CONSENT AGENDA ITEM: C

// 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 <u>City Code</u>, 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 <u>City Code</u> 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.

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Clerk of Council