules of Procedure and applicable Virginia law(s):
 - A. March 22, 2022, 7:00 p.m. - 7:30 p.m., Council Chamber - City Hall: Public Hearing
FY2023 Proposed Budget
 - B. March 24, 2022, 4:00 p.m. - 6:00 p.m., 2nd Floor Training Room - City Hall: Work Session
 - C. March 29, 2022, 4:00 p.m. - 6:00 p.m., 2nd Floor Training Room - City Hall: Work Session
March 29, 2022, 7:00 p.m., Council Chamber - City Hall: Public Hearing
Water Resources Rate Study
 - D. March 31, 2022, 4:00 p.m. - 6:00 p.m., 2nd Floor Training Room - City Hall: Work Session
 - E. April 5, 2022, 4:00 p.m. - 6:00 p.m., 2nd Floor Training Room - City Hall: Work Session
4. That the Clerk of Council shall notify the public and media of the above shown changes in the said Council's regular meetings and the additional meetings in accordance with Virginia law.
5. That this Resolution shall be effective on March 9, 2022.

Councilmember Helgeson stated that he is not supportive of adding the additional Thursday meetings, citing some scheduling conflicts, and stated that he will not be present at those meetings. He stated that he is not supportive of the location change to the 2nd Floor Training Room since it seems more closed off to the public.

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Vice Mayor Wright made the motion to approve the resolution stating he is in favor of trying out an accelerated budget schedule and is supportive of the location change in hopes that it would allow for a more conducive conversation surrounding the budget. Councilmember Tweedy seconded the motion.

Councilmember Nelson stated that his reservations with moving the meeting to the 2nd Floor Training Room have to do with the comfort of the public. The space is smaller than Council Chamber and any member of the public who are still trying to socially distance might not be able to comfortably do so in the 2nd Floor Training Room.

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

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

Noes: Helgeson, Nelson 2

// On motion of Councilmember Tweedy, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss and consider information and negotiations relating to the City's construction of a new police headquarters and acquisition of land for the same under the authority of the Public-Private Education Facilities and Infrastructure Act of 2002, pursuant to §§ 2.2-3705.6(11), 2.2-3711(6), and 2.2-3711(3) of the Code of Virginia, 1950, as amended

Councilmember Helgeson stated that he will be voting in opposition to the closed session because he wanted to hold the session in the Council Chamber conference room, not Council Chamber.

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

Noes: Helgeson 1

// The meeting was reopened to the public.

// Councilmember Helgeson 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

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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: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:	0
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// The meeting adjourned at 8:57 p.m.

Clerk of Council