

May 24, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of May, 2022, at 4:00 p.m. in Council Chamber, City Hall, Maryjane Dolan, President, presiding. The following Members were present:

Present: Maryjane Dolan, Beau Wright, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi

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Absent:

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// In the matter of Parks and Recreation, Agenda Item #1, Ms. Maggie Mace, Recreation Services Manager, provided Council with an update on upcoming summer events. Ms. Mays stated that with the support of City Council, other City departments, and other organizations throughout the City, they had been resilient and able to meet their goals in meeting pre-Covid-19 numbers. This includes the performance goal of reaching or surpassing an 80% implementation rating on all programs, and they offered 289 programs from January to April of this year at 85%. Participation and revenues are significantly higher this year in 2022 from 2021 when comparing the two, due to places like the Jackson Heights Arts Studio, which has a 100% implementation rate, and all classes offered there are full, and due to classes and programs that naturalists offer, which are seeing increases again in requested programs from schools. Through new virtual programs, special events, outdoor recreation, and facility improvements, they utilized strategic partnerships to impact their community. This Friday, there would be a celebration at the Miller Center for the older members of the Lynchburg community for Older Americans Month. Returning this summer would be the award-winning Hill City Hoops program, which will be happening every Friday night at Miller Park in the month of July, where teams will participate in the weekly league, then at the end of the season, they will get to participate in a tournament hosted by the Lynchburg Area Youth Sports Initiative. The Lynchburg Fire Department had partnered with them to help with this program. The partner organizations for the sports programming allowed them to serve the youth in the community and to help them grow through athletics. With the Council's support, they were able to extend the summer season at Miller Park Pool and will be open through Labor Day weekend, they had been able to offer competitive salaries to their first responders, which helped improve staff retention, helped with recruiting new staff, in over to overcome the national lifeguard shortage. Also continuing is the partnership with Lynchburg City Schools to offer the free lunch program at Miller Park Pool for youth

in the community. There were lots of volunteer opportunities through the Department of Parks and Recreation, and so far, they have had 1,200 people volunteer with them to complete projects such as invasive plant removal, beautification projects, and others. Many volunteers came from other community organizations and became City employees, and these people helped make Lynchburg a great place to live, work, and play.

Councilmember Nelson asked if the kayaks and canoes at Ivy Creek Park should be reserved in advance, or if they were first-come, first-serve. Ms. Mays said that it was first-come, first-serve and reservations were not necessary.

Vice Mayor Wright asked if kayaking and canoeing was offered at Hollins Mill in addition to Ivy Creek. Ms. Mays said that they had tried out Hollins Mill last year, but this year were back at Ivy Creek. There would be special days at Hollins Mill, so there was still the opportunity to do that.

Councilmember Wilder said that this was an example of all of the great things that happened in the community that benefited everyone's quality of life. The extended pool hours were appreciated, Hill City Hoops was a great Friday night event for the youth to attend, and the Friday programs at Miller Park allowed for a central location for children to enjoy themselves during the summer.

Councilmember Tweedy said that the collective programming the Parks and Recreation offered to all age groups was encouraging and she appreciated it, because it made Lynchburg a place people enjoyed coming to and living in.

Mayor Dolan said that it looked like a fun and robust program.

// In the matter of the Downtown Lynchburg Association (DLA), Agenda Item #2, Ms. Ashley Kershner, Executive Director of DLA, provided Council with the organizations 2021 Annual Report. The Downtown Lynchburg Association is a 501(c)3 organization, and the 17-member Board guides the work of the organization and the overall strategy. Three strategic priorities set last year in the strategic plan are to foster a thriving and diverse storefront economy, cultivate a lively and engaging downtown atmosphere, and create a truly welcoming environment. Support for businesses included communications about funding opportunities, surveying and shifting programs in response, marketing consultations, Small Business Saturdays, and the Downtown Gift Card Program. Leveraging the power of local volunteers, companies, and City government officials, they raised \$60,000 to create the Art Alley, transforming a

public space into a colorful and attractive environment, and 1,300 people walked the Bluff Walk the night of the Art Alley opening, and the month after the Art Alley opening saw a 119% increase in foot traffic compared to the month before the opening. The community had requested fireworks in Riverfront Park to return for a long time, and with the help of the City and major sponsors, they were able to bring the event back with great success. More information would be brought back to Council related to a business improvement district, because new structures would be needed to be able to serve the needs of a growing downtown. The tax data related to downtown activity is an easily measurable way to gauge the success and current state of downtown, which showed that the economy was down in 2020 but had begun to resurge in 2021. The entire annual report had been provided to the Council, including some events such as movies in the park, fireworks on July 1, and Get Downtown on October 1. Additional placemaking projects include the midtown parking deck mural to raise the awareness of public parking options downtown and a mural in collaboration with Blackwater Branding with a location yet to be determined. A new project being developed by the Downtown Lynchburg Association was the Downtown Lynchburg Cookbook, which would feature 40 restaurants downtown and on Rivermont Avenue and exemplify how great the food in Lynchburg is.

Councilmember Faraldi said that he would like to see four or five more organizations similar to DLA that focused on other areas of the City. He said he looked forward to the return of the Get Downtown Event. He commended Ms. Kershner for the organization's work and for sharing metrics that measured success.

Councilmember Wilder said that the investment in the downtown area was paying off for the entirety of the City, because everyone could come there and enjoy it. The highlight and mark of a City was the main street, and he thanked Ms. Kershner for protecting it and keeping it vibrant and alive.

Councilmember Nelson said that it had been refreshing to see how Ms. Kershner and her staff captured opportunities with creativity and initiative, drawing resources they had downtown into improving its situation. It was most impressive that during Covid-19, when there were challenges that no one had anticipated, the Downtown Lynchburg Association was able to find new ways to make things not only better but great. He expressed his enjoyment for being able to work on the mural on the downtown parking deck. He asked if the gift cards for downtown were currently sold at one location or if they would

expand that. Ms. Kershner answered that they could always be bought through their website, but there was also a plan to expand the locations where they were sold.

Vice Mayor Wright said that it was deeply impressive that DLA worked by punching above its weight, which is apparent by the awards they have won, the projects they undertake, and the sense of community they help foster. He thanked Ms. Kershner for the meaningful and impactful work DLA did in Lynchburg. He asked where Downtown Lynchburg Association mugs could be bought. Ms. Kershner said that all merchandise was sold online, and they could be picked up locally at Ayven Avenue, a boutique on 5th Street or mailed directly to customers. Vice Mayor Wright asked if Ms. Kershner could share the movie line-up for the summer. Ms. Kershner answered that the season would open with In the Heights, then The Incredibles, Spiderman: No Way Home, Tangled, and another movie she could not recall. Vice Mayor Wright asked if the list was accessible on their website. Ms. Kershner said yes, it was available on Facebook, Instagram, or their website. She noted that the final movie she had forgotten was Back to the Future.

Councilmember Tweedy thanked Ms. Kershner for her work and expressed her enjoyment of the Art Alley murals. She said she had recently referred some prospective business owners to the Downtown Lynchburg Association to discuss ideas they had for the future. Ms. Kershner said that they had specific welcome packages for new businesses and wanted to make sure they had those conversations.

Councilmember Wilder said that the marketing support was very key so that small businesses could still access marketing and other resources. He asked if the flag shop at the end of Main Street was also included in the downtown stores. Ms. Kershner said yes.

Mayor Dolan said that Ms. Kershner had done an extraordinary job and they appreciated everything she had done to make their City great.

// In the matter of Redistricting, Agenda Item #3, City Planner Mr. Tom Martin provided Council with a review of the different scenarios for adjusting precinct boundaries. This was the monthly work session for redistricting, which was required to do based on the results of the 2020 Census. Staff would present Scenario D for the City Ward Boundaries in a public hearing, address absentee ballots and zip codes, review requirements for precincts, the requirements for polling places, review precinct boundary scenarios, and discuss next steps. Scenario D was selected by Council to go to public hearing. Ward 2

needed to gain populations, Ward 3 and 4 needed to lose, and Ward 1 was within the range, but the chosen scenario added some population. Ward 1 gained population north of Lakeside Drive, Ward 2 gained population from Ward 4 east of Old Forest Road, and also from Ward 3 east of Oakley Avenue. Ward 4 shifted population to Ward 1 while Ward 1 shifted population south of Lakeside Drive into Ward 4. All were within the ranges required. There were two bills that went forward, converged, and §24.2-667.1 was amended, signed by the Governor, and became effective July 1, 2022. The law required the Registrars report to the Department of Elections absentee ballots to the precincts. He asked if this answered Councilmember Faraldi's question; Councilmember Faraldi replied yes. Mr. Martin said that the requirements for precincts were that they had to have clearly defined, observable boundaries, the maximum registered number of voters was 5,000, and the minimum number of registered voters in the City was 500. The precinct scenarios were based upon voting age population, because they did not have geographic data on registered voters. The premise was that the precinct scenario would fall within that voting age and did not go over it, they would be okay.

Councilmember Helgeson said that the registered voters were the 5,000. He did not want to get down a path of moving people based on an assumption that was not factual. There were a lot of people of voting age who were not registered voters, and some rules may need to be cleaned up before they began splitting precincts. Mr. Martin said that he believed it was an acceptable practice to use the voting age population, but he would ask the City Attorney to confirm that. Mr. Freedman said that there had been an issue with how to locate particular data for the time of the adoption of new precincts, in that they had been unable to determine the registered voters and did not know how many voters would be chosen for the precinct at the time it was adopted by Council. He understood that localities had been going by the voting age for purposes of determining that and then determining how many registered voters were in the particular precinct. He was unsure if Christine had reached out to the Department of Elections on that question, but they did want to try to confirm that with them that that would be an acceptable practice. Councilmember Helgeson said that he understood the dilemma, but they had the data of who was registered and was not, and that data could be used rather than an assumption. Mr. Martin said that they did not have access to that data, and he did not know if the Registrar had it readily available for them to use, so they proceeded based on voting age populations. There was the potential that if Council would

like to ask the Registrar for more information. Councilmember Helgeson asked if they would be working with the Registrar. Mr. Martin said that they had been involved. Ms. Christine Gibbons, Director of Elections and General Registrar, stated that the requirements for County and City precincts in §24.2-307, at the time any precinct was established, it shall have no more than 5,000 registered voters. The General Registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election of the President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries and any newly established or redrawn precincts shall have no more than 5,000 registered voters. She stated that she had spoken to the Registrar in Bedford County, who used voting age population, whereas the Registrar in Montgomery County used registered voters. Registrar voter counts by locality were available and had been shared with the redistricting committee, which stated how many voters were currently registered in all of those precincts. Also shared was the voter turnout by precinct for the November 3, 2020 election, including the total turnout and how many registered voters they had at that time. Councilmember Helgeson asked if they would need to notify if there were over 4,000 in a precinct. Ms. Gibbons said that was for those who had voted. Councilmember Helgeson asked if they were now discussing boundaries that did not have more than 5,000 actual registered voters. Ms. Gibbons said yes. She stated that the only way to really look at that was at the Registrar counts by locality, and they could not look at the numbers of the registered voters of the scenarios given, and the changes would need to be made first in order to know how many would be in the precincts. Councilmember Helgeson asked if they were first looking at an assumption and then would get the real number from working with Mr. Martin to get the actual count. Ms. Gibbons said yes, but she could not do so until Council made their determination as to what each of the precincts would be in the form of an ordinance. Councilmember Helgeson asked if they could not have approximations. Ms. Gibbons said no, the only way she could make changes was using the report of current registered voters in the current precincts. Councilmember Helgeson asked if the report came from the Registrar. Ms. Gibbons said yes, she could run the report at any time, which included information on active and inactive voters, and how many there were in all. The total number had to be used, because even inactive voters were registered. Councilmember Helgeson said that he did not want the 5,000-person limit to be based on presumptions and then people were moved to different precincts when they

actually did not have to. Ms. Gibbons said that she could offer the current report and the report of the 2020 election turnout. Councilmember Helgeson said that Montgomery County did it differently. Ms. Gibbons said they looked at registered voters, looking at the report she currently had. Mr. Martin emphasized that they could not use those numbers because they were not tied to a geographic area, and those precincts were changing based on the proposed ward boundaries, and the only information they had to go off of was voting age population. Councilmember Helgeson said that Scenario A had had limited changes, and could have been done quickly, which may have been good to know.

Councilmember Tweedy said that she knew they had a lot to do, but the analyzation had her worried about manipulation of numbers, so she would like to walk through this as slowly as possible. She stated that the verbiage was confusing, and she would like to have another work session on how they manipulated and changed over the boundaries, who would be affected, and why they would be affected. There was a lot of language about the streams, rivers, and railroad tracks that had been used as boundaries, and other reasons as to why things were being moved around, and why precincts should be even. She said that she was leery about that, and if anyone had questions, they could email or call her to ask why. She stated that she understood the information was presented to the Council as requested, but the general public should know that they were moving potential precincts, moving boundaries, and she had concern about the verbiage and rationale for why they were doing it. Mr. Martin said that he was unsure how to respond. Ms. Tweedy said that it was rhetorical. Mr. Martin clarified that they were required to have the plus- or minus-5% in the ward boundaries, and they presented Council with five options, and mentioned that there were infinite ways in which it could be done. Scenario A was the most minimal change that could have occurred, because it increased the population of Ward 2 while decreasing 3 and 4, and the area towards Odd Fellows Road and Oakley Avenue would be the only area changed. He hoped that staff had presented the information in a way that did not lead the Board in any certain direction on this. Staff must stress the timing of this to ensure that everything was in place for the November election, and staff was presenting options based on data. Councilmember Tweedy replied that she felt confident in that staff was responding to questions posed to them, and she wanted the public to know the depth and breadth of the questions received based on the information and questioning being sent to staff.

Mr. Martin said that polling place requirements were one polling place for each precinct, it had to be located within the precinct or within one mile of the precinct boundary, had to be accessible, and had to be located in a public building whenever practical. During analysis, staff attempted to keep the current polling places as they were, but that was not to say that some might change. Ward 1's precinct 1 would be Linkhorne Middle School, Precinct 2 would be Bedford Hills, Precinct 3 would be First Presbyterian Church, Precinct 4 would be Rivermont Presbyterian, and Precinct 5 would be First Christian Church. All of those fall within the 5,000 range, and were shown in the chart on the slide. He said that the scenario that staff did not recommend would require the removal of a polling place, and after talking with the City Attorney, they felt that this could potentially disenfranchise voters. Councilmember Helgeson asked why this scenario would require the removal of a polling place in Ward 2. Mr. Martin said that it was below the 5,000, so breaking them out separately would keep them above the 500, or they could combine them and be below the 5,000. He said that it was a bad scenario which was not recommended, but was a possibility. Councilmember Helgeson said that he did not understand how that could be a scenario. He asked if none of them were below five hundred, which would require the precinct to be removed because it was so small. Mr. Martin said that this scenario combined the Jubilee and R. S. Payne polling places, giving them a precinct with roughly 3,000 people. R. S. Payne would have 3,368, and Jubilee would only have 1,400 to 1,600 people. Councilmember Helgeson asked if this did not require removal of a polling place. Mr. Martin said no. He said that it was shown to be a bad alternative which they were asked to move away from. He said that this one, which was called the second ward alternative, precinct 1 would be St. Paul's Episcopal, with 3,712 voting age, the Lynchburg Public Library would have 4,134, Robert S. Payne would have 3,368, Fairview Christian would have 2,472, and Jubilee would have 1,416. Councilmember Helgeson asked which public library Mr. Martin was referring to. Mr. Martin said he was referring to the Memorial Avenue Public Library. Councilmember Helgeson said that it was actually in Ward 3, precinct 1. Mr. Martin said that it was not in Ward 3 anymore. Councilmember Helgeson said that it was in the mile boundary. Mr. Martin said that if they moved the ward boundary, it was in Ward 2. He said that all of the precincts were within ward boundaries. Councilmember Helgeson said that they were now exacerbating all the people who lived in Ward 3, precinct 1, and there now would be people voting

there at precinct 301 and 202. Mr. Martin said no, they would be moved under Scenario D, which Council directed them to advertise.

Mayor Dolan asked if they were looking at Scenario A or B, would either of those scenarios would require a new polling place or elimination of the polling places. Mr. Martin said that he believed that for both of those, they would have to do something with Liberty University, but they would have to go back and look at those numbers. Councilmember Helgeson said that two precincts could be done for Liberty University at one spot, but the difference would be with some of the other ones. Mr. Martin said yes. He said that it was fine if Council did not want Scenario D anymore, but it was on their public hearing tonight. Councilmember Helgeson asked why they were moving the precincts. He asked where precinct 202 currently was; Councilmember Tweedy answered that it was at R. S. Payne. Ms. Allison Johnson, GIS Manager, indicated the boundary with the new ward scenario, which indicated there must be a new precinct for Ward 2 precinct 2. Mr. Martin said that under Scenario D, the Lynchburg Public Library was moved out of Ward 3 and into Ward 2. Councilmember Helgeson said that all the people in Ward 2 would now be voting at the library, and precinct 202 would now be voting at the library. Mr. Martin said that the question was where those people in the newly drawn Ward 2 had voted before. Ms. Gibbons answered that they were in Ward 3 and voted at the public library, so those people voted at the same precinct, but were in a different ward. Councilmember Helgeson said that before, they were Ward 2. Ms. Gibbons said that in the scenario, the precinct had changed on the map, so Ward 2 precinct 2 in the scenario map was no longer R. S. Payne, but they were now using the public library. Mr. Martin clarified that the precinct names changed. Councilmember Helgeson said that nobody in precinct 301 was voting at the library, and now Ward 2 was voting at the library. Mr. Martin said that was correct. He said that the question was where the rest of the people who were originally in Ward 2 that was in the proposed Lynchburg Public Library precinct voted before. Ms. Gibbons said that they added another precinct in Ward 1, another precinct in Ward 2, and another precinct in Ward 3, so none were being taken away in each of the presented scenarios.

Councilmember Faraldi asked if the presentation could be finished before discussion began again. Mayor Dolan said yes.

Mr. Martin said that for Ward 3, precinct 1 would have to be a new precinct, which they had talked about in reference to the Liberty precinct, in which there were about 7,000 people. He said that they asked them for their student numbers by building, so under this scenario, there would be a new precinct 1, essentially east of 460 to Odd Fellows Road, and that would have 2,764 people in it. Precinct 2 would be the Vine Center, with 4,309 voting age population in it. The voter registration staff had expressed amenability to adding a precinct, and they would like to look at the possibility of moving both to the LU Conference Center, which was not Circuit City. He said that precinct 3 would be Sheffield Elementary School with 3,616, precinct 4 would be First Church of the Nazarene, 2,208, and precinct 5, Heritage United Methodist would have 4,849. The current Liberty precinct could not be kept due to the number of voters. Ward 4 precinct 1 was St. Thomas Moore Catholic Church, with 4,601, precinct 2 was Sandusky Middle School with 4,984, Perrymont Fellowship, 4,821, and precinct 4 would be Heritage Baptist Church with 1,939. An alternate sent by Councilmember Faraldi was that Wards 1 and 3 are the same, precinct 2 would still be Sandusky Middle School, but that area north of Tomahawk and Blackwater Creek would be combined with Precinct 4. Councilmember Faraldi said that there was a concern about traffic patterns near Heritage Baptist, and he thought it would be worth considering. The whole idea was to keep the bulk of those folks who had voted at that location there.

Councilmember Helgeson asked for a review of Ward 3. He said that Ward 3 had five precincts, and a new one had to be added because of Liberty, so there were now six. Mr. Martin said that there were four precincts, and precinct 1 was Sheffield. Councilmember Helgeson asked if people who voted at the library voted at Sheffield. Mr. Martin said that precinct 1 would be the new precinct, which would be the Liberty campus, southeast of 460, towards Odd Fellows Road. It was southeast of the railroad that bordered the campus, east of the unnamed tributary of Rock Castle Creek, and west of Candler's Mountain Road. Ms. Gibbons said that she thought the original agreement were that students were only to vote at the campus, so she was unsure if those people should vote off-campus. Mr. Martin said that he was unsure if it was a legal requirement, but the new proposed precinct was that area of the Liberty campus. The main campus, which would be precinct 2, the Vine Center, was east of the railroad, basically going up to a tributary that went underneath the Vine Center. Precinct 3 would vote at Sheffield, and was northwest of 460, east of Fort Avenue, west of Odd Fellows, Mayflower Drive, and Martin Street.

It also included a new area of Fort Avenue, south of Sussex and Richmond and east of Oak Ridge Boulevard and Oakley Avenue. Councilmember Helgeson asked if the people moving from 301 to 303 was done as assessment. Mr. Martin said that the boundaries were drawn based on the block populations. They did not calculate the existing precinct and how many they had now, and how many they would gain or lose. Councilmember Helgeson said that Scenario D caused additional disruptions to voters. Mr. Martin said that it was a change, and the precincts would obviously change based upon that. If the Council would like staff to go back and do this on another scenario, they would, but all they had to present was based upon Scenario D.

Councilmember Tweedy requested this information for Scenarios A and B.

Mayor Dolan said that she would also like to see that information.

Councilmember Faraldi asked if that required overriding staff direction to bring this item to a public hearing. Mr. Freedman suggested to Council that they could hold the public hearing, adjourn it or close it, and then continue the matter to be voted upon in some fashion, delaying the resolution. Councilmember Faraldi asked if the resolution changed based on the drawing of the map, that they would have to have another public hearing by law. Mr. Freedman said yes, another public hearing would be required. If there was a majority of City Council tonight that did not want to proceed with Scenario D, it must be resolved if definitive. He said that time was of the essence to get the wards precincts straight. If Council knew they did not want to proceed, they need only vote to cancel the public hearing and resolution, or if they wanted to put it to a vote to be heard, hold the public hearing, close the public hearing, and put it to a vote. Councilmember Faraldi asked how many members had chosen Scenario D in the survey.

Mayor Dolan said that there could also be a motion to move to accept Scenario A or Scenario B by someone who had voted for Scenario D.

Councilmember Tweedy asked if the public hearing could be held and a vote could be taken for Scenario D. Mr. Freedman said that was right, and staff could ask for guidance on the next scenario to be considered. Councilmember Faraldi said that another public hearing would need to be held. Mr. Freedman said that was correct, and they would also have to redraft the boundaries for presentation to City Council. Councilmember Tweedy asked what the timeline was for staff. Mr. Freedman said that

everything had to be done 60 days before the November election. Councilmember Faraldi asked if it would also have to be 60 days before early voting started, so 85 days would be when they had to adopt it. Mr. Martin said that approximately 41% of 156 people selected Scenario D as their preferred choice. Councilmember Faraldi said that members of the public who were polled voted for Scenarios A and B as their least preferred options. He cautioned against moving back to considering a completely different map from what was adopted, and contrary to the poll that was put forward to the general public and associated with the deadlines. The change and disruption were based off of what ward someone was in, but if they went with A and B and kept the precincts the same, 401 would be shifted, and there were too many voters, so there were other precincts that would have to be shifted in addition to Liberty's precinct. Then the people left out of Liberty's precinct would need a new precinct, and Ward 2 would have to lose a precinct if it did not gain the population.

Vice Mayor Wright asked how many people responded to the survey. Mr. Martin answered that it was 156 respondents. Vice Mayor Wright asked how that survey was given to the community. Mr. Martin said that it was put online, and hard copies were put in City Hall and in the public library. Vice Mayor Wright asked if there was anything preventing people from submitting it multiple times. Mr. Martin said that he did not believe so. Vice Mayor Wright said that 156 constituted a very small percentage of the community, so it was not a relevant sample size, but the comments were good and worth considering. He clarified that they had not adopted the boundaries for Scenario D but said that they wanted to move forward with exploring it and coming back for the public hearing. Mr. Martin confirmed that Council asked staff to advertise it for public hearing. If Council decided as a majority that they did not want to adopt Scenario D, they would start the process of creating scenarios for the boundaries, but there was work that remained to be done. Vice Mayor Wright said that the statute referenced 60 days, but 85 days was what they were working with. Mr. Freedman said that Council could call special meetings if they had to do so. Mr. Martin asked if 85 days was in August. Mr. Freedman said that there would probably be action in August.

Mayor Dolan said that it was important that they not set this up so that future wards became noncompetitive and so that they did not disenfranchise voters in certain wards, which required looking at the distribution very carefully. Mr. Martin said that if the majority of Council said that they wanted to look at

Scenarios A and B, staff could do polling scenarios for A and B. Mayor Dolan said that it seemed that they needed some sort of consensus. Mr. Martin asked if it was possible to have a work session on June 28. City Manager Wynter C. Benda answered yes.

Councilmember Helgeson said that the library could have stayed in Ward 2 because it was technically within one mile. Mr. Martin said that was technically correct.

Councilmember Tweedy asked if a vote to direct staff to investigate Scenarios A and B was necessary. Mr. Martin said that consensus and adequate direction had been received from Council.

Councilmember Faraldi suggested that a formalized vote would be best for the public record.

Mr. Benda asked if the public hearing could serve as the vote for the matter so as not to call the question too early. Mr. Freedman said that the public hearing would serve well as the environment to cast a vote on Scenario D, and a motion to approve or to deny the resolution could be made at that time, as well as pursuing a different scenario. Councilmember Faraldi said that public hearings should not be futile, and if there were enough votes for the public hearing to be canceled, people should be given the notice. Dr. Tweedy said that she would accept the input from the public hearing and survey but did not want to disenfranchise voters by being shifted into other precincts, so asking staff to return with information on Scenarios A and B allowed them to do the greatest level of research to stop related issues.

Councilmember Nelson said that he did not see changing the place where one cast their ballot as disenfranchising the voter, but were simply voting somewhere else than where they had a practice of voting in the past. Citizens could comprehend the information distributed through departments and media as to where voters in certain locations should vote in upcoming elections. There would be drastic changes in the wards and precincts based on the Censuses of 2020 and 2030, and rather than kicking the can down the road, the need to get gerrymandering out of the City and establish wards that were compact and contiguous, which was what Scenario D did, was something they must tackle right now and not do it in a dramatic way in the future. The City must be able to adapt to the patterns of where citizens lived and should vote, and there was nothing wrong with being versatile in dealing with the realities of the City, and not pretend that the status quo should be kept.

Councilmember Wilder said the public hearing should be held so that it was already taken care of when information was received about Scenarios A and B.

Councilmember Tweedy said that the time should be put in to make the process less disruptive, then the next ten years could be about educating voters about making all the changes.

Councilmember Helgeson said that the public hearing was about the advertised boundaries, so the public hearing could be kept open for other scenarios and they could amend the boundaries. Mr. Freedman said that the state code required the specific boundaries and the map to be advertised.

Councilmember Helgeson asked if it was a two-week advertisement. Mr. Freedman said yes.

Councilmember Helgeson said that they could keep open the public hearing on Scenario D tonight and advertise another on Scenario A and keep both open. Mr. Freedman said that they could draft another ordinance based on what Council directed them to do and based on that scenario, and advertise it for consideration for adoption. The public hearing would open, continue to another date certain, then a new ordinance would be drafted and advertised the same as Scenario D. Councilmember Helgeson asked what the difference was between Scenario A and Scenario B. Ms. X indicated the different maps on the slide.

Councilmember Tweedy said that the timing of this must allow for education of voters.

Councilmember Wilder asked if the library moved in Scenario B. Ms. X said that the polling place of the library would still be in Ward 2. The people moved out of Ward 2 would vote at R. S. Payne.

Vice Mayor Wright asked if there were any procedural issues if the public hearing went as scheduled and Council discussed the issue after. Mr. Freedman said that under the scenario, they would open the public hearing, proceed in the normal course of business, close the public hearing, and move to defer consideration of that ordinance on the agenda this evening to the next meeting date. Vice Mayor Wright said that they could also have a motion now to defer the public hearing and direct staff on another scenario. Mr. Freedman said that they would need to hold the public hearing, then leave it open to be considered at the next meeting. Vice Mayor Wright asked if there was consensus to discuss the issue after the public hearing.

Councilmember Faraldi asked if they would not need to reconsider redirecting the public hearing and the ordinance, because the motion was to accommodate that, and to change the directive of Council should include the new map situation. Mr. Freedman said yes. Vice Mayor Faraldi said that Council would first consider, then change it. Mr. Freedman said that in keeping the public hearing open, Council could

defer consideration of the ordinance until whatever date certain, and also making a motion for staff to proceed with an additional option for consideration, and they would advertise for another public hearing with another ordinance. Councilmember Faraldi said that it would be clearer for Council to direct staff to initiate a public hearing process on another option instead of wrapping it in with Scenario D.

Councilmember Helgeson asked if that could be done tonight after the public hearing. Councilmember Faraldi said yes. Vice Mayor Wright said that the public hearing had to be specific to what was advertised. Councilmember Faraldi said yes, and if they continued the public hearing and then asked to bring in a new proposal, the only way they could do that was if they reconsidered the initial vote. Vice Mayor Wright said that was right. Mayor Dolan asked Mr. Freedman if that was right. Mr. Freedman said that only Scenario D could be considered in the public hearing, they had the options to adopt, defer, or deny the ordinance, and could certainly direct staff by motion or direction to bring back another option to advertise a public hearing.

Due to time constraints of the evening, Mr. Benda stated that Agenda Item #4 would be pulled from the agenda and brought back on June 28, 2022, but the business item briefings should be discussed. Mayor Dolan asked if those business item briefings could be conducted at the June 7 meeting. Mr. Benda said that would work. Vice Mayor Wright asked if these items could be completed in ten minutes. Councilmember Helgeson said that they should wait to get the full briefing. Mayor Dolan said that it appeared that was the direction they would like to take. Mr. Benda said that he was amenable to that. He clarified that they would do business item briefings only, and not also the review of requirements for residential uses and commercial zoning districts. Mayor Dolan said that was correct. Mr. Benda asked what time the June 7 meeting would be held at. Mayor Dolan said that the advertised time was 5:00 p.m.

Councilmember Nelson said that they would not know what the 2030 Census would show them as to how the wards and precincts would be, and the education at that point would still have to be done within a few months of time. If changes were made now, a new Census in 2030 would not drastically or materially change the wards, and not change any of the precincts because they had already adapted to that likelihood by doing it in the way they were now.

Mayor Dolan asked Mr. Benda about Item #5e. Mr. Benda said that the item required two votes, one of which was going to be held today after the briefing, and one which would be at the meeting on

June 28. He asked if the Council was able to vote on said item on June 7. Mr. Freedman said that if it was not in the call of the special meeting and not to be considered there, then no, unless there was a way to advertise it for the special meeting. Mayor Dolan said that the special meeting had not been advertised yet. Mr. Freedman said that if there was enough time to do the advertisement, they would add those items at the special meeting. Mr. Benda said that he was concerned that there were some funds that looked like it would fall to fund balance if not used in some said way, and there was a proposal about how to use it, which was to increase compensation for living wages for full-time and then part-time employees. If there were resources left from that \$600,000, he wanted to deploy those to impact compression. He had concern that if the June 7 meeting did not afford them the ability to have the vote, there must be two opportunities to vote. Mayor Dolan asked if they could vote on this this evening if Council felt they had enough information after the presentation. Mr. Benda said that was correct.

// In the matter of Roll Call, Agenda Item #6, Councilmember Helgeson said that the Finance Committee met this morning, when they discussed revenues and the current \$6.1M over budget, projected towards the end of the year to be around \$8M in increase in revenue over the budget. Expenditures were below the budget, possibly a year-end savings of \$15M. He said that this money could be utilized to give back to the citizens.

Vice Mayor Wright congratulated the E.C. Glass women's lacrosse team, who clinched the Seminole District Title. He said that most of them had seen the news out of Texas this afternoon, and he would be thinking about them this evening.

Mayor Dolan said that as part of the Mayor's Youth Council You Matter Campaign, the Council completed their cornerstone project with a mural on the 700 block of Jefferson Street, across from the skatepark and at the entrance of the trail. There was a colorful message to the students and citizens that no matter what problems they are facing, they matter. She asked people to take a moment to admire the impressive project. She thanked the Mayor's Youth Council for that.

// The meeting was adjourned at 6:07 p.m.

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

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

Absent:

0

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

// In the matter of Recognitions, Mayor Dolan congratulated the members of the 2022 Citizens Academy on their successful completion of the program.

// In the matter of the Consent Agenda Item A, copies of the minutes of the February 22, 2022 meeting have been previously furnished to Council, and on motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Redistricting, Agenda Item #7, a public hearing was held and Council received citizen input regarding the consideration of approving an ordinance adopting the City's Ward boundaries. Mr. Kent White, Community Development Director, provided a summary of the item. Redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. Redistricting occurs every 10 years following the United States decennial census and is the responsibility of state and local governments. City Council's ongoing discussions of redistricting had allowed transparency in the process. All scenarios had been posted online, and hardcopy maps were in City Hall and the library, along with an online survey done with the help of Community and Public Engagement. Five scenarios had been considered to achieve the correct population numbers. Scenario A moved the fewest between wards and mainly affected voters in Oakley Avenue, Allegheny, St. Augustine, Monticello, and Hood Street areas, meaning that those citizens would change from one ward to another. Scenario B would change the voter wards from the areas north of Ivy Creek, and Oakley Avenue, St. Augustine, Allegheny, along with Wythe, Rye, and Stadium Road areas. Scenario C was more of a dramatic shift, changing the wards into more of a quadrant scenario, so voters would shift north of Lakeside from Oakley to Rockridge, along Edley Place, Cornerstone, and Windsor Hills. Council ultimately directed staff to advertise Scenario D, a similar quadrant scenario, which came up during their discussions when another Scenario D was discarded in an early work session. This new Scenario D would shift voter wards north and south of Lakeside Drive, east of Old Forest Road, east of Oakley Avenue and Wythe Road, and west of James Street. Precinct and polling places would change, so it was

a matter of the scenario, and the guidance that staff was looking for through the City Council process was what the alignment of the boundaries were, which allowed them to focus through those precincts and polling places. The public hearing tonight was on Scenario D, and following that public comment, they could vote to adopt, defer, or deny that scenario. On June 28, they would continue the conversation on ward boundaries or additional discussion of the precinct and polling places.

Mayor Dolan asked if there was anyone who would like to speak in favor.

Mr. Andrew Glover commented in favor of Scenario D, which represented the City well and created a geographical sense of how the City was oriented.

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 Tweedy made the motion to defer the vote on the adoption of the ordinance until the June 28, 2022 meeting so staff can provide more information on Scenario's A and B for Ward boundaries. Councilmember Wilder seconded the motion, stating this would allow time to review additional information and make an adequate decision.

Councilmember Faraldi made a substitute motion to approve the ordinance as it stands, adopting Scenario D. There was no second and the motion died.

Councilmember Faraldi said that speaking to the motion on the floor, said that by delaying more time, they were now in a position that if they did not get this done by the end of July, they would not have affairs in order to make the changes needed. The concern was that they only met once in July, so they would have to call one, two, or three special meetings in July to work through the proposals, work through the precincts, and have an associated public comment period to adopt another proposal. It was also a valid concern to not want to shake up where people were voting, but by simply moving the precinct location, they were not robbing any person of the right to cast a ballot. The standard deviation for Scenario D was less than 350, meaning it was very accurate to the rest of the districts, and Scenario A was closer to 850, meaning they were not close from a population standpoint. Scenario A was a clear gerrymander. By delaying this, not only were they cramping down the deadline because they were concerned about the changes this might ensue, they may then have a process they were rushing to get done, with public comment and multiple meetings required to get it in order. These districts were compact

and contiguous, while the others were not. He stated that he would not support a district that was anything less than that. It was not forthright to delay the public process and to ignore the survey results that indicated majority favor of Scenario D and least favor for Scenarios A and B.

Councilmember Nelson said that the foundation of the motion before the Council was that it was disruptive to the citizens' past practices that they wanted to keep the voters voting in the precincts where they had been used to voting for a long time, and to change some of those precincts would be confusing, and potentially disenfranchised voters. He did not dispute that this changed the status quo, however, that was and has been the fundamental premise and principle advocating against gerrymandered districts. There was a consensus that it was wrong when those who were elected picked their own voters by crafting the districts and wards by excluding voters who would not support them. The solution Scenario D was almost the perfect example of compactness and contiguous districts, and the four wards were geometric shapes that were almost identical and did not guide into each other. He trusted the voters to learn the new locations for where they would cast their vote, and that people would be able to access the sites. He said that they would not know what the Census 2030 results would be, and the education would still have to be undertaken within a few months. They should undertake this task now, and City staff had come up with an option that was viable, compliable with rules opposing gerrymandering, and between now and Election Day, their citizens and communications efforts were more than adequate to educate citizens as to where they would go to cast their vote, with no more undue difficulty than if they had not changed things. He stated he was in favor of Scenario D, and he would support Councilmember Faraldi's motion. There was no issue with delaying it until June 28, and it may be that they needed more information from the City and entertain another option, but they were not accomplishing anything by going to Scenarios A or B as they did not change any of the offensive circumstances that gerrymandering had created for the City at the present time.

Councilmember Tweedy said that she agreed that change would happen, but full transparency required reviewing all the information from all scenarios. On June 28, they would review all scenarios that would change precincts. Scenario D was disruptive, so they should review Scenarios A and B. There was enough time that staff could review this information, and they would not delay the electoral process.

Councilmember Helgeson said that voters must be moved between precincts because some populations had changed. Taking time to ensure they were not disenfranchising anyone would not be a problem, and when staff returned with the information and advertised Scenario A for public hearing, they would have weighed both options equally. He asked if a separate motion was necessary for Scenario A. Mr. Freedman said that for Scenario D, the public hearing had been closed. If the motion passed, there would be a public hearing for A and B.

Councilmember Faraldi asked when they would expect to consider the public hearings for Scenarios A and B. City Attorney Mr. Matthew C. Freedman said that June 28, 2022, was the date they would aim for the public hearings for A, B, or deferral of the consideration of Scenario D. Councilmember Faraldi asked if they knew when they had to get everything to Richmond. Mr. Freedman said that once everything was adopted and finished, he hoped they could have that turned around in a week. Councilmember Faraldi said that the latest would be August 5. Mr. Freedman said that that was his hope for what he and City staff could aim for. Councilmember Faraldi said that it was a tight deadline, and with another public hearing to be held, they must adopt additional meetings into the schedule.

Vice Mayor Wright said that there was time to do this judiciously and thoughtfully. People had preference for Option D, but they should take their time to do their due diligence.

Councilmember Nelson reiterated that no elected official could listen to their constituents too often, and for that reason, it was prudent to delay until June 28, but he remained in favor of Scenario D for the options stated.

Mayor Dolan called for the vote, and the following vote was recorded:

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

Noes: 0

Councilmember Helgeson asked if June 28 would include the public hearing and work session on this item. City Manager Mr. Wynter C. Benda said that was correct. Councilmember Helgeson asked if the item could be voted on that evening. Mr. Benda said whatever the will of the Council was.

// In the matter of Planning, Agenda Item #8, the Council considered adopting Resolution #R-22-036 accepting the Tyreanna and Pleasant Valley Neighborhood Plan as part of the City's Comprehensive Plan 2013-2030. Ms. Rachel Frischeisen, Planner II, gave an overview of the Item to the Council.

Following the March 8, 2022 public hearing, City Council directed staff to hold an additional neighborhood outreach meeting. That meeting was held on May 9, 2022 at Fairview Neighborhood Center. A number of the residents who attended asked questions, offered comments and volunteered to be part of ongoing conversations on issues such as safety, transportation, sewer, maintenance and the future of City-owned property. The plan serves as a starting point for these discussions and, once adopted, provides the potential to leverage resources towards the neighborhood's collective goals.

Councilmember Wilder commended the residents of Tyreanna and Pleasant Valley for coming out to the Fairview Heights Community Center for voicing their wide variety of opinions on the matter and providing great discussion. City staff and Virginia Department of Transportation officials were there to listen to concerns from the residents of that particular area.

Councilmember Tweedy said that it was mentioned at the meeting was that residents would have an opportunity to be involved. Ms. Frischeisen said that they had found at the public meeting that people were interested in the details, which they did not always have until closer to design and implementation, so right now they had an email list of people who were interested in staying involved in the process, and she would encourage anyone who wanted to be involved to call the City's main line and ask for this plan with Community Development. She said that the next time they asked for community input it would be with more specific questions so that these things could be implemented.

Councilmember Helgeson said that the more that they could clarify that this was a high-level plan, and the only way that specific things were carried out were if Council voted to fund those specific things, and Council voted on specifically changing zoning and changing or giving a conditional use permit. They should ensure that the plan was productive for everyone involved, and they should listen to everyone.

Vice Mayor Wright made a motion to adopt the Resolution, seconded by Councilmember Nelson.

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

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

Noes: 0

// In the matter of Community Development, Agenda Item #9, Council considered several ordinances approving City Code amendments for derelict buildings, demolition, and clutter. Mr. Kent White, Community Development Director, gave a brief summary of the toolkit ordinances to Council. On March 8,

2022, Deputy City Manager Dr. Reid A. Wodicka presented some of the findings from the Diamond Hill south walkthroughs, which brought to light that derelict buildings and blight negatively impacted neighborhoods. Following discussions with multiple stakeholders, staff presented a safe housing and blight abatement “toolkit” earlier this year – a combination of strategies including tax delinquent property sales, increased demolition funding and code amendments. On April 26th, staff reviewed the specifics of those proposed code changes with Council. The appeals process for public nuisances was added to the derelict structure ordinance draft as a result of that discussion. Over the last month, staff has continued outreach through media outlets, neighborhood discussions and conversations with real estate professionals and housing developers. The feedback staff received as a result of the outreach has been supportive of the code amendments.

Councilmember Wilder said that Amherst County was adopting a similar ordinance. He stated that people should not be in a situation where they were forced to sell because they could not afford to renovate their houses. Mr. White said that the ordinance specifically required 90 days to submit a plan for the property owner. About 300 of the buildings were condemned, no one was living in them, but they were blighted property. The additional tools give staff the pretense to have this conversation, which had been difficult because so many owners lived out of state, out of neighborhood, and outside of the City. Options included rehabilitation, selling, or donation to a housing organization. As for the neighbors adjacent to those properties, there was nothing the City did, and the outreach process started here and continued all the way through so that they could make sure the options were clear.

Councilmember Faraldi asked if there was any parity to other localities in saying the appeals process was left to the City or County Manager. Mr. White said that the appeals section was replicated in other ordinances. City Attorney Mr. Matthew C. Freedman said that while this did not provide for the City Manager designee, it does somewhat reflect what was under the nuisance ordinance as far as an appeals process. Providing an administrative means of appeal gave the due process if someone wanted to challenge the protocol of the issue. Councilmember Faraldi asked if a court proceeding could still follow if they really wanted to. Mr. Freedman said that they could, but there would likely be adequate grounds on the City’s behalf to defend it, otherwise they would not have standing or a proper avenue to seek that. To have an administrative process of appeal versus having a court process of appeal was the alternative.

Councilmember Faraldi asked if there was any similar parity across the Commonwealth where a Board had appointed a commission or the legislative body itself was the final say on it, because otherwise it would be tied to one person. Mr. White said that he was unaware of other localities using that sort of appeals process. There was a Board of Building Code Appeals that looked at some issues, but most of those processes went through a state board, and a lot of deference came back to that individual appeals process. Defining derelict housing was the definition of a standard in the ordinance, with specific notes of findings of facts. Councilmember Faraldi asked what the punishment was related to the nuisance ordinance. Mr. White answered that the City was allowed through the nuisance standard to remove the violation and charging the owner, which was consistent with how they handled other public nuisances.

Councilmember Nelson said that he had concern with the area of the ordinance that said that said the City Manager's decision would be final and not subject to appeal. He asked if this ordinance meant that even if the locality had abused its discretion and not afforded due process that there was a bar to the property owner who may suffer loss of property rights was forfeited by virtue of the City's actions. Mr. Freedman said that they would not be able to proceed pursuant to this statute on a general appeal, but if more than two were considered, it would not be an issue to make an appeal as far as another board or court proceeding. These were presented as part of a toolkit, but if Council wanted to just adopt the other two, they could look at it again. Councilmember Nelson said that abusive discretion was the very foundation which justified an appeal to a judicial body from an administrative hearing or decision, and this ordinance made no consideration for possible abusive discretion. There should certainly be some sort of intermediary body who would review what the City Manager and staff did so as to ensure that due process was protected for and by everyone in the City. He proposed that it be worked on and brought back to them with that note.

Councilmember Helgeson said that the City Manager worked for City Council, and if there was some egregious thing that the Council found, the Manager would correct their ways or leave the position. There were already standards for the properties in the ordinance that Mr. White had mentioned. He asked if there was any problem with repealing it once enacted. Mr. White said no.

Councilmember Wilder motioned, seconded by Councilmember Tweedy, to adopt all three ordinances.

Councilmember Wilder said that if there were concerns, they could make adjustments if need be in the future.

Councilmember Tweedy said that citizens were concerned that this the topic should be revisited in terms of a report on what had been done so far or example scenarios.

Councilmember Nelson said that he appreciated the motivation and justification for an ordinance like this, but he had concern about the procedural protections and due process. They should get it right the first time and not wait to see who would be unduly burdened by it, putting on that individual property owner the cost to undertake and initiate the efforts to protect the property because the City did not care what happened to them if the City Manager or the designee had made a decision. It should be built into the process an orderly and logical means by which an aggrieved citizen who felt things did not go well for them to be heard by an institution and authority of this City without bothering them about it, because if it was meritorious, it would be dealt with by the administrative appellate body or by a court.

Councilmember Helgeson asked if the last section could be amended to add the decision of the City Manager could be appealed by City Council. Councilmember Nelson said that he would like for the City Administration to state what they would like to have included in the document that would be a reasonable, responsible, and practical solution. Councilmember Helgeson said that rather than having a body to oversee the appeals, the easiest thing would be to say the decision could be appealed to City Council. Councilmember Nelson said that it may be a reasonable solution, but he did not like a political majority. Mr. Freedman said that something like this with an appeals process should have more robust wording, so staff could look at it and provide something for further process beyond the City Manager and bring it back to the Council.

Councilmember Faraldi said that they as a government should not set out a policy that did not allow for appeal. He said that he supported the last two ordinances but could not support all three without more crafting on that matter.

Vice Mayor Wright said that he was sympathetic to fleshing out the appeals process more. He asked if there were other land use questions that could be appealed directly to City Council for decisions. Mr. White said that he could not think of anything other than the standard zoning process when Council

was making the decision. Vice Mayor Wright said that he would be happy to vote on the other two ordinances, but preferred to hold until the other language was identified.

Councilmember Wilder made the motion to approve Ordinance #O-22-037 which addresses clutter and Ordinance #O-22-038 which addresses demolition and to table the ordinance addressing derelict properties. Councilmember Tweedy seconded the motion.

Councilmember Nelson asked for the code section that they were voting to approve. Mr. Freedman said that the second ordinance was identified as an Ordinance to Amend and Re-Enact the Code of the City of Lynchburg 1981 by Amending §11-123 of Chapter 11, the amended section related to demolition permits, and the third ordinance was an Ordinance to Amend and Re-Enact the Code of the City of Lynchburg 1981 by amending §26-2 of Chapter 26, the amended section related to enumeration of public nuisances. Councilmember Nelson asked which ordinance was not being voted on. Mr. Freedman said that the ordinance not being voted on was titled an Ordinance to Amend and Re-Enact the Code of the City of Lynchburg 1981 by adding thereto a new §11-61 of a new Article 2A of Chapter 11, a new article on the section related to derelict buildings.

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

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

Noes: 0

// In the matter of Engineering, Agenda Item #10, Council considered adopting a resolution supporting the inclusion of two SMART SCALE project applications to VDOT for funding. Mr. Lee Newland, City Engineer, gave a brief overview to Council. Council reviewed these projects as a Business Item Briefing on February 22, 2022 and recommended the projects be included in the pre-application process. The application process is required to be submitted by August 2, 2022 and a resolution of support from the governing body of the entity making application is required. The suggested projects are:

1. A Candler's Mountain Road Study from University Blvd to Sunnymeade Road in Campbell County identified the offset intersection of Liberty Mountain Drive as a concern that needed to be addressed. If this application is successful, funds will be provided to reconfigure the intersection; final configuration will be determined after additional engineering analysis.

2. A Potential Safety Improvement (PSI) Study identified the intersection of Langhorne Road, Rivermont Terrace, and Vassar Street as an opportunity for safety improvements. A concept plan is underway, to include public outreach, to determine what is the best solution for this intersection. If this application is successful, funds will be provided to implement the final plan.

Vice Mayor Wright motioned, seconded by Councilmember Faraldi, to adopt the Resolution #R-22-039.

Councilmember Helgeson asked what the price was for the second project. Mr. Newland said that the application had not been finalized and was due in August. He said that a consultant was currently working on the project, and a public meeting was held at the public library three weeks ago, where the majority of people were in favor of a roundabout because that area was one of the highest crash areas in the City. Councilmember Helgeson asked what the cost was of the project. Mr. Newland said that it was about \$8M before, and they were trying to reduce the size of the roundabout so that they did not have to take as much property and so that it would be a less expensive project. Councilmember Helgeson said that he could support the first option but not the second one, because residents did not think it was an appropriate use of funds to construct the roundabout in the middle of their neighborhood. The funds could be moved to another project where work was more desperately needed.

Vice Mayor Wright made the motion to adopt Resolution #R-22-039a which supports the SMART SCALE project that addresses the intersection of Liberty Mountain Drive. Councilmember Faraldi seconded the motion.

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

Noes: 0

Vice Mayor Wright made the motion to adopt Resolution #R-22-039b which supports the SMART SCALE project that addresses the intersection of Langhorne Road, Rivermont Terrace, and Vassar Street. Councilmember Faraldi seconded the motion.

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi 6

Noes: Helgeson 1

// In the matter of the Budget, Agenda Item #11, Council considered adopting Resolution #R-22-040 amending the FY 2023 General Fund budget and appropriating funds for the purpose of extending the

living wage increase for all part-time and hourly employees and to enhance funds available to impact compression. Ms. Donna Witt, Chief Financial Officer, gave a brief overview of the item. The FY 2022 Adopted Budget appropriated funds to implement a 5% general wage increase for City employees. This amount was an estimate, based on personnel data at the time the budget was adopted. Following the implementation of the 5% general wage increase, funds of approximately \$620,492 are remaining due primarily to vacancies. The Adopted FY 2023 Budget appropriates funds to provide a living wage for all full-time employees. In addition, funds are earmarked in the FY 2023 Adopted Budget to address compression. With the funds remaining from the 5% general wage increase implemented in FY 2022, all part-time and hourly employees will also be included in the living wage. Use of these remaining funds beyond those necessary for the living wage will be added to the compression funds to provide additional impact.

Vice Mayor Wright clarified that these were recurring funds, so the money was expected annually, and the recommendation was to make this more of an ongoing commitment. Ms. Witt said that was correct, because it was provided for the 5% increase, which was an ongoing cost. Vice Mayor Wright asked how much was broken down in wage increases addressing compression. Ms. Witt said that only \$30,000 would bring the rest of the temps and hourly workers up to the \$14.03. Vice Mayor Wright asked if the \$590,000 was for compression. Ms. Witt said yes. Vice Mayor Wright asked if that was encompassing all departments. City Manager Mr. Wynter C. Benda said that two years through 30 years were included. Vice Mayor Wright asked if they were identifying which departments had the most need or if it would be pro-rata. Mr. Benda said that there were 15 other departments that this would apply to. Vice Mayor Wright said that he favored this but would like to know ultimately once they decided where this was going to go what departments were affected and how. Vice Mayor Wright made the motion, seconded by Councilmember Nelson.

Councilmember Helgeson said that the revenue could go back to the tax payers. He said that he would not support the measure. He said that they needed to provide relief to the citizens. He said that they could reduce the tax rate by \$0.01 ongoing.

Councilmember Nelson said that the lower end of the salary range deserved the salary increases. He said that part-time and hourly employees were at the lower end of the salary range. He said that he would support the measure to take steps to provide a living wage.

Councilmember Wilder stated that he would support the motion. He said they needed to take action to address compression and appropriately compensate employees.

Vice Mayor Wright said that excellent services were delivered through a high-quality workforce, which was difficult to attract and retain if they were not compensated correctly. He asked what type of positions were affected by the \$30K increase.

Ms. Witt responded that there were part-time positions in Parks and Recreation, life guards, and temporary summer positions.

Councilmember Faraldi asked how much was in the previous budget for the recurring positions throughout the City. He clarified that they were using recurring vacancies to fund the proposal.

Ms. Witt said that they were not. She said that for the 5% across-the-board increase in 2022, they set aside a projected amount of the cost for all employees. She said that because there continued to be so many vacancies in 2022, the funding for the present measure was the leftover from the 5% increase.

Councilmember Helgeson noted that the budget increased spending on personnel by \$13M. He said that he was not supportive of the measure.

Councilmember Tweedy stated she supported the citizens, the work of the finance department, and the City administration.

Councilmember Faraldi asked if they could receive a copy of the report of where the funds would go for compression prior to the deadline for spending the funds.

Mr. Benda said that the report could be provided. He said that the report could be provided on the 28. He said that approval would take two votes—one now, and one on the 28.

Ms. Witt said that they could provide the information. She clarified that the cost was about \$200K for the living wage increase for part-time and hourly employees.

Councilmember Faraldi stated that he needed more information to support the measure.

Councilmember Wilder stated that he supported the decisions by staff. He said that the City Administrator was addressing compression issues as directed by the Council.

Councilmember Nelson said that he would support the measure.

Councilmember Helgeson stated that they did not want to cause wage inflation by paying employees above a market rate wage. He asked why the item was not included in the budget process.

Mr. Benda said that the budget was level funded, and departments were able to submit enhanced funding requests. He said that when they discussed a living wage, they knew that there were 96 people who fell into the category, and of fulltime employees, there were 13. He said that it was difficult for the City to recruit lifeguards because they were at the low end of wages. He said that small seat compression across the board was an issue he was supposed to address ever since he started working for the City.

Councilmember Helgeson clarified that the funding was from the present fiscal year, and it required two votes to be able to allocate it.

Ms. Witt explained that the funding would be allocated to the compression funding appropriated for FY 23.

Vice Mayor Wright moved the previous question.

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

Ayes: MaryJane Dolan, Beau Wright, Sterling Wilder, J. Randy Nelson,

Treney Tweedy 5

Noes: Jeff Helgeson, Chris Faraldi 2

// On motion of Councilmember Wilder, seconded by Councilmember Nelson, Council, by the following recorded vote, elected to hold a closed meeting to consider appointments to the Lynchburg City School Board pursuant to Section 2.2-3711(A)(1.) of the Code of Virginia.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder 6

Noes: Faraldi 1

// 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

May 24, 2022

WHEREAS, Section 2.2 3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:	0
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// The meeting adjourned at 9:35 p.m.

Clerk of Council