

// 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
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Noes:	Dolan, Wright, Tweedy, Wilder	4
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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
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Noes:	Helgeson, Faraldi	2
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// 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
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Noes:		0
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// The meeting adjourned at 8:40 p.m.

Clerk of Council