// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of May 2023, at 4:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding.

The following Members of the Council were present:

Present: Stephanie Reed, Chris Faraldi, Sterling Wilder, Jeff Helgeson, Larry Taylor, Marty Misjuns, MaryJane Dolan 7

Absent: 0

// In the matter of Public Safety, Agenda Item #1, the Council received an informational presentation by City Manager Mr. Wynter Benda regarding the City-Wide Youth Curfew. He explained that the curfew was proposed from 11 p.m. to 5 a.m. for anyone under 18 years old, and there were other provisions and exceptions contained in the ordinance. The City Council requested City staff return a curfew ordinance for review and discussion. Pursuant to the authority described under Sec. 15.2-926 of the Code of Virginia, such an ordinance may be adopted by the City Council, but must include a variety of exceptions to be enforceable/acceptable Constitutionally. The City Council previously mentioned including a 'sunset clause' in the ordinance.

Councilmember Taylor stated that he wanted the curfew implemented as soon as possible.

Councilmember Helgeson suggested that the start date for the curfew be May 26 since that was the end of the school year, and the curfew should expire on December 1, 2023. He clarified that the curfew would be a tool for law enforcement officers to address crime. Commonwealth's Attorney Ms. Bethany Harrison responded that the curfew was only a tool, not a solution. She explained that several other cities had curfews, but they were effective only as far as they were enforced. She noted that they saw juvenile crime at different hours of the day. She said that the proposed ordinance tracked the Charlottesville ordinance, which had been in place for several years. She explained that there were provisions in the ordinance which required written permission from the parents for juveniles to be out with a guardian past the curfew. She said that the curfew would provide law enforcement with a reason and a tool to approach and question youth. Councilmember Helgeson requested that they finalize the ordinance at the regular meeting.

Councilmember Wilder asked whether the City had data that showed curfews were an effective method. Ms. Harrison responded that she did not have the data, and it would be up to the police department to collect the information. She noted that the City of Danville had 6 to 10 curfew violations per year. Councilmember Wilder asked what direction would be given to law enforcement to prevent profiling youth based on race or economic status. Chief of Police Mr. Ryan Zuidema responded that they focused on behavior and actions, and they did not focus on appearances or neighborhoods. He said that direction had not been given to officers because the ordinance had not yet been approved, but officers would receive training on how to enforce the curfew.

Councilmember Wilder asked whether parents would incur a financial penalty for curfew violations of their children. Chief Zuidema responded that the curfew would be a tool for law enforcement to detain people who appeared to be under 18 years old and were out during the curfew. He said that metrics to track effectiveness included juvenile crime rates, victimization, and how frequently the ordinance was enforced. He said that in terms of the fine, the Class 4 Misdemeanor was charged to the parents and the juveniles received a juvenile violation. Councilmember Wilder asked whether there would be an additional burden on police personnel. Chief Zuidema responded that it would be a balance, as some workloads would increase and others would decrease.

Councilmember Dolan asked for clarification about the fines. Ms. Harrison responded that violation of the curfew was a Class 4 Misdemeanor for juveniles and adults. She explained that for adults, they would receive a court summons, and the misdemeanor was only punishable by a fine and no jail time. She explained that for juveniles, it was considered an active juvenile delinquency, and if they appeared before a judge, it was a finable offense.

Mayor Reed asked if six months would be enough time to test whether the curfew was effective, or if one year would be better. Chief Zuidema responded that a longer window would provide a larger data set and cover all seasons of the year. Mayor Reed asked what the process would be if a guardian could not be contacted after a juvenile was detained for a curfew violation. Chief Zuidema responded that they would work with other service providers in the community or file a Child in Need of Services (CHINS) petition. He said that if they were able to get the juvenile back home, they would try to educate the parent on the curfew ordinance. Mayor Reed asked how law enforcement would respond if a juvenile detained for a curfew violation fled from arrest. Chief Zuidema responded that if there was no other criminal activity going on, law enforcement would still attempt to stop the juvenile, and if they were engaged in criminal activity, they would use all necessary resources to stop the individual.

Mayor Reed asked for clarification about the amendment to the ordinance. City Attorney Mr. Matthew Freedman responded that the amendment was made before the ordinance was posted on the agenda, but the version initially distributed to the Council was a version of the Charlottesville ordinance excluding an exception for 1st Amendment rights. He provided a recommendation to include the 1st Amendment exception because it was part of the Charlottesville ordinance, which had passed Constitutional review when it was appealed.

Vice Mayor Faraldi clarified that if a juvenile was stopped for only a curfew violation and ran, an effort would not be made to pursue the individual. Chief Zuidema responded that it depended on the observations and prior knowledge of the officer along with the location of the stop, and it would be at the discretion of the officer. Vice Mayor Faraldi asked how a 14- or 15-year-old would provide documentation for their age. Chief Zuidema responded that documentation would mostly be provided by contacting a parent or through a school ID. He said that until they could prove the individual was over 18, they would look to contact someone who could provide proof. Vice Mayor Faraldi asked what would happen if a juvenile refused to provide their phone or age. Chief Zuidema responded that they would take the juvenile into custody and seek a CHINS petition. He noted that every day, they jailed adults who refused to provide their name under John Doe. Vice Mayor Faraldi asked why it was a Class 4 misdemeanor, not a Class 3 misdemeanor. Mr. Freedman responded that the original draft was trying to track the Charlottesville ordinance, which had a penalty of a Class 4 misdemeanor.

Vice Mayor Faraldi asked for clarification about a section of the ordinance stating, "where required, the officer will release the minor to the parent." Chief Zuidema responded that officers would use a reasonable, articulable suspicion to detain individuals out past curfew. He said that if they were not seeking a curfew violation which required appearance before the court, then they would be required to release the child back to their parent. Vice Mayor Faraldi noted that the ordinance granted officers the ability to issue summonses to minors, and he asked for clarification about how parents would be fined. He asked why the word "may" was used as opposed to "shall". Ms. Harrison responded that there were specific provisions in the ordinance related to parental responsibilities, and if the parent or guardian was condoning the curfew violation, they could be charged with a misdemeanor. Chief Zuidema stated it was his recommendation to change "shall" to "may". He explained that the use of "shall" did not provide officers with discretion. Vice Mayor Faraldi asked what the purpose of the curfew was if it was only enforced on a case-by-case basis. Mr. Benda responded that it depended on the totality of the circumstances, but if the Council desired the ordinance to state "shall" instead of "may", they could move in that direction.

Vice Mayor Faraldi expressed concerns about the effectiveness of the ordinance and Civil Liberty issues. He said that if they were to pursue a curfew, they should implement one to the greatest extent permitted under law. He said that they should focus on targeting violent crime, not a small segment of the population that was causing problems because of larger issues facing the City. He stated that Charlottesville was not the appropriate ordinance for the City to model. Mr. Freedman explained that a benefit to using the Charlottesville ordinance was that it was tested for Constitutionality in the federal courts. He explained that the end goal was to provide a tool for law enforcement to have a reasonable, articulable suspicion to stop people who may be in violation of the curfew. He said that changing "may" to "shall" would not change the intended purpose of the ordinance.

Mayor Reed stated she did not want to put officers in the position where they would have to choose whether to shoot a juvenile because of a confrontation resulting from the curfew. She asked what impact the curfew was expected to have on the juvenile detention center. Chief Zuidema responded that if a child was charged with a curfew violation and did not have a prior record, they would be placed in diversion programs outside the court system.

Councilmember Misjuns asked whether law enforcement would be able to initiate and conduct a traffic stop if a minor was perceived to be in a vehicle past curfew. Chief Zuidema responded that they could initiate a traffic stop, but they would target groups of young individuals in vehicles, not a clearly older person with a younger person. Councilmember Misjuns said that he did not want to require officers to initiate traffic stops. He requested that the Council receive monthly updates with publicly published reports regarding the number of encounters, how many were juveniles and how many were not, the number of traffic stops, the number of use-of-force incidents, and the number of illegally possessed firearms. He stated that if the monthly reports showed the curfew was not effective, they could repeal the ordinance before the sunset clause. He asked for clarification about the 1st Amendment exceptions regarding freedom of assembly. Ms. Harrison responded that the curfew was upheld on appeal, but not because of the 1st Amendment exception, though it was positively noted. She explained that the government was able to regulate 1st Amendment rights to a degree, but they had to meet Constitutional review, and the criteria for juveniles was lower than adults. Councilmember Misjuns stated that he did not want to enable loopholes, so he requested to remove the 1st Amendment exceptions regarding the right to assemble and the right to protest. He asked how law enforcement would respond if juveniles invoked their 1st Amendment rights. Chief Zuidema responded that the stop had to pass a reasonableness test. Mr. Freedman responded that law enforcement officers would be able to judge whether the activity fell under protected 1st Amendment activity, but if the Council did not want the exception, it could be excluded as part of the ordinance. Councilmember Misjuns stated he supported changing the language back to "shall".

Councilmember Helgeson said he supported the use of "may" in the ordinance because it gave law enforcement discretion to enforce the curfew. He said he supported the sunset clause because it would enable Council to review the effectiveness and terms of the curfew once more data had been obtained.

Councilmember Wilder stated that he supported the "may" language because it provided discretion to law enforcement.

Councilmember Dolan stated she supported the use of "may" to provide discretion to officers.

Mayor Reed stated she agreed with the use of "may" and Councilmember Helgeson's suggestion for a December 1 sunset clause. She noted that there was consensus from the Council to support the use of "may", a start date of May 26 at 8 a.m., a December 1 sunset clause, and a penalty of a Class 4 misdemeanor. She noted that there was consensus from the Council to add the item to the 7:30 p.m. regular meeting agenda under General Business.

// In the matter of Rezoning, Agenda Item 2, Senior Planner Rachel Frischeisen provided an informational presentation to the Council regarding a rezoning for Centra Health Medical Campus. Centra Health Inc. (Centra Health Foundation, Inc. and General Business Concerns, Inc.) are petitioning to rezone nineteen (19) parcels, which comprise approximately one hundred (100) acres, in the Tate Springs and Langhorne

Road area. The proposed rezoning to IN-2, Institutional District 2 and IN-2C, Institutional District 2 (Conditional) would allow for expansion of the medical campus and its related uses without the need for conditional use permit approvals. The submitted concept plan shows a new emergency tower addition to the existing Lynchburg General Hospital building at 1901 Tate Springs Road and a new medical office building (known as the "MOB") at 2125 Langhorne Road. In response to a potential traffic issue for left-turn movements between the intersections of Tate Springs Road and Langhorne Road, the petitioner submitted the following revised proffer after the Planning Commission meeting: "As a condition to site plan approval for construction of a medical office building (MOB) on the property at 2125 Langhorne Road, Centra will:

(1) construct a traffic circle on the property consistent with the conceptual depiction of the traffic circle shown on the concept plan submitted to the city;

(2) restripe the traffic lanes along Langhorne Road in the vicinity of the entrance to the property from Langhorne Road, as recommended by Centra's engaged traffic consultant;

(3) provide an access easement benefitting 2121 Langhorne Road for access via the traffic circle, subject to reasonable cost sharing, use restrictions and other terms to be set out in a commercially reasonable easement agreement between Centra and the owner of 2121 Langhorne Road, which may also include provisions for a right-of-way dedication and/or reciprocal easements for traffic purposes along the frontage of 2121 Langhorne Road, as may be needed for a turn lane, sight distance enhancement and/or power pole relocation.

(4) provide for traffic signal optimization at the intersection of the western Tate Springs Road and Langhorne Road, as recommended by Centra's engaged traffic consultant."

This proffer would only apply to 2125 Langhorne Road, making the proposed zoning IN-2C, Institutional District 2 (Conditional). The other eighteen (18) parcels would be zoned IN-2, Institutional District 2.

Subject Parcels:

ID	Address	Owner	Zoning	Acreage	Parcel ID
1	1901 TATE SPRINGS ROAD	Centra Health, Inc.	B-1	29.7 AC	00101004
2	1815 THOMSON DRIVE	Centra Health, Inc.	B-1	6.6 AC	00101005
3	1901 THOMSON DRIVE	Centra Health, Inc.	B-1	1.7 AC	00605001
4	1701 THOMSON DRIVE	Centra Health, Inc.	B-3	9.8 AC	00124010

4A	2010 TATE SPRINGS ROAD	Centra Health, Inc.	B-3	0.7 AC	00124009
4B	1715 THOMSON DRIVE	Centra Health, Inc.	B-3	0.2 AC	00124023
5	2010 ATHERHOLT ROAD	Centra Health, Inc.	B-3	2.8 AC	00110001
6	98 MORGAN STREET	Centra Health, Inc.	B-3	0.8 AC	00110018
7	50 PAGE STREET	Centra Health Foundation	R-3	3.9 AC	00109003
8	1920 ATHERHOLT ROAD	Centra Health, Inc.	B-1/R-3	5.0 AC	00109001
9	1900 TATE SPRINGS ROAD	General Business Concerns, Inc.	B-1	4.4 AC	00123001
10	1800 TATE SPRINGS ROAD	Centra Health, Inc.	B-1	9.1 AC	00108003
11	1906 THOMSON DRIVE	Centra Health, Inc.	B-1	0.6 AC	00605044
12	1911 THOMSON DRIVE	Centra Health, Inc.	B-1	0.9 AC	00605005
13	2310 LANGHORNE ROAD	Centra Health, Inc.	B-3	1.1 AC	00111008
14	2301 LANGHORNE ROAD	Centra Health, Inc.	B-1	0.7 AC	00503002
16	100 MORGAN STREET	Centra Health, Inc.	B-1	0.84 AC	00113001
17	17 PAGE STREET	Centra Health, Inc.	B-3	0.023 AC	00110040

Councilmember Helgeson disclosed that his wife worked for Centra Health Inc, but he was able to address the matter objectively. He expressed concerns about the proximity to residential uses and neighborhoods. He said he would not support the current proposal because of several small problems. He noted there were several adjacent property owners that would be impacted by the change.

Mr. Benda stated that the Centra CEO was invited to the June 13 work session to present the plans for Centra.

Councilmember Misjuns expressed concerns about the impact on the surrounding residential developments and the impact on public safety.

// In the matter of Planning, Agenda Item 3, an information presentation was provided to the Council by Senior Planner Ms. Rachel Frischeisen regarding a conditional use permit (CUP) for Residential/Commercial Mixed-Use at 5900 and 5906 Fort Avenue. The Way, LLC, is petitioning for a CUPs at 5900 and 5906 Fort Avenue to allow thirty-one (31) apartments as part of a mixed-use development. A CUP is required because the proposed development would exceed the ratio of fifty percent (50%) commercial use to fifty percent (50%) residential use allowed within the current zoning district. Ten (10) apartments would be located in a former carpet and flooring store. The existing building will be modified to contain commercial space, nine (9) two-story units, and one (1) unit in the basement. A new three-story building will also be constructed on a vacant portion of the property and will contain twenty-one (21) apartments. The two buildings will be connected by a lobby. The Future Land Use Map (FLUM) recommends a Community Commercial use for the property. Community Commercial uses provide for residential development on upper floors of commercial structures or as transitional structures between residential and commercial buildings.

Councilmember Helgeson expressed concerns about the density proposed for the development.

Vice Mayor Faraldi clarified that the proposed parking was shared between the residential and commercial uses. Ms. Frischeisen stated that the developer believed the overlap between the commercial use and available parking during the day would allow for shared parking. She explained that the ordinance allowed for shared capacity if the developer was able to demonstrate there would be sufficient parking. Vice Mayor Faraldi expressed concerns about the ratio of residential to commercial uses and the impact of parking on future applications.

Councilmember Helgeson asked what the typical units per acre was for high density residential development. Ms. Frischeisen responded that it was about 20 units. Councilmember Helgeson noted that the proposed development was about 44 units per acre.

// In the matter of Planning, Agenda Item 4, City Planner Mr. Tom Martin provided a presentation to the Council regarding the draft annual action plan for the Community Development Block Grant and HOME Program. The Department of Housing and Urban Development (HUD) requires local governments, which receive federal Community Planning and Development (CPD) formula block grant funds, to prepare an Annual Action Plan as a component of the approved 2020-2024 Five-Year Consolidated Plan. The Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and is comprised of the required components, including the CDBG and HOME projects that will be implemented during the upcoming program year to address the identified needs and objectives.

// In the matter of Water Resources, Agenda Item 5, an informational presentation was provided to the Council by Director of Water Resources Mr. Tim Mitchell regarding Virginia Department of Health Drinking Water State Revolving Fund FY 2022 Bipartisan Infrastructure Law Lead Service Line Inventory Funding. Mayor Reed noted that the item would appear before the Council at the June 13 meeting. On December 16, 2021, the Environmental Protection Agency issues the Lead and Copper Rule Revisions (LCRR) which includes but is not limited to the requirement to conduct a lead service line inventory by October 16, 2024. This involves identifying and making publicly available to both public and private water service line materials for all water connections in the City. Additional requirements also include lead sampling at all schools and day care facilities, new consumer notification requirements, and ultimate removal of all lead service lines. The City was awarded this funding opportunity by the Virginia Department of Health through the Virginia Drinking Water State Revolving Fund FY 2022 Bipartisan Infrastructure Law Lead Service Line Inventory program.

Councilmember Taylor clarified that homes with galvanized pipes would have to replace the pipes. Mr. Mitchell responded that one of the requirements was that lead testing had to be performed in all schools and daycare facilities. He said that they had not found any private lead service lines so far, but they had found public lead service lines. He explained that if a galvanized line was connected to a lead service line, the galvanized line would have to be replaced because there was potential for lead to be contained in the lines.

// In the matter of Engineering, Agenda Item 6, City Engineer Mr. Lee Newland provided a presentation to the Council regarding a proposed ANCH LLC Franchise Ordinance. 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 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 proposed in these circumstances:

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

June 27, 2023: (1) During the work session of the City Council’s meeting, the Clerk of Council shall publicly open and announce all bids received. The Mayor will then publicly ask if any other bids are to be submitted, and if none, a member of City Council will make a motion to accept the bid submitted and adopt the same by recorded vote. Note: If any additional bid(s) is received during the work session, then City Council should table this matter until the next regular meeting date so staff may review the subsequent bid(s) received.

(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.

// In the matter of Roll Call, Councilmember Wilder thanked the attendees of the basketball charity tournament held in memory of the six-year-old who recently died; he congratulated the Mayor's Youth Council for holding a successful charity car wash on Saturday; he announced that one of the coaches at the charity basketball tournament died after a recent medical procedure, and his funeral was held with standing room only. Councilmember Helgeson stated that 60k people attended the Liberty graduation, patronized local restaurants and hotels, and brought additional tax revenue to the City; he said that the graduation event went off without a hitch, and it ended in a fireworks display; he stated he was hopeful that the graduates would be able to land jobs. Councilmember Misjuns stated that they needed to find funding to appoint an auditor for the City; he noted that it would be the best way to protect the identity of people making anonymous reports of waste, fraud, or abuse in the City. Councilmember Taylor requested that the Council help the Raven Football Team find a lighted practice space; he explained that the players had to hold a 3.0 GPA to play, and they traveled to different states for games. Mayor Reed acknowledged the Department of Community Development, which worked with the Council, residents, businesses, and institutions to shape the growth of the City; she reported that the Mayor's Youth Council volunteered at the Park View Community Mission to help distribute groceries to food-insecure families earlier in the school year, and the experience was positive, the students requested to hold a fundraiser for Park View Community Mission; she stated that in partnership with the fire department, the Mayor's Youth Council held a donation car wash at Fire Station 6, and they raised over $4K; she thanked Captain Anthony Andrews and firefighters Kendall Moyer, Traeor Benefield, and Jacob Adkins for supporting the charity event.

// On the motion of Councilmember Helgeson, seconded by Councilmember Wilder, by the following recorded vote, elected to hold a closed meeting to discuss the procedures and results of a City adult protective services investigation and court proceeding, pursuant to Sec(s). 2.2-3711(A)(4), -(A)(8), and -

(A)(16) of the Code of Virginia, 1950, as amended; and to discuss and consider information relating to a proposal for a City highway/road project submitted pursuant to the City via the Public-Private Transportation Act of 1995, pursuant to §§ 2.2-3705.6(11) and 2.2-3711(6) of the Code of Virginia, 1950, as amended; and to discuss appointments for vacancies to the Lynchburg Regional Airport Commission, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

With no further discussion from the Council, the following vote was recorded on the amended motion.

Ayes: Stephanie Reed, Chris Faraldi, Jeff Helgeson, Larry Taylor, Marty Misjuns, MaryJane Dolan, Sterling Wilder 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: Stephanie Reed, Chris Faraldi, Jeff Helgeson, Larry Taylor, Marty Misjuns, MaryJane Dolan, Sterling Wilder 7

Noes: 0

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

Lynchburg Regional Airport Commission: Dennis Hackemeyer – new term expiring December 31, 2025.

Ayes: Stephanie Reed, Chris Faraldi, Jeff Helgeson, Larry Taylor, Marty Misjuns, MaryJane Dolan, Sterling Wilder 7

Noes: 0

// The meeting recessed at 6:07 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of May 2023, at 7:30 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

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

Absent: 0

Councilmember Taylor gave the invocation followed by the Pledge of allegiance.

// In the matter of Recognitions, the E.C. Glass JROTC gave their Presentation of Colors.

// In the matter of Recognitions, Mayor Reed gave a Proclamation National Emergency Medical Services Week. Fire Chief Wormser accepted the Proclamation.

// In the matter of Recognitions, Mayor Reed recognized the Citizen's Academy graduating class. Ms. Anna Bentson, Director of Communications and Public Engagement, thanked Council and made remarks. Ms. Juleigh Brown, class spokesperson, addressed Council. Mayor Reed announced the members of the graduating class.

// In the matter of the Consent Agenda, Council considered a Second Reading on the adoption of the FY 2024 Budget for the following resolutions:

- Resolution #R-23-047a appropriating the FY 2024 Discretionary External Service Provider Amazement Square – Signal and Rail Car Budget
- Resolution #R-23-047b appropriating the FY 2024 Discretionary External Service Provider Central Virginia Alliance for Community Living Budget

- Resolution #R-23-047c appropriating the FY 2024 Discretionary External Service Provider Central Virginia Community College Board (CVCC) Budget
- Resolution #R-23-048 appropriating the FY 2024 Operating Fund Budgets for all other funds
- Resolution #R-23-051 appropriating $50,000 of the FY 2024 Reserve for Contingencies for use by the City Manager

On motion of Councilmember Dolan, seconded by Councilmember Wilder, the following vote was recorded:

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

Noes: 0

// In the matter of School Board Appointments, Agenda Item #5, a public hearing was held and Council received citizen input regarding appointments to vacancies that will exist June 30, 2023, in School Board Districts I, II, and III. Clerk of Council Ms. Alicia Finney read the names of the citizens who volunteered to serve on the School Board into the record: School District I—Ms. Rebekah Turner, Ms. Deborah Trefzger, Dr. Robert Brennan, Mr. William “Bill” Hawkins, Mr. Jack Schewel, Mr. Michael Brosmer, and Mr. Harold White; School District II—Mr. Stephen Wheeler, Ms. Melissa Boatwright, Mr. Keita Rodgers, Ms. Christina Wilson, Mr. Gregory Berry, Ms. Bethany White, Dr. Kimberly Sinha, Dr. Frederick Milacci, Ms. Diane Sillaman, Ms. Stacy Link, Mr. Michael Barron, Ms. Letitia Lowery, Ms. Pegeen Liston, and Ms. Joan Pense; School District III—Ms. Alexandra Berrigan, Mr. Roman Franklin, Mr. Andrew Glover, Dr. David Ream, Ms. Cheryl Giggetts, Mr. Farid Jalil, and MS. Tecora Davis.

Mayor Reed opened the floor for any candidate who wanted to speak on their qualifications at the public hearing.

Mr. Greg Berry, nominee for School District 2, spoke before Council.

Ms. Joan Pense, nominee for School District 2, spoke before Council.

Mr. Farid Jalil, nominee for School District 3, spoke before Council.

Mayor Reed opened the floor to citizens who wished to comment on a name submitted or offer additional names for consideration.

Ms. Eileen Lass stated that she was a resident of Lynchburg, and spoke in support of Deborah Trefzger, School District 1.

Mr. Alan Trefzger spoke in support of Deborah Trefzger, School District 1.

Mr. Mike Brady spoke in support of Rebekah Turner, School District 1.

Reverend Carl B. Hutcherson, Jr. spoke in support of Dr. Robert Brennan, School District 1.

Mr. Charlie White stated that he resided in District 1, and spoke in support of Dr. Robert Brennan.

Kaylin Snyder, student at Heritage High School and resident of Ward III, addressed Council on the importance of not appointing School Board members from only one political party to ensure all students and parents feel represented.

Timothy Patterson, a student at Heritage High School and Central Virginia Governor's School and a resident of Lynchburg City, addressed Council on the importance of appointing School Board members who understand the importance of school programs.

Salem Dews, a student at Heritage High School and resident of Lynchburg City, addressed Council on the importance of appointing a diverse School Board so that it is reflective of the community.

Iyone Benson, student at Heritage High School and resident of Lynchburg City, addressed Council on the importance of appointing a diverse School Board.

Dai'Dieon Kyleik, graduating senior at E. C. Glass High School and resident of Lynchburg City, addressed Council on the importance of appointing a politically neutral and diverse School Board.

Ella Fitzans, graduating senior at E. C. Glass High School and resident of Lynchburg City, addressed Council on the importance of appointing a politically neutral and diverse School Board.

Ms. Katie Snyder stated that she was a resident of Ward III and spoke in support of Dr. Robert Brennan in School District 1 and Dr. Kimberly Sinha in School District 2.

Ms. Kimberly Dyke-Harsley spoke in support of Dr. Robert Brennan in School District 1.

Katrina Marble spoke on behalf of Deborah Trefzger in School District 1, Michael Barron in School District 2, and F. J. Jalil in School District 3.

Clerk of Council Ms. Alicia L. Finney reported that 19 emails had been submitted to be read into the record.

Ms. Finney read an email from Laura Hamilton, Executive Director of Lynchburg Beacon of Hope, l into the record. The email read that it was written in support of Bob Brennan, LCS School Board District

1 candidate on behalf of the staff of Lynchburg Beacon of Hope, but not with full endorsement from the 30-member Board of Directors of Lynchburg Beacon of Hope.

Ms. Finney read Dr. Rachel Gagen's email into the record. The email read that it was written in support of Dr. Robert Brennan.

Ms. Finney read Albert Carter, Choral Teacher at Paul Monroe and Dunbar Middle School's email into the record. The email read that it was written in support of Dr. Robert Brennan.

Ms. Finney read Debra Jefferson, Horizon Behavioral Health's email into the record. The email read that it was written in support of Dr. Robert Brennan.

Ms. Finney read Beverly Jones's email into the record. The email read in support of Deborah Trefzger.

Ms. Finney read Deborah Trefzger's email into the record. The email read that she would like to be considered a candidate for Lynchburg City School Board District 1.

Ms. Finney read Angie Halama, Fit Academy Charter School Board's email into the record. The email read in support of Rebecca Turner.

Ms. Finney read Megan Olson's email into the record. The email read in support of Rebecca Turner.

Ms. Finney read Claude Allair, Executive Director and Superintendent of Fit Academy, email into the record. The email read in support of Rebecca Turner.

Ms. Finney read Tamra Paschall, Fit Academy's email into the record. The email read in support of Rebecca Turner.

Ms. Finney read Tiffany Taylor, Fit Academy's email into the record. The email read in support of Rebecca Turner.

Ms. Finney read David Bovenizer IV's email into the record. The email read in support of Jack Schewel.

Ms. Finney read Dr. Ann Hunter McLean's email into the record. The email read in support of Jack Schewel.

Ms. Finney read Michael Okin's email into the record. The email read in support of Jack Schewel.

Ms. Finney read Tammy Shank, Salvation Army's email into the record. The email read in support of Jack Schewel.

Ms. Finney read Beverly McCloskey's email into the record. The email read in support of Letitia Lowery.

Ms. Finney read Kim English's email into the record. The email read in support of Letitia Lowery.

Ms. Finney read Cheryl Proffitt's email into the record. The email read in support of Letitia Lowery.

Ms. Finney read Gary Harvey's email into the record, a former School Board Member. The email read in support of Kimberly Sinha.

Mayor Reed asked if there was anyone else who wished to speak.

Ms. Letitia Lowery stated that she was representing District 2, and addressed Council.

Councilmember Helgeson made a motion, seconded by Councilmember Dolan, to close the public hearing.

Councilmember Faraldi asked what occurred after the public hearing was closed for this application process. Ms. Finney replied that Council could decide which candidates to interview tonight, or Council could review the applications after tonight's meeting and return to General Business on June 13 to choose candidates at open session at that meeting, with interviews conducted the following week and appointments made on the June 27 meeting. Councilmember Faraldi said that he supported closing the public hearing and selecting interviewees either tonight or at the next meeting.

Mayor Reed stated that closing the hearing meant that no more applicants were allowed at this point.

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

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

Mayor Reed asked councilmembers to share the candidates they wished to interview at this time, if any.

Councilmember Wilder nominated Dr. Robert Brennan, Bethany White, Dr. Kimberly Sinha, Letitia Lowery, Cheryl Giggetts, and Tecora Davis for interview.

Councilmember Dolan recommended Dr. Robert Brennan, Bethany White, Dr. Kimberly Sinha, and Roman Franklin for interview.

Councilmember Helgeson recommended Rebekah Turner, Jack Schewel, Gregory Berry, Joan Pense, Andrew Glover, and Farid Jalil for interview.

Councilmember Misjuns stated that all of his recommended candidates had already been mentioned.

Councilmember Taylor recommended Roman Franklin, Jack Schewel, Rebekah Turner, David Ream, and Farid Jalil for interview.

Councilmember Faraldi recommended Rebekah Turner, Dr. Robert Brennan, Jack Schewel, Dr. Kimberly Sinha, Letitia Lowery, Gregory Berry, Beth White, F.J. Jalil, Roman Franklin, and David Ream for interview.

Mayor Reed recommended Deborah Trefzger, Michael Brosmer, and Michael Barron for interview.

Ms. Finney said that all the candidates were still in the running and Council would come back on June 13th positioned under General Business to make their final decisions on who to interview. At that point, interviews would be scheduled the week of June 19th with final appointments made at the June 27th City Council meeting under General Business.

// In the matter of Public Comment, Agenda Item 6, Citizen Ed Parrish addressed the Council. He said he had a lifelong experience with Lynchburg's public education system through his children, and he requested Council not take away resources from public education while piling more expectations on them.

// In the matter of Public Comment, Agenda Item 7, Citizen Jennifer Staton, resident of Ward I, addressed the Council. She thanked Council for inviting the E. C. Glass Air Force JRTOC Color Guard to present their colors tonight, in which her daughter served as Cadet Lieutenant Colonel and Color Guard Corps Commander. She stated that some councilmembers had not shown patriotism or integrity in their recent treatment of the Mayor, the public, and City staff.

// In the matter of Public Comment, Agenda Item 8, Citizen F.J. Jalil, resident of Ward III, addressed the Council. He said that he brought forward information related to curfew and the limitations due to timing and efficacy.

// In the matter of Horizon Behavioral Health, Agenda Item 9, Council considered adopting Resolution #R-23-053 proposing a partnership with Horizon Behavioral Health to provide partial funding for site acquisition and renovation costs with programming/direct service costs for the Crisis Receiving Center (CRC). Mr. Greg Patrick, Deputy City Manager, gave a brief summary of the item. A request was received from Horizon Behavioral Health for the City to partner in a new CRC. Horizon has a shortfall of $4.1 million and has requested the City commit to funding this shortfall. The CRC will benefit the City and surrounding localities' public safety staff by providing a detoxification and stabilization facility for citizens with acute opioid disorders. City staff, in cooperation with Campbell County, submitted a grant application to the Virginia Opioid Abatement Authority for $1,946,372 to contribute toward the site acquisition and renovation costs for Horizon's CRC. These funds, if awarded, will offset the $4.1 million requested by Horizon to fill the funding gap for the new CRC. The attached resolution authorizes the City Manager to execute all documents in connection with the grant, and set aside up to $4.1 million for the project. Horizon staff have committed to continuing to raise funds to reduce the shortfall. Appropriation of the grant funds and additional funds to fill the gap will require City Council action at a later date.

Vice Mayor Faraldi motioned, seconded by Councilmember Misjuns, to adopt Resolution #R-23-053.

Mr. Freedman clarified that the Clerk and the City Manager should be authorized to correct the resolution to ensure it was a joint application with Campbell County, Virginia.

Councilmember Helgeson asked Ms. Lucy to address the ongoing expenses of the Horizon CRC. Ms. Melissa Lucy, Chief Executive Officer of Horizon, answered that they had received a guarantee from the state for $2.2M to cover the remaining costs not covered by billing revenues, and they would continue to seek grants and additional funding to cover future expenses. She clarified that the funding also included the salaries of the eight police officers staffed at the CRC.

Councilmember Taylor asked if there were any similar facilities in Lynchburg. Ms. Lucy replied that there were two similar facilities in the state, but none that were designed to do exactly what the state required, which was what Horizon's CRC would do.

Councilmember Misjuns asked how many chairs they would have at the CRC. Ms. Lucy said there would be 16 chairs for observation and 16 beds, eight detox and eight residential crisis stays, and she was applying for them to be flexible in order to flip them to accommodate for needed services. Councilmember Misjuns asked how the beds would be labeled. Ms. Lucy said that they would be crisis stabilization beds, which were different from hospitalization beds. Councilmember Misjuns asked how transportation from the center to other state hospitals would be initiated. Ms. Lucy stated that state code required law enforcement officials to transport patients, but transport was less of an issue than the TDO and ECO requirements.

With no further discussion, the following vote was recorded:

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

// In the matter of Parks and Recreation, Council considered introducing Resolution #R-23-054 amending the FY 2023 General Fund budget and appropriating $9,000 to the Parks and Recreation Fees budget for the Healthy Kids Bucks program. Mr. Kent White gave a brief summary of the item to Council. The funds will be used to provide low-income children with weekly $10 Healthy Youth Buck vouchers for purchasing fresh fruits and vegetables at the Lynchburg Community Market. This will be an extension of our youth-nutrition-education programs delivered as part of the Virginia Cooperative Extension's (VCE) Family Nutrition Program. Voucher recipients will include all youth participating in the six-part Literacy, Eating, and Physical Activity (LEAP) preschool program at the Yoder and Daniels Hill neighborhood centers, participants in the Summer Foods Summer Moves youth programs at Diamond Hill and Yoder neighborhood centers, and participants in the six-part Just Say Yes at the Farmers Market youth program at the Lynchburg Community Market. Depending on the number of participants, the program may also include the youth participating in the summer feeding program at the Lynchburg Public Library, as part of the Summer Foods Summer Moves program. The plan was to provide six (6) weekly vouchers to 150 children during programming.

At its May 23, 2023 meeting, the Finance Committee recommended approval. Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

// In the matter of the Budget, Agenda Item 11, Council conducted a second reading of several resolutions of the FY 2024 Budget.

First, Council considered adopting Resolution #R-23-046 appropriating the FY 2024 General Fund Operating Budget (excluding Discretionary External Service Providers and Schools Operating Budget).

Councilmember Misjuns motioned, seconded by Councilmember Taylor, to approve the Resolution #R-23-046.

Councilmember Wilder stated that he did not support this motion because it included the lowered real estate tax.

With no further discussion, the following vote was recorded:

Ayes: Reed, Faraldi, Helgeson, Misjuns, Taylor	5
Noes: Dolan, Wilder	2

Council considered adopting Resolution #R-23-047d appropriating the FY 2024 Discretionary External Service Provider Virginia Legal Aid Society Budget.

Councilmember Wilder motioned, seconded by Councilmember Dolan, to approve the Resolution #R-23-047d.

With no further discussion, the following vote was recorded:

Ayes: Reed, Faraldi, Dolan, Taylor, Wilder	5
Noes: Helgeson, Misjuns	2

Council considered adopting Resolution #R-23-049 appropriating the FY 2024 Schools Operating Budget by major classification.

Councilmember Misjuns motioned, seconded by Councilmember Taylor, to approve the Resolution #R-23-049.

Councilmember Wilder stated that he did not support this motion because he did not approve of the classification system, and he did not approve of the amount proposed.

Councilmember Dolan stated that she did not support the motion due to the categorical system, and she did not approve of the reduction in money for the schools.

With no further discussion, the following vote was recorded:

Ayes: Reed, Faraldi, Helgeson, Misjuns, Taylor	5
Noes: Dolan, Wilder	2

Council considered adopting Resolution #R-23-050 adopting the FY 2024–2028 Capital Improvement Program and appropriating the FY 2024 Capital Budget.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to approve the Resolution #R-23-050.

Councilmember Helgeson stated that Council had not spent much time discussing the Capital Improvement Projects within the plan, so he would be voting against the motion.

With no further discussion from the Council, the following vote was recorded on the amended motion.

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

City Manager Mr. Wynter C. Benda requested that Mr. Matthew Freedman, City Attorney, explain what was required moving forward following the failed motion. Mr. Freedman responded that since the CIP allocation was accounted for in the General Fund budget, and because it had failed, they did not have a balanced budget and would have to return for another reading on June 13. He noted that they had already performed one reading of the budget component, so only one additional reading would be required. He explained that the Council could reconsider its vote and proceed to vote on the motion again.

Vice Mayor Faraldi expressed concerns about the level of debt service and the projects proposed in the CIP.

Councilmember Misjuns expressed concerns about the level of funding in the CIP.

Mayor Reed expressed disappointment that the Council had not communicated its intentions to vote on the matter prior to the meeting. She noted that there were no concerns about the CIP brought up by Councilmembers during the budget process.

Mr. Benda explained that since they did not have a balanced budget, at the June 13 meeting, Chief Financial Officer Ms. Donna Witt would provide a presentation covering the topics in the CIP, and he would ensure the meeting was efficient and effective.

// In the matter of Public Safety, Item Not on the Agenda, City Manager Mr. Wynter C. Benda provided the Council a summary presentation regarding the proposed citywide Curfew. He explained that the curfew would serve as a tool for law enforcement by imposing a curfew from 11 p.m. to 5 a.m. on people under the age of 18. He explained that the proposed curfew would go in effect on May 26, 2023 at 8 a.m. and end on December 1, 2023. He noted that there was an interest from Council to have monthly updates on the curfew.

Councilmember Taylor made the motion, seconded by Councilmember Helgeson, to adopt the citywide curfew Ordinance #O-23-055. Councilmember Helgeson expressed support for the motion and noted that it could be effective within six months and would no longer be needed. Councilmember Taylor expressed support for continuing the curfew indefinitely to protect young people.

Vice Mayor Faraldi expressed concerns that the curfew would not effectively stop crime and that it infringed on the Civil Liberties of young people in the City. He expressed support for empowering law enforcement to target violent crime with effective tools. He stated that he would vote against the motion. He noted that they were taking a vote without public input despite the impact on thousands of families and Constitutional issues.

Mayor Reed noted that on Thursday, they were holding a meeting at Diamond Hill Baptist Church as part of a Take Back Our Streets Community Coalition to consider and discuss preventive strategies. She noted that the floor was open for an alternative motion to table the matter until the June 13 meeting for further discussion.

With no further discussion from the Council, the following vote was recorded on the motion.

Ayes: Stephanie Reed, MaryJane Dolan, Sterling Wild, Jeff Helgeson, Larry Taylor, Marty Misjuns 6

Noes: Chris Faraldi 1

// The meeting was adjourned 10:28 p.m.

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Clerk of Council