

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of September, 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, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of the City Manager's Office, Agenda Item #1, City Manager Wynter C. Benda made a few brief introductions including the announcement of the new Director of Human Services, Mr. Preston Sellers.

// In the matter of Community Engagement, Agenda Item #2, Dr. Alison Morrison-Shetlar, President, University of Lynchburg, presented Council with an update on Lynchburg Tomorrow. This initiative is a collaborative project that brings together organizations, nonprofits, agencies, schools, government, faith-based institutions, business and industry, and citizens "to promote a culture that will lead to creating a thriving city."

// In the matter of City Council – Elections, Agenda Item #3, Council received a presentation from City Attorney Matthew C. Freedman providing feedback on options to revise City Council election dates. Prior to the 2021 General Assembly session, the City was permitted to conduct local elections in May, rather than in November when most other elections occur. For many years, this has been the City's practice. However, the 2021 General Assembly passed legislation that would require the City, and all other local governments in Virginia, to hold local elections in November. This legislation requires that City Council adopt an ordinance changing local elections from May to November. Mr. Freedman presented two options for this change and requested feedback regarding these options, or another third option as Council may prescribe:

Option 1: Sec. 2-16. How composed; how and when elected; terms of office; vacancies.

- The council of the city shall consist of one body, composed of seven members who are citizens, all electors, over 21 years of age, to be elected at a general election held in November. Four members

of such council shall be elected from wards and three members of such council shall be elected at large.

- At a general election to be held in November 2022, three members of such council shall be elected to serve terms of four years. At a general election to be held in November 2024, four members of such council shall be elected for terms of four years. Thereafter, biennially, there shall be elected alternately three or four members of such council, as the case may be, for terms of four years. The terms of the members of the council shall begin on January 1 following their election. Members of the council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected and qualified to serve.
- The four members of such council elected from the wards shall be elected respectively therefrom and registered voters therewith with one member being elected from each ward.
- If a vacancy occurs in the membership of the council, the majority of the remaining members, respectively, within 45 days of such office becoming vacant, may appoint a qualified elector to fill the vacancy. If the vacancy occurs in a ward, the successor chosen must be a registered voter of that ward. The person so appointed shall hold such office until his successor is elected and has qualified to serve in accordance with state law.

Option 2: Sec. 2-16. How composed; how and when elected; terms of office; vacancies.

- The council of the city shall consist of one body, composed of seven members who are citizens, all electors, over 21 years of age, to be elected at a general election held in November. Four members of such council shall be elected from wards and three members of such council shall be elected at large.
- At a general election to be held in November 2023, three members of such council shall be elected to serve terms of four years. At a general election to be held in November 2025, four members of such council shall be elected for terms of four years. Thereafter, biennially, there shall be elected alternately three or four members of such council, as the case may be, for terms of four years. The terms of the members of the council shall begin on January 1 following their election. Members of the council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected and qualified to serve.
- The four members of such council elected from the wards shall be elected respectively therefrom and registered voters therewith with one member being elected from each ward.
- If a vacancy occurs in the membership of the council, the majority of the remaining members of the council, respectively, within 45 days of the office becoming vacant, may appoint a qualified elector to fill the vacancy. If the vacancy occurs in a ward, the successor chosen must be a registered voter of that ward. The person so appointed shall hold such office until his successor is elected and has qualified to serve in accordance with state law.

Vice Mayor Wright clarified for the public that no one on Council asked for this change to elections; this is action that the state took unilaterally. There is an option to allow City Council to figure out which Novembes, either even years or odd years, but local elections in the state of Virginia must be moved from May to November.

Councilmember Helgeson asked if Council were to take no action, would the elections automatically default to November. He further asked why Council was discussing this now. Mr. Freedman stated that

there is a time limit on when Council has to address this; § 24.2-222.1(A.) of the Code of Virginia states, “No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.” Given at least one election will be in the year 2022, City Council will need to make a decision before the end of the year. Councilmember Helgeson stated that if Council did nothing, the next election would default to November 2022. He asked why this was brought to Council. Mr. Freedman replied that he brought this before Council because the Department of Elections is requiring the change by way of ordinance, and he felt a majority of Council would want to discuss its options for either even or odd year elections.

Councilmember Nelson asked how quickly a charter change would take to go into effect.? Mr. Freedman replied that there are multiple deadlines associated with the Registrar’s Office and the Department of Elections, however, if there is concern when this would go into effect, a timeline could be addressed in the language in the charter, but if this was presented and passed at the General Assembly in January of 2022, it could take effect that July. Councilmember Nelson stated that was his chief concern; this is all contingent upon whether this request is approved. He voiced concerns about moving local elections to the same time as federal elections; national hot-button political issues will compete against local issues. He stated that independent candidates without a major political party’s backing would not stand a chance if federal elections occur at the same time. He commented that Council should move local elections to odd years when state elections are held. He posed a third option; a 5-year super-term that would allow voters, not Council, to decide who they would want in office for that super-term if the charter is changed.

Vice Mayor Wright stated that he is not in favor of extending terms for an extra year and a half. That far exceeds the term length that constituents originally voted their Councilmembers to. He liked Councilmember Nelson’s idea of a third option, but asked if there could be 3-year consolidated term instead of a 5-year super-term.

Councilmember Faraldi had a question regarding Section § 24.2-222.1(D), of the Code of Virginia, “In any city or town that elects its council biennially or quadrennially and that changes to the November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office

shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.” He stated that his interpretation of this section of code is that terms cannot be extended, only shortened. Mr. Freedman responded that if Council chooses to go the route of a charter change, he would word the language so as to account for everything. Councilmember Faraldi stated that he wants to avoid extended terms.

Councilmember Helgeson asked to remove Option 2 that would have extended terms by one and a half years.

Councilmember Nelson stated that Vice Mayor Wright made a good point about a super-term of 5 years or a consolidated term of 3 years. He cautioned that with the lesser term, the learning curve would be too great for a new councilmember and would not be fully effective member to the citizens that elected them. He is in favor of councilmember who is elected by the citizens for a 5-year super term.

Councilmember Helgeson reiterated that Council seems to be in agreement of removing Option 2 and adding an Option 3(a) seeking a charter change for an initial 3-year term with elections in odd years thereafter, and Option 3(b) seeking a charter change for an initial 5-year term with election in odd years thereafter.

Councilmember Faraldi asked what would happen if the charter change doesn’t pass the General Assembly. Mr. Freedman responded that this would revert to the default of November elections in even years. Registrar Ms. Christine Gibbons further clarified that she received correspondence from the Virginia Department of Elections that the May 2022 election will stay in the system until they receive an ordinance directing the change from May to November. Councilmember Faraldi asked if staff could be creative in writing the ordinance with some backups foreseeing a charter change; Mr. Freedman responded affirmatively.

// In the matter of Engineering, Agenda Item #4(a), Council received a briefing for the proposed Virginia Department of Transportation (VDOT) Grant Funding Applications for FY 2023. This item was presented for informational and feedback purposes and will come before Council during the September 14, 2021 General Business section.

Mr. Lee Newland, City Engineer, offered Council a summary of the request. During odd numbered years, the Virginia Department of Transportation solicits applications for Revenue Sharing and Transportation Alternatives Program (TAP) funds. While in previous years, Revenue Sharing funds awarded would be available in the subsequent year, due to the COVID-19 pandemic, VDOT has delayed the availability of these funds for several years. For existing projects, the program has been delayed four years, while funds for new projects will be available in six years. TAP funds remain a six-year program.

Staff recommends the following projects for application to Revenue Sharing:

- Previous Revenue Sharing Projects - Due to the delay in funding revenue sharing projects by VDOT, inflationary funds are required for the first four Revenue Sharing projects previously approved by City Council on September 24, 2019.
- Hollins Mill Road and Bikeway Improvements - This project is replacement and enhancement of the bridge on Hollins Mill Road at the Hollins Mill Park located at 521 Hollins Mill Road. There is a low water bridge underneath the Hollins Mill bridge that connects the Blackwater Creek Bikeway with the Point of Honor Trail that constantly requires maintenance to remain safely accessible to pedestrians and bicyclists. This project would replace the bridge and provide bike and pedestrian enhancements when the low water bridge is not available. Additional funding for the project will need to be applied for in future grant funding cycles.

Additionally, staff recommends the following project for application to Transportation Alternative Program:

- Sidewalk at Lynchburg Center for Industry - This project completes one side of sidewalk at the Lynchburg Center for Industry located off of Graves Mill Road. This project is submitted in partnership with Economic Development. Additional funding for the project will need to be applied for in future grant funding cycles.

Funds will not become available until FY 2027 and FY 2028 to begin design and construction. Requires matching funds of 50% for Revenue Sharing and 20% for TAP. Requires funding for VDOT review and administrative charges. City Council previously approved original applications at its meeting on September 24, 2019.

Vice Mayor Wright stated that the grant application totals \$5 million total; is that the maximum the City is permitted to seek? Mr. Newland replied that yes, the maximum amount is \$5 million from the City and \$5 million from the state for a total of \$10 million. Vice Mayor Wright asked how these funds are allocated. Mr. Newland replied that it is in the Code of Virginia for revenue sharing projects. Vice Mayor Wright asked if that is regardless of the locality's size to which Mr. Newland replied affirmatively.

// In the matter of Roll Call, Agenda Item #5, Councilmembers Nelson, Helgeson, Faraldi, and Vice Mayor Wright had no items. Councilmember Tweedy referenced a letter she received concerning the Garfield and Tilden Avenue neighborhood regarding issues in that area that she passed on to the City Manager to address. Councilmember Wilder thanked staff for coordinating the 9/11 Memorial Service held on September 10, 2021 at the bottom of Monument Terrace and recognized the veterans who gather weekly to honor those lost in war; he stated that there will be an event geared toward Gen Z talking about their concerns about COVID at Jubilee Family Center on Saturday, September 18, 2021, at 11:00 a.m. Mayor Dolan made a few Parks and Recreation announcements; she also cautioned citizens about the rising COVID cases and asked the public to practice good hygiene, wear masks, and get vaccinated.

// The meeting was recessed at 5:23 p.m.

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

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

Absent:	0
---------	---

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

// In the matter of the Consent Agenda Item (A), copies of the minutes of the April 27, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, seconded by Vice Mayor Wright, 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 May 11, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Nelson, seconded by Vice Mayor Wright, 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), Council conducted a second reading and adopted Resolution #R-21-065 amending the FY 2022 City/Federal/State Aid Fund budget and appropriate \$65,000 to support salary and benefits for the Drug Court Coordinator position during FY 2022. On motion of Councilmember Nelson, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Planning, Agenda Item #6, a public hearing was held and Council considered adopting Ordinance #O-21-067 approving the right-of-way vacation of Railroad Avenue. Ms. Eve Mergenthaler, Planner I, was in attendance and provided Council with a brief summary of the request. Ed Willman, on behalf of Dan Hague, is petitioning to vacate the Railroad Avenue right-of-way, located between F Street and E Street. The right-of-way vacation is proposed as part of a subdivision for the area. The total area of the proposed vacation is approximately one hundred thirty-one thousandths (0.131) of an acre. The area to be vacated includes unimproved, wooded land. The vacation would not impact vehicle or pedestrian access. Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to be approximately \$1,000.00.

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.

At its August 10, 2021 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Tweedy 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 Public Comment (A), Mr. Victor Thomas who previously signed up to speak was not in attendance.

// In the matter of Public Comment (B), Council heard from citizen Mr. Andrew Glover regarding the Council Work Session item concerning Council elections. He thanked Council for removing Option 2 from consideration, which would extend Council terms for an additional year. Constituents only elect members to serve 4-year terms and extending anything past that would be a violation. He has concerns with the third option of shifting local elections to off-cycle election years because voter turnout will be really low. He asked council to allow for public feedback on the options.

// In the matter of Engineering, Agenda Item #7, Council considered adopting Resolution #R-21-068 in support of an application to the Virginia Department of Transportation (VDOT) to include several projects for the FY 2023 Revenue Sharing and Transportation Alternatives Projects programs. This item was previously discussed during the Business Item Briefing portion of the September 14, 2021 Work Session.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Planning, Agenda Item #8, Council considered adopting Resolution #R-21-069 approving the naming of a private street and new entrance as Poplar Forest Parkway. Ms. Eve Mergenthaler, Planner I, was in attendance and provided Council with a brief summary of the request. Ms. Alyson M. Ramsey, CFRE, President and CEO for Thomas Jefferson's Poplar Forest, is petitioning to name a private street and new entrance as Poplar Forest Parkway. Thomas Jefferson's Poplar Forest is

constructing the new entrance road. It will connect their property in Bedford County to Enterprise Drive in the City of Lynchburg. The roadway will run through 1900, 1950, and 1970 Enterprise Drive. On July 28, 2021, the Planning Commission reviewed the item and recommended approval.

Councilmember Faraldi made the motion to approve the resolution, seconded by Councilmember Nelson. Councilmember Wilder made the disclosure that he sits on the Poplar Forest Board, but maintained that he could remain objective when voting on this motion. With no other discussion from Council, the following vote was recorded:

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

Noes:		0
-------	--	---

// The meeting adjourned at 7:42 p.m.

Clerk of Council