

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of January, 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, J. Randy Nelson, Sterling A. Wilder,

Chris Faraldi 5

Absent: Jeff S. Helgeson, Treney Tweedy 2

// In the matter of Budget, Agenda Item #1, Ms. Donna Witt, Chief Financial Officer, provided Council with a monthly update on revenue collections received in several key City revenue sources. These figures only looked at the month of November and were compared against November of 2019 revenue collections.

Sales Tax continues to trend upward coming in at about 7% above the previous November. Ms. Witt attributes this to online sales and grocery sales continuing strong. Meals Tax is down 6% compared to the previous November. Ms. Witt attributed the numbers not being worse because the month of November was a very warm month so there was more outdoor seating available. Lodging Tax is down about 23% compared to last year, however, compared to the rest of the state Lodging Tax isn't down as drastically as a lot of localities. Amusement Tax is still down 75%, but Regal Cinemas is hoping there will be enough movies released in the Spring that they will be able to open back up. Ms. Witt stated that at the first meeting in February the full 2nd Quarter will be presented.

// In the matter of Community Development – Zoning, Agenda Item #2, Council conducted a work session on zoning ordinance amendments related to telecommunication facilities. Mr. Tom Martin, City Planner, and Mr. J. Patrick Taves with Greehan, Taves, & Pandak, PLLC presented Council with a summary of the item. The City's Zoning Ordinance sections related to Telecommunication Facilities were last updated in December 1997 with minor amendments in January 2020. Amendments to Virginia Code in 2017 – 2020 and federal law regarding telecommunications facilities requires the City to update the ordinance in order to be compliant with the new regulations.

The City's comprehensive plan states that in order for the City to continue its role as an economic engine for this region, the City has to keep pace with changes to technology and telecommunications. In

order for the City to support local businesses, it will have to capitalize on those changes. The fact that the telecommunications ordinance was last updated in the year 1997 really necessitated the need for the changes to the proposed draft, which has been drafted in conjunction with Mr. Taves. The draft ordinance was forwarded to over 26 firms in the telecommunications industry back in August of 2020 for their review and only received very minor comments. The Planning Commission conducted a work session in November of 2020, then a Public Hearing in December of 2020, and unanimously recommended approval of the draft telecommunication ordinance.

The purpose of bringing the draft item to Council's work session is to allow for a detailed review and discussion. The next step will be to hold a Public Hearing. Staff briefed Council on the different components of the draft ordinance which include State and Federal mandates, types of facilities (Small Cell, Administrative Review Eligible Products (AREPs), Standard Process Projects), timelines for review, height where permitted, and setbacks.

Councilmember Faraldi asked if there is justification that flagpoles are in the same legal area as a telecommunication pole. Mr. Erwin stated that although it may seem farfetched to class these towers the same as flagpoles, it really is the best option when choosing a similar structure. Councilmember Faraldi requested clarification on whether the proposed ordinance would prohibit a company from installing a large flagpole as an attraction. Mr. Martin replied that the only new regulation in the ordinance regarding flagpoles is setbacks based on height. Mr. Erwin clarified that the ordinance does not impact the ability for businesses to put up flagpoles.

Councilmember Nelson asked what the rationale was for abandoning the former twice the height fall zone criteria. He specifically wanted to know what the validation was for including it originally. Mr. Taves stated that many years ago localities looked at these facilities and thought they were precarious and prone to falling, however, that is just not the case. The technology has changed and is not as bulky as it once was and the towers themselves are incredibly substantial. The twice the height fall zone criteria was established out of an abundance of caution and there is no evidence to support the need to have the excessive distance from a property line. Councilmember Nelson also stated concerns over the phrase "deemed complete and deemed approved". The statement carries with it some challenges for local

government in that if the process and procedures are not promptly and quickly scrutinized, applications that come in end up being deemed complete and deemed approved without any real diligence or scrutiny. On the other side of that is the concern with expanding internet access given the pandemic. The less obstacles there are to facilitating a widespread internet connection, the better everyone will be including the school division and families. Councilmember Nelson addressed a third concern, stating that Council has been advised not to base reasoning on certain aspects but to be focused on only the acceptable criteria and standards that are legitimate to deny an application. He asked specifically if there were any changes to the standards used to analyze or assess the acceptability or the non-acceptability of a project in this draft ordinance, or will Council be looking at this with the same scrutiny and the same precautions and only the setbacks and such have changed? Mr. Erwin stated that what has been done in the past is the City Attorney advises Council on the factors that can be considered and the factors that cannot be considered when Council is making a decision. The City Attorney's Office would then draft a very detailed ordinance with the specifics.

// In the matter of Roll Call, Agenda Item #3, Councilmember Faraldi wanted to extend his appreciation to law enforcement given the recent National Law Enforcement Appreciation Day; he also stated that he is actively trying to spread awareness about trash pick-up and extended a thank you to the frontline workers who are working so hard to pick up the trash and do the best with the resources on hand; he would appreciate some update from the schools about how they are moving forward. Councilmember Wilder commended staff for working so long and hard for the trash pick-up. Councilmember Tweedy praised refuse staff for implementing trash pick-up and commended the school board and leadership for doing challenging work in a challenging time. Councilmember Nelson and Vice Mayor Wright had no items. Mayor Dolan spoke about the contest to help save the angel statue at the Old City Cemetery; she also asked citizens to take the pandemic seriously and to wear a mask, wash hands, and practice social distancing.

// The meeting was recessed at 5:15 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 Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan presented Ms. Alayah Henderson with a Proclamation declaring January as Holocaust Recognition Month. Ms. Henderson is a member of a teen task force working to combat antisemitism through educating the community.

// In the matter of the Consent Agenda Item #4, copies of the minutes of the December 8, 2020 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 Water Resources, Agenda Item #5, a public hearing was held and Council considered adopting Resolution #R-21-001 requesting an exemption to the Utility Disconnect Moratorium. Mr. Tim Mitchell, Director of Water Resources, presented Council with a summary of the item.

In the beginning of March, 2020, the Department of Water Resources voluntarily suspended disconnection of water service for delinquent accounts as a direct response to the COVID-19 pandemic. During the 2020 Special Session I, the General Assembly approved Appropriations Act Amendments, Item 4-14, which included specific procedures and requirements for utility services related to the coronavirus declared state of emergency including: provisions related to customer assistance grants; utility disconnection moratorium requirements; customer repayment plans; and provisions for exemption to the disconnection moratorium. Municipal utilities may seek an exemption to the disconnection moratorium given that they: provide the accounts receivable arrearages exceeding one percent of the total annual operating revenues; make the accounting analysis showing the one percent exceedance available for public inspection; conduct a public hearing; and obtain verification from the governing body

that arrearages exceed one percent and affirming the intention to resume utility disconnections for non-payment. Upon verification, City staff recommends the resumption of utility disconnections beginning in February, 2021. In conjunction with the resumption of utility disconnections, repayment plans will also be offered to customers. Customers participating in repayment plans will not be cut-off as long as they remain current with their plan. Additionally, customers with arrearages may apply up until January 22, 2021 for funds from the COVID-19 Municipal Utility Relief Program to be applied to their outstanding water and sewer balances. Customers are encouraged to take advantage of both of these programs to help avoid disconnection for delinquent accounts. Mr. Mitchell reviewed the analysis showing that the accounts receivable arrearages exceed one percent (1.77% as of November 30, 2020) of Water and Sewer Funds' annual operating revenues.

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

Councilmember Wilder asked if these funds were different funds than that of the funds the nonprofits agencies are able to use. Mr. Mitchell explained that these are different funds specifically administered by the City and customers have to fill out an application and certify that they have been affected by COVID financially in order to be eligible for the funds. Councilmember Wilder asked how much funds were allotted to the City. Mr. Mitchell reiterated that the City has been allocated about \$344,000 and to date the City has received applications for about \$86,000. Councilmember Wilder asked how much funding the nonprofits had left. Mr. Kent White, Interim Deputy City Manager, stated that the agreement with the nonprofit organizations expired in December of 2020.

Mayor Dolan clarified that she talked to Interfaith Outreach earlier in the day and confirmed that they do have funds still available from donors and not CARES funds, so that would be another resource for citizens.

Vice Mayor Wright asked how tailored the repayment plans are to individual accounts. Mr. Mitchell stated that it was somewhat at the discretion of the billings and collections office. The plan is to offer a repayment plan for up to about twelve months, but if a customer has a low balance then that repayment plan might not be the full twelve months.

Councilmember Faraldi asked how staff plans to navigate the scenario if the funds are depleted but the City still has a balance in the arrearages. Mr. Mitchell said that under that scenario, staff would encourage customers to take advantage of the repayment program so that they can become current over a period of time. Another thing that we may do is adjust the cutoff threshold initially so that staff won't be overburdened at one time.

Councilmember Tweedy asked what the ratio was for residential and business. Mr. Mitchell explained that by far the majority is residential, and businesses are eligible for the funds as well, however, the legislation directs localities to prioritize residential first. If there are relief funds left over at the end, then that may be a possibility to apply to businesses, but there is no guarantee there will be relief left over; if there are, staff will be accepting applications from businesses.

Councilmember Nelson stated that it has been made abundantly clear that citizens who are in debt for unpaid water bills are not taking advantage of money that is there to relieve them of financial woe. In the course of dealing with this, he asked if staff has been able to identify any credible obstacle that the City could undertake to relieve what is preventing citizens from applying and receiving approval? Mr. Mitchell replied that he believes staff has made the process incredibly easy, especially with the latest addition of taking applications over the phone which resulted in an increase in applications. There were some applicants who did not indicate that they were experiencing hardship due to COVID-19. Those applications were rejected; however, Billings and Collections were following up with those customers.

Mayor Dolan wanted to know what the deadline was to apply for the funds. Mr. Mitchell explained that the deadline has been extended until the end of the calendar year and any funds that remain at that time must be returned to the state by December 31 2021. Mr. Mitchell stated that staff will cease accepting applications a week prior to that date, but he anticipates the funds will be depleted before then.

Councilmember Wilder made a motion to approve the resolution, seconded by Councilmember Tweedy. With no other discussion from Council, the following vote was recorded, adopting Resolution #R-21-001:

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 for the consideration of adopting Resolution #R-21-002 granting a Conditional Use Permit (CUP) to Jefferson House, LLC to allow the construction of a five story, sixty-five unit apartment building for seniors. Mr. Tom Martin, City Planner, provided Council with a summary of the petition. Jefferson House LLC, is petitioning for a CUP at 1818 Langhorne Square to allow the construction of a sixty-five unit apartment complex in a B-3, Community Business District. The units would be deed restricted as affordable units for the elderly. If approved, a total of one hundred sixty-six units would exist with only sixty-seven parking spaces proposed for the two buildings. The Zoning Ordinance typically provides for one parking space per one residential unit but allows the City Planner to reduce the number of the spaces where mass transit is available and if the applicant provides credible information documenting that supports the reduction in parking. The petitioner has provided that there are currently forty-two parking spots serving the existing one hundred one residential units. Only twenty-five residents have cars and the other parking spaces are utilized by staff that comes in the morning and at night. The maximum usage of parking has averaged thirty-two spaces and most of the usage is by home health aides and the three staff members. Based upon the availability of mass transit, parking need demonstrated by the petitioner and the restriction to senior housing, staff believes parking will not be an issue. The Planning Commission also discussed how the project could potentially improve stormwater conveyance on the site. The Planning Commission conducted a Public Hearing on December 9, 2020, and recommended approval.

Mr. Joe Eddy, President of JE Properties, the developer of this property, addressed Council. JE Properties works mostly with affordable housing and they came across this property a couple of years when it was in default with Virginia Housing. There were a lot of capital needs like a roof problem, leaks, and an infestation and used private capital in conjunction with the City's real estate revitalization tax exemption program. This is a prime location for senior housing because it is near a hospital and the developer has already installed a sidewalk to help with access to the bus line. JE Properties is continuing to improve the property by adding additional units and will be done as a low-income tax credit project. They will apply to VHDA for the tax credits in March, with hopefully an approval in July and will begin the

project the following March. If they do not get the tax credits this year they will reapply for them the following year.

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 Helgeson noted that the developer stated that if they don't receive the tax credits, they will delay the project until they do. Mr. Eddy replied that the funding is through the tax credit program and if they receive the funding, that is the subsidy to allow for lower rents. Councilmember Helgeson requested clarification from Mr. Martin in regards to the following scenario: if the developer does not receive the tax credits but Council approves a CUP for the property, could the property then be sold to somebody else that may not have similar intentions with the property? He specifically cited concerns regarding the lack of parking spaces. Mr. Martin stated that the CUP would be valid for 36-months, so the developer has quite a bit of time to see if they are going to get approvals. Councilmember Helgeson asked if Council were to approve the CUP and the developer doesn't receive the funding, if the CUP would become void after the 36-months. Mr. Martin clarified that it would become void and they would have to apply again. Councilmember Helgeson asked what would happen if the developer sells the property? Mr. Martin explained that it would have to be the same type of development for the elderly and Council could add a phrase to the resolution indicating this, phrased as such, "the conditional use permit is being approved only for senior housing".

City Attorney Mr. Walter Erwin stated that they couldn't put anything significantly different from the concept plan without coming back to Council and getting permission. Councilmember Helgeson said that the concept plan could be the same, but the tenants could be different. Councilmember Helgeson made the motion to approve the resolution with the revisions Mr. Martin suggested.

Councilmember Wilder seconded the motion stating there is a need for additional housing for seniors. He also asked for clarification from Mr. Eddy regarding the renovations that are currently being done, even without the tax credit funding. Mr. Eddy clarified that yes, the renovations are still happening regardless of the expansion.

With no other discussion from Council, the following vote was recorded, approving Resolution #R-21-002:

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

Noes: 0

// In the matter of Community Development Block Grant (CDBG) and HOME Programs, Agenda Item #7, a public hearing was held to receive public comments regarding the goals for the development of the Fiscal Year 2022 Annual Action Plan and adopt Resolution #R-21-003 approving the goals.

Ms. Melva Walker, Grants Manager, provided Council with a brief summary of the item. The U. S. Department of Housing and Urban Development (HUD) requires state and local governments, which receive federal community development funds, to prepare a Consolidated Plan. The Consolidated Plan for Lynchburg was approved in June 2020 and covers the period from July 1, 2020 through June 30, 2024. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires Community Development Block Grant (CDBG) and HOME Program entitlement communities to review these goals on an annual basis. City Council is seeking the input of citizens and other interested parties regarding the approved goals regarding the City's housing and non-housing community development needs common to low- and moderate-income households and neighborhoods in Lynchburg.

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.

As Chair of the Community Development Advisory Committee, Vice Mayor Wright made the motion to approve the resolution stating that the goals are thoughtful and a result of a collaborative process with members of the community.

Councilmember Wilder, who serves as the Vice Chair for the Community Development Advisory Committee seconded the motion stating that he appreciates all of the hard work from staff and is thankful to support the project and its many wraparound services.

Councilmember Helgeson stated he appreciated the work that goes into this type of plan by the Chairman, Vice Chairman, and the citizen volunteers. On the housing goals, it indicates the support of affordable housing in both the rental and the sales market. He stated that it seems a little vague as far as the word choice because rentals can be sold. He asked if the intention was to imply owner-occupied? Ms. Walker stated that the word "homeownership" was specified in the plan last year, but Council advised to change that to sales market to imply homeownership. Vice Mayor Wright clarified that Council directed staff on the wording change to represent owner-occupied as sales.

With no other discussion from Council, the following vote was recorded, approving Resolution #R-21-003:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of the City Manager's Office, Agenda Item #8, a public hearing was held to solicit feedback from the public on the potential sale of property at 97 Page Street. Interim City Manager Dr. Reid Wodicka provided Council with a brief summary of the item. The City received a request to sell the property which has been owned by the City since 1965. This is a vacant parcel that presently has no public use; that fact has been affirmed by the City's Technical Review Committee. In addition to advertising this public hearing, the property was listed on multiple listing services since September 18, 2020. The City received one offer for purchase of this property for \$10,000 with the intent of building a duplex or quadplex which is permitted by the City's zoning ordinance. The City's assessment on the property is for \$5,000. The City has received no other offers. At the conclusion of the public hearing, staff are requesting Council adopt Resolution #R-21-004 authorizing the sale of this property.

There was one citizen who spoke in favor through a statement previously provided to the Clerk of Council, which was read into the record. Mr. Tyler Brown who placed the offer on the property, displayed to Council his good intentions with the property, citing how this is intended to be a rental property that will bring funds back to the City through taxes, permits, etc., and will provide clean, affordable housing to the area.

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

Councilmember Helgeson made the motion to approve the resolution stating that he appreciates the fact that it was listed and that ample opportunity was given for other interested parties looking to purchase and appreciates the openness and transparency. He clarified that this resolution only authorizes the sale of the property and does not have any inferred approval of the items that the buyer mentioned. If there needs to be rezoning for example, adopting this resolution does not bind Council to that. He asked staff to look into any other properties like this that could be sold and returned back to the tax rolls. Councilmember Wilder seconded the motion.

With no other discussion from Council, the following vote was recorded, approving Resolution #R-21-004:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// In the matter of the City Charter, Agenda Item #9, a public hearing was held and Council considered adopting Resolution #R-21-005, requesting the General Assembly to revise the City Charter to remove limits on City Council salaries. Interim City Manager Dr. Reid Wodicka, provided Council with a brief summary of the item.

The salaries that will be paid to the Mayor, Vice Mayor, and City Councilmembers is prescribed in Section 7 of the City Charter. While this provision has been in effect since 1976, Section 15.2-1414.6 of the State Code allows City Council to set salaries that are higher than the salaries set by the City Charter, and City Council has on several occasions voted to increase their rate of pay. As such, the pay rates found within the Charter (\$2,400 for Councilmembers; \$3,000 for the Vice Mayor; and \$3,600 for the Mayor) are no longer accurate.

During the legislative agenda setting process for the 2021 General Assembly Sessions, Council voted to request that the General Assembly revise the City Charter to remove those limits from the Charter and provide City Council the option to adopt its own salaries. Presently, Council has set their

salaries for the Mayor at \$12,000, and Vice Mayor and Members of Council at \$10,000. The purpose of the public hearing is to solicit feedback on the proposal of the charter amendment. If Council chooses to adopt the resolution it will be forwarded to the General Assembly tomorrow.

There was no one to speak in favor, either in-person, or through voicemails or emails. There was one citizen who spoke in opposition through a statement previously provided to the Clerk of Council, which was read into the record. Ms. Starlette Early, resident of Ward I, urged Council to deny the recommendation of approving the resolution, indicating that City Council salaries should be set at a rate that would not place them better off than the citizens they represent, or at the expense of other needed programs for the residents. Ms. Early further urged Council to not allow the City's charter to be opened and amended by the General Assembly just to provide this governing body an opportunity to set the level of their own salaries.

With no other citizen input, the public hearing was closed and the matter rested with Council. Councilmember Faraldi stated that the justification for this language as he interprets it would allow Council to be more flexible with setting their salaries as it is not clearly defined in the Charter. More importantly, the revision is needed due to legislation in last years' legislative session that would mandate localities pay what is in their charter. He also stated that Delegate Walker has indicated that he is willing to carry this proposal to the General Assembly.

City Attorney Mr. Walter Erwin clarified that what this proposal will do is make the City Charter consistent with State law. There is a provision in the State Code that spells out what members of governing bodies can do in regard to their salaries. The provision in the City Charter is old and inconsistent with the State Code and all this proposal does is ask that the City Code be made consistent with the State Code.

Councilmember Tweedy made the motion to adopt the resolution. Vice Mayor Wright seconded the motion.

Councilmember Nelson stated that the last time this issue came up, he voted with the sentiments that were expressed by the citizen in Ward I. However, as it was pointed out the last time this was

discussed, sitting on this Council is somewhat prohibited by citizens who do not have an abundance of resources because the job does not pay enough to pay the bills. In order to give some greater incentive to the average citizen to endear them to be on Council, an increase in compensation must happen. He continued by stating that he does not want to vote for an increase for his personal salary but because it does translate into benefits for all citizens to have the potential to serve on Council. Therefore, he will be supporting the motion.

Vice Mayor Wright stated that if the State ends up making changes in the 2021 legislative session, Council could be restricted to what salary is listed in the City Charter. This proposal is just a matter of clearing up a technicality.

Mr. Erwin clarified that this amendment would not let City Council raise its salary to whatever Council wishes. There are salary limits in the State Code, and City Council salaries will be confined to them.

Mayor Dolan stated that she will be voting in favor since this motion is bringing the City Charter up to State Code and not a motion to increase Council salaries at this time.

With no other discussion, the following vote was recorded approving Resolution #R-21-005:

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

Noes: Faraldi 1

// In the matter of Public Comment, Agenda Item #10, Mr. Gary Taylor, resident of Lynchburg, asked Council to consider restructuring the Bridges to Progress Steering Committee to be an Education subcommittee to address pre-K and K-12 issues in regards to the pandemic.

// In the matter of City Council, Agenda Item #11, Council considered adopting Ordinance #O-21-006 to continue emergency procedures for the conduct of public business to ensure the continuity of City government and critical local services during the state of emergency and disaster caused by the COVID-19 pandemic.

Dr. Reid Wodicka, Interim City Manager, presented Council with a brief summary of the request. On March 24, 2020, City Council adopted a "Continuity of Government" ordinance and on April 28, 2020 adopted associated rules of procedure for City Council to follow in the event that City Council elected to hold electronic meetings. Though City Council has not chosen to conduct electronic meetings, the City's Continuity of Government ordinance provides the authority to other City boards, commissions, and authorities to hold electronic meetings. Several of those bodies have chosen to conduct electronic meetings during the pandemic. The Continuity of Government ordinance was originally adopted for an initial term of six months, which expired on September 24, 2020. On September 22, 2020, City Council elected to extend this ordinance for an additional four months, ending January 22, 2021. Unfortunately, the COVID-19 pandemic remains a reality and if City Council wishes to extend the provisions of this ordinance and associated procedures, it is necessary to adopt an additional extension. The continuance ordinance, as presented, would remain in effect until June 30, 2021, when City Council repeals the ordinance, or when the local Declaration of Local Emergency is ended, whichever occurs first. City Attorney Mr. Walter Erwin stated that this ordinance also authorizes emergency procurement for public bodies in the City that might need goods and services to deal with a pandemic.

Vice Mayor Wright made the motion to approve the ordinance, seconded by Councilmember Tweedy.

Councilmember Helgeson stated that he will not be supporting this ordinance because if Council should decide to not have meetings in which the public can attend, that should be discussed on an as-needed basis instead of declaring it for the next six months.

Mayor Dolan said that she will be supporting this ordinance because Council meets in person but with great trepidation because certain members refuse to don the proper PPE.

Councilmember Nelson stated that citizens having the ability to come in person to address their elected officials is their fundamental constitutional liberty. The power and impact of the in-person address is far more intense than if people are on a computer screen at a distant point. He strongly expressed that he does not want this Council, or any public body, to have the insulation from their public when the public has a right to bring their pleas to that body and be heard. He further commented that the language of the

ordinance is fine, however, there needs to be immense accommodations to address why the restriction is necessary and make certain that everyone is clear as to why the means to exercise that liberty should be constrained. He stated that he will be supporting this ordinance but reluctantly because there is no specific language stating the requirement for the accommodations being made for the body that is choosing to not have a public assembly.

Councilmember Faraldi stated that he has strong reservations about adopting this ordinance, citing his stance against limiting Council's engagement with the community. He further stated that members of boards and commissions are appointed by City Council and he does not believe they should limit their engagement with the community in an in-person fashion. He commented that if his voting in opposition expresses his disapproval of that then so be it. He reiterated that he has strong reservations to support this moving forward if boards and commissions are taking actions to limit their engagement with the constituency they are supposed to be representing.

Councilmember Tweedy asked Mr. Erwin if this ordinance would give individual councilmembers the right to virtually join a meeting if they felt unsafe joining in-person; Mr. Erwin replied that yes, that is the case.

Councilmember Wilder stated that he would be supporting the motion, but wants to make sure that the community is informed ahead of time.

Councilmember Faraldi stated that he does support the idea of giving options and does support the idea of having virtual meetings, however, with that there are certain limitations in which the public can be involved. For example, the public is not offered the opportunity to join a virtual meeting or to join a conference call and are being limited to writing an email or leaving a voicemail. He stated that he respects the intention of this ordinance however, he has fundamental issues with the way some of the boards and commissions have operated with engaging the community.

Mayor Dolan stated that this is not a mandate this is an option; during a pandemic, Council has a responsibility to safeguard the people that it appoints to its boards and commissions.

Councilmember Tweedy stated that it is Council's responsibility to put forth those things that will provide protective measures for the people who serve at our bequest so when they do not have parameters that would keep them safe it is my responsibility to do those things necessary to help protect them.

With no other discussion, the motion to adopt Ordinance #O-21-006 was approved with the following recorded vote:

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

Noes: Helgeson, Faraldi 2

// In the matter of Community Development – Planning, Agenda Item #12, Council considered adopting Resolution #R-21-007 supporting Virginia Housing Loan Funding for Miller's Rest, Phase II.

Mr. Tom Martin, City Planner, provided Council with a brief summary of the request. Mr. Austin T. Pittman with Lawson Companies has submitted a letter requesting that City Council adopt a resolution that would allow the Lawson Companies to apply for tax credit funding from Virginia Housing (formerly Virginia Housing Development Authority). The project would consist of one hundred fifteen apartment units and be located at 6100 Old Mill Road. The property is zoned R-4, High Density Residential. The proposed apartments are a permitted use in this district. City Council adopted the Analysis of Impediments to Fair Housing Choice on June 23, 2020. The document lists "location and type of affordable housing" as a factor impeding housing choice. Providing more housing choices in more areas across the City could increase the accessibility and affordability of housing in Lynchburg. The project would be a "mixed-income" community housing families earning 20% to 80% of Area Median Income (AMI). Units can be rented within the range provided the project averages 60% of AMI. The project would have the potential to provide housing for families earning between \$14,480 to \$57,920. The 2018 Median Income for the City of Lynchburg was \$43,374.

Councilmember Helgeson stated that this resolution in essence is supporting one developer over another when, normally these things are competitive, and he does not think Council should be involved

with favoring one particular developer. He also mentioned that there was no site plan or details about the development to assess the project. Councilmember Helgeson made a motion to deny the resolution.

Mr. Martin explained that providing housing in this area, which is a workforce area, would benefit the City in its commercial, industrial, and economic development. There are numerous industries in that area that workforce housing may benefit. The resolution is saying that without tax credit funding, it is unlikely that anyone else is going to come in and build affordable housing in this area. Staff assured Council that this type of ask is fairly common. Mr. Erwin stated that this resolution will serve as a letter of support to include with the application, and having a letter of support from the locality greatly enhances the chances of getting the funding.

Councilmember Faraldi asked if this project is possible without the tax credits. Mr. Pittman clarified that without the tax credit subsidy they would not be able to charge the affordable rent levels. He explained that Lawson Companies are tied to the affordable housing concept but if they don't win tax credits this year they will be able to reapply the following year. He further explained that having this resolution to include with the packet will enhance their ability to procure tax credits from Virginia Housing. Councilmember Faraldi asked for clarification on the expiration of the credits, specifically, will the developer need to reapply every year in order to charge the affordable rent levels. Mr. Pitman responded that it is a one-time thing and the affordability will last for 30-years.

With no second, the motion to deny the approval of the resolution failed. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. Vice Mayor Wright said that this resolution does not bind Council in any way, this merely shows support for this project. Councilmember Wilder said that the City needs affordable housing so he supports this.

With no other discussion, the motion to adopt Resolution #R-21-007 was approved with the following recorded vote:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder	5
Noes: Helgeson, Faraldi	2

// On motion of Councilmember Wilder, seconded by Councilmember Faraldi, Council, by the following recorded vote, elected to hold a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Economic Development Authority and City Employees Appeal Board pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

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

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember 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: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Helgeson 1

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Economic Development Authority: Ms. Patricia Mosby – unexpired term ending June 30, 2024

City Employees Appeal Board: No appointments were made at this time.

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Helgeson	1

// The meeting adjourned at 9:35 p.m.

Clerk of Council

// A budget retreat special meeting of the Council of the City of Lynchburg was held on the 26th day of January, 2021, at 2:00 P.M. in the Aviary, 400 Grove Street, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder,	
Chris Faraldi	6
Absent: J. Randy Nelson	1

// Interim City Manager Dr. Reid Wodicka briefly went over the agenda for the budget retreat. He explained that staff would like to start off having a conversation about where the state of the local economy is and how different it is across the various sectors.

// Mr. Mitch Nuckles, Commissioner of the Revenue, presented Council with the Meals, Lodging, Amusement, Sales, and Use Tax trends before the pandemic and during the pandemic. He compared trends from each of the following years; 2017, 2018, 2019, and 2020 the average of months July – December and March – June for each revenue source.

Mr. Nuckles examined the Sales Tax collected for the top 20 businesses which are comprised of residential, manufacturer, and wholesalers. He noted that from July to December this year, there was an increase of over 10% between the top 20 business, with an overall Sales Tax increase of over 2% from 2019 – 2020. He said that this can be attributed to citizens not eating out as much, so they are buying more groceries. Also the hardware stores sales have increased dramatically.

From March – June 2019 to March – June 2020, the top 20 businesses had an overall increase of 4.5%, however, the overall Sales Tax collected had decreased 10.5%. Councilmember Helgeson offered that it is great the top 20 businesses are doing so well, however, it is important to remember the businesses that are going out of business.

In regards to Use Tax, Mr. Nuckles mentioned the Wayfair Act that says states can mandate that businesses without a physical presence in a state but who collect a certain amount on in-state sales must remit sales tax in that state. Comparing July – March 2019 to the same grouping in 2020, there has been a 32.6% increase.

Meals Tax collected for the City has seen a sharp decline from March – June 2020 by over 34%, but then recovered a little bit but is still down by almost 11%. Mr. Nuckles contributed this to restaurant businesses adapting by figuring out how to offer curbside and drive-through options.

Lodging and Amusement Tax continue to stay down. Personal Property Tax has seen some growth but that could be the way taxes are collected as far as timeline goes.

Councilmember Helgeson asked about the BPOL Tax numbers. Mr. Nuckles stated that a lot of professions were closed for a few months in the beginning of the pandemic, so staff is expecting a decrease in this collection by about 10%.

// City Assessor Mr. Jeff Bandy provided Council with the following market overview:

Real Estate Markets - So far, the local real estate market is holding up well overall. Long term there are many unknowns. Residential Markets are very strong. Demand is significantly higher than available supply for price points below \$250,000. According to The Long & Foster Market Minute report for December 2020 (Greater Lynchburg Housing Market-Year over Year Comparison) units sold is up (33%), active inventory is down 37%, Median Sale prices are up 20%, Days on Market (26 days) is down 46% with Months of Supply of 1.1 months down 58%. Another factor driving prices upward is that mortgage rates are at historically low levels. Bank Rate published 30-year fixed mortgages rates average 2.88% recently. Proposed residential neighborhoods are increasing in value ranges from zero to 25%. The wide range is mostly due to price points with the higher value properties (over \$250K) going up. Supply and demand are out of balance currently.

Apartment Market - The apartment market is also very strong. Most of the new projects that are being leased are having no problems leasing units. Some projects are leasing more units in 2020 than they were leasing in 2019. Recent sales (2020) of older apartment communities indicate strong demand such as Walden Pond and Dumont apartment complexes.

Commercial Market - Commercial markets are also holding up better than expected. Petsmart recently sold for \$3.8 million or \$199/SF; which is about 23% higher than current assessment. Aaron's rentals sold for \$1.525 million or \$188/SF; which is 20% higher than current assessment. The problem areas include: hotels/extended stays, some retail/shopping centers, theaters and restaurants and office. It

is too early to understand the long term affects for these property types. Most provided little if any data to self-reporting surveys to help staff better understand their operating positions.

Industrial Market - The industrial market has also proven to be resilient. This sector never had a complete shutdown during COVID-19 and the future looks promising. Porter Steel (3726 Cohen Pl) sold for \$5.42 million and then resold for \$7.56 million after company was bought out by May Steel. These sales are 25%-76% higher than current assessments. R R Donnelley plant recently sold (\$6.75 million) to an Industrial investor from Mid-West who specializes in repositioning older industrial properties.

// Ms. Donna Witt, Chief Financial Officer, provided Council with a brief overview of the major revenue sources collected so far:

- Net Real Property Tax has an increase of 7.2% over actual FY 2020
- Net Personal Property Tax has a decrease of 3.6% below Actual FY 2020
- Motor Vehicle Licenses Tax decrease of 2.6% below Actual FY 2020
- Net Local Sales and Use Tax increase of 2.7% over Actual FY 2020
- Net Business License Tax decrease of 11.3% below Actual FY 2020
- Net Lodging Tax decrease of 1.1% below Actual FY 2020
- Net Meals Tax has an increase of .6% over actual FY 2020
- Amusement Tax decrease of 67.1% below actual FY 2020

// Interim City Manager Dr. Reid Wodicka, Interim Deputy City Manager Mr. Kent White, and Assistant City Manager Mr. John Hughes presented Council with a list of FY 2022 potential budget priorities based on budget submissions and the city's strategic plan. Council members then reviewed these priorities and ranked them in order from highest to lowest priority. The cumulative results are as follows, ranked highest priority to lowest:

- Implementation of a Public Safety Staffing Plan - *The Lynchburg Plan Goals: Creating a Culture of Exceptional Public Service Delivery*
 - City Council has received presentations regarding staffing from the City's Fire and Police Departments, and there are additional staffing needs in the Department of Emergency Services. Over several years, the Police Department has indicated a need for 25 additional officers, the Fire Department has a need for 14 additional Firefighters, and

Emergency Services needs an additional 4 communications officers. While there are also non-sworn positions that have been requested in these departments, this priority area would focus primarily on the direct service delivery functions of these departments. This was a specific issue identified in The Lynchburg Plan.

- Reinforcing the Innovative, Inclusive, and Competitive Public School System in Lynchburg - *The Lynchburg Plan Goal: Creating a Culture of Exceptional Public Service Delivery*
 - The development and continual reinforcement of a strong public school system for any city is critical to its long-term success. Lynchburg is no different and one of the reasons that Lynchburg has been successful is that the public schools have been outstanding – this attracts people to our community, improves life-long wellbeing of members of our community, and creates an environment that is dedicated to excellence. To be sure, though, there have always been challenges related to equity among learners and other matters that are opportunities for improvements. These issues are as old as Lynchburg and, while apparent at the schools, are really reflective of larger social issues in our community. Our opportunity is to collaboratively create policies and programs that strategically address these challenges in our community. While the details have not yet been finalized regarding their proposals, the Lynchburg City Schools will forward requests for funding that are designed to innovate and improve on the success we've seen and provide targeted interventions to address student achievement and opportunity, while being a competitive employer for their most critical resource: teachers.
- Implementation of City-wide salary study (with an emphasis on front-line workers) - *The Lynchburg Plan Goal: A Competitive and Innovative Employer*
 - Implementation of the next phase of the salary study would be focused on direct service delivery staff members and hard-to-attract positions. While the details of this plan are still being ironed out, the idea is that generally, this would be focused on the lower paid positions in the organization, though we will also be cognizant of salary compression issues, as well. We also have several positions that are not necessarily lower paid, but are extremely difficult to fill at the present rates of pay

- Refuse Collection System Personnel - *The Lynchburg Plan Goals: Creating a Culture of Exceptional Public Service Delivery*
 - Brush and bulk collection has been a challenge in our City for many years. We made considerable progress this year with the implementation of the new brush and bulk schedule. While there have been some minor hiccups along the way, it is clear that this new structure has helped to improve the appearance of the City. However, we still struggle to get all of the brush and bulk collected with our existing personnel. We utilized CARES funds to add two additional “knuckleboom” trucks to the fleet and have since been using Public Works staff from other divisions to assist in collection of these materials. As you can imagine, this has come at the cost of other functions not being completed in as timely a manner. This priority would fund the addition of two full time refuse collection employees to staff the knuckleboom trucks, allowing these units to be used full time. This was a specific issue identified in The Lynchburg Plan.

- Diversity, Equity, and Inclusion – Chief DEI Officer and City-wide Training Programs - *The Lynchburg Plan Goal: A Competitive and Innovative Employer*
 - Champions of Diversity, Equity and Inclusion (DEI) are the mark of employers serious about attracting and maintaining a talented workforce in the 21st Century. This priority would focus resources on the appointment of a Chief DEI Officer, at the C-Suite level, (leading to a supportive Office of DEI). Resources, policy direction, and ideological reinforcement from leadership must also be in place and funding would be made available for training the City’s workforce. The Chief DEI Officer will work to suggest plans for greater implementation of DEI principles and identify initiatives that an Office of DEI will implement in order to benefit the City organization based on best-practices.

- Refuse Collection System Improvements – Refuse Truck Reserve Fleet - *The Lynchburg Plan Goals: Creating a Culture of Exceptional Public Service Delivery; Intentional Long-Term Viability*
 - There is a need to increase the fleet in the Refuse Collection division of Public Works. This priority would include the purchase of one additional refuse collection truck in order to create a reserve refuse collection fleet. As you are aware, there are presently no

reserve refuse trucks, so when one truck goes down for maintenance or breakdown, that route must be completed by the remainder of the crews. We were able to procure two additional trucks with CARES funds. However, it would be valuable to add one additional truck to maintain the reserve fleet. Presently, there are six daily routes and six corresponding trucks in service every day. Having three reserve trucks would allow us to ensure that we are maintaining all of our vehicles and keeping them in service every day.

- **Poverty Reduction Programming - *The Lynchburg Plan Goal: Expanding and Developing Workforce***
 - Over the past several years, the City and its partners have worked to address poverty in our community. This has resulted in the creation of a series of community task forces that are designed to address poverty-driving issues in our community. These task forces have been effective in building community buy-in and building an understanding of the need to address poverty concerns in our community. It is now time to re-assess this effort and conduct a new planning exercise with a multi-decade perspective towards improving quality of life for people in our community. This priority would provide funding for a community wealth building (poverty reduction) strategic action plan, utilizing experts in this field to identify policies and programs that help to increase income and reduce barriers to economic independence in our community.
- **Parks and Recreation Programming and Public Space Improvements - *The Lynchburg Plan Goal: Creating and Reimagining Beautiful Neighborhoods***
 - Maintenance and enhancement of the City's recreational opportunities are crucial to the stability of neighborhoods and overall livability. While residents and visitors have always enjoyed the experiences available in the City associated with Neighborhood Centers, Parks, Trails, and other amenities, COVID-19 has reintroduced many in our community to the wonderful public spaces we have available. With the addition of available spaces, funding to support adequate staff and industry technologies are imperative. Some specific matters related to this priority include: reopening the Miller Park pool, extending trails, providing access to public internet, and working to keep these areas safe for

employees and patrons. Each of these goals requires dedicated allocations. As a priority, restoration of the Aquatics budget (staff and programs), extension of Recreational Specialist positions at the College Hill Neighborhood Center, and assuring appropriate facility maintenance staff are essential to a successful and sustainable Parks and Recreation system and would be funded with this priority.

- Litter Control - *The Lynchburg Plan Goal: Creating and Reimagining Beautiful Neighborhoods*
 - As you travel throughout the City, you have likely seen the tremendous amount of litter that is around the City. As Public Works picks up litter in an area, it is almost immediately covered by litter again. This priority would provide funding for litter control on City streets and along City streams, where appropriate. This could be based on the Neighborhood Caretaker program or hiring a private company to assist with litter control and beautification efforts in and around neighborhoods. This will both improve the appearance of the City and reduce the environmental impacts of our urban environment.

Council instructed staff to make an effort to present a budget that addresses each of these priorities.

//The meeting was adjourned at 5:10 p.m.

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

Present: MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder,

Chris Faraldi 6

Absent: Beau Wright 1

// In the matter of Budget, Agenda Item #1, Ms. Donna Witt, Chief Financial Officer, provided Council with a monthly update on revenue collections received in several key City revenue sources. These figures consisted of the whole 2nd Quarter and provided a more thorough update than just the economic driven revenues given in previous updates.

Sales Tax is up just over \$1.9 million dollars for what has been received for December 2020. Online sales are still very strong and staff anticipate this revenue will continue to come in strong. Meals Tax is down from what was budgeted by around \$162,000, which continues the trend for this fiscal year for not meeting the adopted budget and staff have revised the projections to reflect that. Lodging Tax is still down and staff does not see this getting any better because things are not as open. Amusement Tax is also continually down and staff has further revised this projection.

Net Real Property – Originally, \$57.9 million was adopted in FY 2021. Staff increased the uncollectible from the normal 2.5% to 5%. Revenues are coming in consistently with previous years, so staff do not think there will be a need to increase the uncollectible to 5%. Councilmember Helgeson said that these revenues are to be expected and that they are not activity based. He commented on the 10% penalty for all late payments for real property, so the assumption would be that these would be paid.

Net Personal Property – Originally, around 18 million was adopted and staff believe that this is going to come in at about one million dollars higher than projected. Staff were not sure where new car sales would be. They are down but interestingly the NADA Values, especially SUVs and trucks, held to the point where it is going to make up for the less new sales.

Motor Vehicle License – Ms. Witt explained that the projection will not be changed. This fee is not due until June 5th and there are fewer vehicle sales so this might trend differently, but staff feels comfortable with the original adopted number of \$1.6 million.

Use of Money and Property – This includes several things, but the biggest piece of this revenue collection is interest collected on the City's investments. 2020 was a good year, and as such, \$1.2 million was adopted for FY 2021. Unfortunately, projections were incorrect, and the revised projection is now \$400,000.

Ambulance Fees – \$2.5 million was adopted for FY 2021 which is consistent with collections through December 31, 2020. Interestingly, these collections were higher than the previous year. The city also has a new contract with the billing provider that is adding some strength to this as well.

Building Inspections Permit Fee – The city saw a good year in 2020, however, in 2021 staff are seeing a decrease in these collections. Ms. Witt attributes the decrease in the number of permits to the rising cost of supplies and the lack of availability of supplies.

All Other Permits and Fees – These collections consist of parking permits and other smaller revenues and are slightly less the FY 2020 Actual.

Consumer Utility Tax, Electric – \$3.8 million was adopted in FY 2021 and the city is on target to reach \$3.5 million. This is based on consumption, the milder the weather, the less people consume.

Consumer Utility Tax, Gas – Trending the same as electric, this revenue source is a little bit above the receipts collected through December 31st of 2020.

Expenditures – Overall, for FY 2021 total expenditures are down about \$2 million compared to the same period in FY 2020. This is attributed to the department directors closely watching their spending.

Councilmember Faraldi stated it is good news that a moment is approaching where the city is gaining momentum back but offered two observations. The first, he asked Council whether this body should have a discussion on how best to leverage the political clout of the organization and address

either the Governor's Office or regional delegation on how the executive actions being mandated are hurting the community. Secondly, these numbers are an indication that people are still struggling.

Councilmember Nelson wanted to know the types of things that staff are doing to result in the \$2 million in savings for expenditures. He expressed concerns that if supplies or other items were purposefully being put off until a later date, that there will eventually be a time when they have to be ordered and will deplete the savings accrued. Ms. Witt replied that staff has not been spending money on in-person training and conferences and explained the significant cost savings of virtual training. Also, departments are being cautious of spending on supplies, as well as managed vacancies, and those line items add up across departments.

Councilmember Wilder asked that in reference to net real property, what portion of those comes from the escrow accounts? Ms. Witt replied that about 40% comes from mortgages and 60% are private pay.

Councilmember Helgeson stated that a big chunk of our budget goes to the schools and he wanted to know if the schools followed the same lead as city employees by cutting expenditures by \$2 million and now the city can expect a credit? Ms. Witt replied that the schools are paid out based on their monthly expenses and on their need, not one lump sum.

Mayor Dolan expressed her concerns about not putting the city in a situation where costs have been cut too much and things are not being replaced and a few years down the road, find that we are behind. Ms. Witt replied that the engineering staff does a really good job with facility studies and keeping track with our maintenance, so she does not foresee that as being a problem.

// In the matter of Budget, Agenda Item #2, Council reviewed the FY 2022 – FY 2026 Capital Improvement Plan (CIP) for City Capital and City Schools projects. Interim City Manager Dr. Reid Wodicka prefaced the conversation by stating this is a very preliminary look at where staff is with CIP. Typically, staff does not bring CIP to Council before budget discussion begins, however; since there has been a lot of conversations about a lot of different projects publicly, staff wanted Council to have a chance to view what CIP looks like before staff makes some structuring changes. Again, these will be very

preliminary discussions and are not going to make any decisions today but are hoping to learn of Council's idea as far as timing goes.

Dr. Wodicka continued by stating that for a number of years, CIP has been structured in a way that keeps debt service level every year. As projects get bigger and materials and labor more expensive, if the City does not start to spend more on debt service, then it will start to get behind on some major projects. So, staff is thinking about how to structure in more debt service at a time and investing in the properties the city already owns.

Ms. Donna Witt, Chief Financial Officer, provided an overview of the work already conducted with CIP. Staff previously asked all Project Managers to submit a list of projects that they would like to include in the FY 2022 – FY 2026 Capital Improvement Plan. After properly vetting, budget staff is proposing two different scenarios. Case One includes a new police headquarters building, a new school transportation building, and the replacement of Sandusky Elementary School. Ms. Witt explained that the city would not be able to afford this scenario. Case Two funds the police department but moves the Sandusky Elementary School replacement and the schools transportation building out of the five-year plan. In addition, Case Two moves renovations to Linkhorne Elementary School (design in FY 2023 and construction in FY 2024) and Paul Monroe Elementary School (design in FY 2025 and construction in FY 2026) in the FY 2022 – FY 2026 CIP. Dr. Wodicka explained the thought process behind this scenario. The Future of Education Task Force is working on a facilities study and stated that he would like to wait for the results from that before committing to erecting new buildings.

Councilmember Wilder asked if city staff have reached out to the schools to see what their thoughts are on this plan. Ms. Witt explained that the schools have received additional CARES funding that can help pay for projects related to COVID and that some of these school renovations, such as HVAC, can be tied to those funds. They are working on resubmitting some projects to staff now so that the pay as you go funds or the line of credit may not be needed.

Councilmember Nelson stated that police facilities are the highest priority, and nothing should disrupt that timetable. He also stated that he would like to hold off on all renovations for schools until the Task Force is able to conduct their work because the renovations might be inappropriate for a post-

pandemic environment. Dr. Wodicka agreed stating that in Case Two, the school building renovations are further out in the five-year plan which would buy some time to hear those recommendations before spending dollars.

Councilmember Faraldi asked what the status is of the police department at 12th and Kemper. Dr. Wodicka replied that the preliminary design is currently being done, and that staff is considering all options in trying to develop a financial plan to make sure this is being done in the most responsible way. Councilmember Faraldi inquired what those options were. Dr. Wodicka stated that \$40 million was previously budgeted for this project, however, current engineering estimates are coming in higher. He attributed this to being a hard site to build on and stated that other alternatives should be considered to remain financially responsible. Councilmember Faraldi asked if he had reservations about this location. Dr. Wodicka replied that this site does require the construction of a parking deck as well as a taller building and costs could potentially be reduced if the location moved elsewhere. He further explained that it is invaluable to at least consider alternatives. Councilmember Faraldi stated that he has very strong connections with this project with previous work he conducted with Congressman Bob Goodlatte's office by transferring this parcel from the federal government to the city. There is a stipulation from the federal government that if this property is not used for a police department it reverts back to the federal government. He explained that the Lynchburg Police Department has received only \$1.1 million in funding for improvement projects over the past 20 years, translating to 0.4% of total improvement funds spanning that timeframe. In the 1990s, the police department adopted the West Building as a 7-year temporary home of which they are still operating out of today. In 2017, the police department received commitment from Council that the new headquarters will happen, and it will be in the community. He likened the current police building to being dark, dank, and unprofessional and attributed them to being a key factor in low recruitment and retention. He acknowledged that emergency situations such as the removal of College Lake Dam do arise that need to be addressed, but he expressed that this needs to happen in FY 2023 and at the 12th and Kemper location to show local law enforcement that Council supports them. He stated that he believes 12th and Kemper is a prime location for police headquarters due to proximity of calls of service and it also initiates a sense of development in an area that could probably use it. There are also the stipulations with the federal mandate to take into consideration where the property would be

reverted back to the federal government if the land is not used for a police department and as such, the city would have no hope of even considering tax revenue on the property. He also expressed that it would be inappropriate for Council to discuss funding a brand-new school since the Education Task Force has not yet finished their work.

Councilmember Tweedy stated that she believes that school items should be put on hold until the Education Task Force has finished their work, however; she thinks Council needs to put a lot of support behind education. She explained that building a city to bring in the next generation starts with having a good school system.

Councilmember Helgeson stated recruiting for law enforcement is exceedingly difficult and has gotten even worse. The police building is important to all of Council and the citizens.

Ms. Witt explained that the engineering estimates that were recently received were at \$53 million dollars, instead of the original \$40 million, to build on that site and that doesn't include all of the components of the original plan, such as the gym.

Dr. Wodicka reiterated that staff is very committed to getting the new police headquarters built but spoke to remaining responsible financially in the long-term. He maintained that there needs to be thought into how the future debt service will be handled. He voiced concerns over putting future Councilmembers and future city staff in a position to have to make significant tax increases or significant cuts to services in order to make this work.

Councilmember Faraldi asked if engineers are coming back with an estimate of \$53 million dollars, then what is the way to do this right that gets the city a new police department for the next 40 years. Dr. Wodicka replied that if the city can consider an alternative site that is less difficult to work on, that might give the ability to do the project and get it done right for a lesser price. Councilmember Faraldi stated that maybe the police department really does need more than a \$40 million building. He also stated that Council had a discussion and decided that they did not want to move this project further away from the center of town. He reiterated that shovels need to be in the ground by FY 2023 at 12th and

Kemper. Dr. Wodicka replied that staff is happy to accommodate, but may need to come to Council and say that more revenue needs to be generated in order to get this done.

// In the matter of Roll Call, Agenda Item #3, Councilmember Faraldi had no items. Councilmember Wilder thanked staff for having the budget and finance related conversations with Council; he commended staff for their continued work with refuse collection and snow removal; he also commented on the Lynchburg Museum's online content as it relates to Black History Month. Councilmember Tweedy thanked refuse staff for their continued hard work; she also asked if staff could help the community understand where and when to receive the vaccination. Councilmember Nelson also reiterated Councilmember Tweedy's sentiments about the vaccinations. Councilmember Helgeson had no items. Mayor Dolan made the following statement regarding vaccinations:

Last week, we announced the City of Lynchburg had entered into a lease agreement with Liberty University to secure the space formerly known as T. J. Maxx in Candler's Station for the purpose of operating a regional vaccination center. The space was chosen because of its central location, accessibility to public transportation and ample parking.

In addition, the Central Virginia Vaccination Task Force comprised of the Region's Emergency Coordinators and other community stakeholders, including our City Schools, Centra and the Virginia Department of Health, have already operated several smaller sites with our regional partners to ensure that once the vaccine levels reach the levels that can sustain a mass vaccination site, we will be able to administer the vaccine efficiently and effectively.

I know it is extremely frustrating for everyone who wants to get the vaccine but has not been able to do so. However, we have been assured by the Health Department that everyone who wants to receive the vaccine will receive it. The City will continue to work with its regional and community partners to develop plans and share information and resources so that when the vaccine becomes available, we are ready to get it to people quickly.

I want to encourage everyone to continue to follow safety precautions by wearing masks, practice social distancing and washing your hands.

// The meeting was recessed at 5:19 p.m.

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

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A.

Wilder, Chris Faraldi 6

Absent: Beau Wright 1

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

// In the matter of the Consent Agenda Item #4, copies of the minutes of the January 12, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Wright 1

// In the matter of Community Development – Planning and City Code, Agenda Item #5, a public hearing was held, and Council considered adopting several ordinances dealing with telecommunications facilities and flag poles, light poles, and utility poles. Mr. Tom Martin, Lynchburg City Planner, provided Council with a summary of the request. The City’s Zoning Ordinance sections related to Telecommunication Facilities were last updated in December 1997 with minor amendments in January 2020. Amendments to the Virginia Code in 2017 – 2020 and federal law regarding telecommunications facilities requires the City to update the Ordinance in order to be compliant with the new regulations. City Council received an overview of the proposed ordinance amendments on January 12, 2021.

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 Nelson made the motion to approve Ordinance #O-21-008 adopting the proposed Zoning Ordinance amendment, as advertised, to add Section 35.2-61.2(d) with regard to flag poles, light poles, and utility poles to the City Code and to make that amendment effective upon adoption

but did ask staff to make an amendment to the ordinance to clarify the units of measurement as feet. Councilmember Faraldi seconded the motion. With no discussion from Council, the following vote was recorded approving #O-21-008:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

Councilmember Nelson made the motion to approve Ordinance #O-21-009 repealing Chapter 35.2–73 of the City Code, which comprises Sections 35.2–73.1 through 35.2–73.20 of the current Zoning Ordinance and pertains to Telecommunications Facilities, and simultaneously adopt the proposed Zoning Ordinance amendments, as advertised, to add a new Chapter 35.2–73 to the Zoning Ordinance, which comprises Sections 35.2–73.1 through 35.2–73.26, and to make those amendments effective upon adoption. Councilmember Tweedy seconded the motion. With no discussion from Council, the following vote was recorded approving #O-21-009:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

Councilmember Nelson made the motion to approve Ordinance #O-21-010 adopting the proposed Zoning Ordinance amendments, as advertised, to amend the exhibits in the Zoning Ordinance to reflect the “Approval Type” for wireless telecommunications transmission as “C” for Conditional Use Permit” and/or “P” for Permitted” in accordance with the new Chapter 35.2–73 Council just adopted, and to make those amendments effective upon adoption. Councilmember Tweedy seconded the motion. With no discussion from Council, the following vote was recorded approving #O-21-010:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0

Absent: Wright

1

// In the matter of Community Development, Agenda Item #6, Council considered adopting Ordinance #O-21-011 approving the right-of-way vacation of Advantage Court. Ms. Victoria Glasgow, Planner I, presented Council with a brief summary of the request. Ed Willman, on behalf of O Mayflower, LLC, is petitioning to vacate the Advantage Court right-of way located off of Chiles Circle. The right-of-way vacation would facilitate the future development of the adjacent property for industrial use. The total area of the proposed vacation is approximately nine hundred seventy-nine thousandths (0.979) of an acre. The area to be vacated includes an unpaved gravel drive. The vacation would not impact vehicle or pedestrian access along Advantage Court or Chiles Circle. This item went to the Physical Development Committee (PDC) on January 12, 2021 and recommended approval of the right-of-way vacation.

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. As Chair of the PDC, Councilmember Tweedy made the motion to approve the ordinance. A second was not needed and with no other discussion from Council, the following vote was recorded approving Ordinance #O-21-011:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

// In the matter of Community Development, Agenda Item #7, Council considered adopting Ordinance #O-21-012 approving the right-of-way vacation of a portion of Chiles Circle. Ms. Victoria Glasgow, Planner I, presented Council with a brief summary of the request. Ed Willman, on behalf of O Mayflower, LLC, is petitioning to vacate a portion of Chiles Circle right-of-way, located off of Carroll Avenue and Chiles Circle. The right-of-way vacation would facilitate the future development of the adjacent property for industrial use. The total area of the proposed vacation is approximately four hundred eighty-five thousandths (0.485) of an acre. The area to be vacated includes an unpaved gravel drive. The vacation would not impact vehicle or pedestrian access along Chiles Circle or Carroll Avenue. This item went to

the Physical Development Committee (PDC) on January 12, 2021 and recommended approval of the right-of-way vacation.

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. As Chair of the PDC, Councilmember Tweedy made the motion to approve the ordinance. There was no second needed and with no other discussion from Council, the following vote was recorded approving Ordinance #O-21-012:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

// In the matter of Public Comment, Agenda Item #8, Mr. Ben Castle, a resident of Ward IV and representative of the Lynchburg Pastors Association, urged Council to defend the Church from the executive orders from Governor Northam. He explained that Governor Northam’s mismanagement of the pandemic is a clear abuse of power and is tyrannical. He cited Executive Order 72 which directs how Christians are to gather for religious services, and if the requirements of the executive order are not met, then religious services cannot be held in person. The government has no right to tell people how, or if, they may worship. He asked Council to fulfill their duty as elected officials and resist the tyranny.

// In the matter of Public Comment, Agenda Item #9, Mr. Andrew Glover, a Lynchburg resident and representative of the group Conservative Parents of Lynchburg, spoke to Council regarding concerns with precedents being set on the Lynchburg City School Board regarding their fiduciary mismanagement. He explained that Lynchburg residents pay a lot of taxes and they trust that City Council will not let those funds be mismanaged. He stated that Lynchburg City Schools (LCS) expenditures are high, but the quality of education is low, citing high failure rates. LCS is not meeting its commitment to continually maintaining the educational program. He commented that the General Assembly voted that in-person learning is the standard for education but LCS is not offering in-person learning, instead using the funds for raises and stipends for administration staff and board members. Since they are not elected, they are appointed Mr. Glover feels they are overstepping their authority and failing to fulfill their constitutional

requirements. He asked that Council consider alternatives to ensure that Lynchburg students have a high-quality education that can be continually maintained.

// In the matter of the Circuit Court, Agenda Item #10, Council considered introducing Resolution #R-21-013 amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$24,794 with resources for a grant from the Library of Virginia to preserve several land books and marriage bonds at the Lynchburg Circuit Court Clerk’s Office. Mr. Todd Swisher, Circuit Court Clerk, provided Council with a brief summary of 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 \$24,794 will allow Land Books 1845 – 1861; Land Books 1875 – 1886; Marriage Bonds A – K, 1841 – 1847; Marriage Bonds M – Z, 1835 – 1840 to be reformatted and preserved. The grant covers 100% for total of preservation work; no local match is required of this grant.

Councilmember Helgeson stated that this would normally go to Finance Committee of which he’s Chair, however, the January 26, 2021 meeting was cancelled. He commented that Mr. Swisher did not deviate from the City’s normal fiscal policy and made the motion to approve the resolution.

Councilmember Nelson seconded the motion stating that Lynchburg is rich with history and he is appreciative of staff finding ways to fund the preservation of those records. With no other discussion from Council, the following vote was recorded approving Resolution #R-21-013:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

// In the matter of Community Corrections & Pretrial Services, Agenda Item #11, Council considered introducing Resolution #R-21-014 to amend the FY 2021 City/Federal/State Aid Fund budget and appropriating \$121,389 provided by the Department of Criminal Justice Services for the expansion of local probation and pretrial services to include Amherst County.

Ms. Cynthia Plummer, Agency Director, presented Council with a brief summary of the request. The Virginia Department of Criminal Justice Services (DCJS) solicited grant applications in March 2020 and awarded funds allotted by the General Assembly in December 2020 to expand local probation and pretrial services to unserved localities. This grant is in the amount of \$121,389 for an initial six-month period to assist the agency in providing local probation and pretrial services for defendants awaiting trial and individuals sentenced to local probation in Amherst County Courts. This will ensure that all courts within the 24th Judicial District have access to these bail and sentencing options. The period for this grant is January 1, 2021 through June 30, 2021.

Councilmember Helgeson wanted to know how probation and pretrial services for Amherst County affects Lynchburg. Ms. Plummer stated that these services are housed primarily in Lynchburg, but the 24th Judicial District serves neighboring localities, as well. Currently, when judges are sitting in Amherst County, they do not have access to these services. Many years ago, staff took advantage of opportunities to expand funding to be able to provide the same services to Bedford County and Campbell County. DCJS, in trying to minimize cost, only allowed existing programs to apply for funding which reduces administrative overhead costs.

Councilmember Nelson made the motion to approve the resolution stating that it's important to operate with efficiency by consolidating and conserving resources and to be inclusive with services delivered with shared jurisdiction. Councilmember Tweedy seconded the motion. With no other discussion from Council, the following vote was recorded approving Resolution #R-21-014:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Economic Development Authority and City Employees Appeal Board pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

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

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	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

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 Faraldi, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Horizon Behavioral Health Board of Directors: Ms. Sonya Baker – unexpired term ending December 31, 2021.

Economic Development Authority: No appointments were made at this time.

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

// The meeting adjourned at 8:11 p.m.

Clerk of Council

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// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of February, 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 Water Resources, Agenda Item #1, Mr. Tim Mitchell, Director of Water Resources, presented the Rate Study and Annual Report. He provided highlights from the department in FY 2020 including accomplishments, challenges, and recommendations for the future. Mr. Mitchell elaborated on six different focus areas; customer satisfaction, employee engagement and development, infrastructure management, environmental stewardship, fiscal responsibility, and resiliency.

Mr. Mitchell also provided a high-level review of the Water, Sewer, and Stormwater Fund Financial Projections including an introduction to the department's FY 2022 budget and rate recommendations. In the matter of the Water Fund, staff is not proposing a rate increase but are proposing the addition of two positions from these funds to aid in backlog. In the Sewer Fund, no rate increase is being proposed either, but the addition of two positions is being proposed. In the Stormwater Fund, staff is proposing a \$0.25 rate increase (per month, per Single Family Unit (SFU)), and for businesses and developed properties as well. This would allow for the addition of 2 positions in Stormwater Fund, and to bring the Stormwater Fund Balance up to the minimum 15% of the Fund Balance, which has dropped slightly to 14%. Staff wanted to present a budget that followed the City's normal fiscal policies. If Council is willing to allow the department to potentially drop below the Fund Balance slightly to 14%, then the department could go without the rate increase in the Stormwater Fund. However, the two positions in the Stormwater Fund would not be feasible without the rate increase.

To summarize, staff recommendations are to fund 6 total positions in field operations: 2 positions in the Water Fund; 2 positions in the Sewer Fund; and 2 position in Stormwater Fund. However, if the Stormwater rate is not increased, staff recommends adding a total of 4 positions in field operation: 2

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positions in the Water Fund; 2 positions in the Sewer Fund. The rates would not increase and these positions would help the department in addressing some of the immediate needs. Staff could defer the 2 positions in the Stormwater Fund if Council is okay with dropping below the 15% for the Fund Balance. That would allow staff to make some progress and would come back later in the summer to update Council with the needs going forward.

Vice Mayor Wright asked for clarification on how this would financially affect businesses. Mr. Mitchell explained that the rate is calculated by square footage and is about roughly \$4 for every 2,700 square feet per impervious area, which equates to about a 6.25% increase. Vice Mayor Wright wanted to know how much revenue an increase to Stormwater Fund would generate? Mr. Mitchell responded that this would generate \$350,000 in revenue. Vice Mayor Wright continued, stating that there are several concerning items in the report, quoting a line from the report, "without immediate dramatic action, the health, safety and long-term vitality of the City could be at risk." He commented that it is important not to lose sight of addressing the important infrastructure needs.

Councilmember Faraldi asked to go deeper into how this impacts businesses; does the 6.25% dramatically impact big manufacturers in the city? Without knowing the exact square footage, he could not speak to how it would impact businesses financially. Councilmember Faraldi stated that he wanted to be extra mindful of any fees, taxes, or revenues we're trying to take from our business community.

Councilmember Nelson stated that constituents could be facing an increase in Real Estate Taxes and could now also be facing an increase in their Stormwater bill. He agreed that Council needs to be protecting the city's infrastructure, and that water, sewer, and stormwater are a part of those important key functions of local government. However, he is reluctant in having multiple revenue increases in one year, especially while during a pandemic. He asked what the impact to debt service would be if the \$0.25 rate increase was decreased to a 3% increase equating to \$0.12/month/SFU? Mr. Mitchell stated that a 3% increase would increase the Fund Balance to about 16% or 17%. The positions could not be added, but fiscal policy requirements would be met.

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Councilmember Tweedy said that she wants citizens to be aware that, yes, we may consider a rate increase but not doing so will affect how soon breaks in lines can be fixed. Citizens need to understand what this means for our city.

Councilmember Helgeson suggested that staff internally budget the 2 positions in Stormwater since they are critical, although he does realize that the rate increase will make those positions more stable in the long-term.

Councilmember Tweedy wanted to know where the employees are going to contribute to the turnover rate. Mr. Mitchell explained that it is mainly the utility line workers who are finding other jobs with either the gas company or contractors in the area and are leaving to earn higher pay.

// In the matter of the Police Department, Agenda Item #2, Council heard a presentation from Police Chief Ryan Zuidema regarding the Police Department's response to the events of 2020 and related internal assessment. Chief Zuidema provided some background explaining that following the tragic death of George Floyd in May 2020 in Minneapolis, the Lynchburg Police Department (LPD) took an introspective look at its policies, procedures, and practices. They prioritized listening and engaging the community by conducting several Listening Sessions. The LPD then identified five areas of growth:

1. Understanding how their actions are perceived by the public.
2. More thoroughly explaining what they are doing.
3. Providing additional education to the public on why the department does what they do.
4. Having officers form stronger and more personal relationships with the public.
5. Ensure everyone they come into contact with is treated with dignity and respect.

Chief Zuidema briefed Council on the departments plans moving forward and what they plan on accomplishing:

- Focusing on transparency
- Being intentional about Diversity, Equity, and Inclusion
- Continuing the partnership with CPAG and furthering developing this group's role
- Evaluating training to ensure it is achieving desired culture

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- Increasing number of officers receiving annual mental health assessments
- Holding quarterly town halls
- Establishing a Use of Force Team
- Providing Public Critical Incident Briefings
- Researching additional technology
- Reviewing December 2020 report from the President's Commission on Law Enforcement

Vice Mayor Wright asked if every use of force incident is reviewed by the City Attorney's Office. Chief Zuidema explained that every use of force case goes through three separate reviews; an internal departmental review, through Community Policing Advisory Group (CPAG), and as of recently through the City Attorney's Office. This last review process helps by having another set of eyes who are trained in the law to help look for patterns and for potential liability issues. If the City Attorney's Office see actions that LPD are routinely taking or omissions that LPD are routinely making, then staff will address whether policies need to be altered. Vice Mayor Wright asked for more background on CPAG. Chief Zuidema explained that CPAG is made up of 21 members who review cases brought forth by LPD, but also have the option of bringing items from the community to the department independently. Vice Mayor Wright asked if there should be an amendment or conversation shifting the appointments of CPAG members to Council and not from the department.

Councilmember Wilder asked how members of CPAG are normally appointed. Chief Zuidema explained that the police department, with feedback from community stakeholders, identify and recruit volunteer members. Councilmember Wilder asked how citizens could submit their interest. Chief Zuidema stated that they could contact either himself or Deputy Police Chief Mark Jamison.

Councilmember Tweedy wanted to know when national incidents occur, is there discussion with officers? Also, she wanted to know what the greatest threat is to the community that Council would need to work on? Chief Zuidema explained when national incidents occur, there is a debriefing with officers and a review of the reports from the incident. Staff also incorporates the scenarios in training. Chief Zuidema stated that the biggest threat is mental health and since pandemic, issues have only gotten worse. LPD is currently collecting data and working on a report that supports this theory.

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// In the matter of Community Development – Planning, Agenda Item #3, Council heard a presentation from City Planner Mr. Tom Martin and City Attorney Mr. Walter Erwin on the process to rename City streets. This is based on inquiries Councilmembers have received about the possibility of renaming 5th Street and/or portions of Memorial Avenue to “Martin Luther King, Jr. Boulevard.” City Code Section § 35-109 through Section § 35-114 provides for the naming or renaming of streets within the City. The City Council or any person or persons may request a street renaming. City Council may rename a street within the city limits by resolution. While a public hearing is not required, Section § 35-110 provides for all property owners on the affected street to be notified of the proposed name. City Council may wish to consider the following options:

- Leave the current designation as Martin Luther King, Jr. Boulevard.
- Direct staff to initiate proceedings to rename Fifth Street as “Martin Luther King, Jr. Boulevard.
- Direct staff to initiate proceedings to rename Fifth Street and Memorial Avenue as “Martin Luther King Jr. Boulevard”.

If City Council wishes to rename the street(s), the City will need to receive permission from the King Center – The Center for Nonviolent Social Change. The fiscal impact would be determined based on scope. City costs would include changing street and gateway signs, as well as property owner notifications for the renaming process.

Prior actions include City Council denying a request to rename Fifth Street to “Martin Luther King Avenue” on September 12, 1989. On March 8, 2005, Fifth Street was given the honorary designation of “Martin Luther King, Jr. Boulevard” by City Council. Gateway Signs at Fifth and Church Streets and at Fifth & Fillmore Streets bear the designation, along with street signs along the Corridor.

Vice Mayor Wright stated that this item was placed on the agenda because he had asked that it be brought for Council’s discussion. In 2020, City Council received a number of requests, including one from the Community Access Network (CAN) on Fifth Street, to formally rename the street to Martin Luther King, Jr. Boulevard. Their patients specifically requested CAN to make this request because it would be affirming to have this street honor one of the nation’s greatest civil rights leaders. This is being brought

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forward as taking the request from the community seriously. As of 2005, Fifth Street became one with two names; one working name and one symbolic name.

Councilmember Nelson stated that previous City Councils had discussed this and talked to businesses along the Fifth Street corridor. Businesses largely disliked eliminating the Fifth Street name since that would impose a financial burden to change signage, letterhead, advertisements, and some even their name. The African American community also opposed this change who claimed a rich and proud cultural and commercial connection to the name Fifth Street. This neighborhood is also designated as the Fifth Street Historic District and not the Martin Luther King, Jr. Historic District. A dual designation was approved as well as naming the bridge. Since these are already designated, the only question for Council is whether or not to eliminate the name "Fifth Street". Since Dr. Martin Luther King, Jr. is already honored in that area, Councilmember Nelson suggested honoring local African Americans who courageously advocated for Civil Rights and equality for all. He continued by stating that like any name change, Council needs to learn of the preferences of those who live and work in the area and who may be directly impacted.

Councilmember Helgeson stated that he feels Council should focus time and resources on more pressing items. There is already the street name overlay and there is no benefit in making changes now.

Councilmember Wilder stated that he would be in preference to hearing what the public has to say.

Councilmember Tweedy stated that she also would be willing to listen to all citizens to learn of their opinions too. She clarified to Council that there are so many other ideas that Council can propose that would give children, families, and others who visit the city a more comprehensive picture of the Civil Rights contribution from local African Americans to the City.

Councilmember Faraldi stated that he agrees with the intent and thinks that Council should honor local community members, however, he feels that by stripping Fifth Street of its official name, the City would be removing the name of one of the most important corridors in history for the African American community in Lynchburg. He further explained that such an act would subtract from Lynchburg's history,

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not expand it. He reiterated that he would support exploring options of honoring Lynchburg's own history, but he is not in favor of renaming Fifth Street.

Vice Mayor Wright asked if there was a consensus to hold a public hearing on this matter. Councilmember Helgeson stated that he is not in favor of holding a public hearing because people who oppose the matter might not show up for fear of being labeled as participating in "Cancel Culture". He reiterated that he does not think it is prudent right now.

Councilmember Faraldi clarified that the consensus from Council is that other options should be explored.

Councilmember Tweedy made a motion to hold a public hearing to listen to the citizens on whether they want to change the name or whether or not they want to honor local civic and social rights activists in the Fifth Street corridor. Councilmember Faraldi seconded the motion. Councilmember Helgeson said that he would consent to this type of public hearing. Councilmember Tweedy said if there is a consensus she will pull the formal motion from the floor.

Mr. Martin clarified that at this point in time, Council is not directing staff to make changes to the name but rather hold a public hearing to hear the public's input on this matter.

// In the matter of Roll Call, Councilmember Faraldi commended first responders for two separate but equally risky rescues to hikers on the Appalachian Trail over the weekend. Councilmember Wilder expressed condolences for the families of Gracie Melvin (the mother of Leland Melvin) and Dr. Stuart Harris (physician in the community) who passed away recently. Councilmembers Tweedy, Nelson, Helgeson, and Vice Mayor Wright had no items. Mayor Dolan made the following statement regarding vaccinations:

The Commonwealth of Virginia has just launched a statewide vaccine pre-registration system at vaccinate.virginia.gov, to provide a unified and comprehensive process for people in Virginia to pre-register for the COVID-19 vaccine.

All individuals who have previously filled out a survey or form or signed up for a waitlist to be vaccinated through their local health district have been automatically imported into the new

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statewide system and do not need to pre-register again. They will maintain their current status in the queue, and should have received an email to let them know they are in the new system and do not need to take any action at this time.

However, if you have not yet registered, you are strongly encouraged to do so by going online to vaccinate.virginia.gov. Please do so today!

A new phone number, 877-VAX-IN-VA (877-829-4682), now provides easy access to hundreds of knowledgeable Vaccinate Virginia representatives seven days a week, from 8 a.m. to 8 p.m. Service is available immediately in English and Spanish.

We know that there is a lot of frustration and misinformation surrounding the availability of the vaccine and information has not always been easy to find. Our Department of Communications and Public Engagement has created easy to find information on the City's website that is updated on a regular basis at lynchburgva.gov.

We continue to encourage everyone to please have patience, to continue to follow the guidelines of social distancing, wearing masks, and avoiding crowds. Please get the vaccine when it becomes available and together we will conquer this pandemic. We are Lynchburg Strong!

// The meeting was recessed at 6:52 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

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan congratulated the Lynchburg Fire Department for their International Accreditation designation. Fire Chief Greg Wormser was in attendance and gave remarks, thanking his staff for their continued hard work to earn international accreditation.

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Mayor Dolan also recognized Lynchburg Parks & Recreation for the following Virginia Recreation and Park Society Awards: Best New Renovation/Addition Award (Brick and Mortar) for Diamond Hill Neighborhood Center Facility Renewal Project; Best New Program Award 2019 for the Lynchburg Parks & Recreation program Sibshops; and Outstanding New Professional Award 2019 for Lynchburg Parks & Recreation Community Recreation Programmer Rachel Smith. Director of Parks & Recreation, Ms. Jenny Jones, was also in attendance.

// In the matter of the Consent Agenda Item #5, copies of the minutes of the January 26, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Faraldi, 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 #6, copies of the minutes of the February 9, 2021 meeting have been previously furnished to Council. Vice Mayor Wright abstained from voting on these minutes since he was absent from the February 9, 2021 City Council Meeting. On motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Abstain: Wright	1

// In the matter of the Consent Agenda Item #7, Council conducted a second reading and adopted Resolution #R-21-013 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$24,794 with resources for a grant from the Library of Virginia to preserve several land books and marriage bonds at the Lynchburg Circuit Court Clerk's Office. On motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item #8, Council conducted a second reading and adopted Resolution #R-21-014 to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$121,389 provided by the Department of Criminal Justice Services for the expansion of local probation and pretrial services to include Amherst County. On motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Circuit Court, Agenda Item #9, Council received the first reading of 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. Mr. Todd Swisher, Circuit Court Clerk, provided Council with a brief summary of the request. Horizon Behavioral Health submitted a grant application in July of 2020 to the Supreme Court of Virginia with the objective of furthering the City's effort to administer a Local Drug Court program. The Award letter was received from the Supreme Court of Virginia on August 18, 2020, which indicated the Lynchburg Circuit Court was awarded \$64,840 for the period July 1, 2020 – June 30, 2021. These funds will be used to support the Drug Court Coordinator position in the Circuit Court. The match for the City is based on a formula, and will be used for supplies and other expenses associated with the Drug Court Coordinator position. This match was appropriated in the First Quarter Adjustments for FY 2020, as part of the original grant award for this program. Treatment-based drug court is an alternative to incarceration for defendants who enter the judicial system because of addiction. Through a non-adversarial team approach combined with an intensive, judicially monitored treatment program, drug court offers defendants the opportunity to restore themselves as productive, non-criminal members of society. The Lynchburg Drug Court has the following key components:

1. Integrate alcohol and other drug treatment services with justice system case processing.

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2. Using a non-adversarial approach, prosecution and defense counsel will promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. The Court will ensure access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy to participant's compliance.
7. Ongoing judicial interaction with each drug court participant.
8. Monitoring and evaluation measures will be in place to ensure the achievement of program goals and gauge effectiveness.

This item went to the Finance Committee on February 23, 2021 who recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Annual Reports, Agenda Item #10, Ms. Ashley Kershner, Executive Director of the Downtown Lynchburg Association (DLA) provided Council with an overview of the annual report. The DLA mission is to create a strong, vibrant, and welcoming downtown with a unique and historic character. In early 2020, the DLA adopted their three-year strategic plan which focused on the following key concepts: foster a thriving and diverse storefront economy; cultivate a lively and engaging Downtown atmosphere; create a truly welcoming environment; increase DLA's organizational effectiveness and ability to deliver on its mission. In March of 2020 and due to the pandemic, the DLA had to slightly shift efforts to concentrate resources on creating and maintain the Downtown Recovery Initiative with events like the Downtown-a-thon which raised over \$50,000 for Downtown businesses. Another piece of the Downtown

Recovery Initiative was to serve as a conduit for communicating state and federal mandates around ever-changing safety protocols and states of emergencies. When opportunities like the Paycheck Protection Plan (PPP) loan and Economic Injury Disaster Loan (EIDL) were created and then recreated, the DLA worked to ensure that every business was given the information they needed.

// In the matter of Engineering, Agenda Item #11, Council considered adopting Resolution #R-21-016 requesting VDOT to increase the official City Street lane mileage for reimbursement of highway maintenance funds for FY 2022. City Engineer Mr. Lee Newland presented Council with a brief summary of the request. When required, usually each year, the City submits a list of new or improved streets to VDOT for acceptance into the street maintenance system for payments. For FY 2022 staff has identified 1.94 lane miles of street segments that need to be added. This action is required by Virginia Department of Transportation (VDOT) to add these segments for addition to the system. The fiscal impact equates to an increase of \$40,797 annually in highway maintenance funds for the 1.94 additional lane miles of local and arterial streets.

Councilmember Helgeson made the motion to approve the resolution, seconded by Councilmember Nelson. With no discussion from Council, the following recorded vote approved the motion:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of City Code, Agenda Item #12, Council considered adopting an ordinance amending § 28-40 of City Code, which details the rental fees for City Stadium, to revise the usage fees schedule structure and amounts. The code section was last updated in 1988. Since that time both the football and baseball facilities have undergone significant renovations and expenses for supporting their usage have increased with inflation. The current code is fairly rigid, with a “one-size-fits-all” fee schedule that doesn’t allow for much flexibility for different levels and types of users. The proposed amendments include updated fee amounts and a fee schedule that is flexible for specific uses, from simple private hourly

rentals that require little support from City staff, to larger events such as athletic events and concerts that are more complex require significant staff support and more stadium amenities.

Councilmember Nelson stated that he agrees that the fees in the proposal are appropriate and reasonable, but wanted to know if the upper box rentals are still controlled by the sponsors of the boxes, or would they also be subject to this type of schedule. Mr. Ramsey replied that they are not subject to this fee schedule.

Councilmember Tweedy asked if there is any type of consideration in reduction for nonprofit groups. Mr. Ramsey replied that it is not written in this code revision, but more loosely defined in partnership agreements when there is a mutually beneficial tradeoff.

Councilmember Faraldi asked if the language authorizing a City staff member to work through the negotiations with the nonprofits should be formally included in the city code. Mr. Ramsey said that it should be; staff will make the necessary revisions to the ordinance and will present it to Council at a later date.

// In the matter of City Code, Agenda Item #13, Council considered adopting Ordinance #O-21-017 amending Section § 2-89 of the City Code to reflect changes associated with the authority to obtain criminal history record information. Deputy Fire Chief Jonathan Wright presented Council with a summary of the request. City Code Section § 2-89, among other things, provides specific authority to obtain Criminal History Record Information for applicants for employment with the City of Lynchburg pursuant to the Code of Virginia. The Fire Department seeks the modifications outlined in the proposed ordinance to acquire criminal history of applicants more efficiently than its current practice. Once adopted, a copy of this ordinance will be submitted to the Virginia State Police and the Federal Bureau of Investigation for review and approval in order to begin engaging in the more efficient practice desired. If this ordinance is adopted and approved as stated, the Fire Department will require new equipment that will cost less than \$5,000.

Councilmember Helgeson asked for clarification on the fiscal impact as it pertains to the purchase of new equipment. Deputy Chief Wright said that this equipment would allow users to scan the

fingerprints instead of using dated ink-to-paper methods. The new equipment would result in expediting the onboarding process. The danger in not doing so has resulted in the loss of recruits to other localities. Councilmember Helgeson wondered if the equipment needed to be purchased or if the fire department could use other methods. Deputy Chief Wright explained that for auditing purposes, the fire department has to conduct its own background checks. Interim City Manager Dr. Reid Wodicka stated that since recruits have been lost already to other agencies who are utilizing expeditious fingerprint scanning methods, staff feel the investment is worth the money.

Councilmember Tweedy made the motion to approve the resolution stating that this will help support public safety, seconded by Councilmember Wilder. With no discussion from Council, the following recorded vote approved the motion:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of the City Assessor's Office, Agenda Item #14, City Assessor Mr. Jeff Bandy gave Council a presentation regarding the 2021 Proposed Real Estate taxes. The City Assessor's Mission Statement is to assess the City of Lynchburg's real estate according to State Code and provide citizens with accurate records and fair valuations. The Code of Virginia § 58.1-3201 states that, "all real estate, except that exempted by law, shall be subject to such annual taxation as may be prescribed by law." Also, stated in the Code of Virginia is that all general reassessments shall be made at 100% of fair market value, and the City reassesses on a Biennial cycle.

The March 1, 2021 Proposed Reassessment Summary is as follows:

- total taxable real estate values are proposed to increase from \$5.71 billion to \$6.14 billion, a 7.50% increase.
- Residential values are proposed to increase from \$3.285 billion to \$3.592 billion, a 9.33% increase.
- Multi-Family values are proposed to increase from \$501.98 million to \$563.3 million, a 12.22% increase.
- Commercial values are proposed to increase from \$1.562 billion to \$1.596 billion, a 2.19% increase.

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- Industrial values are proposed to increase from \$362 million to \$387.9 million, a 7.20% increase.
- Exempt values are proposed to increase from \$1.905 billion to \$2.02 billion, a 6.04% increase.
- Based on current tax rate of \$1.11 per \$100 of assessed value provides a total taxable base of \$68,142,432 for FY 2022 versus \$63,390,118 for FY 2021.

The residential Assessment Changes by Ward are as follows (this is a percentage of how many parcels have changed in each Ward, not percent changed in each Ward):

- Ward 1 – 25.34%
- Ward 2- 25.11%
- Ward 3 – 20.05%
- Ward 4 – 29.49%

Vice Mayor Wright asked for clarification on the Value Change Map slide which depicts Residential Real Estate and Downtown. He specifically wanted to know if this was a projected increase in assessments by neighborhood, or by number of properties? Mr. Bandy explained that it is an average of the neighborhoods. For example, there are some properties in the 5th Street corridor that have seen a market increase but doesn't necessarily mean that homes off of Tinbridge Hill are seeing a 23% increase.

Councilmember Helgeson wanted to know what the tax equalization rate is based on the new numbers? Mr. Bandy stated that the equalization rate is \$1.033.

As the Ward IV representative, Councilmember Faraldi stated there will be 29.49% of parcels in his Ward alone that will be affected if Council does not equalize the rate. Throughout the City, there will be about 77% of parcels who will be affected.

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting for discussion and consideration of the City Attorney's performance; and to discuss the appointment of a member to the Economic Development Authority pursuant to Section 2.2-3711(A).(1) of the Code of Virginia, as amended.

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

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

Noes: 0

// 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

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 Nelson, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

// On motion of Councilmember Nelson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Economic Development Authority: Mr. Richard Tugman – unexpired term ending June 30, 2021

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

Noes: 0

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// The meeting adjourned at 9:35 p.m.

Clerk of Council

// 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

March 23, 2021

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd 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 Recognition, Mayor Dolan Proclaimed April 4 – 10, 2021 as Library Week in Lynchburg and encouraged citizens of all ages to visit the local library online or in person to discover the many free resources it has to offer for everyone. Ms. Beverly Blair, Director of Libraries was in attendance to accept.

// In the matter of Budget, Agenda Item #1, Chief Financial Officer Ms. Donna Witt reviewed the FY 2022 Projected Revenues. Staff, including the Commissioner of the Revenue and the City Assessor, will be updating these revenue figures as more information becomes available and will have report out by April 6, 2021. Ms. Witt went through the following projected revenues: Current Real Property Tax; Current Personal Property Tax – Local Portion; Local Sales and Use Tax; Consumer Utility Tax Electric; Communications Sales and Use Tax; Business Licenses; Motor Vehicle Licenses; Lodging Tax; Meals Tax; and Ambulance Service Fees.

Councilmember Faraldi asked for clarification regarding a line item on the Ambulance Service Fees of \$100 being charged to patients who receive emergency medical services but do not require transport. He asked Ms. Witt to clarify if this was a new fee, to which she replied it was not.

Councilmember Nelson asked for further explanation with the increase to online sales. Ms. Witt explained that this figure increased due to the Wayfair Act and because more people were buying things online since the pandemic. Councilmember Nelson asked if she believed there could be an uptick in next year's revenues, or if the increase was simply due to the pandemic; his hope is that there will be extra revenues in the coming years to accommodate equalizing the tax rate. Ms. Witt explained that she believes the increase in online sales will level off once brick and mortar retail store open back up and revenues will be shared between retail sales and online sales.

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Councilmember Wilder asked for further explanation on the Real Property Tax Relief Program. Ms. Witt explained that this program is for the disabled and the elderly and is administered through the Commissioner of the Revenue.

Councilmember Helgeson added the following items to The List: Funds available above the minimum 10% unassigned fund balance policy; Schools Funding; and the Trash Bag Decal Violation.

Councilmember Tweedy requested feedback in writing for the following item: understand the financial involvement with the Rotary Centennial Skate Park.

// In the matter of Budget, Agenda Item #2, Interim City Manager Dr. Reid Wodicka reviewed with Council the Proposed FY 2022 – 2026 Capital Improvement Program and gave an overview of each project.

Councilmember Helgeson added the following items to The List: Parking Lot Repairs and Improvement/Multiple Projects. He also asked Mr. Brian Booth, Director of Greater Lynchburg Transit Company (GLTC), if the transit company could utilize federal CARES funds for the 10% local match. Mr. Booth stated that he would look into the matter. Councilmember Faraldi expressed the same sentiment as Councilmember Helgeson. Councilmember Tweedy asked Mr. Booth if the CARES funds were received due to the loss in ridership. Mr. Booth explained that the funds were due to ridership loss and revenue loss is the primary source, however, in certain circumstances there is the ability to use it for some capital, but will check to confirm what those are. If we use CARES funds we would be taking away the potential of having those funds for future years in the operating budget.

Councilmember Nelson asked to add the following item to The List: Sandbar Removal – Hollins Mill Road Trail Crossing.

// In the matter of Roll Call, Councilmember Faraldi asked staff for data on the cost of both a firefighter position and police officer. Councilmember Wilder asked staff to explore a naming opportunity with businesses for parking decks and other downtown renovation projects as a possible revenue source; he also gave condolences for the families that were affected by both the Colorado and Atlanta shootings; he paid tributes to the life of a community advocate and volunteer, Ms. Laura Munson. Councilmember Tweedy noted that there has been trash on both the on- and off-ramps on the highway and that refuse

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collection is important to keep in mind during budget discussions. Councilmember Nelson had no items. Councilmember Helgeson agreed with Councilmember Tweedy that trash is a real problem for the city; he also stated that he hoped that the Lynchburg City Schools would have opened back up by now. Vice Mayor Wright had no items. Mayor Dolan made the following announcements:

- If you haven't registered for the vaccine or have not updated your information please do so at vaccinate.virginia.gov or call 877-VAX-IN-VA.
- The Lynchburg Regional Vaccination Center located in the Candler's Station Shopping Center needs both medical and non-medical volunteers. In addition to vaccinators, the Center needs NAVIGATORS, OBSERVERS, REGISTRATION, SCREENERS and SCRIBES. I encourage you to sign up to help in this rewarding community effort by going to vaccinatecentralva.org. You will find all the information you need to volunteer for this worthwhile effort! Together we can do it!
- On Wednesday, April 7, at 7:00 p.m. join Bridges to Progress and the City of Lynchburg for a Virtual Town Hall Meeting called, Faith, Facts, and the COVID Vaccine. A moderated panel of Lynchburg faith leaders and healthcare professionals will discuss the COVID-19 vaccine and its impact on communities of color. Look for more information soon on the City's Facebook page.

// The meeting was recessed at 6:08 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 Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda Item #4, copies of the minutes of the March 9, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Community Development, Agenda Item #5, Council considered adopting Resolution #R-21-021 approving the allocation of the FY 2022 Community Development Block Grant (CDBG) and HOME Program funds and incorporating the FY 2022 CDBG Fund and HOME Fund Budgets and Program Year 2021 Annual Action Plan.

Ms. Melva Walker, Grants Manager, provided Council with a brief summary of the request. The U.S. Department of Housing and Urban Development (HUD) funds the CDBG and HOME Programs. The City has available the following funds to use for eligible CDBG and HOME activities during FY 2022 (PY 2021).

<u>CDBG AVAILABLE FUNDING/SOURCE</u>	<u>AMOUNT</u>
HUD Entitlement Allocation	\$718,593.00
Reprogrammed Funds	<u>22,712.47</u>
Total CDBG Funding Available	\$741,305.47

<u>HOME AVAILABLE FUNDING</u>	<u>AMOUNT</u>
HUD Entitlement Allocation	\$413,856.00
Reprogrammed Funds	<u>54,568.87</u>
Total HOME Funding Available	\$468,424.87

All CDBG and HOME funds will be expended in accordance with primary objectives of the programs. The City estimates that over 70% of the CDBG FY 2022 funding will benefit low/moderate income persons which complies with HUD regulations. All applications submitted for funding consideration are available for review in the Grants Administration Office, Second Floor, City Hall.

At the conclusion of the public hearing, City Council will review the recommendations of the CDAC and approve the funding allocations to be included in the FY 2022 CDBG Fund and HOME Fund

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Budgets and PY 2021 CDBG and HOME Program Annual Action Plan. The Annual Action Plan will subsequently be submitted to HUD for approval.

There was no one in person to either speak in favor or opposition. There were several correspondences previously furnished to the Clerk of Council which were then read into the record. Ms. Olyvia Brown-Coles, Director of Housing Services at Lynchburg Community Action Group (Lyn-CAG), spoke on behalf of the group to request Council consider approving the funds related to its HOME project, First Time Homebuyer Down Payment Assistance Program. Mr. Jeff Smith, Executive Director of Rush Homes, spoke on behalf of the group to request Council consider approving the funds related to its HOME project Florida Terrace Rental Housing. Ms. Donna Vincent, Executive Director of Greater Lynchburg Habitat for Humanity, spoke on behalf of the group to request Council consider approving the funds related to its HOME project Knott Street Development. Ms. Sarah Quarantotto, Executive Director of Miriam's House, spoke on behalf of the group to request Council consider approving funds related to the CDBG project, Lynchburg Redevelopment and Housing Authority Centralized Homeless Intake Coordinator. At the conclusion of citizen input, the public hearing was closed and the matter rested with Council.

Vice Mayor Wright, Chair of CDAC, reviewed the projects recommended for approval:

CDBG:

City Administration	\$126,500.00
Jefferson Park Revitalization Improvements	\$507,017.47
Lynchburg Redevelopment and Housing Authority (LRHA) Centralized Homeless Intake Coordinator	\$65,000.00
LRHA Affordable Housing Resource Center	\$42,788.00
Total CDBG	\$741,305.47

HOME:

City Administration	\$33,000.00
Rush Lifetime Homes- Florida Terrace Rental Housing (CHDO)	\$150,000.00
Greater Lynchburg Habitat for Humanity Knott Street Development	\$208,424.87
Lynchburg Community Action Group (Lyn-CAG)- Down Payment Assistance	\$77,000.00
Total HOME	\$468,424.87

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Vice Mayor Wright made the motion to approve the recommendations, seconded by Councilmember Tweedy.

Councilmember Helgeson asked for clarification on the increase in funds for the line item "City Administration" for the CDBG funds. Mr. Kent White, Interim Deputy City Manager, indicated that the increase will help fund the extra support needed to maintain these funds for the projects. These are five-year grants and the city has several CDBG COVID grants that are requiring a lot of staff time.

Councilmember Helgeson wishes that more of the money would go to projects and not administration.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-021.

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

Noes: 0

// In the matter of Public Comment, Agenda Item #6, Mr. Andrew Glover spoke to Council about its decision at its February 23, 2021 meeting to hold a public hearing at a later date regarding the renaming of 5th Street to Martin Luther King, Jr. Boulevard. Mr. Glover commented that the request generated from seemingly very little community impetus and urged Council to also hold a public hearing to garner citizen feedback from parents on reopening Lynchburg City Schools.

// In the matter of Parking, Agenda Item #7, Council considered adopting an ordinance amending Chapter 25; Division 3 – Permit Parking of the City Code. Mr. David Malewitz, Director of Parking Management, provided Council with a brief summary of the request. The Lynchburg Parking Authority (LPA) at its February 9, 2021 meeting recommended City Council adopt revisions to the City Code that would modify code language to effectively manage residential parking permits and permitted districts. Highlights of the proposed revisions include (i) allowing the Department of Parking Management to establish rules and fees for visitor permits, (ii) the creation of two distinct residential permit parking districts in the Central Business District, (iii) replace the yearly on-street residential parking permits in the Central Business District with a monthly permit and establish a new monthly parking permit rate for on-street residential parking permits, (iv) institute a \$5 late fee after the 5th of the month for monthly permits not renewed by

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the first of the month, and (v) establish rules to allow the Lynchburg Parking Authority board to set monthly residential parking permit rates for all off-street City-owned or City-managed parking facilities. The recommendations are consistent with the Lynchburg Parking Authority 2019-2021 Comprehensive Work Plan. The plan is designed to identify parking specific strategies focused on continually maintaining, improving, and increasing parking opportunities in the Central Business District.

Councilmember Helgeson stated a concern with increasing the business parking permits. Businesses, who in essence are only occupying the space for eight hours a day, pay a higher rate than a residential permit holder who could be maintaining the space twenty-four hours a day. He further stated that the downtown area is a business zone but preferential treatment is being granted to residential permit holders. He also stated that he would like to strike the addition of allowing the LPA to set monthly residential permit rates in off-street parking facilities since the LPA is an appointed body whose purpose is to recommend rates to Council.

Councilmember Faraldi stated that he would be in favor of including a grandfather clause for the individuals in the Central Business District who would be affected by the change from a yearly rate to a new monthly permit at a higher rate.

Councilmember Tweedy commented that businesses will receive a tax write-off at the end of the year and will receive a benefit. Councilmember Helgeson stated that it is plausible that not all businesses pay for their employees parking and that employees will be affected with the increased business rate.

Councilmember Wilder asked if there was any residential and downtown business representation on the committee that recommended these changes. Mr. Malewitz explained that there was downtown loft management representation, business owners, and the Downtown Lynchburg Association representation on LPA. Councilmember Wilder commented that parking downtown during the day is more in demand so he is supportive of the higher business permit rate. He is also supportive of a grandfather clause and removing the authority of the LPA to set rates.

Deputy City Attorney Mr. Matthew Freedman commented that the Lynchburg Parking Authority Act had already been adopted under state law which permits the LPA to set rates for off-street facilities. He suggested that Council could include language in the ordinance that the LPA will consider a recommendation from Council as it relates to those rates. He reiterated that Council regulates the on-

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street rates, however, because of the Lynchburg Parking Authority Act, the LPA has the power to regulate off-street City maintained facilities. Vice Mayor Wright asked if this was just a housekeeping item to align City Code with state law to which Mr. Freedman replied that it was.

Councilmember Nelson stated that he would be in favor of the LPA setting monthly residential parking permit rates for all off-street City-owned or City-managed parking facilities as long as it was written in the ordinance that the LPA would hold a public hearing with the affected audience in order to learn of the needs of those they serve. He also stated that he is very reluctant to increase any fees or taxes during a pandemic if it can be helped. He also stated that the rate should go up for on-street parking. He commented that he would like to see this delayed so as to discuss with a little more detail to make sure Council assess properly.

Interim City Manager Dr. Reid Wodicka reiterated that staff will bring this item back for Council's consideration after the addition of language addressing a grandfather clause, as well as a codifying a rate setting process for the Lynchburg Parking Authority, and further consideration to the business rates. Councilmember Tweedy asked staff to survey businesses downtown to see who pays for their employees parking.

Mr. Malewitz reminded Council that there is a time constraint associated with this item due to the sale of on-street parking permits that begin on April 15th.

// In the matter of the Fire Department, Agenda Item #8, Council received the first reading of Resolution #R-21-022 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$67,200 with resources to purchase eighteen Pharm Guard Temperature Controls systems for pharmacy drug boxes carried on fire and EMS apparatus for the Fire Department.

Fire Chief Greg Wormser provided Council with a brief summary of the request. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services. The Fire Department has been awarded RSAF grant funds to purchase eighteen Pharm Guard Temperature Controls Systems for pharmacy boxes carried on fire and EMS apparatus. These

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devices are designed to provide climate control for the medications on each of the apparatus. The medications the department carry must be climate controlled in accordance with Virginia Office of EMS regulations to ensure efficacy. The grant requires a local match. The Fire Department applied for these funds under a Hardship Request, which would have required the locality to pay 20 percent and RSAF would have paid 80 percent. However, the RSAF funds were awarded with a required 50 percent match. With a total cost of \$67,200, the required local match is \$33,600. The match will be funded from the FY 2021 General Fund Fire Department budget.

At its March 23, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and with no discussion from Council, the following recorded vote approved the motion:

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

Noes: 0

//On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of discussion and consideration of information provided to the City by a private entity under the provisions of the Public-Private Transportation Act relating to the possible construction of a Police Headquarters Facility, pursuant to Sections 2.2-3711(A.) (28) and 2.2-3705.6(11) of the Code of Virgini, as amended.

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

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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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 Faraldi, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

// Councilmember Tweedy made a statement supporting the Lynchburg City Schools Return to Learn Plan.

// The meeting adjourned at 9:26p.m.

Clerk of Council

March 30, 2021

AGENDA ITEM #: 5

// A special meeting of the Council of the City of Lynchburg was held on the 30th 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, Lynchburg City Schools (LCS) Superintendent Dr. Crystal Edwards provided Council with an overview of the LCS FY 2022 Operating Budget and request. Dr. Edwards stated that LCS is asking for level funding of \$39,828,498, the same amount requested the previous year, to support full instruction five days a week, full staff hiring, regular athletic seasons, in-person performing arts programs, in-person professional development, and regular staff/student travel.

Councilmember Tweedy thanked the LCS staff for their commitment to the students and stated that it's imperative for Council to support schools and the families that receive those services.

Councilmember Helgeson stated that he is not in support of funding the schools for the same amount as the previous year due to the fact that there are less students. Even though the request is the same, with declining enrollments the cost per pupil is increasing. He further explained that LCS has received federal and state coronavirus aid and that this is an area that can alleviate financial burden for the local tax payers.

Vice Mayor Wright stated that the school system has shown great leadership and has managed to provide in-person learning in a pandemic all while navigating shifting federal and state guidance. He furthered his support stating public schools are a public trust and until Lynchburg has the best schools in the state he would not consider cutting the schools funding. He commented that he would be open to having a conversation about what makes sense given outstanding priorities to the city and the school system and commented that he has some qualms about the budget as it's presented but would not be supportive of any big cuts.

Councilmember Tweedy stated that Council needs to consider the aging infrastructure as it makes its decision on the budget because the buildings are growing old and as city owned assets, they are Council's responsibility. She also stated that now is the time to build new innovative programming.

Councilmember Faraldi asked Dr. Edwards why there hasn't been a decrease in spending since there has been a decline in enrollment coupled with the fact that LCS received CARES funds. Dr. Edwards replied that CARES funding has limitations and it cannot be used to supplement any shortcomings and is not a long-term solution. She further explained equating funding per pupil to healthcare costs, stating that not every student will cost the same based on the need. Councilmember Faraldi asked what the rationale was for using CARES funds for recurring costs over the next few years and wanted to know if the expectation was for the City to have to fill those gaps long-term. Dr. Edwards explained that the budget was built based on needs and that staff took care to offset certain items in the budget where CARES funding could be used. Councilmember Faraldi asked why there was about \$126 million in revenue but only about \$100 million in expenditures and asked for clarification on the discrepancy. Dr. Edwards explained that this is the operating budget and the money in the CARES funding is not City supported so therefore is not included in the revenue request, however, it was included in the presentation where the funds will be used. Councilmember Faraldi asked why the transportation cost remained flat when it has been identified as a major component in getting kids back in schools. Dr. Edwards explained that the transportation vacancies are often unfilled. She stated that staff haven't cut transportation and in fact have done some things to make the job more attractive by adding a VRS component. Councilmember Faraldi indicated that the Remote Academy is a large line item and asked for specifics regarding the program. Dr. Edwards clarified that the program will be funded in CARES funding and is not in the operating budget. There have been some successes with remote learning and some families expressed an interest in its continued availability. She also indicated that this could be a practical avenue in tapping into the homeschool population. Councilmember Faraldi asked what the rationale is for targeting homeschool students. Dr. Edwards answered that LCS has some valuable services that homeschool families might not know are available to them. Councilmember Faraldi asked to be walked through the justification on a nearly \$10,000 compensation package for school board members when it was not first presented to Council. Dr. James Coleman, School Board Chair,

was in attendance and came forward to answer the question. He asked for clarification on how the figure was calculated to which Councilmember Faraldi responded that his calculations provide a \$2,400 stipend and \$7,000 in healthcare costs. Dr. Coleman replied that there are two sections in the Code of Virginia that permit stipends for school board members with a vote from the school board. He further stated that the Lynchburg City School Board is one of only three school boards in the entire division that is not compensated. He also commented that it is common for school board members in the state of Virginia to be offered some health benefits as well. Councilmember Faraldi asked if any school board member had any discussion with Council regarding this since they are a Council-appointed board. Dr. Coleman said that state code does not provide the need to discuss the allowance with City Council unless it's for the Chair to receive an additional sum. Councilmember Faraldi concluded that he will not be supporting this budget.

Councilmember Tweedy stated that she is in support of the compensation for school board members, citing the amount of time and dedication required to fill this role.

Councilmember Nelson asked Dr. Edwards what morale issues may arise if some part time positions in the school who don't have the opportunity to get health insurance and the persons who are not employees do. Ms. Kim Lukanich replied that any employee who works six hours or more is eligible for health insurance. Councilmember Nelson asked what will happen to the remote learning academy when the funding runs out in 2024? How will it be justified to terminate highly qualified people at that time? Dr. Edwards replied that staff always audit for effectiveness of any program and any decision will be based on student needs, not necessarily first program in, last program out. Councilmember Nelson asked if the TV, Media, and Public Engagement position will be a new position or be a result of consolidating other similar positions. Dr. Edwards responded that this is an additional position because the need to engage and connect with the community outside of the schools' walls is extremely important. Councilmember Nelson stated that the Education Task Force was chartered to address a lot of these issues addressed in the proposed budget. It would not be efficient for the schools to do this when the School Board and City Council have already decided this is what the task force should be working on. For example, the remote academy is so novel and should go before the task force to refine since they have the personnel and insights to very successfully assess what will be a very critical component to public education. He'd rather see LCS staff take the

programs they have already undertaken and perfect them instead of using their resources to start something else that is on the drawing board.

Vice mayor wright shared the concern about long term fiscal responsibilities of the budgetary decisions being made now. The stipend for costs incurred while serving on the school board but is not a compensation. If we want a diverse school board we have to lower barriers for entry.

Councilmember Tweedy you're building for your customers, build for your demographics.

Mayor Dolan said she also shares the concerns of randy and beau but appreciates everything the schools have done.

// In the matter of Budget, Agenda Item #2, the continuation of review of the Proposed FY 2022 – FY 2026 Capital Improvement Program, Council decided to layover this item until the April 6, 2021 Budget Meeting.

// In the matter of Roll Call, Agenda Item #3, Councilmembers Faraldi and Wilder had no items. Councilmember Tweedy said it's really sad that landlords disrespect the refuse policies and procedures and throw out whatever they want on the curb. Councilmember Nelson had no items. Councilmember Helgeson asked staff to reconsider the no electric fence rule, put forth by a resident. Vice Mayor Wright had no items. Mayor Dolan made the following announcements:

// The meeting was recessed at 6:25 p.m.

// City Council reconvened the special meeting at 7:00 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

// Interim City Manager Dr. Reid Wodicka gave opening remarks for both public hearings. He provided a brief summary of the strategic initiatives outlined in the budget. He also stated that the recommended budget does not include changing the real estate tax rate, but does include a flat rate which would result for many property owners as an increase tax bill. We've

also seen a decline in key tax areas such as meals tax, consumer utility tax, communications tax, lodging tax, and others that are problematic as we go along.

// In the matter of Agenda Item #4, a public hearing was held on the Proposed Real Property Tax Increase.

Mr. Wilson Carter stated that the value of his property on Fillmore Street has gone up significantly in the last two reassessment cycles and he is on social security. He owns rental property and stated that he would not be able to handle the tax increase with his income. He asked Council to consider lowering taxes to accommodate seniors with limited income.

Mr. Jehudiyah Naomi who also owns property on Filmore Street and is a nurse and has seen a decrease in hours since the pandemic and is struggling to pay taxes on her house already without the increase. She suggested Council either leave the tax rate the same or decrease it.

Mr. Robert Morse, a local accountant, has several clients that own property and when they get increases they pass it on to the end user. He talked about the rising increases in taxes and bills in the pandemic already and said that the increase might not be much by itself, but with everything else it's a lot and the rates will be raised.

Mr. Ben Castle said that there are three reasons that Council should lower the tax rate. First is the economic downturn from Governor Northam. Optics, how does this look to the working man increasing the tax burden on citizens. Third, Council are servants of the people, you must lighten the tax burden on citizens.

Mr. Wendell Walker said that he's concerned about our future as far as property taxes here in the city of Lynchburg. He believes that Lynchburg can live without more new taxes. He stated that he and his wife are retired and live on a fixed income. With healthcare, utilities, food prices rising, they have to live within our means and government should do the same. He commented that he wants to live in the city but may have to relook at that.

Mr. Jack Collins stated that a tax increase would disincentivize new development and push citizens out of town. This tax is antibusiness and prioritizes government over citizens.

Mr. Andrew Glover stated that he moved from Vermont to flee because of high property tax rates. He has a short-term rental property and both of his property's values went up. Instead of seeing an increase in service, he's seen a decrease. School closure, trash delays, and riots are negative key performance indicators.

Mr. John Vassar believes that there is a shortage of housing stock in the city and with a growing population, an increase in real estate taxes will make Lynchburg less desirable.

Ms. Hope McRorie stated that she is concerned that the people aren't convinced that Council is concerned with them. She commented on only getting three minutes to talk to Council and stated that Council works for the citizens, but it seems its flipped around and citizens have to live with the decisions that Council makes for them.

Mr. Steve Troxel stated that his wife owns a business and her income has gone down considerable due to the pandemic but the city's income has gone up. They had to adjust their budget and the city needs to adjust their budget too. Everything in the budget looks good and important to somebody or else it wouldn't be in the budget. He stated that he has a lot of things that would look good in his budget but he can't go out and tax somebody to get the money to do it.

Ms. Stephanie Reed wanted to speak on behalf of families and children who are struggling. The city has a high poverty rate before the pandemic. Now there are people that have lost jobs, have a reduced income, or have to stay home with kids for school because of the pandemic. Now is not the time to increase taxes.

Mr. Josiah Wyble asked council to equalize the tax rate because there are a lot of impoverished people in Lynchburg and Charlottesville and surrounding counties have a lower tax rate.

Mr. FJ Jalil asked Council to seek revitalization and not taxation. Incentivize the revitalization of blighted properties and asked Council to not think of people as piggy banks.

Mr. Jared Hesse owns multiple businesses and commercial properties and if his taxes go up, he'll have to raise the rates on his tenants, and commented that it is a bad time to raise taxes in a pandemic with rising costs of healthcare and child care.

Ms. Linda Campbell and her husband are retired and living on a fixed income. The city is stressed economically with not receiving revenue from key sources and we are finally seeing a way out of this with vaccinations. Reconsider raising taxes so the majority of us can make it through the pandemic because in a few months the city will have all the regular taxes flooding back in.

Mr. James Berrigan said we are in the middle of a pandemic and I can't fathom how this is a left or right issue and the City should not consider raising taxes one cent. People who want to go out do and contribute their taxes that way. The cost of living is low, but he is very aware that he can go somewhere else and make more and probably get charged a lot less in taxes. Either people will vote Council out or people will leave.

Ms. Amber Haskew a local landlord, said that the economic impact is hurting children because of starvation. One of her properties went up 17% and if Council doesn't equalize tax rates then she'll have to charge higher rental rates and that will be taking away from children she's trying to feed. She knows people who are moving because of the tax rate and she pointed out that the tax rate in the city is significantly higher.

Ms. Cheryl DeLeon moved from California in 2014 to escape the high cost of living and loves the community. She substitute teaches and is aware of the socioeconomic depravation of our students and the disparity. She can't afford a price increase to her taxes so she will consider moving from the city.

Ms. Sarah Kalafian and is a housewife living in the city for the past 20 years and has watched taxes increase. She stated that the City needs to reel in how they are spending citizens' money.

Ms. Mary Coran loves the community and the area and is discouraged to hear that Council may not equalize the tax rate. There are cascading effects to the increase in property taxes; she is a renter and she is worried about the rent going up. It won't affect her so much, but there are plenty in the city who it will affect.

Mr. Ryan Fields asked Council if any of them own a business that was affected by the pandemic, or otherwise lost income due to the pandemic. Having a mask mandate, having capacity restrictions, changing business models around, these are all factors that have already been affecting businesses and now tax rates will be going up too.

Mr. Ryan Thomas was a renter in the city for many years and during that time he had a very low income. He is now self-employed and has to fund his own health insurance or matching 401k. He decided he wanted to get into the rental business and bought several houses and uses them as rental property and stated that he charges what is needed in order to make it work and nothing else. Any tax increases will be passed on to his renters and renters are typically in a more vulnerable position. He is also in a vulnerable position because the entertainment business took a dive. Everyone is struggling so he asked Council to reconsider the tax increase.

Mr. Anthony Difietro is in the real estate business and stated that everyone has budgets that need to be tightened because of the pandemic. He flips houses because he sees the value in turning blighted properties into usable homes, but now there are considerable cost pressures from a business standpoint. Materials have increased due to the pandemic and the city is collecting higher sales taxes on those materials.

Mr. Daniel Peters stated that whatever Council taxes, they'll get less of. Whatever they subsidize, they'll get more of. If Council taxes improvements on homes, they'll get less improvements and they'll get people letting their houses go.

Mr. Sky Riggleman signed up but did not show.

Mr. John McCann asked Council to consider not raising real estate taxes and to think of another way to get the money the city needs.

Ms. Angela Payne Cox is a homeowner and her husband works for the city and also has a second job and she would hate to see taxes raised in the city. She lives on a street with some fellow homeowners but also a lot of rental properties. If the taxes are raised then the landlords will probably not be able to keep up with their property. She stated that she wants to rent her home out and get another home, but she now might not be able to.

Mr. Rick Florezzo and his family recently moved to Lynchburg and commented on it being a wonderful, affordable town to live in and thanked City Council for all of their work.

Ms. Ina King stated that her occupation is buying and selling of real estate and the number one reason buyers don't want to buy in Lynchburg is because of taxes where they're currently at. Equalizing the tax rate is important so the city won't further drive clients out of the city.

There were several written correspondences previously furnished to the Clerk of Council by citizens to read into the record. Mr. Philip Stump asked Council to reject equalizing the tax rate in order to meet revenue shortfalls and fully support the schools. Mr. and Mrs. John and Marjorie Murphy asked Council to not raise taxes because the community cannot afford to take another hit in the pandemic. Ms. Erin Rupe said that the increase to taxes is not drastic and will help support the city's growing infrastructure. Mr. Dylan Schumacher asked Council to not equalize the tax rate due to the fact that community benefits of the revenue increase far outweigh the cost to individual taxpayers.

There were several previously recorded voicemails submitted to the Clerk of Council by citizens to be played into the record. Mr. Gary Woodson asked Council to consider a reduction in the tax rate citing the burden to citizens. Mr. Horace Scarlett said the increase on taxes would place an undue burden on his family. Mr. Lawrence Woody said the increase in his assessment places an undue burden on his 83-year-old wife and himself and asked Council to lower the tax rate to \$1.03 or lower. Mr. Marvin Clark asked Council to lower the tax rate because the tax increase places an undue burden on his 85-year-old wife and himself and encouraged Council to lower the rate to \$1.03 or lower. Mr. Wayne Fitzgerald stated the tax increase places an undue burden on his retired family and encouraged Council to lower the rate to \$1.03 or lower. Ms. Linda Collins stating that she was surprised her assessment went up so much and although she realizes the city needs the revenue, she suggested Council lower the tax rate to \$1.03 or lower. Ms. Debra Allen stating that she is a widowed senior citizen on a fixed income and if the tax rate is not lowered to \$1.03 or lower, it will cause an undue burden on herself.

Councilmember Faraldi asked the Clerk of Council, Ms. Alicia Finney, to record the following over 280 names into the record that signed a petition initiated by Councilmember Faraldi to not have their taxes raised:

Name	Physical Address
Nathan McMurray	7121 Meadowbrook Rd
Barbara Kepler	104 Wyndpark Circle
Greg O'Berry	1030 Ardmore Drive
Ann Pleinies	6256 Pawnee Drive
David Foust	109 Overlink Court
Steven Hill	3476 Ivylink place
Chris Williamson	230 Belvedere St
Benjamin Kahle	137 Acres Ct Lynchburg, VA 24502
Liz Highley	300 Atlanta Ave.
Julia McClurg	3416 Sky View Place
Deborah Fears Keeling	1716 Main Street
Donald A. Peschken	127 Village Park Court, Lynchburg, VA
ALBERT LAVERN BILLINGSLY	1115 MOREVIEW DR
Donna Cantrell	302 Oakridge Boulevard
Sandy Logan	720 Sanhill Dr
Julie Fields	233 V.E.S. Rd
Pete Parziale	1415 Park Avenue
Robert Morse	3108 Sedgewick Drive, Lynchburg, VA 24503
Charles Gammon	4900 Dodd St. Lynchburg 02
Jason Brown	4812 Old Boonsboro Road
Anne Miller Schlenk	2507 Link Road, Lynchburg VA 24503
Rebecca Mahanes	6005 Modac Place
Pat Stump	132 Yorkshire Cir
Angela Weaver	110 Aaron Place, #201, Lynchburg, VA
Cheryl Camarillo8	1303 Oakwood Court
Shirley A. Huffman	112 Thornfield Drive, Lynchburg, VA 24502
Kim Anita VandeBogart	902 Main Street
Zena King	7108 Meadowbrook Rd. Lynchburg, VA 24502
Robert Weaver	201 Aaron Place
Luke Mannion	6276 Pawnee Dr, 24502
George M Loper	119 Dreaming Creek Dr

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AGENDA ITEM #: 5

Sandra Travis	205 Alta Ln, Lynchburg
Rose E Hall	220 WAYNE DR
Holly Sweet	3807 Moorman Drive Lynchburg
Kathy Calvert	7125 Richland Drive
Richard Palazzo	1012 Biltmore Avenue, Lynchburg, VA 24502
Blake Edmondson	602 Fleetwood Dr
Michael Christensen	2100 Weeping Willow Drive Apt. I Lynchburg, VA 24515
John and Elizabeth Sargent	1414 Nelson Drive, Lynchburg 24502
Kevin Broad	341 Norfolk Ave
Luke Dykeman	1519 CLUB TER
Peggy Summy	1801 Heritage Circle
Lindsey Morris	1519 club terrace, Lynchburg, va 24503
David Bruce	4621 Locksview Rd.
Timmy Williamson	100 Tradewynd Drive Apt. B
Caleb McAllister	110 Settlement Drive
Brenton	120 Fieldstone Ct
Letitia Lowery	601 midvale street Lynchburg Virginia
Michael Horst	414 Wiggington Road, Lynchburg, VA 24502
Greg Berry	1513 Russell St
Lisa pelletier	341 Norfolk Ave
Steve Troxel	204 Pennsylvania Avenue
Melanie Thompson	4100 Fort Avenue
Sondra Perricone	430 New Britain Dr
MaryJane Murray	219 Ivy Dr Lynchburg
James S Whitaker	6012 MODAC PL Lynchburg VA 24502
Joel Olenik	322 sumpter street
Mike Sharrett	2035 Overbrook Rd
Graeme Neil Leitch	1130 Moreview Dr
David Corry	515 Lady Slipper Ln, Lynchburg, VA 24502
Linda Devereese	417 Cornerstone St
Toby Davies	511 Stafford St

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Allen Edmondson	102 Pilgrim Rd.
Corey Thomas	165 ROCKWELL RD
Tina Cooley	407 Langhorne Lane
Dennis A. Cooley	407 Langhorne Lane
Chad Mooney	2219 Poplar
Thomas Strayhorn	309 Wyndhurst Dr
Ronald Wayne Rhodes	1152 lindsay st lynchburg 24502
Nicholas J Sweet	3807 Moorman DR
Karl Miller	1819 Royal Oak Dr Lynchburg 24503
Courtney Turkekul	104 Lawton Lane, Lynchburg VA 24501
Brenda Cafazza	204 Lookout Dr
Sarah Kalafian	111 Earls Court, Lynchburg, Va 24503
Nicholas Freesland	3020 Cardinal PI Lynchburg, VA 24503
Nikki Perkinson	206 MAPLE HILLS DR
Todd Patterson	134 Bon Ton Rd Lynchburg
Charles W Rodgers	1908 Eastwood Lane / 24503
Shanna Davies	511 Stafford St.
Alexander Stuart	1504 Waverly PI
Claybrooke Dean	345 Norfolk Ave, Lynchburg, VA 24503
Bre Rock	1500 Fort Manor Dr
Russ Rock	1011 N. Grand Ave.
Lauren Rock	1358 McKinney Ave
Sky Pacot	4509 Boonsboro Rd
Caleb D Rock	519 Stafford ST
Sam Rock	1358 McKinney Ave Lynchburg, VA 24502
Melinda L Tennis	1019 Church St
Amy Couch	1813 Laxton Rd
Jeri Rock	519 Stafford Street
Terry Adams	111 Pilgrim Road
Rebekah Carwile	4528 Greenwood Drive
Linda Rock	1011 North Grand Ave

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Nate Rock	1500 Fort Manor Dr
Dan Ebersold	3408 Memorial Ave
Caleb Di Lella	1121 Toledo ave
Olivia Rock	1900 Weeping Willow Dr, APT C
Lisa Pacot	4509 Boonsboro Road
Ken Frederick	2215 Indian Hill Rd.
Gregory S. McCauley	1009 Jeffetson Street Apt. D Lynchburg,VA 24504
Andy Smith	113 Parkview Drive, Lynchburg, VA 24502
Ronald Gillispie	110 Kings Drive
Christy Sattler	108 Chris Lane
Michelle Osborne	515 Bent Oak Ct, Lynchburg, 24502
Linda Chicette	109 Westover Blvd
Robert Pyle	108 Marguerite Dr
Ben Parziale	4333 Montgomery Road Lynchburg VA 24503
Joshua Brandon	2230 mimosa drive Lynchburg va 24503
Cheri Almond	106 North Street, Lynchburg, VA 24502
Emily Foster	1424 Edley Place
Wendy C Jacobs	344 Bell Street
Marina Guenther	1928 Hillsdale Road Lynchburg Virginia 24501
Charles Faulconer	4627 Fieldale Road, Lynchburg, VA 24503
Neil Leitch	3428 Milton Street, Lynchburg, Va 24501
Jonathan McMahon	4409 Goodview Street, Lynchburg, VA 24502
Amber Haskew	203 Fleetwood Dr
John Vassar	107 Emeline Drive
Martin Misjuns	140 Palmer Drive, Lynchburg VA 24502
Betty Gibbs	313 Legacy Oaks Circle
William Worley	7102 Suncrest Dr
RPLind	3025 Cranehill
Daniel Pense	1301 10th street
FJ Jalil	1045 Moreview Drive 24502
Dr. Mary Alford	2 Easton Ave, Lynchburg, VA

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Theresa Palazzo	1012 Biltmore Avenue, Lynchburg, VA 24502
Hilary Leitch	1130 Moreview Dr.
Todd Hibbard	535 Eldon St. Lynchburg, VA 24501
Jeremy Buttil	160 Ivy Creek Lane Unit #202 Lynchburg, VA 24502
William R Jennings Jr.	2304 Heronhill Place, Lynchburg, VA 24503
Braden Murphy	55 Murphy Lane
Patsy R Walker	2432 INDIAN HILL ROAD
Christy G Solomon	1006 Craigmont Drive
Gary N. Garner	310 Robin Dr., Lynchburg, VA. 24502
Veronica Bratton	759 Wyndhurst Dr
Reginald Richards	1716 Lakeside Drive
Matt Lynn	314 BREEZEWOOD DR
Howard M Rice	130 Farley Branch Drive
Andrew Glover	1504 Lockewood Dr
Donald and Carla Sloan	134 FARLEY BRANCH DRIVE
Kenneth Kepler	104 Wyndpark Circle
Malia C. King	1026 New Hampshire Ave
Barbara McCann	114 Valleydale Drive
William Steele	201 Farley branch drive Lynchburg va 24502
Peter Alexander	2228 Falcon Hill PI
Janet Gibbs	318 Warren Ave Lynchburg Virginia 24501
anne mcveigh	3515 Otterview place
Shelley Scranton	1104 Milford Lane
Mr. Terry Adams	111 PILGRIM RD
Steve Gilliatt	204 Woodway Drive
Brenda Guill	1506 Brookville Lane
Robert Bowden Jr	214 Windham Ct
Autumn Johnson	316 G Killarney Court
Maria Dennis	2004 Pocahontas Street
Wanda S Martin	71 E Lake Dr
Evan Murch	2208 Fairview Avenue

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April McWilliams	1063 Coronado Lane
Brian Landergan	1111 Rhode Island Ave
Philip Germeroth	211 Pearson Dr.
Michelle Jolly	4819 boonsboro Rd Apt B, Rear of house lower level
Carolyn Lee Peerman	103 LOOKOUT DRIVE
Cheryl A Todd	1024 Rivermont Ter
Mary B Swan	104 Adams Drive
Wilson Swan	104 Adams Drive
Don Marsh	611 Rotunda St.
Debra Knowlton	6016 Edgewood Ave.
Susan Stowell	18 Westdale Dr., Lynchburg, VA 24501
SHANNON WHEALTON	524 Hayes Dr
Glenn Babbitt	6200 Pawnee Dr.
Ariel McCullough	1025 Greenway Court
George Miklas	1011 Wood Rd, Lynchburg, VA 24502
Logan Skillman	3500 Weeping Willow Drive, Lynchburg, VA 24501
Herman Murray	219 Ivy Drive Lynchburg, VA 24503
Ryan Thomas	165 Rockwell Rd. Lynchburg, VA
Megan Okimoto	201 Harrison St.
Janet Fletcher	101 Fredonia Avenue, Lynchburg, VA 24504
Cherise Agnew	722 Commerce Street
James	7110 Richland Drive
Kelsey Shade	105 BRIDLEWOOD LN
Karen Olsen	324 Legacy Oaks Circle, Lynchburg, VA 24501
Ryan Fields	233 VES Rd. Lynchburg Va.
Gary Viar	1009 Moreview Drive
Christopher L Guynn	2915 Confederate Avenue
Dallas Davis	102 Salisbury Circle
Melanie Chenault	1002 Enterprise Dr Unit 410
Ann Robbins	7219 Richland Drive
Marjorie Murphy	308 Boston Avenue

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Linda Scoville	1502 Brookville Lane
Josh Davies	201 Bonterra pl 24501
Kevin Eberl	215 Yeardley Ave., Lynchburg, Va. 24501
Kathy Germeroth	211 Pearson Dr. Lynchburg, Va 24502
Tara L Watkins	1331 Dover Pl.
Deborah Johnson	3750 Woodside Ave
Richard A Kidd	1307 Radcliff Ave.
Rebecca Riggins	316 Keywood Dr
Debbie Roth	347 Wild Turkey Rd, Lynchburg, VA 24502
Melanie Dalton	3327 Milton St.
Michael Bradshaw	121 Dreaming Creek Dr
Christy Jo Bradshaw	121 Dreaming Creek Dr
Rev. Bennie Castle	4510 Hilltop Drive Lynchburg VA
Scott Stevens	207 Perrymont Ave
Faith Fretz	2010 Wiggington Road Lynchburg VA 24502
No additional taxes	5328 hickory hill dr lynchburg va
Jennifer Brown	1208 Norvell House Court
Ezekiel Loftin	1121 Harrison St., Lynchburg VA 24504
Gary Takacs	1037 Moreview Dr Lynchburg Va 24502
Joyce Doss	1533 Liggates Rd
Thomas A. Taylor, Jr.	1048 Oakmont Circle Lynchburg, VA 24502
Rex W Metzgar	2612 LINKHORNE DR
ghgoh_97@yahoo.com	407 Cornerstone St
Patrick Templeton	1208 Krise Circle
Hajnal Sandidge	218 WINDSOR RD
Stephanie Berkland	1410 Edley Place
Karen Allen	4527 boonsboro rd
Pamela O Miles	201 BUCKINGHAM DR
Brenda S. Hunt	1920 Royal Oak Drive
Hermann K Ulrich	2103 Woodcrest Drive
SHANNON LANGWORTHY	511 Bent Oak Ct Lynchburg VA 24502

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bill bryant	1611 bedford ave
James Catel	1005 V. E. S. Rd.
Danny Smith	141 Yorkshire Circle
Melody Revell	4107 Fort Ave
Kimberly Moore Ness	4301 Morningside Drive, 24503
Suzanne Chappell	1026 MOREVIEW DR
Bonnie Zaleta	1016 Moreview Dr, Lynchburg 24502
I whole heartedly oppose this tax increase	3410 Plymouth Place
Harry J Hoss Jr	222 Ivy Drive Lynchburg Va
Syed M Ali	301 Reno Drive Lynchburg VA 24502
Allyn Chappell	1026 MOREVIEW DR
Lynn Wayne Seipp	300 Portico Street. Lynchburg, VA 24592
John Ritchey	720 Hayes Dr
Dawn Eberl	215 Yeardley Ave, Lynchburg VA
Stephen Langeland	4725 Oxford St Lynchburg VA 24502
Peggy Grimes	436 Preserve Drive
Marlo Horne	142 White Pine Drive, Lynchburg, VA 24501
Joseph Coley	1219 Craigmont dr
Cindy Gresham	204 Bryant Rd
Steve D Tyree	3056 Forest Hills Circle
Kathy Pribble	101 Willow Bend Dr 24502
Oksana Chernaya	623 Wyndhurst drive unit 206 Lynchburg VA 24502
Dong Danny Li	2321 Woodcrest Dr
Mitchell Downs	106 Easton Ave Lynchburg VA 24503
Ryan	202 Capital Street
William Wells	503 Victoria Avenue
Karen Elizabeth Quigg	525 Savannah Avenue
Susan P Atkins	347 BURR OAK RD
Cheryl A. DeLeon	3871 Boonsboro Rd. Lynchburg, VA 24503
Donna Schwarz	1216 regency woods place
Jonathan McMillan	7123 Peachtree Road, Lynchburg, VA, USA

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sarah reynolds-blanchette	7120 Meadowbrook Rd
Jeff Baird	7125 Meadowbrook Road
John & Mary Myers	1006 Oakmont Cir
Ronald Cooper	203 9th Street apt 7A Lynchburg VA 24504
Jul-aina Hamajad	7126 Meadowbrook Rd Lynchburg, Va 24502
Irina Tanjala	1428 Nelson Dr, Lynchburg, VA, 24502
Rebecca Kintgen	7113 Meadowbrook Rd, Lynchburg VA 24502
Charles Donneberg	7415 Richland Drive Lynchburg Va 24502
Erin R Knobeloch	23 Easton Ave
Brett Strock	1130 Villa rd.
Judy Wade	1222 Shirley Road
Kimberly Rodgers	1908 Eastwood lane
Patterson Wilhelm	4104 Peakland Pl
autumn quinn	1119 heath ave lynchburg va 24502
Tara Nye	403 Cornerstone Street
Chip and Debbie Daniel	207 Creekview Ct Lynchburg 24502
Katherine G Taylor	144 Mill Lane Rd
Judith Gallion	302 Meridian Street Lynchburg VA 24502
PATRISHA ANN FLOOD	105 Sublett Ct
Bryan Sobeck	504 Victoria Ave
Kim Smith	610 Capstone Drive, Lynchburg
Julie Fielda	233 VES Road
Eunice Paulett	1904 Lakeside Drive 24501
Joshua Dugan	1312 Rivermont Ave
Marcia L Schweisthal	1807 Taylor Street
Kristine Scharven	117 Page Street
Mary Coran	1001 Moreview Drive
Stephen Mitchell Baldwin	1030 VES Road
Patricia Powers	204 Whitley Way Lynchburg, VA. 24503
Craig R. Wallwork	503 Washington Street
Tina Watson	1132 Ardmore Drive Lynchburg VA 24501

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Wendy Bryant	203 Perrymont Avenue Lynchburg, VA 24502
Landon "Skye" Riggleman	103 Buckingham Drive, Lynchburg Va 24502
Andrew Connor	7129 peachtree road Lynchburg va 24502
Nate Mahanes	6005 Modac Place
Dalton King	7108 Meadowbrook Rd
Patrick H Gatti	608 Washington Street

He continued by stating that there has been an outcry from citizens that support equalizing the tax rate and that it is incumbent on Councilmembers to support measures that accomplish that. He stated that citizens who have expressed opposition to equalizing the tax rate have cited not wanting to lose access to service. However, there is an increase to the city's Fund Balance Reserve that would seem to align to the amount of the proposed tax increase. This way Council can put forth a budget that puts the tax payer at the forefront.

Councilmember Helgeson made the motion to set the tax rate to \$1.03, not the equalization rate of \$1.033, stating that there are ways to come up with the money like cutting back the Fund Balance Reserve from 12.3% Councilmember Faraldi seconded the motion, stating that it is the right thing to do.

Councilmember Nelson stated that there are sufficient funds in the Fund Balance Reserve that helps bolster the City's standing with bond rating agencies so that we can borrow money for capital improvement projects at a lower rate. He agreed that he does not want to put the burden of taxes on citizens, however, he is hesitant to support this motion because there is still a lot of budget to get through. He continued, stating that he is for lowering the tax rate but doesn't know how much is an appropriate rate and until budget discussions are finished, Council can't responsibly know.

Councilmember Tweedy asked staff to elaborate on what would happen if the city equalized its services equivalent to services citizens receive in the neighboring counties. Dr. Wodicka stated that cities and counties are very different in the services they provide. The City provides fulltime police and fire services, are responsible for the maintenance of its own roads, and have a much more robust parks system. Councilmember Tweedy said she is perplexed on who she will be making this decision for and who she will be ultimately helping. All Council has heard tonight was landlords stating that they will pass

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the increase on to their renters. It's a complex issue, renters want to keep expenditures low, but Council has a duty to look at all of those affected.

Councilmember Wilder asked staff to provide more information at a later date on tax assistance programs, the average increase amount for citizens, how much the departments looked to see where they could decrease in their budgets, and an explanation on the reserves policy.

Vice Mayor Wright stated that property reassessments are a normal process; every two years the state says the City Assessor must reassess property and wanted to be clear that this is not being brought forth by anyone on Council.

Mayor Dolan said she needs more time to evaluate and is not ready to decide tonight.

Councilmember Nelson stated that if Councilmember Helgeson does not want to withdraw his motion then he will call the question; Councilmember Helgeson did not wish to withdraw. With that, the following vote to set the Real Property Tax Rate to \$1.03 per \$100 assessed value was recorded:

Ayes: Helgeson, Faraldi 2

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

// In the matter of Budget, Agenda Item #5, a public hearing was held on the Proposed FY 2022 Operating Budget and FY 2022 – 2026 Capital Improvement Program for the City of Lynchburg.

Mr. Ben Blanks stated that he relies solely on the Greater Lynchburg Transit Company as his means of transportation. He also stated that many citizens also rely on the GLTC to get to and from their places of work. As such, he is supportive of the GLTC funding in the budget.

Ms. Belle Evans who previously signed up to speak was not in attendance during the public hearing.

Mr. Andrew Glover, representative of Conservative Parents of Lynchburg, stated he is not in support of funding the Lynchburg City Schools in the budget citing the decrease in school enrollment numbers as a key factor.

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Mr. Rick Loving, President of the Lynchburg Police Foundation, stated that he is in support of funding the police in the form of hiring additional staff, retaining staff by addressing compression issues that were identified in the Korn Ferry pay study, and building the police headquarters.

Mr. Carl Hutcherson, Jr., who did not previously sign up but was in attendance and chose to speak, stated that he is in support of funding the police by hiring 26 additional sworn staff and 16 professional staff.

There were several written correspondences previously furnished to the Clerk of Council by citizens to read into the record. Ms. Dee Tinsley, owner of Dee's Designs, stated that she is in support of the Community Market renovations budget line item. Mr. and Mrs. Dwayne and Jannett Spearman, owners of Spearman Artisanry, stated that they are in support of the Community Market renovations budget line item. Mr. Tom Hayman stated he was in support of the Community Market renovations budget line item. Mr. Aaron Ruehle stated that he is in support funding Lynchburg City Schools. Mr. Steve Lobb stated that he is in support of funding the Lynchburg City Schools.

There were several previously recorded voicemails submitted to the Clerk of Council by citizens to be played into the record. Ms. Mollie Gardner Ledford said that she is in support of funding the Lynchburg City Schools. Ms. Rebekah Melton, member of the Community Policing Advisory Group, stated that she was in support of funding for the police department.

// The meeting adjourned at 9:54 p.m.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 6th day of April, 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, Council continued reviewing the budget. Interim City Manager Dr. Reid Wodicka, and Interim Deputy City Manager Mr. Kent White, finished presenting the Proposed FY 2022 – FY 2026 Capital Improvement Program and Enterprise Funds.

Councilmember Faraldi asked staff if the use federal CARES funding could be used for the HVAC equipment in the schools instead of using local tax money. Ms. Witt responded that the schools were working on identifying some equipment where CARES funding could be utilized.

// In the matter of Budget, Agenda Item #2, Council began balancing the budget, but first received a revised report on revenues from Chief Financial Officer Ms. Donna Witt who explained that the Compensation Board is giving all Constitutional Officers a 5% pay increase, however, there is offsetting expenditures associated with the increase. The state also is giving the Department of Human Services staff a 5% increase, also with an associated local match.

The Commissioner of the Revenue and the City Assessor provided the budget staff with updated revenue projections that totaled about \$3.4 million increase to proposed revenue compared to what is reported in the budget book. On the expense side, given the local matches needed for the pay increase to constitutional officers and Human Services' employees, plus the proposal of additional \$200,000 to the fuel increases as the fuel prices go up, the proposed expenses will go up about \$932,000 which leaves a net of about \$2.5 million. This changes things and opens up the options available to Council. Staff propose the following plan: leave the tax rate at \$1.11 since the future economic landscape is unclear; because the state and Human Services employees, surrounding counties, and Lynchburg City Schools employees are receiving a 5% salary increase, staff proposed a 5% increase for all city employees at the

cost of \$3.3 million. The implementation of the Strategic Initiative Budget Priority that addressed the lowest paid employees would not need to be executed, freeing up \$289,000. Staff proposed leaving the fund balance at 11.8% and not growing it to 12.3% and increase the dept service reserve to \$200,000.

Vice Mayor Wright asked when the last time a general wage increase was adopted; staff confirmed a general wage increase was last given on July 1, 2019. He asked what the consequences are if Council doesn't lower the Real Property Tax rate from a \$1.11. Dr. Wodicka commented that if there is a recession in the future, leaving the rate at \$1.11 allows for a stable revenue source. He also explained that increasing the Debt Service Reserve by \$200,000, resulting in \$400,000 total, will help pay the debt service for various CIP projects that are coming up, like the police department. Building that capacity in the Operating Budget to pay the Debt Service Reserve is beneficial and will allow to pay for expenses like furniture, fixtures, and equipment for these CIP projects, like the police department, instead of borrowing the funds. He said that staff recommend adding to this reserve over the next couple of years to avoid potential shocks in the debt service needs.

Councilmember Faraldi stated that he would be in favor of working out some sort of compromise with the additional revenues that allows the 5% wage increase but also gives relief to the tax payer.

Councilmember Wilder stated that he does not feel comfortable approving a 5% wage increase for only a portion of City employees since every employee has worked during the pandemic. He is also not in favor of equalizing the Real Property Tax rate because projects, like the police headquarters, will need to be funded.

Councilmember Nelson stated that in the past, when assessments increased Council lowered the tax rate to accommodate the burden placed on citizens. Then, with the recession in 2008, Council returned the Real Property Tax rate to its previous amount. He asked staff to clarify what the consequences would be to somewhat equalize the current rate and then raise the rate in the event of a recession. Ms. Witt explained that the way it impacts the organization was each year every department, including public safety and public works, were asked to cut their budgets between 5% and 10%. There was a reduction in services by implementing furlough days, reducing the General Fund to about 60 vacated positions, and enacting a hiring freeze until the rate was able to be put back to \$1.11.

Councilmember Nelson posed the hypothetical question; if additional resources to raise salaries are used, what happens when a recession occurs? Does Council lower employees' salaries? Does Council lay them off? He explained that for the time being, some equalization to the tax rate is a more equitable, just, and an appropriate approach. He also stated that he was inclined to use some of the Debt Reserve Funds to provide the equalization but after talking with Dr. Wodicka, he understands the importance from a bond rating standpoint of maintaining continuity with that amount. Not doing so could potentially compromise building the police department.

Vice Mayor Wright stated that the 5% wage increase would be about employee retention and would essentially be a cost of living raise. He further stated that Sales and Use Tax are holding fairly well which means citizens are spending money where they want.

Councilmember Tweedy commented that she is not in favor of lowering tax rate, stating that she represents citizens across the city, many more than what was in Council Chamber at the March 30, 2021 Public Hearing. She has heard from citizens who appreciate city services and are willing to pay for them.

Dr. Wodicka reviewed the procedures for removing items from The List; staff will ask for a motion for a decision on each one of these items. A motion to remove these items from The List will be that it is funded as presented.

Councilmember Wilder made a motion to remove legal aid from the list, effectively leaving it funded in the budget. Vice mayor wright seconded the motion.

Councilmember Faraldi stated that his predecessor, Mr. Turner Perrow, did not support funding Virginia Legal Aid Society and he does not think it is good practice to give money to an organization that sues the city. Councilmember Helgeson agreed with his sentiments.

Councilmember Nelson stated for the record that Legal Aid did not sue the city; an individual client represented by an attorney sued the city. That client came to that attorney via the Virginia Legal Aid Society. In stating his support for funding the Virginia Legal Aid Society, he metaphorically emphasized that the importance of Legal Aid is that it serves all of the citizens who may be blind to the unknown hazards and obstacles on the road to justice.

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

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

Noes: Helgeson, Faraldi 2

Councilmember Helgeson made the motion to remove item #6 Public Safety Building Reserve from The List, seconded by Vice Mayor Wright.

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

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

Noes: 0

Councilmember Helgeson made the motion to remove item #9 General Fund Reserve for Contingencies from The List stating that he only put this item on The List because he wanted a list of all the dedicated reserves that are budgeted for. Vice Mayor Wright 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

Vice Mayor Wright made the motion to remove item #7 Concord Turnpike Maintenance Reserve from The List, seconded by Councilmember Wilder.

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

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

Noes: 0

// The meeting adjourned at 5:56 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of April, 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, Council continued to balance the budget.

Interim City Manager Dr. Reid Wodicka reviewed the Proposed FY 2022 Revenues and Use of Fund Balance. Due to additional state revenue from the Compensation Board and revised local revenue projections, staff are proposing the following: set the Real Property Tax rate to \$1.11 per \$100 of assessed value; not grow the Unassigned Fund Balance to 12.3% but to leave it at 11.8%; increase Fuel Reserves by \$200,000; increase Debt Service Reserve by an additional \$200,000; eliminate *Strategic Initiative #3 – Continued Implementation of the City-wide Salary Study particularly for the lowest paid employees in the organization* and instead implement a 5% general wage increase to all employees.

Dr. Wodicka suggested Council first have a conversation and decide where to set the Real Property Tax rate stating that this will help staff and Council understand what the revenues will be as Council continues making decisions for the rest of the budget items. Councilmember Wilder made the motion to set the Real Property Tax Rate at \$1.11, citing the long-term needs for the city such as the police headquarters and addressing compression issues as the key reasons. Councilmember Tweedy seconded the motion stating that she considers this an investment in the city.

Councilmember Faraldi stated that with the most recent projections, Council has the ability to lower the tax rate to at least a \$1.07 and made the motion to amend the main motion to entertain the discussion of a lower rate. Councilmember Helgeson seconded the motion.

Councilmember Nelson stated that he was in support of this rate which would lighten the load of the citizens. The projected revenues are much higher than originally thought because the economic

landscape seems promising. The city can sustain revenues at the \$1.07 rate without compromising any of the city's critical needs.

Councilmember Helgeson stated that at the beginning of budget discussions, revenues were tight. Now, the projections of several key revenue sources have been revised upwards and Council can alleviate some of the burden to tax payers. He seconded the amendment to the main motion so that Council can further the discussion.

Councilmember Wilder stated that he is not in support of the amended motion for several reasons, including putting the bond rating at risk; funds are needed to build the police headquarters and for additional firefighters and medic units; and for the cost of living increase for employees.

With no other discussion from Council, the following vote to amend the main motion from \$1.11 to \$1.07 was recorded:

Ayes: Helgeson, Nelson, Faraldi 3

Noes: Dolan, Wright, Tweedy, Wilder 4

Councilmember Wilder stated that he still supports the main motion.

Councilmember Tweedy stated that she is in support of the main motion because even though projected revenues are higher this year, it does not speak to the years going forward.

Councilmember Faraldi made the motion to amend the main motion to a \$1.09, in an attempt to debate a lower rate. Councilmember Helgeson seconded the motion.

Vice Mayor Wright stated that there's no mass exodus of people and they want to live in the city or else property rates would not be increasing. There are short-term needs that need to be funded and he considers the original motion an investment to the City.

Councilmember Nelson stated that he is disappointed Council does not seem to want to entertain a compromise. Citizens don't need to have an additional burden on top of other economic, personal, and emotional burdens that they have sustained over the last year in regards to the pandemic.

Mayor Dolan stated that she does not support the amendment to the main motion. Council needs to invest in the city and in the employees. She also stated that when staff talk about the revenues increasing, in reality they are increasing from the revisions made to the budget due to COVID, which was a reduction from the previous projections. She looks to the city's past, in particular the 2008 recession when Council decreased the tax rate, and the consequences of that action which created so many challenges for the city by way of furloughing employees

With no other discussion from Council, the following vote to amend the main motion from \$1.11 to \$1.09 was recorded:

Ayes: Helgeson, Nelson, Faraldi 3

Noes: Dolan, Wright, Tweedy, Wilder 4

With no other discussion from Council, the following vote on the main motion to set the Real Estate Tax Rate to \$1.11 was recorded:

Ayes: Dolan, Wright, Tweedy, Wilder 4

Noes: Helgeson, Nelson, Faraldi 3

Dr. Wodicka continued reviewing List item #2; *Use of Unassigned Fund Balance*. The staff recommendation is to set the rate to 11.8%. Councilmember Helgeson stated that instead of spending the extra revenues, Council should consider increasing the Unassigned Fund Balance to as high as possible, then use it in the future if it's needed. This would guard against spending the funds frivolously now. Dr. Wodicka advised that setting the rate to a higher percentage and not sustaining that percentage could impact future bond ratings negatively. Councilmember Helgeson responded that Council should consider taking the extra revenues and create a separate reserve so as to not raise then lower the Unassigned Fund Balance.

Councilmember Wilder made the motion to leave the Unassigned Fund Balance at 11.8%, seconded by Vice Mayor Wright.

Councilmember Nelson asked if the 5% local match has to be given in order to receive the state funding in regards to the state employee raises; staff responded that it does. He is in favor of storing away as much as possible in either the Unassigned Fund Balance or an altogether separate reserve in the event of a situation where the revenues aren't there from normal operations, much like what Councilmember Helgeson proposed. Since the state funding for employees is contingent upon the city funding the full 5% for state employees, then he is not in favor of setting up a barrier for that to happen, however; he stated that there could be money in other places to fund the local match.

With no other discussion from Council, the following vote to leave the Unassigned Fund Balance at 11.8% was recorded:

Ayes: Dolan, Wright, Tweedy, Wilder	4
Noes: Helgeson, Nelson, Faraldi	3

Dr. Wodicka continued reviewing List item #3; *School Funding in the proposed amount of \$39,828,498*. Councilmember Helgeson included this item on The List. He stated that due to the decline in enrollment, the additional Federal CARES funding, and the burden it imposes on tax payers he cannot justify spending this amount on the schools.

Councilmember Wilder made the motion to strike Item #3 from The List effectively leaving the allocation in the budget. Councilmember Tweedy seconded the motion. Councilmember Wilder stated that the school system has gone through a challenging time period with COVID and it is not a local issue it is a national issue. It cost more to educate children especially in a pandemic with new stress levels. There are now more private and Christian schools' options for families which can explain the decline in enrollment.

Councilmember Tweedy stated that it is her expectation that LCS build back brilliantly and competitively. LCS is a gem to this region and she is asking them to expand their offering and grow their customers and in order to do that, they'll need the funding.

Councilmember Nelson stated that over the past 9 or 10 months, Council has heard every excuse why LCS can't maintain the traditions of excellence that it has been known for. Council has heard from

LCS that they have mastered the COVID world and came up with a plan that is going to be successful and return the schools to the tradition of excellence. LCS said if Council funds at the level requested they will certainly be able to perform at a level they are expected to. He does not want anybody to blame City Council for any shortcoming that the schools may encounter over the next year.

Councilmember Faraldi stated that his concerns are with the decrease in enrollment and increase in costs and yet the graduation rate is still plummeting. Even though Council doesn't govern the schools directly in their operations and execution of funds, due to the fact that Council appoints the board members and approves the budget, ultimately, he feels Council is responsible for the direction of the school system. LCS is getting a lot of money through state and federal funding and he would like to see some offsetting costs to the local taxpayer from the city. In its current form, he stated that he cannot support this motion.

Vice Mayor Wright stated that there are a lot of things that he doesn't approve of in the schools' budget, but with the lack of line-item veto he'll still support the motion because the thought of defunding LCS and expecting that to yield better results is not logical.

With no other discussion from Council, the following vote to fund the schools for the full proposed amount of \$39,828,498 was recorded:

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

Noes: Helgeson, Faraldi 2

// In the matter of Roll Call, Agenda Item #2, Councilmember Faraldi asked staff to put in writing, the policy regarding parental consent in vaccinating a younger age group as the city moves into Phase II of vaccination efforts. Councilmember Wilder mentioned the upcoming historical marker unveiling for Dr. Lushington. Councilmembers Tweedy, Nelson, and Helgeson had no items. Vice Mayor Wright thanked staff for their efforts at the Regional Vaccination Site and the satellite sites which together have vaccinated around 30,000 people. Mayor Dolan thanked the volunteers for their efforts at the regional vaccination center; she also reminded citizens about the community survey regarding Fifth Street and honoring Lynchburg's African American history; she made the following announcement:

- Pursuant to Section 2.2-3712(B.) of the Code of Virginia, City Council 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 6:13 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

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized Lillian Meighan and Nancy Lilly (The Water Lilly's), Outreach Coordinators for the Department of Water Resources, for winning several awards for the video series "Water Wonders". Mr. Tim Mitchell, Director of Water Resources, was also in attendance and gave remarks. There is a monetary reward associated with this and Water Resources will bring this item to the April 27, 2021 meeting for appropriation.

Mayor Dolan also proclaimed the week of April 11, 2021 – April 17, 2021 as Telecommunicators Week and recognized that public safety communications specialists are mission essential personnel who continue to provide a singular service that ensures the public's health and safety every day. Ms. Melissa Foster, Director of Emergency Services, was in attendance to accept the proclamation.

// In the matter of the Consent Agenda Item #3, Council conducted a second reading and adopted Resolution #R-21-022 amending the FY 2021 City/Federal/State Aid Fund budget and appropriated \$67,200 with resources to purchase eighteen (18) Pharm Guard Temperature Controls systems for pharmacy drug boxes carried on fire and EMS apparatus for the Fire Department. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

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

Noes:

0

// In the matter of Planning, Agenda Item #4, a public hearing was held to consider Resolution #R-21-023 pertaining to a Conditional Use Permit (CUP) allowing an additional twelve condominium units in the Cornerstone Traditional Neighborhood Development (TND). Mr. Tom Martin, City Planner, was in attendance and provided Council with a brief summary of the request. Crosswhite Holdings, LLC petitioned for a CUP at 1240 Greenview Drive to allow the additional units, however, this would exceed the six hundred multi-family units originally approved for the Cornerstone TND. The Planning Division recommended approval; the Planning Commission recommended denial.

Mr. Zach Martin, the developer for this project, was in attendance and provided Council with a presentation. He stated that the Planning Commission recommended denial based on precedent and the fact that it exceeded the unit cap that was established in 2006.

There was no one to speak in favor of the petition, either in person, email, or voicemail.

Mr. Albert Billingsly, representative of the Windsor Hills Neighborhood Association, spoke in opposition to the petition stating that approving the CUP would set a precedent of allowing development to happen even after the maximum capacity has already been reached; he also stated that this development would make parking in the neighborhood difficult. Mr. Benjamin Rosenthal also spoke in opposition stating that as a Cornerstone community member, he has to abide by the rules and regulations to follow and the developer should too. Mr. Douglas Randlett stated when he first bought his home in the neighborhood, he was under the impression that only commercial properties would be developed but City Council approved dormitories; he hopes that Council will say enough is enough with residential development in that area. Mr. Donald Johnson stated that the neighborhood is its own community with restaurants and adding more residential properties will take away from the community. Mr. Gerry Sweinton stated that there is supposed to be undeveloped spaces near the residential houses in Windsor Hills and Cornerstone neighborhoods and the encroachment, if it were to continue, would set a dangerous precedent of overdeveloping the areas; he also stated that not using the space for commercial developments would result in a deficit of potential jobs and economic development for the community.

There was no one else to speak in opposition and no voicemails or emails were previously furnished to the Clerk of Council. Mr. Zach Martin offered a rebuttal to Council and those in opposition, stating that there's only a few options that make real sense for the property and he believes that this proposal is the best option for the use of space. The public hearing was then closed and the matter rested with Council.

Councilmember Helgeson made a motion for denial of the CUP stating that he appreciates what the developer is trying to do at this property but does not feel comfortable changing the already established precedent. Councilmember Faraldi seconded the motion stating he appreciates and is glad to see affordable housing options, however, he has only heard opposition and concerns from neighbors and out of respect for the Ward III representative who is opposed to this development, he will be supporting the denial of the CUP.

Councilmember Wilder asked Mr. Martin what the Planning Division's rationale was for recommending approval. Mr. Martin said that from an impact standpoint, the twelve units pose a very minor increase to the area and the amount of traffic it would produce would be minimal.

Councilmember Tweedy asked to hear from the Director of Economic Development & Tourism, Ms. Marjette Uphsur, on whether there are any incentives for this area in regards to developing the property for commercial use. Ms. Uphsur stated retail and restaurants beget more retail and restaurants and her office is happy to share information or work with the developer.

Councilmember Nelson stated that he appreciates the developer wanting to build in the city, however, if he is going to justify deviating from a plan that the city has represented to its citizens, he wants to find a compelling, equitable interest to justify saying yes to something that was previously prohibited. In this case, he does not see an equitable justification to back making a change. Also, this lot is the last mixed-use lot in this neighborhood on a major thoroughway for Lynchburg and is the perfect space for a commercial enterprise.

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

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

7

Noes:

0

// In the matter of Community Development, Agenda Item #5, a public hearing was held and Resolution #R-21-024 was introduced regarding Substantial Amendment #3 for the CDBG program and the receipt of the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CDBG-CV) Round 3 Program Funds.

Ms. Melva Walker, Grants Manager, was in attendance and provided Council with a brief summary of the request. The City has received notification from HUD for an additional special allocation of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by HUD on September 11, 2020 and constituted a third round of CDBG-CV funds for states and local governments. These funds are an extension of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. Lynchburg's allocation is \$389,143.

For receipt of these funds, in accordance with HUD regulations, the City is required to submit a "Substantial Amendment" to its HUD PY 2019 CDBG Annual Action Plan. This Amendment is to include projects that will prevent, prepare for, and respond to the Coronavirus (COVID-19).

Utilizing the CDBG application process and the guidelines from HUD for eligible projects/activities, City staff solicited and accepted applications for the CDBG-CV funds. These projects/activities are eligible according to the HUD guidelines and will benefit the citizens of Lynchburg that have been or will be affected by COVID-19.

In accordance with the CDBG Citizen Participation Plan's "In the Event of an Emergency" section, the public comment period was reduced to five (5) days as approved by HUD. The Community Development Advisory Committee (CDAC) did not conduct a public meeting regarding the submitted projects. However, the applications were provided to CDAC with the opportunity to comment on the proposed projects. The CDAC comments provided to City staff supported the funding of the proposed projects. The following lists of projects are recommended for funding by City staff:

- City Administration: \$18,448
- Feeding the Homebound (Meals on Wheels of Greater Lynchburg): \$46,500
- Emergency Housing Assistance (Lynchburg Community Action Group): \$75,000
- Reducing Evictions through Legal Aid (Virginia Legal Aid Society): \$30,000
- Domestic Violence Prevention Program (YWCA of Central Virginia): \$6,680
- Summer Lunch & Play Program (City's Department of Parks and Recreation): \$20,000
- Shelter Program and Apparatus Air Purifier Project (City's Fire Department): \$192,515
- Total CDBG-CV ROUND 3: \$389,143

Mr. Jeremy White with the Virginia Legal Aid Society spoke in favor of the funds allocated to the project, *Reducing Evictions through Legal Aid*.

There was no one present to speak in opposition.

The following correspondences were previously furnished to the Clerk of Council and were entered into the record. Ms. Ashley Reynolds-Marshall, Executive Director of the YWCA, spoke in support of the *Domestic Violence Prevention Program*. Mr. Turner Perrow, who sits on the Lynchburg Redevelopment & Housing Authority, spoke in opposition of the project *Reducing Evictions through Legal Aid*.

There was no one else to speak in either favor or opposition; Mr. Jeremy White offered a rebuttal concerning the statement opposing the project *Reducing Evictions through Legal Aid*. He stated that in most cases, the Virginia Legal Aid Society are working toward resolution with the Lynchburg Redevelopment & Housing Authority and that both entities view each other as partners even if there is a percentage of the time that there is no resolution and conflict is unavoidable. Mayor Dolan closed the public hearing and the matter rested with Council.

Vice Mayor Wright made the motion to adopt the resolution approving the allocation of the funds, stating that all of the projects are worthy of these funds and that the City has a long history of giving funds to the Virginia Legal Aid Society even though they have represented clients at times whose interests don't

align with the City's. Even though they may at times take action that is averse to the housing authority's interest that doesn't mean that their clients should not have representation.

Councilmember Wilder seconded the motion but stated that he had hoped to hear from the director of the housing authority. Councilmember Tweedy, who sits on the authority, offered that the housing authority does give many opportunities for families to work with the housing authority prior to eviction. She stated that she was undecided on this motion and asked Mr. White for figures on how much in eviction funds have come into the city as far as CARES Act. Specifically, how much did Legal Aid receive in funding from either state or federal, outside of the funds from this project, toward assisting with evictions? Mr. White responded that he did not have an answer to the additional CARES funds, but that he did know this is the only request from the city. Councilmember Tweedy said that she would like to see those figures.

Councilmember Helgeson asked for an amendment to the motion to not fund the project *Reducing Evictions through Legal Aid* at this time and asked for further discussion from both Legal Aid and the housing authority to get the information that Councilmember Tweedy requested. Vice Mayor Wright asked Ms. Walker if tabling the vote on funding this project would delay the overall process of dispersing the funds. Ms. Walker cautioned that striking the \$30,000 from the proposal would mean starting a whole new public process of accepting applications for the funds.

Councilmember Wilder stated that he supports the amendment to the motion.

Councilmember Nelson asked if the those who serve indigent defendants that are being targeted for eviction are compensated; Mr. White replied that there is no compensation. Councilmember Nelson stated that he appreciates the work the Virginia Legal Aid Society does in regards to working with landlords, landlords' attorneys, and the housing authority. He is in favor of approving the entire CDBG proposal.

Councilmember Tweedy stated a part of the reason tenants get evicted is due to income. She felt the \$30,000 could be appropriated differently to assist families to maintain incomes and avoid economic evictions during the pandemic. She reiterated that she would like to hear more information from Legal Aid

on other funds they've received. She stated that she is not against representation from Legal Aid, but she thinks the City may possibly have a better investment opportunity of the \$30,000 through the CDBG.

Councilmember Wilder supports Legal Aid's work in the community. He asked Mr. White what the portion of the funds used on litigation with the housing authority. Mr. White explained that a majority of the time Legal Aid is working out resolutions with the housing authority as partners. However, there are one or two cases of opposition that seems to be the focus when in reality there are a lot of other deserving families who need the help.

Vice Mayor Wright stated that Mr. White makes a compelling point that Legal Aid represents a number of clients in addition to those who have business with the housing authority. He stated that someone could make a substitute motion but that he would like to leave the main motion unadjusted.

Councilmember Helgeson made an amendment to the motion to table action on the \$30,000 to Legal Aid but approve everything else, stating that it doesn't hurt to take a little longer to look at this. Councilmember Faraldi seconded the motion.

Councilmember Nelson stated that he is in favor of funding Legal Aid, but would not be opposed to tabling this so that Council can have a chance to review additional information.

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

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

Noes: Wright 1

Councilmember Wilder asked to hear from the Lynchburg Redevelopment & Housing Authority on their partnership with the Virginia Legal Aid Society at future meeting.

// In the matter of Budget, Agenda Item #6, a public hearing was held concerning Resolution #R-21-025 amending the FY 2021 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2021 Third Quarter Detail by Fund.

Ms. Donna Witt, Chief Financial Officer, was in attendance and provided Council with a brief summary of the request. In March, staff began the normal review of FY 2021 operating and capital

revenues and expenditures of the City's various funds to determine if adjustments were needed prior to the end of the fiscal year. Departments were requested to submit any necessary adjustments that needed to be considered. The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Children's Services Act (CSA), HOME Investment Partnership Program, Water, Sewer, Airport, City Capital Projects, Water Capital Projects, Sewer Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2021 Third Quarter Adjustments.

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

Councilmember Nelson made the motion to approve the resolution, seconded by Councilmember Helgeson.

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, Agenda Item #7, Council heard from Mr. Marty Misjuns, group representative of Lynchburg FIREPAC, regarding a response to the Fire Chief's Annual Report; he stated how understaffed, underappreciated, and overworked the dispatchers are in Emergency Services. He stated that there needs to be more of an investment for public safety personnel; he commented on the compression issues, management issues, and mandatory overtime in both Emergency Services and the Fire Department.

// In the matter of Public Comment, Agenda Item #8, Council heard from Mr. Jamie Maxwell, group representative of the Lynchburg Firefighters Association, regarding a response to the Fire Chief's Annual Report; he stated that the boots on the ground are losing faith in the Fire Chief, the City Administration, and City Council. He asked Council to release the Korn Ferry pay study, commenting on the compression issues in the fire department. He commented on the amount of fire fighters still needed on each shift and spoke on the amount of overtime hours worked within the past year.

// In the matter of Emergency Services, Agenda Item #9, Council considered approving a Resolution #R-21-026 adopting the Central Virginia Planning District Commission (CVPDC) Hazard Mitigation Plan. This item was originally presented to Council at the March 9, 2021 City Council meeting where Council requested additional time to review the plan in its entirety.

Councilmember Tweedy made the motion to approve the resolution, seconded by Vice Mayor Wright.

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 Economic Development, Agenda Item #10, Council considered adopting Resolution #R-21-027 authorizing the issuance of up to \$14,000,000 in bonds through the Economic Development Authority (EDA) of the City of Lynchburg for the benefit of Virginia Episcopal School, Inc (VES). Ms. Marjette Uphsur, Director of Economic Development and Tourism, provided Council with a brief summary of the request. Founded in 1916, VES is a college preparatory, coeducational, independent boarding and day school for students in grades 9-12. VES is a tax-exempt institution. The school employs approximately 85 people at an average annual salary of \$57,135. Current enrollment is 260 students with 70% of those students boarding. VES has requested the EDA to issue its revenue bonds in an aggregate principal amount not to exceed \$14,000,000, in one or more series. These funds will be used to: (a) finance the costs of constructing and equipping an approximately 15,239 square foot academic building to be known as Pannill-Smith Hall, renovate Jett Hall and the health center all located at 400 VES Road (b) and \$3,500,000 to refund previous bonds issued through the Authority. The Economic Development Authority of the City of Lynchburg has conducted the requisite public hearing and adopted a resolution recommending that City Council authorize the bonds. The Economic Development Authority of the City of Lynchburg, in accordance with Federal and State law, serves as a conduit for the bonds and assumes no financial responsibility or costs. The issuance of the bonds through the Economic Development Authority of the City of Lynchburg and places no obligation on the City.

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

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 Council's Rule of Procedure, Agenda Item #11, Council discussed its current policies for Public Comment. City Council's Rules of Procedure permit any City Council member to request the addition of any item to a regularly scheduled City Council meeting agenda. Additionally, City Council's Rules of Procedure specify that the Rules of Procedure be reviewed and readopted at the beginning of each new City Council term, typically in July of even numbered years. However, the Rules of Procedure also state that the Rules of Procedure can be revised by action of City Council at other times if the need arises. Councilmember Faraldi has requested the addition of this agenda item to discuss City Council's Rules of Procedures, with particular focus on the Public Comment section of the agenda. He commented that a citizen requested a change to the procedure to address a loophole; since the period to sign up for Public Comment closes at noon the Wednesday before a Council meeting, and the agenda isn't posted until the Thursday before a Council meeting, a citizen would not be able to address an item that is on the agenda during Public Comment. Councilmember Faraldi asked to amend the Rules of Procedure to say expand the deadline to 24 hours before a Council meeting.

City Attorney Mr. Walter Erwin stated that this is the procedure that Council has followed since 1975 when it developed its Rules of Procedure. Council has a limited time to conduct its business and Council felt this rule makes the best use of its time allowing it to manage its meetings in an orderly and efficient manner. During the past year, there has been a lot of discussion of citizens' First Amendment rights and their right to address their government, however; in 1984 the U.S. Supreme Court dictated that citizens have no constitutional right to address a public body during its meetings. Moreover, the First Amendment guarantees citizens the right to petition government officials for the redress of grievances but

the court pointed out that can be done by telephone calls and letters. Currently, citizens have more ways to contact government officials by way of phone calls, emails, and even text messages.

Vice Mayor Wright asked Clerk of Council Ms. Alicia Finney to describe the process staff have to go through regarding public comments. She outlined the screening process associated with current Rules of Procedure for Public Comment, which include: make sure a group has no more than one spokesperson §5-3(B)(7); make sure Public Comment isn't given on a matter for which a Public Hearing is scheduled during the same meeting §5-3(B)(9); make sure Public Comment isn't given on a matter that has already been the subject of a previous Public Hearing where no final vote has been taken §5-3(B)(10); make sure that once an individual or organization makes a public comment on a particular subject, the individual or organization may not make another public comment on the same subject within (3) three months of the first (except by a majority vote of the members of Council present and voting) §5-3(B)(13). She also stated that she confirms important information with the citizen requesting to speak, such as, the time/date/location of the meeting and informs them of what to expect from Public Presentation from a City Council Meeting including but not limited to, social distancing, mask mandates, parking, time limitations, and meeting etiquette.

Councilmember Nelson asked to table the request so that staff can figure out an appropriate deadline without Council capriciously picking a time and date. There was a consensus among Council to table the request.

// The meeting adjourned at 9:50 P.M.

Clerk of Council

April 13, 2021

CONSENT AGENDA ITEM: A

April 19, 2021

CONSENT AGENDA ITEM: B

// A closed session meeting of the Council of the City of Lynchburg was held on the 19th day of April, 2021, at 1:00 P.M. at the Lynchburg Regional Business Alliance, 300 Lucado Place, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi	6
Absent: J. Randy Nelson	1

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting for the purpose of interviewing candidates for the position of City Manager pursuant to Section 2.2-3712(B.) of the Code of Virginia, as amended.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Nelson	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

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

April 19, 2021

CONSENT AGENDA ITEM: B

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 Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Nelson	1

// The meeting adjourned at 4:15 p.m.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 20th day of April, 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, Treney Tweedy, Sterling A. Wilder, Chris Faraldi	6
Absent: J. Randy Nelson	1

// In the matter of Budget, Agenda Item #1, Council continued to balance the budget by reviewing items on "The List".

Councilmember Helgeson originally asked for The List Item *Diversity, Equity, and Inclusion (DEI) Strategist full-time position as well as oversight (\$87,500) and funding for DEI to support City-wide initiatives (\$12,500)* to be put on the list. Interim City Manager Dr. Reid Wodicka explained the importance of this position for the City of Lynchburg. Organizations with DEI initiatives are known to have increased job satisfaction, a lower turnover rate, better reflection of the community served, and cultural improvements. DEI is not about meeting hiring quotas or promoting unqualified individuals. It is not about a one-time training that occurs, this is about a cultural change that makes the organization an even better place than what it already is.

Councilmember Helgeson stated that this initiative seems like an overlap of what the Human Resources department should already be doing, what every department head should be doing, what every person should be doing, and what the City's Action for Change group is currently doing. He commented that Council should be tackling compression issues before tackling DEI issues. He explained that he has not heard from employees that there is a lack of inclusion within the organization. He does not agree with adding another position which will only serve to grow the government.

Councilmember Wilder stated that everyone has a different lens, a different background, a different perspective. A position like this is needed to assist employees with seeing outside of their lens. It's important that the organizations has a dedicated person that addresses these issues.

Councilmember Tweedy stated that bringing in diverse candidates should not be dependent solely on department directors. She explained that the goal is too big; fresh perspectives and holistic strategies are needed.

Councilmember Faraldi asked why the position is allocated to the City Manager's Office and not Human Resources. Assistant City Manager Mr. John Hughes, IV, replied, stating that this position will link to other departments and staff felt that the City Manager's Office was the best seat for someone imbued with those responsibilities. Councilmember Faraldi asked if \$12,000 is in fact enough to accomplish the needed initiatives. Mr. Hughes stated that this estimate is conservative due to this being the initial onset of DEI, but the funds would supplement some training as well as community activities. Councilmember Faraldi asked what this position will be doing on a day-to-day basis and what some of those initiatives will look like. Mr. Hughes stated this position will internally advance the organization's DEI initiatives by crafting the framework to which advances the strategic plan, standards, and associated policies. Councilmember Faraldi asked how these issues are being addressed currently from a Human Resources perspective. Mr. Hughes stated that there is a policy but the organization has not done a very good job adhering to the policy. Councilmember Faraldi asked what has prevented the organization from accomplishing that policy. Mr. Hughes responded, stating that this initiative is a lot of responsibility for the staff the city currently has. Councilmember Faraldi stated that he could understand adding a staff component to tackle policy issues from a different angle if that were in fact the problem. However, if the organization is already failing because of staff he does not see how adding another staff component will accomplish anything. He continued, stating that maybe staff should be exploring third party options to impart training. He asked how would this position allow individual rights to be expressed, from a First Amendment perspective. Mr. Hughes responded that staff is currently working with a third party to impart training (Virginia Center of Inclusive Communities). Mr. Hughes stated that DEI is about appreciating differences. Councilmember Faraldi stated that state code dictates that an employee cannot be discriminated against for being involved in political processes, protests, or engagement with political activity. He asked how this position will strike the balance of respecting that. Dr. Wodicka stated that staff are trying to create an environment that no matter the differences of perspectives, employees will have

the opportunity to express them but do so in a way that is respectful and appropriate for the workplace and appropriate for how the organization serves citizens.

Councilmember Tweedy stated that the City Attorney's office could help navigate the legalities of any infringement of First Amendment rights.

Councilmember Faraldi stated that he is not entirely opposed to the idea but does not think Council has enough insight as to what this position would do on a daily basis and how it truly combats the issue that it is trying to address. He commented on having reservations about the \$12,000 in training being enough to accomplish the needed programming.

Vice Mayor Wright stated that he sees this as a necessary position and also wonders if \$12,000 is enough funding to accomplish the task. He commented that he is ready to support this now but if Council is not, he would be curious to learn what could be offered by way of supplement.

Councilmember Wilder made the motion to remove the item from The List, effectively funding the item in the budget. Councilmember Tweedy seconded the motion.

Councilmember Helgeson asked if there was a qualifying event that led to the creation of this initiative. Dr. Wodicka responded that after the period of civil unrest that Lynchburg experienced, staff went on a fact-finding mission and received this feedback from the workforce.

Vice Mayor Wright called the question.

Councilmember Faraldi countered that Mayor Dolan publicly addressed the line of order for speakers and asked the Mayor for a chance to ask staff one last question. Mayor Dolan allowed Councilmember Faraldi the opportunity to speak; he asked staff if critical race theory will be implemented in this role in any way. Mr. Hughes replied that DEI does not pertain to that theory.

With the question called, the following vote on removing the DEI Strategist position and training funds from The List was recorded:

Ayes: Dolan, Wright, Tweedy, Wilder 4

Noes: Helgeson, Faraldi 2

Absent: Nelson

1

Dr. Wodicka asked for Council action on the Strategic Initiative #3 which is the implementation of the City-wide salary study, particularly the lowest paid employees, staff recommend striking that and implement a 5% wage increase to all employees.

Vice Mayor Wright made the motion to approve the 5% general wage increase, seconded by Councilmember Wilder.

Councilmember Helgeson asked Vice Mayor Wright to table to motion so that Councilmember Nelson is able to vote when he returns at the next meeting. Vice Mayor Wright agreed that it is fair to wait until Councilmember Nelson returns and withdrew the motion.

Dr. Wodicka requested Council action to increase the Debt Service Reserve from the \$200,000, presented in the budget, to \$400,000, and removing the item from The List.

Councilmember Helgeson, who originally asked for this item to be placed on The List, made the motion to remove the item and set the Debt Service Reserve to \$400,000. Councilmember Wilder seconded the motion.

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

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

Noes: 0

Absent: Nelson 1

Interim Deputy City Manager Mr. Kent White continued reviewing the Capital Improvement Projects items on The List. These included the following: Crossroads Lot – Deck addition; Downtown Parking Deck Facility; Streetscape Improvements Downtown Phase II; City Stadium Football Field Turf Replacement; and Lynchburg Community Market Renovations. Council came to a consensus to remove all items from The List, effectively funding each item. Council decided to table the Sandbar Removal at Hollins Mill Road Trail Crossing until Councilmember Nelson was able to discuss the matter since he asked for it to be on The List.

April 20, 2021

CONSENT AGENDA ITEM: C

// The meeting adjourned at 5:27 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of April, 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 Recognitions, Mayor Dolan proclaimed the week of May 2 – 8, 2021, as Drinking Water Week. Mr. Tim Mitchell, Director of Water Resources was in attendance to accept the proclamation.

// In the matter of Budget, Agenda Item #1, Council continued balancing the budget by reviewing items on The List. Interim City Manager Dr. Reid Wodicka asked for Council action to strike The List item pertaining to Strategic Initiative 3, *Continued implementation of the City-wide Salary Study, particularly for the lowest paid employees in the organization*, and implement a 5% general wage increase with the additional reported revenues. He talked through the staff recommendation; the total cost to implement a 5% general wage increase for all employees is \$3.3 million while the cost to implement the salary study is slightly more at \$3.6 million. If Council chose to continue implementing the salary study, only about half of general fund employees, including public safety, would have any kind of effect. The last general wage increase was given in 2019, and implementing a 5% general wage increase to all employees would spread those opportunities as widely as possible. Also, neighboring localities and Lynchburg City Schools have already received a 5% pay increase. All constitutional offices and the Department of Social Services employees will be receiving 5% increase from the state, pending a local match. Staff feel there should be across the board equity in that regard.

Councilmember Faraldi stated that giving a 5% increase across the board could cause strife within the workforce and asked if there could be a combination of implementing some portions of the pay study and perhaps a 2% cost of living adjustment. Dr. Wodicka replied that staff can make that work, but cautioned that executing a combination could result in not making enough progress on either the pay study or the cost of living adjustments.

Councilmember Wilder made the motion to fund the 5% general wage increase to all employees, seconded by Councilmember Tweedy.

Vice Mayor Wright stated that he carried this motion at the last meeting but the motion was tabled so that Councilmember Nelson, who was absent, could vote on the motion. He commented that he still believes this is the right thing to do so he will be supporting the motion.

Councilmember Helgeson stated that money is needed in order to fix compression; it is not fiscally sound to spend all the money now and then try and figure out how to fix compression issues.

Vice Mayor Wright commented that he understands the need to fix compression and those areas are being targeted with the pay study, but a general wage increase across the city is important for retention purposes. City employees' salaries have not kept up with inflation; furthermore, surrounding counties are receiving a 5% increase, and constitutional offices and the Department of Social Services stand to receive a 5% increase.

Councilmember Nelson requested a clarification from staff before he stated his position on the matter. He asked staff if all of the recommendations were followed, would the balancing of the budget be ahead or fall short. Ms. Donna Witt, Chief Financial Officer, replied that about \$400,000 would still be needed in order to balance the budget, which would be pulled from the Unassigned Fund Balance, however; that figure would still remain in the 11.8% range. Councilmember Nelson stated that the the fundamental premise to not give citizens relief by not equalizing the tax rate was to build up the reserves to save them in the event of an economic downturn, but now Council may spend it. He did not dispute that it is for a good cause, but he questioned if now is the right time. Council should not leave the state funding on the table in terms of giving the 5% to state employees. He stated that he would be in favor of supporting the 5% across the board wage increase if Council would reach a consensus that at the end of the year after identifying how much fund balance is available, Council will put it into the reserve fund balance so as to increase that fund and be true to what Council used as justification for not equalizing taxes.

Councilmember Faraldi made the substitute motion to postpone this discussion to the May 4th, 2021 Council meeting so that City staff could give a better understanding of what a third option could look like. Councilmember Helgeson seconded the motion.

Councilmember Nelson commented that unless a delay in voting on this now would cause harm, he would be in favor of receiving more information.

Councilmember Wilder stated that he does not support the substitute motion because he feels it is unfair that the state is giving some positions 5% and Lynchburg City Schools are getting the 5%, but the City employees may not receive an increase. He also stated that he would like staff to come back during a reasonable time with a plan to address compression, after the budget cycle.

Vice Mayor Wright stated he believes it a good idea to have some sort of presentation in the near future on what the city leadership team is thinking in terms of addressing compression. Council needs to have a holistic conversation and that cannot be achieved within a week.

Councilmember Faraldi asked staff how much time would be needed for the presentation on a third option. Dr. Wodicka replied that in order to make good policy recommendations, staff needs to spend some time working with the departments to figure out where the issues are and spend some time developing a city-wide strategy based on that; realistically, he thinks this could be achieved by this summer.

Vice Mayor Wright stated that expecting the staff to turn around on a dime and overhaul the pay system is unrealistic. Trying to identify where the deltas are in a large organization will not be easy and deserves to be done right.

Councilmember Tweedy stated that staff were working on moving forward with a third option, but COVID hit and that complicated the matter in regards to priorities and schedule. She continued by stating that this is an opportunity for Council to work together to fix the compression issue by next year because it cannot be done in a week.

Councilmember Faraldi called the question.

Mayor Dolan will be voting in favor because she doesn't see any reason in not giving one more week to have ultimate clarity.

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

Ayes: Dolan, Helgeson, Nelson, Faraldi 4

Noes: Wright, Tweedy, Wilder 3

After the vote, Council reached a consensus that staff will have an extra week to prepare this report and altered the due date to the May 11, 2021 Council meeting.

Interim Deputy City Manager Mr. Kent White asked for Council action on The List item *Sandbar Removal – Hollins Mill Road Trail Crossing*. Sandbars exist throughout the water system and in most cases, they are harmless, in this case, the sandbar located at Hollins Mill Road Trail Crossing is not harmless. It is causing damage to infrastructure and causing more frequent flooding which then requires citizens to cross the bridge on Hollins Mill Road. Staff recommend including the removal in the budget.

Councilmember Nelson stated that the City can spend the money to take the sandbar out, but it doesn't make sense to take the sandbar out when there is reasonable expectation that it will need to be done again. In regards to pedestrians crossing on Hollins Mill Road, staff can create a detour. For those reasons, he stated that he will not be supporting this at this time. The funds allocated for this removal can instead be used for other projects within the community where the funds would have a larger impact.

Vice Mayor Wright made the motion to keep sandbar removal in budget, stating that it does pose a safety concern. Councilmember Wilder seconded the motion.

Councilmember Helgeson stated that if the sandbar is removed, it could potentially build back up again. It would be better to do it once when College Lake Dam is finished, then to do it twice. He asked if there has been any coordination with Lynchburg College regarding the removal; Mr. White stated that there has not been for this particular project because the sandbar was the result of the storm from 2018.

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

Ayes: Dolan, Wright, Tweedy, Wilder 4

Noes: Helgeson, Nelson, Faraldi

3

// In the matter of Water Resources, Agenda Item #2, Council considered adopting Resolution #R-21-028 to allow the Chesapeake Stormwater Network to distribute the monetary award on behalf of the City of Lynchburg's Department of Water Resources as follows: \$1,000 to Camp Kum-Ba-Yah, \$1,000 to the James River Association, and \$1,000 to Claytor Nature Center to provide Lynchburg youth with financial support to attend environmental education summer camps.

Mr. Tim Mitchell, Director of Water Resources provided Council with a brief summary of the request. Lynchburg Water Resources (LWR) was nominated for and won Best Urban BMP in the Bay-Small, but Mighty" Award from the Chesapeake Stormwater Network (CSN) for Lynchburg Water Resource's "Water Wonders" program. Along with regional recognition, CSN provided a monetary award of \$3,000. Staff's recommendation is to distribute the \$3,000 monetary award equally to community partners who are working with the Water Resources Department to provide environmental education to Lynchburg youth. The award would be split equally between Camp Kum-Ba-Yah, The James River Association, and Claytor Nature Center. Each community partner will receive \$1,000 to provide scholarships for Lynchburg youth to attend environmental education camps in the summer of 2021. The award money would allow for at least 12 Lynchburg students to attend an environmental education camp for a full week. All community partners offer both full and partial scholarships, so it will be at the discretion of each organization to disperse the funds as they see fit, as long as the youth is from the City of Lynchburg. It is important to the awardees that the monetary award be reinvested into environmental education programs in the community. Distributing the award money to these three community partners is an opportunity to foster positive relationships with non-governmental organizations (NGOs) that support the department's work in the community. These NGOs will provide excellent educational and experiential learning opportunities to Lynchburg youth, who otherwise may not be able to afford to participate in these exemplary learning experiences in the summer of 2021.

Councilmember Nelson made the disclosure that he is involved with Camp Kum-Ba-Yah and its ministries and given that, he could have a conflict of interest, however; given the amount and the fact that

the initiation of this proposal didn't come from himself or anybody else that he knows, he can remain objective.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Helgeson. 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 Roll Call, Agenda Item #3, Councilmember Faraldi followed up on a previous Roll Call request at the April 13, 2021 Council meeting concerning written policy regarding parental consent in vaccinating a younger age group. Dr. Wodicka replied that staff responded to the request in an email stating there was a requirement for parents or guardians to sign the authorization and that a 16 or 17-year-old has to be accompanied by an adult. Councilmembers Wilder, Tweedy, Nelson, Helgeson and Vice Mayor Wright had no items. Mayor Dolan announced that that the City of Lynchburg has been named a 2020 Tree City USA by the Arbor Day Foundation; she also recognized May 2-8, 2021 as National Travel and Tourism Week.

// The meeting was recessed at 5:41 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 Tweedy gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda Item #4, copies of the minutes of the March 23, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Faraldi, 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 #5, Council conducted a second reading and adopted Resolution #R-21-025, amending the FY 2021 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2021 Third Quarter Detail by Fund. On motion of Councilmember Wilder, seconded by Councilmember Faraldi, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Engineering, Agenda Item #6, a public hearing was held and Council considered adopting Resolution #R-21-029 granting an easement, located at 2521 Old Wards Road, Lynchburg City Tax Map No. 16109001, for the extension of electric service to a new Milestone Cell Tower. Mr. Lee Newland, City Engineer, provided Council with a summary of the request. Milestone LP is presently constructing a Cell Tower on City Property off Old Wards Road. As part of the project, it is necessary for Appalachian Power Company to acquire, from the City, easements to extend an electric service line from Old Wards Road to the tower.

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.

At its April 13, 2021, meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Tweedy 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: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Wright 1

// In the matter of Engineering, Agenda Item #7, a public hearing was held and Council considered adopting Resolution #R-21-030 granting an easement, located at 409 Perrymont Avenue, Lynchburg City Tax Map No. 05613002 for the extension of electric service to a new gymnasium. Mr. Lee Newland, City Engineer, provided Council with a summary of the request. Lynchburg City Schools is presently constructing a new gymnasium at Perrymont Elementary School. As part of the project, it is necessary for Appalachian Power Company to acquire, from the City, easements to extend an electric service line from the right of way to the gym.

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.

At its April 13, 2021, meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Tweedy 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: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

// In the matter of Public Comment, Agenda Item #8, Mr. Brandon Barney who originally signed up to speak before Council was not in attendance.

// In the matter of City Code, Agenda Item #9, Council considered adopting Ordinance #O-21-031 amending § 17-22 of the City Code to allow electrically charged security fences in non-residential areas. Mr. Tom Martin, City Planner, provided Council with a summary of the request. Electrically charged fences are not currently permitted in the City. Mr. Donald McLellan, AMAROCK, LLC has requested that City Council consider amending the City Code to allow electrically charged security fences in non-residential areas. City staff has reviewed a “model” ordinance provided by Mr. McLellan as well as similar ordinances from other Virginia First Cities and drafted amendments for City Council’s consideration.

The draft ordinance proposes:

- Allowing electrically charged security fences around the perimeter of non-residential outside storage areas.
- Requiring compliance with International Standard IEC 60335-2-76.
- Requiring a non-electric fence to surround the perimeter of the electric fence.
- Setting a maximum height of ten (10) feet.
- Requiring identification of the electric fence with warning signs.
- Requiring notification to the City's Police & Fire Departments upon installation.

Councilmember Helgeson made the motion to approve the resolution stating that this proposal looks like a good security measure. Councilmember Nelson seconded the motion.

Councilmember Wilder asked what the voltage of these fences would be; staff responded that these cannot exceed twelve volts.

Mayor Dolan asked if there would be any boundaries with these fences; staff responded that the way the ordinance is written, these fences are to be installed behind non-energized fences.

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 CDBG Program, Agenda Item #10, a second reading was conducted for Resolution #R-21-024 regarding Substantial Amendment #3 for the CDBG Program and the receipt of the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CARES ACT)(CDBG-CV) Round 3 Program Funds. Ms. Melva Walker provided Council with a summary of the request. The City has received notification from HUD for an additional special allocation of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by HUD on September 11, 2020 and constituted a third round of CDBG-CV funds for states and local governments. These funds are an extension of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. Lynchburg's allocation is \$389,143. For

receipt of these funds, in accordance with HUD regulations; the City is required to submit a "Substantial Amendment" to its HUD PY 2019 CDBG Annual Action Plan. This Amendment is to include projects that will prevent, prepare for, and respond to the Coronavirus (COVID-19). Utilizing the CDBG application process and the guidelines from HUD for eligible projects/activities, City staff solicited and accepted applications for the CDBG-CV funds. Attached is a summary of the applications received from local nonprofits and City departments. These projects/activities are eligible according to the HUD guidelines and will benefit the citizens of Lynchburg that have been or will be affected by COVID-19. In accordance with the CDBG Citizen Participation Plan's "In the Event of an Emergency" section, the public comment period was reduced to five (5) days as approved by HUD. The Community Development Advisory Committee (CDAC) did not conduct a public meeting regarding the submitted projects. However, the applications were provided to CDAC with the opportunity to comment on the proposed projects. The CDAC comments provided to City staff supported the funding of the proposed projects. The following lists of projects are recommended for funding by City staff:

CDBG-CV PROJECTS PROPOSED FOR FUNDING:

- City Administration \$18,448
- Feeding the Homebound (Meals on Wheels of Greater Lynchburg) \$46,500
- Emergency Housing Assistance (Lynchburg Community Action Group) \$75,000
- Reducing Evictions through Legal Aid (Virginia Legal Aid Society) \$30,000
- Domestic Violence Prevention Program (YWCA of Central Virginia) \$6,680
- Summer Lunch & Play Program (City's Department of Parks and Recreation) \$20,000
- Shelter Program and Apparatus Air Purifier Project (City's Fire Department) \$192,515
- Total CDBG-CV ROUND 3 \$389,143

The public was notified of the public hearing through a public notice advertisement published in The News and Advance on April 5 and through various sources of social media. Following the public hearing, City Council approved all of the projects except for the "Reducing Evictions through Legal Aid" request. That item was tabled and staff was asked to provide additional information (i) from Virginia Legal Aid Society on additional federal and/or state funding they have received to reduce evictions and (ii) from the

Lynchburg Redevelopment and Housing Authority on the level of communication and partnership the agency has with Virginia Legal Aid Society.

Vice Mayor Wright made the motion to include the \$30,000 in the CDBG award for the project *Reducing Evictions through Legal Aid*, seconded by Councilmember Nelson. Vice Mayor Wright invited Ms. Mary Mayrose, Executive Director of the Lynchburg Redevelopment and Housing Authority (LRHA), to explain the program. Ms. Mayrose enlightened that the grant will help LRHA work with Virginia Legal Aid Society to help keep families housed.

Councilmember Helgeson stated that he will not be supporting the motion because people are having a tough time paying their taxes and now people who rent out their properties will not be collecting any rent and he feels for those people.

Mr. David Neumeyer, Executive Director of Virginia Legal Aid Society, responded that the funds would help pay for a paralegal to focus on the program that aids in the facilitation of getting tenants get caught up on rent.

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 #11, Council considered adopting Resolution #R-21-032 amending the FY 2021 School Capital Projects Fund Budget and appropriating \$317,000 with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E.C. Glass. Interim City Manager Dr. Reid Wodicka provided Council with a summary of the request. The original intercom system for E.C. Glass was installed over 20 years ago. The system has been experiencing problems for the last few years. The intercom system has failed and replacement parts are not available. The Schools will use CARES funds to replace the intercom system. The new system will be provided by AudioEnhancement.com and will provide touch screen functionality, configurable zones, and the ability to upgrade firmware remotely. An upcoming release will provide the ability to type in a student name and highlight their location on a building map based on their class schedule. This new intercom system will

provide a safe learning environment for students, staff and families, including communication within the building around social distancing and CDC guidelines. All School buildings are City property and all additions must be recorded as an asset of the City. This project will be set up in the School Capital Projects fund. The funds will be transferred to the City from the Schools.

Councilmember Wilder asked when the system was installed. Mr. John Collins with Lynchburg City Schools (LCS) answered the question; they were installed in 2003.

Councilmember Tweedy inquired about the expected lifespan. Mr. Collins replied that generally life expectancy is about 20 years.

Councilmember Helgeson questioned if CARES funding can be used for intercom systems. Dr. Wodicka clarified that the thought is that with distancing at schools it is really not practical to not have an intercom system. After reviewing the request with the City's finance department, staff agrees that this meets the requirements. Councilmember Helgeson asked if the city will be held at all liable; staff responded that the city will not be held liable because this is LCS CARES funding, however, the City needs to adopt a resolution authorizing the appropriation amendment since the schools' capital projects funds sit on the city's books.

Councilmember Tweedy made the motion to approve the resolution, seconded by Councilmember Nelson.

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 City Code, Agenda Item #12, Council adopted Ordinance #O-21-033 amending § 36-175 of the City Code to increase the gross combined income of the owner eligible for real estate tax relief and cap the amount of relief per applicant. Commissioner of the Revenue Mr. Mitch Nuckles provided Council with a brief summary of the request. City Code Section § 36-175 details the Real Estate Tax exemptions for certain elderly or disabled persons. The code section was last updated in 2012. The

proposed amendments would adjust the gross combined income limit to \$40,000 to account for past Social Security increases and automatically adjust the income amount in subsequent years based on the previous year's Social Security percentage increase, not to exceed \$50,000. The proposed amendment also caps the amount of relief per applicant at \$2,500. This issue was raised during City Council's discussion of the FY 2022 Budget on April 6, 2021 and is being brought forward as a staff recommendation.

Councilmember Helgeson made a motion to approve the ordinance with one revision; to set net worth from \$60,000 to \$100,000. He stated that plenty of constituents met the income qualification but not the net worth qualification because they were thrifty and saved. Councilmember Wilder seconded the motion.

Councilmember Nelson stated that he is supportive of the motion because he sees this as an opportunity to relieve the burden on citizens on a fixed income.

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

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// On motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting for the consideration of a closed meeting for consultation with legal counsel regarding a legal matter requiring the provision of legal advice, specifically legal matters relating to the collective bargaining laws that will become effective on May 1, 2021; and to discuss the appointment of members to the following boards or commissions: Martin Luther King, Jr./Lynchburg Community Council, Airport Commission, City Employee Appeals Board, Transit Company Board of Directs, pursuant to Section 2.2-3711(A).(7.) and Section 2.2-3711(A).(1) of the Code of Virginia, as amended.

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

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes: 0

// 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

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

City Employee Appeals Board: No appointments were made at this time.

Lynchburg Regional Airport Commission: Mr. Mark Elliott was appointed to an unexpired term ending December 31, 2022.

Transit Company Board of Directors: Mr. Charles Spence was appointed to an unexpired term ending October 31, 2021.

April 27, 2021

CONSENT AGENDA ITEM: D

Martin Luther King, Jr./Lynchburg Community Council: Ms. Sharon Brown was appointed to an unexpired term ending on June 30, 2021.

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

Noes: 0

// The meeting adjourned at 9:13 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of May, 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, Council continued balancing the FY 2021 Budget. Interim City Manager Dr. Reid Wodicka provided remarks to Council. At the April 27, 2021 Council Meeting, Councilmember Chris Faraldi requested more information on all options for possible staff compensation.

Dr. Wodicka reiterated the three options available. Option one is to do nothing, which would leave about \$3.1 million available to be placed in reserve for the future. If the money is not appropriated it can also be placed in the unassigned fund increasing the balance to 13.4%. Option two and City staffs' recommendation is to implement a 5% salary wage increase across the board for City employees. All City employees, with at least one year of service, would receive the 5% increase. This would also preserve 5% revenue for the state social services functions and be consistent with the 5% for City schools. It would move pay closer to prevailing market rates and would not have a significant impact on compression issues either positively or negatively. It has been two years since a general wage increase and some of the challenges in the compensation plan are due to lack of general wage increases during the last decade. Increasing existing employee pay is also important given that starting wages have increased for new employees. There are positive and negative arguments for both sides but this option will do the most good for the most people. Option three is to move forward with implementation of the 2018 City salary study. Compression is an issue that needs to be addressed within the organization but the Korn Ferry study was not designed as a compression analysis. It is simply a market analysis for a variety of positions. Implementation of the study would not widely resolve the compression issues due to the age of the study, changes in personnel, and since employee thresholds do not change after ten years of service. Also, in order to implement the study, staff would need more time for appropriate analysis and to develop a system to do so. It does not include any raise or pay adjustment for hourly or part-time staff since they

were not included in the study. Moving forward with this option would also result in the loss of the 5% match in state revenue for social services and about 40% of employees not receiving any pay increase.

Councilmember Helgeson asked what the budget proposal was that the 5% wage increase replaced and why it was originally proposed. Dr. Wodicka responded the original proposal was to get any employee making less than \$31,000.00 to their threshold. Earlier discussions established addressing pay for the lowest paid employees as a priority and this proposal was a product of that. The transition to the 5% wage increase was a matter of trying to spread the benefit to all City employees. Councilmember Helgeson asked if the original proposal was due to recruitment and retention problems or other issues. Dr. Wodicka noted that it was a benevolent thing to do and there are significant challenges with recruitment and retention. Councilmember Helgeson referenced the spreadsheet and asked for clarification regarding total salary and benefits versus total number of employees. Dr. Wodicka responded that it is salary and benefits so it may not be split evenly. It depends on the individual and where they are in their threshold pay. Councilmember Helgeson stated that it doesn't seem to be a workable strategy. He then asked where the numbers came from. Dr. Wodicka responded that the numbers are from the Korn Ferry study. Councilmember Helgeson noted that the Korn Ferry study has some inadequacies. Dr. Wodicka emphasized that in the Korn Ferry study every employee would not receive the same amount of pay. It depends on where the individual is in the pay scale. Councilmember Helgeson noted that each option has positive and negative aspects. A little of each option should be utilized to create a 2% wage increase for all employees, raise the lowest paid employees to their threshold, and retain the remaining funds in reserve. This would also benefit the taxpayers.

Councilmember Wilder made a motion to approve the 5% General Wage salary increase (Option 2). The motion was seconded by Councilmember Tweedy. Councilmember Wilder supported this option because it is the recommendation of staff, it preserves the 5% from the state for social services, is consistent with the 5% increase for City schools, Constitutional Officers, and surrounding localities, it moves pay closer to the prevailing market rate, and doesn't affect compression positively or negatively. He also directed staff to bring back to Council, over a period of time, some of the compression issues and

a plan addressing how they can be resolved in a certain time period, giving priority to hard to fill and hard to retain positions. Councilmember Tweedy concurred with Councilmember Wilder's comments.

Councilmember Faraldi asked how the City will finance a compression plan in the future if the 5% General Wage Salary increase is implemented. Councilmember Wilder responded that it will be assigned to staff to study City revenue and finances over time and to come up with a long-range strategy, plan, and projections like in the budget process. Councilmember Faraldi noted that it is likely the administration will come up with a tax or fee increase to address compression. He then asked if Council would move forward with such an increase. Councilmember Wilder responded that he is not recommending a tax increase. He is giving time to and asking City staff to review revenues and come up with the best strategy without raising fees or taxes. Councilmember Faraldi submitted that is not a satisfactory response since the future is uncertain. He noted that he recently went on a ride along, during which a firetruck was out of service due to staffing issues. He then asked how a 5% General Wage salary increase would not impact compression. Dr. Wodicka responded that it moves everyone, who is at a similar amount, up a similar amount and fractionally addresses compression. Councilmember Faraldi added that it does not address a discrepancy for those who make more when initially starting than those who have served the City for a number of years. Dr. Wodicka responded that in that case the compression issue would stay the same and reiterated that there are positive and negative aspects to each option.

Councilmember Faraldi made a substitute motion to put the available dollars in a specific reserve to be used to further address compression. Councilmember Helgeson seconded the motion. The 5% General Wage salary increase was not in the original budget but a proposal for raising taxes and a proposal to begin to address the Korn Ferry study was. If all of this money is spent on other things, compression will still exist and will go unaddressed. Now is the time to address it and come up with a better plan.

Vice Mayor Wright stated it is important to plan for the future and that resources will be needed to address compression. A general wage increase is also in order right now. He then asked Dr. Wodicka how long it would take to develop a plan, whether resources will be required, and if Council should be considering setting aside resources now. Dr. Wodicka responded that a plan could be developed by Fall,

within a few months. It is uncertain, at this time, what the plan will look like. To fully address compression, it will take a significant amount of money but some of that could be addressed by general wage increases. Vice Mayor Wright asked Ms. Donna Witt if it is anticipated that the City might realize more revenue within the next fiscal year that might be dedicated to a reserve, over and beyond what is currently projected. Ms. Witt responded that it is possible, March was a great month due to people spending their stimulus money. Without being overly optimistic, more things are opening up and the City is starting to realize revenues back at 2019 rates. The City is not anywhere close in regards to amusement taxes though. Vice Mayor Wright reiterated that it is possible that the City might see revenue beyond what is currently projected. He then asked if a 5-6% end of fund balance at the end of the year is anticipated. Ms. Witt responded that she could not confirm that at this time. Vice Mayor Wright asked if a portion of those funds could be set aside to fund a reserve to address a compression. Ms. Witt and Dr. Wodicka responded that would not be their recommendation since those are one-time funds and compression would be a recurring cost.

Councilmember Wilder stated that he does not support the substitute motion because it is not the staff recommendation, would cause the loss of the state funding for social services, and schools and surrounding localities are doing a 5% salary increase. It would not be fair for City employees to not receive a 5% salary increase when the schools are and those in the county are.

Councilmember Faraldi asked what the amount of money required to receive the state match for social services would be. He does not believe "leaving money on the table" is a good idea. He would like to amend the substitute motion to reduce the amount of money placed in reserve and to allocate the necessary funds to social services to retain the state match. Ms. Witt responded that the City would be responsible for \$328,000.00 in expenditures and offsetting revenue of \$277,160.00 with a net loss of \$50,840.00 if the state funding is received. Councilmember Faraldi reiterated that he would like to amend his earlier motion to whatever is necessary to retain the match. Dr. Wodicka responded that Council would need to grant the social services employees a 5% salary increase to retain the state match. Mayor Dolan asked for a clarification that Councilmember Faraldi wanted to social service employees a 5%

salary increase and nothing to other employees. Councilmember Faraldi responded that the other employees would wait until the City has a more formalized plan to address compression.

Mayor Dolan asked what the morale of employees is like regarding not receiving increases. Ms. Witt responded that she has a morale issue in finance because not everyone had the opportunity to get to their threshold when phase one was implemented because it was limited to 5%. Some long-time employees are not even close to their threshold and new employees are brought in at market rate. Morale is tough right now.

Mayor Dolan asked if the 5% salary increase would bring the employee close to their threshold. Ms. Witt responded it would not. Councilmember Helgeson stated that it sounds like it continues the compression issue since it does not coordinate or adjust for those who are underpaid. Ms. Witt responded that there is no “win-win” option. Councilmember Helgeson stated that a better option should be determined. The money could be put in a reserve for now to grant more time to come up with a plan. Another option would be to grant a 2% salary increase, implement part of the Korn Ferry study, and then place the balance in reserve.

Mayor Dolan noted that compression happens over time and asked why it has not been addressed by previous Councils. Councilmember Helgeson responded that he has been on Council for a long time and has generally been in the minority and often lost the vote. Compression is still an issue to be addressed today and Council should do the best they can to address it now.

Councilmember Faraldi repeated his substitute motion with the amendment.

Vice Mayor Wright noted that he is sympathetic to the idea of setting aside money to address the issue of compression in the future but he can't support giving one department a raise and giving nothing to the others. He will be opposing this motion. Councilmember Helgeson stated that what has been done historically was targeting money where there was the most need, especially in areas where it was hard to recruit and retain employees. Most of the increase for social services would be funded by the state.

Councilmember Faraldi stated that the initial reaction was to not lose the state funded match for social services, which makes sense. Now, the opportunity to find targeted, strategic investments to

address compression in the City is being discussed and it seems that Council is unwilling to grant funds only to one department. If these dollars are going to be spent, they should be spent well and used to address compression. Granting a 5% General Wage salary increase will only prolong the issue of compression and add the future issue of finding additional funds to address it. Again, the issue should be addressed now. Mayor Dolan added that there are really two problems: the problem of underpaid employees and the problem of compression.

Councilmember Tweedy stated that she will not be supporting the motion. There is a finance committee that meets monthly. That committee should be granted the role of working on and addressing the compression issue. Councilmember Helgeson is Chair of the committee. It would be beneficial if the committee worked with City administration in the next six months to a year to address the compression issue. Councilmember Helgeson responded that is a great idea and it would be better if the committee had the money in reserve to work with.

The substitute motion failed.

Vice Mayor Wright stated that he is in support of the 5% General Wage salary increase because it moves the City closer towards keeping up with inflation, which hasn't been done. It is also important to keep up with Constitutional Officers and the City's schools who are getting 5% salary increases, as well as the counties, who are competitors in regard to talent. There is a lot of incentive to grant the increase though he agrees with the concerns regarding compression and pay equity. He tasked City staff with coming back in three months with an initial diagnosis of what the problems are with the pay structure and what the City will need to be competitive and ease compression. This is a problem decades in the making and it will take time to resolve but the City should start with a thoughtful, strategic plan.

Councilmember Helgeson stated that with all the concerns that have been brought up, a more balanced option should be determined. The cost of living would be covered with a 2% general wage salary increase, the extra \$289,000 should be used to resolve the inequity for the lowest paid employees, and the remaining \$1.7 million should be placed in a reserve. This would grant the ability to address employee concerns who may have been missed in the phased approach of implementing the Korn Ferry

study and should be supported by all. It takes pieces of each options and is a good alternative for those who support the 5% General Wage salary increase.

Mayor Dolan stated that a 2% salary increase would hardly keep up with inflation. It is also important to demonstrate to City employees that the City believes in investing in human capital. The City is already behind other surrounding areas in terms of competitive wages and something significant needs to be done in order to retain employees.

Councilmember Faraldi stated that he cannot support a 5% General Wage salary increase because the majority of those dollars will go to the highest paid employees rather than the employees dealing with severe compression problems, the difficult to retain positions, and the “boots on the ground”. It is not what is needed right now. It does not address pay equity, delays the compression issue, and will make it more expensive to address compression in the future.

With no further discussion from Council, the following vote was recorded approving the 5% General Wage salary increase (Option 2):

Ayes: Dolan, Wright, Tweedy, Wilder	4
Noes: Helgeson, Nelson, Faraldi	3

// In the matter of Budget, Agenda Item #2, Chief Financial Officer Ms. Donna Witt provided Council with an update on the revenue collections received in several key City revenue sources. For local sales tax, January and February are typically low months but were above projections this year. March was a great month also because people spent their stimulus money. In 2020 the City collected \$16.5 million so the adopted budget was \$15.4 million. Based on current trends it is possible that the City will collect \$17.8 million this year. The meals tax collected exceeded the projected budget for March by \$100,000.00, did not meet the projection in January, and was right at the projection in February. In 2019 the City collected \$15.1 million. In 2020 the city collected only \$13.7 million due to a lost quarter. The adopted budget projects \$14.9 million, which may be met if things open up even more. In-person May graduations and celebrations should help revenue. For lodging tax, the City collected \$190,000.00 in March. In 2019 the City collected \$2.8 million. In 2020 the City collected \$2.3 million. For 2021 the City projected \$2.7 million

but things have not opened as quickly as originally thought so it is likely that the City will collect \$2.2 million instead. Again, May graduations should help. For amusement tax, the City collected \$32,000.00 in March and should finish the year by collecting about \$290,000.00. This may change depending on openings but it is still unlikely that the City will meet its projected budget. Vehicle assessments have gone up due to supply and demand and are driving personal property taxes up.

// In the matter of Roll Call, Agenda Item #3, Councilmember Faraldi requested Council reconsider the rules change he previously discussed and recognized the City's law enforcement in honor of National Police Week. He also thanked Dr. Wodicka and his team for taking initiative on the vaccine clinic. Councilmember Wilder also recognized the City's law enforcement and other members of the Community Action Team (CAT). He noted that he is glad to see things in the community opening up and shared appreciation for all City staff and their work throughout the pandemic. Councilmember Tweedy echoed Councilmember Wilder's appreciation for City staff. Councilmember Nelson had no items. Councilmember Helgeson expressed dissatisfaction with the schoolboard and inquired what the process to make the schoolboard elected would be. Vice Mayor Wright recognized law enforcement in honor of National Police Week and shared appreciation for City staff. He also encouraged citizens to get the COVID vaccine if they haven't already. Mayor Dolan made the following announcements:

- This week is National Economic Development Week. It was created by the International Economic Development Council to increase awareness of local programs that create jobs, advance career development opportunities, and improve communities' quality of life. Thanks to all businesses in the City, the Economic Development Authority, the Office of Economic Development & Tourism, and City Council for engaging and investing in economic development programs that add to the growth of the business community.
- This week is also National Hospital Week. Hospitals are a tower of strength in every neighborhood and a driving force to a healthy and positive community. Every day, hospital employees are on the frontlines working tirelessly to save lives and help others. This week highlights the important work of health care workers and gives the opportunity to say thank you.

Centra’s theme this year is “Healthcare Heroes” and highlights the more than 7,500 caregivers in our community. Centra will host a “Healthcare Heroes” parade.

- The American Public Works Association (APWA) has designated May 16 through May 22 as National Public Works Week. The objective of the week is to recognize the contributions of the men and women who work in the field of public works as well as to enlighten citizens and businesses about the importance of public works to our City’s safety, comfort, and quality of life. Public Works impacts every person who lives or travels in our City through transportation improvement projects, building and grounds maintenance, refuse collection, streets and traffic maintenance, customer service, special event support, and emergency management. This year’s theme is Stronger Together.

// The meeting was recessed at 5:13 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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Councilmember Wilder gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognition, Mayor Dolan proclaimed the week of May 16, 2021 – May 22, 2021 as Emergency Medical Services Week. Fire Chief Greg Wormser was in attendance and gave remarks stating his appreciation for the resiliency and contributions of the City’s public service professionals as well as his appreciation for the City’s leadership. He noted his departments work on several new initiatives this year and their coordination of the distribution of over forty-five thousand COVID vaccines to the Central Virginia region through the partnership they helped create with emergency services director Melissa Foster and Regional Medical Director Dr. Wendy Wilcoxson. Chief Wormser introduced Dr. Wendy Wilcoxson, Regional Medical Director and Co-Incident Commander of the Central Virginia Vaccination Task Force, who also gave a few remarks. She lauded the Lynchburg Fire Departments’ incredible team, general accomplishments, nationally competitive rates, and unique programs not offered

elsewhere. Staff is continually upgrading their education and had to adapt quickly during COVID. The department has also demonstrated great leadership through their vaccination efforts.

// In the matter of the Consent Agenda Item #4, Council conducted a second reading and adopted Resolution #R-21-028 allowing the distribution of the Chesapeake Stormwater Network Best Urban BMP in the Bay "Small But Mighty" monetary award. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item #5, Council conducted a second reading and adopted Resolution #R-21-032 amending the FY 2021 School Capital Projects Fund budget and appropriate \$317,000 with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E. C. Glass. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, 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, Agenda Item #6, a public hearing was held to receive citizen input on adopting Resolution #R-21-034 approving the FY 2022 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. Ms. Melva Walker, Grants Manager, provided Council with a brief summary of the request. The U.S. Department of Housing and Urban Development (HUD) requires the City as an Entitlement Community for receipt of the Community Development Block Grant (CDBG) and HOME Program funds to prepare and submit an annual action plan within the five-year consolidated plan. This plan outlines the needs, goals, and objectives for community development including housing and non-housing areas. The Grants Administration staff has prepared the fiscal year 2022 plan and it includes all the required components and the recommended CDBG and HOME projects approved by City Council at the public hearing conducted on March 23. A public notice was published stating that a draft of the proposed fiscal year 2022 action plan was available for public review and

comment. The public comment period began on April 10 and ends at the conclusion of the public hearing tonight. Prior to this meeting City staff did not receive any written comments regarding the plan. Any comments received tonight will be incorporated in the final plan and submitted to HUD this week.

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 resolution, seconded by Councilmember Wilder. Councilmember Wilder commended Staff's effort and work with CDBG and HOME program.

With no further discussion from Council, the following vote was recorded approving Resolution #R-21-034:

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

Noes: 0

// In the matter of Rezoning – Planning, Agenda Item #7, a public hearing was held to receive citizen input on adopting Ordinance #O-21-035 approving the rezoning petition for portions of 2900 Candler Mountain Road & 5212 Woodall Road. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. In 2013, City Council approved the petitions for a rezoning, Conditional Use Permit (CUP), and Future Land Use Map (FLUM) amendment on these properties. The properties were rezoned from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to bring the existing hotel, The Kirkley, into compliance with zoning. A CUP was also issued to allow the development of 5212 Woodall Road into apartments, which did not come to fruition. The owners of the parcels now envision different uses for these properties. There will also be a land swap between the two (2) parcels, which is why both addresses are listed on each rezoning petition. First, R&P Kirkley LLC is petitioning to rezone three and nine tenths (3.9) acres located at 2900 Candler Mountain Road and 5212 Woodall Road to remove previously approved proffers to allow the use of the existing hotel building as an age restricted senior housing facility. The proffers, to be eliminated, specifically stated that the building would not be used for care centers or “convalescent and nursing homes.” The proffers also included requirements for pedestrian improvements in the vicinity that would likely not be used by the senior facility residents. If

approved, the existing hotel building will be used as an age restricted senior housing facility with approximately one hundred (100) patient rooms and one hundred ninety-three (193) parking spaces. The City's Technical Review Committee (TRC) reviewed the petition on March 2 and Planning Commission recommended approval at the March 24 meeting.

Mr. Justin Fournier, Balzer and Associates, Inc., was in attendance and provided Council with a presentation in support of the petition. This request downgrades the use of the property and will create less impact in terms of transportation. The only changes to the outside of the building will be in regard to aesthetics.

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 Helgeson made the motion to approve the ordinance, seconded by Councilmember Faraldi. Councilmember Helgeson stated that this use will be an improvement because it is fewer apartments, will offer more employment opportunities, and will offer senior housing.

With no further discussion from Council, the following vote was recorded approving Ordinance #O-21-035:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of Rezoning – Planning, Agenda Item #8, a public hearing was held to receive citizen input on adopting both Resolution #R-21-036 approving the Future Land Use Map (FLUM) amendment and Ordinance #O-21-037 approving the rezoning petition for portions of 5212 Woodall Road and 2900 Candler's Mountain Road. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. The next two actions are related. GDG Lynchburg Apartments, LLC is petitioning to amend the Future Land Use Map (FLUM) from high density residential to community commercial and to rezone approximately four and nine tenths (4.9) acres located at 5212 Woodall Road and 2900 Candler's Mountain Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow the development of a mini storage facility. If approved, the proposed facility will

consist of several single-story buildings as well as one three story climate-controlled storage building as well as space for the outdoor storage of RVs and boats. The City's Technical Review Committee (TRC) reviewed the petition on March 2 and Planning Commission recommended approval of both the FLUM amendment and the rezoning at their March 24 meeting.

Mr. Justin Fournier, Balzer and Associates, Inc., was in attendance and provided Council with a presentation in support of the petition. This request downgrades the use of the property, which was previously approved to be developed as an apartment complex. The impacts of this use will be very low and traffic will be drastically reduced. The owner wanted to emphasize that they are committed to building a quality project with quality materials, especially since it will be visible from 501 and Candler's Mountain Road. Some storage units will be air conditioned and the outdoor storage will have the option of canopies.

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 Helgeson asked for clarification regarding the FLUM amendment. Ms. Frischeisen explained that the parcel was designated in 2013 for high density residential use when it was supposed to be developed into an apartment complex. The proposed parcel would now be designated as community commercial use.

Councilmember Helgeson made a motion to approve the resolution, seconded by Vice Mayor Wright.

With no further discussion from Council, the following vote was recorded approving Resolution #R-21-036:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

Councilmember Helgeson asked for clarification regarding the proposed ordinance. Ms. Frischeisen responded that the parcels are currently zoned B-3C, Community Business District (Conditional) and will be rezoned to B-5C, General Business District (Conditional) because storage units cannot be developed in B-3 areas. He then asked if the senior housing facility will be expanded into this area and if the storage units will be used for the residents. Mr. Fournier responded that there will be no

expansions to the existing Kirkley Hotel building and that the storage units and the senior housing facility will be separate.

Councilmember Tweedy asked if this development is tied to the recently demolished building that was formerly used as a pizza restaurant. Mr. Fournier clarified that is a separate project. Ms. Frischeisen added that a hotel will be developed at that location.

Councilmember Helgeson made a motion to approve the ordinance, seconded by Councilmember Faraldi. Councilmember Helgeson stated that he is glad to see that the Kirkley Hotel will be able to be used in another capacity and that building is going on in general.

With no further discussion from Council, the following vote was recorded approving Ordinance #O-21-037:

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

Noes: 0

// In the matter of Public Comment, Agenda Item #9, Mr. Brandon Barney asked to be removed from the agenda.

// In the matter of Public Comment, Agenda Item #10, Mr. Jamie Maxwell, representative of Lynchburg Firefighter's Association, spoke to Council on the topic of the City of Lynchburg's department directors. He noted that the Fire Department is suffering from overuse of department resources like staff and engines and recognized the number of people who helped to gain accreditation, like Brian Jones. He condemned the disparity in pay between certain City employees and the communication Dr. Reid Wodicka sent out concerning the lawsuit between the Firefighter's Association and the City. He asked the City to do better and resolve the issues of compression and lack of retention in the Fire Department.

// In the matter of Public Comment, Agenda Item #11, Mr. Robert Williams was not in attendance.

// In the matter of Public Comment, Agenda Item #12, Mr. Marty Misjuns, representative of Lynchburg FIREPAC, asked to be removed from the agenda.

// In the matter of Lynchburg City Schools (LCS), Agenda Item #13, Council considered approving Resolution #R-21-038 allowing the School Board of the City of Lynchburg to compensate the Chairperson of the School Board with an additional annual salary. LCS Superintendent Dr. Crystal Edwards and School Board Vice Chair Dr. Robert Brennan provide Council with a summary of the request. The request is that the schoolboard chair receive an additional compensation of \$2,000.00 a year for their service. Officials will be reelected in July and at that time the chair will have the option to accept or deny the compensation. It is their hope that this option will make joining the schoolboard more attractive to the average citizens of Lynchburg. Being on the schoolboard often requires a lot of time away from individual jobs and personal responsibilities. Many members take vacation time to do the work of the schoolboard. The chair has additional responsibilities and additional hours as well. This request has to come to City Council for approval as stated in Code.

Vice Mayor Wright asked for a clarification that if approved, the additional compensation would not take effect until July when the new board chair is selected. Dr. Edwards agreed and added that the compensation would not be automatically granted and the selected chair could defer.

Councilmember Helgeson noted that the schoolboard is working hard but has not demonstrated much success this past year. He noted that failure rates are up, schools have not been open full time, the board has been unresponsive to citizens, and the chair has not practiced appropriate decorum at meetings. Additional pay is usually granted when someone performs well and that is not the case here. He cannot support extra money going to the chair at this time.

Councilmember Helgeson made a motion to deny the resolution, seconded by Councilmember Faraldi. Councilmember Helgeson reiterated his previous statements and added that the attendance at sporting events has been limited, to the dismay of parents, and that the schoolboard should find ways to increase the allowance of attendees to sporting events, plays, musicals, graduations and other school functions. Councilmember Faraldi stated that numerous full-time City employees will not even receive a \$2,000.00 pay increase as a result of the 5% wage increase so supporting this would not be equitable. Council has already said that they will move forward with a budget that has a compensation plan; the

majority of that will be health insurance and an unelected appointee of Council should not reap those benefits. He did not support the increase in compensation and for similar reasons cannot support this.

Councilmember Wilder made a substitute motion to approve the resolution, seconded by Councilmember Tweedy. Councilmember Wilder stated that he served on the schoolboard and understands the demands of the role. Previously, the schoolboard was nonpaid despite serving sixteen schools and numerous functions. He commended the current members of the schoolboard for working and adapting through the pandemic. It has been a learning process for all involved. He noted that City Hall is still closed so it is unrealistic to expect the schools to be fully open. There has been a lot of pressure and challenges for the schoolboard but they have continued their work. He thanked them for their service and noted the importance of working together as a community and the power of prayer. The schoolboard deserves to earn more than what is being discussed. Councilmember Tweedy stated that she also served on the schoolboard before City Council and recognizes the time and effort members put into their duties. Schoolboard members are available and responsive to citizen requests and communication, as is the administration. She supports compensation for the schoolboard if they choose to take it and noted that it is long overdue. It is appropriate for the amount of time spent and will help generate additional interest in joining and equity on the schoolboard. She reiterated that schoolboard members often use vacation time to attend conferences or fulfill other board duties and are out in the community supporting every school. She lauded their efforts and expressed her appreciation for their work.

Councilmember Nelson asked for clarification that City Council, though it appoints the schoolboard members, does not need to approve compensation as the schoolboard can do that on its own; the only issue tonight is whether the additional stipend is granted to the chairman. That has not been the implication of the last few councilmembers who have spoken. Dr. Reid Wodicka responded that is accurate.

Councilmember Faraldi stated that when he sat in on schoolboard interviews there was a large, diverse group of applicants and this Council appointed the same three members. He does not see the

need to issue additional compensation to recruit new schoolboard members but instead it is incumbent upon Council to appoint different members if they take issue with the current schoolboard.

Councilmember Tweedy reiterated her appreciation for the current schoolboard members and that they are deserving of compensation for their service.

Mayor Dolan stated, for clarity, that City Council does not appoint the schoolboard chair. The schoolboard itself appoints the chair.

Councilmember Nelson reiterated that City Council is not voting to approve or deny compensation for the schoolboard but is voting to grant or deny an additional stipend for the chair. Just as he opposed an increase in City Council salary, he opposes an additional stipend for the schoolboard chair. The City is in the face of budgetary strife, needs to fund additional medic units and enhance EMS service, and cannot provide its citizens with fundamental services. While the schoolboard chair has been an exceptional individual called upon to render exceptional services under unusually difficult circumstances the City's citizens are financially stressed and the budget is strained. This is not a time to magnify fiscal challenges even for a modest amount of compensation. It can be done in the future but should not be done now.

Vice Mayor Wright stated that he will be supporting the substitute motion. It is important to incentivize people to join the schoolboard. He noted that the amount is not equal to the time that the chair puts in. Council members receive a stipend to defray the cost of doing Council work so it would be inconsistent to deny the schoolboard the option to award this while retaining the right to do it for themselves. It is hard work being on the schoolboard and it makes sense to devolve the authority of granting this stipend to them.

Councilmember Faraldi noted that the stark difference is that Council members are elected, run a campaign, and answer to the public. Schoolboard members are not elected but perhaps they should be. Vice Mayor Wright responded that it is Council's responsibility to take the action or not and it will need to be justified to voters.

Councilmember Helgeson asked what needs to happen for the schoolboard to be elected rather than appointed. There are thousands of people who have signed a petition due to the many shortcomings of the existing schoolboard.

Mayor Dolan stated that this discussion is not germane to the matter at hand. Councilmember Helgeson asserted that it is since many of the shortcomings fall on the chair of the schoolboard. He reiterated that it is not the time to grant a bonus and the chair must be held accountable. If the schoolboard were elected, they could vote on this matter on their own but instead it falls to Council. This should be tabled or voted down.

Mayor Dolan stated that she supports this resolution. It is not a vast sum of money and is not being granted to a particular individual but instead to a position. This vote should not be made on a punitive basis. In the past the schoolboard has not been compensated at all.

With no further discussion from Council, the following vote was recorded approving Resolution #R-21-038:

Ayes: Dolan, Wright, Tweedy, Wilder	4
Noes: Helgeson, Nelson, Faraldi	3

// In the matter of City Code, Agenda Item #14, Council considered adopting an ordinance both amending several sections and adding a section to the City Code which involves motor vehicles. Deputy City Attorney, Mr. Matthew Freedman provided Council with a brief summary of the request. These amendments and additions are presented to ensure that the City traffic code remains up to date and consistent with amendments made by the General Assembly. He asked Council to table the item until the next meeting for potential further modifications.

Vice Mayor Wright asked for clarification that Mr. Freedman did not want Council to discuss the item. Mr. Freedman responded that was correct and that he would bring the item back with or without further modification to the next meeting.

Councilmember Wilder stated that Council should provide comments now to speed the process. Councilmember Faraldi shared agreement and requested a change in language that stated more generally City Code would be in compliance with State Code. Mr. Freedman responded that the particular State Code section could be incorporated to address the concern.

Councilmember Helgeson asked why the proposed amendments and additions restrict law enforcement from stopping vehicles or pedestrians for these offenses. He also asked who will enforce the code. Mr. Freedman responded that these amendments and additions mirror State Code. The police will still enforce this code. These are considered secondary offenses, which are not cause for stopping vehicles or pedestrians but are incidental to other stops.

Councilmember Helgeson asked for clarification that these amendments and additions came from the General Assembly this year. Mr. Freedman responded that he needs to further examine the sections that relate to noise and may be modifying them to ensure that he is not making them more restrictive than the General Assembly has. Councilmember Helgeson noted that section after section has the same restrictions in terms of preventing law enforcement from making stops. Mr. Freedman responded that is consistent with State Code. Councilmember Helgeson and Mr. Freedman further discussed the implications and examples of secondary offenses.

Councilmember Nelson stated that there are two aspects for the justification of this. These statutes are directed toward trying to eliminate the subjectivity of stopping someone for something that may be somewhat subjective and using that observation as the pure cause that a person comes under the control of an officer. They also relate to civil law. In civil law, one of the foundations for holding a person negligent is if they violate a State or civil law. If someone engages in such activity, then they are contributorily negligent and assume the risk because they did something unlawful.

Councilmember Wilder asked for clarification that the main goal of these amendments and additions is to bring City Code into compliance with State Code. He added that disagreements with State Code should be brought to the attention of the State legislators.

May 11, 2021

CONSENT AGENDA ITEM: E

Mr. Freedman asked Council if they were happy with the general wording of the amendments and additions as presented. Mayor Dolan responded that Council needed more time to look at the wording.

By general consensus from Council, the matter was postponed until the next meeting.

// The meeting was adjourned at 8:52 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of May, 2021, at 7:30 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

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

// In the matter of City Manager’s Office, Agenda Item #1, Council considered adopting Resolution #R-21-039 approving the appointment of Mr. Wynter Benda to the position of City Manager. As Chair of the Executive Search Committee tasked with bringing finalists to the full Council, Vice Mayor Wright made the motion to approve the resolution. Councilmember Chris Faraldi, who served on the Executive Search Committee, seconded the motion.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-039:

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

Noes: 0

// In the matter of the School Board, Agenda Item #2, a public hearing was held to receive input regarding appointments or reappointments to vacancies that will exist June 30, 2021, in School Board Districts I, II, III. Section §22.1-29.1 of the Code of Virginia states that no applicant whose name is not considered at a public hearing can be appointed to the school board. Mayor Dolan then read the following names into the record:

- School District 1: Ms. Belle Evans, Ms. Sarah Smith, Mr. Taylor Robertson, Mr. Clifton Reed, Mr. James Hoover, and Ms. Rebecca Nelson.
- School District 2: Ms. Sharon Carter, Mr. Saudi Young, and Mr. Terrence Jarrett.
- School District 3: Dr. Atul Gupta, Mr. Garrett Wedemire, and Mr. Joshua Pratt.

Mayor Dolan then opened the floor for any candidates in attendance to speak.

Dr. Sharon Carter, current School Board member of School District 2, asked Council to consider reappointing her, stating that going into what could be her third term, she has a very clear idea of what makes for a good School Board member. Dr. Atul Gupta, current School Board member of School District 3, asked Council to consider reappointing him, stating that a lot of things have been achieved over the past few years, but more work needs to be done after the pandemic. Ms. Rebecca Nelson asked Council to consider appointing her to School District 1, stating that as a mother to five children, four in the Lynchburg City School system, she is invested in the school system and will be for a long time.

Mayor Dolan then asked to hear from any citizens present who would like to comment upon any name that was submitted or offer additional names for consideration. Mr. Andrew Glover, representative of the group Conservative Parents of Lynchburg, stated that the current design to appoint the school board is intended to work against the community. The community right now has no process other than the public hearing to provide input into the city school board position. He stated that the applications of the candidates are shielded from the public and the public can't weigh in on their qualifications.

Mayor Dolan outlined the options available to Council at this juncture. Council could either continue the public hearing at the June 8, 2021 meeting to allow more time to receive name of applicants, or close the public hearing and begin scheduling interviews. Council achieved a general consensus to continue the public hearing to the June 8, 2021 meeting.

// In the matter of Public Comment, Agenda Item #3, Ms. Martha Brown, representative of The Lighthouse, addressed Council regarding transitional homes and the services for people leaving either incarceration, homelessness, or rehabilitation; the security policing at James Crossing; and the increased mental health services. She commented on substance abuse and criminal background subgroups that need good affordable housing. Mr. Terrick Moyer with The Lighthouse also spoke and commented on Lynchburg's high poverty rate and with that comes a lot of residual effects. He stated that people don't have access to wraparound services and asked the city to address that in a way that is tangible and takes into consideration the needs of these groups.

// In the matter of Public Comment, Agenda Item #4, Dr. John Salmon, representative of MoveUp Lynchburg, addressed Council regarding the need for better public transportation and the proposed evolution of the Greater Lynchburg Transit Company. GLTC has a lack of better tools; MoveUp Lynchburg has implemented a model using cars instead of buses and a flexible system of connectivity instead of fixed routes. He asked the city to help with the effort submit a bid with the Virginia Department of Rail and Public Transportation for digital infrastructure.

// In the matter of Public Comment, Agenda Item #5, Mr. Marty Misjuns was not in attendance to address Council.

// In the matter of Public Comment, Agenda Item #6, Mr. Robert Williams, addressed Council requesting a rate increase for taxi cab fare. There has not been a rate increase since 2005 and surcharges on gas have increased. On behalf of all taxicab companies, he asked the City to consider increasing the starting rate from \$2.80 to \$3.20 and each of the one-half miles from \$0.25 to \$0.45. Mayor Dolan asked the City Manager to bring this item back for discussion.

// In the matter of Budget, Agenda Item #7, Council conducted its first reading on the adoption of the FY 2022 Budget. This will require the adoption of several resolutions.

In the matter of Budget, Agenda Item #7(a), Council considered adopting Resolution #R-21-040 approving the FY 2022 General Fund Operating Budget (excluding External Service Providers) and appropriating \$204,023,769. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder.

Councilmember Helgeson stated that he will be voting against the motion for several reasons. This budget does not equalize the Real Property Tax rate and the amount of money that is going to the school system continues to increase per pupil because of the decline in enrollment.

Councilmember Nelson stated that the budget does not ease the tax burden on citizens, does not increase the Debt Service Reserves, and he feels it does not adequately support public safety. However, he explained that there are some great features in the budget so he will compromise and will vote in favor of the budget.

Vice Mayor Wright stated that he will be voting in support of this budget because it aligns with Council's previously determined budget priorities and it gets a lot accomplished like; all City staff receiving a 5% raise, funding several public safety positions (3 in the Fire Department, 3 in the Police Department, and offering a shift differential to the Department of Emergency Services), and fully funds a DEI Strategist position.

Councilmember Faraldi stated that Council's top three budget priorities were *Implementation of a Public Safety Staffing Plan, Reinforcing the Innovative, Inclusive, and Competitive Public-School System, and Implementation of City-wide salary study with an emphasis on front-line workers*. He stated that the budget does not support public safety or the compression issues with front-line workers. First, the budget only adds administration positions and no sworn officers to the police department; it adds no dispatcher positions to the Department of Emergency Services; it adds only three positions to fire department when far more are needed to establish a proper relief pattern for staffing. In regards to the salary study, when more revenues became available, City staff proposed a 5% general wage increase instead of using those funds to tackle compressions issues. This budget also raises taxes on the citizens and Council would not even consider a debate about a lower rate. He cannot support the budget in its current form because there is still time to revisit these issues.

Councilmember Tweedy said that she will be supporting this budget stating that although she doesn't feel this budget is perfect, it supports public safety, City staff, and education. She asked Finance Committee to work on compression during this coming year.

Councilmember Wilder stated that he is in support of the staff recommendations of the budget because they are the subject-matter experts.

Mayor Dolan stated that she is in support of the budget because she feels it is the best thing to do for the City and for staff.

Vice Mayor Wright called the question and the following vote was recorded approving #R-21-040:

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

Noes: Helgeson, Faraldi 2

In the matter of Budget, Agenda Item #7(b), Council considered adopting Resolution #R-21-041 approving the FY 2022 Mandated and Contractual External Service Providers Budget of \$8,289,338. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder.

With no other discussion from Council, the following vote was recorded approving #R-21-041:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #7(c), Council considered approving the FY 2022 Discretionary External Service Providers Budget of \$30,484. Councilmember Nelson made the motion to approve the resolution, seconded by Vice Mayor Wright.

Councilmember Helgeson asked for a friendly amendment to the motion to separate the vote for Legal Aid funds. With no objections, the following vote was recorded adopting Resolution #R-21-042(a) approving the FY 2022 Discretionary External Service Providers Budget less the Legal Aid funding:

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

Noes: Faraldi 1

Vice Mayor Wright made the motion to adopt Resolution #R-21-042(b) approving the FY 2022 Discretionary External Service Providers Budget for Legal Aid, seconded by Councilmember Nelson. Councilmember Helgeson thanked his colleagues for the division of the motion and commented that he could not in good faith support the funding for the Virginia Legal Aid Society. With no other discussion, the following vote was recorded:

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

Noes: Helgeson, Faraldi 2

In the matter of Budget, Agenda Item #7(d), Council considered adopting Resolution #R-21-043 approving FY 2022 Operating Fund Budgets for other funds and appropriating the sums of each fund. Councilmember Nelson made the motion, seconded by Councilmember Wilder.

Councilmember Helgeson stated that he will be voting in favor of this motion because there was not any increase on fees this year.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-043:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #7(e), Council considered adopting Resolution #R-21-044 approving the FY 2022 – 2026 Capital Improvement Program. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Nelson.

Councilmember Helgeson stated that he will be supporting this motion. He is glad to see some of the items that weren't critical this year were moved into the next year. He is glad to see that the schools funding is \$0 and that no school buildings are being built since there is a decline in enrollment.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-044:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #7(f), Council considered adopting Resolution #R-21-045 approving the FY 2022 Capital Budget and appropriating funds in the total amount of \$20,896,242 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$11,750,000 for the Airport Capital Projects Fund, \$11,545,000 for the Water Capital Projects Fund, \$12,318,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund. Councilmember Nelson made the motion to approve the resolution, seconded by Councilmember Tweedy.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-045:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #7(g), Council considered adopting Resolution #R-21-046 approving \$50,000 of the FY 2022 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2021 through June 30, 2022. Councilmember Nelson made the motion to approve the resolution, seconded by Vice Mayor Wright.

Councilmember Helgeson stated that he normally votes in favor of this appropriation but he will be voting against it this time. Rather than giving this money for the discretion of the City Manager, he would like to see it be used by the Finance Committee to address the compression issues.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-046:

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

Noes: Helgeson, Faraldi 2

In the matter of Budget, Agenda Item #7(h), Council considered adopting Resolution #R-21-047 approving the personal property tax relief rate for the fiscal year beginning July 1, 2021 through June 30, 2022 shall be set at 41.86%. Councilmember Nelson made the motion to approve the resolution, seconded by Vice Mayor Wright.

Councilmember Helgeson asked staff to explain what this is; Ms. Donna Witt, Chief Financial Officer, explained that the Commissioner of the Revenue calculates this figure based on a state formula. She further explained that this is based on the number of vehicles and the set number of Personal Property Tax Relief Act (PPTRA) funds that come from the state.

With no other discussion from Council, the following vote was recorded approving the Resolution #R-21-047:

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

Noes: 0

// In the matter of Police, Agenda Item #8, Council considered adopting Resolution #R-21-048 amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$100,000 to purchase Axon Performance and Respond services for the LPD current Body-Worn Camera System. Police Chief Ryan Zuidema was in attendance and provided Council with a summary of the request. The LPD was awarded a grant through a competitive process with DCJS to purchase Axon Performance and Respond services. The LPD will use these two services as additional tools to enhance officer and community safety. Axon Respond integrates location data and video feeds to provide situational awareness for officers and supervisors. This service also notifies supervisors of weapon and light bar activation so they can view live-streamed video of critical incidents efficiently. It also has real-time GPS location capability allowing members of the department to immediately determine an officer's location. Axon Performance streamlines the supervisor BWC review process and reduces the time it takes to confirm officers are operating within agency policies. These services are imperative and provide critical information so supervisors can determine necessary actions to protect officers and the public. The total cost of the BWC add-on services is \$129,536. The grant award allows for a total project cost of \$100,000 with the grant covering \$50,000 and a 50% match of \$50,000 required from the locality. The locality match of \$50,000 will come from the LPD's FY 2021 General Fund Budget. The remaining cost of the two add-on services that exceeds the grant funding is \$29,536. These funds will also come from the LPD's FY 2021 General Fund Budget and will be tracked separately from the grant so that all grant guidelines are followed.

At its May 25, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the Resolution #R-21-048:

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

Noes: 0

// In the matter of the Airport, Agenda Item #9(a), Council considered adopting Resolution #R-21-049 authorizing the City Manager to accept and execute a \$1,261,006 Federal Coronavirus Response and

Relief supplemental Appropriations Act (CRRSAA) on behalf of the City of Lynchburg. Mr. Andrew LaGala was in attendance and provided Council with a summary of the request. This U.S. Department of Transportation/Federal Aviation Administration (FAA) grant was provided in accordance with the CRRSAA grant to assist eligible airports/Sponsors with funding to prevent, prepare for, and offset any operating expenses that arise due to the COVID-19 pandemic. CRRSAA Grant amounts to individual airports were derived by a federal legislative formula. The Airport may use these funds for any purpose for which Airport revenues may be lawfully used, provided the items that have not been reimbursed under another program.

At its May 25, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee’s recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved Resolution #R-21-049 authorizing the City Manager to accept and execute the funds:

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

Noes: Faraldi 1

In the matter of the Airport, Agenda Item #9(b), Council considered adopting Resolution #R-21-050 approving and appropriating CRRSAA grant funds to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 pandemic. At its May 25, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee’s recommendation for approval forward as a motion. No second was required, and Council by the following recorded vote approved Resolution #R-21-050 approving and appropriating the funds:

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

Noes: Faraldi 1

// In the matter of City Code, Agenda Item #10, Council considered adopting Ordinance #O-21-051 amending Sections § 25-16, 25-41, 25-147, 25-317, 25-320, 25-327, 25-328, 25-337, 25-344, 25-286, and 25-388 of Chapter 25 of the City Code plus the addition of a Section § 25-82.1 to the code which

involves motor vehicles. Local governments are permitted to adopt ordinances that parallel certain provisions of the Virginia Code. Local governments frequently adopt such ordinances because localities get to keep the fines imposed for violations of the same. Such ordinances must be kept up to date and amended as necessary to continue to parallel the Virginia Code. This ordinance 1) amends, adds, and reenacts certain sections of the City Code to be in line with state law and 2) makes minor wording and technical changes.

Councilmember Nelson made the motion to approve the ordinance, stating that these changes reflect the change to state code and enhances civil liberties in regards to these types of offenses. Vice Mayor Wright seconded the motion.

Councilmember Faraldi asked why it would make legal sense to state, "No law-enforcement officer shall..." instead of saying something to the effect of enforcement of this code is dictated by the state and shall reflect states penalties. He explained that he feels this would guard the City against having to change city code if the General Assembly later decides to change state code again. Deputy City Attorney Mr. Matthew Freedman explained that the proposed language would cover the scenario of having to change city code again, however, how the proposed ordinance is currently written is for the ease of enforcement. He further explained that if there is a city ordinance that cites a state code section, not only will law-enforcement have to look at the city ordinance, but they will also have to look to state code for the appropriate citation.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder	6
Noes: Faraldi	1

// The meeting adjourned at 9:12 p.m.

Clerk of Council

// A closed session meeting of the Council of the City of Lynchburg was held on the 2nd day of June, 2021, at 1:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, Sterling A. Wilder,

Chris Faraldi 5

Absent: Beau Wright, Treney Tweedy 2

// On motion of Councilmember Nelson, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting for the purpose of interviewing candidates for the position of City Attorney, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, as amended.

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

Ayes: Dolan, Helgeson, Nelson, Wilder, Faraldi 5

Noes: 0

Absent: Wright, Tweedy 2

// 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

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 Nelson, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Wilder, Faraldi	5
Noes:	0
Absent: Wright, Tweedy	2

// The meeting adjourned at 3:45 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of June, 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, Ms. Donna Witt, Chief Financial Officer, provided Council with a monthly update on revenue collections received in several key City revenue sources. She stated that the report covers revenues collected through April 2021. It is a positive report that continues an upward trend. Sales Tax; Ms. Witt stated that collections are only \$45,000 below the whole projected budget for 2021 and attributed this to the public spending the federal stimulus money. Meals Tax; Ms. Witt stated that the monthly collections remain flat with the revised monthly projections but below the total budget. She is hopeful that the rest of the fiscal year will end strongly and will be on par with the projections. She also stated that she is hoping restaurants will get the wait staff needed. Lodging Tax; Ms. Witt explained that the monthly collections are just below what was anticipated for April. Amusement Tax; Ms. Witt stated that the projections will not be met for the year but since amusements and events are slowly picking back up the outlook will hopeful not be as dire.

Councilmember Faraldi asked if CARES funding could go towards businesses in the form of hiring bonuses. Ms. Witt explained that there have been a few programs that the City offered to small businesses that utilized CARES funding, but staff had a hard time getting businesses to accept the aid. She stated that there is an allowance to help businesses that is part of ARPA funding, however, those final regulations are not available to date.

// On motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of plans to protect the City from cybersecurity threats or vulnerabilities, because discussion in an open meeting would jeopardize such safety and security plans pursuant to Section 2.2-3711(A.)(19.) of the Code of Virginia.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// The meeting was reopened to the public.

// Councilmember 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: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Helgeson	1

// In the matter of Roll Call, Agenda Item #3, Councilmember Nelson and Vice Mayor Wright had no items. Councilmember Faraldi encouraged the public to vote in upcoming elections. Councilmember Wilder attended the Lynchburg Fire Department Retirement Ceremony and commented on how it was a wonderful event; he thanked the Thomas Road Outpost that took youth citizens to Peaks of Otter; he

thanked One Community One Voice for the work they are doing by being proactive in communities that are prone to violence, and; he thanked the Lynchburg Police Department for attending an event held at the Jubilee Family Center. Councilmember Tweedy congratulated the 2021 Lynchburg City School Graduates and thanked City staff for working the graduation event at Lynchburg City Stadium. Councilmember Helgeson stated that he was disappointed in the Lynchburg City School Board for approving the curriculum for Critical Race Theory. Mayor Dolan made a few announcements from Parks and Recreation including the reopening of Langhorne Trestle, and the seasonal opening of Riverside Sprayground and Miller Park Pool.

// The meeting was recessed at 5:13 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

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan honored Mr. Royston Jester for his 36 years of volunteer service to the City of Lynchburg through the Zoning Appeals Board.

// In the matter of Recognitions, Mayor Dolan proclaimed the week of June 21-27, 2021 as Pollinator Week. Ms. Heidi James, President of the Bee City Group, and Ms. Lucy Hudson, Parks & Recreation Services Specialist, were in attendance to accept the proclamation.

// In the matter of the Consent Agenda Item #4, Council conducted a second reading and adopted Resolution #R-21-048 amending the FY 2021 City/Federal/State Aid Fund budget and appropriated \$100,000 to purchase Axon Performance and Respond services for the LPD current Body-Worn Camera System. On motion of Councilmember Helgeson, seconded by Councilmember Nelson, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item #5, Council conducted a second reading and adopted Resolution #R-21-050 approving and appropriating CRRSAA grant funds to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic. On motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the motion:

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

Noes: Faraldi 1

// In the matter of the School Board, Agenda Item #6, a public hearing was continued from the May 25, 2021 City Council Meeting, to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2021, in School Board Districts I, II, III. Section §22.1-29.1 of the Code of Virginia states that no applicant whose name is not considered at a public hearing can be appointed to the school board. Mayor Dolan then read the following names into the record:

- School District 1: Ms. Sarah Smith, Mr. Taylor Robertson, Mr. Clifton Reed, Mr. James Hoover, Ms. Rebecca Nelson, and Mr. Randall Trost.
- School District 2: Ms. Sharon Carter, Mr. Saudi Young, Mr. Terrence Jarrett, and Mr. Greg Berry.
- School District 3: Dr. Atul Gupta, Mr. Garrett Wedemire, Mr. Joshua Pratt, Ms. Elise Beraru, Mr. Kevin Davis, and Ms. Gloria Preston.

Mayor Dolan then opened the floor for any candidates in attendance to speak; there were none. She then asked to hear from any citizens present who would like to comment upon any name that has been submitted, or offer additional names for consideration; there were none.

Mr. Randall Trost was unable to attend the City Council meeting and was late submitting his remarks to read into the record. Council reached a general consensus to include his remarks for the record:

Hon. Alicia Finney, Clerk of Council

Dear Ms. Finney,

Would you please read the following statement to the city council members tonight? Thank you.

My name is Randall Trost and I am a Lynchburg resident and Lynchburg small business owner. I am also a proud product of the Lynchburg City School System. I would appreciate your consideration for appointment to the Lynchburg City School Board.

I have always held the viewpoint that there are no greater assets than time and children. I would be honored to have the opportunity to begin giving back to the community and I believe that there is no better way to give back than to dedicate my resources to ensure the continued growth and prosperity of our children and school system.

I would be honored to serve the families of Lynchburg and the educators in our city through an appointment to the school board.

I apologize that I was unable to be present tonight, but in my theme of putting children first, I am at my son's soccer game in Rustburg.

I appreciate your consideration and I thank you for your time.

*Best regards,
Randall T. Trost*

Councilmember Faraldi made the motion to close the public hearing, seconded by Councilmember Wilder. 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 Planning, Agenda Item #7, a public hearing was held for the consideration of adopting Ordinance #O-21-052 approving the rezoning petition to allow the use of an existing building as a medical office. Mr. Tom Martin, City Planner, was in attendance and provided Council with a brief summary of the request. Lowes Group, LLC is petitioning to rezone approximately one and three tenths (1.3) acres located at 2011 Enterprise Drive from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the existing building as a medical office. On April 28, 2021 the Planning Division and the Planning Commission both recommended approval of the rezoning petition.

Jeff Lowes, of Lowes Group, LLC, provided Council with a brief presentation regarding the petition. Virginia Sports and Spine, which is currently located in Bedford County, will be relocating into the

city at 2011 Enterprise Drive. There are no plans to change the exterior of the building nor plans to alter anything structural, just some light remodeling within the building.

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 Helgeson made a motion to approve the ordinance, stating that this building has been vacant for a long time and is located in a neighborhood which is zoned for mixed-use so this business will make perfect use of the space. He commented that he was happy to see a business relocate from the county into the city. He asked if the proffer for hedges need to be included since the petitioner is already putting in the hedges. Mr. Martin explained that there are no landscaping requirements due to the fact that they are not making any exterior changes, however, the petitioner offered to proffer a solution to the landscaping issue in the hopes that Council would be more likely to approve the petition.

Councilmember Faraldi seconded the motion, stating he is happy to help support the petition to revitalize some structures that are not being fully used and he is glad to see Ward 4 obtain another business.

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 Planning, Agenda Item #8, a public hearing was held and Council considered adopting Resolution #R-21-053 approving a Conditional Use Permit (CUP) allowing the construction of a swimming pool for residents and guests of nearby properties under the ownership of Victoria’s Inventory, LLC. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. Victoria’s Inventory, LLC is petitioning for a CUP to allow the construction of a swimming pool at 200 Bridge Street for the residents and guests of nearby properties under the ownership of Victoria’s Inventory, LLC. The petition is consistent with the City’s Zoning Ordinance, which allows residential uses in the B-1, Limited Business District, upon approval of a CUP from City Council. The pool is considered accessory to the residential

use, therefore also requiring a CUP. The pool would limited to use by residents and guests of nearby properties under the ownership of Victoria's Inventory, LLC. The pool would not be open for use by the general public. On May 12, 2021, the Planning Division and the Planning Commission recommended the approval of the CUP.

Ms. Amy Seipp, Accupoint Surveying & Design, LLC, made a presentation regarding the petition. She stated that this is an amenity that the petitioner would like to add for the residents to make the property more appealing. This is a downtown property and many downtown properties do not have the same amenities that some of the suburban developments have. This would be access controlled and only residents in the adjacent buildings would have access.

Councilmember Nelson disclosed that he not only represented the petitioner on this matter but he also represented him in the acquisition of the property and the development of the proposed improvements. As such, he cannot remain unbiased and will abstain from voting.

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 Helgeson made the motion to approve the resolution, but asked to strike proffer #2 that states, "The pool shall not be open to the general public," citing redundancy to proffer #3, which states, "The pool shall only be used by residents and guests of properties under the ownership of "Victoria's Inventory LLC" (or "Victorias Inventory LLC) located along Bridge Street, Blackford Street, and 301-401 Rivermont Avenue". Ms. Seipp responded that the proffer was intended to imply that the general public cannot buy membership to the pool and was meant for residents only.

Councilmember Wilder seconded the motion stating that some of the neighbors have concerns about traffic in the area but the development has already been approved so that is a moot point, but since the property is here and the Planning Division and Planning Commission do not have any concerns with the petition he seconded the motion.

Mayor Dolan asked if striking the second proffer would leave ambiguity to future owners of the property. City Attorney Mr. Walter Erwin advised that the third proffer would cover the use of the pool not being used by, or membership sold to, the general public.

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

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi	6
Noes:	0
Abstain: Nelson	1

// In the matter of Planning, Agenda Item #9, a public hearing was held and Council considered adopting Ordinance #O-21-054 approving the right-of-way vacation of a portion of Blackford Street. Ms. Victoria Glasgow, Planner I, provided Council with a summary of the request. Ed Willman, on behalf of Across the Bridge, LLC, is petitioning to vacate an unimproved portion of the Blackford Street right-of-way, located off of D Street. The right-of-way vacation is proposed as part of a subdivision for the area. The total area of the proposed vacation is approximately one hundred ninety-nine thousandths (0.199) of an acre. The area to be vacated includes wooded land with a grade. The vacation would not impact vehicle or pedestrian access along Blackford Street.

Councilmember Nelson disclosed that he represented the petitioner on the acquisition of this land and in the development of this project and cannot remain unbiased and will abstain from voting.

Ms. Amy Seipp, Accupoint Surveying & Design, LLC, stated that vacating this right-of-way would help clean up years of piecemealing the different parcels and allow it to be cohesively tied together with improvements.

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.

At its May 11, 2021 meeting, the Physical Development Committee recommended approval. As a member of the committee, Councilmember Wilder 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: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi	6
Noes:	0
Abstain: Nelson	1

// In the matter of Public Comment, Agenda Item #10, Mr. Jamie Maxwell, representative of Lynchburg Firefighters Association, addressed Council regarding the City Attorney and City Council's Rules of Procedure. He stated that he has been canceled twice by the City Attorney's Office by not being allowed to speak at Council meetings. He was given a Code of Conduct Violation from the City Attorney's Office which states that if he violates Council's Rules of Procedure again he will be barred from speaking at Council for 6 months. He submitted a verbal Freedom of Information Act request to the Mayor on how many people have been canceled from speaking at City Council meeting by the City Attorney. He talked about the retention issues in the Lynchburg Fire Department, the Lynchburg Police Department, and Lynchburg Public Works. He mentioned that a few fire recruits have left the program recently. He stated that Council has said they would fix compression.

// In the matter of Economic Development Authority, Agenda Item #11, Council considered adopting a Resolution #R-21-055 authorizing the issuance of up to \$23,000,000 in bonds through the Economic Development Authority of the City of Lynchburg for the benefit of Westminster-Canterbury of Lynchburg, Inc. Ms. Marjette Upshur, Director of Economic Development & Tourism, provided Council with a summary of the request. Westminster-Canterbury of Lynchburg, Inc. has requested the EDA issue its revenue bonds in an aggregate principal amount not to exceed \$23,000,000. These funds will be used to assist the Borrower in financing improvements to its continuing care retirement community at 501 VES Road, Lynchburg, Virginia 24503, including a renovation of approximately 76,000 square feet of residential space for assisted living residents and independent living apartments and construction of a parking deck for approximately 27 additional spaces along VES Road. The funds will also cover the bond issuance costs and other eligible expenditures. The attached information provided by Ted Craddock, counsel to the Economic Development Authority of the City of Lynchburg explains the proposed issuance

in detail. The Economic Development Authority of the City of Lynchburg has conducted the requisite public hearing and adopted a resolution recommending that City Council authorize the bonds on May 20, 2021. The Economic Development Authority of the City of Lynchburg, in accordance with Federal and State law, serves as a conduit for the bonds and assumes no financial responsibility or costs. The issuance of the bonds through the Economic Development Authority of the City of places no obligation on the City. Westminster Canterbury has been a valued corporate citizen of the City of Lynchburg since 1980. Westminster currently pays \$52,900 a year in payment in lieu of taxes, and employs 402 people at an average salary of \$44,380.00.

Councilmember Helgeson asked for clarification on payment in lieu of taxes, specifically if the payment has been the same over the years or if there has ever been any discussion about a different payment in lieu of taxes. Ms. Upshur stated that there was an agreement struck with Westminster Canterbury in the past. Councilmember Helgeson stated that he appreciates what they do for the community but normally as people add on to their house, their taxes increase. He questioned whether or not their payment rate in lieu of taxes should be reconsidered. City Attorney Mr. Walter Erwin explained that there is a formula that determines the payment in lieu of taxes that was previously agreed upon.

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 the Fire Department, Agenda Item #12, Resolution #R-21-056 was introduced for a first reading, to amend the FY 2021 City/Federal/State Aid Fund budget and appropriating \$29,889 to purchase twelve Dell Latitude 5420 Rugged laptops carried on EMS apparatus for the Fire Department. Fire Chief Greg Wormser was in attendance and provided Council with a summary of the request. Fire Chief Greg Wormser was in attendance and provided Council with a summary of the request. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community

EMS services. As a result of the statewide contract change to ESO Electronic Health Record (EHR) reporting software, the Fire Department has been awarded RSAF grant funds to replace its current cache of Microsoft Surface Pro reporting tablets with Dell Latitude 5420 Rugged laptops. The grant requires a local match. The Fire Department applied and was awarded funds under a 50/50 match. With a total cost of \$29,889, the required local match is \$14,945. The match will be funded from the FY 2021 General Fund Fire Department budget. Due to the expenditure deadlines associated with this grant, it was not possible for Finance Committee to review prior bringing this item to City Council.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. 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 Budget, Agenda Item #13, Council conducted a second reading on the adoption of the FY 2022 Budget. This requires the adoption of several resolutions.

In the matter of Budget, Agenda Item #13(a), Council considered adopting Resolution #R-21-040 approving the FY 2022 General Fund Operating Budget (excluding External Service Providers) and appropriating \$204,023,769. Councilmember Nelson made the motion to approve the resolution, seconded by Councilmember Wilder.

Councilmember Nelson stated that he has objections to certain General Fund revenues and expenditures. Early in this budget session, Council initially agreed to reduce city employee wage compression, target revenues to attract and maintain overworked and lower paid employees, increase compensation so as it increases ranks of public safety employees, and recognize that all citizens have been impacted by the pandemic. The majority of Council voted to allow an increase to Real Estate Tax Revenues to be accepted by the city from its citizens on the rationale the economy might not recover from the economic decline caused by the pandemic and that city needed to retain the extra Real Estate revenue to increase the fund balance reserve so as to protect the bond rating in the face of large capital projects. He continued by stating that he argued that the city's' economic outlook was good and that the

2021 – 2022 local economy would increase above last year's levels due to the massive amount of state and federal stimulus revenues flowing to the city. He stated that he urged Council to give citizens and businesses some equalization relief and felt his viewpoint was disregarded. He commented that once the majority of Council voted to not equalize taxes, it then voted to spend those revenues by giving all employees a 5% wage increase which complicates employee wage issues. He stated that it disproportionately rewards high income employees over lower paid employees. It does not resolve the public safety needs and issues. It does not noticeably decrease the city's fund balance reserve to promote the bond rating. He stated that he fears Council and staff will regret the actions and inactions of their decisions, however this budget does have significant features that he does support. He stated that he is willing to compromise and will vote yes to the budget.

Councilmember Wilder stated that he makes his decisions on the counsel of City staff members which is why he seconded the motion. The surrounding counties are giving 5% pay increase to their employees, Lynchburg Social Services and Constitutional Officers would be getting a 5% general wage increase. He stated that he is not comfortable giving some employees a raise when others wouldn't receive anything. He stated that this doesn't change the compression issue and he is still recommending that staff bring back compression information to Council to see how we can address the issue. Staff can have a year to bring back a plan to Council with option on how to address public safety and hard to fill positions.

Councilmember Helgeson stated that the budget process has been vastly different than it should have been. At a public hearing, citizens asked Council to not raise their taxes. He stated that the budget raises taxes on citizens, businesses, renters, and property owners. The budget violates the premise of listening to constituents. Public safety retention issues and general compression issues are not being addressed properly. This budget does not increase the fund balance. This budget is giving the same amount to schools despite a decline in enrollment. A new City Manager is coming in and this money could have been saved for the new manager to address compression issues.

Councilmember Tweedy stated that she will be voting in favor of this budget. City council showed courage with this budget. She stated that with her vote, she is supporting public education, supporting

increased positions in public safety, and supporting city employees getting a general wage increase. Compression has been in the city and employee ranks for a long time but no one tried to solve it all of these years. With this budget, Lynchburg is advancing. She has issues with the commentary that higher wage earners should not get an increase. Everyone has the opportunity to work toward being a higher wage earner. Increased wages mean increased responsibility and accountability. Staff have worked hard especially this year and deserve the 5% increase.

Councilmember Faraldi stated that this budget does not support public safety; it only adds three firefighter positions and does not add any new police officers or dispatchers. It is supporting city schools even though there was been a decline in enrollment. This budget does not support the compression issue or further implement the pay study. He doesn't see how this Council can say that next year it will talk about fixing compression when there have been multiple options to address it in this budget. He stated that he hopes the full Council will be engaged in moving forward to solve the compression issue, not just the Finance Committee. He ran on a campaign of fiscal responsibility and lower taxes and this budget is contrary to that notion and would be disingenuous on behalf of the voters of Ward 4 to support a budget that does that so he will be voting in opposition to this budget.

Vice Mayor Wright stated that he is in support of this budget and disagreed with Councilmember Nelson's recount of events. City staff's recommendation at the start of the budget process was to leave the tax rate as-is for a few important reasons: to ensure healthy fiscal future to accommodate known significant service infrastructure needs in the future; to address immediate community needs including additional public safety, and; to further buttress reserves in order to maintain the AA+ bond rating. Then, during the budget process, staff received updated revenue figures and were able to revise revenue forecasts for next year which if things turn out as projected would mean several million additional revenue. He stated staff did what Council would expect them to do and made a recommendation on what to do given this change. New opportunities became available including giving a 5% general wage increase for staff to match what Constitutional Officers, Lynchburg City Schools, and other localities are providing to their staff which is just trying to keep up with inflation. When staff made these recommendations based on new information, it is incumbent on Council to reconsider its position. He

stated that this budget does not do everything but it makes the biggest investment in public safety that it has in years.

Councilmember Helgeson stated that compression has gotten worse because of the national defunding of the police movement. He stated that if Council wants to have a safer community for its citizens, fixing compression is something that needs to be done.

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 Budget, Agenda Item #13(b), Council considered adopting Resolution #R-21-041 approving the FY 2022 Mandated and Contractual External Service Providers Budget of \$8,289,338. Vice Mayor Wright made the motion, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #13(c)(i), Council considered adopting Resolution #R-21-042a approving the FY 2022 Discretionary External Service Providers Budget of \$17,324. Councilmember Wilder made the motion to approve the resolution, seconded by Councilmember Tweedy. With no other discussion from Council, the following vote was recorded:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #13(c)(ii), Council considered adopting Resolution #R-21-042b approving the FY 2022 Discretionary External Service Provider Virginia Legal Aid Society Budget of \$13,160. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Nelson. 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 Budget, Agenda Item #13(d), considered adopting Resolution #R-21-043 approving FY 2022 Operating Fund Budgets for other funds and appropriating the sums of each fund. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #13(f), Council considered adopting Resolution #R-21-045 approving the FY 2022 Capital Budget and appropriating funds in the total amount of \$20,896,242 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$11,750,000 for the Airport Capital Projects Fund, \$11,545,000 for the Water Capital Projects Fund, \$12,318,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder.

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

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #13(g), Council considered adopting Resolution #R-21-046 approving \$50,000 of the FY 2022 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2021 through June 30, 2022. Councilmember Wilder made the motion to approve the resolution, seconded by Councilmember Tweedy.

Councilmember Faraldi clarified that his justification for voting against every single item in this budget is that he disapproves of the manner in which this discussion has gone and the allocations of the dollars that go with it. He felt it wrong to be supporting these allocations when he disapproves of the process in general.

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

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

Noes: Helgeson, Faraldi 2

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting to consider appointments to the Lynchburg School Board and for the discussion and consideration of prospective candidates for the position of City Attorney pursuant to Section 2.2-3711(A.)(1.) of the Code of Virginia.

Councilmember Helgeson asked to talk about the process of the school board appointments and asked if Council should do the process differently this year. Historically, Council selects the candidates to interview in a closed session. They then conduct the interviews in another closed session while recording them. The recorded interviews then are released to the public by request after the appointments are made. Council wants to be open and transparent since there are a lot of citizens who want to be involved in helping Council select the School Board Members. He stated that he would like to conduct the interviews in an open session. City Attorney Mr. Walter Erwin advised Council that this is Council's process and Council can adopt whatever procedure it wishes.

Councilmember Tweedy stated that Council currently does not do this for any of its boards or commissions so she is against this idea. She then stated that if Council were to open it up for the School Board, it should also open the process up for all of its boards and commissions.

Vice Mayor Wright stated that he is not in favor of trying to change the procedure this far into the process. Council advertised a certain process based on years of precedent and it would be unfair to the citizens who have applied to now change the procedure.

Councilmember Faraldi stated that this process is not open to the public aside from stating the names of candidates and giving optional remarks at a public hearing. He offered a compromise; he asked Council to decide who to interview in a closed session but conduct the actual interviews at a public meeting. He stated that he would like for all appointments to all boards and commissions be open and transparent, but starting with the School Board would be a good compromise.

Councilmember Wilder asked staff to bring this back as a Work Session item at a later before the next School Board appointment process. Council has had two public hearings where the opportunity was offered for the public to weigh in and address why they wanted to serve. To him, that is an open process.

Councilmember Nelson stated that Council should be open and transparent but worried that conducting the interviews in public would stifle the responses from candidates. He stated that a closed session would garner more honest answers and allow Council to ask more pointed questions.

Councilmember Faraldi stated that the community only sees the three-minute presentation that the candidate gives and that is it.

Councilmember Wilder asked if the resumes can be made for the public to see. Mr. Erwin advised that Council can disclose that information if it chooses, however, in the past Council has tended to keep that information confidential. Volunteer applications are considered personnel records and they do not have to be disclosed but can be if Council so chooses. Councilmember Wilder stated that this conversation can be had at a future Work Session.

Councilmember Helgeson stated that one thing Council could do is state who was selected to be interviewed.

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

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

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 Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

Council briefly discussed and reached a general consensus that the Clerk of Council, Ms. Alicia L. Finney, would submit the names of the candidates to the public that have been chosen to be interviewed.

// The meeting adjourned at 9:41 p.m.

Clerk of Council

// A closed session meeting of the Council of the City of Lynchburg was held on the 22nd day of June, 2021, at 1:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder,

Chris Faraldi 6

Absent: Beau Wright 1

// Councilmember Faraldi stated that the School Board appointment process should be opened to the public. Councilmember Helgeson asked Council to consider conducting the interviews live going forward. Councilmember Nelson stated that he would be in favor of keeping with the same procedure at this juncture.

// On motion of Councilmember Nelson, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting for the purpose of interviewing candidates for appointments to the Lynchburg School Board and for the discussion and consideration of prospective candidates for appointment to the Central Virginia Community College Board, the City Employee Appeals Board, the Economic Development Authority, the Historic Preservation Commission, the Martin Luther King, Jr./Lynchburg Community Council, and the Museum Advisory Board pursuant to Section 2.2-3711(A)(1.) of the Code of Virginia; and, for consultation with legal counsel and briefings by staff members pertaining to probable litigation because discussion in an open meeting would adversely affect the negotiating or litigating strategy of the City pursuant to Section 2.2-3711(A)(7)of the Code of Virginia.

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

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

Noes: Faraldi 1

Absent: Wright 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

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 Nelson, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Central Virginia Community College Board: Mr. Jeffrey Krantz – new term ending June 30, 2025.

City Employee Appeals Board: Mr. Stuart Whetsell – new term ending June 30, 2024.

Economic Development Authority: Mr. Richard Tugman – new term ending June 30, 2025; Ms. Kim Soerensen – new term ending June 30, 2025.

Historic Preservation Commission: Ms. Julie Arrington– new term ending June 30, 2024; Dr. Jonathan Shipe – new term ending June 30, 2024; Mr. Emmett Lifsey – new term ending June 30, 2024; Mr. Michael Erquiaga – new term ending June 30, 2024.

Martin Luther King, Jr./Lynchburg Community Council: Ms. Sharon Brown – new term ending June 30, 2024; Ms. Brittany Smith – new term ending June 30, 2024; Ms. Vivian Miller – new term ending June 30, 2024.

Museum Advisory Board: Ms. Cynthia Fein – unexpired term ending June 30, 2022; Ms. Lisa Beverley – new term ending June 30, 2024; Mr. Joseph Krakora – new term ending June 30, 2024; Ms. Ramona Battle – new term ending June 30, 2024.

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Wright	1

// The meeting adjourned at 4:58 p.m.

Clerk of Council

// A closed session meeting of the Council of the City of Lynchburg was held on the 23Rd day of June, 2021, at 1:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, Sterling A. Wilder,

Chris Faraldi 5

Absent: Beau Wright, Treney Tweedy 2

// Councilmember Faraldi stated that the School Board appointment process should be opened to the public and as such will be voting in opposition to going into a closed session.

// On motion of Councilmember Wilder, seconded by Councilmember Nelson, Council, by the following recorded vote, elected to hold a closed meeting for the purpose of interviewing candidates for appointments to the Lynchburg School Board pursuant to Section 2.2-3711(A.)(1.)of the Code of Virginia.

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

Ayes: Dolan, Helgeson, Nelson, Wilder 4

Noes: Faraldi 1

Absent: Wright, Tweedy 2

// 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

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, Helgeson, Nelson, Wilder, Faraldi	5
Noes:	0
Absent: Wright, Tweedy	2

// Councilmember Helgeson asked Council to consider making the video recordings available to the public. Council reached a unanimous decision and directed the Clerk of Council, Ms. Alicia L. Finney, to make the videos available to the public upon request, after submitting copies to Vice Mayor Wright and Councilmember Tweedy for their review.

// The meeting adjourned at 4:29 p.m.

Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 29th day of June, 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

// A special called meeting was scheduled in order to make an appointment to the position of City Attorney before the current City Attorney vacates his position on July 1, 2021, and to make appointments to the Lynchburg City School Board at least 30 days before July 1, 2021 (Section §22.1-50 of the Code of Virginia). Councilmember Faraldi made the motion that the merits of the meeting warranted a special called meeting. Councilmember Nelson seconded the motion. The following vote was recorded, approving the special called meeting:

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

Noes: 0

// In the matter of City Attorney, Agenda Item #1, Council considered approving Resolution #R-21-057 appointing Matthew C. Freeman as the City Attorney for the City of Lynchburg effective July 1, 2021. Councilmember Nelson made the motion to approve the resolution, seconded by Councilmember Tweedy. With no discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of School Board Appointments, Agenda Item #2, Mayor Dolan asked for a Council decision on whether to notify the School Board applicants of Council's decision first and then the public, or to notify the public and then the applicants.

Councilmember Helgeson stated that he wants to conduct deliberation on school board appointments in open session. He would not be in favor of going into a closed session to discuss these appointments.

Councilmember Nelson expressed a desire to delay notifying the media and the public until courtesy calls could be placed to all of the applicants after Council's decision.

Councilmember Faraldi stated that he appreciates the desire to inform applicants, but does not support the delaying of informing the public.

With no other discussion from Council, the following vote to call applicants before the public is notified was recorded:

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

Noes: Helgeson, Faraldi 2

// On motion of Councilmember Nelson, seconded by Councilmember Wilder, Council considered holding a closed meeting for discussion of appointments to the Lynchburg School Board pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, as amended.

Councilmember Faraldi stated that he will be voting in opposition to this motion because he feels this process should be completed in an open session.

Councilmember Helgeson stated the stakeholders of the school board have a desire to be invested in this process and in deference to them, he would like to conduct these appointments in an open session.

Vice Mayor Wright asked Councilmember Helgeson why in his tenure has he not called for this to be an open process and inquired what the impetus for changing the process now is. Councilmember Helgeson cited the decline in enrollment, absenteeism, and concerned parents for being his reasons.

Councilmember Tweedy stated that last minute tactics should not be played with the education system and will be voting in favor of the current system.

Councilmember Nelson stated that he is not in favor of changing the current process since candidates applied expecting this current process, but would be amicable to a conversation in the future on opening up the boards and commissions appointment process.

Councilmember Wilder offered he would be in favor of addressing this process at a future Council Work Session but stated that he would not be in favor of opening the process up currently.

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

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

Noes: Helgeson, Faraldi 2

// 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

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 Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, Council by the following recorded vote appointed Mr. Randall Trost to the Lynchburg City School Board, School District 1, for a 3-year term expiring June 30, 2024.

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

Noes: 0

// On motion of Councilmember Tweedy, seconded by Councilmember Wilder, Council by the following recorded vote appointed Dr. Sharon Carter to the Lynchburg City School Board, School District 2, for a 3-year term expiring June 30, 2024.

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

Noes: Helgeson, Faraldi 2

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed Dr. Atul Gupta to the Lynchburg City School Board, School District 3, for a 3-year term expiring June 30, 2024.

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

Noes: 0

// The meeting adjourned at 5:25 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of July, 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 City Council, Agenda Item #1, Councilmembers considered their seating arrangements at the dais. At the Organizational Meeting held in July of each year in which Council elections are held, and after the election of Mayor and Vice Mayor, Council determines their seating arrangement. At its last held Organization Meeting on July 1, 2020, City Council was practicing social distancing in response to the coronavirus pandemic and not all members were able to have a seat at the dais. Now that social distancing requirements are no longer mandated, City Council will be conducting business with all members seated at the dais. Therefore, Councilmembers must choose a permanent seat prescribed by the Rules of Procedure Section § 2-8, "The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining members of the Council shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Council. In the event that two or more Council members have equal seniority, the selection of seating for those members shall be determined by chance."

// In the matter of Rules of Procedure, Agenda Item #2, City Council considered adopting Resolution #R-21-058 approving its Rules of Procedure which contain the schedule of regular meetings and work sessions for the upcoming year. Section § 15.2-1416 of the Code of Virginia provides that each year the local governing body shall prescribe by resolution the schedule of meeting dates, times, and places for the upcoming year. City Council's schedule of meetings is set forth in City Council's Rules of Procedure under Section § 2-1. Meetings shall be held in the City Council Chamber, on the first floor in City Hall, as follows: Second and fourth Tuesday of the month, at 4:00 p.m. There will be no regular meeting on the fourth Tuesdays during the months of July, August, and December. As such, the Rules of Procedure

should be readopted to confirm Council's schedule of regular meetings and work sessions for the upcoming year. Additionally, Councilmember Faraldi previously asked to consider amending the Rules of Procedure regarding the Public Comment section to allow citizens the opportunity to speak on an item on the agenda. Currently, the deadline for a citizen to submit a request to the Clerk of Council to be placed on the Public Comment portion of the agenda is by noon the Wednesday prior to the meeting date. City Council's agenda packet is not released until the end of the day on the Thursday prior to the meeting date. City staff offered the following options for City Council's consideration. Any combination of these ideas or other ideas could be included in a final choice by City Council (City Council is not limited to these choices):

Option 1

- Change the deadline to sign up for public comment to Friday before the City Council meeting at noon
- Limit the total amount of time for public comment to fifteen minutes. If the number of citizens would exceed the 15 minute time limit, the presiding officer would have the autonomy to place a shorter limit on citizens or group representatives.
- Change the time limit for all speaker to three minutes

Option 2

- Maintain normal public comment section
- Introduce a second public comment section at the beginning of the General Business section

Option 3

- No change to present procedure

Councilmember Helgeson stated that he would be in favor of an open comment period.

Councilmember Nelson asked the Clerk of Council, Ms. Alicia Finney, what the merits are to having a signup period. Ms. Finney cited the following background checks she conducts as it pertains to citizen requests to speak, per Council's current Rules of Procedure:

- Make sure a group has no more than one spokesperson §5-3(B)(7).

- Make sure Public Comment isn't given on a matter for which a Public Hearing is scheduled during the same meeting §5-3(B)(9).
- Make sure Public Comment isn't given on a matter that has already been the subject of a previous Public Hearing where no final vote has been taken §5-3(B)(10).
- Make sure that once an individual or organization makes a public comment on a particular subject, the individual or organization may not make another public comment on the same subject within (3) three months of the first (except by a majority vote of the members of Council present and voting) §5-3(B)(13).
- Lastly, this serves as a chance for staff to directly address concerns brought forth by the citizens.

Councilmember Nelson stated that the cutoff time does serve some sort of purpose for all of the reasons given and he is not in favor of having an open comment period given the reasons stated.

Councilmember Faraldi stated that he sees it as there being two different issues; having a public comment period, and then having an open comment period that would allow citizens to speak on specific agenda items. Councilmember Faraldi made the motion to amend Section 5-3(B)(1) to include the following language, "an individual seeking to speak to a published agenda item on the consent agenda, public presentation, general business, or closed meeting sections, should have the opportunity to address Council. The presiding officer shall open a public comment period prior to each of the aforementioned sections where the same stipulations for citizen participation will apply excluding any deadline to sign up to speak and frequency by which said speaker is to address Council. All comments must be germane to an item in the section at hand." Councilmember Helgeson seconded the motion.

Vice Mayor Wright stated that this motion would effectively turn every agenda item into a public hearing. He further stated that he has not heard from any citizens expressing the desire for an opportunity to speak on every item. The current procedure allows Council to run organized, efficient meetings to address the City's business. Opening up every section for unrestricted public comment has the potential of getting out of hand. Citizens have ample opportunity to contact Council, now more than ever.

Councilmember Tweedy stated that she is not supporting the motion because citizens have every opportunity to communicate with Council. She commented on the responsibilities of Councilmembers to work with each other to bring issues sent by citizens for deliberation. She stated that opening public

comment up beyond what Council's Rules of Procedure say opens it up to chaos for staff, Council, and it interferes with the decorum and order of conducting City business.

Councilmember Nelson stated that at this point, Council should address the problem of citizens not currently being able to address items on the agenda during Public Comment. He made the substitute motion to move the cutoff date for Public Comment to the Friday after the agenda is posted at noon, but to not have an open public comment section, which would result in a cumbersome meeting (going through the actions of opening it up). Councilmember Wilder seconded the motion.

Councilmember Helgeson asked to extend the deadline to noon on Monday. Councilmember Nelson replied that if the deadline is Monday that really does narrow the opportunity for staff to address any citizen concerns and having as much time in advance is beneficial. He clarified that Council will soon have to address other sections of its Rules of Procedure, specifically concerning language pertaining to the Deputy Clerk position that no longer exists and the November elections, so extending the deadline to Friday at noon will suffice in the short-term.

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

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

Noes: Helgeson, Faraldi 2

The substitute motion of extending the Public Comment sign-up period to the Friday after the agenda is posted at noon passed and became the main motion. The following vote on the main motion was recorded:

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

Noes: Helgeson 1

Councilmember Faraldi made the motion to eliminate the 3-month rule (Section § 5-3(B)(13)), stating that if citizens feel passionately about an item they should be able to address Council as often as they like. Councilmember Helgeson seconded the motion stating that it seems arbitrary and puts the responsibility of deciding what is the same topic and what's not on staff when it should be left up to Council.

Vice Mayor Wright stated that coming back to Council week after week to say the same thing is not productive.

Councilmember Wilder said there is more opportunity for citizens to reach out to their representatives. He is confused why this is an issue now because it hasn't been before.

Councilmember Nelson stated that this is a rule that limits access of somebody every 3-months on an issue. He is hesitant to support a rule that limits that in any way unless there is a compelling government purpose that is accomplished from enforcing the rule. He is in favor of eliminating the rule and if it somehow invites a parade of frivolous petitions, Council can always come back and reinstate it.

Councilmember Tweedy will not be in support of striking the 3-month rule because passionate citizens have ample opportunity already to talk to Council. Passionate people can often lead to harassment.

City Attorney Mr. Matthew Freedman advised Council that citizens don't have an unfettered right to address Council. He interprets the Rules of Procedure as the public having access to view and attend City Council meetings, but that the meetings are for Council to conduct its business. The Rules of Procedure currently allow citizen participation at every meeting, which exceeds the requirement of the state.

With no other discussion from Council, the following vote to eliminate the 3-month rule was recorded:

Ayes: Helgeson, Nelson, Faraldi 3

Noes: Dolan, Wright, Tweedy, Wilder 4

Councilmember Nelson made the motion to adopt the resolution approving the Rules of Procedure and Council's meeting schedule, seconded by Vice Mayor Wright. With no other discussion from Council, the following vote was recorded:

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

Noes: Helgeson, Faraldi 2

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting for 1) the discussion and consideration of information provided to the City by a private entity under the provisions of the Public-Private Transportation Act relating to the possible construction of a Police Headquarters Facility, pursuant to Section 2.2-3711(A)(28) and 2.2-3705.6(11) of the Code of Virginia, 1950, as amended; 2) discussion of the sale of certain City-owned real property identified as 317 Hancock Street, Lynchburg, Virginia, including, any, if any, improvements thereon, pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended; and 3) review and/or evaluate the performance of the City's Clerk of Council, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended. pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, as amended.

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

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

Noes: 0

// 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

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

Noes: 0

// In the matter of Roll Call, Agenda Item #4, Councilmembers Nelson, Tweedy, Helgeson, and Vice Mayor Wright had no items. Councilmember Faraldi asked staff to report on the Fire Department staffing plan at an upcoming Work Session; he also asked staff to schedule a Work Session item for Council to consider sending a letter to Governor Northam requesting he cease the additional federally subsidized unemployment assistance. Councilmember Wilder requested staff schedule a joint Lynchburg City School Board and City Council meeting. Mayor Dolan announced that the Virginia Commonwealth Games will be held at Liberty University on July 23, 2021 – July 25, 2021; she also made a few announcements regarding Parks & Recreation.

// The meeting was recessed at 6:19 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 Tweedy gave the Invocation, followed by the Pledge of Allegiance led by Scout Pack 180.

// In the matter of Recognitions, Mayor Dolan and City Council recognized Mr. Walter Erwin for his 42 years of service to the City of Lynchburg. Throughout his career, Mr. Erwin worked for a total of 44 Councilmembers and with 5 City Managers.

// In the matter of the Consent Agenda Item #5, copies of the minutes of the March 30, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, 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 #6, approval of the minutes from April 6, 2021 Council meeting, Councilmember Nelson requested the minutes be pulled in order to propose some minor edits to the Clerk of Council; there was a consensus among Council.

// In the matter of the Consent Agenda Item #7, Council conducted a second reading and adopted Resolution #R-21-056 amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$29,889 to purchase twelve Dell Latitude 5420 Rugged laptops carried on EMS apparatus for the Fire Department. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Planning, Agenda Item #8, a public hearing was held and Council considered adopting Ordinance #O-21-059 approving the rezoning petition of property located at 1300 Campbell Avenue. Mr. Tom Martin, City Planner, provided Council with a brief summary of the request. Rebkee is petitioning to rezone approximately two and twenty-five hundredths (2.25) acres located at 1300 Campbell Avenue from B-5C, General Business District (Conditional) to B-4, Urban Commercial District. If approved the building constructed in 1919 and located in the Kemper Street Historic District will be redeveloped as one hundred five (105) apartments with associated parking. The Planning Division recommended approval of the rezoning petition on June 9, 2021, and the Planning Commission recommended approval of the rezoning petition 6-0 with one-member absent.

Ms. Amy Seipp with Accupoint Surveying and Design made a presentation to Council on behalf of Rebkee. There was no one to speak either in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson made the motion to approve the ordinance, stating that he doesn't like to see more and more apartments coming in at high-density, however this building was originally approved by Council in 2010 as dormitories. He stated that it is sad to see this building run-down and that this development will be great for the area. He is glad to see this type of revitalization which keeps the historic designation and the character of the outside, and he is glad to see it happening without asking the City for money.

Councilmember Wilder seconded the motion stating that it is such a needed improvement. The neighbors are in favor of the development and there were no objections from the Planning Commission.

Councilmember Nelson stated the City is very fortunate to have the petitioner come forth and repurpose the building to its very similar intended purpose of a dwelling place. This will inject a great deal of vitality to an area that needs it.

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, Agenda Item #9, Council heard from citizen Mr. Mike Sharrett regarding the high-mileage reduction in personal property taxes for vehicles at or above 165,000 miles. He proposed the following motion; "That beginning with the physical 2022 property tax billing year all vehicles eligible to be taxed as personal property that were at or above 165,000 miles the prior billing year be automatically applied the high mileage reduction for perpetuity of the vehicle's life of service." He owns three high-mileage vehicles and is overburdened with the providing proof of documentation that it's still above the 165,000 miles.

// In the matter of Public Comment, Agenda Item #10, Council heard from citizen Mr. Andrew Glover regarding Council's Rules of Procedure as it pertains to Public Comment. He previously addressed Council regarding barrier's put in place by City Council's Rules of Procedure that prevent the public from having the ability to contribute to Lynchburg's governance and the ability to properly petition the government to address grievances. At Council's Work Session scheduled for July 13, 2021, Council

moved the deadline for signing up for public comments to Friday. He feels this does not give citizens enough time to review the agenda. He fears the Rules of Procedures are being used a bludgeon; both City Council's and Lynchburg City School Board rules of procedure. He stated that the Rules of Procedures are being used to prevent access to the elected representatives.

// In the matter of Planning, Agenda Item #11, Council considered adopting Resolution #R-21-060 approving the naming of a private driveway and new entrance as HumanKind Way. Ms. Victoria Glasgow, Planner II, provided Council with a brief summary of the request. Joni Addington, Director of Facilities at Humankind, is petitioning to name a private driveway and new entrance as HumanKind Way. Humankind has constructed a new entrance that connects their current driveway to VES Road. The purpose is to name this connector as a private street and provide addressing that is more intuitive than "Linden." Linden Avenue is a residential street to the southwest of the property and will not be the main access road to the Humankind Campus. The Planning Commission reviewed the item and recommended approval.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Tweedy.

Councilmember Nelson said he is pleased that this road is in place and there were some issues regarding access a couple of years ago between the adjoining property owners and it looks like it has been worked out in a positive, mutually beneficial way.

Councilmember Wilder stated that he is glad this is happening; he knows some of the neighbors on Linden Avenue had concerns about traffic since GPS was sending people down that street to access the property and now they will be able to access the property on Humankind Way. He sees this is an improvement for the neighborhood.

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 Emergency Services, Agenda Item #12, Council considered approving Resolution #R-21-061 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$12,000 with resources from the Virginia Wireless E-911 Services Board FY 2022 Public Safety Answering Point (PSAP) Grant Program, which will be used to provide training for Communications Specialists. Ms. Melissa Foster, Director of Emergency Services, provided Council with a summary of the request. The Department of Emergency Services will be acting as the fiscal agent for this grant that will be used to provide training to multiple jurisdictions. This training will be focused on the emotional and mental health of 911 professionals to build a more resilient work force. There is no local match required with this grant.

Councilmember Helgeson stated that this didn't come to Finance Committee because there is no local match required and seems like a very straightforward grant and this was going to be the only item on the agenda so the meeting was cancelled. He made the motion to approve the resolution, seconded by Vice Mayor Wright. Councilmember Helgeson stated that he is happy that staff are able to find grants to train and retain employees.

Councilmember Faraldi asked Ms. Foster to describe the current environment at LynComm and how this will directly impact it positively. Ms. Foster explained that currently, the Department of Emergency Services is at a critical point staffing wise. Staff that are certified and trained are doing their fulltime job, as well as, pulling time on the floor. That is still not enough to cover shifts, so the department is on mandatory overtime and all employees are working extra shifts. Councilmember Faraldi asked how many dispatchers does the department currently have; Ms. Foster replied that there are currently 19. Councilmember Faraldi asked how many dispatchers are needed; Ms. Foster replied that 28 are needed. Councilmember Faraldi asked what is being done to acquire these individuals outside of these funds; Ms. Foster replied that an hourly employee was recently hired to focus on recruitment. Councilmember Faraldi asked how will these funds be utilized to keep these folks from not leaving the department. Ms. Foster explained that the training staff want to bring in is based on emotional survival in law enforcement. Councilmember Faraldi asked why the department is focusing on a regional level if these types of issues exist at the department internally? Ms. Foster stated that supporting this at the regional level is the only way to secure more funding which will help procure a higher-level speaker. Councilmember Faraldi asked

if these funds only go towards a speaker? Ms. Foster replied that a part of these funds goes towards the speaker's fee and the rest will go towards other expenses related to the event. Councilmember Faraldi stated that he does not think utilizing these funds will address the issues in the department with recruitment and retention. Bringing in a speaker for a few hours will not remotely address the needs of the department. He will not be supporting the motion.

Councilmember Wilder asked staff to include the reclassification of dispatchers as public safety in the Virginia Retirement System on the City's Legislative Agenda.

Councilmember Helgeson asked Council to consider adopting a separate resolution asking the state to cease unemployment benefits in order to help with the City's recruitment efforts and to get businesses fully staffed.

Councilmember Tweedy said that the problem was there before the pandemic and asked that the Finance Committee commit their monthly meetings to addressing compression.

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

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

Noes: Faraldi 1

// In the matter of the City Manager's Office, Agenda Item #13, Council considered adopting Resolution #R-21-062 terminating the Declaration of a Local Emergency for the COVID-19 Pandemic and the powers/responsibilities associated therewith. Interim City Manager Dr. Reid Wodicka provided Council with a summary of the request. In response to the COVID-19 pandemic, the City Manager declared a local emergency on March 15, 2020, which was confirmed by City Council on March 17. The necessity for a local emergency has now ended, and the adoption of this resolution is necessary to terminate the said declaration of a local emergency.

Councilmember Wilder made the motion to approve the resolution. Councilmember Nelson seconded the motion stating that even though the emergency may not exist, he doesn't want anyone to interpret that as meaning that the precautions and conditions that got the City to a safe place can

suddenly be abandoned. We still need to be very cautious because the variants are out there and may come to Lynchburg.

Councilmember Helgeson stated that in 2020 he voted against this declaration because it was presented as a momentary emergency that turned into a prolonged state. He'll be voting in favor of terminating the emergency declaration.

Vice Mayor Wright stated that the declaration was necessary in ensuring the safety of the community.

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

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

Noes: 0

// The meeting adjourned at 8:40 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of August, 2021, at 7:30 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

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

// In the matter of the Consent Agenda Item A, copies of the minutes of the April 6, 2021 meeting have been previously furnished to Council, and on motion of Vice Mayor Wright, 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 Planning, Agenda Item #1, a public hearing was held to consider adopting Ordinance #O-21-063 rezoning approximately 1.55 acres located at 902 Old Graves Mill Road. Ms. Rachel Frischeisen, provided Council with a brief summary of the request. Ms. Margaret D. Gilliland is petitioning to rezone the parcel of land from R-2, Low-Medium Density Residential District to R-3C, Medium Density Residential District (Conditional). If approved, the existing home would be demolished and four (4) duplexes would be constructed. A sixteen (16) space parking area is proposed to serve the eight (8) residential units. This petition was originally submitted without proffers. On July 14th, the Planning Commission tabled the item at the request of the petitioner so proffers could be considered. The Planning Commission recommended approval at the subsequent meeting on July 28th with a 3-1 vote with 3 members being absent.

Mr. Russ Nixon with Nixon Land Surveying, LLC, representing Ms. Gilliland, made a presentation to Council regarding the petition. Mr. Nixon stated that Ms. Gilliland would like to rezone the property in order to increase the property value so she may sell the property. Promote access to the city sewer.

Across the road from the property are duplexes so this rezoning is in line with the area. Proposing a parking lot style entrance into the site with one shared access into Hillview Drive.

There was no one to speak in either favor or opposition so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson stated that the Planning Commission voiced concerns over the continuous higher density development. Ms. Frischeisen responded that the Planning Commission did discuss whether this could lead to more higher density rezoning in the area and they decided that Council would need to take those on a case-by-case basis. She stated that in this case, there are also duplexes across the street. Councilmember Helgeson stated that this does not seem like a good use of the land for the city in an area that is a lot of single-family homes. He commented that this land could be split into three single-family homes instead of eight homes with the duplexes. Or, the current single-family home could be rehabbed instead. Mr. Nixon responded that if the land was subdivided it into three tracts and three single-family homes were built, legally there would need to be three new driveways accessing onto Old Graves Mill Road.

Councilmember Faraldi asked if this development would essentially be a continuation of the development across the street in terms of similar design, build, and price point. Mr. Nixon replied that yes, this would basically be a continuation of the duplexes across the street with one exception; the duplexes across the street have individual driveways instead of one shared access. Councilmember Faraldi asked if these units will be sold or rented out; Mr. Nixon did not know the answer. Councilmember Faraldi asked what the price point would be; Mr. Nixon didn't know the exact answer but replied that each unit would be about 1800 square feet. Councilmember Faraldi stated that he is not opposed to the proposal, but since there were only four commissioners present at the Planning Commission meeting, he is inclined to table this until Council can have full oversight of the commission on this petition.

Councilmember Wilder stated that he has concerns over whether these units will be rented or owned, however, no neighbors have objected to this development and there will be no traffic impact to the area.

Vice Mayor Wright made a motion to approve the ordinance, seconded by Councilmember Tweedy. Vice Mayor Wright stated that the petition came recommended by the Planning Commission after two rounds of discussion; it came with a recommendation of the Planning Division with no negative comments from the TRC; the zoning designation and the proffer would carryover to the new owner if the property is sold and the current house is torn down; the new owner would have to abide by these restrictions which are actually fairly reasonable and in occurrence with the neighborhood's current design; and there has been no opposition from the neighborhood.

Councilmember Tweedy stated that she is in favor of the motion because the petition is innovative. She likes that this design does not add more traffic onto the street and is in alignment with the townhomes across the street and in the area. She sees this as an opportunity to plan a community for that neighborhood. Since there is no opposition, she supports the motion.

Councilmember Helgeson made the substitute motion to table this until Council can get more oversight from the Planning Commission on the design and the whether these will be rental properties or home ownerships.

Councilmember Faraldi seconded the motion stating that he likes what he sees so far with the traffic flow and that he is inclined to think that the price point would be reasonable and affordable based on square footage, however, he would like some more information on the intended occupancy of these units. From a process standpoint, he stated that it is important to utilize the full Planning Commission. Since the vote was 3-1 and not unanimous, he would like to delay voting on this to give the other commissioners time to weigh in on the petition.

Councilmember Nelson stated that it has been mentioned several times about whether these units will be owner-occupied or rented. He commented that an owner may initially purchase one of the units to rent out to tenants. That consideration should not be baring on Council's decision since it can change and Council has no authority over that change. He asked City Attorney Mr. Matthew Freedman if as a general rule, Council should not give consideration of who is going to be in the property; Mr. Freedman responded that Council should not consider who will occupy the dwellings when deciding on the petition. Councilmember Nelson stated that Council should consider the property and the impact on

the community and environment and not the occupants. For the reasons cited by Mr. Nixon and the proffers that will be binding and continuous on this property, he stated that he would be in favor of the original motion for the zoning change and will not be supporting the substitute motion.

Vice Mayor Wright asked Mr. Freedman if there was justification for asking the Planning Commission to take another look at the petition since they had an established quorum at the time of their vote. Mr. Freedman replied that the way to think about a quorum is whether they have the ability and enough people to act. The Planning Commission is a 7-member body and there were 4 individuals present at the time of the recorded vote. A majority of those present and voting would be sufficient to take official action. For purposes of legal sufficiency to proceed, Council has it. Vice Mayor Wright stated that he will be voting against the substitute motion.

Councilmember Helgeson stated that tabling the petition isn't a matter of doing away with it; many times, it winds up with a better product for the city, the neighborhood, and maybe even the developer. He does not think it hurts to take a little time especially when Council is considering changing the zoning designation.

Mayor Dolan asked what Council can expect to gain by tabling the petition. Councilmember Faraldi responded that he would like to see how the three absent commissioners would have voted. Mayor Dolan asked for clarification on whether Council would be sending this back to the Planning Commission; Councilmember Faraldi responded that was his understanding of the substitute motion.

Councilmember Helgeson stated that his motion was not to send the petition back through the Planning Commission but to table Council's vote on this item so that Councilmembers can touch base with the commissioners individually.

Councilmember Tweedy stated that she is not in favor of delaying the vote on the petition.

Councilmember Wilder stated that he is basing his decision on the owner having vested interest in this property; he will not be supporting the substitute motion.

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

Ayes: Helgeson, Faraldi 2

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

Council then voted on the main motion to approve Ordinance #O-21-063:

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

Noes: Helgeson, Faraldi 2

// In the matter of Public Comments (A), Mr. Jamie Maxwell representing the Lynchburg Firefighter's Association, reached out to the Clerk of Council prior to the meeting to remove himself from the agenda.

// In the matter of Public Comments (B), Mr. Carl Hutcherson, Jr., representing the N.A.A.C.P Lynchburg Chapter, addressed Council on the disrespectful comments that some Councilmembers make towards women in leadership positions within the City, including the schools and fellow Councilmembers.

// In the matter of Community Corrections and Pretrial Services, Agenda Item #2, Council considered approving Resolution #R-21-064 to expand local probation and pretrial services to the unserved portion of the 24th Judicial District, which is Amherst County. Ms. Cynthia Plummer, Agency Director, provided Council with a brief summary of a request Adopt a joint resolution with Amherst County, Bedford County and Campbell County providing for the implementation of the Comprehensive Community Corrections Act (CCCA) for Local Responsible Offenders, the Pretrial Services Act (PSA) and the establishment of the Regional Community Criminal Justice Board (CCJB). Effective 1/1/21 the City of Lynchburg, as the administrative and fiscal agent for the CCCA and PSA Agency received additional state funding to expand local probation and pretrial services to the unserved portion of the 24th Judicial District (Amherst County). All localities participating in a multijurisdictional program must be represented on the CCJB and agree upon the locality to serve as the administrative and fiscal agent. This resolution adds Amherst County to the service area and as member of the CCJB. Similar resolutions are being brought before the Boards of Supervisors of all the participating localities.

Councilmember Faraldi stated that one section of the Code of Virginia speaks to establishing a Community Criminal Justice Board and another section speaks to who should be appointed to the board.

He asked Ms. Plummer to clarify the purpose of the board. Ms. Plummer replied that the duties of the board are outlined in state code, but essentially, they are an advisory board and not an operational board that works together to implement collaborative arrangements to provide appropriate criminal justice services. Councilmember Faraldi commented that in review of the code and who should be appointed to the board, he did not see where the city administration is dictated a representative on the board, rather a member of the governing body. Ms. Plummer responded that the way it is worded is the individual needs to be representing the governmental entity and that the person on the board has to have authority to make a decision for the locality if needed. Councilmember Faraldi asked if this is an elected board or council; Ms. Plummer replied that it is not.

Councilmember Helgeson asked if the addition of another locality will water down the services available to Lynchburg; Ms. Plummer replied that it would not. Councilmember Helgeson made the motion to approve the resolution, seconded by Councilmember Faraldi.

Councilmember Wilder stated that he is always happy to see the localities working together.

Councilmember Nelson stated that it makes sense for a community like Lynchburg, the metaphorical hub for a much larger community, to integrated into a single purpose, and having Amherst participate in this is functionally essential in order to address all the needs of the community.

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 Lynchburg Circuit Court, Agenda Item #3, Council considered adopting Resolution #R-21-065 to amend the FY 2022 City/Federal/State Aid Fund budget and appropriate \$65,000 to support salary and benefits for the Drug Court Coordinator position during FY 2022. Ms. Taylor Jones, Adult Drug Treatment Court Coordinator, was in attendance and provided Council with some background. The Lynchburg Circuit Court submitted a grant application due to the Supreme Court of Virginia with the objective of furthering the City's effort to administer a Local Drug Court program. The award letter for the grant was received on July 29, 2021 in the amount of \$65,000, which is intended to be used July 1, 2021

- June 30, 2022. These funds will be used to support the Drug Court Coordinator position in the Circuit Court. Treatment-based drug court is an alternative to incarceration for defendants who enter the judicial system because of addiction. Through a non-adversarial team approach combined with an intensive, judicially monitored treatment program, drug court offers defendants the opportunity to restore themselves as productive, non-criminal members of society. The Lynchburg Drug Court has the following key components:

1. Integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel will promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. The Court will ensure access to a continuum of alcohol, drug and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy to participant's compliance.
7. Ongoing judicial interaction with each drug court participant.
8. Monitoring and evaluation measures will be in place to ensure the achievement of program goals and gauge effectiveness.

\$65,000 from the Supreme Court of Virginia will be used for salaries and benefits. The required local match of \$16,250 (25%) will be used for supplies and other expenses associated with the Drug Court Coordinator position. The local match is provided from City funds previously appropriated for the Drug Court grant.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Faraldi. Vice Mayor Wright stated that he is grateful to the court for making this program functional. It has been a real asset to the community.

Councilmember Wilder asked if the local match was previously appropriated; Ms. Jones replied that it was.

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 Lynchburg Redevelopment & Housing Authority (LRHA), Agenda Item #4, Council considered adopting Resolution #R-21-066 approving the issuance of bonds by the LRHA for the acquisition and rehabilitation of James Crossing Apartments by Waters at James Crossing, L.P. Mr. Richard Hurlbert, Jr., provided Council with a brief summary of the request. On December 8, 2020, City Council Authorized the Lynchburg Redevelopment and Housing Authority to issue bonds to finance a portion of the costs of acquisition and rehabilitation of a 288-unit multifamily housing apartment project and related or ancillary facilities known as James Crossing Apartments, located at 808 Greenfield Drive, Lynchburg, Virginia 24501, in the City of Lynchburg, Virginia. The developer who intends to renovate James Crossing requested the LRHA issue additional bonds, in this case taxable, to assist in completing this project. Similar to the initial issue, City Council must approve this supplemental issue. Neither LRHA nor the City has responsibility for the payment of these bonds as they are a conduit for revenue bonds.

As a member of the housing authority, Councilmember Tweedy confirmed that its members are in unanimous approval of this bond issuance and made a motion for approval. She stated that Waters by James Crossing are committed and will do a great job with the property and it is time for that community to have great things happen. Councilmember Wilder seconded the motion stating that he wants to see some improvements to this property.

Councilmember Nelson stated that the underlying project has not changed, this is only the procedure for getting funds, and none of this will negatively impact the taxpayers or the city's budget and that there is no liability to the public.

Councilmember Wilder asked what the timeframe is for the project. Mr. Hurlbert replied that they received the bond allocation this afternoon. They are still working through some issues with the City

which will hopefully be in front of Council next month. Once those issues are locked down, then it will be a process of documenting the transaction, going back to the housing authority for their approval of documents and terms, and then moving forward to closing. Council's previous approval at its December 8, 2020 Council Meeting for the tax-exempt bonds has a one-year shelf life.

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 Emergency Services, Agenda Item #5, Council conducted a second reading and adopted Resolution #R-21-061 amending the FY 2022 City City/Federal/State Aid Fund budget and appropriating \$12,000 to provide training for Communications Specialists.

Councilmember Faraldi stated that he will not be supporting this motion for the same reasons he did not support it initially.

On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

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

Noes: Faraldi 1

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of appointments for vacancies to the following Boards and Commissions: Youth Services Citizens Board, MLK/Lynchburg Community Council, Board of Zoning Appeals, and Lynchburg Community Action Group, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

Councilmember Helgeson asked to consider changing the makeup of the Youth Services Citizens Board from a 15-member body to a smaller scale board. Mayor Dolan, who is a member of the board, stated that the by-laws state that the board be a 15-member body.

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

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember 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 Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Martin Luther King, Jr./Lynchburg Community Council: Rabbi John Nimon – new 3-year term beginning on August 10, 2021 and ending June 30, 2024.

Youth Services Citizens Board: Ms. Mary Chamberlain – unexpired term beginning August 10, 2021 and ending June 30, 2022; Dr. Cynthia Deutsch – unexpired term beginning August 10, 2021 and ending June 30, 2022; Mr. Farid Jalil – unexpired term beginning August 10, 2021 and ending June 30, 2022; Miss Camille Thornton (youth member) – new 1-year term beginning August 10, 2021 and ending June 30, 2022.

Board of Zoning Appeals: City Council elected to recommend to the court to appoint Mr. Paul Feinman to an unexpired term ending June 30, 2023.

Lynchburg Community Action Group (Lyn-CAG): With the resignation of Councilmember Treney Tweedy from the Lyn-CAG Board of Directors, City Council chose Councilmember Faraldi to serve on the Board of Directors.

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

Noes: 0

// Vice Mayor Wright made the motion to amend the agenda to consider going back into a closed session. Councilmember Helgeson 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

// On motion of Councilmember Faraldi, seconded by Councilmember Nelson, Council, by the following recorded vote, elected to hold a closed meeting to discuss emergency circumstances currently being faced by the Lynchburg Police Department pursuant to Section 2.2-3711(A)(19) of the Code of Virginia, 1950, as amended. With no discussion from Council, the following vote was recorded:

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

Noes: 0

// 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

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 Faraldi, and Council, by the following recorded vote, adopted the motion:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// The meeting adjourned at 9:12 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of September, 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 the City Manager’s Office, Agenda Item #1, City Manager Wynter C. Benda made a few brief introductions including the announcement of the new Director of Human Services, Mr. Preston Sellers.

// In the matter of Community Engagement, Agenda Item #2, Dr. Alison Morrison-Shetlar, President, University of Lynchburg, presented Council with an update on Lynchburg Tomorrow. This initiative is a collaborative project that brings together organizations, nonprofits, agencies, schools, government, faith-based institutions, business and industry, and citizens “to promote a culture that will lead to creating a thriving city.”

// In the matter of City Council – Elections, Agenda Item #3, Council received a presentation from City Attorney Matthew C. Freedman providing feedback on options to revise City Council election dates. Prior to the 2021 General Assembly session, the City was permitted to conduct local elections in May, rather than in November when most other elections occur. For many years, this has been the City’s practice. However, the 2021 General Assembly passed legislation that would require the City, and all other local governments in Virginia, to hold local elections in November. This legislation requires that City Council adopt an ordinance changing local elections from May to November. Mr. Freedman presented two options for this change and requested feedback regarding these options, or another third option as Council may prescribe:

Option 1: Sec. 2-16. How composed; how and when elected; terms of office; vacancies.

- The council of the city shall consist of one body, composed of seven members who are citizens, all electors, over 21 years of age, to be elected at a general election held in November. Four members

of such council shall be elected from wards and three members of such council shall be elected at large.

- At a general election to be held in November 2022, three members of such council shall be elected to serve terms of four years. At a general election to be held in November 2024, four members of such council shall be elected for terms of four years. Thereafter, biennially, there shall be elected alternately three or four members of such council, as the case may be, for terms of four years. The terms of the members of the council shall begin on January 1 following their election. Members of the council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected and qualified to serve.
- The four members of such council elected from the wards shall be elected respectively therefrom and registered voters therewith with one member being elected from each ward.
- If a vacancy occurs in the membership of the council, the majority of the remaining members, respectively, within 45 days of such office becoming vacant, may appoint a qualified elector to fill the vacancy. If the vacancy occurs in a ward, the successor chosen must be a registered voter of that ward. The person so appointed shall hold such office until his successor is elected and has qualified to serve in accordance with state law.

Option 2: Sec. 2-16. How composed; how and when elected; terms of office; vacancies.

- The council of the city shall consist of one body, composed of seven members who are citizens, all electors, over 21 years of age, to be elected at a general election held in November. Four members of such council shall be elected from wards and three members of such council shall be elected at large.
- At a general election to be held in November 2023, three members of such council shall be elected to serve terms of four years. At a general election to be held in November 2025, four members of such council shall be elected for terms of four years. Thereafter, biennially, there shall be elected alternately three or four members of such council, as the case may be, for terms of four years. The terms of the members of the council shall begin on January 1 following their election. Members of the council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected and qualified to serve.
- The four members of such council elected from the wards shall be elected respectively therefrom and registered voters therewith with one member being elected from each ward.
- If a vacancy occurs in the membership of the council, the majority of the remaining members of the council, respectively, within 45 days of the office becoming vacant, may appoint a qualified elector to fill the vacancy. If the vacancy occurs in a ward, the successor chosen must be a registered voter of that ward. The person so appointed shall hold such office until his successor is elected and has qualified to serve in accordance with state law.

Vice Mayor Wright clarified for the public that no one on Council asked for this change to elections; this is action that the state took unilaterally. There is an option to allow City Council to figure out which Novembes, either even years or odd years, but local elections in the state of Virginia must be moved from May to November.

Councilmember Helgeson asked if Council were to take no action, would the elections automatically default to November. He further asked why Council was discussing this now. Mr. Freedman stated that

there is a time limit on when Council has to address this; § 24.2-222.1(A.) of the Code of Virginia states, “No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.” Given at least one election will be in the year 2022, City Council will need to make a decision before the end of the year. Councilmember Helgeson stated that if Council did nothing, the next election would default to November 2022. He asked why this was brought to Council. Mr. Freedman replied that he brought this before Council because the Department of Elections is requiring the change by way of ordinance, and he felt a majority of Council would want to discuss its options for either even or odd year elections.

Councilmember Nelson asked how quickly a charter change would take to go into effect.? Mr. Freedman replied that there are multiple deadlines associated with the Registrar’s Office and the Department of Elections, however, if there is concern when this would go into effect, a timeline could be addressed in the language in the charter, but if this was presented and passed at the General Assembly in January of 2022, it could take effect that July. Councilmember Nelson stated that was his chief concern; this is all contingent upon whether this request is approved. He voiced concerns about moving local elections to the same time as federal elections; national hot-button political issues will compete against local issues. He stated that independent candidates without a major political party’s backing would not stand a chance if federal elections occur at the same time. He commented that Council should move local elections to odd years when state elections are held. He posed a third option; a 5-year super-term that would allow voters, not Council, to decide who they would want in office for that super-term if the charter is changed.

Vice Mayor Wright stated that he is not in favor of extending terms for an extra year and a half. That far exceeds the term length that constituents originally voted their Councilmembers to. He liked Councilmember Nelson’s idea of a third option, but asked if there could be 3-year consolidated term instead of a 5-year super-term.

Councilmember Faraldi had a question regarding Section § 24.2-222.1(D), of the Code of Virginia, “In any city or town that elects its council biennially or quadrennially and that changes to the November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office

shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.” He stated that his interpretation of this section of code is that terms cannot be extended, only shortened. Mr. Freedman responded that if Council chooses to go the route of a charter change, he would word the language so as to account for everything. Councilmember Faraldi stated that he wants to avoid extended terms.

Councilmember Helgeson asked to remove Option 2 that would have extended terms by one and a half years.

Councilmember Nelson stated that Vice Mayor Wright made a good point about a super-term of 5 years or a consolidated term of 3 years. He cautioned that with the lesser term, the learning curve would be too great for a new councilmember and would not be fully effective member to the citizens that elected them. He is in favor of councilmember who is elected by the citizens for a 5-year super term.

Councilmember Helgeson reiterated that Council seems to be in agreement of removing Option 2 and adding an Option 3(a) seeking a charter change for an initial 3-year term with elections in odd years thereafter, and Option 3(b) seeking a charter change for an initial 5-year term with election in odd years thereafter.

Councilmember Faraldi asked what would happen if the charter change doesn't pass the General Assembly. Mr. Freedman responded that this would revert to the default of November elections in even years. Registrar Ms. Christine Gibbons further clarified that she received correspondence from the Virginia Department of Elections that the May 2022 election will stay in the system until they receive an ordinance directing the change from May to November. Councilmember Faraldi asked if staff could be creative in writing the ordinance with some backups foreseeing a charter change; Mr. Freedman responded affirmatively.

// In the matter of Engineering, Agenda Item #4(a), Council received a briefing for the proposed Virginia Department of Transportation (VDOT) Grant Funding Applications for FY 2023. This item was presented for informational and feedback purposes and will come before Council during the September 14, 2021 General Business section.

Mr. Lee Newland, City Engineer, offered Council a summary of the request. During odd numbered years, the Virginia Department of Transportation solicits applications for Revenue Sharing and Transportation Alternatives Program (TAP) funds. While in previous years, Revenue Sharing funds awarded would be available in the subsequent year, due to the COVID-19 pandemic, VDOT has delayed the availability of these funds for several years. For existing projects, the program has been delayed four years, while funds for new projects will be available in six years. TAP funds remain a six-year program.

Staff recommends the following projects for application to Revenue Sharing:

- Previous Revenue Sharing Projects - Due to the delay in funding revenue sharing projects by VDOT, inflationary funds are required for the first four Revenue Sharing projects previously approved by City Council on September 24, 2019.
- Hollins Mill Road and Bikeway Improvements - This project is replacement and enhancement of the bridge on Hollins Mill Road at the Hollins Mill Park located at 521 Hollins Mill Road. There is a low water bridge underneath the Hollins Mill bridge that connects the Blackwater Creek Bikeway with the Point of Honor Trail that constantly requires maintenance to remain safely accessible to pedestrians and bicyclists. This project would replace the bridge and provide bike and pedestrian enhancements when the low water bridge is not available. Additional funding for the project will need to be applied for in future grant funding cycles.

Additionally, staff recommends the following project for application to Transportation Alternative Program:

- Sidewalk at Lynchburg Center for Industry - This project completes one side of sidewalk at the Lynchburg Center for Industry located off of Graves Mill Road. This project is submitted in partnership with Economic Development. Additional funding for the project will need to be applied for in future grant funding cycles.

Funds will not become available until FY 2027 and FY 2028 to begin design and construction. Requires matching funds of 50% for Revenue Sharing and 20% for TAP Requires funding for VDOT review and administrative charges. City Council previously approved original applications at its meeting on September 24, 2019.

Vice Mayor Wright stated that the grant application totals \$5 million total; is that the maximum the City is permitted to seek? Mr. Newland replied that yes, the maximum amount is \$5 million from the City and \$5 million from the state for a total of \$10 million. Vice Mayor Wright asked how these funds are allocated. Mr. Newland replied that it is in the Code of Virginia for revenue sharing projects. Vice Mayor Wright asked if that is regardless of the locality's size to which Mr. Newland replied affirmatively.

// In the matter of Roll Call, Agenda Item #5, Councilmembers Nelson, Helgeson, Faraldi, and Vice Mayor Wright had no items. Councilmember Tweedy referenced a letter she received concerning the Garfield and Tilden Avenue neighborhood regarding issues in that area that she passed on to the City Manager to address. Councilmember Wilder thanked staff for coordinating the 9/11 Memorial Service held on September 10, 2021 at the bottom of Monument Terrace and recognized the veterans who gather weekly to honor those lost in war; he stated that there will be an event geared toward Gen Z talking about their concerns about COVID at Jubilee Family Center on Saturday, September 18, 2021, at 11:00 a.m. Mayor Dolan made a few Parks and Recreation announcements; she also cautioned citizens about the rising COVID cases and asked the public to practice good hygiene, wear masks, and get vaccinated.

// The meeting was recessed at 5:23 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 Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda Item (A), copies of the minutes of the April 27, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, seconded by Vice Mayor Wright, 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 May 11, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, seconded by Vice Mayor Wright, 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 (C), Council conducted a second reading and adopted Resolution #R-21-065 amending the FY 2022 City/Federal/State Aid Fund budget and appropriate \$65,000 to support salary and benefits for the Drug Court Coordinator position during FY 2022. On motion of Councilmember Nelson, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Planning, Agenda Item #6, a public hearing was held and Council considered adopting Ordinance #O-21-067 approving the right-of-way vacation of Railroad Avenue. Ms. Eve Mergenthaler, Planner I, was in attendance and provided Council with a brief summary of the request. Ed Willman, on behalf of Dan Hague, is petitioning to vacate the Railroad Avenue right-of-way, located between F Street and E Street. The right-of-way vacation is proposed as part of a subdivision for the area. The total area of the proposed vacation is approximately one hundred thirty-one thousandths (0.131) of an acre. The area to be vacated includes unimproved, wooded land. The vacation would not impact vehicle or pedestrian access. Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately \$1,000.00.

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.

At its August 10, 2021 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Tweedy 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: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of Public Comment (A), Mr. Victor Thomas who previously signed up to speak was not in attendance.

// In the matter of Public Comment (B), Council heard from citizen Mr. Andrew Glover regarding the Council Work Session item concerning Council elections. He thanked Council for removing Option 2 from consideration, which would extend Council terms for an additional year. Constituents only elect members to serve 4-year terms and extending anything past that would be a violation. He has concerns with the third option of shifting local elections to off-cycle election years because voter turnout will be really low. He asked council to allow for public feedback on the options.

// In the matter of Engineering, Agenda Item #7, Council considered adopting Resolution #R-21-068 in support of an application to the Virginia Department of Transportation (VDOT) to include several projects for the FY 2023 Revenue Sharing and Transportation Alternatives Projects programs. This item was previously discussed during the Business Item Briefing portion of the September 14, 2021 Work Session.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Planning, Agenda Item #8, Council considered adopting Resolution #R-21-069 approving the naming of a private street and new entrance as Poplar Forest Parkway. Ms. Eve Mergenthaler, Planner I, was in attendance and provided Council with a brief summary of the request. Ms. Alyson M. Ramsey, CFRE, President and CEO for Thomas Jefferson's Poplar Forest, is petitioning to name a private street and new entrance as Poplar Forest Parkway. Thomas Jefferson's Poplar Forest is

constructing the new entrance road. It will connect their property in Bedford County to Enterprise Drive in the City of Lynchburg. The roadway will run through 1900, 1950, and 1970 Enterprise Drive. On July 28, 2021, the Planning Commission reviewed the item and recommended approval.

Councilmember Faraldi made the motion to approve the resolution, seconded by Councilmember Nelson. Councilmember Wilder made the disclosure that he sits on the Poplar Forest Board, but maintained that he could remain objective when voting on this motion. With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// The meeting adjourned at 7:42 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of September, 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 the City Manager's Office, Agenda Item #1, City Manager Mr. Wynter C. Benda walked through the items for the night's work session, and introduced the new Director of Human Resources, Ms. Michelle Jackson.

// In the matter of Parks and Recreation, Agenda Item #2, Ms. Jenny Jones presented the initial findings of the Parks and Recreation Needs Assessment and Comprehensive Park Master Plan. The goal of this effort is to collaborate with the Lynchburg community through the community engagement process to design Lynchburg's parks, trail and facilities of the future and identify project priorities and potential funding mechanisms. Community engagement is key to developing a great recreation, parks and trail master plan. To date, engagement on the plan has involved conversations with individual City leaders, City Council and staff interviews, focus groups, stakeholder meetings, "pop-up" events, park and trail tours, public meetings and on-line engagements and survey questionnaires.

Mr. Will Hager, Associate Vice President of Lose Design, and Ms. Barbara Heller, subcontractor with BerryDunn, presented the initial findings of the community engagement portion of the Lynchburg Parks and Recreation Department Needs Assessment. The report included initial findings regarding benchmarking, level of service, park service gap analysis, connectivity analysis, recreation programming, cost recovery, health equity and financial analysis. The final plan draft will be presented later this winter.

Councilmember Faraldi asked Mr. Hager how the obesity and physical inactivity are measured to warrant a rating of "relatively high" in Lynchburg; he responded that this rating was calculated by comparing Lynchburg to state and national figures. Councilmember Faraldi asked if the Whitewater Park idea came from Amherst County or through the community; he replied that this first came through by community input, but then realized through the collection of data that there was a regional effort. Councilmember Faraldi stated that Windsor Hills and Leesville Road have a substantial private park in the area that is used a lot. He wanted to know if the study took into account other private assets within the city to help the park desert scenario. Mr. Hager replied that they consider private assets differently since they are beyond the city's control. They could be a good supplement; however, they should be reviewed on a case-by-case basis. Councilmember Faraldi asked city staff to consider working with private partners to allow for programming in park deserts. Councilmember Faraldi asked staff to explain the comments "compared to other agencies, fewer staff and funding" and what that means from a proper staffing point within the department. Ms. Heller responded that staffing levels for Lynchburg trend low. Councilmember Faraldi requested that staff be mindful of other parks and amenities in the region and asked staff to be strategic in the planning of future park development.

Councilmember Nelson stated that the facilities seem understated. For example, the city has football fields, yet the report states that there are zero. Mr. Hager replied that the inventory reported are for publicly held and dedicated facilities. Lynchburg has the issue that some fields are cross-programmed with other sports.

Councilmember Helgeson stated that he would be in favor of focusing on trails and other amenities that do not require recurring costs.

Councilmember Tweedy asked staff to consider how the city's parks and trails further create an economic flow.

// In the matter of Water Resources, Agenda Item #3, Mr. Tim Mitchell, Director of Water Resources, presented the Lynchburg Water Resources 20 Year Capital Improvement Plan. Water and sewer utilities are very complex and capital intensive. Capital programs must not only address the needs of aging infrastructure but also address future needs associated with growth, development, and community sustainability while meeting ever increasing regulatory demands. Historically, the department has developed a five-year capital improvement program and financial projection. However, given the increasing needs and demands, a longer capital horizon must be considered in order to adequately and affordably address system needs. The department has a number of ongoing efforts to better plan for future needs including: the development of a Water System Master Plan, an update of the Solids Master Plan for the Water Resource Recovery Facility, and the development of an Unsewered Area Master Plan. The presentation provided an overview of the needs and priorities of the Water, Sewer, and Stormwater funds and discussed the fiscal impacts of those needs. Dr. Reid A. Wodicka, Deputy City Manager, reiterated that the presentation is for information only and staff are not requesting Council action at this time.

Several Councilmembers asked Mr. Mitchell to elaborate on the significance of the grading scale, specifically what determines the grade received. Mr. Mitchell replied that the grading scale is subjective but is based upon a certain criteria staff use to assess the condition. The scale does take into consideration the age of every portion of each system as a collective unit.

Councilmember Faraldi stated that overall this is a need for the city, however, he requested staff to leverage all the federal and state money currently available to offset costs so as to not increase more fees and taxes on the citizens.

// In the matter of Planning, Agenda Item #4(a), Ms. Eve Mergenthaler, Planner I, briefed Council on a petition that will appear for City Council vote on the October 12, 2021 Public Hearing section. Doyle Allen of Hurt & Proffitt, Inc., on behalf of DBI Capital Group, LLC, is petitioning to vacate an unopened portion of Manassas Street right-of-way, located between Confederate Avenue and South Street (formerly Valley Street). The right-of-way vacation is proposed as part of the Townes at Locust Thicket subdivision. The total area of the proposed vacation is approximately nine tenths (0.9) of an acre. The area to be vacated includes unimproved, wooded land. The vacation would not impact vehicle or pedestrian access. Based

on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately \$27,000.00.

// In the matter of Planning, Agenda Item #4(b), Ms. Eve Mergenthaler, Planner I, briefed Council on a petition that will appear for City Council vote on the October 12, 2021 Public Hearing section. Doyle Allen of Hurt & Proffitt, Inc., on behalf of DBI Capital Group, LLC, is petitioning to vacate the unopened Poindexter Street right-of-way, located off of Confederate Avenue. The right-of-way vacation is proposed as part of the Townes at Locust Thicket subdivision. The total area of the proposed vacation is approximately seven hundred twenty-eight thousandths (0.728) of an acre. The area to be vacated includes unimproved, wooded land and a storm water drainage easement. The vacation would not impact vehicle or pedestrian access. Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately \$21,800.00.

// In the matter of Finance, Agenda Item #4(c), Mr. Reid Lanham, Accounting Manager, briefed Council on FY 2021 Fourth Quarter and FY 2022 First Quarter Adjustments. This item will appear for City Council vote on the September 28, 2021 General Business section. Fourth Quarter adjustments include adjustments that need to be recorded for the fiscal year end. For FY 2021 adjustments include a correction to the Vehicle Capital Charge, adjust grants to actuals, account for additional revenues received for Children's Services Act Fund services and utilize the Snow and Ice Reserve to refill the salt barns. First Quarter adjustments include amendments to the FY 2022 Adopted Budget to allow CARES funds to be swapped for public safety payroll to fund facility retrofits, the demolition budget to be replenished, funds carried forward by Fire, Police, Human Resources, Parks and Recreation and the Registrar to fund initiatives not included in the budget, and allow the Sheriff's Office to appropriate additional State funds to provide a bonus approved by the General Assembly. Also included is the June 2000 Council approved Information Technology funds transfer, adjust grants to actuals including the Community Development Block Grant, the appropriation of Forfeited Assets by the Commonwealth's Attorney and the Police Department, additional projects to be completed through the Technology Fund, adjust VDOT funding to actuals, appropriate cell tower funds in the Schools Capital Projects Fund, and appropriate Fleet Services funds to replace equipment. Additional Poverty Initiative funds were not adopted in FY 2022. However, with the approval to carry forward the remaining balance Council will need to approve the resolution for the funds to only be spent with the majority vote of City Council.

// In the matter of Roll Call, Agenda Item #5, Councilmembers Nelson, Tweedy, and Helgeson had no items. Councilmember Faraldi commented that today was National Register to Vote Day; he commended the Lynchburg Fire Department on their mutual aid efforts in Campbell County; he asked staff to provide some feedback on the delays occurring in construction on Main Street. Councilmember Wilder commented that there will be a job fairs at both Diamond Hill Baptist Church and Frito Lay on October 2, 2021. Vice Mayor Wright commended the Department of Parks and Recreation on the completion of the Yoder and Fairview Heights Centers; congratulated the organizers of the 2021 Moore & Giles Virginia 4+10 Miler; and announced that Art Alley, located on 11th Street between Commerce Street and the

Bluffwalk, will be opening on October 1, 2021. Mayor Dolan announced that the City of Lynchburg's Public Works Department will be conducting its household hazardous waste and electronic recycling collection; she made a few announcements regarding the Parks and Recreation department; she congratulated those that participated in the Moore & Giles Virginia 4+/10 Miler, including 55 City employees who participated in the run; and she asked citizens to continue wearing face masks, practice social distancing, and consider getting the COVID-19 vaccination if they have not already done so.

// The meeting was recessed at 5:56 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

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, the Mayor proclaimed the week of October 3 – 9, 2021 as Midwifery Week. Ms. Katie Page, CNM, FACNM, and Ms. Leslie Payne, CPM, were in attendance to accept.

Mayor Dolan also proclaimed the week of October 3 – 9, 2021 as Fire Prevention Week. Fire Chief Greg Wormser was in attendance to accept.

// In the matter of Consent Agenda Item (A), copies of the minutes of the April 13, 2021 meeting were pulled pending revisions.

// In the matter of Consent Agenda Item (B), copies of the minutes of the April 19, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, 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 (C), copies of the minutes of the April 20, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, 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 Community Development, Agenda Item #6, a public hearing was held and Council considered adopting Resolution #R-21-070 approving the submission of the Program Year 2020 (FY 2021) Consolidated Annual Performance and Evaluation Report (CAPER). Ms. Melva Walker, Grants Manager, provided Council with a summary of the request. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress towards the housing and community development goals established within the 2020-2024 Consolidated Plan and the PY 2020 (FY 2021) Annual Action Plan. This CAPER is for the period of July 1, 2020

through June 30, 2021. With City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program. A public notice was published in The News and Advance on Friday, September 10, 2021. At its February 11, 2020 meeting, City Council approved the Community Development Block Grant (CDBG) and HOME Program Housing and Non-housing Goals for the 2020-2024 Consolidated Plan and Program Year 2020 (FY 2021) Annual Action Plan. At its June 23, 2020 meeting, City Council approved the Program Year 2020 (FY 2021) Annual Action Plan.

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 asked Ms. Walker to provide some details on why Miriam's House expended such a low number of funds out of the entire grant allocation. Ms. Walker explained that they have a certain criterion they have to use in order to expend these funds, and they also had additional funding from other resources that needed to be expended.

Councilmember Tweedy stated that because she is an employee of one of the organizations receiving the funds, she will abstain from voting.

As Chair of Community Development Advisory Committee, Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder, who also serves on the board.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Abstain: Tweedy	1

// In the matter of Public Comment (A), citizen Laura Hunter reached out to the Clerk of Council prior to the meeting to remove herself from the agenda.

// In the matter of the Economic Development Authority, Agenda Item #7, Council considered adopting Resolution #R-21-071 authorizing the issuance of up to \$275,000,000 in bonds through the Economic Development Authority of the City of Lynchburg for the benefit of Centra Health, Inc. Ms. Marjette Upshur, Director of Economic Development & Tourism, provided Council with a summary of the request. Centra has requested the Authority to issue its revenue bonds in an aggregate principal amount not to exceed \$275,000,000 (the "Bonds"), in one or more series, for the purpose of providing funds for (i) the acquisition, construction, developing and equipping of a new structure at Lynchburg General Hospital to improve and expand patient capacity, which also includes connectivity improvements to link the new structure with existing facilities, (ii) the construction of parking areas and connectivity improvements, (iii) the acquisition, construction developing and equipping of expansion of and improvement to the existing facilities and structures on the Lynchburg General Campus (b) pay certain expenses incurred in connection with the issuance of the Bonds, and the refinancing of previously-incurred debt that financed facilities in Lynchburg and other areas. The Economic Development Authority of the City of Lynchburg, in accordance with Federal and State law, serves as a conduit for the bonds and assumes no financial

responsibility or costs. The Economic Development Authority of the City of Lynchburg has conducted the requisite public hearing and adopted a resolution recommending that City Council authorize the bonds. The issuance of the bonds through the Economic Development Authority of the City places no obligation on the City.

Mayor Dolan disclosed that although she serves on the Centra Health Foundation Board of Directors, she has no personal interest in the outcome of this bond and therefore has no conflict of interest in this matter.

Councilmember Helgeson disclosed that his wife is a member of a group for employees of Centra Health, but he is able to vote on this matter objectively as well. He asked staff if there have been discussions with Centra to accept payment in lieu of taxes. Ms. Upshur replied that she does not know of any current discussions.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Nelson. 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 Finance, Agenda Item #8, Council considered adopting Resolutions (#R-21-072, #R-21-073, and #R-21-074) regarding FY 2021 Fourth Quarter Adjustments and FY 2022 First Quarter Adjustments. Council was briefed on this item during its September 28, 2021 Work Session Business Item Briefing section. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council conducted a first reading of Resolution #R-21-072 amending the FY 2021 Operating Budget and appropriating funds to reflect the FY 2021 Fourth Quarter Adjustments. With no discussion from Council, the following vote was recorded:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

On motion of Councilmember Tweedy, seconded by Vice Mayor Wright, Council conducted a first reading of Resolution #R-21-073 amending the FY 2022 Operating Budget and Capital Budgets and appropriating or rescinding funds to reflect the FY 2022 First Quarter Adjustments.

Councilmember Nelson asked if the First Quarter Adjustments were CARES related, or if they were additional revenues from underestimating collections from taxes. Mr. Lanham replied that the majority is from CARES funding.

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

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council adopted Resolution #R-21-074 stating that FY 2022 General Fund Non-Departmental Poverty Initiative funds may only be spent upon approval by a majority vote of City Council. Deputy City Manager Dr. Reid Wodicka

clarified at the request of Councilmember Helgeson that this motion is to only carryforward funds that were not used with the Poverty Initiative and that these funds are staying with this same project.

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

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

Noes: 0

// The meeting adjourned at 8:07 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of October, 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 the City Manager's Office, Agenda Item #1, City Manager Wynter C. Benda walked Council through the Work Session agenda.

// In the matter of Economic Development & Tourism, Agenda Item #2, Ms. Marjette Upshur, Director of Economic Development & Tourism Director presented Council with the department's new brand campaign, *LYH Loves You*. As part of the implementation of the Blueprint for Opportunity, the department's five-year strategic plan, the Office of Economic Development & Tourism has developed a new brand campaign to promote the City of Lynchburg to businesses, visitors and talent. The campaign will also target residents to build awareness of City assets and community pride. Early in the pandemic, staff reached out to business and community stakeholders who offered that they needed 1) communication and information; 2) focus on key industries and local, placemaking businesses; and 3) positioning the city for talent attraction and investment. Staff worked through a steering committee, focus groups, a visioning workshop and surveys to develop the concept for the campaign. *LYH Loves You* revolves around the citizens, businesses and organizations of Lynchburg and their stories. From print to social to organic promotion, the goal of the campaign is to be a central, positive, engaging message with spokes that reach residents, talent, businesses and visitors to drive visitation, location and investment in the City. Several community leaders and stakeholders, known as Brand Ambassadors, were present at the meeting in support of this new campaign.

// In the matter of City Council – Elections, Agenda Item #3, Council received a presentation from City Attorney Matthew C. Freedman providing feedback on draft ordinances and resolutions that would revise City Council election dates. Changes in Virginia law have made it necessary to move councilmember elections from May to November. Given such changes, City Council should review multiple options to determine how it can comply with such changes in a manner which serves the best interests of the public. Such options include possible changes to councilmember terms, possible holdovers, and possible changes from even to odd year elections. At its September 14, 2021 meeting, Council discussed two possible draft ordinances associated with changes from May to November general election dates. City Council requested (i) one draft be removed (Option 2) that would have caused an extended office holdover (12 months or more) with a change to odd-year general elections, (ii) one draft return for discussion (Option 1 with corrections) that would meet the minimum standards required by Virginia law with elections remaining in even years, and (iii) that two potential charter amendment resolutions be presented for discussion (Option 3(A) & Option 3(B)) which would temporarily authorize three (3) or five

(5) year terms, respectively, create odd-year elections, and avoid extended holdovers greater than 6 months.

Vice Mayor Wright made the motion to approve Option 3 & 3(A), stating that this option makes the most sense of the options presented since Option (1) would align local elections with federal elections, and Option 3(B) of a 5-year super term would be unfair to Lynchburg's citizens. Councilmember Tweedy seconded the motion, stating that moving elections to odd years would ensure local elections are not overshadowed with federal elections and opting for a 3-year term instead of a 5-year term would sit better with constituents.

Councilmember Faraldi asked Mr. David Neumeyer, Chair of the Electoral Board, who was in attendance to comment on the intent of the bill passed at the General Assembly. Mr. Neumeyer replied that he believes the intent was to maximize voter turnout for local elections by aligning them with federal elections. Councilmember Faraldi stated that he does not believe that City Council should decide when local elections are held since this legislation came from the state. The intent of the bill was to increase voter turnout and holding local elections in odd years, in his opinion, would not increase voter turnout.

Councilmember Helgeson stated that in order to change elections to odd years, City Council will have to ask the General Assembly to change Lynchburg's charter. He sees this as an unnecessary change when the charter currently states that its elections will occur in even years. He is in support of Option 1 which would not change the election years or the term-lengths of Councilmembers and effectively leave the charter unchanged, so he is not in support of the motion.

Councilmember Wilder stated he is in favor of the motion because he believes that local elections, and subsequently local issues, would get lost in the federal election cycle.

Councilmember Faraldi stated for the record that it is his intention to stay impartial on this matter given his responsibilities as Delegate Wendall Walker's employee.

Mayor Dolan stated that holding local elections in odd years would provide for a more informed voter to local issues and feels comfortable supporting the motion that supports informed voters going to the poll versus one that will merely increase voter turnout.

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

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder	5
Noes: Helgeson, Faraldi	2

After the vote, Council came to a consensus that directed Mr. Freedman to prepare the resolution without naming a sponsor for the charter change.

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting to discuss the appointments to the following Boards and Commissions: Lynchburg Redevelopment & Housing Authority, Social Services Advisory Board, Transit Company Board of Directors, and Youth Services Citizens Board pursuant to Section 2.2-3711(A.)(1) of

the Code of Virginia, 1950, as amended. With no discussion from Council, the following vote was recorded:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// 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

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
Noes:		0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Lynchburg Redevelopment & Housing Authority (LRHA): there were no appointments made at this time. Council elected to have Mr. Turner Perrow, whose term expired on September 30, 2021, holdover his membership until the LRHA could close on a pending bond.

Social Services Advisory Board: Mr. Gregory Robey – appointed to a new 4-year term effectively immediately and expiring on September 30, 2025.

Transit Company Board of Directors: – Ms. Mary-Winston Deacon – reappointed to a 3-year term expiring October 31, 2024; Ms. Cameron Howe – reappointed to a 3-year term expiring October 31, 2024; Ms. Holly Trent – appointed to an unexpired term effective immediately and expiring on October 31, 2022; Mr. Randy Woods – appointed to a new 3-year term effective immediately and expiring on October 31, 2024.

Youth Service Citizens Board: Dr. Caroline Wilson – appointed to an unexpired term effective immediately and expiring on June 30, 2022; Ms. Krystal Grant – appointed to a new 3-year term effectively immediately and expiring June 30, 2024; Miss Kori Randolph – appointed to a new 1-year youth membership term effective immediately and expiring on June 30, 2022.

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of Roll Call, Agenda Item #5, Councilmember Nelson had on items. Councilmember Tweedy asked City Manager Mr. Wynter Benda to address a citizen concern that she would relay the details of in an email. Councilmember Helgeson asked to reconsider how City Council handles the fund balance returns from the Lynchburg City Schools in general, but also as a way to address compression issues in the police department. Councilmember Faraldi announced it was Police Week and commented on the events honoring the department; he asked for an update on refuse collection and the delays that have been happening with the new collection schedule; he commented that the deadline to register to vote is today. Councilmember Wilder commented on a fire fighters memorial service that was held the past weekend; he commented on a breast cancer awareness event hosted by Lynchburg City Schools; he commented on the grand reopening for the Yoder Center; he stated that he and Clerk of Council Ms. Alicia L. Finney recently graduated from Citizens Police Academy and commended the department for a great program; he asked the City Manager to look at the compression issues for all hard-to-fill positions across the City; he also requested a joint meeting with the LCS School Board. Vice Mayor Wright had no items. Mayor Dolan thanked City Manager Mr. Wynter Benda and Deputy City Manager Dr. Reid A. Wodicka for working diligently to restore power to several street lights within the city.

// The meeting was recessed at 5:25 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 Tweedy gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan proclaimed the month of October as Domestic Violence Awareness Month. Ms. Stephanie Andrews, YWCA, Chief Executive Officer, Pro Tem, was in attendance to accept the proclamation.

Mayor Dolan also proclaimed October 13 – 17, 2021 as National Police Week. Police Chief Ryan Zuidema was in attendance to accept the proclamation.

// In the matter of the Consent Agenda Item (A), Council conducted a second reading of Resolution #R-21-072 amending the FY 2021 Operating Budget and appropriating funds to reflect the FY 2021 Fourth Quarter Adjustments. Councilmember Helgeson asked staff if the second reading could be tabled so that staff could prepare a proposal on how to use these funds to address compression issues in public safety. Deputy City Manager Dr. Reid A. Wodicka replied that these funds are nonrecurring funds and staff would not suggest these be used for salaries. 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 the Consent Agenda Item (B), Council conducted a second reading and adopted Resolution #R-21-073 amending the FY 2022 Operating Budget and Capital Budgets and appropriating or

rescinding funds to reflect the FY 2022 First Quarter Adjustments. 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 the Consent Agenda Item (C), copies of the minutes of the May 25, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, 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 (D), copies of the minutes of the June 2, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, 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 (E), copies of the minutes of the June 8, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, 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 (F), copies of the minutes of the June 22, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, 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 (G), copies of the minutes of the June 23, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, 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 Planning, Agenda Item #6, a public hearing was held to receive citizen input on the adoption of Ordinance #O-21-075 approving the right-of-way vacation of a portion of Manassas Street. This item was presented to City Council at the September 28, 2021 meeting under Business Item Briefings.

Mr. Doyle Allen with Hurt & Proffitt was in attendance to provide Council with a presentation in favor of the petition.

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, seconded by Councilmember Wilder. With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// In the matter of Planning, Agenda Item #7, a public hearing was held to receive citizen input on the adoption of Ordinance #O-21-076 approving the right-of-way vacation of Pointdexter Street. This item was presented to City Council at the September 28, 2021 meeting under Business Item Briefings.

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, seconded by Councilmember Tweedy. With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// The meeting adjourned at 7:53 p.m.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of October, 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, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder,	
Chris Faraldi	6
Absent: Jeff Helgeson	1

// In the matter of the City Manager's Office, Agenda Item #1, City Manager Wynter C. Benda walked Council through the Work Session agenda.

// In the matter of the City Manager's Office, Agenda Item #2, City Manager Wynter C. Benda reviewed the 2022 Legislative Agenda. Mr. Benda identified the top 3 priorities as: specific action to revise Emergency Custody Order/Temporary Detention Order (ECO/TDO) legislation; reversion of the Virginia Department of Transportation Revenue Sharing program schedule to pre-COVID practices to better reflect the City's needs; City Charter Changes relating to City Council elections schedules.

Councilmember Faraldi asked Police Chief Mr. Ryan Zuidema how revising the ECO/TDO legislation would affect staffing issues. Chief Zuidema replied that it is not uncommon to have 3-7 police officers on any given shift be tied up for the duration of their shift sitting with mental health patients, leaving very few officers available to patrol the city. By law, the department is mandated to respond to these calls, so it's imperative that this piece be in the legislative agenda. Councilmember Faraldi posed to Council the idea of writing a joint letter in support of this item.

Councilmember Tweedy asked that Lynchburg's delegates be briefed on this item so as to better understand the importance of this request is to the city.

Councilmember Nelson stated that in the past, a police officer's involvement was limited and they would not have been sitting with a mental health patient because the hospital security protected the patient. He asked what caused the disqualification of hospital security and made a sworn police officer do sit with patients instead. Chief Zuidema stated that one of the causes was a liability issue dealing with patients with a court order.

In regards to the rest of the Legislative Agenda, Councilmember Faraldi asked for the following revisions be made to the document:

- Alter the language regarding Transportation to reflect the many needs of the city.
- Include language describing the intent of the charter change, which is to move local elections off of the federal election cycle, as opposed to a technical change

// In the matter of City Council - Elections, Agenda Item #3(a), City Attorney Mr. Matthew Freedman briefed Council on its options for addressing the recent legislation adopted during the 2021 session of the General Assembly which will move City Council elections from May to November beginning in 2022. On October 12, 2021, City Council chose to 1) seek a charter amendment to create one-time three (3) year terms for the November 2022 Councilmember elections and create one-time three (3) year terms for the November 2024 Councilmember elections, revert back to four (4) year terms thereafter, and hold odd

year November elections thereafter; and 2) adopt an uncodified ordinance to ensure the standards of the Virginia Department of Elections are met and that the req(s). of Va. Code § 15.2-1400 are met while the said charter amendment is sought. A public hearing regarding the proposed charter amendment will be held on November 9, 2021.

// In the matter of Public Works, Agenda Item #3(b), Ms. Gaynelle Hart, Director of Public Works, briefed Council on a grant awarded from the Department of Forestry to assist with response to the infestation of Spotted Lanternfly. This item will appear for City Council vote on the November 9, 2021, General Business. Spotted Lanternfly (SLF) is an invasive planthopper insect first detected in the United States in Pennsylvania in 2014. As of July 2021, SLF is present in 15 states and has infestation-level populations in 9 states, including Virginia. Frederick County and Winchester City have been under State quarantine for SLF since 2019. Warren and Clark Counties were quarantined in March of 2021. When traveling out of quarantined area businesses are required to obtain a permit as well as inspect vehicles, trailers and loads to prevent the spread of the insect. The Virginia Department of Agriculture and Consumer Services (VDACS) found an isolated population in Lynchburg on June 4, 2021.

The insect poses a threat to both the agriculture and landscape industry including trees on City right-of-way and parks. It produces a sticky "honey dew" that covers cars, decks and sheds and often results in the decline of infested trees. They feed in clusters that look unseemly and disturbing and have the potential to be a nuisance to homeowners when present in high numbers. Potential impacts to City operations include: requirement to educate employees on SLF on how to stop the spread; additional equipment inspections, especially for vehicles traveling beyond the City limits; increased call volume from citizens complaining about the SLF on City owned properties as well as inquiring about how to stop the spread and insect treatment on City trees.

The City has been awarded a grant in the amount of \$20,000 from the Virginia Department of Forestry to hire an hourly employee to assist with providing a comprehensive response to the Spotted Lanternfly infestation that includes treatment and eradication of SLF on City- owned property along with training staff and citizen education and outreach. Funds in the FY 2022 Public Works Department General fund budget will be used to provide the match.

Vice Mayor Wright asked for clarification on whether the City is under quarantine at this point or if this is just to accept the grant. Ms. Hart replied that this is just to accept the grant and explained under Virginia State Code Section § 3.2-703, the Virginia Department of Agriculture and Consumer Services has the authority to place localities under quarantine and controlling the SLF issue will help the city to not go into quarantine.

// In the matter of Planning, Agenda Item #3(c), City Planner Mr. Tom Martin briefed Council on a petition for a Conditional Use Permit to allow the construction of an oil change facility at 8209 & 8213 Timberlake Road. Quick Lube of Carolina is petitioning for a CUP to allow the construction of an oil change facility in a B-3, Community Business District. The subject property is two (2) tracts of approximately ninety-seven hundredths (.97) acres located at 8209 & 8213 Timberlake Road. The property borders the City boundary

line with Campbell County. The Planning Commission recommended approval (6-0, with 1 member absent, Bowden) of the CUP petition. This item will come before City Council for action at its November 9, 2021, Public Hearing meeting.

Councilmember Faraldi stated that he is not opposed to the use of the land in this CUP, however, this area continues to be subject to heavy congestion and he asked Council to be mindful of how each development of this part of town impacts the city.

// In the matter of Planning, Agenda Item #3(d), City Planner Mr. Tom Martin briefed Council on a rezoning petition. Stud Muffins, LLC is petitioning to rezone 1619, 1701 12th Street & 1114 Buchanan Street from I-2, Light Industrial District, B-5, General Business District & R-3, Medium Density Residential District to B-4, Urban Commercial District. If approved the existing building would be renovated into twenty-four apartments with associated parking. The Planning Commission recommended approval (6-0, with 1 member absent, Bowden) of the rezoning petition. This item will come before City Council for action at its November 9, 2021, Public Hearing meeting.

// In the matter of Economic Development, Agenda Item #3(e), Ms. Marjette Upshur, Director of Economic Development & Tourism, briefed Council on a sale of City-owned property at 317 Hancock Street. The City-owned property at 317 Hancock Street is a vacant lot totaling approximately ninety-eight hundredths (0.98) of an acre. The City has owned the property since 1997 and the current assessed value is \$45,000. The City advertised this property as being for sale with signage at the site, a listing through the Multiple Listing Service (MLS) since May 26, 2021 and by notice of public hearing. The City received an offer from Calfee & Hansen, LLC to purchase the property for the sum of \$39,000 subject to a soil, site, engineering, and/or environmental studies to determine the suitability of the Property for the Purchaser's intended use. The Purchaser's intent is to build a Commercial/Residential development as permitted under the existing Zoning and Historical District regulations. This item will come before City Council for action at its November 9, 2021, Public Hearing meeting.

Mr. Matthew Freedman, City Attorney, clarified that the approving document that will be included in the packet during this item's public hearing will be in the form of an ordinance and it will require two readings.

// In the matter of Roll Call, Agenda Item #4, Councilmembers Nelson, Tweedy, and Faraldi had no items. Councilmember Wilder commended the Fire Department for responding to a fire on Cabell Street; he asked staff to provide information regarding several gunshots that were fired in the downtown area. Vice Mayor Wright had no items. Mayor Dolan announced that the Economic Development & Tourism Department has partnered with JobsEQ to bring Lynchburg job seekers a Real-Time Intelligence view of the Lynchburg region's hiring landscape.

// There was a general consensus from City Council to amend its agenda and move Agenda Item #8 regarding a closed session before Council recessed from its Work Session. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting to discuss the appointment of a city employee to the Board of Directors of the Region 2000

Services Authority, and; to discuss a City franchise which will potentially dispose of City real estate by lease to Freedom Aviation, Inc., an affiliate of Liberty University pursuant to Sections 2.2-3711(A.)(1) and 2.2-3711(A.)(3) of the Code of Virginia, 1950, as amended. pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, as amended.

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

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi	6
Noes:	0
Absent: Helgeson	1

Councilmember Helgeson joined the closed session shortly after the vote was recorded.

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

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

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

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

The motion was seconded by Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote adopted Resolution #R-21-077 retroactively appointing Dr. Reid A. Wodicka to the Region 2000 Services Authority for a term beginning on September 8, 2020 and expiring on June 30, 2022.

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// The meeting recessed at 5:16 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 the Consent Agenda Item (A), copies of the minutes of the April 13, 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 (B), copies of the minutes of the June 29, 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 (C), copies of the minutes of the July 13, 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 Fire Department, Agenda Item #5, Council considered approving Resolution #R-21-078 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$15,300 to purchase laptops carried on EMS apparatus for the Fire Department. Fire Chief Greg Wormser provided Council with a summary of the request. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services. As a result of the statewide contract change to ESO Electronic Health Record (EHR) reporting software, the Fire Department has been awarded RSAF grant funds to replace the remaining cache of Microsoft Surface Pro reporting tablets with Dell Latitude 5420 Rugged laptops. The grant requires a local match. The Fire Department applied and was awarded funds under a 50/50 match. With a total cost of \$15,300, the required local match is \$7,650. The match will be funded from the FY 2022 General Fund Fire Department budget.

At its October 26, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson 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:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of the Police Department, Agenda Item #6, Council considered approving Resolution #R-21-079 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$26,250 to facilitate speed enforcement activities. Police Chief Ryan Zuidema provided Council with a summary of the request. The Department of Motor Vehicles Highway Safety Program has awarded the City a \$17,500 grant for speed enforcement activities. The grant excludes reimbursement of Medicare and Social

Security benefit costs associated with the allotted overtime; however, funding of \$1,339 is available for transfer from the FY 2022 Police Department General Fund budget to cover this expense. The grant agreement includes an in-kind match of \$7,411 in police equipment and services from the department's fuel and vehicle maintenance services budget.

At its October 26, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson 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:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of the Police Department, Agenda Item #7, Council considered approving the Resolution #R-21-080 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$58,785 to facilitate selective enforcement activities, equipment, and training. Police Chief Ryan Zuidema provided Council with a summary of the request. The Department of Motor Vehicles (DMV) Highway Safety Program has awarded the City a \$39,190 for selective DUI activities, alcohol testing equipment, and annual DMV grant-related training. The grant excludes reimbursement of Medicare and Social Security benefit costs associated with the allotted overtime; however, funding of \$2,678 is available for transfer from the FY 2022 General Fund Police Department budget to cover this expense. The grant agreement includes an in-kind match of \$16,917 in police equipment and services from the department's fuel and vehicle maintenance services budget.

At its October 26, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson 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:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

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

Clerk of Council

November 9, 2021

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of January, 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 the City Manager's Office, Agenda Item #1, City Manager Mr. Wynter C. Benda provided Council with an update on his first ninety days at the organization.

// In the matter of Central Virginia Planning District Commission (CVPDC), Agenda Item #2, Mr. Gary Christie, Executive Director of CVPDC, presented Council with the organization's 2021 Annual Report. The CVPDC works to provide services for its member localities and identify and develop opportunities for coordination among the region's local governments, facilitating collaboration among local governments in addressing challenges and opportunities of greater-than-local significance. The 2021 Annual Report covered the work being done by the CVPDC in the fields of environment, public safety, community development, economic development, workforce, and transportation.

// In the matter of Virginia Career Works, Agenda Item #3, Ms. Traci Blido, Executive Director, and Mr. Tim Saunders, Business Engagement and Outreach coordinator, presented Council with an update from the Central Virginia Workforce Development Board (WDB). The WDB is the designated regional convener and administrative entity that coordinates workforce training and career services through federal funding from the Workforce Innovation and Opportunity Act (WIOA). The organization is charged with overseeing and implementing workforce development initiatives and activities throughout the Virginia Career Works Central Region.

// In the matter of the Museum and Parks and Recreation, Agenda Item #4, Mr. Ted Delaney, Museum Director, and Mr. Ricky Kowalewski, Community Market Manager, presented Council with a list of upcoming community events offered by the City of Lynchburg, local businesses and nonprofits.

November 9, 2021

// In the matter of the City Manager's Office, Agenda Item #5, City Manager Mr. Wynter C. Benda reviewed the draft 2022 Legislative Agenda with the provided input from Council at its October 26, 2021 Work Session.

Councilmember Helgeson asked Council to consider removing the City's Charter change for elections from the legislative agenda, citing that since the City's local delegation was not willing to carry the request to the General Assembly, that the City should align its wants with the campaign that the delegation ran on. He also asked Council to consider removing the language regarding Poverty Reduction, Community Wealth Building/Public Housing Redevelopment, Early Childhood Education, and Affordable Housing. He asked Council to consider adding language in support of a charter school pilot program. He asked for clarification on where the Tourism Improvement District would be and if it would include the entire city. Ms. Marjette Upshur, Director of Economic Development and Tourism clarified that this supports the ability to have a Tourism Improvement District and that the district lines would have to be decided by the locality.

Mayor Dolan disagreed stating the delegation represents a region and Council should be looking to the needs of the local community rather than the platform the delegation ran on.

Councilmember Tweedy stated that she is not in support of removing the language of Poverty Reduction, Community Wealth Building/Public Housing Redevelopment, Early Childhood Education, and Affordable Housing. She asked staff to bring back language expanding the definition of workforce housing.

Councilmember Faraldi stated that he would like to articulate items in the agenda that will align with the local delegation. He also asked staff to bring back language regarding charter schools for Council to consider.

Vice Mayor Wright stated that he understands Councilmember Helgeson's point of finding items to which Lynchburg aligns with the local delegation, however, he emphasized that this is Lynchburg's legislative agenda and should reflect the interests of city and not of the legislatures.

November 9, 2021

// In the matter of Planning, Agenda Item# 6(a), City Planner Mr. Tom Martin briefed Council on a petition from Rick Barker Properties to rezone six and ninety-nine hundredths (6.99) acres at 2001 & 2003 Enterprise Drive from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the use of existing office space for pediatric therapy services while maintaining the continued use of warehousing and distribution. The Planning Commission will review the item on November 10, 2021 and will appear for City Council action at the December 14, 2021 Public Hearing section.

// In the matter of Roll Call, Agenda Item #7, Councilmember Nelson had no items. Councilmember Helgeson stated that since the City is experiencing a surplus of revenues, that he would like the administration to explore implementing a one-time rebate program to citizens. Councilmember Tweedy stated that with the surplus, she would like to explore the City's competing needs. Councilmember Faraldi commended the Fire Department for its promotional ceremony; he also asked for an update regarding the Main Street construction timeline. Councilmember Wilder commended the Fire Department for its promotional ceremony; he also asked the community to support both local businesses and frontline workers by shopping locally and gifting them to the community's essential workers; he announced that there will be a COVID and flu vaccination event open to the public at the Jubilee Center on Saturday, November 13, 2021 at 11:00 a.m.; he announced that Leland Melvin will be inducted into the Virginia Aviation Hall of Fame; he brought awareness to the local fundraiser *Mustaches 4 Kids*. Vice Mayor Wright thanked the Registrar's Office, election administrators, and poll workers for their work during the past election; he asked the community to consider getting the COVID booster shot. Mayor Dolan made announcements regarding the Museum and Visitor Services updates hours; she made a few announcements from the Parks and Recreation department; and recognized Lynchburg Fire Captain Candace Brown for receiving the Governor's Award for Outstanding Pre-hospital Provider.

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting to discuss the acquisition or disposal of real estate in the City for a PPEA project; and to discuss an appointment to the Lynchburg Redevelopment & Housing Authority, pursuant to Section 2.2-3711(A)(3) and Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

November 9, 2021

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

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

Noes: 0

// 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

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Lynchburg Redevelopment & Housing Authority: Ms. Davina Bare appointed to a new 4-year term effectively immediately and expiring on September 30, 2025.

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

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Noes: 0

// The meeting was recessed at 6:39 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 Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan proclaimed the week of November 7, 2021 – November 13, 2021 as Nurse Practitioner Week. Ms. Gabrielle Crawford, NP-C, was in attendance to accept the proclamation.

Mayor Dolan also proclaimed November 27, 2021, as Small Business Saturday. Ms. Marjette Upshur, Director of Economic Development & Tourism, was in attendance to accept the proclamation.

Mayor Dolan recognized the Lynchburg Parks and Recreation Department for receiving several Virginia Park and Recreation Society Awards. Ms. Jenny Jones, Director of Parks and Recreation was in attendance and provided brief remarks.

// In the matter of the Consent Agenda Item (A), Council conducted a second reading and adopted Resolution #R-21-078 amending the FY 2022 City/Federal/State Aide Fund budget and appropriating \$15,300 to purchase laptops carried on EMS apparatus for the Fire Department. On motion of Councilmember Helgeson, seconded by Vice Mayor Beau Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item (B), Council conducted a second reading and adopted Resolution #R-21-079 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating

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\$26,250 to facilitate speed enforcement activities. On motion of Councilmember Helgeson, seconded by Vice Mayor Beau Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item (C), Council conducted a second reading and adopted Resolution #R-21-080 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$58,785 to facilitate selective enforcement activities, equipment, and training. On motion of Councilmember Helgeson, seconded by Vice Mayor Beau Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item (D), copies of the minutes of the August 10, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Vice Mayor Beau Wright, 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 (E), copies of the minutes of the September 14, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Vice Mayor Beau Wright, 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 Planning, Agenda Item #9, a public hearing was held and Council considered adopting Resolution #R-21-081 approving a Conditional Use Permit (CUP) to allow the construction of an oil change facility at 8209 & 8213 Timberlake Road. At its September 22, 2021 meeting, the Planning

November 9, 2021

Commission recommended approval (6-0, with 1 member absent, Bowden). This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

Mr. William Shewmake of Woods Rogers PLC, on behalf of Quick Lube of Carolina Timberlake, LLC, provided Council with a brief presentation in support of the petition. He cited that a traffic analysis was conducted for this site and found that this is an extremely low traffic generator.

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 Helgeson made the motion to approve the resolution. Councilmember Faraldi seconded the motion, stating even though this is a low traffic generator, the intersection associated with Timberlake Road and Laxton Road is intense leading to the use of Wood Road and Mountainview Drive as cut-throughs. He asked for the record for Council to be mindful of traffic issues with future development in this corridor.

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

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

Noes: 0

// In the matter of Planning, Agenda Item #10, a public hearing was held and Council considered adopting Ordinance #O-21-082 approving the rezoning of 1619 12th Street, 1701 12th Street, and 1114 Buchanan Street to renovate the existing building into twenty-four apartments. This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

Mr. Jamey White of White Engineering and Design, Inc. made a presentation to Council in support of the petition. He stated that this property is an existing building and is in the process of obtaining historical recognition. The project will also improve the existing gravel parking lot and renovate another lot to add additional parking, for a total of 24 off-street parking spaces, but may expand to add additional on-street parking on Buchanan Street, but will work with the City's traffic engineering department. Mr. White stated that the properties are currently mixed with different zoning and they are

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requesting to rezone each to B-4 zoning to have some flexibility with landscaping, parking, and buffer requirements.

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 a motion to approve the ordinance, stating that this is an important historical building on 12th Street and is excited to see it being restored and being converted to more housing units. Councilmember Tweedy seconded the motion stating this property is a great space for residential use.

Councilmember Faraldi stated that he is glad to see this project happening, however, Council has previously had some reservations about using B-4 zoning as residential and not business.

Councilmember Helgeson commented that usually with rezoning, a site plan is included in the proffers but there was not one included in this petition. He asked City Planner Mr. Tom Martin if there are any drawings or plans associated with this development. Mr. Martin explained there was a site plan that was submitted with the petition but the petitioner chose not to proffer the site plan. Councilmember Helgeson requested confirmation that the development will not be Section 8 housing but rather full rent. Mr. Martin replied that he believes that to be the case.

Councilmember Wilder asked how many bedrooms are there in one unit. Mr. White replied that these units will be one-bedroom apartments.

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

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

Noes: 0

// In the matter of Economic Development, Agenda Item #11, a public hearing was held and Council considered adopting Ordinance #O-21-083 authorizing the City Manager to sell 317 Hancock Street. This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

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Mr. Daryl Calfee, a Lynchburg business owner and purchaser of the property, spoke in favor of the sale of the property stating he hopes to develop the parcel to bring commerce and life to the area.

Ms. Gina Smith spoke in opposition of the sale stating that this property is assessed at a significantly higher value than the property she owns at 311 F Street. Mayor Dolan directed City Manager Mr. Wynter C. Benda to follow up with the resident.

There was no one else 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 Helgeson stated that this property is being sold for fair market value and this will hopefully increase the property value in the surrounding area. He also commented that he would be in favor of identifying more property the City has no use for that can be sold for fair market value.

Councilmember Wilder made a motion to approve the ordinance, seconded by Vice Mayor Wright.

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

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

Noes: 0

// In the matter of the City Charter, Agenda Item #12, a public hearing was held and Council considered adopting Resolution #R-21-084 requesting an amendment and reenactment of Section 5 of Chapter III of the City's charter regarding the general elections. This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

Mayor Dolan opened the floor for anyone to speak in favor. Dr. Michael Gillette stated that he considers it dangerous to have local issues discussed during a federal election where they could be drowned out; local government is the most important form of government and it would not be good for local democracy. Dr. Owen Cardwell stated that aligning local elections with presidential elections would subsume local issues and concerns to political issues and moving elections to odd years would help alleviate that problem. Ms. Nicole Sanders stated that she enjoys being able to get to know the elected

November 9, 2021

officials and their campaigns and fears this aspect would be lost if elections are held during the federal cycle. Mr. Bert Dodson stated that requesting the General Assembly go through with the City's Charter change would be the best for future generations of City Councilmembers. Mr. Caesar Johnson stated the underrepresented communities' voices won't be heard if local elections are held during a national election. Mr. Daniel Tuck stated that the competitiveness between candidates for vying for the same seat would be overshadowed by national elections. Mr. Jeffery Rosner stated that there has been a real loss of civility among national elections and if the local elections are scheduled in odd numbered of years, the community stands a better chance of avoiding a loss of civility.

Mayor Dolan opened the floor for anyone to speak in opposition. Mr. John Vassar stated the State government wanted to synchronize presidential elections with local elections so Lynchburg should follow suit. Mr. Andrew Glover stated that changing the Charter to hold elections in odd years would result in voter suppression. Ms. Stephanie Reed stated that she has not heard a community outcry on this matter, but has for public safety employee retention and thinks Council should focus on that.

There was no one else 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 Nelson stated he disagrees but understands why the General Assembly moved all general elections from May to November. At this point, City Council has no choice in that decision. He expressed his concerns of federal elections overshadowing local elections if they were to be conducted in the same year. He emphasized that local elections require an informed voter to those local issues.

Councilmember Helgeson expressed his reservations about changing the City's Charter and stated that he will not be supporting the resolution directing that change. He commented that he would like to see more voters show up at the polls. He was not comfortable asking the City's General Assembly delegation to fight against the same people who first moved the elections.

Councilmember Faraldi stated that he agrees that federal politics should not influence local issues, however, the media will still cover local issues. He does not agree that personal preferences particularly of incumbency should dictate to the voters when elections and reelections are. The proposal

would be contrary to the previous actions of the General Assembly. The proposal would result in lower voter turnout. Therefore, he is not in favor of a Charter change especially if it has not been asked for by the public.

Councilmember Tweedy stated that she wants to keep Lynchburg first and urged Council to make bold decisions. She stated that she wants informed voters, and although federal elections sometimes affect what happens locally, federal candidates are not sitting in Council's seats and talking to the community to know what's important to the community.

Councilmember Wilder stated he didn't want local issues to be lost in federal elections and that it is damaging to allow politics to enter into local issues.

Vice Mayor Wright stated the issue before Council is to decide whether Council wants to align local elections with federal elections or with state elections. He reiterated that this will not benefit any of the members currently elected. If any of the members choose to run again, the next election will be in even years [2022] and then the following cycle would revert to odd years. Federal elections will subsume local elections and local issues will be lost to politics. He stated that the incentive structure will change and candidates would have an incentive to run as a party and not as an independent candidate who only has an interest in doing what is right for Lynchburg. He made the motion to approve the resolution, seconded by Councilmember Nelson.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-084:

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

Noes: Helgeson, Faraldi 2

// In the matter of Public Comment, Agenda Item (A), citizen Mr. James Crawford spoke to Council regarding neighborhood safety concerns on Buchanan Street. He made Council aware of the disorderly conduct he often observes and provided the Clerk of Council with a copy of a Computer Aided Dispatch (CAD) report with a summary of the calls for service from 2019 to present for 1107 Buchanan Street and

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1023 Buchanan Street. Mayor Dolan requested staff to follow up with Mr. Crawford regarding his concerns.

// In the matter of Public Comment, Agenda Item (B), citizen Mr. Jamie Maxwell who previously signed up to speak, reached out to the Clerk of Council prior to the meeting to be removed from the agenda.

// In the matter of Public Works, Agenda Item #13, Council conducted its first reading of Resolution #R-21-085 approving a grant awarded to assist with response to the infestation of Spotted Lanternfly. This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no discussion from Council, the following vote approving the motion was recorded:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of City Council, Agenda Item #14, Council considered adopting Ordinance #O-21-086 approving the change of May general elections to November to ensure compliance with Virginia law. This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

Councilmember Wilder made the motion to adopt the ordinance, seconded by Councilmember Nelson. With no discussion from Council, the following vote to approved the ordinance was recorded:

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// The meeting adjourned at 9:27 p.m.

Clerk of Council

November 9, 2021

November 16, 2021

// An additional joint meeting of the Council of the City of Lynchburg and its local delegation was held on the 16th day of November, 2021, at 6:00 P.M. at the University of Lynchburg, MaryJane Dolan, President, presiding. The following members of City Council were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder,	
Chris Faraldi	7
Absent: J. Randy Nelson	1

// The following local legislatures were present:

Present: Steve Newman (Senate of Virginia, District 23), Mark Peake (Senator of Virginia,	
District 22), Wendell Walker (Virginia House of Delegates, District 23)	3
Absent: Kathy Byron (Virginia House of Delegates, District 22)	1

// Councilmember Wilder gave the Invocation, followed by a dinner served in the Drysdale Student Center of the University of Lynchburg.

// Ms. Kelly Harris-Braxton, Executive Director, Virginia First Cities, and Mr. Jim Regimbal, Policy Analyst, Fiscal Analytics, LLC, provided Council and the delegation with a presentation on why the State's General Fund Revenues have been stronger than expected. The presentation also included a look at how Virginia's current economy compared to prior, pre-pandemic years, as well as provided a breakdown of Direct Program Aid allocations from ARPA funding. Mr. Regimbal also discussed the proposed tax reform and how eliminating the 2.5% grocery tax would impact localities.

// Senators Newman and Peake and Delegate Walker were afforded the opportunity to give remarks regarding the upcoming General Assembly session.

// The meeting adjourned at 7:30 p.m.

Clerk of Council

December 14, 2021

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of December, 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, Sterling A. Wilder,	
Chris Faraldi	6
Absent: Treney Tweedy	1

// In the matter of Finance, Agenda Item #1, Chief Financial Officer Ms. Donna Witt and Mr. Chris Banta, Brown Edwards, LLC, presented the Comprehensive Annual Financial Report conducted by Brown Edwards, LLC, the City's external auditing firm. Mr. Banta explained that there are four phases of the audit which resulted in only one immaterial finding from Lynchburg City Schools pertaining to late funding received from the CARES Act and the inability to update the budget based on the timing of the receipt of that transfer of funding.

Councilmember Nelson asked a question regarding the finding from the schools; his understanding was initially the CARES funding came to the City and the expenses were placed on the City's ledger. It was until after the fact that it was determined that the better procedure would have had the school board adopt the expenses as a school expense rather to the city. How would either the schools or the city have known before the year ended what they should have done if they were not given any regulation, policy, or procedure. Mr. Banta stated the City could not have known the proper protocol at that time, so no harm, no foul.

Councilmember Helgeson stated that since the reports are for the prior year, there has not been much CARES or ARPA funding accounted for in the reports. Mr. Banta explained that the funds that are not spent are not on the activity statement but are on the balance sheet. Councilmember Helgeson asked if next year it will show up; Mr. Banta replied that was correct.

// In the matter of African American Cultural Committee, Agenda Item #2, Deputy City Manager Dr. Reid Wodicka, Director of Communications and Public Engagement Ms. JoAnn Martin, and African American Cultural Committee Chair Ms. Pat Price presented Council with a report from the committee. On several

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occasions over the last 30 years, City Council has discussed renaming Fifth Street in honor of Dr. Martin Luther King, Jr. This conversation was renewed during the spring of 2021, and City Council directed City staff to engage in a public campaign to solicit feedback from the community for perspectives on both the idea of renaming Fifth Street and other potential ideas to honor the contributions of African Americans in the community. In response, City staff conducted a survey of community members and held a virtual public forum, engaging with approximately 400 members of the community. Once the information was collected from those engagement efforts, City staff asked a group of community members representing the Fifth Street corridor and other prominent institutions in the community to consider Council's discussions and survey feedback and provide recommendations on how to best honor the contributions African Americans have made in the City. The presentation was an informational item and City Council will formally consider approval of the recommendations at a later meeting.

Councilmember Helgeson stated that a lot of these ideas could be government funded and some could be privately funded.

Councilmember Faraldi echoed Councilmember Helgeson's sentiments about finding an appropriate balance of funding options from both City and private funds. He asked for clarification on what the term "advocacy" is and who is being advocated to? Ms. Martin replied that advocacy is used in reference to supporting these programs and activities. She stated that this does not imply Critical Race Theory but rather as including all African American history with general history.

Councilmember Wilder asked the City Manager to bring these recommendations back for Council action soon.

// In the matter of the Police Department, Agenda Item #3, Police Chief Ryan Zuidema provided Council with an update on the status of the police department headquarters building project. He outlined the project history which included receiving an unsolicited PPEA for the project in March of 2021. From June of 2021 to present, staff have been reviewing potential project sites which include the site at 12th and Kemper Street and a site on Odd Fellows Road. Staff provided a comprehensive list of pros and cons of each site. Mr. Ian Reeves, Architects Design Group, explained that the pandemic drove up the costs of

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building materials and with a project of this magnitude the changes equate to about \$1.5 million dollars per year, no matter the site.

Councilmember Faraldi maintained that his primary concern with the police headquarters was to maintain the original “shovels in ground” date and is skeptical about leaving the Kemper Street site, however, if moving the location of the headquarters results in getting the police force into the building they need, then he is not against moving from the Kemper Street site.

Councilmember Helgeson stated that the rising cost of the building materials is irrelevant because that will be universal no matter which site is selected and the cost of acquiring the land should be what Council considers in its decision.

Councilmember Wilder stated that at the time, the Kemper Street lot was the best of all the options available, however, he had a lot of concerns regarding the site. Now after reviewing the Odd Fellows Road location, he feels the property addresses his concerns, i.e. centrally located and the size of the parcel. He'd like to go ahead with geotechnical survey of the Odd Fellows Road location so that staff can assess if this is feasible and get this project started as soon as possible.

Councilmember Nelson stated the Odd Fellows Road location seems better suited to what the department and city needs in a police headquarters and are spending less for the overall project. He asked about the need to purchase the property; does that suggest that there is a negotiating obstacle or does that simply mean the normal hoops of acquiring it and not there is opposition from the owner? Chief Zuidema replied that staff are currently working through that right now, however, he does not believe there is any opposition from the seller to the sale.

// In the matter of City Code, Agenda Item #4(a), Assistant City Manger Mr. John H. Hughes, IV provided Council with a summary of the request. Mr. Robert Williams addressed Council on May 25, 2021 as a matter of Public Comment to request a rate increase for taxicab fare on behalf of the local taxi companies. After careful consideration, subsequent discussions, consultation with the City Attorney, and a comparison to other localities, City staff supports an increase in Mileage and Waiting Time fares as follows: From \$1.80 to \$2.80 for the first one-ninth of a mile, or fraction thereof; From \$0.25 to \$0.28 for

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each succeeding one-ninth mile, or fraction thereof; From \$.50/min or \$30.00 per hour to \$.60/min or \$36.00 per hour waiting time after the first three minutes of waiting time. This item will appear before City Council for action on the January 11, 2022 General Business agenda.

Councilmember Helgeson stated that he does not think that the city should be regulating the taxifare rates. He would like to see the drivers set whatever rates they want, that this should not be publicly controlled but rather decided in the private market.

Vice Mayor Wright asked the City Attorney what the legal obligations are to set taxicab rates. City Attorney Mr. Matthew Freedman explained that the statute does not require the City to set rates but states that it may set the rates. Mr. Freedman told Council that he would look into past Council action regarding deregulation. Vice Mayor Wright stated that he ultimately wants the taxicab drivers to have the best advantage and wants to be careful of any unintended consequences.

Councilmember Faraldi stated that if Council chooses to set the rate, that he would like to see language stating that the rate shall not exceed a certain number and not actually set the rate to allow the drivers to determine the best rate individually but to not overcharge the public.

Councilmember Wilder asked to hear more from the taxicab owners that they are in fact in agreement to continue the regulations.

Councilmember Nelson stated that due to the current economy, Council does need to adjust the rates to justify some modification to rates that they can charge. Let's deal with that and then let's do our research to find out if it's appropriate to delve into any regulation and if so on what basis. Since the taxicabs have asked for this, Council should look at this.

// In the matter of Roll Call, Agenda Item #5, Councilmember Faraldi commented on the 20th Anniversary of the Monument Terrace Troop Rally. Councilmember Wilder commented on the Main Street Reopening Ribbon Cutting; he encouraged citizens to shop local for the holiday season. Vice Mayor Wright asked staff for an update on the status of the affordable housing white paper; he also asked staff to report on how the city is being helpful to the Electoral Board and Registrar's Office in regards to protecting poll workers from harassment.

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// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting to discuss the City's participation in the National Opioid Settlement and Virginia Intrastate MOU concerning the same, pursuant to Sections 2.2-3711(A)(7) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

// The meeting was reopened to the public.

// Vice Mayor Wright 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 Helgeson, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0

Absent: Tweedy 1

// The meeting was recessed at 6:05 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, Sterling A. Wilder,
Chris Faraldi 6

Absent: Treney Tweedy 1

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda Item (A), Council conducted a second reading and adopted Ordinance #O-21-083 authorizing the City Manager to sell 317 Hancock Street. On motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the motion:

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

Noes: 0

Absent: Tweedy 1

// In the matter of the Consent Agenda Item (B), Council conducted a second reading and adopted Resolution #R-21-085 approving a grant awarded to assist with response to the infestation of Spotted Lantern Fly. On motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the motion:

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

Noes: 0

Absent: 1

// In the matter of Planning, Agenda Item #7, a public hearing was held and Council considered adopting Ordinance #O-21-087 approving the petition to rezone property at 2001 & 2003 Enterprise Drive. Council was briefed on this item during its November 9, 2021 Business Item Briefings.

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Mr. Rick Barker of Rick Barker Properties who is petitioning to rezone six and seven tenths (6.7) acres at 2001 & 2003 Enterprise Drive from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the use of existing office space for pediatric therapy services while maintaining the continued use of warehousing and distribution.

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 ordinance but stated that as development continues in the southern part of town, to be mindful that there is a large residential presence on Enterprise Drive and that the thoroughfare continues to be used as a cut-through. Councilmember Helgeson seconded the motion stating that the properties surrounding the area are business so rezoning this property from industrial to business makes sense for the area, especially given it is a high-traffic area perfect for businesses.

Councilmember Wilder stated he is in favor of the motion because it is a good utilization of the property and he does not see this adding too much by way of traffic volume.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

// In the matter of Lynchburg City Schools, Agenda Item #8, a public hearing was held and Council considered adopting a resolution amending the FY 2022 Schools Capital Fund budget and appropriating \$11,296,804 to fund infrastructure upgrades to City Schools facilities and City-wide broadband. The City's Chief Financial Officer Ms. Donna Witt provided Council with a summary of the request. The Lynchburg City Schools has received approximately \$42.5 million as its share of the Coronavirus Relief Fund (CRF) for their II-IV allocations. The Lynchburg School Board has approved \$7,796,804 to be used for upgrades to primarily HVAC and chillers in City School facilities. An additional \$3.5 million was approved for City-

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wide broadband expansion. These funds need to be appropriated in the Schools Capital Fund for spending.

There was no one to speak in favor, either by phone, email, or in-person. The Mayor opened the floor for anyone to speak in opposition. Mr. Andrew Glover, representative of the Conservative Parents of Lynchburg, spoke in opposition regarding the \$3.5 million appropriation for the City-wide broadband expansion. Slow down with proposal and work collaboratively to make more use of the funding. Service more Lynchburg residents and better accomplish the objectives of the WISH project. We do support the goal of providing affordable broadband to the community, however, the method is providing internet to students and staff members only. He asked Council to consider withholding these funds and use them to fund the schools fund balance request.

Mr. Steve Gatzke, Director of Finance and Operations for Lynchburg City Schools, provided Council with a rebuttal. His understanding is that this project is not a broadband connection project but rather sets up a network that provides direct access for students and faculty to the Lynchburg City Schools network.

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 asked Mr. Gatzke if public school students and staff only would be able to access the network, and who would govern the infrastructure; Mr. Gatzke was unable to answer the question. Councilmember Faraldi asked if the City would have time to facilitate more research or is there a deadline by which the money needs to be spent? Chief Financial Officer Ms. Donna Witt replied that the schools funding is separate from the City's funding, however, it was her opinion that the broadband funding would have to be spent specifically for schools. Councilmember Faraldi stated that it sounds like the city would be building the network and running the network and it is his opinion that the government shouldn't be controlling this type of network, especially since it's only available to a small number of people and would perform a very specific task. He is not opposed to the other line items; however, he would like additional information about this item.

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Councilmember Helgeson made the motion to approve all funding, less the \$3.5 million, in order to garner more information from the schools. The motion was seconded by Vice Mayor Wright

Councilmember Nelson stated that his posture remains that students need to have broadband access as soon as possible; the poor test scores and education gaps among students can be somewhat attributed to the lack of direct internet connection. However, there are several concerns raised by councilmembers that he too would like answers for, and as such, is comfortable in delaying the vote on these particular funds.

Councilmember Faraldi asked to consider expanding the request to homeschooled and privately educated students as well.

Vice Mayor Wright stated that it would be helpful to have the criteria of using these federal funds at the next meeting.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

// In the matter of Public Comment, Agenda Item (A), Mr. Jamie Maxwell, representative of the group Lynchburg Firefighters Association, previously requested to speak but asked the Clerk of Council to remove him from the agenda prior to the meeting.

// In the matter of City Manager's Office, Agenda Item #9, City Manager Mr. Wynter C. Benda reviewed the draft 2022 Legislative Agenda with the provided input from Council at its November 9, 2021 Work Session, the November 16, 2021 Legislative Meeting, and any citizen input received by the Clerk of Council. The recommendation proposed by Mr. Benda was to take up the additional items one-by-one and then adopt the legislative agenda.

Councilmember Faraldi made the motion to amend the additional language to the third principle, as follows; “The City ~~will~~ intends to follow this example and in the event of an unanticipated surplus, refund the tax payer with the overage.”, seconded by Councilmember Helgeson.

Ayes: Helgeson, Nelson, Faraldi 3

Noes: Dolan, Wright, Wilder 3

Absent: Tweedy 1

Vice Mayor Wright stated that he is not comfortable with the additional language to the third principle, “The City will follow this example and in the event of an unanticipated surplus, refund the tax payer with the overage.”, explaining that the Legislative Agenda is a document for how the state interacts with localities and not how the locality creates policy . If Council chooses to make this City policy, it can at another time, otherwise the statement is ill-fitted to the intentions of the principles of the document. He made the motion to remove the language, seconded by Councilmember Wilder.

Ayes: Dolan, Wright, Wilder 3

Noes: Helgeson, Nelson, Faraldi 3

Absent: Tweedy 1

Councilmember Helgeson made the motion take out the City Charter change language stating that he is uncomfortable opening the charter if the local delegation will not carry the motion. Councilmember Faraldi seconded the motion. Councilmember Nelson stated that several Virginian localities have moved their election years to odd years and if that is common around the state, he doesn't see why Lynchburg would be treated any differently. He is in favor of keeping the charter change in to see if any other delegation is willing to take it up.

Ayes: Helgeson, Faraldi 2

Noes: Dolan, Wright, Nelson, Wilder 4

Absent: Tweedy 1

Councilmember Wilder made the motion to remove the language under Early Childhood Education, "The City wishes to be considered as the pilot location for the State's Charter School Initiative. The motion was seconded by Vice Mayor Wright, stating that he is not comfortable with the addition of the language since there are no current details pertaining to the charter school pilot program and the City does not know what it would be getting. Councilmember Faraldi stated that he is in favor of communicating that Lynchburg is at least interested in considering becoming a candidate. Councilmember Nelson stated that he is in favor of backing the charter school pilot program if it truly supports early childhood education.

Ayes: Dolan, Wright, Wilder	3
Noes: Helgeson, Nelson, Faraldi	3
Absent: Tweedy	1

After the vote, Council reached a consensus to soften the language to state that the city would like to explore the opportunity to become a charter school pilot location and to pull the item from the Early Childhood Education section and make it its own independent category.

Mayor Dolan made the motion to adopt the City of Lynchburg's 2022 Legislative Agenda, seconded by Councilmember Wilder.

Ayes: Dolan, Wilder	2
Noes: Wright, Helgeson, Nelson, Faraldi	4
Absent: Tweedy	1

// In the matter of the Police Department, Agenda Item #10, Council conducted its first reading of Resolution #R-21-089 amending the FY 2022 City/Federal/State Aid Fund Budget and appropriating \$38,326 to purchase law enforcement equipment for the Police Department, Sheriff's Office, and Office of the Commonwealth's Attorney.

Police Chief Ryan Zuidema provided Council with a brief summary of the request. The City of Lynchburg was awarded \$38,326 in Edward Byrne Memorial JAG funding. The Lynchburg Police

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Department will use this funding to purchase 28 tactical headsets (\$17,718) to replace current headsets that are outdated and broken. The tactical headsets are used for effective communication in tactical operations. These innovative headsets mount to the rear of an officer's helmet, which frees up the forward rail of the helmet for infrared attachments or riot shields. The Lynchburg Police Department will also purchase a global navigation satellite system (\$12,747) for use in crash reconstruction. The GPS-based global navigation satellite system will provide quicker and more efficient scene mapping and evidence collection. It will be operated by one officer and will create a safer environment for both drivers and officers because it will shorten the amount of time roadways are blocked. The Lynchburg Sheriff's Office will use funds to purchase a file server (\$3,763). The server is required to accommodate expansion needs due to additional software programs. The Office of the Commonwealth's Attorney will use the funds to purchase two desktop computers (\$4,098). The computers will be used by the General District Court and Circuit Court legal assistants. The total equipment cost of \$38,326 is fully reimbursable by the grant. No local matching funds are required.

At its December 14, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson 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: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

// In the matter of the Police Department, Agenda Item #11, Council conducted its first reading of Resolution #R-21-090 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$60,000 to purchase 75 replacement ballistic vests for law enforcement officers.

Police Chief Ryan Zuidema provided Council with a summary of the request. The Police Department applies annually for the Bulletproof Vest Partnership through the Office of Justice Programs. For the 2021 Police Bulletproof Vest Partnership, the City was awarded funding that covers the cost of replacement ballistic vests for both the Lynchburg Police Department and the Lynchburg Sheriff's Office.

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The vests provide protection to officers in the line of duty and the life of the vest is five years from the manufacturing date. The total replacement cost for 75 vests is \$60,000. The grant requires a 50% local match; these funds are available in the FY 2022 General Fund Police (\$26,000) and Sheriff's Office (\$4,000) operating budgets.

At its December 14, 2021, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson 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: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

// In the matter of Community Development, Agenda Item #12, Council conducted its first reading of Resolution #R-21-091 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$50,000 to study potential opportunities in the Dearington neighborhood.

Mr. Kent White, Director of Community Development, provided Council with a brief summary of the request. For the last two years, Dearington community stakeholders have worked jointly with City staff to master plan their neighborhood. As a result of the COVID-19 pandemic and limited funding for the planning effort, the scope primarily focused on improvements to City facilities and infrastructure such as Jefferson Park. However, the plan also recommends study of other neighborhood priorities, including housing opportunities. The City has been selected to receive a Virginia Housing Fiscal Year 2022 Community Impact Grant for community engaged planning. The effort would continue work with neighborhood stakeholders to identify opportunities for infill housing focused on the City's "missing middle" housing types. The City's "missing middle" includes single, two and three-household housing types typically priced between \$100,000 and \$150,000. The grant deliverable would be a plan book with site concepts, schematic designs and recommendations, including funding options, zoning/regulatory changes and a market strategy aspect focused on how the neighborhood and City can work together to repurpose vacant neglected properties and/or get them onto the market.

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At its December 14, 2021, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson 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: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

// In the matter of the Library, Agenda Item #13, Council conducted its first reading of Resolution #R-21-092 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$22,717 to provide rapid emergency relief to safely reopen libraries, promote digital inclusion, and support library services that meet the needs of the community.

Ms. Beverly Blair, Director of Libraries, provided Council with a summary of the request. The Lynchburg Public Library has received an American Rescue Plan Act IMLS Sub-grant from the Library of Virginia in the amount of \$22,717. The funding is intended to provide rapid emergency relief to safely reopen libraries, promote digital inclusion, and support library services that meet the needs of the community. The award amount is based on the Lynchburg Public Library's FY 2022 state aid allocation of \$180,175. The Lynchburg Public Library plans to use the award money as follows:

- To improve virtual programming capabilities with the purchase of new technology and equipment, which will allow library programs to continue to reach the community despite pandemic and public health challenges.
- To purchase a collection analysis tool to assess the diversity of our materials. This project will provide us with detailed reporting that shows us where we are currently and to help guide us as we work to develop a more diverse and inclusive collection that mirrors the Lynchburg community and the nation.
- To provide library patrons with safe seating options that can be wiped clean and sanitized regularly throughout the day with the purchase of un-upholstered furniture. This furniture will help

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create a welcoming and safe environment for patrons during current and future public health challenges.

At its December 14, 2021, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson 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: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi 6

Noes: 0

Absent: Tweedy 1

// In the matter of Parks and Recreation, Agenda Item #14, Council conducted its first reading of Resolution #R-21-093 amending the FY 2022 City/Federal/State Aid Fund Budget and appropriate \$636 to purchase tennis equipment for the youth tennis programs.

Ms. Jenny Jones, Director of Parks and Recreation, provided Council with a summary of the request. The USTA Grow the Game Grant is designed to help grow the sport of tennis in communities. The grant will be used to purchase tennis equipment including tennis balls, ball carriers, and targets for the youth tennis program. The grant is awarded based on the number of participants in the tennis program and does not require a local match.

At its December 14, 2021, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson 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: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi 6

Noes: 0

Absent: Tweedy 1

// In the matter of the Fire Department, Agenda Item #15, Council conducted its first reading of Resolution #R-21-094 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$84,000 to fund equipment for the Fire Department Technical Rescue Team.

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Fire Chief Greg Wormser provided Council with a summary of the request. The Fire Department seeks authorization to apply for a non-matching grant for technical rescue equipment. The Virginia Department of Emergency Management administers this grant from the United States Department of Homeland Security (DHS) through the State Homeland Security Program (SHSP). The grant program provides funding to improve the nation's readiness in preventing, protecting against, responding to, recovering from, and mitigating terrorist attacks, major disasters and other emergencies. The grant reflects DHS's focus on implementation of an all-of-nation, whole-community approach to building, sustaining, and delivering core capabilities essential to achieving a secure and resilient nation. The funds will be used for the purchase of equipment to effectively respond to and mitigate hazards that include water rescues, structural collapse, USAR incidents and confined space rescues. Additionally, the equipment will provide for more effective team communications, search capabilities and team sustainability. The grant is 100% reimbursable; no local match is required.

At its December 14, 2021, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson 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: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

// In the matter of the City Attorney's Office, Agenda Item #16(a), Mr. Matthew Freedman, City Attorney, requested Council adopt Resolution #R-21-095 allowing the City to participate in the Virginia Opioid Abatement Fund and Settlement Allocation MOU. In order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic. The Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU"), accompanying the attached Resolution as Exhibit "A", illustrates the results of such negotiations. Given the January 2, 2022 deadline, City Council should now decide if

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the City of Lynchburg will participate in such litigation recoveries and such MOU. City Council was previously briefed on this item during a closed session held on December 14, 2021 Work Session.

On motion of Councilmember Faraldi, seconded by Vice Mayor Wright, the following vote approving the resolution was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

// In the matter of the City Attorney's Office, Agenda Item #16(b), Mr. Matthew Freedman, City Attorney, requested Council adopt Resolution #R-21-096 approving the City's participation in the proposed settlement of opioid-related claims. Mr. Freedman explained that given a January 2, 2022 deadline, City Council should now decide if the City of Lynchburg will participate in the negotiated settlement proposals that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them. Settlement amounts due to the Commonwealth of Virginia, shall be distributed in accordance with the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding previously considered by City Council. City Council was previously briefed on this item during a closed session held on December 14, 2021 Work Session.

On motion of Councilmember Faraldi, seconded by Vice Mayor Wright, the following vote approving the resolution was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss the appointments to the following Boards and Commissions: Central Virginia Alcohol Safety Program Board of Directors, Airport Commission, Horizon Behavioral Health Board of Directors, Planning Commission, City Employees Appeal Board, Community

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Development Advisory Committee, and LynCAG Board of Directors, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended. With no discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	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

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, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

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// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Central Virginia Alcohol Safety Program Board of Directors: Jennipher Lucado – new 3-year term ending August 31, 2024.

Airport Commission: no appointments were made at this time.

Horizon Behavioral Health Board of Directors: Sonya Baker – new 3-year term ending December 31, 2024.

Planning Commission: Robert Bowden – new 3-year term ending December 31, 2024; Kensie Johnson – new 3-year term ending December 31, 2024; Tom Rogers – new 3-year term ending December 31, 2024.

City Employee Appeals Board: Kraig Cole – unexpired term expiring June 30, 2022.

Community Development Advisory Committee: Beau Wright (Council Representative) – new 1-year term ending December 31, 2022; Sterling Wilder (Council Representative) – new 1-year term ending December 31, 2022; Sandra Mitchell – new 1-year term ending December 31, 2022; Sally Schneider - new 1-year term ending December 31, 2022; Brenda Farmer - new 1-year term ending December 31, 2022; Kay Reid - new 1-year term ending December 31, 2022; Lana Musgrave - new 1-year term ending December 31, 2022.

LynCAG Board of Directors: no appointments were made at this time.

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Absent: Tweedy	1

// The meeting adjourned at 9:26 p.m.

Clerk of Council