// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of August, 2022, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

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

Absent: 0

// In the matter of Planning, Agenda Item 1, Dearington Neighborhood Plan, Ms. Anne Nygaard, Planner II, and Mary Mayrose, Executive Director of the Lynchburg Redevelopment and Housing Authority, provided a presentation of the staff report to the Council. The Dearington Neighborhood Plan was developed by City staff and based on input received from the neighborhood at two public events, steering committee meetings, a neighborhood survey, and numerous conversations over the years. The plan effort was modified due to the COVID-19 pandemic and a concern over ensuring the meetings would be inclusive enough with varying comfort levels in gathering. The draft plan recommendations have a focus on City-owned property, programming, and right-of-way, mainly from a recreation and parks perspective with the aim of transforming previously neglected spaces into valuable neighborhood assets that help the Dearington Neighborhood reach its full potential.

Councilmember Helgeson asked if there was a way for residents to eventually own the units. Ms. Mayrose stated that there was a five-year goal to increase the home ownership opportunities. She stated that they were addressing families that required rental housing. She said that they would need to find partnerships to implement a homeownership program.

Councilmember Tweedy asked for clarification regarding the requirements for replacing affordable housing stock. Ms. Mayrose stated that they tried to build a stable foundation for residents and clients that focused on jobs and housing. She said that after residents were secure, they started to look for housing ownership opportunities. Councilmember Tweedy clarified that they needed a certain ratio of rental housing to address demand.

Councilmember Wilder asked for an update regarding the pool that was used as a dump site. Ms. Nygaard explained that in 2014, an erosion scar opened in Jefferson Park that exposed garbage from the previous landfill. She said that probes were placed around the perimeter of the landfill and underground to determine the levels of gases. She said that the consultant determined there were no health or safety issues related to the presence of landfill gases. She said that a stormwater project concluded in 2017 to prevent further erosion. Councilmember Wilder asked if they continued to monitor the gases. Ms. Nygaard responded that they gases had not been monitored since 2016. She said that they could perform some surface monitoring to ensure there were no issues. Councilmember Wilder asked if they planned to regular monitor the gases on a schedule. Ms. Nygaard said that they would ask the consultant.

// In the matter of Water Resources, Agenda Item 2, College Park Master Plan, Water Quality Manager Ms. Erin Hawkins provided a presentation of the staff report. The College Park Master Plan serves as a roadmap to connect people, water, and community in the College Park neighborhood. Working with the consultant firm Skeo Solutions, the plan uses a Walkable Watershed approach to craft recommendations for passive recreation, improved pedestrian connectivity to the neighborhood and integrated sustainable practices for handling water flow to reduce flooding and improve water quality. Recommendations also include the provision for learning opportunities that serve to enhance the ecology and natural beauty of the park. This plan is a product of input received from neighborhood residents, citizen members, University of Lynchburg, and City of Lynchburg staff. A Public Open House was held at College Park in Fall 2021 and a survey questionnaire was distributed to the neighborhood by City staff and University of Lynchburg students. After updating City Council, this plan will proceed through the public hearing process for adoption as part of the City's Comprehensive Plan.

Councilmember Faraldi stated that he supported the project.

// In the matter of Planning, Agenda Item 3, Downtown Renewal Project Phase 4, Special Projects Manager Mr. James Talian provided a presentation of the staff report. In 2016 the City began construction to replace 100-year-old water lines in 50 city blocks of downtown. In order to minimize disruption to the downtown business and residential community, whenever water line replacement is scheduled, all other utilities and streetscape features are also upgraded so that the impacted stakeholders will only be disrupted once instead of having a series of interruptions for a variety of different infrastructure updates cumulatively lasting for years. We have steadily progressed through the program. Thirteen of the 50 blocks are complete and another five are currently under construction on Commerce Street. Planning for the next phase of the program has begun. This phase will complete the Main Street segment of the program by upgrading or replacing water, sewer, storm, street, sidewalk, streetscape, and traffic infrastructure on five blocks of Main Street between 12th Street and the expressway. A public meeting to discuss the project with the stakeholders is scheduled for late September. Design of this segment would follow this Fall with construction scheduled to begin in late 2023.

Councilmember Faraldi asked for more information about how parking could be handled and what they were doing to offset the issues from congestion in the downtown area. Mr. Talian responded that the parking was different for each block. He said that they were unable to create new parking, but they had partnered to use other available parking in some instances.

Councilmember Wilder asked what the timeframe was for the project. Mr. Talian responded that they intended to start construction late next year, and the timeframe was typically 15 months. Councilmember Wilder asked whether the whole street would be closed. Mr. Talian said they had not reached that level of detail, and they were beginning design next month.

Vice Mayor Wright asked if additional enhancements were planned for the cloverleaf at Route 460. Mr. Talian said they had decided not to do any improvements because there were not many opportunities. He noted there was a significant elevation change, and alternate connections did not seem feasible.

// In the matter of Engineering, Agenda Item 4a, AC Capital Encroachment Franchise Agreement, Mayor Dolan stated that the item would appear before the Council for action on September 27. City Engineer Mr. Lee Newland provided the briefing to the Council. AC Capital, LLC has requested a franchise from the City to allow use of the City's public rights-of- way for the construction, installation, use, and maintenance of certain encroachments in the public rights-of-way of the City at Court Street and 12th Street. In this instance, the encroachment would be for the balconies, building edge, roof overhang/canopy, and gutter/downspouts that would extend over the sidewalk from the upper stories of the building. The attached ordinance and map define the applicable encroachments. The proposed franchise, if granted, would begin October 1, 2022, and expire September 30, 2061, and unless an alternate agreement is negotiated, continue month-to-month thereafter. 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. Once advertised, Council would open bids and hold a public hearing on September 27, 2022 in accordance with the following process:

(1) During the work session of 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, the City Council will vote to accept the successful bid recommended.

(2) During the public hearing portion of 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.

Note: If any bids are received on September 27, 2022, during the City Council's work session, then the City Council should table this matter until the next regular meeting date so staff may review the subsequent bid(s) received.

Councilmember Helgeson expressed concerns about the rain downspouts and stated that he did not support the item.

// In the matter of Engineering, Agenda Item 4b, Support of Campbell County SMARTSCALE Application in the City of Lynchburg, Mayor Dolan stated the item would appear before the Council on September 13. City Engineer Mr. Lee Newland provided the briefing to the Council. VDOT has required and Campbell County has requested the City of Lynchburg to support their participation in a SMARTSCALE Application to construct improvements to Timberlake Road from Campbell County into the City of Lynchburg. These improvements are at the intersections of Greenview Drive and Laxton Road. They would extend into the City to connect with the existing streets. Campbell County Board of Supervisors approved their resolution in July. If the application is successful and the funding awarded, design is scheduled to start in August 2025 with construction finishing in June 2032. The anticipated cost is $22 Million.

Vice Mayor Wright asked if the project would have an impact on the City's SMARTSCALE applications; Mr. Newland responded that it would not.

// In the matter of Community Development, Agenda Item 4c, CDBG/HOME Consolidated Annual Performance and Evaluation Report, Mayor Dolan stated the item would appear before the Council for action on September 27. Grants Manager Ms. Melva Walker provided the briefing to the Council. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUDadministered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress towards the housing and community development goals established within the 2020-2024 Consolidated Plan and the PY 2021 (FY 2022) Annual Action Plan. This CAPER is for the period of July 1, 2021 through June 30, 2022. With City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program. A public notice for the public comment period and public hearing will be published in The News and Advance on Saturday, September 10, 2022.

// In the matter of Planning, Agenda Item 4d, Naming Lakeside Bridge in honor of Rosel and Elliot Schewel, Mayor Dolan stated the item would appear the Council for action on September 13. Acting Director of Community Development Mr. Tom Martin provided the briefing to the Council. The new Lakeside Drive Bridge over Blackwater Creek was opened to traffic on June 17, 2022. The City Policy for the Naming of City-Owned Properties, Facilities, Streets & Structures provides that City facilities may be named for an individual, living or deceased, who has made a significant contribution to the City of Lynchburg.

// In the matter of Budget, Agenda Item 4e, FY 2022 Fourth Quarter/FY 2023 First Quarter Adjustments/Carry Forward Requests for All Funds, Mayor Dolan stated the item would appear before the Council on September 13. Chief Financial Officer Ms. Donna Witt provided the briefing to the Council. The General, City/Federal/State Aid, and Children's Services Act Funds are amended to reflect the FY 2022 Fourth Quarter Adjustments. The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Home Investment Partnerships Program (HOME), Regional Juvenile Detention Center, Technology, Airport, Fleet as well as the City Capital Projects, Schools Capital Projects, and Airport Capital/Grant Projects Funds are amended to reflect the FY 2023 First Quarter Adjustments. Additional Poverty Initiative funds were not adopted in FY 2023. However, with the approval to carry forward the remaining balance Council will need to approve the resolution for the funds to only be spent with the majority vote of City Council.

Councilmember Faraldi asked whether any of the funds were being allocated to new projects or initiatives. Ms. Witt responded that there were no new initiatives.

// In the matter of Roll Call, Agenda Item 5, Councilmember Helgeson stated the Finance Committee had been discussing a tax refund, and they had considered waiving business license fees up to $50,000. Councilmember Faraldi welcomed students back to the City; he brought up two traffic concerns identified by citizens and asked if staff would be able to address them. Councilmember Wilder welcomed students back to school; he noted United Way was celebrating its 100th anniversary; he said Ms. Virginia Jefferson had turned 110 years old. Vice Mayor Wright requested staff to recirculate the memo explaining the previous year's surplus. Mayor Dolan wished the students a year of academic success, engaged learning, and future opportunities.

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, by the following recorded vote, elected to hold a closed meeting to review and/or evaluate the performance of the City Attorney, 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:

Ayes: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi	7
Noes:	0

// The meeting was reopened to the public.

// Councilmember Faraldi 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:	Dolan, Wright, Nelson, Tweedy, Wilder, Faraldi	6
Noes:		0
Absent:	Helgeson	1

// The meeting was recessed at 6:34 p.m.

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

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

Absent: 0

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

// In the matter of Recognitions, Mayor Dolan recognized Ms. Alaysia Oakes, the Valedictorian from Heritage High School, 19-time Track and Field state champion, 5-time Track and Field All-American, and the Indoor and Outdoor Track and Field athlete of the year for Region 3C. She stated that Ms. Oakes would attend Stanford University.

// In the matter of Recognitions, Mayor Dolan recognized Mr. Isaiah Bradner, the Valedictorian from E.C. Glass High School and a Central Virginia Governor's School Ambassador. She stated Mr. Bradner would attend Dartmouth College.

// In the matter of Recognitions, Councilmember Tweedy recognized the Heritage High School Girls Track and Field Team for winning the Indoor Region 3C Championship and the VHSL 3A Indoor Track and Field State Championship. She stated the team won the Outdoor Region 3C Championship and the VHSL 3A Outdoor Track and Field State Championship.

// In the matter of Recognitions, Councilmember Helgeson recognized the Lynchburg Christian Academy Baseball Team for winning the Seminole District regular season championship, the Seminole District co-championship, the Region 3C championship, and the VHSL 3A State Championship.

// In the matter of Recognitions, Vice Mayor Wright recognized the Women in Machining Program Graduates. He stated that 12 graduates of the program completed a 12-week career training program.

// In the matter of the Consent Agenda Item A, copies of the minutes of the March 22, 2022 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, 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 the Consent Agenda Item B, copies of the minutes of the March 24, 2022 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, 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 Planning, Agenda Item 7, a public hearing was held and Council considered adopting Ordinance #O-22-051 approving the right-of-way vacation of a portion of Clayton Avenue, Planner I Ms. Eve Mergenthaler provided the staff report. Ed Willman of Accupoint Surveying & Design, LLC, on behalf of Kathryn M. and Christopher T. Zabriskie, is petitioning to vacate a portion of Clayton Avenue located between 4013 and 4101 Peakland Place. The right-of-way vacation is proposed to allow the residents to enclose their backyard and assume ownership of the existing paved driveway. The total area of the proposed vacation is approximately two hundred eighty-eight thousandths (0.288) of an acre. The area to be vacated contains a sidewalk and a paved driveway that serves the residences at 4013 and 4101 Peakland Place. The petitioner proposes to allow continued pedestrian access by establishing a five (5) foot wide public pedestrian access easement that extends the length of the area to be vacated. With the access easement in place, the vacation would not impact vehicle or pedestrian access.

Mr. Ed Willman, Accupoint Surveying & Design LLC, stated he represented the petitioner. He stated that the petitioner wished the right-of-way to remain open to pedestrians.

Citizen Anne Langley, 4101 Peakland Place, speaking in favor of the petition, requested the Council to support shrinking the right-of-way to five feet. She said that approval would give her the opportunity to enclose her backyard. She said that extending Clayton Avenue would create a dangerous intersection.

Citizen Bob Day, 3856 Peakland Place, speaking in favor, stated that the street did not have much vehicle traffic, but it did have pedestrian traffic. He said that the neighborhood supported the petition.

Citizen Monica Prohinsky, speaking in favor, brought up concerns about whether a future property owner could close off the sidewalk.

City Attorney Mr. Matthew Freedman responded that if the petition were approved, the vacated portion would vacate to the adjacent owners. He said that the vacation would follow the land and apply to future owners. He said that the land could be rededicated to the City.

Clerk of Council Ms. Alicia L. Finney stated that there was one email from Jim Talian, 2609 Hurdle Hill Road, stating his support of the proposal as long as an easement for perpetual usage by pedestrians and bicyclists is reserved by the City.

There was no one else to speak in favor or in opposition, and there were phone calls.

Mayor Dolan closed the public hearing and brought the matter back before the Council.

Councilmember Helgeson motioned, seconded by Councilmember Nelson, to approve the ordinance.

Vice Mayor Wright asked how they determined the five-foot width. Ms. Mergenthaler responded that five feet was the width of the sidewalk. Vice Mayor Wright asked if it was possible to improve the pedestrian crossing. Ms. Mergenthaler responded that it was not possible at the time.

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

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

Noes: 0

// In the matter of the Airport, Agenda Item 8, a public hearing was held and Council considered adopting Resolution #R-22-052 authorizing a rental car concession agreement and lease agreement with The Hertz Corporation and Dollar Rent-a-Car, Airport Director Mr. Andrew La Gala provided a summary presentation to the Council. In September 2020, The Hertz Corporation elected to discontinue operating from the Lynchburg Regional Airport and ceased all rental car transactions due a bankruptcy filing. The Hertz Corporation previously conducted business at the Lynchburg Regional Airport since 2004. Earlier this year, The Hertz Corporation expressed a renewed interest in operating from the airport once again. Due to the current airline industry environment and rental car business trends, this agreement will be in effect with a month-to-month term. An addendum to the existing concession agreements with the airport's other three rental car operators – Enterprise, Avis and Budget – will be executed concurrently in order to keep all terms and conditions consistent. There is a statutory requirement for a public hearing prior to leasing City property.

There was no one to speak in favor or opposition, and there were no emails or phone calls.

Mayor Dolan closed the public hearing and brought the matter back before the Council.

Councilmember Faraldi motioned, seconded by Councilmember Wilder, to approve the Resolution, #R22-052.

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

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

Noes: 0

// In the matter of Public Comment, Citizen Terrick Moyer, representing Lighthouse Community Health Services, spoke about affordable housing needs in the City. He said that the City should utilize existing resources to improve home ownership opportunities. He said that there needed to be a public-private partnership to facilitate home ownership.

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, by the following recorded vote, elected to hold a closed meeting to discuss a pending petition for temporary injunction and surrounding circumstances, pursuant to Sections §§ 2.2-3711(7) and 2.2-3711(8) of the Code of Virginia, 1950, as amended, and; to discuss the acquisition of specific real estate in the City where open discussion would adversely affect the City's bargaining position, pursuant to Section § 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended.

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

Ayes: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi 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 Faraldi, and Council, by the following recorded vote, adopted the motion:

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

// The meeting adjourned at 8:57 p.m.

Clerk of Council