CONSENT AGENDA ITEM: B

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of May, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Budget, Agenda Item # 1, Council continued balancing the FY 2021 Budget. Interim City Manager Dr. Reid Wodicka provided remarks to Council. At the April 27, 2021 Council Meeting, Councilmember Chris Faraldi requested more information on all options for possible staff compensation.

Dr. Wodicka reiterated the three options available. Option one is to do nothing, which would leave about $3.1 million available to be placed in reserve for the future. If the money is not appropriated it can also be placed in the unassigned fund increasing the balance to 13.4%. Option two and City staffs' recommendation is to implement a 5% salary wage increase across the board for City employees. All City employees, with at least one year of service, would receive the 5% increase. This would also preserve 5% revenue for the state social services functions and be consistent with the 5% for City schools. It would move pay closer to prevailing market rates and would not have a significant impact on compression issues either positively or negatively. It has been two years since a general wage increase and some of the challenges in the compensation plan are due to lack of general wage increases during the last decade. Increasing existing employee pay is also important given that starting wages have increased for new employees. There are positive and negative arguments for both sides but this option will do the most good for the most people. Option three is to move forward with implementation of the 2018 City salary study. Compression is an issue that needs to be addressed within the organization but the Korn Ferry study was not designed as a compression analysis. It is simply a market analysis for a variety of positions. Implementation of the study would not widely resolve the compression issues due to the age of the study, changes in personnel, and since employee thresholds do not change after ten years of service. Also, in order to implement the study, staff would need more time for appropriate analysis and to develop a system to do so. It does not include any raise or pay adjustment for hourly or part-time staff since they were not included in the study. Moving forward with this option would also result in the loss of the 5% match in state revenue for social services and about 40% of employees not receiving any pay increase.

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

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

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

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

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

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

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

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

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

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

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

Councilmember Faraldi repeated his substitute motion with the amendment.

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

Councilmember Faraldi stated that the initial reaction was to not lose the state funded match for social services, which makes sense. Now, the opportunity to find targeted, strategic investments to address compression in the City is being discussed and it seems that Council is unwilling to grant funds only to one department. If these dollars are going to be spent, they should be spent well and used to address compression. Granting a 5% General Wage salary increase will only prolong the issue of compression and add the future issue of finding additional funds to address it. Again, the issue should be addressed now. Mayor Dolan added that there are really two problems: the problem of underpaid employees and the problem of compression.

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

The substitute motion failed.

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

Councilmember Helgeson stated that with all the concerns that have been brought up, a more balanced option should be determined. The cost of living would be covered with a 2% general wage salary increase, the extra $289,000 should be used to resolve the inequity for the lowest paid employees, and the remaining $1.7 million should be placed in a reserve. This would grant the ability to address employee concerns who may have been missed in the phased approach of implementing the Korn Ferry study and should be supported by all. It takes pieces of each options and is a good alternative for those who support the 5% General Wage salary increase.

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

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

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

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

// In the matter of Budget, Agenda Item #2, Chief Financial Officer Ms. Donna Witt provided Council with an update on the revenue collections received in several key City revenue sources. For local sales tax, January and February are typically low months but were above projections this year. March was a great month also because people spent their stimulus money. In 2020 the City collected $16.5 million so the adopted budget was $15.4 million. Based on current trends it is possible that the City will collect $17.8 million this year. The meals tax collected exceeded the projected budget for March by $100,000.00, did not meet the projection in January, and was right at the projection in February. In 2019 the City collected $15.1 million. In 2020 the city collected only $13.7 million due to a lost quarter. The adopted budget projects $14.9 million, which may be met if things open up even more. In-person May graduations and celebrations should help revenue. For lodging tax, the City collected $190,000.00 in March. In 2019 the City collected $2.8 million. In 2020 the City collected $2.3 million. For 2021 the City projected $2.7 million but things have not opened as quickly as originally thought so it is likely that the City will collect $2.2 million instead. Again, May graduations should help. For amusement tax, the City collected $32,000.00 in March and should finish the year by collecting about $290,000.00. This may change depending on openings but it is still unlikely that the City will meet its projected budget. Vehicle assessments have gone up due to supply and demand and are driving personal property taxes up.

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

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

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

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

// The meeting was recessed at 5:13 p.m.

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

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi 7

Absent: 0

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

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

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

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

// In the matter of the Consent Agenda Item #5, Council conducted a second reading and adopted Resolution #R-21-032 amending the FY 2021 School Capital Projects Fund budget and appropriate $317,000 with resources from Lynchburg City Schools CARES funds for the installation of an intercom system at E. C. Glass. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion:

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

// In the matter of Community Development, Agenda Item #6, a public hearing was held to receive citizen input on adopting Resolution #R-21-034 approving the FY 2022 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. Ms. Melva Walker, Grants Manager, provided Council with a brief summary of the request. The U.S. Department of Housing and Urban Development (HUD) requires the City as an Entitlement Community for receipt of the Community Development Block Grant (CDBG) and HOME Program funds to prepare and submit an annual action plan within the five-year consolidated plan. This plan outlines the needs, goals, and objectives for community development including housing and non-housing areas. The Grants Administration staff has prepared the fiscal year 2022 plan and it includes all the required components and the recommended CDBG and HOME projects approved by City Council at the public hearing conducted on March 23. A public notice was published stating that a draft of the proposed fiscal year 2022 action plan was available for public review and comment. The public comment period began on April 10 and ends at the conclusion of the public hearing tonight. Prior to this meeting City staff did not receive any written comments regarding the plan. Any comments received tonight will be incorporated in the final plan and submitted to HUD this week.

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

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. Councilmember Wilder commended Staff's effort and work with CDBG and HOME program.

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

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

// In the matter of Rezoning – Planning, Agenda Item #7, a public hearing was held to receive citizen input on adopting Ordinance #O-21-035 approving the rezoning petition for portions of 2900 Candlers Mountain Road & 5212 Woodall Road. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. In 2013, City Council approved the petitions for a rezoning, Conditional Use Permit (CUP), and Future Land Use Map (FLUM) amendment on these properties. The properties were rezoned from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to bring the existing hotel, The Kirkley, into compliance with zoning. A CUP was also issued to allow the development of 5212 Woodall Road into apartments, which did not come to fruition. The owners of the parcels now envision different uses for these properties. There will also be a land swap between the two (2) parcels, which is why both addresses are listed on each rezoning petition. First, R&P Kirkley LLC is petitioning to rezone three and nine tenths (3.9) acres located at 2900 Candlers Mountain Road and 5212 Woodall Road to remove previously approved proffers to allow the use of the existing hotel building as an age restricted senior housing facility. The proffers, to be eliminated, specifically stated that the building would not be used for care centers or "convalescent and nursing homes." The proffers also included requirements for pedestrian improvements in the vicinity that would likely not be used by the senior facility residents. If approved, the existing hotel building will be used as an age restricted senior housing facility with approximately one hundred (100) patient rooms and one hundred ninety-three (193) parking spaces. The City's Technical Review Committee (TRC) reviewed the petition on March 2 and Planning Commission recommended approval at the March 24 meeting.

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

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

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

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

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

// In the matter of Rezoning – Planning, Agenda Item #8, a public hearing was held to receive citizen input on adopting both Resolution #R-21-036 approving the Future Land Use Map (FLUM) amendment and Ordinance #O-21-037 approving the rezoning petition for portions of 5212 Woodall Road and 2900 Candlers Mountain Road. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. The next two actions are related. GDG Lynchburg Apartments, LLC is petitioning to amend the Future Land Use Map (FLUM) from high density residential to community commercial and to rezone approximately four and nine tenths (4.9) acres located at 5212 Woodall Road and 2900 Candlers Mountain Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow the development of a mini storage facility. If approved, the proposed facility will consist of several single-story buildings as well as one three story climate-controlled storage building as well as space for the outdoor storage of RVs and boats. The City's Technical Review Committee (TRC) reviewed the petition on March 2 and Planning Commission recommended approval of both the FLUM amendment and the rezoning at their March 24 meeting.

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

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council. Councilmember Helgeson asked for clarification regarding the FLUM amendment. Ms. Frischeisen explained that the parcel was designated in 2013 for high density residential use when it was supposed to be developed into an apartment complex. The proposed parcel would now be designated as community commercial use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilmember Faraldi stated that when he sat in on schoolboard interviews there was a large, diverse group of applicants and this Council appointed the same three members. He does not see the need to issue additional compensation to recruit new schoolboard members but instead it is incumbent upon Council to appoint different members if they take issue with the current schoolboard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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Clerk of Council