// A special meeting of the Council of the City of Lynchburg was held on the 27th day of June 2023, at 4:00 p.m. in Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Jerry Taylor, MaryJane Dolan, Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of the Airport, Agenda Item 1, Council received information on the LYH Air Service Development Update. Mr. Andrew LaGala, Airport Director, provided a brief summary of the item to Council. The update contains information on our air service prior to the pandemic, industry challenges during the pandemic and our updated plan moving forward out of the pandemic. It also touches on our USDOT Small Community Air Service Development Grant proposal and Airline planning meetings/targeted Air Service Development Consultant strategy.

Vice Mayor Faraldi asked what the average leakage was for an airport such as theirs and how they compared. Mr. LaGala replied that depended on the dynamics and location of the airport in relation to airports of similar size, and they were sandwiched between two regional airports. He said that in his experience, under 40% was where they pretty much captured their passengers, and they were in the mid- to low-20s due to the level of service they had. Vice Mayor Faraldi asked if there was any way to gauge getting to another 5% and how to get there. Mr. LaGala stated that they had no issues with filling seats, and leakage would continue because people would choose to go to other airports. He said that it was measurable, but the data could be skewed. Vice Mayor Faraldi asked when they could be looking to make a northern connection for Lynchburg. Mr. LaGala stated that the airlines decided where their assets were and where they placed them, and he could not estimate when they would do it. He said that it depended on economics and timing in the industry. Vice Mayor Faraldi asked if there was anything else the City Council or business community could do to help. Mr. LaGala answered that he did not foresee any other requests of Council, and they were able to utilize connections with the Regional Business Alliance and Economic Development Authority, as well as the air service development partnership with businesses, and they now had to wait and see if they received the grant. Mr. Benda stated that many of those businesses had not only published a letter but had said that if it came to a match or further resources necessary, they were willing to provide that because it helped with businesspeople who needed to travel from the area. Vice Mayor Faraldi stated that he was committed to do whatever possible to expand air services.

Councilmember Dolan asked if Charlottesville was getting their direct flight to Chicago back. Mr. LaGala replied that they had it prior to the pandemic, and since the airlines were now getting more pilots back into the airplanes, airports were opening strategic routes that they had before, and it was not a new destination.

// In the matter of the Youth, Agenda Item 2, Council received a presentation on Summer Youth Activities. Dr. Hollie Jennings, Strategist in Diversity, Equity, and Inclusion gave a brief summary of the Youth Summer Fun and Safety Guide received last month. Ms. Gaynelle Hart, Director of Public Works, provided an overview of the City's partnership with Beacon of Hope. In the summer of 2022, Lynchburg Beacon of Hope piloted a unique high school career exploration internship with 34 interns and 13 employers. The program targeted rising juniors and seniors at Heritage and E.C. Glass High Schools. This career internship offers our high school students an opportunity to experience career opportunities available in our region. The 2023 Beacon of Hope Internship summer program has grown to 83 students and 23 businesses. The program consists of job readiness, on-site placement and conclusion & reflection modules. The City has Beacon of Hope interns working in the Public Works Department, the Office of Economic Development (Museum) and the Fire Department. Staff will give a brief overview of the interns' experience with our City Departments. Ms. Alicia L. Finney, Clerk of Council provided an overview of the Lynchburg Mayor's Youth Council. Made up of youth members from across the city, the Mayor's Youth Council is charged with investigating needs, problems, and issues affecting their peers. The group is heavily involved with the betterment of their community and identifies ways to contribute by completing community service projects. This year, the MYC raised over $4,000 during a donation-led car wash event to be donated to Park View Community Mission's Food for Families program. Following the schedule of the school year, the MYC will be accepting applications this summer and will begin their work again in the fall.

// In the matter of Planning, Agenda Item 3, Council received a presentation on the installation of a statue of former Mayor M.W. “Teedy” Thornhill, Jr. in the 5th Street Roundabout. Mr. Tom Martin, City Planner, provided a brief summary of the item to Council. The 5th Street Master Plan was adopted by City Council on May 23, 2006. Renderings included in the plan suggested that the roundabout could contain a statue of an iconic person. The 5th Street Community Development Corporation (CDC) is the group that has served as advocates for the redevelopment of 5th Street since early 2000. The CDC conducted a charrette to garner ideas about a fixture for the roundabout and, after much discussion and community input, the group decided to honor Mayor M.W. "Teedy" Thornhill, Jr. with a statue. This decision was affirmed by its recommendation in the December 14, 2021 Report of the African American Cultural Committee. M.W. Thornhill was first elected to the City Council in 1976 and became the first African American Mayor of Lynchburg in 1990. Mayor Thornhill was the president and owner of Community Funeral Home located on 5th Street and also served as the president of the Lynchburg Voter's League for over 40 Years. A partnership between the City of Lynchburg, the 5th Street CDC, Wiley Wilson, Inc. and Hill Studio is bringing this exciting piece of public art honoring Mayor Thornhill to reality. The statue is currently being sculpted by Ed Walker with Carolina Bronze and construction of the pedestal and surrounding features has also started. Representatives from the 5th Street CDC, City of Lynchburg and the community will visit the Carolina Bronze foundry in Seagrove, NC on Monday, July 3 to witness the casting of the statue. An unveiling ceremony will take place at the 5th Street roundabout on Saturday, August 19.

Councilmember Helgeson asked what the fiscal impact of the item was. Mr. Martin answered that the funding was approved in last year’s budget, adopted in the CIP using ARPA funding. Councilmember Helgeson asked if Mr. Martin had a cost estimate for the project. Mr. Martin stated that it was approved at $560,000. Councilmember Helgeson asked if much of the project funds were raised privately. Mr. Martin replied that funds were raised privately, from the city, and from pro-bono funds.

Vice Mayor Faraldi asked if Council could review some of the master plans, such as the 5th Street Master Plan. Mr. Benda stated that it would be helpful to get Council’s input on where funding should be put for the remaining projects in the master plans.

// In the matter of Economic Development, Agenda Item 4, Council received bids for the ANCH LLC Franchise Ordinance. Mayor Reed asked the Clerk of Council Ms. Alicia L. Finney how many bids had been received. Ms. Finney stated that this franchise ordinance was advertised in the News & Advance on

May 26 and June 2, and they had received one bid in response to publication. Mayor Reed asked Ms. Finney to read the bid letter from John Fees, member of ANCH LLC. Mayor Reed asked if any additional bids were offered. Hearing none, she declared the bidding closed and the matter rested with Council.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to accept the bid. With no discussion from Council, the following vote was recorded:

Ayes: Wilder, Dolan, Helgeson, Reed, Faraldi, Taylor, Misjuns 7

Noes: 0

Mayor Reed announced that a public hearing would be conducted later in the evening at 7:30 p.m. to hear from members of the public regarding adoption of an ordinance granting the franchise to the successful bidder.

// In the matter of Planning, Agenda Item 5, Council received a briefing on the vacation of easement for public right-of-way on a portion of Elm Street. Ms. Eve Mergenthaler, Planner I, gave a brief summary of the item to Council. Andy Maddox of Main, LLC is petitioning to vacate an easement for public right-of-way on a portion of Elm Street located between 1504 Elm Street, 1500 Main Street, and 1520 Main Street. The purpose of the petition is to allow the installation of parking to facilitate the continued expansion of The Wayne, which is a development that consists of condo units and amenities. The total area of the proposed easement vacation is approximately five hundred seventy-two thousandths (0.572) of an acre. The area contains a paved road that serves the adjoining lots. If the petition is approved, access would continue through the establishment of several easements. A fifteen (15) foot wide public "Bluffwalk" pedestrian easement has been established on 1504 Elm Street and a twenty-four (24) foot wide public access easement has been established on 1500 Main Street. With these easements in place, the easement vacation would not impact vehicle or pedestrian access. This item will appear for City Council vote on the July 11, 2023 Public Hearing Agenda.

// In the matter of Rules of Procedure, Agenda Item 6, Council received a briefing on the organizational meeting and rules of procedure. Ms. Alicia Finney, Clerk of Council, and Mr. Matthew Freedman, City Attorney, gave a brief summary of the item to Council. This item will appear for action before City Council at the July 11, 2023 regular meeting. Section § 15.2-1416 of the Code of Virginia and Section § 2-6 of the City Council's Rules of Procedure provide 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 and work sessions is set forth in its 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. and 7:00 p.m. in City Hall, Council Chamber, except for the month of March where the 4:00 p.m. meetings will be held in City Hall, 2nd Floor Training Room. There will be no regular meeting on the fourth Tuesdays during the months of July, August, and December. As such, City Council's Rules of Procedure should be readopted to confirm City Council's schedule of regular meetings and work sessions for the upcoming year. Additionally, staff are proposing changes to the Rules of Procedure as outlined in "Option A" and "Option B" in the Council packet.

Mr. Freedman asked if there was consensus from Council to hold the work session portion of the Council's regular meetings during the month of March in the training room of the 2nd floor of City Hall, 900 Church Street, Lynchburg, Virginia 23501. Mayor Reed asked if the request to move the meetings to the training room was to reduce fiscal impact. Ms. Finney replied that was correct, the cost of moving the meetings was about $1000 in publication costs.

Councilmember Misjuns stated that he opposed moving the location of work sessions to the training room because it limited access to the public.

Councilmember Wilder asked what the staff perspective on this issue was. Mr. Benda stated that staff had preferred the environment of being able to work around a table, and he hoped that they had been able to clear up issues of access, noting that all of the same technology and abilities were available in the second-floor room. The proposed changes were for the upcoming calendar year and were his recommendations, but he would accept the Council's preference for location.

Councilmember Misjuns asked if there was a location that provided greater access, and when the decision must be made by. Ms. Finney answered that July 11 would be the adoption date of the Rules of Procedure. Mr. Benda stated that parking would be the same at the City Hall building, but he could identify an off-site public location that may be suitable. However, the City Hall location acted as a central and relevant location for the work sessions.

Mayor Reed indicated that there was consensus from the Council to hold the March work sessions in the 2nd floor training room.

Mr. Freedman stated that the next proposed modification was under Section 3-4, Preservation of Order, subsection D. He asked if the proposed additional language was amenable to Council.

Councilmember Misjuns stated that the language was subjective, and if it could not be defined, it should not be in the Rules of Procedure.

Councilmember Helgeson stated that the Rules of Procedure already covered the issue and did not need to change.

Mayor Reed indicated that there was consensus from Council that supported the proposed addition of language.

Mr. Freedman stated that the next proposed change was under Section 4-1, Preparation, subsection B. He asked if the proposed changes were amenable to Council.

Councilmember Misjuns asked how they would decide the majority to determine that, because they could not vote by email. He said that if they did not have a meeting between the time the agenda request was submitted, there was no way to get to that majority, so this was an unnecessary and impractical change to carry out because they could not vote via email, but had to vote in the chambers in a public meeting. Mr. Freedman stated that this was a proposal and the section could be modified, but it appeared that if the proposal would be considered, the first portion of the sentence “unless directed otherwise by a majority of the Council” would be stricken and it would just start with “Such items requested to be placed on the agenda shall first appear before the Council during the Council’s work session for discussion.” He asked if there was appetite to include that sentence in lieu of the proposed language.

Councilmember Helgeson stated that the proposal’s illegality was mentioned as a concern, and the language of “the next meeting” may apply to a meeting without a work session.

Councilmember Misjuns asked if language could be included so that it would still be slated on the agenda even if there was not a work session. Mr. Freedman stated that it was possible to include that as part of the language.

Mayor Reed asked Mr. Freedman to repeat the proposed language. Mr. Freedman stated that with the language stricken as previously discussed, the new language would be “such items requested to be placed on the agenda shall first appear before the Council during the Council’s work session for discussion." Mayor Reed indicated there was consensus from Council that supported the proposed language change.

Mr. Freedman stated that there were two inconsequential changes made to the Sections 4-2 and 4-3 to correct typos, and the next section for Council's discussion was Section 5, Order of Business for Council Meetings. He asked if the additional language under #2, Council Work Session was amenable to Council. Mayor Reed indicated that there was consensus from Council that supported the proposed addition of language.

Mr. Freedman stated that the next proposed change was the addition of a new Section 5-1.1 Council Work Session, and included a subsection A and a subsection B. He asked if the proposed language was amenable to Council.

Councilmember Misjuns asked if it was appropriate to limit motions made during work sessions. He asked if the language referring to presentation of items during a work session must be specific to staff or if Councilmembers could bring forward items.

Vice Mayor Faraldi asked Mr. Freedman if the language regarding presentation of items could be changed to remove the mention of staff in order to be less specific. He stated that regarding votes made during work sessions, he would like to have the votes made during the regular meeting immediately prior to the public hearing, then move forward accordingly. Mr. Freedman stated that Council could have the acceptance of the bid on a different meeting date than the public hearing. Mayor Reed asked Mr. Freedman to repeat the proposed changes. Mr. Freedman stated that he would amend the language to the best of his ability, but the substance would be essentially the same, except where it said, "city staff," it would say "where items may be presented, introduced, discussed," generically so that it would be clear that staff and Councilmembers would be able to do that. Mayor Reed indicated there was consensus from Council to support the proposed changes to the language.

Councilmember Helgeson noted that some votes were appropriate to be taken during work sessions.

Mayor Reed asked Mr. Freedman if the language could include exemption of votes for franchise agreements or if he would accept the consensus already taken on the item. Mr. Freedman stated that it was the Council's pleasure, and asked if it could be modified to say something to the effect of "with the exception of franchise bids, absent a two-thirds majority vote of the Council, no items will be positioned for a vote during the Council work session."

Vice Mayor Faraldi requested the addition of language referring to a motion to consider, with the definition being it needed a two-thirds vote and was used in a work session. Mr. Freedman clarified that in that case, there would be a motion to consider to be permitted, and if it was adopted by two-thirds majority, then the matter could be considered for a vote formally by law in the Council work session.

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to defer consideration on all items to a later date, except for 2-1, 5-4, 3-1, which had been adopted by consensus.

Vice Mayor Faraldi stated that he would be voting against the motion because this language must be adopted in July.

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

Ayes: Helgeson, Taylor, Misjuns	3
Noes: Wilder, Dolan, Reed, Faraldi	4

Mr. Freedman stated that the next item proposed was a new section, Section 5-1.2, identified as roll call. In that section, there were two subsections A and B. He asked if the proposed additions were amenable to Council.

Vice Mayor Faraldi said that subsection A was acceptable, but subsection B should stop at the first use of roll call, "debate shall not be permitted during roll call." Mayor Reed indicated that there was consensus from Council that supported the proposed revision of language.

Mr. Freedman stated that there were proposed changes to Section 5-3, Public Comment, #7(B). He asked if the proposed language change was amenable to Council.

Councilmember Misjuns asked how they would determine if an LLC had more than one person belonging to it. Mr. Freedman stated that the individual would state either publicly or to the Clerk how they were affiliated with the LLC. Councilmember Misjuns asked if the only way to be certain of who was a member of the LLC was to see the listed members on an operating agreement. Mr. Freedman stated that if they were looking for the legal qualification of how many individuals were associated with the LLC, that may be true, but the Rules of Procedure did not need to be that stringent, and was meant to establish legitimacy of an organization. Councilmember Misjuns stated that he did not support the government determining the legitimacy of an organization in order to allow an individual to address Council, and he would recommend to strike the language entirely. Vice Mayor Faraldi stated that the language was not meant to be definitive but was used as examples of groups that could address Council. Councilmember Misjuns stated that the language could be interpreted differently by a future Council and could result in the government being too far-reaching. Vice Mayor Faraldi stated that the language did not restrict anything other than the term group meaning organization or entity. Ms. Finney clarified that she would include this language in the information given to the public who signed up for Public Comment, and clarified that staff does not have the capacity to research if a group was representing two people.

Councilmember Helgeson stated that the language of the second sentence should not be added because it became limiting.

Mayor Reed indicated that there was consensus from Council that supported striking the proposed language.

Mr. Freedman asked if the proposed language in section was 5-4, Prohibited Conduct, under A-8, was amenable to Council.

Mayor Reed indicated that there was consensus from Council that supported striking the additional language.

Mr. Freedman stated that under Option A, the substance of Section 5-5 under Public Hearings differed from Option B, with Option A allowing emails and phone calls from citizens for a public hearing, and Option B striking that option. He asked if the proposed changes and additions were amenable to Council.

Councilmember Helgeson asked if Ms. Finney included the entire emails in the meeting minutes. Ms. Finney replied that she currently summarized them, but the recommendation was to include the whole letter. Mr. Freedman asked if the language should be adjusted to have under D as the last sentence, “if a Councilmember desired such emails, letters, and other writings to be included as part of the public hearing, then such Councilmember shall announce the same during the public hearing and include a summary of the email to be included in the meeting minutes.” Mayor Reed indicated that there was consensus from Council that supported the proposed language change with Option A.

Councilmember Misjuns asked if the Rules of Procedure related to the appointment of School Board members would be addressed. Mr. Freedman stated that he anticipated that after July 11, 2023, further amendments to the Rules of Procedure would be presented to address boards and commissions in detail.

// In the matter of Roll All, Councilmember Wilder stated that the Lynchburg Youth Services Sports Initiative had a great event at University of Lynchburg on Saturday, with about 300 youth playing various sports. He thanked the community partners who came together to make that happen for their community. Councilmember Dolan congratulated the seven new LPD officers that graduated last Friday. She stated that the event always reminded them how they needed to be grateful for the sacrifices they make for their safety, and it was great to see two women among the officers. She stated that the officers were from Lynchburg, North Carolina, South Africa, and Puerto Rico, so there was a lot of diversity, and she was very happy to see that.

Councilmember Helgeson stated that the Capital Improvement Plan was approved last month on a 4-3 for $520M. He said that hopefully, before they moved forward on some of these projects, since they did not have lots of debate on those, for example, the $6M for downtown beautification and streetscape. He stated that he recognized that they approved it as a package, but hopefully before staff signed contracts, they would recognize that in a big number, lots of things were somewhat lost. He stated that as he drove around downtown and up 5th Street and all these places where these bricks were hand laid and tiled and all of the beautification that had done previously, he saw that beautification that was done in front of empty storefronts when the purpose was economic development. He stated that when he sees these things that are of good intention and looked at this new Capital Improvement Plan that looked at another $6M in downtown beautification of the streetscape, hopefully before staff actually signed contracts on some of these other items that they had mentioned individually as well but they had to approve it as a package for time, that before they did that, before staff actually signed contracts, they will have a little more ability for Council to weigh in on some of those, whether it be a roundabout or spending another $945,000 consulting with someone that was going to come up with the conclusion of a roundabout on Rivermont, that they would say let's look at these individually. He said that before they did the $80,000 of fire cabinets that they would actually kind of say Council was divided on this, and hopefully staff would recognize that some of these individual projects were going to require a little more than just a blanket approval of a $520M Capital Improvement Plan.

Councilmember Misjuns stated that related to what Councilmember Helgeson said about moving forward with some of these projects in the CIP, he knew that there was $100,000 slated for Heritage Park improvements, and he would like to have a more robust discussion about that project and the parks and recreation master plan. He stated that he wanted to thank the City Manager, Deputy City Manager, Mr. Freedman, Ms. Jennings, and Ms. Michelle Jackson, Director of Human Resources on a great robust conversation yesterday afternoon about the proposed resolution for this evening. He said that he was very thankful for the time that everyone was able to put together yesterday to talk about that, and he was excited about taking that to action tonight.

// On motion of Councilmember Misjuns, seconded by Councilmember Wilder, Council considered a closed meeting to discuss the investment of public funds to assist in securing the expansion of a prospective or existing business where bargaining is involved, where if made public initially, the financial interest of the City would be adversely affected, pursuant to Sections 2.2-3711(A)(5) and 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended. With no discussion, the following vote was recorded:

Ayes: Wilder, Dolan, Helgeson, Reed, Faraldi, Taylor, Misjuns	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: Wilder, Dolan, Helgeson, Reed, Faraldi, Taylor, Misjuns 7

Noes: 0

// The meeting recessed at 06:30 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of June, 2023, at 7:30 p.m. in the Council Chamber, City Hall, Stephanie Dolan, President, presiding. The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Jerry Taylor, MaryJane Dolan, Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// Councilmember Wilder led the invocation followed by the Pledge of Allegiance.

// In the matter of the Agenda, Councilmember Misjuns requested to add Jim Quattelbaum and Ryan Thomas at the end of the Public Comment section. Councilmember Taylor requested to add CJ Jordon to the end of the Public Comment section. Mayor Reed noted that there was consensus from Council to make the amendments to the agenda.

// In the matter of Recognitions, Mayor Reed recognized E.C. Glass High School Valedictorian William Brestel, E.C. Glass High School Salutatorian Devan Funke, and Heritage High School Salutatorian Timothy Patterson.

// In the matter of Consent Agenda, Vice Mayor Faraldi requested to move the item to consider adopting Resolution #R-23-061 amending Lynchburg City Schools Major Classification Funding for FY 2024 from the Consent Agenda and address it under General Business; there was a consensus from Council.

// In the matter of Economic Development, Agenda Item 3, a public hearing was held and Council considered adopting Ordinance #O-23-062 authorizing the sale of city-owned real estate to ANCH LLC located at Early Street. Director of Economic Development and Tourism Ms. Marjette Upshur provided a brief summary of the item to Council. This small parcel was originally part of the City-owned property at

410 Birch Street, home to Fire Station 4. A survey was performed on the parcel, and the portion being considered for sale is .07 acres or 3049 square feet. The City advertised this property as being for sale with signage at the site and a listing through the Multiple Listing Service (MLS) for more than 30 days. The City received an offer from ANCH, LLC, to purchase the property for the sum of $12,000. The purchaser owns a house at 2207 Early Street and intends to combine it with the adjacent lot to provide some additional yard and landscaping to the house. Combining this parcel will add this yard and green space, making the house more suitable for living and the lot the house sits on more consistent with the lots around the neighborhood.

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 Faraldi made a motion, seconded by Councilmember Helgeson, to adopt Ordinance #O-23-062.

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

Ayes: Reed, Misjuns, Helgeson, Dolan, Taylor, Wilder, Faraldi	7
Noes:	0

// In the matter of Engineering, Agenda Item 4, a public hearing was held and the Council considered adopting an Ordinance #O-23-063 granting a non-exclusive franchise to ANCH LLC to permit the use, maintenance, and work upon certain encroachments in the public rights-of-way of the City at 2204 Bedford Avenue. City Engineer Mr. Lee Newland provided a brief summary of the item to Council. ANCH LLC has requested a franchise from the City to allow use of the City's public rights-of-way to use, work upon, and/or maintain a wheelchair ramp and/or related facilities constructed and encroaching into the City's sidewalk in front of 2204 Bedford Avenue. Given the nature and the length of the grant requested, the City will need to advertise for bids, accept a bid, and hold a public hearing before voting on whether to adopt the proposed ordinance. The map attached to the ordinance illustrates the applicable encroachment. The proposed franchise, if granted, will begin July 1, 2023, and expire June 30, 2062, and unless an alternative agreement is negotiated, continue month-to-month thereafter.

The following course of action is progressing in this circumstance:

May 23,2023: Item was in front of Council at a BIB.

May 26, 2023 and June 2, 2023: Advertised for bids and a public hearing.

June 27, 2023: (1) During this work session of the City Council's meeting, the Clerk of Council publicly opened and announced all bids received. The Mayor publicly asked if any other bids are to be submitted, and having none, a member of City Council made a motion to accept the bid submitted and adopt the same by recorded vote.

(2) During the public hearing portion of the City Council's meeting, a public hearing on the successful bidder's franchise ordinance will be held. After the public hearing, a formal motion and vote on the adoption of the successful bidder's franchise ordinance should occur.

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 Faraldi made a motion, seconded by Councilmember Wilder, to adopt Ordinance #O-23-063.

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

Ayes: Reed, Misjuns, Helgeson, Dolan, Taylor, Wilder, Faraldi	7
Noes:	0

// In the matter of Finance, Agenda Item 5, a public hearing was held and Council considered adopting Resolution #R-23-064 authorizing the 2023 Bond Anticipation Note, and considered introducing Resolution #R-23-065 amending the FY 2024 General, Water, Sewer, and Stormwater Funds' Operating Budgets to provide appropriations totaling $250,000 with resources from a bond anticipation note (BAN), Series 2023 for costs associated with the issuance of $68,500,000 in BAN. Chief Financial Officer Ms. Donna Witt provided a brief summary of the item to Council. It has been City practice to finance capital projects through a bond anticipation note (BAN) or line of credit to avoid interest charges until the funds are needed on a monthly draw basis. In March 2023, City staff closed on a General Obligation Bond Issue to permanently finance the 2020 BAN. A request for proposals (RFP) was issued May 11, 2023, to local, regional, and national lending institutions for bids to establish the next BAN. This BAN will fund current and future projects in the City ($35.9m), Schools ($5.6m), Water ($13.0m), Sewer ($9.0m), Stormwater ($3.0m), and Airport ($1.5m) Capital Projects Funds. Staff received three responses to the RFP that included two- and three-year options. In working with the City's financial advisor, Davenport &

Company, a three-year option with J.P. Morgan was selected. This option includes a variable interest rate which is currently 4.694%. There is no penalty for early repayment of the line nor is there a penalty if the full line of credit is not drawn.

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 a motion, seconded by Councilmember Dolan, to adopt both resolutions. Councilmember Wilder stated that the projects were necessary for maintaining and continuing growth within the City.

Mayor Reed asked for clarification about how the funds would be spent. Ms. Witt responded that the funding was for projects currently in process or in the adopted 2024 CIP. She explained that they utilized the BAN so that they did not borrow the funding all at once—it was only borrowed as needed as projects progressed. She explained further that interest was only paid on what was drawn down, and the process had saved the City millions of dollars in interest over the years. She stated that the proposal needed to move forward for the Sewer Fund because the City was having to pull cash out of investments to fund ongoing sewer projects.

Councilmember Helgeson made a substitute motion, seconded by Councilmember Misjuns, to approve the BAN at $36.5M to cover the Water, Sewer, Stormwater, and Airport Capital Projects Funds, as well as include a $10m cushion.

Ms. Witt stated that the BAN was a three-year note, and the banks had responded to an RFP based on the originally proposed funding. She said that they may have to resubmit the RFP for banks to rebid on Councilmember Helgeson's proposed reduction, and it was unclear whether the banks would honor the proposed reduction. She said that she would have to work with the City financial advisors and procurement to understand how it worked. City Attorney Mr. Matthew Freedman stated that the BANs had stringent requirements, and if there was a need for a substitute motion, he advised Council to defer the matter to allow staff to look into the options.

Councilmember Helgeson withdrew his substitute motion.

Vice Mayor Faraldi suggested that the item be deferred to the July 11 meeting. Ms. Witt responded that they would have to redo the public hearing, and staff would not have enough time to prepare by July 11. Vice Mayor Faraldi clarified whether the public hearing would have to be held again if Council only deferred action. Mr. Freedman responded that the public hearing was specific to the proposed BAN being issued, so they may have to redo the public hearing if the substance of the BAN changed. Vice Mayor Faraldi suggested that the matter be deferred to the next work session so Council can receive more information.

Councilmember Helgeson asked for clarification about what would happen if the motion to approve failed. Mr. Freedman explained that City staff would reexamine the circumstances and work with the Council to draft a proposal that would be approved. Councilmember Helgeson suggested deferring the matter to the July 11 work session. Ms. Witt explained that the bids on the BAN were only valid for a limited time, so they would likely have to restart the process if the matter was deferred.

Councilmember Taylor asked how much fat was in the BAN. Ms. Witt explained that the BAN was over three years, but she was not able to spend any money that was not appropriated by the Council. She explained that the current projects needed to move forward, and the City had to maintain its agreements with the contracts hired for the ongoing projects. She noted that future projects could change, and the proposed funding was based on what was in the CIP, but if the projects were not appropriated, funding could not be borrowed. Councilmember Taylor clarified that the BAN was necessary to pay the City's bills. Ms. Witt responded that was correct.

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

Ayes: Reed, Dolan, Taylor, Wilder	4
Noes: Misjuns, Helgeson, Faraldi	3

// In the matter of Public Comment, Agenda Item 6, Citizen Jeff Rosner addressed Council and expressed concern regarding the draft resolution entitled “A Resolution to Promote Merit, Excellence, and Opportunity in City Government.”

// In the matter of Public Comment, Agenda Item 7, Citizen Brenda Farmer, joined by attending members of the NAACP, addressed Council and expressed concerns regarding Councilmember Misjuns’ proposal.

// In the matter of Public Comment, Agenda Item 8, Citizen Owen Cardwell addressed Council and expressed concern regarding the Misjuns resolution.

// In the matter of Public Comment, Agenda Item 9, Citizen Joy Shaughnessy addressed Council and expressed concern regarding the proposed MEO Resolution.

// In the matter of Public Comment, Agenda Item 10, Citizen Kathleen Davis addressed Council and expressed concern regarding speaking against the proposed MEO Plan.

// In the matter of Public Comment, Agenda Item 11, Citizen Lanaux Hailey addressed Council and expressed concern regarding muzzling the First Amendment.

// In the matter of Public Comment, Agenda Item 12, Citizen Nichole Sanders addressed Council and expressed concern regarding Marty Misjuns' MEO proposal.

// In the matter of Public Comment, Agenda Item 13, Citizen Cindy Ferguson addressed Council and expressed concern regarding the proposed resolution, Councilmember Misjuns' Resolution on Racism and Sexism.

// In the matter of Public Comment, Agenda Item 14, Citizen Stephanie Andrews, Executive Director of the YWCA Central Virginia and joined by the YWCA Board of Directors, addressed Council and expressed concern regarding the resolution being proposed by Councilmember Misjuns.

// In the matter of Public Comment, Agenda Item 15, Citizen M.W. Thornhill, IV addressed Council and expressed concern regarding the agenda referencing promoting excellence in the City by Councilman Misjuns.

// In the matter of Public Comment, Agenda Item 16, Citizen Maggie Millard addressed Council and expressed concern regarding the proposed ban of discussion of racism or sexism and preventing City employees from participating in any DEI trainings or discussions.

// In the matter of Public Comment, Agenda Item 17, Citizen Carl Hutcherson addressed Council and expressed concern regarding Martin Misjuns' proposal on diversity.

// In the matter of Public Comment, Agenda Item 18, Citizen Patric Sabin who previously signed up was not present.

// In the matter of Public Comment, Agenda Item 19, Citizen Vincente Gonzalez addressed Council and expressed concern regarding the "Resolution to Promote Merit, Excellence, and Opportunity in City Government."

// In the matter of Public Comment, Agenda Item 20, Citizen Dennis Roberts addressed Council and expressed concern regarding Councilmember Misjuns' proposed resolution.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Ryan Thomas addressed Council and expressed support for Councilmember Misjuns' proposed resolution.

// In the matter of Public comment, Item Not on the Agenda, Citizen Jim Quattlebaum who was previously added to the agenda by Councilmember Misjuns, was not present to speak.

// In the matter of Public Comment, Item Not on the Agenda, Citizen CJ Jordan who was previously added to the agenda by Councilmember Taylor, was not present to speak.

// In the matter of Public Comment, Item Not on the Agenda, Citizen Carlos Hutcherson was added by consensus from Council. He addressed Council and expressed concern regarding Councilmember Misjuns' proposed resolution.

// In the matter of the Circuit Court, Agenda Item 21, Council considered introducing Resolution #R-23-066 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating $964,424 from the National Opioid Settlement Funds to expand the work of the Lynchburg Adult Drug Court. The funds will be used to address the continued operations of Lynchburg Adult Drug Court (LADC) to ensure that the program maximizes the ability to operate with fidelity, achieve optimal client outcomes, and reduce the rates and incidents of opioid overdose in Lynchburg. Funds will be used for the following: 1) Support for the LADC Director, 2) Part-time LADC dedicated Probation Officer, 3) Drug testing kits, 4) Training for the LADC team, 5) Pro-Social activities for Drug Court participants, 6) Alumni group, 7) Recovery housing, 8) Transportation, and 9) Drug treatment court graduation.

Councilmember Dolan motioned, seconded by Councilmember Wilder, to adopt the Resolution #R-23-066. With no discussion from Council, the following vote was recorded:

Ayes: Reed, Misjuns, Helgeson, Dolan, Taylor, Wilder, Faraldi	7
Noes:	0

// In the matter of the Schools, Agenda Item 22, Council considered adopting Resolution #R-23-069 authorizing the negotiation between the Lynchburg City School Board and Southern Air, Inc. for the Dunbar Middle School Heating Renovations Public Private Education Act (PPEA) proposal. Council was previously briefed on this item at the June 13, 2023 City Council work session. Lynchburg City Schools

(LCS) received an unsolicited Public Private Education Act (PPEA) proposal for Heating Renovations at Dunbar Middle School from Southern Air. The proposed cost of the project is between $2.8M and $3.5M depending on the scope of work LCS chooses to have done. This project will be funded with previously appropriated COVID relief funds and does not require City Council to appropriate any additional funding. As required in the PPEA, LCS requested competing proposals and did not receive any. LCS will now negotiate a comprehensive agreement with Southern Air. City Council will need to ultimately approve that agreement.

Vice Mayor Faraldi motioned, seconded by Councilmember Misjuns, to adopt the Resolution #R-23-069.

Ayes: Reed, Misjuns, Helgeson, Dolan, Taylor, Wilder, Faraldi	7
Noes:	0

// In the matter of School Board Appointments, Agenda Item 23, Council considered appointments, or reappointments, to vacancies that will exist June 30, 2023, in School Board Districts I, II, and III. Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each School Board member whose term expires on June 30th of that year.

Vice Mayor Faraldi motioned, seconded by Mayor Reed, to appoint Christian DePaul to District 1.

Councilmember Dolan made a substitute motion, seconded by Councilmember Wilder, to reappoint Dr. Robert Brennan to District 1.

Vice Mayor Faraldi stated that though he appreciated all of the work Dr. Brennen put into his time on the School Board, he could not support his candidacy due to currently poor graduation rates within LCS.

Councilmember Helgeson stated that he was in support of Rebekah Turner for District 1 and he could not support Dr. Brennan, citing the need for new direction.

Councilmember Misjuns stated that he could not support Dr. Brennan citing the need for a new direction on School Board.

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

Ayes: Wilder, Dolan	2

Noes: Helgeson, Reed, Faraldi, Taylor, Misjuns 5

Councilmember Helgeson stated that he would be voting in opposition to Christian DePaul, stating he was in support of Rebekah Turner for District 1, citing that she currently has children in the school system.

Mayor Reed called for the vote to appoint Christian DePaul to District 1. With no further discussion from Council, the following vote was recorded:

Ayes: Wilder, Dolan, Reed, Faraldi 4

Noes: Helgeson, Taylor, Misjuns 3

Vice Mayor Faraldi motioned, seconded by Councilmember Misjuns, to appoint Letitia Lowery to District 2. With no discussion from Council, the following vote was recorded:

Ayes: Reed, Misjuns, Helgeson, Dolan, Taylor, Wilder, Faraldi 7

Noes: 0

Councilmember Misjuns motioned, seconded by Councilmember Helgeson, to appoint Andrew Glover to District 3. Councilmember Misjuns stated that Mr. Glover has been an advocate for parents and parents' rights.

Councilmember Wilder stated his opposition to appointing Mr. Glover due to his poor conduct and rhetoric with the School Board.

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

Ayes: Helgeson, Taylor, Misjuns 3

Noes: Wilder, Dolan, Reed, Faraldi 4

Vice Mayor Faraldi motioned, seconded by Councilmember Misjuns, to appoint Farid Jalil to District 3.

Councilmember Wilder made a substitute motion, seconded by Councilmember Taylor, to appoint Tecora Davis to District 3. Councilmember Wilder stated that Ms. Davis has children in the school system and that she did get a legal opinion stating that there would be no conflict of interest with her state employment and serving in this capacity.

Councilmember Misjuns stated his opposition to appointing Tecora Davis due to the potential conflict of interest based on her employment with a state office, even though he was impressed with her interview. He stated that he believed Mr. Jalil would be a staunch advocate for parents' rights.

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

Ayes: Wilder, Dolan, Taylor 3

Noes: Helgeson, Reed, Faraldi, Misjuns 4

Mayor Reed called the vote to appoint Farid Jalil to District 3.

Councilmember Helgeson stated his opposition to appointing Farid Jalil stating that Andrew Glover was an advocate for not closing schools and that even though he like Mr. Jalil, he did not have the backbone or tenacity that Mr. Glover has.

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

Ayes: Wilder, Dolan, Reed, Faraldi, Taylor 5

Noes: Helgeson, Misjuns 2

// In the matter of Budget, Council considered adopting Resolution #R-23-061, amending Lynchburg City Schools major classification funding for Fiscal Year 2024.

Councilmember Misjuns asked if they were using the cost of instruction to cover administrative personnel. Chief Financial Officer Donna Witt stated that within instruction, reductions were made by cutting out any vacancies they were able to and cut down on purchased services in order to prioritize staff over stuff, and then did the same in the other categories they were able to. The excess in technology and administration was due to these reductions and is able to be used for student-facing staff in instruction. Councilmember Misjuns asked if the $630,000 taken out of technology and moved to instruction was people or stuff. Ms. Witt answered that those funds came from stuff in that they reduced purchase of software, substitutes, and vacancies. Councilmember Misjuns motioned, seconded by Councilmember Wilder, to approve the appropriations request.

Vice Mayor Faraldi made a substitute motion, seconded by Councilmember Dolan, to approve the resolution as presented and to amend the agenda to adjourn the meeting immediately after the vote.

Mayor Reed called the vote for the substitute motion.

Ayes: Wilder, Dolan, Reed, Faraldi, Taylor 5

Noes: Helgeson, Misjuns 2

Mayor Reed called the vote for the motion to approve the resolution and adjourn the meeting.

Ayes: Wilder, Dolan, Reed, Faraldi, Taylor 5

Noes: Helgeson, Misjuns 2

The meeting was immediately adjourned and Agenda Item #24 Councilmember Misjuns' proposed the draft Resolution to Promote Merit, Excellence, and Opportunity in City Government (MEO Resolution), was not addressed.

// The meeting adjourned at 9:39 p.m.

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Clerk of Council