

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of October, 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, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder,
Chris Faraldi 6

Absent: Jeff Helgeson 1

// In the matter of the City Manager's Office, Agenda Item #1, City Manager Wynter C. Benda walked Council through the Work Session agenda.

// In the matter of the City Manager's Office, Agenda Item #2, City Manager Wynter C. Benda reviewed the 2022 Legislative Agenda. Mr. Benda identified the top 3 priorities as: specific action to revise Emergency Custody Order/Temporary Detention Order (ECO/TDO) legislation; reversion of the Virginia Department of Transportation Revenue Sharing program schedule to pre-COVID practices to better reflect the City's needs; City Charter Changes relating to City Council elections schedules.

Councilmember Faraldi asked Police Chief Mr. Ryan Zuidema how revising the ECO/TDO legislation would affect staffing issues. Chief Zuidema replied that it is not uncommon to have 3-7 police officers on any given shift be tied up for the duration of their shift sitting with mental health patients, leaving very few officers available to patrol the city. By law, the department is mandated to respond to these calls, so it's imperative that this piece be in the legislative agenda. Councilmember Faraldi posed to Council the idea of writing a joint letter in support of this item.

Councilmember Tweedy asked that Lynchburg's delegates be briefed on this item so as to better understand the importance of this request is to the city.

Councilmember Nelson stated that in the past, a police officer's involvement was limited and they would not have been sitting with a mental health patient because the hospital security protected the patient. He asked what caused the disqualification of hospital security and made a sworn police officer do sit with patients instead. Chief Zuidema stated that one of the causes was a liability issue dealing with patients with a court order.

In regards to the rest of the Legislative Agenda, Councilmember Faraldi asked for the following revisions be made to the document:

- Alter the language regarding Transportation to reflect the many needs of the city.
- Include language describing the intent of the charter change, which is to move local elections off of the federal election cycle, as opposed to a technical change

// In the matter of City Council - Elections, Agenda Item #3(a), City Attorney Mr. Matthew Freedman briefed Council on its options for addressing the recent legislation adopted during the 2021 session of the General Assembly which will move City Council elections from May to November beginning in 2022. On October 12, 2021, City Council chose to 1) seek a charter amendment to create one-time three (3) year terms for the November 2022 Councilmember elections and create one-time three (3) year terms for the November 2024 Councilmember elections, revert back to four (4) year terms thereafter, and hold odd

year November elections thereafter; and 2) adopt an uncodified ordinance to ensure the standards of the Virginia Department of Elections are met and that the req(s). of Va. Code § 15.2-1400 are met while the said charter amendment is sought. A public hearing regarding the proposed charter amendment will be held on November 9, 2021.

// In the matter of Public Works, Agenda Item #3(b), Ms. Gaynelle Hart, Director of Public Works, briefed Council on a grant awarded from the Department of Forestry to assist with response to the infestation of Spotted Lanternfly. This item will appear for City Council vote on the November 9, 2021, General Business. Spotted Lanternfly (SLF) is an invasive planthopper insect first detected in the United States in Pennsylvania in 2014. As of July 2021, SLF is present in 15 states and has infestation-level populations in 9 states, including Virginia. Frederick County and Winchester City have been under State quarantine for SLF since 2019. Warren and Clark Counties were quarantined in March of 2021. When traveling out of quarantined area businesses are required to obtain a permit as well as inspect vehicles, trailers and loads to prevent the spread of the insect. The Virginia Department of Agriculture and Consumer Services (VDACS) found an isolated population in Lynchburg on June 4, 2021.

The insect poses a threat to both the agriculture and landscape industry including trees on City right-of-way and parks. It produces a sticky "honey dew" that covers cars, decks and sheds and often results in the decline of infested trees. They feed in clusters that look unseemly and disturbing and have the potential to be a nuisance to homeowners when present in high numbers. Potential impacts to City operations include: requirement to educate employees on SLF on how to stop the spread; additional equipment inspections, especially for vehicles traveling beyond the City limits; increased call volume from citizens complaining about the SLF on City owned properties as well as inquiring about how to stop the spread and insect treatment on City trees.

The City has been awarded a grant in the amount of \$20,000 from the Virginia Department of Forestry to hire an hourly employee to assist with providing a comprehensive response to the Spotted Lanternfly infestation that includes treatment and eradication of SLF on City- owned property along with training staff and citizen education and outreach. Funds in the FY 2022 Public Works Department General fund budget will be used to provide the match.

Vice Mayor Wright asked for clarification on whether the City is under quarantine at this point or if this is just to accept the grant. Ms. Hart replied that this is just to accept the grant and explained under Virginia State Code Section § 3.2-703, the Virginia Department of Agriculture and Consumer Services has the authority to place localities under quarantine and controlling the SLF issue will help the city to not go into quarantine.

// In the matter of Planning, Agenda Item #3(c), City Planner Mr. Tom Martin briefed Council on a petition for a Conditional Use Permit to allow the construction of an oil change facility at 8209 & 8213 Timberlake Road. Quick Lube of Carolina is petitioning for a CUP to allow the construction of an oil change facility in a B-3, Community Business District. The subject property is two (2) tracts of approximately ninety-seven hundredths (.97) acres located at 8209 & 8213 Timberlake Road. The property borders the City boundary

line with Campbell County. The Planning Commission recommended approval (6-0, with 1 member absent, Bowden) of the CUP petition. This item will come before City Council for action at its November 9, 2021, Public Hearing meeting.

Councilmember Faraldi stated that he is not opposed to the use of the land in this CUP, however, this area continues to be subject to heavy congestion and he asked Council to be mindful of how each development of this part of town impacts the city.

// In the matter of Planning, Agenda Item #3(d), City Planner Mr. Tom Martin briefed Council on a rezoning petition. Stud Muffins, LLC is petitioning to rezone 1619, 1701 12th Street & 1114 Buchanan Street from I-2, Light Industrial District, B-5, General Business District & R-3, Medium Density Residential District to B-4, Urban Commercial District. If approved the existing building would be renovated into twenty-four apartments with associated parking. The Planning Commission recommended approval (6-0, with 1 member absent, Bowden) of the rezoning petition. This item will come before City Council for action at its November 9, 2021, Public Hearing meeting.

// In the matter of Economic Development, Agenda Item #3(e), Ms. Marjette Upshur, Director of Economic Development & Tourism, briefed Council on a sale of City-owned property at 317 Hancock Street. The City-owned property at 317 Hancock Street is a vacant lot totaling approximately ninety-eight hundredths (0.98) of an acre. The City has owned the property since 1997 and the current assessed value is \$45,000. The City advertised this property as being for sale with signage at the site, a listing through the Multiple Listing Service (MLS) since May 26, 2021 and by notice of public hearing. The City received an offer from Calfee & Hansen, LLC to purchase the property for the sum of \$39,000 subject to a soil, site, engineering, and/or environmental studies to determine the suitability of the Property for the Purchaser's intended use. The Purchaser's intent is to build a Commercial/Residential development as permitted under the existing Zoning and Historical District regulations. This item will come before City Council for action at its November 9, 2021, Public Hearing meeting.

Mr. Matthew Freedman, City Attorney, clarified that the approving document that will be included in the packet during this item's public hearing will be in the form of an ordinance and it will require two readings.

// In the matter of Roll Call, Agenda Item #4, Councilmembers Nelson, Tweedy, and Faraldi had no items. Councilmember Wilder commended the Fire Department for responding to a fire on Cabell Street; he asked staff to provide information regarding several gunshots that were fired in the downtown area. Vice Mayor Wright had no items. Mayor Dolan announced that the Economic Development & Tourism Department has partnered with JobsEQ to bring Lynchburg job seekers a Real-Time Intelligence view of the Lynchburg region's hiring landscape.

// There was a general consensus from City Council to amend its agenda and move Agenda Item #8 regarding a closed session before Council recessed from its Work Session. 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 appointment of a city employee to the Board of Directors of the Region 2000

October 26, 2021

4

Services Authority, and; to discuss a City franchise which will potentially dispose of City real estate by lease to Freedom Aviation, Inc., an affiliate of Liberty University pursuant to Sections 2.2-3711(A.)(1) and 2.2-3711(A.)(3) of the Code of Virginia, 1950, as amended. pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, as amended.

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

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

Councilmember Helgeson joined the closed session shortly after the vote was recorded.

// The meeting was reopened to the public.

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

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

// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote adopted Resolution #R-21-077 retroactively appointing Dr. Reid A. Wodicka to the Region 2000 Services Authority for a term beginning on September 8, 2020 and expiring on June 30, 2022.

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

// The meeting recessed at 5:16 p.m.

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

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

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

// In the matter of the Consent Agenda Item (A), copies of the minutes of the April 13, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of the Consent Agenda Item (B), copies of the minutes of the June 29, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of the Consent Agenda Item (C), copies of the minutes of the July 13, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of the Fire Department, Agenda Item #5, Council considered approving Resolution #R-21-078 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$15,300 to purchase laptops carried on EMS apparatus for the Fire Department. Fire Chief Greg Wormser provided Council with a summary of the request. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community EMS services. As a result of the statewide contract change to ESO Electronic Health Record (EHR) reporting software, the Fire Department has been awarded RSAF grant funds to replace the remaining cache of Microsoft Surface Pro reporting tablets with Dell Latitude 5420 Rugged laptops. The grant requires a local match. The Fire Department applied and was awarded funds under a 50/50 match. With a total cost of \$15,300, the required local match is \$7,650. The match will be funded from the FY 2022 General Fund Fire Department budget.

At its October 26, 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, Tweedy, Wilder, Faraldi	7
Noes:		0

// In the matter of the Police Department, Agenda Item #6, Council considered approving Resolution #R-21-079 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$26,250 to facilitate speed enforcement activities. Police Chief Ryan Zuidema provided Council with a summary of the request. The Department of Motor Vehicles Highway Safety Program has awarded the City a \$17,500 grant for speed enforcement activities. The grant excludes reimbursement of Medicare and Social

Security benefit costs associated with the allotted overtime; however, funding of \$1,339 is available for transfer from the FY 2022 Police Department General Fund budget to cover this expense. The grant agreement includes an in-kind match of \$7,411 in police equipment and services from the department's fuel and vehicle maintenance services budget.

At its October 26, 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, Tweedy, Wilder, Faraldi 7

Noes: 0

// In the matter of the Police Department, Agenda Item #7, Council considered approving the Resolution #R-21-080 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$58,785 to facilitate selective enforcement activities, equipment, and training. Police Chief Ryan Zuidema provided Council with a summary of the request. The Department of Motor Vehicles (DMV) Highway Safety Program has awarded the City a \$39,190 for selective DUI activities, alcohol testing equipment, and annual DMV grant-related training. The grant excludes reimbursement of Medicare and Social Security benefit costs associated with the allotted overtime; however, funding of \$2,678 is available for transfer from the FY 2022 General Fund Police Department budget to cover this expense. The grant agreement includes an in-kind match of \$16,917 in police equipment and services from the department's fuel and vehicle maintenance services budget.

At its October 26, 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, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting adjourned at 7:36 p.m.

Clerk of Council