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// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of April, 2024, at 4:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan Jeff Helgeson, Martin Misjuns,

Larry Taylor, Sterling A. Wilder 7

Absent: 0

// City Manager Wynter Benda provided an overview of the work session agenda to City Council. Mr. Benda requested that Agenda Item #2 *Request to Amend the Lynchburg City Schools Major Classification Funding for FY 2024* be moved before Agenda Item #1 *Rezoning: R-1, Low Density Residential District to R-4, High-Density Residential District – 717 & 725 Leesville Road* so that LCS staff could present prior to their 5 p.m. meeting. Mayor Reed noted the consensus from Council.

// In the matter of Schools, Agenda Item #1, Council was briefed regarding a request to amend the Lynchburg City Schools Major Classification Funding for FY 2024. Chief Financial Officer Donna Witt provided Council with a summary of the request. In a letter dated March 19, 2024 Lynchburg City Schools Superintendent reported, "On March 12, 2024, the Lynchburg City School Board voted to request that the City Council transfer the remaining \$1,671,820 in the FY 2024 LCS Contingency Reserve to the Instruction category. This request is crucial for addressing several pressing financial challenges faced by our school division."

If approved, the FY 2024 Adopted Schools Operating Budget would be amended by transferring \$1,671,820 from Contingency Reserves to Instruction. This request does not change the total operating revenues appropriated by City Council but rather moves \$1,671,820 from Contingency Reserves to Instruction.

Councilmember Helgeson asked whether the contingency funds were for 2024. Ms. Witt responded yes, and the sales tax revenue resulted in a reduction of \$1.2 million. She explained

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that LCS and the City received separate sales tax allotments, and LCS received \$1.2 million less than projected.

Councilmember Misjuns asked if the 40% increase in utility costs had been itemized. Deputy Superintendent Dr. Reid A. Wodicka said that cost increases were primarily in increased electric utility costs. Councilmember Misjuns asked whether the consumption was the same. Dr. Wodicka said there was a relatively small increase in usage, up to 4%, while costs had increased about 25%. Councilmember Misjuns asked if there was a projection on the cost increase once the City began utilizing the electric school bus fleet. He asked how much savings would be generated by switching to electric buses given that electric costs were increasing. Dr. Wodicka explained that when they negotiated with the power company for the easement for the electric school bus station, the power company provided a special rate for charging stations, and the rate was held in perpetuity. He said that they had projected for about \$300,000 in savings by moving from diesel engines to electric vehicles.

Vice Mayor Faraldi asked how this request would impact LCS in the next fiscal year. Dr. Wodicka said that they were attempting to right-size the budget figures, and they had made adjustments of about \$250,000. He said that they wanted to ensure the budget reflected the actual costs. Vice Mayor Faraldi asked whether this was related to school closure plans. Dr. Wodicka said that it was not. Vice Mayor Faraldi asked why the School Board was advertising improvements to Bass Elementary when Council had not been briefed on or approved a plan. Dr. Wodicka said that the School Board had received an unsolicited PPEA proposal, and it was considering whether or not to accept the bid before presenting the request to Council.

Councilmember Helgeson asked why utility costs were considered under instruction funding. Dr. Wodicka said that the intent of including the funds under instruction was to attempt to pay for the health insurance claims and benefits, their biggest cost, and they believed this was the simplest way. He said that utilities were part of the increased costs, which was why they were included in the Superintendent's letter.

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Councilmember Misjuns asked if Council could be briefed on the Bass Elementary PPEA in a closed session. City Attorney Matthew Freedmen said that because the proposal had not been formally accepted by the School Board, it was still under proprietary/trade-secret discretion. He said that once the School Board began advertising for proposals, other individuals could make submissions. He said that at that point, the parts of the proposal, absent trade secrets and financing, were open for public inspection.

Mayor Reed clarified that there was a shortfall of approximately \$1.6 million, so LCS was requesting a transfer from the contingency fund to the instruction fund to address the shortfall. She said that instruction was chosen because the category included teachers, which was the biggest expense for LCS, particularly related to benefits costs. Dr. Wodicka replied that was correct. Mayor Reed asked if the shortfall applied to FY 24; Dr. Wodicka replied that was correct. He said that to reduce costs, they had established a hiring freeze for the remainder of the fiscal year, stopped all purchase orders not directly affecting student experiences, and were attempting to reduce utilities consumption.

// In the matter of Planning, Agenda Item #2, Council was briefed on Rezoning: R-1, Low Density Residential District to R-4, High Density Residential District - 717 & 725 Leesville Road. City Planner Rachel Frischeisen briefed Council on the request. Abundant Life Estates, LLC, is petitioning to rezone approximately forty-eight hundredths (0.48) of an acre located at 717 & 725 Leesville Road from R-1, Low Density Residential District to R-4, High Density Residential District. The purpose of the rezoning petition is to allow the construction of an entrance to a twenty-six (26) unit residential development. The “duplex” style residential units and associated parking would be located in Campbell County and accessed via property in the City of Lynchburg.

The portion of the project located in Campbell County was rezoned in 2023 from Business – General Commercial to Residential – Multi Family, and the County’s Future Land Use Map was amended from Urban Development Area Commercial to Medium to High Density

Mixed. The proposed residential development would create a transition between the single household homes along Leesville Road and the more intense commercial development that may occur in Campbell County in the future.

Councilmember Helgeson stated that they should look to preserve the R1 zoning. He asked how many units could be built on the site. Ms. Frischeisen replied that R4 allowed up to 21.7 units per acre, but because the zoning was directly adjacent to R1 zoning, there was a 50-foot building setback, so no units could be built on the portion of the parcel in the City.

Councilmember Dolan clarified that the units would be built in Campbell County, and the property within the City would be used for the access road. Ms. Frischeisen said that was correct. She said that in previous petitions, the City had held that the zoning for the access should match the zoning for the use if Council were to permit it.

Councilmember Misjuns asked whether Campbell County had approved the development. Ms. Frischeisen said that they had approved the rezoning, but not the site plan because they were awaiting the decision on the access. Councilmember Misjuns asked if they could still use the property for access if Council did not rezone the property. Ms. Frischeisen said that they would have to dedicate the right-of-way and build a City street.

Vice Mayor Faraldi asked why rezoning was better than requiring a City street to be built. Ms. Frischeisen said that they had not discussed the street option with the developer because that was just posed as a hypothetical situation. She said staff recommended approval to the Planning Commission because they believed it would be a better transition between the residential use on the City side and the high-intensity commercial use on the County side. Vice Mayor Faraldi asked who would have to build and maintain the street. Ms. Frischeisen said that if the zoning were granted, the developer would have to maintain the private street; but if the zoning were denied and the developer dedicate the parcel for a City street, they would still be responsible for building the street. Community Development Director Tom Martin said that if Council denied the rezoning, and the developer dedicated the parcel for a public street, then the

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cost for curb, gutter, and sidewalk would be split 50/50 between the City and the developer, and the City would be responsible for maintenance.

Councilmember Misjuns said he was interested in investigating other access options where the City did not have to rezone the property.

Vice Mayor Faraldi asked what was currently on the site. Ms. Frischeisen said that it was used by a mobile home. Vice Mayor Faraldi said he was interested in how long since the site had last been sold.

Councilmember Helgeson asked why Bud Drive was not used as an access. Ms. Frischeisen said that the conditions of Bud Drive were closer to a driveway, and the status of whether it was public or private and who owned the property was unclear at the time the proposal was presented to the Planning Commission. She said that in the developer's concept plan, they proposed gating Bud Drive and using it as an emergency access road.

Councilmember Helgeson expressed concerns about the impacts on the City residents. He said that the request appeared similar to spot-zoning, which should be avoided.

Ms. Frischeisen said she would relay Council's concerns to the developer.

// In the matter of Budget, Agenda Item #3, Council held a work session regarding the FY 2025 Proposed Budget Reconciliation. Chief Financial Officer Donna Witt provided Council with a presentation. City Manager Wynter Benda relayed to Council the presentation was solely based on the questions asked by Councilmembers since the last meeting.

Councilmember Helgeson asked if they had received cost figures for installing a traffic signal instead of a roundabouts. Mayor Reed called a point of order. Mr. Freedman said that if Councilmember Helgeson's comments were specific to the presentation on the table, the discussion could continue, otherwise, the Mayor could request comments or questions from other members which were relevant to the presentation. Councilmember Helgeson said that his comments were germane to the topic of the FY 2025 budget reconciliation. He said that installing a traffic signal would provide improvements at a lower cost and with a shorter timeline.

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Mayor Reed asked for clarification about funding for Bright Nights. Ms. Witt asked that Council allow staff to find funding within current appropriations rather than through FY 25 projects. Mr. Benda said that staff's understanding was that Council was supportive of the project, so they were working within their existing authorization to make it happen.

Councilmember Misjuns requested that they ensure there were individual votes for each line item regarding non-profit type funding. He said he wanted to consider alternative uses for the Bright Nights funds, such as investing in literacy or workforce programs. Ms. Witt clarified that for Bright Nights, the City would purchase and own the lighting infrastructure; they would not be transferring the funds to DLA to purchase the lights. Mr. Patrick noted that the Bright Nights event was an economic development driver, and it was delivering ongoing revenue.

Councilmember Helgeson said that he thought it was a stretch to say the Bright Nights event was an economic development tool. He said that he doubted many people would travel to the City for the event. Mr. Patrick said that the event generated compelling data to show a positive impact on Meals Tax Revenue.

Councilmember Wilder said that it was important to invest in the quality of life of City residents so that the City continued to grow and improve.

Vice Mayor Faraldi said that funding Bright Nights offered an opportunity to provide a one-time investment and create an annual attraction. He said that the data from the event showed it did generate revenue for the City and attracted visitors from the region. He said that he supported moving forward with the project.

// In the matter of Roll Call, Councilmember Taylor announced that he had the opportunity to visit an energy storage battery facility in San Diego, and they were building a similar facility in the City. He said that it was an interesting tour. Mayor Reed announced that she was invited to speak at the Main Library over spring break and read to children, and she had the opportunity to read *Goodnight Lynchburg* by Richard Loving. She said that she had been advocating literacy campaigns over the past few months due to literacy issues in the City, across the state, and

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throughout the country. She said that children who were not literate by the third grade were 65% more likely to be incarcerated, and 70% of Black men who were incarcerated were illiterate. She said that several students in the middle and high schools struggled to read, so she wanted to ensure that LCS students became confident readers so they could have successful futures. She said she partnered with Legacy Education Center to find reading teachers to assist students and adults increase their literacy. She said that they did not have reading teachers at the high school level where there was a need. She said that they were seeking private funding to help get the program running in the schools. She said that it was important to read with children, read to children, and support literacy at a young age. She highlighted the work and contributions of the Lynchburg Water Resources Department.

// On the motion of Councilmember Misjuns, seconded by Councilmember Taylor, Council elected, by the following recorded vote, to enter into a closed meeting to discuss a proposed building improvement project under the authority of the Public-Private Education Facilities Infrastructure Act of 2002, pursuant to Sections 2.2-3705(6)(1)(1) and 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended.

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

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

Noes: 0

// The meeting was reopened to the public.

// Vice Mayor 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;

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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 Taylor and Council, by the following recorded vote, adopted the motion:

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

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Noes: Misjuns

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// The meeting recessed at 5:44 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of April, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns,

Larry Taylor, Sterling A. Wilder

7

Absent:

0

// Councilmember Taylor led the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Reed gave a Proclamation recognizing Sexual Assault Awareness Month. Sheila Austin of YWCA Central Virginia accepted the Proclamation and gave remarks.

// In the matter of Recognitions, the Mayor gave a Proclamation recognizing National Safety Telecommunicator Week. Police Chief Ryan Zuidema accepted the Proclamation and gave remarks. Director of the Emergency Communications Center Melissa Foster was also in attendance and gave remarks with several of the department's dispatchers alongside.

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// In the matter of the Consent Agenda, Agenda Item #3, Council adopted Resolution #R-24-020 authorizing appropriations for issuance costs related to general obligation public improvement refunding bonds. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, the following vote was recorded:

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

Noes: 0

// In the matter of the Consent Agenda, Agenda Item #4, copies of the minutes of the February 27, 2024 meeting were previously furnished to Council. Clerk of Council Alicia Finney stated that Councilmember Helgeson had requested to pull the minutes until a later meeting; there was consensus from Council.

// In the matter of the Consent Agenda, Agenda Item #5, copies of the minutes of the March 19, 2024 meeting were previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Taylor, the following vote was recorded:

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

Noes: 0

// In the matter of Planning, Agenda Item #6, Council held a public hearing in consideration of adopting Ordinance #O-24-022 changing a certain area located at 2820, 2840, 2842, 2844 Linkhorne Drive from B-3, Community Business District and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional). City Planner Rachel Frischeisen provided a summary of the item to Council. Swintstorage Conversion Fund, LLC is petitioning to rezone six and forty-two hundredths (6.42) acres located at 2820, 2840, 2842, and 2844 Linkhorne Drive from B-3, Community Business District and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow a portion of the existing shopping center to be used for storage units. The petitioner has voluntarily submitted proffers which limit the area that would be used for storage units and state that non-metal exterior finishes are to be used on the self-storage buildings. During the 2019 rezoning, several issues

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related to stormwater were identified. Proffers from the 2019 rezoning related to stormwater are proposed to be carried forward with this rezoning.

Colin Edwards with Swintstorage Conversion Fund, LLC, made a presentation to Council on behalf of the petitioner. He said that through their close collaboration with City staff and the neighborhoods in the area, they had created proffers and restrictions so that the use for the site was limited to storage. He said that this would be a catalyst for encouraging retail at the property, and he would continue to work on this project for many years into the future.

Rick Reed, speaking in favor of the request on behalf of Coldwell Banker Commercial Reed & Co. He said that his company had been the leasing agent on this property for about ten years, and he provided background on the leasing history of the property. He stated that this was a great opportunity to revitalize the center.

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

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt the Ordinance #O-24-022 changing a certain area located at 2820, 2840, 2842, 2844 Linkhorne Drive from B-3, Community Business District and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional).

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

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

Noes: 0

// In the matter of Public Comment, Agenda Item #7, Etaf Jumaa representative of the Lynchburg Free Palestine Coalition regarding challenging Council members Dolan and Wilder for their stance on the ongoing genocide being committed against Palestine. She stated that the colonial past of Lynchburg must be recognized, because the continued ignorance and hypocrisy of City leaders hindered the progress of the Monacan Nation. She said that the damage done to the indigenous community of Lynchburg can never be reversed; they had an opportunity to not

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repeat the suffering of the past by acknowledging the genocide of the Palestinian people and passing a ceasefire resolution now.

// In the matter of Public Comment, Agenda Item #8, Mayor Reed noted that Ms. Consuela Mosley had notified the Council she would be unable to attend the meeting to make her comments.

// In the matter of Public Comment, Agenda Item #9, Council heard from a citizen regarding school budget/veteran affairs. Vicente Gonzalez of the Latin American Community Center of Lynchburg addressed Council. He said that on May 4, Lynchburg would celebrate its annual International Festival, celebrating the different ethnicities in the City. He stated that while Lynchburg readily acknowledges and provides support to their veteran population, the City provides much less support for the refugees, asylum-seekers, and victims of wars and genocides in which the U.S. has been involved. Councilmembers had the ability to put forth a resolution calling for a ceasefire in Gaza, and he asked that they use their voices to stand up for the Palestinian community.

// In the matter of Public Comment, Agenda Item #10, Council heard from citizen Michael Bremer regarding literacy. He stated that literacy is a public safety concern. They cannot police their way to a more just and peaceful society; they must educate. He provided statistics regarding the negative consequences that resulted from a lifelong deficit in literacy. He requested that the City Council support the public schools' literacy programs as requested by the School Board and work towards restoring the funding in future years.

// In the matter of Public Comment, Agenda Item #11, Council heard from citizen Phillip Stump regarding the city budget as it affects schools. He stated that by being shortsighted in cutting taxes, they were hurting the City's s property values, their fundamental values, and their children, who are their future. Lynchburg was spending half as much on schools as their neighboring cities. For their long-range plan, the City should not cut taxes but in fact raise them to provide adequate salaries and qualify for more funding from the state, and the short-term

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solution for this year was to increase the proportion of the City's budget for their schools in order to raise teachers' salaries and keep schools from closing.

// In the matter of Public Comment, Agenda Item #12, Nicole Spangenberg representing Queer Town Hall regarding the rise of Islamophobia; discrimination. Ms. Spangenberg expressed concern for the verbal abuse and targeted harassment that her Muslim friends had been experiencing in Lynchburg recently. The City should never tolerate prejudice or hate against any religious group, and Muslims as well as Palestinians needed their solidarity. Queer Town Hall requested that Council follow in the actions of other cities around the U.S. by passing a resolution demanding a ceasefire in Gaza and cessation of military aid to Israel.

// In the matter of CASA of Central Virginia, Inc, Agenda Item #13, Council considered adopting Resolution #R-24-023 authorizing the letting of property at the Monument Terrace Building and to approve a lease agreement between CASA of Central Virginia, Inc. and the City of Lynchburg. Assistant City Manager Kent White provided a summary of the item to Council. Court Appointed Special Advocates (CASA) of Central Virginia and the City of Lynchburg have an existing agreement to lease office space at 901 Church Street. CASA currently occupies 3,218 square feet of space for its offices on the first floor. The lease was last amended on September 10, 2019 at which time 888 square feet of space that was formerly occupied by the City's Health Nurse was added to the lease. However, 136 square feet of that office space currently being used by CASA was not accounted for in the renewal. The lease incorporates all the office area currently in use. During their February 27th Public Hearing, Council tabled action on the lease until this meeting to allow CASA's board time to review proposed changes. Those changes include a modification to the effective dates (page 1, #2) and a change to the amount of the lease to reflect the market value of the space (page 1, #3). CASA's board approved these changes at their March 22nd meeting.

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Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-023 authorizing the letting of property at the Monument Terrace Building and to approve a lease agreement between CASA of Central Virginia, Inc. and the City of Lynchburg.

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

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

Noes: 0

// In the matter of the Fire Department, Agenda Item #14, Council considered adopting a resolution approving the Revised Emergency Operation Plan. Fire Chief Greg Wormser provided Council with a presentation. The City's current Emergency Operations Plan (EOP) was originally adopted by City Council on April 23, 2002. It was revised and adopted on February 14, 2012, January 26, 2016, and January 28, 2020. The City is required to revise and adopt the plan every four years. Overall, the plan has served the City well through numerous planned and unplanned events. The proposed EOP is an incorporation of best practices from the previous plan, input from the Emergency Policy Team, Emergency Support Functions (ESFs), and Fire Department staff. The most noteworthy changes include:

- Transition of Emergency Management responsibilities from Emergency Services to Fire Department
- Greater emphasis on provisions to ensure that the plan is applied equitably and that the needs of minority and vulnerable communities are met during emergencies
- Greater emphasis on management of potential cybersecurity incidents
- Additional policies and information as a result of lessons learned since update in 2020

Councilmember Misjuns asked Chief Wormser if they could amend the plan to put the responsibility of deciding extension of the duration of the emergency plan onto the elected officials rather than putting the responsibility on City staff. Chief Wormser said that to achieve that, they likely would have to put that in a separate ordinance, and he would be happy to work with the City Attorney's Office to accomplish that.

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Mayor Reed asked City Attorney Mr. Matthew Freedman if, in this situation, the Mayor or two members of Council could call a special meeting on their own at any time. Mr. Freedman said that the Code of Virginia puts a limit on the amount of time that can pass between the declaration of local emergency to the point that it was ratified by City Council or expires, but nothing within that time period would prevent City Council under its Rules of Procedure and State Code from calling a special meeting on their own volition in order to ratify the declaration of local emergency or override the decision to call the emergency. Council could add language, but the checks and balances would be there irrespective of what was included in the plan.

Councilmember Misjuns said that if there was a decision made that results in the schools being closed, that decision should rest with the elected governing body rather than an individual. It would behoove them to have language that indicated they would hold a special meeting within a certain amount of time. He asked if efforts would be made to engage all communities in the emergency planning and decision-making processes; Chief Wormser replied yes.

Councilmember Misjuns said that it did not say that in writing. He asked what the definition of culturally appropriate messaging was. Chief Wormser said that according to the Code of Virginia, it was messaging that was in an appropriate language that people can understand and speak. Councilmember Misjuns asked if they would collaborate with community partners that serve all populations; Chief Wormser replied yes. Councilmember Misjuns said that it did not say that in writing. He asked if the effectiveness of strategies to address the needs of all communities be regularly evaluated with adjustments made based on feedback and lessons learned from past emergencies; Chief Wormser said yes. Councilmember Misjuns said that it did not say that in writing. He said that he did not know if he could support this plan without changes to the language.

Councilmember Dolan said that she was unsure if she was in favor of Councilmember Misjuns' proposal regarding the 45-day period because there must be safeguards in place to prevent the process from becoming political.

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Mayor Reed asked Diversity, Equity, and Inclusion Strategist Dr. Hollie Jennings if minority populations were identified in the language in order to ensure they were provided fair treatment. Dr. Jennings said that in order to provide fair treatment, services may need to be provided differently in order to effectively communicate the same message to specific populations, such as Spanish speakers, the hearing-impaired, and the visually impaired. She said that the method of provision may be different based on the need.

Councilmember Helgeson asked if this document needed to be approved today. Chief Wormser said that yes, it would be appropriate to have it approved today because otherwise they will be out of compliance with state requirements. Councilmember Helgeson asked if it would be any more out of compliance if they adopt it in two weeks. Chief Wormser said no. Councilmember Helgeson asked when the last time they approved an Emergency Operations Plan. Chief Wormser said that the Emergency Operations Plan was required to be adopted every four years, per state code, and 2020 was the last time they adopted it. Councilmember Helgeson said that it would be appropriate to amend the language to include that a meeting of Council would be called within the 45 days.

Councilmember Taylor asked if the language could be amended to reflect that all persons would be included. Chief Wormser said that as Dr. Jennings had noted, the language that referenced minority populations was added to the State Code because those populations had historically been underserved in these circumstances, but the intent was to include all populations in the EOP. Mr. Freedman said that at the very end of page 5, it stated that the Emergency Operations Plan reaffirms their commitment to serving all members of their community equitably in times of crisis and in accordance with the principles outlined in the Code of Virginia.

Mayor Reed asked if the implementation of this plan must be in accordance with State Code. Chief Wormser said yes, the plan must fall within the guidelines of State Code. He said

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that they could add or change language regarding the days, but ultimately, the 45 days must remain in the plan because it was required by State Code.

Councilmember Misjuns said that they should not leave anything up for assumption in this language by omitting it, and should explicitly state their intentions in the document. He said that focusing on the City as a whole would allow this document to be a long-term solution.

Vice Mayor Faraldi asked when the Code of Virginia being referenced was changed. Mr. Freedman said that he was unsure, but could find out that information. Chief Wormser said that the update would have been within the past four years, because without these changes they would be out of compliance. Vice Mayor Faraldi asked if this language was an issue during the last EOP adopted by the City. Chief Wormser said that his understanding was that this language was not included in the last EOP. Mr. Freedman said that he would need to compare the previous EOP to the legislative history in order to answer the Vice Mayor's question.

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to table the item until the Council meeting in two weeks.

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

Ayes: Helgeson, Misjuns, Taylor, Faraldi, Reed 5

Noes: Dolan, Wilder 2

Councilmember Wilder asked what the consequences were of them not being in compliance. Chief Wormser said that he did not have an answer.

// The meeting adjourned at 8:18 p.m.

Clerk of Council