// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of June, 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

// In the matter of Downtown Lynchburg Association, Agenda Item #1, Council held a work session regarding the Downtown Lynchburg Association (DLA) 2023 Annual Report. DLA Executive Director Ashley Kershner provided a presentation to Council on the 2023 Annual Report and give an update on the Launch LYH program and its upcoming work in 2024.

Councilmember Misjuns asked what percentage of DLA funding came from the City. Ms. Kershner said that she could provide more exact numbers as a follow-up, but the support from the City went towards her salary. She said that there was no other general operating support. She noted that the funds for the Bright Nights on the Bluff Walk were not allocated to DLA; they were used for direct procurement.

// In the matter of Community Development, Agenda Item #2, Council held a work session regarding Sheltering Services. Assistant City Manager Kent White provided a presentation to Council. During the January 23, 2024 work session, the Virginia Continuum of Care briefed Council on the state of homelessness in Central Virginia. City staff also discussed the operation of a temporary warming center that opened for a brief period in January to assist un-housed residents during extremely cold evenings. He provided an update on the work that has been ongoing since this briefing and next steps Council and the community can expect in the months ahead.

Councilmember Wilder asked if the City had considered implementing programs to help subsidize rents for tenants, such as providing assistance based on income. Mr. White replied that Miriam's House provided services to connect people to such programs. He said that they used voucher programs through the Lynchburg Redevelopment and Housing Authority for mortgage and rental assistance, and there were several non-profits in the area that offered similar programs. Councilmember Wilder asked if the City could require developers to offer a percentage of units for low-income or subsidized-income housing. Mr. Benda said that Norfolk had recently implemented similar affordable housing requirements, and as Council was reviewing its comprehensive plan, it could consider implementing affordable housing requirements in the City. He stated that in Norfolk, they worked with the development community to draft the requirements, and there were federal tax credits that developers could take advantage of to reduce costs. Councilmember Wilder said he wanted to receive more information about affordable housing requirements in the City as they reviewed the comprehensive plan.

// In the matter of Boards and Commissions, Agenda Item #3, Council was briefed regarding a GLTC Retroactive Board Appointment. General Manager of GLTC Josh Moore briefed Council on the matter. The previous Centra representative informed the GLTC Board and Staff that her role was changing in the organization and that the CEO wished her to spend more time focused on Centra. Her replacement was selected by the Centra CEO and staff assumed that communication between Centra and Council had been initiated as this had been the process for the previous Centra Board Member transitions. This occasionally lagged due to matching with Council's agenda and the time of the year, so it was not initially noted by staff that there had been no formal communication with Council until after some time had passed.

Vice Mayor Faraldi said he was unsure about supporting retroactive appointments.

Councilmember Helgeson said that he did not support the retroactive appointment due to potential legal implications.

Councilmember Dolan asked what the rationale was for backdating the appointment. Mr. Moore explained that there would be no effect on GLTC actions if the retroactive appointment was not made. Mr. Freedman explained that resolutions, ordinances, and motions were legislative acts, and there were times where Council could make retroactive actions when the legislative intent was clear. He said that the requested action was cleaning up the record, but if Council was comfortable with a gap in a GLTC appointment, it was acceptable not to backdate the appointment. He said that the request was made to ensure a smooth transition in the appointment process, and this type of request would be made for any type of appointment.

Councilmember Misjuns said that he did not want to get in the habit of cleaning up mistakes that were made, especially since no decisions of the board would be impacted.

// In the matter of Planning, Agenda Item #4, Council was briefed regarding a Rezoning: B-4, Urban Commercial District to B-5, General Business District - 1101 5th Street. City Planner Rachel Frischeisen briefed Council on the matter. Kerr Holdings, LLC, is petitioning to rezone 1101 5th Street from B-4, Urban Commercial to B-5, General Business District to allow the use of the existing building for auto body repair. The properties are included in the area covered by the Fifth Street Corridor Master Plan adopted by City Council on May 23, 2006. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Neighborhood Commercial land use for the property. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood.

The Planning Commission recommended denial of the petition, citing concerns of setting precedence for auto-oriented uses which negatively impacted 5th Street and the adjoining neighborhoods in the past. The proposed rezoning does not align with the recommendations of the Future Land Use Map, Comprehensive Plan 2013-2030, and the 5th Street Corridor Master Plan.

Councilmember Helgeson noted that Adam’s Motor Company was nearby. He stated that a change in zoning by a comprehensive plan affected a business’ operations, emphasizing the importance of property rights and the historical use of the area for automotive businesses. He expressed support for a new business venture and questioned the impact of zoning changes on local businesses. He indicated his support for the new automotive business, considering its alignment with historical use and zoning regulations.

Councilmember Misjuns asked if the proposed use would be an autobody shop or for car sales or both. Ms. Frischeisen said that the current use was a carwash with a non-conforming status. She said that the owner wanted to perform autobody repairs, but the non-conforming status had lapsed. She said that rezoning to B5 would permit auto sales. She said that the owner did not intend to use the site for auto sales, but the use would be permitted if it was rezoned. Councilmember Misjuns asked where the closest autobody shop was. Ms. Frischeisen said that there was an auto repair shop across the street, which was also a non-conforming use. Councilmember Misjuns expressed support for the petition, stating that increased competition would improve services in the area. He noted that since there are already several auto businesses in the corridor and the area is densely populated, many residents would benefit from these services. Ms. Frischeisen pointed out that the 5th Street Neighborhood Masterplan emphasized the need for more places where residents could meet their everyday needs. She stated that an abundance of auto businesses might limit opportunities for dining, lodging, and recreation in the area.

Councilmember Wilder asked whether the business was coming in due to a change in ownership. Ms. Frischeisen clarified that ownership hasn't changed; the property is being leased to someone who wants to operate an auto repair shop. However, because more than two years have passed since the last auto repair business operated there, the non-conforming use status has lapsed.

Councilmember Helgeson noted that the business could have shut down and failed to operate due to the COVID pandemic.

// In the matter of Community Development, Agenda Item #5, Council was briefed regarding the Draft Annual Action Plan - Community Development Block Grant (CDBG) and HOME Program. Grants Manager Melva Walker briefed Council on the matter. The Department of Housing and

Urban Development (HUD) requires local governments, which receive Federal Community Planning and Development (CPD) formula block grant funds, to prepare an Annual Action Plan as a component of the approved 2020-2024 Five-Year Consolidated Plan. The Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and consists of the required components, including the CDBG and HOME projects that will be implemented during the upcoming program year to address the identified needs and objectives.

// In the matter of the City Attorney's Office, Agenda Item #6, Council was briefed regarding the National Opioid Litigation Settlement - Kroger Opioid-Related Claims. City Attorney Matthew Freedman briefed Council on the matter. In order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic. The Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU"), an attachment to R-21-095, illustrates the results of such negotiations. 100% participation in the MOU and the previous multistate opioid settlements with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, opioid manufacturers Johnson & Johnson, Teva, and Allergan, and retail pharmacy chains CVS, Walgreens, and Walmart was achieved. As of June 17, 2024, the City's Finance Department indicated the City has received $502,291.20 from the national opioid litigation settlements. Additionally, the City has received a grant from the Virginia Opioid Abatement Authority in the amount of $1,946,372 for the Cooperative Partnership for Horizon Crisis Receiving Center.

The City Council will need to decide if they desire the City to participate in the negotiated settlement proposals with Kroger and related entities. The amount of funds that will flow to Virginia and its localities from these settlements depends on maximizing participation. Participating Virginia counties and independent cities may receive some of the settlement funds pursuant to the allocation framework described in the Virginia Opioid Abatement Fund and the MOU previously described.

// In the matter of City Council, Agenda Item #7, Council was briefed regarding the Rules of Procedure (RoP) - Organizational Meeting. Clerk of Council Alicia Finney and City Attorney Matthew Freedman briefed Council on the matter. Section § 15.2-1416 of the Code of Virginia and Section § 2-6 of the City Council's Rules of Procedure provide that each year the local governing body shall prescribe by resolution the schedule of meeting dates, times, and places for the upcoming year. City Council's schedule of meetings and work sessions is set forth in its Rules of Procedure under Section § 2-1. As such, City Council's Rules of Procedure should be readopted to confirm City Council's schedule of regular meetings and work sessions for the upcoming year.

Meetings shall be held as follows: Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m. in City Hall, Council Chamber, except for the fourth Tuesday of February and during the months of March and April where the meetings will be held in City Hall, 2nd Floor Training Room. In the months of July and December, there will be meetings on each of the second Tuesdays; in August, there will be meetings on the fourth Tuesday. City Council's Rules of Procedures Section 2-1 will be revised to reflect these changes.

Additionally, staff suggest adding language to Section 5-4(A) of the RoP specific to "Prohibited Conduct":

9. Bring pickets, stakes, poles, staffs, or the like into the Council Chamber.
10. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.
11. Block entrances, exits, or doorways of the Council Chamber.

Vice Mayor Faraldi suggested that the proposed prohibited conduct, specifically Item 9, should be clarified so that prohibited pickets, stakes, poles, staffs, or the like were banned based on the intent. He said that items such as mobility aids should still be permitted, but under the current language, they would not be. Mr. Freedman suggested changing the language to state, "Bring pickets, stakes, poles, staffs, or the like affixed to signs, posters, flags, etc., into the Council Chamber." Vice Mayor Faraldi said he agreed with the suggestion.

Councilmember Misjuns expressed concerns that the new rules could infringe on meeting attendees' First Amendment rights.

Councilmember Helgeson said that Item 9 and Item 11 should be removed. He said that Item 11 could remove the authority of the Fire Chief from enforcing fire code compliance. He said that if it was included, it would make it incumbent on the Mayor to enforce what should be fire code.

Mayor Reed asked for clarification regarding the Police Chief's recommendation for meeting attendees. Mr. Freedman explained that the recommendation was to address safety concerns where attendees could potentially use items attached to signs as weapons.

// In the matter of Roll Call, Councilmember Dolan announced that Jane White recently passed away. She said that she was a pioneer and innovator in the community, who facilitated the restoration of the City Cemetery and the Yoder Community Center, co-founded the Friends of Tinbridge Hill, and mentored young people in the City. She said that Ms. White was intentional in her actions and committed to doing the right thing, and the City had benefitted from her dedication.

Councilmember Wilder said that Ms. White was instrumental in the City, noting that several of the historical markers were because of her efforts. He said that Ms. White's legacy would continue, and he expressed his condolences to her family.

Councilmember Helgeson said that no matter one's political affiliation, Ms. White's initiatives were supported.

Councilmember Taylor said that he had worked with Ms. White at the Hutchinson Early Learning Center cemetery and the Ann Spencer House. He said that Ms. White loved history, which was a love they shared in common.

Mayor Reed highlighted that the Midnight Basketball program was hosting its final event on Friday. She said that the program had been successful in bringing the community together. She thanked the Jubilee Center, Fellowship of Christian Athletes, LPD, the Fire Department, Parks and Recreation, Forty Ways Coalition, Liberty University, University of Lynchburg, and Heritage High School for their support in making the program a success. She noted that transportation had been a barrier preventing some people from participating, so GLTC had agreed to provide a special bus transport to bring participants home after the Friday event.

// On the motion of Councilmember Wilder, seconded by Councilmember Taylor, by the following recorded vote, Council elected to enter into a closed meeting to discuss the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the topic of the closed session being specific to the renewal of a current City franchise; and to discuss appointments for vacancies to the Historic Preservation Commission, City Employee Appeals Board, Martin Luther King, Jr. Lynchburg Community Council, Museum Advisory Board, Board of Zoning Appeals, Economic Development Authority, Central VA Alcohol Safety Action Plan, Greater Lynchburg Transit Company, Towing Advisory Board, 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: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder	7
Noes:	0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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

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

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

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

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

Noes: 0

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

Name	Board Name	Term End Date
Mark Smith (Ward 1)	Board of Zoning Appeals	06/30/2029
Jennipher Lucado (Ward 1)	Central Virginia Alcohol Safety Action Plan	08/31/2027
Stephanie Berkland (Ward 3)	City Employee Appeals Board	06/30/2027
Stuart Whetsell (Ward 1)	City Employee Appeals Board	06/30/2027
Georgeann Snead (Ward 1)	Economic Development Authority	06/30/2028
Patricia Mosby (Ward 2)	Economic Development Authority	06/30/2028
Emmett Lifsey (Ward 1)	Historic Preservation Commission	06/30/2027
Gerry Sherayko (Ward 4)	Historic Preservation Commission	06/30/2027
Julie Arrington (Ward 2)	Historic Preservation Commission	06/30/2027
Michael Erquiaga (Ward 2)	Historic Preservation Commission	06/30/2027
Brenda Farmer (Ward 2)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2027
Dale Reed (Ward 1)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2027
Evelyn Dickey-White (Ward 1)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2027
Jibri Poe (Ward 4)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2026
Sharon Brown (Ward 2)	Martin Luther King, Jr./Lynchburg Community Council	06/30/2027
Joseph Krakora (Ward 1)	Museum Advisory Board	06/30/2027
Lisa Beverly (Ward 2)	Museum Advisory Board	06/30/2027
Ramona Battle (Ward 4)	Museum Advisory Board	06/30/2027

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

Noes: 0

// The meeting recessed at 5:59 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of June, 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, Agenda Item #1, Mayor Reed recognized the American Library Association PR Xchange Award. Director of Libraries Beverly Blair accepted the award.

// In the matter of the Consent Agenda, Agenda Item #2, copies of the minutes of the May 28, 2024 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:

With no further discussion from the Council, 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 #3, the June 11, 2024 minutes were pulled at the request of Councilmember Helgeson by a consensus of Council to review for corrections.

// In the matter of Planning, Agenda Item #4, Council conducted a public hearing in consideration of adopting Resolution #R-24-048 granting a Conditional Use Permit (CUP) to Ramp Church International to allow the use of the existing church building as a shelter for the un-housed at 2220 Memorial Avenue. Senior Planner Rachel Frischeisen provided a summary of the request to Council. Ramp Church International is petitioning for a CUP at 2220 Memorial

Avenue to allow the use of an existing structure as a shelter for the un-housed in an R-3, Medium Density Residential District. Large Group Homes, such as shelters, are permitted in this zoning district upon approval of a CUP by City Council.

The proposed shelter would fill the void created by the impending closure of the area's only low-barrier shelter (known as the RESET Shelter) on June 30th, 2024. The RESET shelter currently has sixteen (16) beds. The submitted narrative indicates that the proposed shelter would open with fifteen (15) beds, with the goal of increasing capacity to fifty (50) beds. According to Miriam's House, a local nonprofit focused on ending homelessness, four hundred twenty-one (421) people experienced homelessness in central Virginia in 2023.

Carl Gartner, Director of Administration for Ramp Church International, representing the petitioner, presented to Council on the request.

Olyvia Brown-Coles, Director of Homeless System Coordination at Miriam's House, speaking in favor of the request, stated that Miriam's House was in full support of the Ramp Church opening a low-barrier shelter in the City. She said that the Central Virginia Continuum of Care would continue to work alongside the Ramp Church to support the shelter operations. She noted that the City was experiencing an increase in the number of unsheltered homeless people. She said that when the Salvation Army closes its shelter for renovations, there would be no shelter beds in the City.

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

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt the resolution granting a Conditional Use Permit (CUP) to Ramp Church International to allow the use of the existing church building as a shelter for the un-housed at 2220 Memorial Avenue.

Councilmember Misjuns asked if the bed capacity would be increased in phases. Ms. Frischeisen said that the applicant planned to increases bed capacity in phases, but the condition recommended by staff and the Planning Commission was to permit 50 beds. She said that the first phase was planned for 15 beds. Councilmember Misjuns said he would support a phased approach to the bed capacity due to this being right across from E.C. Glass High School.

Mr. Gartner explained that there were previously 16 beds at the Reset Shelter, and according to data from Miriam's House, there were currently at least 50 unsheltered people in the City. He said that 15 beds would not meet the current needs. He said that they had requested 50 beds due to the capacity of the building and the need to house both individuals and families.

City Manager Wynter Benda explained that there were pending grants that were based on the number of available beds. Assistant City Manager Kent White explained that the funding from DHCD was based on 50 beds, and if the number were reduced, the funding could be prorated and reduced.

Mayor Reed stated that the request should be approved as presented so that they would not risk losing available funding.

Councilmember Taylor asked for clarification on how the shelter would address security. Mr. Gartner said that LPD helped to identify vulnerabilities on the property, and they planned to have LPD assist with security. He noted that LPD had increased patrolling in the area.

Councilmember Helgeson made a substitute motion, seconded by Councilmember Misjuns, to reduce the permitted bed capacity to 25 beds. Councilmember Helgeson said that he was concerned about security, and if the first phases were successful, they could have staff return to change the condition back to 50 beds. He asked Mr. White how difficult it would be to amend the CUP once it was approved. Mr. White replied that they would have to restart the public hearing process, resubmit an application, going before the Planning Commission, and receiving Council approval.

Councilmember Misjuns asked if there would be full-time private security. Mr. Gartner said that there were three security staff planned for 24-hour coverage. He said that there would be scheduled times when people were allowed to sleep in the facility, and access to the sleeping areas would be restricted otherwise. He said that neither of the current shelters in the City operated with security.

Mayor Reed stated that most homeless people were not criminals; they were families that needed help. She said she was embarrassed and appalled at the suggestion that the people using the shelter would pose a threat to the E.C. Glass students and other members of the community. She asked when they expected to be able to house people in the shelter if the request were approved. Mr. Gartner said that they had to install a sprinkler system in the building, and once that was installed, they intended to permit overnight access. He said that they anticipated the sprinkler system would be installed by the fall, and at that point, they would permit at least 15 bed spaces.

Mayor Reed called the vote on the substitute motion, to reduce the permitted bed space to 25 beds.

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

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

Mayor Reed called the vote on the original motion:

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

// In the matter of Engineering, Agenda Item #5, Council conducted a public hearing in consideration of adopting Resolution #R-24-049 granting a non-exclusive interim license to Zayo Group, LLC to maintain and operate telecommunications facilities within the city. City Engineer Lee Newland provided a summary of the request to Council. This new Agreement replaces previous agreements dated October 19th, 2012 which replaced the agreement dated June 16th, 2005 with CityNet Fiber Network, LLC. ZAYO has asked to continue to use and be granted a non-exclusive interim license to maintain and operate its facilities for telecommunications purposes more specifically described in that certain Interim License Agreement, dated May 21, 2024, between the City and ZAYO.

Staff recommends authorization of the attached license agreement by adopting a resolution after a public hearing to permit the telecommunications facilities, given that the encroachments cause no undue hardship to the City.

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

Councilmember Taylor motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-049 granting a non-exclusive interim license to Zayo Group, LLC to maintain and operate telecommunications facilities within the city. Councilmember Taylor said that the request was presented to the Physical Development Committee, and it was recommended for approval.

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

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

// In the matter of the Airport, Agenda Item #6, Council considered adopting Resolution #R-24-050 authorizing the letting of property at the Lynchburg Regional Airport and to approve a deed of lease agreement for Virginia State Police operations. Mayor Reed stated that the item was presented to Council at the June 11, 2024 meeting during the Business Item Briefing. The Commonwealth of Virginia, Department of General Services, acting on behalf of the Virginia State Police, is requesting a deed of lease agreement to conduct law enforcement operations at the Lynchburg Regional Airport. As part of these operations, Virginia State Police requires office space to support its staff and hangar space for the use and storage of the Commonwealth's aircraft. The premises would consist of approximately 10,000 square feet of hangar space along with approximately 2,380 square feet of office space. The initial term of the deed of lease shall be five (5) years commencing on July 1, 2024, and shall automatically renew and continue from year-to-year on the same terms and conditions as existed in the original deed of lease. An annual Consumer Price Index (CPI) adjustment has been added to reflect an annual escalation of three (3%) percent for each year of the term.

Per Section 15.2-1800(B)(i) of the Code of Virginia, no public hearing is required prior to the approval of this Deed of Lease.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-050 authorizing the letting of property at the Lynchburg Regional Airport and to approve a deed of lease agreement for Virginia State Police operations.

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

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

Noes: 0

// In the matter of Water Resources, Agenda Item #7, Council considered adopting Ordinance #O-24-051 amending and reenacting the City Code removing certain sewer service availability changes in order to incentivize city-wide changes from septic systems to City sewer service during a particular timeframe. Mayor Reed stated that the item was presented to Council at the June 11, 2024 meeting during Business Item Briefings. There are approximately 2,500 residences in the City that currently have sewer available but have not yet connected. Additionally, there are unserved areas of the City such as Richland Hills where we are planning to extend sewer service. There are significant financial disincentives for property owners to abandon their functioning septic systems to connect to city sewer including: connection and availability fees, septic system abandonment and other plumbing costs, and ongoing sewer charges. However, should a septic system fail, the cost to repair can also be significant if, in fact, it can be repaired. Failing septic systems also contribute to public safety and water quality issues in local streams as well as the James River and Chesapeake Bay. Conversion from septic systems to the central sewer system will result in pollution reduction, increased environmental protection, and increase the overall efficiency and effectiveness of the sewer system while producing water quality credits from the Department of Environmental Quality. The City secured a $6.6 million ARPA grant from the Department of Environmental Quality specifically for installing sewer service in Richland Hills. As a result, this is an opportune time to implement a fee reduction incentive program for property owners that choose to connect to the sewer system.

The program would waive the availability fee for any property that as of July 1, 2024 has sewer availability but is currently using a septic system provided that the owner: submits a complete application on or before June 30, 2026; promptly pays applicable fees; and connects to the city sewer system within 90 days of approval.

Additionally, any property that does not have sewer available as of July 1, 2024 and is currently using a septic system no availability fee shall apply if sewer becomes available thereafter other than pursuant to the petition process provided that the owner: submits a complete application with two years from the date when the sewer line is installed and accepted by the City; promptly pays applicable fees; and connects to the city sewer system within 90 days of approval.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt Ordinance #O-24-051 amending and reenacting the City Code removing certain sewer service availability changes in order to incentivize city-wide changes from septic systems to City sewer service during a particular timeframe.

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

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

// In the matter of Engineering, Agenda Item #8, Council considered adopting Resolution #R-24-052 endorsing the Virginia Department of Transportation (VDOT) SMART SCALE FY2025 Program Applications. Mayor Reed stated that the item was presented to the Physical Development Committee on June 11, 2024. A Candlers Mountain Road Study from University

Blvd to Sunnymeade Road in Campbell County identified the offset intersection of Liberty Mountain Drive as a concern that needed to be addressed by aligning the two roads and other modifications as shown. The application process is required to be submitted by August 1, 2024, and a resolution of support from the governing body of the entity making the application is required.

At its June 11, 2024 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Taylor brought the committee's recommendation for approval forward as a motion; no second was required.

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

Councilmember Helgeson noted that the speed limit was 25 mph on Odd Fellows Road, but this was hard to maintain, and people regularly were driving 45 mph. He asked how they could increase the speed limit. Mr. Newland explained that the road used federal funding, so they were obligated to meet federal requirements, which stipulated that due to sight distances from hills and entrances, the speed should be set at 25 mph. He said that once the federal requirements expired, they would have to perform a traffic study to determine if it was appropriate to increase the speeds. Councilmember Helgeson said that he thought it should be increased.

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

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

// In the matter of School Board Appointments, Agenda Item #9, Council considered determining School Board appointments for terms beginning July 1, 2024, and expiring June 30, 2027, in Districts I, II, and III. Mayor Reed stated that Council held public interviews on June 12 and June 17, 2024. Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year.

Councilmember Helgeson motioned, seconded by Councilmember Taylor, to appoint Daryl Conner for District 1.

Councilmember Taylor said that he would support Mr. Conner's appointment due to his experience.

Councilmember Misjuns said that he would support Mr. Conner's appointment because he would bring an operational expertise to the School Board.

Councilmember Wilder said that he supported Selina Morgan for the appointment.

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

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

Councilmember Wilder motioned, seconded by Vice Mayor Faraldi, to appoint Jibri Poe for District 2.

Councilmember Wilder said he supported Mr. Poe because of his dedication to the community and because he attended Lynchburg City Schools.

Councilmember Helgeson made a substitute motion, seconded by Councilmember Dolan, to appoint Mark Tinsley for District 2.

Councilmember Helgeson said he supported Dr. Tinsley because he had raised five children and because of his experience as a pastor, educator, and colonel.

Councilmember Dolan said she supported Dr. Tinsley due to his background in education.

Councilmember Misjuns said he supported Dr. Tinsley's appointment because he brought military expertise along with his background in education to the School Board. He said that Dr. Tinsley's children went to LCS, so he had a stake in its success.

Councilmember Taylor said he supported Dr. Tinsley because of his military experience.

Mayor Reed called the vote on whether to accept the substitute motion.

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

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor 6

Noes: Wilder 1

Mayor Reed called the vote on the substitute motion, to appoint Mark Tinsley for District 2.

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

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor 6

Noes: Wilder 1

Councilmember Helgeson motioned, seconded by Councilmember Taylor, to appoint Atul Gupta for District 3.

Councilmember Helgeson said that he supported Dr. Gupta because of his record and tenure on the School Board.

Councilmember Taylor said he supported Dr. Gupta because of his dedication to the community.

Councilmember Misjuns disclosed that his wife was a teacher at LCS, and he was a member of a group called Spouses of LCS Teachers, but he was able to vote on the matters impartially and objectively. He said he supported Dr. Gupta's appointment.

Councilmember Dolan said she did not support the appointment of Dr. Gupta due to the decisions of the School Board over the past 18 months, many of which were made with political motivations and without research or transparency. She said that Dr. Gupta had made significant financial contributions to members of Council, and that was a conflict of interest.

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

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

Noes: Dolan, Wilder 2

// In the matter of Budget, Agenda Item #10, Council conducted a second reading and considered adopting Resolution #R-24-047 amending the FY 2024 Adopted Budget to reflect the Third Quarter Adjustments. In March, staff began the normal review of FY 2024 operating and capital revenues and expenditures of the City's various funds to determine if adjustments were needed prior to the end of the fiscal year. Departments were requested to submit any necessary adjustments that needed to be considered. Attachment A provides proposed expenditure and revenue adjustments based on the third quarter review.

The General, City/Federal/State Aid, Forfeited Assets, Children's Services Act (CSA), Regional Juvenile Detention Home, Airport, City Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2024 Third Quarter Adjustments.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-047 amending the FY 2024 Adopted Budget to reflect the Third Quarter Adjustments.

Vice Mayor Faraldi asked why they were focusing on ballot boxes and voting machines, not security cameras on drop boxes in the Registrar's office. Daniel Pense, General Registrar, explained that they had submitted an application to DHS, and they were approved. He said that they were now awaiting a response from VDEM. Vice Mayor Faraldi asked if it could be guaranteed the cameras would be installed by the November election. Mr. Pense said that it could not because it was up to VDEM. Vice Mayor Faraldi asked what the process was for a recount with the new equipment. Mr. Pense said that it was the same process.

Councilmember Misjuns called a point of order since he felt the Vice Mayor's questions were unrelated to the agenda item. Mr. Freedman replied that if the questions were related to funding, then the questions were acceptable. He said that if the funding for the new equipment would impact the process, then the questions were acceptable.

Mr. Pense said that the only foreseeable impact on a recount would be that the process would be faster.

Vice Mayor Faraldi asked how long the machines typically lasted. Mr. Pense said that the City depreciated similar assets at a five-year time frame. He said that the current machines were acquired in 2015, but they were still operational.

Councilmember Misjuns asked how the logic and accuracy tests compared between the old and new machines. Mr. Pense said that they were equivalent. Councilmember Misjuns asked if the Registrar's Office required additional staff to ensure fair and free elections. Mr. Pense explained that there were currently two deputy registrars, and they supplemented staff by hiring contractors. He said that they were able to function with the appropriate number of temporary staff, which fluctuated. He said that temporary staff costs were about $10,000 per election, but the expectations for November were higher given projected turnouts.

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

Ayes: Reed, Dolan, Helgeson, Misjuns, Taylor, Wilder	6
Noes: Faraldi	1

// The meeting adjourned at 8:24 p.m.

Clerk of Council