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// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of December, 2021, 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, Sterling A. Wilder,
Chris Faraldi 6

Absent: Treney Tweedy 1

// In the matter of Finance, Agenda Item #1, Chief Financial Officer Ms. Donna Witt and Mr. Chris Banta, Brown Edwards, LLC, presented the Comprehensive Annual Financial Report conducted by Brown Edwards, LLC, the City's external auditing firm. Mr. Banta explained that there are four phases of the audit which resulted in only one immaterial finding from Lynchburg City Schools pertaining to late funding received from the CARES Act and the inability to update the budget based on the timing of the receipt of that transfer of funding.

Councilmember Nelson asked a question regarding the finding from the schools; his understanding was initially the CARES funding came to the City and the expenses were placed on the City's ledger. It was until after the fact that it was determined that the better procedure would have had the school board adopt the expenses as a school expense rather to the city. How would either the schools or the city have known before the year ended what they should have done if they were not given any regulation, policy, or procedure. Mr. Banta stated the City could not have known the proper protocol at that time, so no harm, no foul.

Councilmember Helgeson stated that since the reports are for the prior year, there has not been much CARES or ARPA funding accounted for in the reports. Mr. Banta explained that the funds that are not spent are not on the activity statement but are on the balance sheet. Councilmember Helgeson asked if next year it will show up; Mr. Banta replied that was correct.

// In the matter of African American Cultural Committee, Agenda Item #2, Deputy City Manager Dr. Reid Wodicka, Director of Communications and Public Engagement Ms. JoAnn Martin, and African American Cultural Committee Chair Ms. Pat Price presented Council with a report from the committee. On several

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occasions over the last 30 years, City Council has discussed renaming Fifth Street in honor of Dr. Martin Luther King, Jr. This conversation was renewed during the spring of 2021, and City Council directed City staff to engage in a public campaign to solicit feedback from the community for perspectives on both the idea of renaming Fifth Street and other potential ideas to honor the contributions of African Americans in the community. In response, City staff conducted a survey of community members and held a virtual public forum, engaging with approximately 400 members of the community. Once the information was collected from those engagement efforts, City staff asked a group of community members representing the Fifth Street corridor and other prominent institutions in the community to consider Council's discussions and survey feedback and provide recommendations on how to best honor the contributions African Americans have made in the City. The presentation was an informational item and City Council will formally consider approval of the recommendations at a later meeting.

Councilmember Helgeson stated that a lot of these ideas could be government funded and some could be privately funded.

Councilmember Faraldi echoed Councilmember Helgeson's sentiments about finding an appropriate balance of funding options from both City and private funds. He asked for clarification on what the term "advocacy" is and who is being advocated to? Ms. Martin replied that advocacy is used in reference to supporting these programs and activities. She stated that this does not imply Critical Race Theory but rather as including all African American history with general history.

Councilmember Wilder asked the City Manager to bring these recommendations back for Council action soon.

// In the matter of the Police Department, Agenda Item #3, Police Chief Ryan Zuidema provided Council with an update on the status of the police department headquarters building project. He outlined the project history which included receiving an unsolicited PPEA for the project in March of 2021. From June of 2021 to present, staff have been reviewing potential project sites which include the site at 12th and Kemper Street and a site on Odd Fellows Road. Staff provided a comprehensive list of pros and cons of each site. Mr. Ian Reeves, Architects Design Group, explained that the pandemic drove up the costs of

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building materials and with a project of this magnitude the changes equate to about \$1.5 million dollars per year, no matter the site.

Councilmember Faraldi maintained that his primary concern with the police headquarters was to maintain the original “shovels in ground” date and is skeptical about leaving the Kemper Street site, however, if moving the location of the headquarters results in getting the police force into the building they need, then he is not against moving from the Kemper Street site.

Councilmember Helgeson stated that the rising cost of the building materials is irrelevant because that will be universal no matter which site is selected and the cost of acquiring the land should be what Council considers in its decision.

Councilmember Wilder stated that at the time, the Kemper Street lot was the best of all the options available, however, he had a lot of concerns regarding the site. Now after reviewing the Odd Fellows Road location, he feels the property addresses his concerns, i.e. centrally located and the size of the parcel. He'd like to go ahead with geotechnical survey of the Odd Fellows Road location so that staff can assess if this is feasible and get this project started as soon as possible.

Councilmember Nelson stated the Odd Fellows Road location seems better suited to what the department and city needs in a police headquarters and are spending less for the overall project. He asked about the need to purchase the property; does that suggest that there is a negotiating obstacle or does that simply mean the normal hoops of acquiring it and not there is opposition from the owner? Chief Zuidema replied that staff are currently working through that right now, however, he does not believe there is any opposition from the seller to the sale.

// In the matter of City Code, Agenda Item #4(a), Assistant City Manger Mr. John H. Hughes, IV provided Council with a summary of the request. Mr. Robert Williams addressed Council on May 25, 2021 as a matter of Public Comment to request a rate increase for taxicab fare on behalf of the local taxi companies. After careful consideration, subsequent discussions, consultation with the City Attorney, and a comparison to other localities, City staff supports an increase in Mileage and Waiting Time fares as follows: From \$1.80 to \$2.80 for the first one-ninth of a mile, or fraction thereof; From \$0.25 to \$0.28 for

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each succeeding one-ninth mile, or fraction thereof; From \$.50/min or \$30.00 per hour to \$.60/min or \$36.00 per hour waiting time after the first three minutes of waiting time. This item will appear before City Council for action on the January 11, 2022 General Business agenda.

Councilmember Helgeson stated that he does not think that the city should be regulating the taxifare rates. He would like to see the drivers set whatever rates they want, that this should not be publicly controlled but rather decided in the private market.

Vice Mayor Wright asked the City Attorney what the legal obligations are to set taxicab rates. City Attorney Mr. Matthew Freedman explained that the statute does not require the City to set rates but states that it may set the rates. Mr. Freedman told Council that he would look into past Council action regarding deregulation. Vice Mayor Wright stated that he ultimately wants the taxicab drivers to have the best advantage and wants to be careful of any unintended consequences.

Councilmember Faraldi stated that if Council chooses to set the rate, that he would like to see language stating that the rate shall not exceed a certain number and not actually set the rate to allow the drivers to determine the best rate individually but to not overcharge the public.

Councilmember Wilder asked to hear more from the taxicab owners that they are in fact in agreement to continue the regulations.

Councilmember Nelson stated that due to the current economy, Council does need to adjust the rates to justify some modification to rates that they can charge. Let's deal with that and then let's do our research to find out if it's appropriate to delve into any regulation and if so on what basis. Since the taxicabs have asked for this, Council should look at this.

// In the matter of Roll Call, Agenda Item #5, Councilmember Faraldi commented on the 20th Anniversary of the Monument Terrace Troop Rally. Councilmember Wilder commented on the Main Street Reopening Ribbon Cutting; he encouraged citizens to shop local for the holiday season. Vice Mayor Wright asked staff for an update on the status of the affordable housing white paper; he also asked staff to report on how the city is being helpful to the Electoral Board and Registrar's Office in regards to protecting poll workers from harassment.

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// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting to discuss the City's participation in the National Opioid Settlement and Virginia Intrastate MOU concerning the same, pursuant to Sections 2.2-3711(A)(7) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended.

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

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

Noes: 0

Absent: Tweedy 1

// The meeting was reopened to the public.

// Vice Mayor Wright 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 Helgeson, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

Absent: Tweedy 1

// The meeting was recessed at 6:05 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, Sterling A. Wilder,
Chris Faraldi 6

Absent: Treney Tweedy 1

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda Item (A), Council conducted a second reading and adopted Ordinance #O-21-083 authorizing the City Manager to sell 317 Hancock Street. On motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the motion:

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

Noes: 0

Absent: Tweedy 1

// In the matter of the Consent Agenda Item (B), Council conducted a second reading and adopted Resolution #R-21-085 approving a grant awarded to assist with response to the infestation of Spotted Lantern Fly. On motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the motion:

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

Noes: 0

Absent: 1

// In the matter of Planning, Agenda Item #7, a public hearing was held and Council considered adopting Ordinance #O-21-087 approving the petition to rezone property at 2001 & 2003 Enterprise Drive. Council was briefed on this item during its November 9, 2021 Business Item Briefings.

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Mr. Rick Barker of Rick Barker Properties who is petitioning to rezone six and seven tenths (6.7) acres at 2001 & 2003 Enterprise Drive from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the use of existing office space for pediatric therapy services while maintaining the continued use of warehousing and distribution.

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

Councilmember Faraldi made the motion to approve the ordinance but stated that as development continues in the southern part of town, to be mindful that there is a large residential presence on Enterprise Drive and that the thoroughfare continues to be used as a cut-through. Councilmember Helgeson seconded the motion stating that the properties surrounding the area are business so rezoning this property from industrial to business makes sense for the area, especially given it is a high-traffic area perfect for businesses.

Councilmember Wilder stated he is in favor of the motion because it is a good utilization of the property and he does not see this adding too much by way of traffic volume.

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

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

// In the matter of Lynchburg City Schools, Agenda Item #8, a public hearing was held and Council considered adopting a resolution amending the FY 2022 Schools Capital Fund budget and appropriating \$11,296,804 to fund infrastructure upgrades to City Schools facilities and City-wide broadband. The City's Chief Financial Officer Ms. Donna Witt provided Council with a summary of the request. The Lynchburg City Schools has received approximately \$42.5 million as its share of the Coronavirus Relief Fund (CRF) for their II-IV allocations. The Lynchburg School Board has approved \$7,796,804 to be used for upgrades to primarily HVAC and chillers in City School facilities. An additional \$3.5 million was approved for City-

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wide broadband expansion. These funds need to be appropriated in the Schools Capital Fund for spending.

There was no one to speak in favor, either by phone, email, or in-person. The Mayor opened the floor for anyone to speak in opposition. Mr. Andrew Glover, representative of the Conservative Parents of Lynchburg, spoke in opposition regarding the \$3.5 million appropriation for the City-wide broadband expansion. Slow down with proposal and work collaboratively to make more use of the funding. Service more Lynchburg residents and better accomplish the objectives of the WISH project. We do support the goal of providing affordable broadband to the community, however, the method is providing internet to students and staff members only. He asked Council to consider withholding these funds and use them to fund the schools fund balance request.

Mr. Steve Gatzke, Director of Finance and Operations for Lynchburg City Schools, provided Council with a rebuttal. His understanding is that this project is not a broadband connection project but rather sets up a network that provides direct access for students and faculty to the Lynchburg City Schools network.

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

Councilmember Faraldi asked Mr. Gatzke if public school students and staff only would be able to access the network, and who would govern the infrastructure; Mr. Gatzke was unable to answer the question. Councilmember Faraldi asked if the City would have time to facilitate more research or is there a deadline by which the money needs to be spent? Chief Financial Officer Ms. Donna Witt replied that the schools funding is separate from the City's funding, however, it was her opinion that the broadband funding would have to be spent specifically for schools. Councilmember Faraldi stated that it sounds like the city would be building the network and running the network and it is his opinion that the government shouldn't be controlling this type of network, especially since it's only available to a small number of people and would perform a very specific task. He is not opposed to the other line items; however, he would like additional information about this item.

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Councilmember Helgeson made the motion to approve all funding, less the \$3.5 million, in order to garner more information from the schools. The motion was seconded by Vice Mayor Wright

Councilmember Nelson stated that his posture remains that students need to have broadband access as soon as possible; the poor test scores and education gaps among students can be somewhat attributed to the lack of direct internet connection. However, there are several concerns raised by councilmembers that he too would like answers for, and as such, is comfortable in delaying the vote on these particular funds.

Councilmember Faraldi asked to consider expanding the request to homeschooled and privately educated students as well.

Vice Mayor Wright stated that it would be helpful to have the criteria of using these federal funds at the next meeting.

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

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

// In the matter of Public Comment, Agenda Item (A), Mr. Jamie Maxwell, representative of the group Lynchburg Firefighters Association, previously requested to speak but asked the Clerk of Council to remove him from the agenda prior to the meeting.

// In the matter of City Manager's Office, Agenda Item #9, City Manager Mr. Wynter C. Benda reviewed the draft 2022 Legislative Agenda with the provided input from Council at its November 9, 2021 Work Session, the November 16, 2021 Legislative Meeting, and any citizen input received by the Clerk of Council. The recommendation proposed by Mr. Benda was to take up the additional items one-by-one and then adopt the legislative agenda.

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Councilmember Faraldi made the motion to amend the additional language to the third principle, as follows; “The City ~~will~~ intends to follow this example and in the event of an unanticipated surplus, refund the tax payer with the overage.”, seconded by Councilmember Helgeson.

Ayes: Helgeson, Nelson, Faraldi 3

Noes: Dolan, Wright, Wilder 3

Absent: Tweedy 1

Vice Mayor Wright stated that he is not comfortable with the additional language to the third principle, “The City will follow this example and in the event of an unanticipated surplus, refund the tax payer with the overage.”, explaining that the Legislative Agenda is a document for how the state interacts with localities and not how the locality creates policy . If Council chooses to make this City policy, it can at another time, otherwise the statement is ill-fitted to the intentions of the principles of the document. He made the motion to remove the language, seconded by Councilmember Wilder.

Ayes: Dolan, Wright, Wilder 3

Noes: Helgeson, Nelson, Faraldi 3

Absent: Tweedy 1

Councilmember Helgeson made the motion take out the City Charter change language stating that he is uncomfortable opening the charter if the local delegation will not carry the motion. Councilmember Faraldi seconded the motion. Councilmember Nelson stated that several Virginian localities have moved their election years to odd years and if that is common around the state, he doesn't see why Lynchburg would be treated any differently. He is in favor of keeping the charter change in to see if any other delegation is willing to take it up.

Ayes: Helgeson, Faraldi 2

Noes: Dolan, Wright, Nelson, Wilder 4

Absent: Tweedy 1

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Councilmember Wilder made the motion to remove the language under Early Childhood Education, "The City wishes to be considered as the pilot location for the State's Charter School Initiative. The motion was seconded by Vice Mayor Wright, stating that he is not comfortable with the addition of the language since there are no current details pertaining to the charter school pilot program and the City does not know what it would be getting. Councilmember Faraldi stated that he is in favor of communicating that Lynchburg is at least interested in considering becoming a candidate. Councilmember Nelson stated that he is in favor of backing the charter school pilot program if it truly supports early childhood education.

Ayes: Dolan, Wright, Wilder 3

Noes: Helgeson, Nelson, Faraldi 3

Absent: Tweedy 1

After the vote, Council reached a consensus to soften the language to state that the city would like to explore the opportunity to become a charter school pilot location and to pull the item from the Early Childhood Education section and make it its own independent category.

Mayor Dolan made the motion to adopt the City of Lynchburg's 2022 Legislative Agenda, seconded by Councilmember Wilder.

Ayes: Dolan, Wilder 2

Noes: Wright, Helgeson, Nelson, Faraldi 4

Absent: Tweedy 1

// In the matter of the Police Department, Agenda Item #10, Council conducted its first reading of Resolution #R-21-089 amending the FY 2022 City/Federal/State Aid Fund Budget and appropriating \$38,326 to purchase law enforcement equipment for the Police Department, Sheriff's Office, and Office of the Commonwealth's Attorney.

Police Chief Ryan Zuidema provided Council with a brief summary of the request. The City of Lynchburg was awarded \$38,326 in Edward Byrne Memorial JAG funding. The Lynchburg Police

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Department will use this funding to purchase 28 tactical headsets (\$17,718) to replace current headsets that are outdated and broken. The tactical headsets are used for effective communication in tactical operations. These innovative headsets mount to the rear of an officer's helmet, which frees up the forward rail of the helmet for infrared attachments or riot shields. The Lynchburg Police Department will also purchase a global navigation satellite system (\$12,747) for use in crash reconstruction. The GPS-based global navigation satellite system will provide quicker and more efficient scene mapping and evidence collection. It will be operated by one officer and will create a safer environment for both drivers and officers because it will shorten the amount of time roadways are blocked. The Lynchburg Sheriff's Office will use funds to purchase a file server (\$3,763). The server is required to accommodate expansion needs due to additional software programs. The Office of the Commonwealth's Attorney will use the funds to purchase two desktop computers (\$4,098). The computers will be used by the General District Court and Circuit Court legal assistants. The total equipment cost of \$38,326 is fully reimbursable by the grant. No local matching funds are required.

At its December 14, 2021 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

// In the matter of the Police Department, Agenda Item #11, Council conducted its first reading of Resolution #R-21-090 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$60,000 to purchase 75 replacement ballistic vests for law enforcement officers.

Police Chief Ryan Zuidema provided Council with a summary of the request. The Police Department applies annually for the Bulletproof Vest Partnership through the Office of Justice Programs. For the 2021 Police Bulletproof Vest Partnership, the City was awarded funding that covers the cost of replacement ballistic vests for both the Lynchburg Police Department and the Lynchburg Sheriff's Office.

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The vests provide protection to officers in the line of duty and the life of the vest is five years from the manufacturing date. The total replacement cost for 75 vests is \$60,000. The grant requires a 50% local match; these funds are available in the FY 2022 General Fund Police (\$26,000) and Sheriff's Office (\$4,000) operating budgets.

At its December 14, 2021, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

// In the matter of Community Development, Agenda Item #12, Council conducted its first reading of Resolution #R-21-091 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$50,000 to study potential opportunities in the Dearington neighborhood.

Mr. Kent White, Director of Community Development, provided Council with a brief summary of the request. For the last two years, Dearington community stakeholders have worked jointly with City staff to master plan their neighborhood. As a result of the COVID-19 pandemic and limited funding for the planning effort, the scope primarily focused on improvements to City facilities and infrastructure such as Jefferson Park. However, the plan also recommends study of other neighborhood priorities, including housing opportunities. The City has been selected to receive a Virginia Housing Fiscal Year 2022 Community Impact Grant for community engaged planning. The effort would continue work with neighborhood stakeholders to identify opportunities for infill housing focused on the City's "missing middle" housing types. The City's "missing middle" includes single, two and three-household housing types typically priced between \$100,000 and \$150,000. The grant deliverable would be a plan book with site concepts, schematic designs and recommendations, including funding options, zoning/regulatory changes and a market strategy aspect focused on how the neighborhood and City can work together to repurpose vacant neglected properties and/or get them onto the market.

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At its December 14, 2021, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

// In the matter of the Library, Agenda Item #13, Council conducted its first reading of Resolution #R-21-092 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$22,717 to provide rapid emergency relief to safely reopen libraries, promote digital inclusion, and support library services that meet the needs of the community.

Ms. Beverly Blair, Director of Libraries, provided Council with a summary of the request. The Lynchburg Public Library has received an American Rescue Plan Act IMLS Sub-grant from the Library of Virginia in the amount of \$22,717. The funding is intended to provide rapid emergency relief to safely reopen libraries, promote digital inclusion, and support library services that meet the needs of the community. The award amount is based on the Lynchburg Public Library's FY 2022 state aid allocation of \$180,175. The Lynchburg Public Library plans to use the award money as follows:

- To improve virtual programming capabilities with the purchase of new technology and equipment, which will allow library programs to continue to reach the community despite pandemic and public health challenges.
- To purchase a collection analysis tool to assess the diversity of our materials. This project will provide us with detailed reporting that shows us where we are currently and to help guide us as we work to develop a more diverse and inclusive collection that mirrors the Lynchburg community and the nation.
- To provide library patrons with safe seating options that can be wiped clean and sanitized regularly throughout the day with the purchase of un-upholstered furniture. This furniture will help

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create a welcoming and safe environment for patrons during current and future public health challenges.

At its December 14, 2021, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes: 0

Absent: Tweedy 1

// In the matter of Parks and Recreation, Agenda Item #14, Council conducted its first reading of Resolution #R-21-093 amending the FY 2022 City/Federal/State Aid Fund Budget and appropriate \$636 to purchase tennis equipment for the youth tennis programs.

Ms. Jenny Jones, Director of Parks and Recreation, provided Council with a summary of the request. The USTA Grow the Game Grant is designed to help grow the sport of tennis in communities. The grant will be used to purchase tennis equipment including tennis balls, ball carriers, and targets for the youth tennis program. The grant is awarded based on the number of participants in the tennis program and does not require a local match.

At its December 14, 2021, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes: 0

Absent: Tweedy 1

// In the matter of the Fire Department, Agenda Item #15, Council conducted its first reading of Resolution #R-21-094 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$84,000 to fund equipment for the Fire Department Technical Rescue Team.

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Fire Chief Greg Wormser provided Council with a summary of the request. The Fire Department seeks authorization to apply for a non-matching grant for technical rescue equipment. The Virginia Department of Emergency Management administers this grant from the United States Department of Homeland Security (DHS) through the State Homeland Security Program (SHSP). The grant program provides funding to improve the nation's readiness in preventing, protecting against, responding to, recovering from, and mitigating terrorist attacks, major disasters and other emergencies. The grant reflects DHS's focus on implementation of an all-of-nation, whole-community approach to building, sustaining, and delivering core capabilities essential to achieving a secure and resilient nation. The funds will be used for the purchase of equipment to effectively respond to and mitigate hazards that include water rescues, structural collapse, USAR incidents and confined space rescues. Additionally, the equipment will provide for more effective team communications, search capabilities and team sustainability. The grant is 100% reimbursable; no local match is required.

At its December 14, 2021, meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

// In the matter of the City Attorney's Office, Agenda Item #16(a), Mr. Matthew Freedman, City Attorney, requested Council adopt Resolution #R-21-095 allowing the City to participate in the Virginia Opioid Abatement Fund and Settlement Allocation MOU. In order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively 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"), accompanying the attached Resolution as Exhibit "A", illustrates the results of such negotiations. Given the January 2, 2022 deadline, City Council should now decide if

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the City of Lynchburg will participate in such litigation recoveries and such MOU. City Council was previously briefed on this item during a closed session held on December 14, 2021 Work Session.

On motion of Councilmember Faraldi, seconded by Vice Mayor Wright, the following vote approving the resolution was recorded:

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

// In the matter of the City Attorney's Office, Agenda Item #16(b), Mr. Matthew Freedman, City Attorney, requested Council adopt Resolution #R-21-096 approving the City's participation in the proposed settlement of opioid-related claims. Mr. Freedman explained that given a January 2, 2022 deadline, City Council should now decide if the City of Lynchburg will participate in the negotiated settlement proposals that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them. Settlement amounts due to the Commonwealth of Virginia, shall be distributed in accordance with the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding previously considered by City Council. City Council was previously briefed on this item during a closed session held on December 14, 2021 Work Session.

On motion of Councilmember Faraldi, seconded by Vice Mayor Wright, the following vote approving the resolution was recorded:

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

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss the appointments to the following Boards and Commissions: Central Virginia Alcohol Safety Program Board of Directors, Airport Commission, Horizon Behavioral Health Board of Directors, Planning Commission, City Employees Appeal Board, Community

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Development Advisory Committee, and LynCAG Board of Directors, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended. With no discussion from Council, the following vote was recorded:

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

Noes: 0

Absent: Tweedy 1

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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

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

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

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

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

Noes: 0

Absent: Tweedy 1

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// 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:

Central Virginia Alcohol Safety Program Board of Directors: Jennipher Lucado – new 3-year term ending August 31, 2024.

Airport Commission: no appointments were made at this time.

Horizon Behavioral Health Board of Directors: Sonya Baker – new 3-year term ending December 31, 2024.

Planning Commission: Robert Bowden – new 3-year term ending December 31, 2024; Kensie Johnson – new 3-year term ending December 31, 2024; Tom Rogers – new 3-year term ending December 31, 2024.

City Employee Appeals Board: Kraig Cole – unexpired term expiring June 30, 2022.

Community Development Advisory Committee: Beau Wright (Council Representative) – new 1-year term ending December 31, 2022; Sterling Wilder (Council Representative) – new 1-year term ending December 31, 2022; Sandra Mitchell – new 1-year term ending December 31, 2022; Sally Schneider - new 1-year term ending December 31, 2022; Brenda Farmer - new 1-year term ending December 31, 2022; Kay Reid - new 1-year term ending December 31, 2022; Lana Musgrave - new 1-year term ending December 31, 2022.

LynCAG Board of Directors: no appointments were made at this time.

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

// The meeting adjourned at 9:26 p.m.

Clerk of Council