

September 27, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of September, 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 Economic Development and Tourism, Agenda Item #1, Update on 2022 Special Events, Council heard from City staff regarding upcoming community events through the fall season. Ms. Marjette Upshur, Director of the Economic Development and Tourism Office, summarized that special events, whether offered by the City of Lynchburg, businesses, or nonprofit partners, contributed to community pride and quality of place, and help drive spending in the City. According to Placer, domestic tourism visits of more than 50 miles away to the City of Lynchburg had recovered 120% from July of 2019, and they estimated that the 40 special events from the past fiscal year had generated almost \$1.5M in total business sales. Special events also enhanced the City's diverse identity with events such as Hill City Pride, Soul Food and Funk Festival, and this weekend's much-anticipated Get Downtown. She said that these events positioned the City as a destination and drew new talent to the area. The Office of Economic Development & Tourism (OEDT) will distribute a roundup of events planned throughout the City through Fall 2022. Details of events were subject to change, and a full updated list is available on the tourism website at lynchburgva.org/events.

// In the matter of Finance, Agenda Item #2, Council received a briefing on the elimination of Business License Tax for businesses with gross receipts less than \$50,000. Mr. Mitchell Nuckles, Commissioner of the Revenue, gave a summary to Council on the item. In response to a request made by Council Member Helgeson, the Commissioner of the Revenue and City Staff will provide information related to the elimination of Business License Tax for businesses with gross receipts less than \$50,000 for the preceding calendar year. Currently, any business or profession whose gross receipts, wholesale, purchases, or commission sales for the preceding calendar year are between \$10,001 and \$50,000 pay an annual license tax of \$30. Any business or profession whose gross receipts, wholesale, purchases, or commission sales for the preceding calendar year are \$10,000 or less is not subject to the business and

professional licensing requirements. A total of 510 businesses reported gross receipts in the range of \$10,001–\$50,000 for calendar year 2021, with gross receipts totaling \$15,384,958. The 2022 Business License Tax due from these businesses totaled \$15,417, and the Business Personal Property totaled \$19,833, for total revenues of \$35,250 from this range. Revising the current ordinance to eliminate Business License Tax for this group would reduce revenues by approximately \$35,250.

Councilmember Helgeson made the motion to proceed with the process of eliminating the Business License Tax for businesses with gross receipts less than \$50,000 for the preceding calendar year. Councilmember Faraldi seconded the motion.

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

Noes: 0

// In the matter of Planning, Agenda Item #3, Council received an update on the City Art Installation of M.W. Thornhill, Jr. in the 5th Street Roundabout and Chauncey Spencer, Sr. at the Lynchburg Regional Airport. Mr. Tom Martin, Acting Director of Community Development, gave a brief summary to Council. The City's Public Art Policy was created in 2014 and strengthens the City's role as a facilitator of art in public spaces. Installation of a statue of M.W. Thornhill, Jr. the City's first African American Mayor in the 5th Street Roundabout, was scheduled to be completed by June of 2023. A statue of Chauncey Spencer, Sr., Tuskegee Airman, would be unveiled at the Lynchburg Regional Airport on October 1, 2022.

Councilmember Tweedy said that she was honored to learn that Mr. Spencer would have a statue, because for so long his history had been contained to Pierce Street, and it was a great success to share his legacy in the public institution of the airport.

Councilmember Wilder said that public art is of great benefit to local citizens as well as visitors of Lynchburg who could walk around and experience quality art. He expressed his appreciation for the M.W. Thornhill statue coming to fruition after several years of work. He stated that he was pleasantly surprised to hear that Chauncey Spencer would have a statue in Lynchburg to add to his honor at the Aviation Museum of Virginia in Fredericksburg.

Vice Mayor Wright gave his thanks to the African American Cultural Committee composed of City residents and staff who came together to make recommendations, including the funding by the City of the statue to make that possible.

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Councilmember Nelson said that he had been unaware of the Chauncey Spencer statue, but knew of the years of effort put into the M.W. Thornhill statue. He said that he knew Mr. Thornhill and Mr. Spencer, and both were highly deserving to be recognized for what they did and what they meant to the community. He expressed his regret for being unable to attend the dedication of Mr. Spencer's statue, but his heart and thoughts would be with everyone.

Councilmember Helgeson said that Lynchburg held the great honor of being home to Chauncy Spencer, Sr., who had served as a Tuskegee Airman in World War II.

Councilmember Faraldi said that the placement of the statue of Mr. Spencer at the airport would send a strong message about the history of Lynchburg, which he appreciated very much.

// In the matter of Engineering, Agenda Item #4, Council held the AC Capital Bid Opening and Acceptance. Mr. Lee Newland, City Engineer, gave a brief summary of the item to 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 proposed ordinance and map define the applicable encroachments. The proposed franchise, if granted, will begin October 1, 2022, and expire September 30, 2061. Unless an alternate agreement is negotiated, the agreement would continue month-to-month thereafter. Where appropriate, the City Council will accept a bid during its Work Session on September 27, 2022. Once a bid has been accepted, the City Council may hold a public hearing during its Regular Meeting on September 27, 2022, on whether to adopt the proposed franchise ordinance attached.

Councilmember Helgeson asked if Mr. Newland could help elucidate some of the benefits of this proposal. Mr. Newland said that he could not speak to the benefits had by the developer, but there were balconies over right-of-way at the bluff walk. The idea was to catch the water from the balconies and take it down to street level so that it did not drip on the citizens or whoever was using the public sidewalks. Councilmember Helgeson asked if the water would drip on them if the balcony were not over the sidewalk. Mr. Newland said that it would not drip on them as long as they installed the drainage to keep it from dripping. There were two types of encroachments in rights-of-way, one being when a developer

asked for it while developing, and the other type of encroachment were awnings and roof structures that had been constructed many years ago and were now in the right-of-way. Councilmember Helgeson asked if those were in nonconforming use. Mr. Newland said that some of those properties had come before Council, such as Hill Street. City Attorney Mr. Matthew Freedman noted that Colonnade had buildings that were in the right-of-way and constructed over City easements as a franchise. The City had done similar Ordinances in the past, not in allowing construction of encroachments but to permit them to deal with liabilities or other issues that came up as it related to the encroachments. Councilmember Helgeson said that he had yet to hear the public benefit of doing this project, and the answers provided so far had been unsatisfactory.

Councilmember Nelson said that Councilmember Helgeson raised a legitimate question. The subject building was a basic, generally unattractive brick structure that had been there for 70 years, originally serving as a grocery store. The design could not change much unless the exterior walls were reconstructed, and the proposal to change the aesthetics and add balconies was functional and an attractive way to add character to this. He asked if there was any functional challenge that necessitated this proposal from the developer's point of view. Mr. Newland said that he could not answer for the developer. Acting Deputy City Manager Mr. Kent White stated that Council originally approved this for rezoning for apartments. The functional aspect of this was to create windows and external views for an outward appearance, as well as a benefit for the tenants inside, and the drainage was to provide the offset for the exterior and interior benefits. Councilmember Nelson said that developers and investors were doing a lot to renovate and rehabilitate the vision and aesthetic appeal of downtown. What was proposed was a remarkable and attractive alternative to what it had been for decades, and that would be positive from any perspective, unless there was some negative result from doing so. This inconvenience was a nuanced obstacle to approving it given what was a significant aesthetic and quality-of-life enhancement, so he would be supporting the item.

Councilmember Wilder said that he approved of the renovation of the building, which had been vacant for an extended time, and the resulting enhancement of the entire City.

Councilmember Tweedy asked if the structures discussed were the pieces of structure and wood off of the side of the building on each side. Mr. White answered yes. Councilmember Tweedy said that it

was very visible, and it was good to know that it would be a part of the aesthetics of the building. Mr.

White stated that they had prepared to install it but were waiting for Council's final decision.

Councilmember Tweedy said that she approved of the proposal because the developer's renovation of the vacant building would be great for downtown.

Mayor Dolan asked if they were more ornamental than functional structures. Mr. Newland said that they were functional, with patio doors at the balconies and would be able to be used as balconies.

Councilmember Helgeson said that he had difficulties finding the address of the subject property based on the information provided, and had only found tax map parcel numbers and coordinates. Mr. Freedman stated that the address was on the map as incorporated into the ordinance. The meets and bounds were the descriptions of the encroachment were included as a way to effectively follow the map for real estate purposes. Councilmember Helgeson said that he would abstain from the vote.

Mayor Dolan said that the bid would now be opened for acceptance. She asked the Clerk how many bids had been received. Clerk of Council Ms. Alicia L. Finney said that an invitation for bids was advertised in the News & Advance that ran on August 31 and September 8, and as a result of the advertisement, they received one bid. Ms. Finney read the letter of commitment from AC Capital, LLC, received by her office on September 13, 2022. Mayor Dolan asked if there were any additional bids offered from the public. Hearing none, she declared the bidding closed.

Vice Mayor Wright motioned, seconded by Councilmember Nelson, to accept the sole bid. Councilmember Helgeson stated that he would be abstaining because he did not see the address listed in the ordinance. With no further discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Faraldi, Nelson, Tweedy, Wilder	6
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Noes:	0
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Abstain: Helgeson	1
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Mayor Dolan announced that a public hearing will be conducted on September 27, 2022, at 7:30 p.m. in Council Chamber to hear from members of the public regarding the adoption of an ordinance granting the franchise to the successful bidder.

// In the matter of Economic Development, Agenda Item #5a, Council was briefed on the James River Arts and Culture District Boundary Adjustment. This item will appear for the City Council vote on the October

11 General Business Agenda. Ms. Anna Benston, Assistant Director of Economic Development and Tourism, gave a summary of the item to Council. The OEDT works to position arts and culture, and the organizations that serve our community, as a critical sector that contributes to the City's economic health. To this end, the James River Arts & Cultural District was established in 2011. The program includes business incentives and an annual appropriation of amusement tax generated in the district granted by the OEDT through an application process to support programs, events, and projects that promote and market the district, improve aesthetic or infrastructure, have public benefit, or generate visitation to the district. Grants of \$5,000 were awarded in an annual application process administered through the Office of Economic Development and Tourism, and since 2012, 177 projects had been funded and generated more than \$22M in local economic impact. A consortium of arts and cultural organizations within the district has requested that City Council consider a boundary amendment to include the following changes:

- 1) the Central Business District extending up Fifth Street to Taylor Street to include the old City Cemetery and Legacy Museum, Madison House for the Arts, and up Rivermont Avenue to Bedford Avenue.; and
- 2) the Pierce Street Renaissance Historic District, including the properties adjacent to Pierce Street between Thirteenth Street and Fifteenth Street; and
- 3) the areas along Norwood Street, A Street, B Street, and Cabell Street encompass and include the Point of Honor.

Additionally, staff has added language to the ordinance to limit future boundary adjustments to protect the integrity of the Arts & Cultural District.

Councilmember Faraldi asked what aspect of this item was a new piece of City code. Ms. Benston answered that it was an amendment to the boundaries in the City code.

Vice Mayor Wright asked if the money collected from the amusement tax was all put back into the grants. Ms. Benston said yes, Council appropriated in the budget to the Arts and Cultural District Fund, and their office administered an annual application program, so organizations could apply and receive funding for projects, events, and programs to drive traffic back to the District. Vice Mayor Wright asked if Economic Development had set the amount to \$5,000. Ms. Benston said yes, but the amount could programmatically be updated over time.

Councilmember asked how such a small area could have \$22M of impact. Ms. Benston stated that with every application for program grants, they were able to run an economic impact calculation based on the size of the organization, the spending taking place in the event, and the amount of visitors attending that event. Americans For the Arts is the national service organization for arts and had published the calculator, which was based on communities across the country for economic input. Councilmember Helgeson asked what calculations were used to find the \$22M result. Ms. Benston said that there were multipliers based on the size of the community and spending for those attending events, in order to take into account total business spending. Councilmember Helgeson asked if the total number included more than just the Arts and Culture District. Ms. Benston confirmed that the impact was not contained to the district but was felt throughout the City as a whole.

Councilmember Faraldi asked if this program could be utilized in other areas of the City, not only in downtown. Ms. Benston said that they could certainly establish different districts in other parts of the City. A benefit of a district was that it was an economic cluster, so mapping the type of organizations or developments would be beneficial. Councilmember Faraldi said that there was opportunity to incentivize development to create another downtown area in Wyndhurst and Cornerstone.

Councilmember Tweedy said that this district was available to all residents of Lynchburg, and everyone had the opportunity to visit these venues. Ms. Benston noted that program grants were for activities that took place in the district, but not necessarily produced by organizations that resided in the district.

// In the matter of the Airport, Agenda Item #5b, Council received a briefing on the Freedom Aviation Fuel Farm Agreement. This item will appear before City Council for action on the October 11, 2022 Public Hearing agenda. Mr. Andrew LaGala, Airport Director, gave a brief summary of the item to Council. The City of Lynchburg owns three (3) aviation fuel storage tanks and related pumping equipment located in the fuel tank farm at Lynchburg Regional Airport. This agreement would be between the City of Lynchburg and Freedom Aviation for the lease and use of the airport's fuel farm facility. Our current Freedom Aviation Fuel Farm Agreement is due to expire on June 30, 2023. Freedom Aviation has approached airport administration to renew this agreement in order to keep the dates closer to their Fixed Based Operator agreement that was approved by City Council earlier this year. The proposed agreement

would be for five years with a five-year option to renew at the end of the initial term. The business terms of the agreement will remain as the previous agreement with some required Federal Aviation Administration standard language updates.

Councilmember Helgeson asked if this was an item meant to renew the lease that had been continued between Freedom Aviation and the Airport. Mr. LaGala said that they had a Fixed Based Operator agreement, and a fuel agreement must be in line because both were required to operate the business. Councilmember Helgeson asked how long the term of this lease would be. Mr. LaGala answered that it would be a five-year lease with a five-year renewal option at the end of the initial term.

Councilmember Tweedy asked if an address for Freedom Aviation provided in the contract. Mr. LaGala stated yes. Mr. Freedman stated that the address the City would use to contact Freedom Aviation was on page 15 of the lease agreement, which was listed as 310 Hangar Road, Lynchburg, Virginia, 24502. Councilmember Tweedy asked if that was the address of the location and not the physical location; Mr. LaGala said that was correct.

// In the matter of the Airport, Agenda Item #5c, Council received a briefing on the ARINC Lease Agreement. This item will appear for City Council vote on the October 11, 2022 Public Hearing agenda. Mr. LaGala gave a summary of the item to Council. ARINC is requesting a lease agreement for their ACARS (Aircraft Communications Addressing and Reporting System) equipment. ACARS is a digital datalink system for transmission of short messages between aircraft and ground stations via airband radio or satellite. This request is for a 5-year lease with an option to renew for up to five (5) successive one (1) year terms. The rental rate shall automatically increase by two percent (2%) on the first day of each anniversary of the Rent Commencement Date.

// In the matter of Roll Call, Agenda Item #6, Councilmember Tweedy gave City staff, City school staff, LPD staff, and others credit and thanks for the great administration and security at the E. C. Glass and Heritage football game. Councilmember Helgeson said this morning was a Finance Committee meeting where they discussed the \$43M surplus. He said that he hoped that at their next retreat or meeting the Council could decide what to do with the \$43M, which he hoped would be given back to the taxpayers.

// Councilmember Faraldi congratulated Heritage on winning the Jug Bowl, which was a defensive and fun game. He thanked staff and the City Manager for taking initiative on Enterprise Drive and the

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continuing issues there, and he looked forward to continuing to discuss what they had already been over email. He said that it was certainly a corridor very important to the economic vitality of their region, but also the residents there who were seeking extra protections. He said that he was interested in learning more about the funds in the unassigned fund balance and any information available in addition to what had been given to the Finance Committee would be prudent to be addressed to full Council.

Councilmember Wilder said of solemn note was the loss of a legend of the community, Ms. Dee Fowler, a pioneer in the community for voting rights and human rights, and had been a foster mother and grandmother. She was a strong staple at Diamond Hill Baptist Church and in the community. He said that she passed away on Saturday in Richmond while visiting her grandson. He said they would keep her family in prayer, and her funeral would be held on Sunday. He said that for Ward II, they were thankful for the legacy she left, and all of her life was an inspiration to all of them in how they led their own lives. Vice Mayor Wright thanked Councilmember Wilder for his remarks and said that they would miss Ms. Fowler. He offered his thanks to Economic Development, the Sherriff's Office, Police Department, and Fire Department, Moore & Giles, and other community partners who made the Virginia Ten-Miler possible this past Saturday. He said that it was a lot of fun, with bands playing along the route, and the event was a great driver for economic impact for the community in addition to being a great community-building exercise. Mayor Dolan congratulated the participants of the 48th running of the Virginia Ten-Miler last weekend, with over 3,300 registered runners and walkers from 33 states and five countries participating. She said that it was supported by more than 1,100 volunteers representing the area's universities, colleges, and churches. She thanked Moore & Giles, the title sponsor, along with 26 corporate sponsors and 23 corporate teams. She said that records were set for both the ten-miler and the four-plus-mile run. She thanked the community who supported the event, and said to save the date for the next, which would be Saturday, September 30, 2023. She said that this Saturday was the Get Downtown event, and she encouraged everyone to attend and join in on the fun events from 4 p.m. to 9 p.m.

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss appointments to the following boards and commissions: Lynchburg Redevelopment Housing Authority, Social Services Advisory Board, Board of

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Zoning Appeals, Historic Preservation Commission, pursuant to Section §2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

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

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

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

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

Noes: Faraldi 1

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

Lynchburg Redevelopment Housing Authority: Reappointment of Ray Booth to a new 4-year term expiring September 30, 2026; reappointment of Treney Tweedy to a new 4-year term expiring September 30, 2026.

Social Services Advisory Board: Reappointment of Lenora Noell to a new 4-year term ending September 30, 2026.

Board of Zoning Appeals: Rebekah Melton to an unexpired term ending June 30, 2027.

Historic Preservation Commission: Dr. Gerry Sherayko to an unexpired term ending June 30, 2024.

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

Noes: 0

// The meeting was recessed at 5:17 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 Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Consent Agenda Item A, Council conducted a second reading and adopted Resolution #R-22-053 approving the FY 2022 Fourth Quarter Adjustments. On motion of Councilmember Wilder, seconded by Vice Mayor Wright, the following vote was recorded:

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

Noes: 0

// In the matter of Community Development, Agenda Item #8, a public hearing was held and Council considered approving a Resolution #R-22-059 approving the submission of the Program Year 2021 (FY 2022) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD). Ms. Melva Walker, Grants Manager, gave a summary of the item to Council. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress toward 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. Ms. Walker provided Council a summary of the CAPER report that included information about resources, expenditures, and the performance accomplishments in FY 2022.

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

Vice Mayor Wright said that these federal funds secured by the Community Development Department went to various community partners to affect thousands of people directly. He was grateful for the work and made a motion, seconded by Councilmember Wilder, to adopt the Resolution #R-22-059.

Councilmember Wilder stated that there was a strong need for housing in the community that he continued to learn more about every day. He asked if the City also provided resources other than the federal CDBG funds to projects through Community Development. Ms. Walker answered that she managed the CDBG funds directly and what those funds expended for these projects she had mentioned. Councilmember Wilder said it was crucial to address poverty by establishing home ownership program, so it should be considered as categorical funding as part of the Council's long-term budget process. He asked if general ideas about how that initiative could be supported by the City and budget funds, using a similar model to CDBG that targeted home ownership.

Councilmember Tweedy said that she was in support of all programs provided by these partners in the community. She stated that because she had recently been in a position of leadership with one of those community organizations, she would abstain from this vote for these projects, but was very supportive for all work done for housing through the CDBG and other programs.

Councilmember Helgeson said that he agreed that homeownership was critical in giving residents an option for housing other than long-term rentals, and home ownership gave them the ability to buy and take care of their own property. He said that some of the language of the CDBG grants had shifted more toward rentals than of homeownership in explaining the goals, so it may be necessary to refine that wording to focus again on homeownership. He asked if the \$30,000 given to the Legal Aid Justice Center for assistance for eviction reduction assistance was one-time funding. Ms. Walker said that the funds were allocated from CARES Act funding for those affected by COVID-19 and who had provided information as to why they should not be evicted during that time of the pandemic. These funds were used to assist those clients in knowing their rights during that time as a one-time funding. Councilmember Helgeson said that it was wrong for the government to do anything but preserve the agreement between

a landlord and their tenant. Mayor Dolan said that these funds were typically used when tenants were evicted illegally and required legal assistance.

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

Ayes: Dolan, Wright, Helgeson, Nelson, Wilder, Faraldi	6
Noes:	0
Abstain: Tweedy	1

// In the matter of Engineering, Agenda Item #9, a public hearing was held and Council considered approving an Ordinance #O-22-060 approving a franchise agreement with AC Capital, LLC for the 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. Acting Deputy City Manager Mr. Kent White gave a summary of the item to 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., at 400 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 proposed franchise ordinance and map define the applicable encroachments. The proposed franchise, if granted, will begin October 1, 2022, and expire September 30, 2061, and unless an alternate agreement is negotiated, continue month-to-month thereafter. City Council has accepted a bid and will now hold a public hearing on whether to adopt the proposed franchise ordinance attached. If appropriate, the City Council will adopt the attached proposed franchise ordinance.

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

Vice Mayor Wright made a motion to adopt the Ordinance #O-22-060, seconded by Councilmember Wilder.

Councilmember Helgeson said that he appreciated the further explanation and presentation of the item by staff, which helped him better understand the proposal and inform his vote.

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

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

// In the matter of Budget, Agenda Item #10, Council had a second reading adopted Resolution #R-22-054 approving FY 2023 First Quarter Adjustments.

Councilmember Faraldi said that he had initially voted against this resolution because he had not yet received satisfactory answers to some of his earlier questions, but those questions had since been resolved and he had no further issues with the item.

Councilmember Helgeson said that he would abstain from this item because he was absent when it was last presented and he did not have the information to review currently.

Vice Mayor Wright motioned, seconded by Councilmember Wilder, to adopt the Resolution #R-22-054. With no further discussion from Council, the following vote was recorded:

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

Noes: 0

Abstain: Helgeson 1

// On motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council, by the following recorded vote, elected to hold a closed meeting to perform an annual evaluation of the City Manager and to further discuss the evaluation of the City Attorney, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

// 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

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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 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 9:30 p.m.

Clerk of Council