

June 30, 2020

// The Swearing-in Ceremony took place on the 30th day of June, 2020, at 10:00 A.M. The Honorable Circuit Court Judge F. Patrick Yeatts presided over the official swearing-in of Lynchburg City Council

Members:

MaryJane Tousignant-Dolan, Ward I

Sterling A. Wilder, Ward II

Jeff S. Helgeson, Ward III

Chris Faraldi, Ward IV

// The meeting was adjourned at 10:05 A.M.

July 1, 2020

// A special meeting of the Council of the City of Lynchburg, was held on the 1st day of July, 2020, at 10:00 A.M. in the Council Chamber, City Hall, Robin Craig, Clerk of Council, presiding. The purpose of the meeting was to elect City Council officers. The following members were present:

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

// The Clerk of Council declared nominations were in order for the Office of President of Council, who will serve as ex-officio Mayor of the City of Lynchburg for a two-year term ending June 30, 2022.

Councilmember Nelson nominated Councilmember Tweedy.

Councilmember Helgeson nominated Councilmember Nelson.

Councilmember Tweedy nominated Councilmember Dolan.

Discussion over the merits of each nominee ensued. Councilmember Nelson commented on the many successes and achievements of the City of Lynchburg over the years, but made note of our recent unique and problematic challenges. He continued by citing the impending retirement of City Manager Bonnie Svrcek and noted the lack of time to fully acclimate the next City Manager. He nominated Councilmember Tweedy because she is an experienced Mayor who will be an asset to a new City Manager. He commended her leadership during the public health emergency and recent civil unrest that befell the City, and spoke of her acclaimed positive presence in the community.

Councilmember Helgeson spoke of the merits of his nomination, Councilmember Nelson. In its recent past, City Council has lacked a certain unity, brought on by spirited debate and reactionary rejoinders from its members. He cited Councilmember Nelson’s calm demeanor and bipartisanship as being strong qualities that are well suited for the leadership role as Mayor.

Councilmember Tweedy discussed Councilmember Dolan’s experiences that qualify her as Mayor, including: her longtime Lynchburg, Virginia, residency; her 40+ years of being an entrepreneur and a business owner, which provide community investment; and planting herself firmly as a veteran leader

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within the City. Councilmember Tweedy further discussed Councilmember Dolan's time spent avidly volunteering within the community, and spoke highly of her ability to listen to all citizens.

With there being no further nominations, City Council cast their votes by written ballot. Alicia L. Finney, Administrative Associate, received the written ballots and read them aloud, as follows:

Councilmember Wright voted for Councilmember Dolan

Councilmember Nelson voted for Councilmember Tweedy

Councilmember Wilder voted for Councilmember Dolan

Councilmember Tweedy voted for Councilmember Dolan

Councilmember Faraldi voted for Councilmember Nelson

Councilmember Helgeson voted for Councilmember Nelson

Councilmember Dolan voted for Councilmember Dolan

Clerk of Council Craig announced that Council Member Dolan was elected President of City Council.

// Mayor Dolan, who began presiding over the meeting, declared nominations were in order for the Office of Vice President of Council, who will serve as ex-officio Vice Mayor of the City of Lynchburg for a two-year term ending June 30, 2020.

Councilmember Wilder nominated Councilmember Beau Wright

Councilmember Helgeson nominated Councilmember Nelson

Councilmember Wilder discussed Councilmember Wright's assets for candidacy for Vice Mayor. As an at-large member, Councilmember Wright has served on City Council for the past two years and often brings a young perspective to issues. A native to the Lynchburg area, he is a supporter of the community and of the education system. Councilmember Wright has prior experience in federal government and has an extensive background in government finance. He is a proven leader and his service to the community is admirable making him an asset to the municipality as Vice Mayor.

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Councilmember Helgeson discussed the merits of Councilmember Nelson noting that for the reasons he thought him a strong candidate for Mayor, hold true of his nomination for Vice Mayor. He wanted to add that a good balance between Mayor and Vice Mayor is prudent and Councilmember Nelson, in conjunction with the new Mayor, would be able to contribute to that equilibrium.

With there being no further nominations, City Council cast their votes by written ballot. Alicia L. Finney, Administrative Associate, received the written ballots and read them aloud, as follows:

Councilmember Wilder voted for Councilmember Wright

Councilmember Tweedy voted for Councilmember Wright

Mayor Dolan voted for Councilmember Wright

Councilmember Nelson voted for Councilmember Wright

Councilmember Wright voted for Councilmember Wright

Councilmember Helgeson voted for Councilmember Nelson

Councilmember Faraldi voted for Councilmember Nelson

Clerk of Council Craig announced that Councilmember Wright has been elected Vice President of City Council.

// Council discussed Agenda Item #2, to amend, readopt, and reaffirm Council's Rules of Procedures. Mr. Erwin, City Attorney, made a presentation to Council explaining that state law dictates that at its Organizational Meeting, Council must adopt its regular meeting schedule for the upcoming calendar year. Since Council's schedule of meetings is set forth in Council's Rules of Procedure, Council readopts its rules and procedures to reaffirm its meetings for the upcoming year. The other item for consideration is the possibility of amending its rules and procedures that require a twelve-hour notice be given in order to call a special meeting. This topic was originally discussed at the June 18, 2020 Special Meeting. State law and the Freedom of Information Act allows Council to call special meetings as Council deems necessary, and there is no requirement in state code or in the Freedom of Information Act that any specific notice has to be given in a special meeting other than a notice as reasonable under the circumstances. During the past few months, Council felt the need to call several special meetings in order to deal with pressing issues that require Council to get together and for those special meetings it wasn't

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always possible to give twelve hours of advance written notice in order to call the meeting. Council's rules and procedures stated purpose is to allow Council to conduct its business in an efficient and orderly manner and is not intended to make it more difficult for the governing body to carry out its duties. The rules and procedures citing a twelve-hour notice was first added to the City Code in the year 1931, at which time there were no other means but written notice. The Freedom of Information Act, which regulates special meetings, was not in existence at that time. The issue of not giving proper notice of a special meeting continues to come up on a number of occasions, so it has been offered for Council's consideration that Council's rules and procedures be amended to state that while an effort will be made to give a twelve-hour advance notice of a special meeting, twelve hours of advance notice is not required and that the notice that will be given will be one that is reasonable given the circumstances. Mr. Erwin stated that this language is aligned with the Freedom of Information Act for giving notice of a special meeting of a governing body.

Councilmember Helgeson stated that since Council's rules and procedures were adopted over a decade ago that he can appreciate wanting to update them to be consistent with present day. However, all three special meetings that were called into order recently could have been done so with a minimum of a twelve-hour notice. He continued, stating that changing these rules and procedures raises a lot of questions; Council is a deliberative body and not one that governs with an iron fist. Each Councilmember is an elected representative of the citizens and decisions should not be made hurriedly without giving the constituents proper time to weigh in. He compared the June 1, 2020 Special Meeting when the curfew was first discussed, versus the June 3, 2020 Special Meeting when the same issue was discussed but proper notice was given. Councilmember Helgeson cited that Council Chamber was filled with concerned citizens; the same people that Council represents. Having these particular rules and procedures in place regarding the bare minimum of a twelve-hour notice allows for Council to hear from its constituents and actually think through all of the potential negative ramifications of any decisions being made.

Councilmember Helgeson continued stating ample time is prudent for Council to consider the issues and learn of the thoughts of the citizens Council represents. For example, Juneteenth has been on the calendar for many years and had Council talked about making Juneteenth an official Holiday during any

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regularly scheduled meeting where all positions could have thoughtfully been considered, he would have voted in favor. Councilmember Helgeson made a motion to keep these rules and procedures as is.

Councilmember Faraldi seconded the motion citing the importance of City Council's first action in the new fiscal year, be one that helps keep constituents informed. He continued by stating that he would also be in favor of amending the language to include electronic means of a notice, such as text messages or an email message. He also stated that he would be in favor of a shorter timeframe than twelve hours, but since the motion on the floor is to keep the rules and procedures as it currently states, he will second and support the motion.

Councilmember Wilder made a substitute motion, seconded by Councilmember Tweedy, to adopt the amended rules and procedures as they are written. Councilmember Wilder said that these meetings were called to save our City due to the public health crisis and the civil unrest. Both events were emergencies that were currently happening and required a response from City Council. The Chief of Police and the City Manager advised City Council during the special meetings on how to best protect the citizens during both emergencies and Council should feel comfortable taking their direction. Councilmember Tweedy echoed his sentiments, citing public safety and safeguarding business investment as Council's priorities.

Councilmember Nelson prefaced his statements by saying his comments are not directed to the specific meetings that were just called, rather are broader and deal with specific issues such as due process and equal protection of law. The problem that was presented to Council when the special meetings were called was that there was a specifically described period of time that Council had to deal with before they could call a special meeting. On advice of the City Attorney, Council was directed that there was opportunity to wave the rules and procedures. However, in order to wave the rules and procedure, there needed to be a lawful meeting at which there is a quorum to wave those rules and procedures.

Councilmember Nelson continued, stating that if there needed to be a twelve-hour notice, then he questioned whether the meeting held to wave the twelve-hour notice was even valid meeting. Council then resolved that concern the following meeting held on June 3, 2020 by giving proper notice; however, there could be some other situation in the future that Council will need to conduct a special meeting.

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Councilmember Nelson would like Council to have some finding before any other emergency special meeting occurs. Councilmember Nelson made the friendly amendment to the substitute motion on the floor to include the following guidelines: in order to hold a special meeting, a majority of the members of City Council who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve hours advance notice. Vice Mayor Wright supports Councilmember Nelson's friendly amendment.

The first item of business is to vote whether Councilmember Wilder's substitute motion with Councilmember Nelson's friendly amendment becomes the main motion.

Councilmember Helgeson respectfully disagrees with Councilmember Wilder's sentiments stating especially during an emergency, Council needs to take time to think through its actions and cautioned against being reactionary. With no further discussion, the following recorded vote was conducted, and the motion passed:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// The substitute motion became the main motion and it became appropriate to vote on the rules and procedures as it has been discussed. According to state law, Council must readopt their rules and procedures at its organizational meeting to set forth the calendar for the next year. Mr. Erwin offered to work on the new language of the rules and procedures and insert it into the resolution. The motion passed by the following recorded vote:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// In the matter of Parking, Agenda Item #3, Mr. Dave Malewitz, Director of Parking Management, briefly discussed Council's options for a parking permit. Council has the option to include a rearview mirror hanging tag, a window decal, or provide Parking Management with their make/model/license plate

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number for Parking Enforcement to have programmed into their systems. Councilmembers decided that they would prefer the latter option.

// The meeting was adjourned at 10:55 a.m.

Interim Clerk of Council

July 14, 2020

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of July, 2020, at 1:30 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. 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

// In the matter of Announcements, Agenda Item #1, Mayor Dolan announced that pursuant to Section 2.2-3712(B.) of the Code of Virginia, the Lynchburg City Council will be holding closed meetings at an undisclosed location within the following fifteen days for the purpose of interviewing candidates for the position of City Manager.

// In the matter of Roll Call, Agenda Item #2, Councilmember Faraldi had no items. Councilmember Wilder attended an event the previous weekend depicting the history of free and enslaved individuals at Point of Honor. He thanked staff members of the museum for a wonderful event. Councilmembers Tweedy and Nelson had no items. Councilmember Helgeson referenced an economic impact study conducted by POLICOM Corporation that ranked the economic strength of metropolitan statistically areas. He noted that Lynchburg is at its lowest ranking we've been at over the past several years. Councilmember Helgeson cited this as an opportunity for the City to reevaluate its current strategy by identifying the driver of this downgrade. Secondly, Councilmember Helgeson mentioned his concern over the Standards of Quality of education that students will be receiving in the impending school year as classrooms reopen for in-person lessons two days a week. He would like Council to be thinking of options to help ease this stress, whether it be a push to reopen, more choices for students such as voluntary in-person five days a week setting, or a refund to tax-payers who are not receiving a certain Standard of Quality of education. Councilmember Tweedy followed Councilmember Helgeson's roll call item commenting that her preference would be to defer to the school system and the planning they are doing with the state in regards to keeping students, faculty, and staff safe. She cautioned that when we push for options, we

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push toward trouble. Vice Mayor Wright had no roll call items. Mayor Dolan spoke about the Community Listening Sessions conducted by the Lynchburg Police Department and encouraged members of the community to attend these events citing the opportunity to voice opinions about the Lynchburg Police Department. The schedule is as follows: Wednesday, July 15, 2020, from 6:00 p.m. to 8:00 p.m. at Daniel's Hill Center, 317 Norwood Street; Wednesday, July 22, 2020, from 6:00 p.m. to 8:00 p.m. at College Hill Center, 811 Jackson Street; Wednesday, July 29, 2020, from 6:00 p.m. to 8:00 p.m. at Jubilee Center, 1512 Florida Avenue; and Thursday, August 6, 2020, from 6:00 p.m. to 8:00 p.m. at Miller Park, 301 Grove Street.

// The meeting was recessed at 1:39 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

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

// In the matter of Budget, Agenda Item #2, Resolution #R-20-052, laid over from the June 23, 2020 meeting, was again presented and read, on motion of Councilmember Helgeson and seconded by Councilmember Wilder, amending the Fiscal Year 2020 Budget for the twelve month period beginning July 1, 2019 and ending June 30, 2020 and appropriating supplemental funds from the Coronavirus Aid, Relief and Economic Security (CARES) Act for City of Lynchburg to cover expenditures related to the City's coronavirus (COVID-19) response beginning March 1, 2020 and ending December 30, 2020.

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

// In the matter of Budget, Agenda Item #3, Resolution #R-20-054, laid over from the June 23, 2020 meeting, was again presented and read, on motion of Councilmember Helgeson and seconded by

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Councilmember Wilder, amending the Fiscal Year 2020 Airport Fund budget and appropriate \$700,000 with resources from the Department of Transportation Federal Aviation Administration Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 grant to replace potential revenues lost related to the Coronavirus Disease 2019.

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

Noes: 0

// In the matter of Budget, Agenda Item #4, Resolution #R-20-055, laid over from the June 23, 2020 meeting, was again presented and read, on motion of Councilmember Helgeson and seconded by Councilmember Wilder, amending the Fiscal Year 2021 Airport Fund budget and appropriate \$1,800,000 with resources from the Department of Transportation Federal Aviation Administration Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 grant to replace potential revenues lost related to the Coronavirus Disease 2019.

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

Noes: 0

// In the matter of Public Comment, Agenda Item #5, Ms. Sandra Sosnoski addressed Council regarding the citywide COVID-19 public health response. Ms. Sosnoski urged Council to not comply with Governor Northam's executive orders, mentioning that COVID-19 restrictions are unlawful, detrimental, and unnecessary to Lynchburg's citizenry.

// In the matter of Public Comment, Agenda Item #6, Ms. CeCe Thomas was scheduled to address Council regarding her petition to stop the name change of Lynchburg, which came into existence as a response to a petition in support of the name change of Lynchburg. Ms. Thomas was not in attendance at the Council meeting.

// In the matter of Budget, Agenda Item #7, Council considered introducing a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$215,142 with resources from the

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Commonwealth of Virginia Department of Social Services (VDSS) through the Employment Advancement for Temporary Assistance for Needy Families (TANF) Participants Community Wealth Building (CWB) Grant (BEN-19-113) to prepare participants to enter and maintain employment with the prospect of a career path and wage growth. Mr. John Hughes, Assistant City Manager, communicated to Council that this item is renewal of a grant that we received in years prior. This funding supports the HireLynchburg initiative, the Neighborhood Caretakers Program, partnerships with local service organizations, and some of our poverty reduction strategy. As chair of the Finance Committee, Councilmember Helgeson made a motion to approve the resolution. The motion passed by the following vote:

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

Noes: 0

// In the matter of Budget, Agenda Item #8, Council considered introducing a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$119,825 with resources of \$107,400 from the Commonwealth of Virginia Department of Social Services (VDSS) through the Employment Advancement for Temporary Assistance for Needy Families (TANF) Participants Community Wealth Building (CWB) Grant (BEN-19-024) and \$12,425 from an in-kind match, with the objective of furthering local efforts to reduce the poverty rate and increase median household income. Mr. John Hughes, Assistant City Manager, again presented to Council. This grant will support the following: Home Essentials Program with Park View Community Mission; Career Essentials with HumanKind; the Work Force Investment Board; a part-time Workforce Navigator position with the City of Lynchburg; as well as other poverty reduction approaches. As chair of the Finance Committee, Councilmember Helgeson made a motion to approve the resolution, but reiterated that the in-kind match totaling \$12,425 was already incorporated into the budget and this figure does not represent additional funds that the City would be responsible for identifying. The motion passed by the following vote:

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

Noes: 0

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// In the matter of Engineering, Agenda Item #9, Council reviewed the proposed SMART SCALE projects and adopt a resolution of support for the following SMART SCALE project applications to the Virginia Department of Transportation (VDOT): Clanders Mountain Road Interchange with Lynchburg Expressway; and Roundabout at Wards Ferry Road and CVCC Campus Drive. Mr. Lee Newland, City Engineer, presented to Council and stated that this matter was reviewed by the Physical Development Committee on February 11, 2020, and City Council approved the pre-application submittal on March 10, 2020. As part of the final application process, a formal resolution needs to be presented to Council. Councilmember Wilder mentioned that this project is a major improvement for our city and fully supports this project. Councilmember Faraldi made a motion to approve the resolution, seconded by Councilmember Tweedy. The motion passed by the following vote:

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

Noes: 0

// In the matter of Community Development, Agenda Item #10, Council considered introducing a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$1,994 with resources from the Virginia Department of Housing and Community Development Virtual Training Support Grant to purchase mobile computing equipment for Community Development Inspections staff to use for training. Mr. Kent White, Director of Community Planning & Development, presented to Council and started off by acknowledging Mr. Doug Saunders, Building Official, who first identified this grant opportunity. Mr. White further explained that this is consistent with the department’s mission to keep the inspection staff in the field and further efficiency efforts. There is no in-kind match associated with this grant. As chair of the Finance Committee, Councilmember Helgeson stated that he was in favor of this resolution since it will ensure the building code officials are equipped with updated devices and made a motion to approve the resolution. The motion passed by the following vote:

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

Noes: 0

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// In the matter of Finance and Budget, Agenda Item #11, Council received an update on the revenue collections received in several key City revenue sources. Ms. Donna Witt, Chief Financial Officer, presented to Council the monthly revenue updates noting the net real property tax, personal property tax, business license tax, and motor vehicle license collections exceeded the revised FY 2020 projected amounts. However, Ms. Witt, on counsel from the Commissioner of Revenue, noted we are seeing a decrease in new motor vehicle sales and that may change the projections of FY 2021. Ms. Witt also noted the net business license tax is based on revenues collected by businesses the year prior, so the actual collections for fiscal year 2020 reflect year 2019. City staff will be keeping watch of these numbers for calendar year 2020 and revising projections for fiscal year 2021. Ms. Witt continued with her presentation, reporting local Sales and Use tax is up for the month of May. Possible reasons attributing to this trend include restaurants opening back up, and a general increase in home improvement store sales. Restaurants who offered curbside service are doing really well, and those that had a drive-thru from the beginning of the public health emergency did really well all along. Ms. Witt reiterated even though we are exceeding our revised projections, we are still below our pre-COVID19 projections and will continue to monitor these figures closely; overall we are pleased the revised projections are holding true. Lodging tax is up and she thinks the number will continue to go up as long as things hold true, and reiterated we are watching these closely. In regards to Amusement tax, there were a few events that did happen in the month of May to attribute to this collection. Ms. Witt continued with her presentation with the utility accounts subject to disconnect. She stated we are working within the State Corporation Commission guidelines and are not doing any disconnects through the month of August but are prepared to slowly start the disconnect process with the September due dates. We are encouraging people to utilize aid available through non-profit organizations. Ms. Witt reiterated we are encouraging people to call us to set up a payment plan and we are going to work with people in every way we can. Councilmember Helgeson wanted to clarify that the 'Utility Account Subject to Disconnect' section on slide 4 was a cumulative figure, but noted that this number is about 3 times the amount it normally is. He also noted in October, the ten dollar refuse fee will be added to utility bills. Councilmember Helgeson also commented about a report recently published stating there was a huge increase in online sales for motor vehicles. He wanted Ms. Witt to clarify if we would eventually capture those sales when the vehicles are registered here, to

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which she replied we would. Vice Mayor Wright wanted to know if we anticipate receiving additional CARES Act funding and if we could use these funds to supplement our lost revenue due to not cutting off utilities. Ms. Witt replied there is talk about being another stimulus package but nothing is finalized, but explained that we cannot use CARES Act funding to replace revenues. Vice Mayor Wright further inquired about how we are making up for the difference in the lost revenue by not cutting off utilities. Ms. Witt explained that this impacts our water, sewer, and stormwater accounts so Water Resources is just managing the loss at this point. Councilmember Helgeson requested clarification on whether a penalty will be charged to citizens. Ms. Witt said that we are not currently charging for disconnects, but that the late penalty fee will start again in September. Councilmember Wilder asked if we would be able to reassess the budget in October. Ms. Witt said that was the plan, but to remember that due to how payments are collected, we may not be able to capture all of the numbers. For instance, we are currently in the month of July and we are just now seeing May numbers.

// In the matter of a closed meeting, Agenda Item #12, on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council, by the following recorded vote, elected to hold a closed meeting to evaluate the performance of the Clerk of Council, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia.

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

Noes: 0

// The meeting was adjourned at 8:10 p.m.

// The meeting was re-opened 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

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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 the Council.

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

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council, by the following recorded vote, elected to hold a closed meeting for discussion and consideration of prospective candidates for the position of City Manager pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia.

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

Noes: 0

// The meeting was re-opened 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 the City Council that such closed meeting was conducted in conformity with Virginia law;

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

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

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council, by the following recorded vote, elected to hold a closed meeting for discussion and consideration of prospective candidates for the position of Interim Clerk of Council, pursuant to Section 2.2-3711(A).(1) of the Code of Virginia.

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

Noes: 0

// The meeting was re-opened 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;

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

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

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

Noes: 0

Interim Clerk of Council

August 11, 2020

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of August, 2020, 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 S. Helgeson, J. Randy Nelson,

Treney Tweedy, Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of the Police Department, Agenda Item #1, Police Chief Ryan Zuidema gave a presentation outlining a department-wide workload assessment study first initiated in the summer of 2019 and completed in the summer of 2020. This study, which was conducted in-house by the Intelligence Unit, serves to inform Council of the department's staffing requirements needed in order to meet organizational goals and has no monetary request at this time. Chief Zuidema detailed the staffing needs for each division within the department: Field Operations Bureau; Field Support Division; Criminal Investigations Division; Special Investigations Division; Professional Standards Division; Staff Support Division; Administrative Support Division; Finance/Information Technology Divisions; and Office of the Chief of Police. Overall, twenty-six sworn positions and sixteen and a half professional staff are needed to fulfill the staffing requirements. Chief Zuidema explained that he and staff are looking at ways to creatively address these needs, as well as, progress incrementally over multiple years introducing about 5 officers and 3 professionals each year until staffing needs are met.

Councilmember Wilder inquired whether the report addressed the pay gap. Chief Zuidema explained that this assessment did not cover any pay information, however, they did look at the surrounding counties and the City of Lynchburg is comparable. Councilmember Wilder also wanted to know if the police department has plans to hire a consulting firm to address the challenges that were brought up during the community Listening Session, and the current national issues that we are facing. Chief Zuidema said that the immediate goal is to compile all of the information gathered from the sessions and present that to the community. He advised that hiring a consulting firm would cost money.

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Councilmember Faraldi commented that one of the big takeaways during the Listening Sessions was that the same officers patrol the same neighborhoods to help build relationships between the department and the community members. He asked for clarification on how additional staffing help the police department deliver on this imperative request? Chief Zuidema explained that the additional staffing will help with retention and help provide consistent coverage. Councilmember Faraldi continued that a second recurring theme that emerged from the Listening Sessions was a desire to be treated human first. He noted that our officers are going to call to call and the mental drain associated with this workload is immense. How does additional staffing help our officers provide professional service? Chief Zuidema replied that having more officers will help spread the workload evenly so officers aren't running from call to call every single shift. Councilmember Faraldi continued stating that to properly address these staffing needs will take financial commitment from Council, and he looks forward to working with Councilmembers to get the money that the police department may need.

Councilmember Helgeson referenced the densely populated areas on the outskirts of Lynchburg that were recently erected, and the police department, with the same amount of officers, is expected to cover the area. He is glad that the police department put together a plan and suggested that there be an influx of positions filled first so that officers can begin to see a light at the end of the tunnel. Councilmember Helgeson further explained that he wants to look in the budget because by his calculations, there is five million dollars freed up because schools aren't meeting in-person. Money is tight because of lost revenues, but budgeting is about priorities. The sooner we can get as many sworn officers in the pipeline, the sooner the department will begin to see the light at the end of the tunnel and might help with the retention issues.

Councilmember Tweedy wanted to know of the potential dollar amount of the five sworn officers. Chief Zuidema explained that salary and benefits for one officer is about \$60,000, but also the purchase of needed equipment should be considered. His goal would be to come back during budget time with a hard number. Councilmember Tweedy wanted to know what the background of the professional staff would be. Was police experience necessary? Chief Zuidema explained that some are administrative/clerical roles that would need no police background. Some are for intelligence roles where

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experience would be great. Some would need I.T. or finance background but typically the majority would not need any law enforcement background.

Councilmember Nelson noted that we are losing officers due to wage and stress. As the City heads into a new budget season, he asked Chief Zuidema where his emphasis will lie; continuing with increasing the compensation or increasing the staffing numbers? He cautioned that in this COVID-19 era, there might not be the means to do both. Chief Zuidema explained that he would like to see the police departments numbers increase because that would address the burnout and workload. He reiterated that the City of Lynchburg will have to continue to stay competitive with compensation. Initially, he would like to increase staffing then work to make our pay competitive.

Councilmember Tweedy asked when the education, economic development, and social services decrease what does that do for the crime rate. Chief Zuidema responded that traditionally, when services drop, the crime rate goes up.

Vice Mayor Wright asked how we define quality of public engagement. He asked if Chief Zuidema could describe the standard profile of the officers who are currently on patrol and are likely going to be responding to calls. He would like to understand the pressures the officers are under and what citizens can expect. Chief Zuidema explained that the average officer has 3.2 or 3.3 years of service in the police department. He stated that we're inexperienced; we are a very young police department. Additionally, Vice Mayor Wright wanted to know what the figure was for the turn over cost. Chief Zuidema said that the total cost to train an officer is \$113,000 over an 18-month period. Vice Mayor Wright wanted to know if a strategic plan will be created from the information collected from the Listening Sessions. Chief Zuidema confirmed that a plan will be forthcoming.

// In the matter of Communication and Public Engagement, Agenda Item #2, Ms. JoAnn Martin, Director of Communications and Public Engagement, gave Council an update on the refuse communications plan. Earlier this year, the decision was made to change the trash collection system which includes brush and bulk pick-up. Council had previously asked for staff to come back and brief them on the communications plan for citizens. A brief video created by Broadcast Services featuring the public works department was

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shown. The communication objective is to inform customers of changes to the trash, brush, and bulk system, to educate staff so that they have the correct information for citizens, to gain compliance from our customers, and to measure success of our communications. Our target audience is of course our residents, business owners, property owners, and also city staff. Communications will be heavy this month and will include an insert with the water bills for the month of August. Communications will be ongoing in order to obtain compliance and continuity. Ms. Martin indicated the importance of continuing and ongoing communication and using an array of strategies to reach all audiences. Budget is between \$32,000 and \$34,000. The money was already in the public works budget, it was left from the decal system, so we are not asking for any additional funding. The communication timeline will begin this month and continue throughout the year. In evaluating success, we will look at increased revenues from trash services fees, increased customer compliance with trash, brush and bulk setouts and reduction in code violations, and increased citizen satisfaction (comparison in the National Citizen Survey results). Ms. Martin continued the presentation by reviewing a number of potential social media posts aimed to educate the public. Council also received a door hanger that every citizen will receive in the month of September, outlining the trash guidelines and the guidelines for bulk and brush schedule. Also, citizens will receive a decal of their schedule that will be placed on the trash can for reference. Communications and Public Engagement also puts out a newspaper advertisement during any holiday to announce the holiday schedule, and an advert with this schedule will be placed in the paper.

Councilmember Wilder thanked staff for their intense communications plan and for listening to the community on the things that they wanted.

Councilmember Helgeson asked to pause the new refuse plan, citing the public health crisis and the subsequent financial strain on the citizenry. He recommended that the plan be put off until the first of the year. He cited the thousand citizens who would have had their water shutoff had it not been for the state moratorium, and adding the \$10 fee right now isn't appropriate. Councilmember Helgeson continued that he knows it was voted on and passed, but wanted to throw it out there to see if his fellow councilmembers would agree. Mayor Dolan clarified that citizens would no longer have to buy the annual \$110 decal fee, which equates to about \$9.17 a month. Ms. Hart, Director of Public Works, explained that

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citizens have expressed a desire to have the cost budgeted monthly instead of paying the upfront cost. Councilmember Helgeson explained that the people who are not paying for the trash and were not using even the smaller can are the ones hurting. Mayor Dolan pointed out that those citizens are still using the City's recycling facilities. Councilmember Nelson stated that as a corollary to Councilmember Helgeson's response, are any of the materials that are to be distributed time sensitive? Could they not be delayed until the first of the year? Ms. Martin stated that everything has the October 1, 2020 date, as the start date previously directed by Council. Also, the revenue projections are based on the October 1, 2020 start date. Councilmember Nelson inquired about incremental savings and wanted to know whether the city has paid for advertising, or were they able to utilize public service, no-cost advertisements? Ms. Martin explained that a lot of things have been at no-cost, but they also paid for advertisement because staff wanted to make sure as many people as possible were reached. Councilmember Nelson also wanted to explore different means of written advertisement and not utilize door hangers because it might cost too much for a person to walk up to the door. Ms. Martin indicated that the \$34,000 was not manpower hours but more for developing and cost of materials and paying for advertising, not for paying salaries.

Councilmember Tweedy thanked staff for putting together what she hoped would be a successful communications plan and said that she is looking forward to having a clean, beautiful city.

// In the matter of Budget, Agenda Item #3, Ms. Donna Witt updated Council on the revenue collections received in several key City revenue sources, as well as, a report on utility disconnects. These numbers reflect revenue numbers through June 30, 2020. Net Real Property Tax, Net Personal Property Tax, Net Business License Tax, and Motor Vehicle Licenses Tax came in well above the revenue projections. Ms. Witt noted that this is really encouraging because this indicates that citizens were able to pay their annual taxes. Local Sales Tax was surprisingly good for June; we are up 16.3% since June 2019 and we are about \$480,973 above our revised revenue numbers. This is very positive news; however, this could be partially due to revenues coming in strong headed into the pandemic. Ms. Witt also noted that these numbers could be influenced by the Wayfair Act. Meals Tax is down 20% from FY 2019; however, we are \$70,213 above our revised revenue projections. We anticipated June being a strong month, due to restaurants opening back up and offering curbside pickup. Lodging Tax is down 40% compared to 2019

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and down about 16.5% for the year although the collections for June are better than anticipated by \$58,096. Amusement Tax is down 22% for the year. We did collect \$5,772 and the projection was \$0, so that is showing that some things are starting to reopen. Between Sales Tax, Meals Tax, Lodging Tax, and Amusement Tax, revenues are up about \$1.6 million from the revised projections, and helps us end the FY 2020 stronger than where we thought we'd be.

Vice Mayor Wright wanted to know what we are ultimately down according to the original adopted budget. Staff will come back with that number.

In the matter of utility accounts, Ms. Witt explained that there are about 1,036 past due accounts which comes to about \$183,097 across Water, Sewer, and Stormwater Funds. The majority of these accounts are residential. The total number of past due balances \$100 or greater is 534 accounts. Ms. Witt went on to discuss the CDBG-COVID Funds that were made available to Miriam's House, Lynchburg Community Action Group, and Interfaith Outreach totaling \$285,000. Staff are communicating with these groups to discuss a second distribution of COVID funding to determine if they would be able to use additional funds before the end of the year. Regarding the future of utility disconnects, at this time there is no plan to start disconnecting service. Initially, staff thought these would begin in September, but due to the rising number of local COVID-19 the disconnects have been halted. There also might be action taken by the Virginia Department of Health to prevent cut-offs.

Councilmember Wilder wanted to know, as far as delinquent customers go, how are we communicating the relief? Ms. Witt explained that a letter went out with the water bill that listed the organizations that could provide them with help. Working with communications and may send out another notice reminding citizens of those organizations.

Councilmember Helgeson asked for clarification on why we weren't doing shutoffs in September. Ms. Witt said we are waiting for clarification from the state. Councilmember Helgeson cautioned about there not being an incentive to pay. Councilmember Faraldi wanted to know what gave her insight about the proposed legislation for the August Emergency General Assembly Session. Tim Mitchell, Director of Water Resources, that the Virginia Poverty Law Center is formulating the legislation. Councilmember

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Faraldi posed the question that if that legislation doesn't happen, and there are no penalties for disconnects, then what will happen? Ms. Witt confirmed that if this was the case, we would then start the disconnects in October. The months of August and September will then be used for communicating the process and then start the disconnects in October. Vice Mayor Wright wanted to clarify that they would start the disconnects unless Council takes some other action.

// Agenda Item #4, City Council considered the appointment of Douglas P. Stanley to the position of City Manager. Councilmember Helgeson, seconded by Councilmember Tweedy, made the motion to approve the resolution, as presented. The motion passed by the following vote:

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

Noes: 0

Mr. Stanley was present at the meeting and thanked the City Council for the opportunity to serve the city of Lynchburg as the next City Manager.

// In the matter of Roll Call, Agenda Item #5, Councilmember Faraldi thanked staff for the successful Lynchburg Police Listening Sessions. Councilmember Wilder thanked the Police Department for listening to the community's voices and making an effort to strengthen the bond between the police department and the community. He also thanked staff for a job well done with the renovations at the Riverside Park Overlook. Councilmember Tweedy thanked Continuum of Care staff for helping the City of Lynchburg achieve Functional Zero for homeless veterans. Councilmember Nelson welcomed the new City Manager, and also thanked City Manager Bonnie Svrcek for her service to the City of Lynchburg. He also wanted to talk about how facemasks will help us get back to normal quicker. Councilmember Helgeson stated that out of 82,000 Lynchburg citizens, only about 600 had COVID-19. He is happy that the vast majority of citizens don't get the virus and that the vast majority that do, recover. Vice Mayor Wright urged citizens to mask up and wash their hands. He also thanked Downtown Lynchburg Association for the work they're doing to help downtown businesses recover from the pandemic and from the downtown construction. He welcomed President Morrison-Shetlar who is the first female president of University of Lynchburg who started her tenure a few weeks ago. Mayor Dolan also wanted to caution citizens to not take the

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pandemic lightly and to please wear masks and listen to the health professionals. Mayor Dolan also welcomed Mr. Stanley.

// City Council recessed the meeting at 6:30 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,
Trenay Tweedy, Chris Faraldi 7

Absent: 0

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

// In the matter of recognitions, Mr. Dwayne Tuggle, Chair of the Central Virginia Planning District Commission, presented City Manager Bonnie Svrcek with a Resolution of Appreciation of her time served from years 2016 - 2020 with the commission.

// In the matter of recognitions, City Council recognized City Manager Bonnie Svrcek for her over 21 Years of Service to the City of Lynchburg. Mayor Dolan stated that Ms. Svrcek was appointed as City Manager in 2016 and she is grateful for her service and presented her with a key to the City of Lynchburg.

// In the matter of Consent Agenda, Councilmember Faraldi asked that Agenda Items #6 – 8 be voted on separately as he was not a sworn official during those meetings. On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, the following vote to approve Agenda Items # 9 - 15 was recorded:

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

Noes: 0

Consent Agenda Items #6 – 8 were considered for approval. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, the following vote was recorded:

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

Noes: 0

Abstention: Faraldi 1

// In the matter of Community Development, Agenda Item #16, a public hearing was held outlining the petition of Across the Bridge, LLC. The petition is to rezone approximately four hundred thirteen thousandths (.413) acres located at 421 Rivermont Avenue, 412 Blackford Street and 610 Rodes Street from R-4, High Density Residential District to B-4, Urban Commercial District to allow the redevelopment of the property into fifteen (15) apartment units. Mr. Tom Martin provided Council with a summary of the agenda item.

Mr. Casey Servis, a representative of Architecture Design Office who are the architects for the project, spoke in favor citing the density of 15 units versus the 9 units that would be allowed by the current zoning is critical to the financial feasibility of the project. He also wanted to clarify that the partial approval of the Historic Preservation Committee has no bearing on the feasibility of this project.

Ms. Katie Webb Cyphert who resides in the 1000 block of Rivermont Avenue spoke in opposition to the petition citing the parking variance which only covers six off-street parking spaces. Ms. Cyphert cautioned that having residents park on-street would be incredibly dangerous.

Mr. Servis rebutted citing traffic studies that are being done by city staff in this particular area and the applicant is working toward acquiring more off-street parking spaces.

The public hearing was closed and Councilmembers were given the opportunity to comment.

Councilmember Nelson noted that he will be abstaining from voting because he represents the applicant.

Councilmember Helgeson maintained that he did not see the point in changing the zoning from the highest residential to a business zone in order to obtain fifty percent more residential. He does not think he has heard a compelling reason to rezone.

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Councilmember Wilder noted that he would not be voting in favor of this ordinance because he has met with several Daniel's Hill residents and they have raised concerns about the dangerous traffic flow.

Vice Mayor Wright wanted clarification that the police and fire departments did not have any concerns with the proposal. Mr. Martin confirmed that they did not. Vice Mayor Wright wanted clarification on the traffic study being done and wanted to confirm that staff recommended approval of this rezoning even though the traffic study is ongoing. Mr. Martin confirmed that the traffic engineer did not think that the 15 units would create an additional impact on Rivermont Avenue.

Councilmember Faraldi wanted to know of the other instances that we've used B4 in this manner to get the extra living space. Typically B4 is used to breathe new life into old buildings. The b4 district was designed to do that. We need more flexibility for these old historic buildings.

Councilmember Tweedy noted that she will be supporting this ordinance because the developer is already working to acquire new parking spaces, staff is looking into traffic concerns, and the flexibility is needed in this area. Councilmember made a motion, seconded by Vice Mayor Wright, to approve this ordinance. Vice Mayor Wright seconded the motion but said that he would like for the City to follow through on recommendations that may come from the traffic study, but thinks it's important to revitalize this area.

Councilmember Helgeson clarified that this ordinance is only to make 15 units, and that it's already zoned to include 9 apartments, so the ordinance does not have and bearing on revitalizing. Councilmember Helgeson also stated that this is in Councilmember Wilder's Ward II and in deference with him he will be voting against this rezoning.

Mayor Dolan will not support this ordinance out of concern for the safety of the people who would have to park on the street.

Councilmember Faraldi asked Mr. Erwin, City Attorney, for clarification on voting, specifically wanting to know that if vote results in a tie, does the motion fail. The motion does not pass and it takes an affirmative vote to grant rezoning. He will be supporting this ordinance given there are no concerns with

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the police, fire, Planning Commission. He did say that he agrees with Councilmember Helgeson that the rezoning's do need to be revisited. Council took the following recorded vote:

Ayes: Wright, Tweedy, Faraldi	3
Noes: Dolan, Helgeson, Wilder	3
Abstention: Nelson	1

There needs to be an affirmative vote in order to pass a rezoning ordinance, and as such, the motion failed.

// In the matter of Community Development, Agenda Item #17 a public hearing was held regarding the approval of the Conditional Use Permit petition to allow the construction of a one hundred fifty-four (154) foot monopole to be used for telecommunications at 1501 Fenwick Drive. Mr. Tom Martin provided a brief summary of the request. Milestone Tower Limited Partnership IV, d/b/a Milestone Communications is petitioning for a CUP at 1501 Fenwick Drive to allow the construction of a one hundred fifty-four foot (154) monopole tower in an R-1, Low Density Residential District. Verizon Wireless needs a new location to serve the residential areas to the north, the nearby educational institutions, and the commercial area to the east. The existing towers are overloaded and need more data capacity. Adding another tower will add that necessary data capacity and help to offload the existing towers. The primary impact from the proposed telecommunications tower will be visual. The petitioner has submitted photo simulations of the tower from various locations within the area. Although the proposed tower will be visible from some residential areas, the tower will have trees on all sides of it and would potentially blend in with the existing infrastructure including telephone poles and electric poles. The City's Telecommunications Ordinance has not been revised since the late 1990's and is no longer compliant with Federal or State Law. The City is in the process of updating the Telecommunications Ordinance and the new Ordinance will actually relax regulations on telecommunication providers as required by Federal and State regulatory agencies.

Ms. J. Lori H. Schweller of Williams Mullen, the firm representing the applicant, was in attendance and made a presentation.

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There were was no one who spoke in favor or in opposition, either in person or via phone or email messages, so the public hearing was closed and the matter rested with Council.

Vice Mayor Wright commented that a constituent who owns property on Fenwick Drive wrote in saying he has a concern about the set-back of the pole from the nearest house. Vice Mayor Wright asked if staff could remind Council of the set-back rules. Mr. Martin explained that the telecommunication zoning ordinance right now requires twice the height of the tower. In this instance, that would be 358 feet. State and federal law dictates that we cannot require set-backs in excess of what we require for other similar structures i.e. light poles, church steeples, etc. This exceeds what is required now and far exceeds what state and federal law requires. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Tweedy, stating that this appears to be an obvious tradeoff citing the increased bandwidth for this part of the City as a huge gain.

Councilmember Helgeson echoed Vice Mayor Wright's sentiments that the aesthetics are unpleasing. He asked Ms. Schweller to confirm that this painted monopole will be designed to blend into the surroundings as best as possible. Ms. Schweller was able to confirm that the pole will be shielded as best as it can.

Councilmember Nelson asked if Milestone had any data on the negative impact these towers have on the real estate that's immediately located around them, in terms of whether they affect market value. Ms. Schweller confirmed that her research indicates that not only do telecommunication towers not have a negative impact, they have a positive impact on property values. Councilmember Nelson was grateful to hear this news citing his support of this project was contingent upon the impact it would have on citizens.

Council, by the following recorded vote, adopted the Resolution #R-20-061, as presented, granting the Conditional Use Permit:

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

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// In the matter of Public Works, Agenda Item #18, a public hearing was held in order to grant a lease to Milestone Communication to operate a telecommunications monopole at 1501 Fenwick Drive. Ms. Gaynelle Hart, Director of Public Works, provided a brief summary of the request. Milestone communications has requested to lease a portion City owned property at 1501 Fenwick Drive for the construction, operation, and maintenance of a telecommunications monopole under the terms of the franchise agreement between the City and Milestone. Ms. Hart explained that this lease is a standard lease and has been reviewed and approved by the City Attorney's Office.

There were no one who spoke in favor or in opposition, either in person or via phone or email messages, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson asked for clarification from staff that the terms have been adjusted from previous contracts to account for inflation. Ms. Hart & Mr. Erwin explained that they have not but there is language in the lease that includes a percentage of the revenues collected by Milestone.

Councilmember Wilder made the motion to approve the resolution, seconded by Councilmember Faraldi. Council, by the following recorded vote, adopted the Resolution #R-20-062, as presented, granting the lease:

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

Noes: 0

// In the matter of Budget, Agenda Item #19, a public hearing was held in order to adopt a resolution amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$7,168,841 with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 to fund public health and safety, continuity of operations, and business and community support initiatives related to the Coronavirus Disease 2019 (COVID-19). Also, to adopt an ordinance to provide for the payment of a monetary bonus to the employees of the City of Lynchburg, Virginia for exemplary service during the pandemic and appropriate \$2,141,327 from the General Fund for such payment. Ms. Donna Witt provided a brief summary of the request.

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There were no one who spoke in favor or in opposition, either in person or via phone or email messages, so the public hearing was closed and the matter rested with Council.

Councilmember Nelson asked for clarification on the parameters of prorating as it is stated in the Continuity of Operations, "Utilizing public safety payroll reimbursement as allowed by the CARES Act provide a one-time compensation award for all employees (\$1,700) prorated based on scheduled hours." Ms. Witt stated that all full-time employees, regardless of their salary, will receive the \$1,700 payment while part-time employees will receive a prorated sum based on their hours.

Vice Mayor Wright asked for more explanation on the provisions of how CARES Act funds are spent. The CARES Act allows you to replace funds for public safety pay that would otherwise be spent from the operating budget. This in turn frees up funding from the operating budget to be able to pay employees a bonus. Ms. Witt reiterated that this use of funds have been cleared by our auditors. Vice Mayor Wright posed the question, "Why is this the best way to spend the money?" Ms. Witt explained that with the second round of funding, staff looked at things that weren't able to be funded in the first round, such as Sunday service for the transit company, and reached out to non-profit organizations that can address community relief. Vice Mayor Wright voiced his main concern with this proposal is that Lynchburg City Schools employees, who are also municipal employees, are not receiving the same bonus. Ms. Witt explained that the Chief Financial Officer has stated they have reserved their CARES funding in the event they would have to furlough employees, but they did not have a bonus on the table. Vice Mayor Wright stressed that he would like to support this item, but feels he cannot due to the fact that all municipal employees are not represented.

Councilmember Faraldi asked if these funds, or a version of funds, could be used to fund a medic unit that the City of Lynchburg needs. Ms. Witt explained that she would like to hold off for a few months to see how revenues are coming in because the medic unit would need to be funded through ongoing revenues.

Councilmember Helgeson stated that the bonus should be given to those that have worked during the pandemic, and not to all employees for the appearance of equitability. He continued that he would like

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to use the funds to help public safety employees get the equipment and staffing needed, but recognizes that the funds can only be spent on COVID-19 related expenses.

Councilmember Helgeson made the motion to approve the resolution as is, with the understanding that staff can come back and make amendments as needed, if there needs to be any big changes. Councilmember Nelson seconded the motion.

Councilmember Wilder wanted to know how businesses were able to access these funds. Ms. Upshur stated that there are about 1,100 businesses that staff are doing a massive communication outreach asking them to apply for these funds.

Council, by the following recorded vote, adopted the Resolution #R-20-063, as presented:

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

Noes: Wright 1

Councilmember Nelson made the motion to approve the ordinance, seconded by Councilmember Faraldi. Council, by the following recorded vote, adopted the Ordinance, #O-20-019:

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

Noes: Wright 1

// In the matter of Economic Development, Agenda Item #20, Council considered a resolution authorizing the issuance of up to \$200,000,000 in bonds through the Economic Development Authority of the City of Lynchburg for the benefit of Centra Health, Inc. was considered. Ms. Marjette Upshur, Director of Economic Development & Tourism provided a brief summary of the request. Centra requested the EDA to issue its revenue bonds in an aggregate principal amount not to exceed \$200,000,000, in one or more series. These funds will be used to: (a) finance (i) the acquisition, construction, developing and equipping of a new, six-story Women's Center at Lynchburg General for use in obstetrics and pediatric services, which also includes connectivity and bridge improvements to link the new Women's Center with the existing facilities of Lynchburg General, (ii) the construction of surface parking with approximately 350

spaces and a parking deck with approximately 400 spaces for Lynchburg General and related connectivity improvements, (iii) the acquisition, construction, developing and equipping of expansion of and improvement to the emergency department at Lynchburg General, (iv) the renovation and improvement of existing facilities and shell space within the existing Lynchburg General footprint, (v) sitework and other improvements on the Campus related to the foregoing, and (vi) construction of routine capital improvements at Lynchburg General and (b) Pay certain expenses incurred in connection with the issuance of these bonds.

The Economic Development Authority of the City of Lynchburg has conducted the requisite public hearing and adopted a resolution recommending that City Council authorize the bonds. Although the bonds will be issued by the EDA, regulations require Lynchburg City Council to adopt a resolution supporting the transaction. The EDA in accordance with federal and state law serves as a conduit of these bonds and assumes no financial responsibility or cost. The issuance of these bonds also places no financial obligation on the city. Ms. Upshur stated that Centra Health is a valued anchor for the City of Lynchburg.

Councilmember Helgeson disclosed that his wife is employed by Centra Health which makes him a member of a group for spouses of Centra Health employees which has more than three members. He is able to participate in this matter fairly, objectively, and in the public interest.

Councilmember Nelson made the motion citing that high quality medical care is an extremely large component for attracting businesses and amenities to an urban area. Vice Mayor Wright seconded the motion. Council, by the following recorded vote, adopted the Resolution, #R-20-064, as presented:

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

// In the matter of Emergency Services, Agenda Item #21, Council considered adopting a resolution approving the First Amendment to the 2011 Emergency Communications Regional Cooperative Agreement, allowing Campbell County to join the Regional Radio System. Ms. Melissa Foster, Director of Emergency Services, provided a brief summary of the request. The Central Virginia Radio

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Communications Board (Radio Board) was formed in May of 1996 by an agreement between Amherst County, Bedford County, the then named City of Bedford (now the Town of Bedford), the City of Lynchburg, and the Virginia's Region 2000 Local Government Council, now named the Central Virginia Planning District Commission, to jointly operate a regional communications system. Campbell County has requested to join the Regional Radio System and negotiations have been ongoing for approximately one year. On Tuesday, June 16, 2020, the Campbell County Board of Supervisors approved the attached amendment to the 2011 Emergency Communications Regional Cooperation Agreement and formally requested to join the Regional Radio System. The Radio Board gave unanimous support for this request on July 10, 2020 during their monthly meeting. The Amendment provides for incorporating Campbell County as an equal voting member of the Regional Radio Board and fully incorporating their new communications equipment into the Regional Radio System. The addition of Campbell County to the Radio Board will mean that there are 5 voting members in the future. Campbell County will pay a one-time buy-in fee of \$1,620,883 to join the Radio Board. The County will be responsible for paying for all of the equipment necessary to integrate into the system, though Campbell also will realize some savings by integrating into the regional system sharing equipment and capacity. Campbell County's radios will also become interoperable with Lynchburg's, Amherst's and Bedford's, for improved communications between public safety agencies. Once the necessary work is completed at the tower sites and the additional equipment is installed, the Radio Board will begin maintaining all of Campbell County's radios and equipment just as it does for current Radio Board member agencies. Each of the current member jurisdictions and the Planning District Commission must give their approval for Campbell County to join the system.

Vice Mayor Wright asked if there was any reason the City of Lynchburg would not allow Campbell County to join. Ms. Foster commented that in her opinion, there would be no reason not to do this as it will provide regional connectivity.

Vice Mayor Wright made the motion to approve the resolution. Councilmember Nelson seconded the motion stating that this makes sense in every practical and legal way. Council, by the following recorded vote, adopted the Resolution, #R-20-065:

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

Noes: 0

// In the matter of the Fire Department, Agenda Item #22, consideration of introducing a resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$59,586 with resources of \$29,793 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and \$29,793 from the FY 2021 General Fund Fire Department budget to purchase (4) Lucas 3 chest compression devices for the Fire Department. Fire Chief Greg Wormser provided a brief 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. The Fire Department has been awarded RSAF grant funds to purchase four (4) Lucas 3 chest compression devices. The Lucas 3 chest compression devices will replace current in-service devices which have exceeded the manufacturer’s recommended useful life. The grant requires a local match. The Fire Department applied for these funds under a Hardship Request, which would have required the locality to pay 20 percent and RSAF would have paid 80 percent. However, the RSAF funds were awarded with a required 50 percent match. One Lucas 3 chest compression device cost \$14,896.50. With a total cost of \$59,586, the required local match is \$29,793. The match will be funded from the FY 2021 General Fund Fire Department budget.

As chair of the Finance Committee, Councilmember Helgeson stated that he was in favor of this resolution, stating the importance of providing the needed equipment to our first responders, and made the motion to approve the resolution. The motion to approve Resolution #R-20-066 passed by the following vote:

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

Noes: 0

// In the matter of the Police Department, Agenda Item #23, Council considered adopting a resolution amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$360,431 with resources of

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\$250,000 from the 2020 US Department of Justice, Office of Community Oriented Policing Services (COPS) Hiring Program, and the 30.6389% required local cash match of \$110,431. Police Chief Ryan Zuidema provided a brief summary of the request. The Lynchburg Police Department (LPD) is eligible for \$250,000 from the US Department of Justice COPS Hiring Program 36-month grant. This grant requires a 30.6386% local match totaling \$110,431. The total grant cost over three years will be \$360,431. The City must assume a progressively larger share of the cost of the award with local funds over the three-year period as part of the local cash match requirement. The breakdown of the \$110,431 local match is as follows: year one: 25% (\$27,608), year two: 33% (\$36,442) and year three: 42% (\$46,381). This grant covers a 36-month period and requires that the two officers hired using the grant funds continue employment for a minimum of 12 months after the grant period ends. This grant pays for the salaries and benefits of these officers. The LPD will use this funding to hire two officers, which will increase our allocated sworn staffing from 174 to 176. The focus of this grant is violent crime. We requested seven officers to create a full time Special Investigations Response Team (SIRT); however, we were awarded two officers, and are not able to create that team with the addition of only two positions. The stipulations of the grant still will require these new positions to focus on violent crime, so we will assign these two officers to the LPD's Investigations Bureau. The first detective will focus on investigating violent crimes. This detective will work closely with other units inside the department to develop leads, conduct interviews with victims and witnesses, and ultimately arrest violent offenders. The second detective will focus on intelligence monitoring and violent crime data review. We will also use this position to focus on unsolved cases involving violent crime. Both detectives will work closely with our state and federal partners when needed as well as during high profile and interstate cases to make arrests and keep our community safe.

As chair of the Finance Committee, Councilmember Helgeson stated that he was in favor of this resolution stating that he is glad that some of the staffing needs will be addressed with this grant. He made the motion to approve Resolution #R-20-067, which passed by the following vote:

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

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// In the matter of Committees, Agenda Item #24, Council reviewed and approved the guidelines for the operation of City Council's Physical Development Committee (PDC). Ms. Gaynelle Hart provided staff with a brief summary of the request. The PDC reviews the guidelines every two years to ensure the committee is organized for a high degree of effectiveness and efficiency. City staff recommends a few minor changes.

As chair of the Physical Development Committee, Councilmember Tweedy stated she was in favor of made the motion to approve the guidelines. Council, by the recorded vote approved the request:

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Council Member Wilder, Council, by the following recorded vote elected to hold a closed meeting to discuss the appointment of a Clerk of Council, pursuant to Section 2.2-3711 (A)(1) of the Code of Virginia, 1950, as amended:

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

Noes: 0

// The meeting was re-opened 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

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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, Tweedy, Wilder, Faraldi 7

Noes: 0

// The meeting was adjourned at 10:30 p.m.

Interim Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of September, 2020, at 3:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. 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

// Mayor Dolan commenced the meeting by stating that according to City Council's rules and procedures, the 3:00 p.m. work session item did not constitute as a special called meeting since business was being transacted during a regularly scheduled Council meeting date.

In the matter of Agenda Item #1, Council considered conducting a closed session for the purpose of interviewing a candidate for the position of Clerk of Council, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended. Councilmember Helgeson made the motion to go into closed session, seconded by Vice Mayor Wright. Council, by the following recorded vote, approved the motion:

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

// The meeting was re-opened 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 Faraldi, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

// The meeting of the Council of the City of Lynchburg, recessed from the closed session, reconvened 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 S. Helgeson, J. Randy Nelson,

Treney Tweedy, Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Agenda Item #2, City Council received a presentation from City Attorney, Walter Erwin, on the Freedom of Information Act. One of the new requirements that went into the act effective July 1, 2020 is training for public officials is now required and needs to be completed before the end of the year. This training will cover that requirement and will be certified with the Clerk of Council upon completion.

Mr. Erwin continued that the purpose of the act is to ensure that government meetings and records are available to the public and the act tries to strike a balance between the public's right to know and the need of public officials to keep certain information confidential. The reason we have the FOIA is there is no constitutional right for citizens to attend meeting or obtain records. Public officials have a duty to familiarize themselves with the act. The law requires that when someone becomes a member of the

public body, they have to get a copy of the freedom of information act. The FOIA has two parts; the first dealing with public meetings, the second dealing with public records.

Public meetings: the act says that any gathering of two or more public officials to discuss public business is a public meeting. The public is entitled to be given notice of the meeting and to attend those meetings. The act is so broad it covers committees and subcommittees of the public body, i.e. Council's Finance Committee and Physical Development Committee. The act states that not just official meetings are open to the public, but work sessions and retreats where the governing body is going to discuss public business, qualifies as a public meeting. The act has been clarified to elaborate on electronic communication. Anytime the body communicates in a simultaneous manner, i.e. a chat room that would constitute a public meeting. Mr. Erwin clarified that it's certainly okay to send members emails or text messages, however, if everyone is online communicating together then that's a public meeting. It is the simultaneous exchange that is key. Social events such as prayer, breakfast, parties, and community events, are not public meetings. Staff meetings are not subject to FOIA, for example the City's Technical Review Committee is not a public meeting because that group consists of staff only.

Electronic meetings: the FOIA doesn't allow the governing body to hold electronic meetings. The only way it's possible if the governor declares an emergency and that emergency prevents Council from getting together. If that is the case, then Council can hold an electronic meeting to discuss that emergency but they can't hold an electronic meeting to discuss any regular matters i.e. approving the budget, or acting on a zoning petition. The way we have been able to do that the past couple of months is public bodies around the state have adopted a Continuity of Government ordinance that says in times of an emergency it can allow the governing bodies to conduct business. In addition, the governor put provision in his budget amendment in April authorizing local governments to hold electronic meetings to limit the spread of COVID-19.

Notice of meetings: public meetings have to be posted 3-days in advance, but there are no requirements it has to be run in a newspaper. In regards to a special called meeting, the notice that has to be given is the notice that is practical under the circumstances. City Council has addressed the emergency meeting in its revisions to the rules and procedure.

Other requirements: the public has to be able to attend and to be able to record the meetings. The public body is not required to record meetings or make audio, only required to make minutes. If you do decide to make recordings then those are subject to disclosure. Agendas have to be sent out to the news media and the public at the same time they are sent to Council. Once the body comes together, there is nothing in the act that prohibits the governing body from taking up other items that are not listed on the agenda. If the governing body decides there are pressing issues that need to be addressed, then the governing body can bring those up anytime it gets together for that meeting.

Public's right to speak: FOIA does not require that citizens speak at a meeting. They can attend and observe, but there are no requirements that they be allowed to speak. This year, the general assembly did amend the law to say that at least quarterly, the governing body has to allow citizens to speak at its public meetings. Lynchburg's rules and procedures comply with that because we allow citizens to speak at any meeting in which they ask to be placed on the agenda.

Closed meetings: have to state the purpose, cite the section of the code that authorizes the meeting, and at the end of the meeting, you have to come out and certify that you only talked about the issues that were covered in the motion. Governing body can allow third parties into the closed session if their expertise is needed. During the closed meeting, members can take a strong poll, but cannot record an official vote. If Council is discussing an issue that requires action, the body will have to come out of the closed meeting and then actually vote. Minutes of closed meetings are not required.

Public records: everything qualifies as a public record. Paper records, emails, text messages, databases, pictures, and audiotapes all qualify and are subject to disclosure. Personal records can be kept confidential. As public officials, it's everyone's responsibility to respond to FOIA requests. We cannot require a request in writing. Drafts are subject to disclosure. Can't ask why they want the records.

What do you do when you get a request? In 5-days, one of the following must be done: let the requestor know we don't have the records, provide the records, or decline to provide the records if it falls within one of the exemptions, but have to cite the section of FOIA that makes it exempt. Or, if the request is for a large number of documents or records that have been sent up to the attic and you'll have to hunt

and search for them you can tell the citizen that it is not practically possible to respond to your request within 5 work days, at which time you can request an additional 7 work days to provide the records. The act doesn't require you to make records that don't exist, summarize records, or answer questions regarding the request. The act does not require you to comply with a future request. For instance, if there is a report that's not available now, and someone says I'm requesting a copy for the future you don't have to honor that ongoing request. Under FOIA, you can charge for the request, but you can't generate revenue from it. If the request will cost more than \$200, you can require the citizen to provide you with the payment before you go through the time and expense of producing them.

Exemptions: legal advice and memos of the local government attorney are confidential and correspondence and working papers of the city manager are confidential. Library records, utility and customer account information, and criminal records from the police department are records that can be kept confidential. If you're responding to a request you have to cite the section of the FOIA that makes the records confidential. FOIA doesn't require you to keep records confidential; it only states that you can keep records confidential. If a public official knowingly violates the act, the public official has to pay fines from personal funds. Virginia Public Records Act gives the VA state library the authority to develop record retention schedules that say how long the records must be kept and how to destroy those records.

Mayor Dolan asked if there any restrictions of the information obtained from a FOIA are can the requestor do as they please. Mr. Erwin confirmed that citizens can use the information obtained in a FOIA request in any way they want.

// In the matter of Agenda Item #3, Dr. Reid Wodicka, Acting City Manager, gave a presentation on the Lynchburg Plan, a multi-year strategic vision that aims to connect the organization's daily operations and initiatives to an overarching goal. The first iteration has served to de-silo the organization through departmental collaboration. This is a holistic and thoughtful approach that pulls resources together to achieve the community's goals and to move the organization towards a strategic management model.

Dr. Wodicka explained how the organization's departments were paired together to enhance collaboration. The Collaborative for Livable Lynchburg consists of the departments that deal with the built

environment and the infrastructure that we have. Those departments include: Airport, Economic Development & Tourism, Community Development, Public Works, and Parking Management. The Collaborative for Building Human Capital deals with the people that live in our community. Those departments are: Parks and Recreation, Human Services, Police, Schools, and Library. Collaborative for Resiliency is comprised of Emergency Services, Fire, and Water Resources. When disaster strikes, this collaborative ensures the organization has the ability to recover and respond. The Organizational Support Collaborative provides support to those direct service delivery functions, and is made up of the following departments: City Manager's Office, City Assessor, Center for Community Engagement, Financial Services, Information Technology, Human Resources, Fleet Services, and City Attorney's Office.

We came up with four major priority areas that we developed as a team. The first priority is the City's growing and redeveloping economy. It is important for our community that we have a thriving, for-profit private sector economy. Our responsibility is to create an environment that makes it easier for the private sector to do that work. The second priority is to have exceptional neighborhoods and strong families are important to a thriving city. We need a safe environment, and we need service deliveries to every neighborhood to make them positive and beautiful. The third priority is to be a resilient, agile, and innovative organization, meaning we have to be a great employer. The last item we talked about but didn't make into the plan was the City's Public Schools. There is currently ongoing work being conducted by the Schools Task Force, so this initiative was taken out of the plan, but the work being done is very important.

When Council adopted the Lynchburg Plan, staff said we would provide a semi-annual update on where we are with those different initiatives. The original date for the update was supposed to be in July, but due to the public health emergency and pressing matters, the update was pushed back to September. Dr. Wodicka continued, giving an overview of the FY 2020 initiative statistics. There are 23 total initiatives for FY 2020. Of those, 17 are on schedule, 4 are behind schedule due to the public health emergency, and 2 have been deferred to a subsequent year. Several initiatives have been added or revised to address COVID-19 concerns and issues of diversity, equity, and inclusion.

Dr. Wodicka stated that there are a few tasks needed to fulfill The Lynchburg Plan's goals for this year. They are to build a dashboard tracking community outcomes metrics and to develop a plan to create the second iteration of The Lynchburg Plan.

Councilmember Faraldi inquired as to how the police department staffing issues, outlined in the August 11th Council meeting, are addressed in The Lynchburg Plan. Dr. Wodicka referenced an initiative in FY 2021 that looks at how to right-size all of public safety staffing, stating that this will be a key focus and will take a lot of resources from finance, human resources, and a service delivery aspect.

Vice Mayor Wright wanted clarification on affordable housing. Dr. Wodicka explained that we are expanding the housing collaborative and the next step will be to take the affordable housing white paper and say what in the paper makes sense at an affordable housing standpoint, and also a larger perspective like social capital development and wraparound services.

Councilmember Tweedy asked if there are workforce partners that need to be pulled in to address workforce development in The Lynchburg Plan. She also asked what data going forward would need to be made accessible to address workforce development. Dr. Wodicka stated that we need to identify who those workforce partners are and build a collaborative, much like the housing collaborative, to more closely align the City's work to be complimentary of those groups. Labor force participation rate has traditionally been quite low for the city. A factor playing into that number may be the percentage of college students in our area, but regardless, that number needs to be increased. Another component is citizens that don't have the workforce skills that meet our area's industrial need. So we need to make those connections, not just with the agencies but with the employers. A tremendously important part of that is the school system and making sure our vocational programs are consistent with the needs of the industries that are here.

// In the matter of Budget, Agenda Item #4, Ms. Donna Witt, Chief Financial Officer, reviewed the final revenue collections for FY 2020 in the key revenue sources: Net Real Property, Net Personal Property, Net Business License Tax, Motor Vehicle Licenses, Local Sales and Use Tax, Meals Tax, Lodging Tax, and Amusement Tax. Originally, staff reduced the FY 2020 budget by 5 million. Within these sources

alone, we are 4.3 million above of what we projected in our revised numbers for FY 2020. Ms. Witt attributed this to departments doing their part by following the spending and hiring freeze.

First report of FY 2021 did not include the final July numbers; revenue collections are still coming in. Sales and Use Tax are strong for July probably due in part of the Wayfair Act and the local stores are doing really well. Meals Tax is trending upward as restaurants continue to open up. Lodging Tax is trending upward; however, Ms. Witt noted that college graduations originally scheduled for September have now been canceled. Amusement Tax is down; however, this is not usually a huge revenue source.

Ms. Witt continued her presentation to discuss the utility accounts that are subject to disconnect. The total number of accounts past due are 1,085 totaling in a loss of \$208,132 across the Water, Sewer, and Stormwater funds. Out of these delinquent accounts, 594 are past due with a balance of \$100.00 or more, totaling in \$178,233 loss in funds. Only eleven customers sought out financial assistance from Interfaith Outreach, one of the three organizations that received CDBG-COVID funds to assist with utility accounts. Ms. Witt touched on how many funds were available for community support; \$285,000 total CDBG-COVID funds and \$200,000 CARES funds.

// In the matter of Roll Call, Agenda Item #5, Councilmember Faraldi mentioned that he had a constituent reach out to him in regards to speed enforcement and would send the details to Acting City Manager Reid Wodicka for follow-up. Councilmember Wilder commented on the successful ribbon cutting ceremony for the Riverside Park Overlook, explaining that this project helps further the quality of life for our citizens. Councilmembers Tweedy and Nelson had no items. Councilmember Helgeson asked staff to look into streaming the Economic Development Authority meetings, in the spirit of transparency, especially given the FOIA training just received. Vice Mayor Wright also commented on the successful ribbon cutting and mentioned the Change for Change parking meters initiative happening within the City. Mayor Dolan read the following statement regarding the small business grant program, "The first round of applications for the City of Lynchburg CARES Business Recovery Program closed today. A second round of applications will reopen on Friday, September 11 and close on Friday, September 25. Eligibility requirements have been updated to include all businesses that were previously eligible, as well as businesses with at least \$50,000 in annual gross revenue, essential retail businesses and nonprofit organizations. All applications

will have to demonstrate financial impact due to COVID-19 and meet all other eligibility criteria. The program is administered by the Office of Economic Development & Tourism and the Economic Development Authority. All information is available at www.opportunitylynchburg.com/CARES.” She also thanked staff for the ribbon cutting ceremony at Riverside Park Overlook, and also urged citizens to wear facemasks when in public.

// The meeting recessed at 5:30 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, Trenay Tweedy, Chris Faraldi	7
Absent:	0

Councilmember Tweedy gave the invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Agenda Item #s 6 - 7, Council considered adopting the minutes from the August 11, 2020 Meeting and the August 19, 2020 Special Meeting, respectively. Minutes had been previously furnished for Council’s review.

In the matter of Agenda Item #s 8 – 9, Resolutions #R-20-066 and #R-20-067 received a second reading. Councilmember Helgeson made the motion to approve the Consent Agenda, seconded by Councilmember Wilder. Council, by the following recorded vote, approved the Consent Agenda items:

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

Councilmember Faraldi stated that Citizen Andrew Glover reached out to him as his Ward representative after the cutoff time to speak during Public Comment. The citizen explained that the matter was time sensitive and requested Councilmember Faraldi make the motion to be added to the agenda. Per Council’s rules and procedures, a majority of Council needs to be in favor of this motion. Councilmember Wilder stated that he would not be voting in favor of this motion because it would be

setting the precedent that the rules and procedures do not need to be followed. Councilmember Helgeson clarified that this item would be placed under General Business of the agenda. Councilmember Nelson seconded the motion which was approved by the following recorded vote:

Ayes: Dolan, Wright, Helgeson, Nelson, Faraldi 5

Noes: Tweedy, Wilder 2

Councilmember Tweedy made the motion to eliminate the timeframe for citizens to request to be put on the agenda from the rules and procedures. Councilmember Wilder seconded the motion. Council, by the following recorded vote, denied the motion:

Ayes: Tweedy, Wilder 2

Noes: Dolan, Wright, Helgeson, Nelson, Faraldi 5

Councilmember Tweedy asked staff to include a look at Council's rules and procedures at its next retreat.

// In the matter of Community Development, Agenda Item #10, a public hearing was held in order to adopt an ordinance approving the petition of Fleetwood Drive Properties, LLC to vacate a portion of the Fleetwood Drive right-of-way for a single-household residential subdivision. Ms. Victoria Glasgow, Planner I, provided Council with a brief summary of the request. The total area of the proposed vacation is approximately twenty-seven hundredths (0.27) of an acre. The area to be vacated includes a paved residential driveway. The vacation would not impact vehicle or pedestrian access along Fleetwood Drive. Based on the zoning of the adjacent lots and property frontage, the value of the property is anticipated to range from \$2,011 to \$5,782. The petition was reviewed by the City's Technical Review Committee on June 30th, and by the Physical Development Committee who recommended approval on August 11th.

Mr. Trent Warner with Hurt & Proffitt, the firm hired by the developers to construct the subdivision design, was in attendance and made a quick presentation explaining that essentially vacating the old right-of-way to make a new right-of-way that makes sense. The process of the new right-of-way is in

progress. There was no one at the meeting to speak in favor, or opposition, either in person or via phone or email, so the public hearing was closed and the matter rest with Council.

As Chair of the Physical Development Committee, Councilmember Tweedy made the motion to approve the petition and there was no second needed. Council, by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Community Development, Agenda Item #11, Council considered a Conditional Use Permit (CUP) to Jay Gurvdev, LLC. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. Jay Gurvdev, LLC is petitioning for a CUP at 1902 Old Forest Road to allow the construction of a twelve (12) unit apartment building and associated parking in a B-3, Community Business District. When originally submitted, this petition requested sixteen (16) dwelling units. The Planning Commission vote on the petition resulted in a tie, which according to the group’s bylaws, means the motion failed. Therefore, the petition has a recommendation for “denial.” After the Planning Commission meeting, the petitioner revised the concept plan to show a maximum of twelve (12) units, instead of the sixteen (16) units originally proposed. The petitioner voluntarily reduced the number of units to alleviate concerns over the density and amount of proposed parking, which were discussed at the Planning Commission meeting. The City’s engineering department has identified this area as a high crash site.

Mr. Jamey White of White Engineering and Design, a representative of Mr. Patel who owns the property, was in attendance to make a presentation. Mr. White explained that the owner believes that due to the close proximity of the building to University of Lynchburg, the dwelling would most appropriately be used for apartments.

There was no one to speak in favor. Mr. Steven Driskill, a resident of Old Forest Road spoke in opposition explaining that an apartment complex would not be keeping in fashion with the current dwellings already established in the area. Mr. Terry Jamerson, representative of the Marine Corps

League #759, Lynchburg Area Detachment, also spoke in opposition of the project citing the dangers of increased traffic and improper stormwater drainage as the reasons. Mr. White gave a rebuttal stating that they will be meeting the Department of Environmental Quality guidelines for stormwater discharge and that drainage shouldn't be an issue. The public hearing was closed and the matter rested with Council for discussion.

Councilmember Helgeson made a motion for denial based on the input received from citizens and the fact that the zoning is for businesses and not for residential. Councilmember Faraldi stated that as the representative for Ward IV, he spoke with multiple residents in the area to learn of their input. He does not see how an apartment complex would fit with the area, and coupled with the fact that the Planning Commission recommended denial of the CUP, Councilmember Faraldi seconded the motion.

Councilmember Wilder stated that he would be voting in favor of denial of the CUP due to the traffic congestion. He asked that staff continue with the traffic study in that area. Vice Mayor Wright mentioned that we need more housing in the community, especially student housing, however, he cannot support the approval of the CUP due to the fact that there is not sufficient parking, and the intersection is already really dangerous in this area. Mayor Dolan shared that she would not be able to support the CUP because the zoning is in opposition of the area, the apartment complex would change the character of the already established neighborhood, and the traffic congestion would be too dangerous.

Since the motion was to deny the petition, a 'yes' vote would indicate being in favor of denying. Council, by the following recorded vote, denied the approval of the petition:

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

Noes: Nelson 1

// In the matter of the City Attorney's Office, Agenda Item #12, a public hearing was held and Council consider adopting a resolution granting Cellco Partnership, d/b/a Verizon Wireless, a nonexclusive interim license to install and operate 4G small cell facilities in the public rights of way throughout the City. Mr. Walter Erwin, City Attorney, provided Council with a brief summary. Cellco Partnership, d/b/a Verizon Wireless, has requested that the City grant it a nonexclusive interim license to install and operate 4G

small cell facilities in the public rights of way throughout the City. Verizon Wireless has submitted plans to install and operate five 4G small cell facilities within the City that will add wireless network capacity to serve Lynchburg’s residents and businesses. In addition to the five 4G small cell facilities that are currently underway, Verizon Wireless will be installing and operating additional 4G small cell facilities in the future. The 4G small cell facilities will be installed and operated in accordance with the provisions of the City’s micro-wireless and small cell facilities ordinance as set forth in Sections 35-28 through 35-28.6 of the Lynchburg City Code.

There was no one in attendance to make a presentation, or to speak in neither favor nor opposition either in person or by phone or email. The public hearing closed and the matter rested with Council. Councilmember Wilder made the motion to approve the resolution stating that this is a standard agreement, seconded by Councilmember Faraldi. There was no further discussion from Council, so the following vote was recorded:

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

// In the matter of Finance, Agenda Item #13, Council discussed the FY 2020 Fourth Quarter and FY 2021 First Quarter Adjustments. Ms. Donna Witt, Chief Financial Officer, provided Council with a brief summary of the request. The first resolution will amend the FY 2020 Operating Budget appropriating funds to reflect the FY 2020 Fourth Quarter Adjustments. The Children’s Services Act Fund is amended to reflect the FY 2020 Fourth Quarter Adjustments. Vice Mayor Wright made the motion to approve the resolution as-is, seconded by Councilmember Wilder. There was no discussion from Council and the resolution #R-20-069 was approved by the following recorded vote:

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

The second resolution will amend the FY 2021 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2021 First Quarter Adjustments. The General, City/Federal/State Aid,

Forfeited Assets, Technology, Fleet as well as the City Capital Projects and Schools Capital Projects Fund are amended to reflect the FY 2021 First Quarter Adjustments. Councilmember Wilder made the motion to approve the resolution as-is, seconded by Vice Mayor Wright. There was no discussion from Council and the resolution #R-20-070 was approved by the following recorded vote:

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

Noes: 0

The third resolution will state that FY 2021 General Fund Non-Departmental Poverty Initiative funds may only be spent upon approval by a majority vote of City Council. Additional Poverty Initiative funds were not adopted in FY 2021. However, with the approval to carry forward the remaining balance Council will need to approve the resolution for the funds to only be spent with the majority vote of City Council. Councilmember Helgeson made the motion to approve the resolution as-is, seconded by Councilmember Wilder. There was no discussion from Council and the resolution #R-20-071 was approved by the following recorded vote:

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

Noes: 0

// In the matter of City Code, Agenda Item #14, Council considered adopting an ordinance to amend and reenact sections 7-1, 7-7, 7-49, 7-50, 7-52, 7-55, 7-56, 7-57, 7-58, 7-98, and 7-113 of Chapter 7 of the Code of the City of Lynchburg, 1981, the amended sections relating to the issuance of dog licenses and the city's animal control ordinances. Ms. Witt presented Council with a summary of the request. State Code now allows the issuance of a lifetime dog license. For a proposed fee of \$15, an owner of a dog that is at least four months old or older, who resides in city limits, and keeps the dog's rabies vaccination current, may apply to the city and receive a lifetime dog license. The license will automatically become void if the dog's rabies vaccination is not current and/or the owner of the dog no longer resides within city limits. Issuance of a lifetime dog license will be less burdensome for the pet owner and is projected to have minimal impact on the \$8,000 adopted for Animal License Fees revenue. In addition to providing for

a lifetime dog license, the ordinance also amends several sections of the City's animal control ordinances so the City's ordinances will be consistent with changes to the State Code and City policies.

Vice Mayor Wright asked for clarification on where the \$15 fee came from. Ms. Witt explained that staff polled other localities to see what they charged to come up with a fair fee.

Councilmember Helgeson commented that he liked the concept of lifetime fees because they are less burdensome for the owner. He would like to see other lifetime licenses, for example a lifetime concealed weapon permit. Mr. Erwin stated that the reason the City is able to offer this option is because the General Assembly amended the State Code to give local governments the option for lifetime dog permit.

Mayor Dolan asked if we are asking citizens to self-report when the rabies vaccines are updated. Mr. Erwin explained that several years ago, the General Assembly amended the State Code to require veterinarians to submit those records to the City.

Councilmember Wilder made the motion to approve the ordinance as-is, seconded by Councilmember Wright. There was no further discussion from Council and the ordinance #O-20-021 was approved by the following recorded vote:

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

Noes: 0

// In the matter of Budget, Agenda Item #15, Council conducted a second reading of Resolution #R-20-063 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$7,168,841 with resources from the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 to fund public health and safety, continuity of operations, and business and community support initiatives related to the Coronavirus Disease 2019 (COVID-19).

Vice Mayor Wright stated that he would be voting in favor of this resolution and that his opposition vote from the August 11th meeting was regarding the ordinance #O-20-019 that is tied to this resolution. Councilmember Nelson made the motion to approve the request, seconded by Councilmember Wilder.

There was no further discussion and Council, by the following recorded vote, approved resolution #R-20-063:

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

Noes: 0

// In the matter of an item not on the agenda, Citizen Andrew Glover from the group Conservative Parents of Lynchburg, comprised of over 100 families, spoke about the August 3, 2020 press conference held to discuss the local COVID-19 cases. He stated that his concern was that the press conference was held to manipulate parents and allow the school board to justify their actions of not reopening schools for face-to-face options. He also stated that not having a face-to-face option is hurting the most at-risk children. Mr. Glover asked City Council to urge the Lynchburg City School Board to consider giving parents an option to allow face-to-face learning.

// In the matter of Agenda Item #16, Councilmember Wilder made the motion, seconded by Councilmember Faraldi, to discuss the appointment of an Interim City Manager and to discuss the appointments typically held by the position of the City Manager to the following Boards and Commissions (GLTC, PDC, TPC, BRJA, LRBA, Airport), pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended. Council, by the following recorded vote approved the motion:

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

Noes: 0

// The meeting was re-opened 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 Nelson, and Council, by the following recorded vote, adopted the motion:

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

Lynchburg Regional Airport Authority: Reid A. Wodicka – indefinite term beginning September 8, 2020.

Blue Ridge Regional Jail Authority: Reid A. Wodicka, in his capacity as Interim City Manager – indefinite term beginning September 8, 2020.

Transportation Planning Organization: Reid A. Wodicka, in his capacity as Interim City Manager – indefinite term beginning September 8, 2020.

Central Virginia Planning District Commission: Reid A. Wodicka, in his capacity as Interim City Manager – indefinite term beginning September 8, 2020.

Transit Company Board of Directors: John H. Hughes, IV – for a new term expiring October 31, 2023

Lynchburg Regional Business Alliance Board: Reid A. Wodicka, in his capacity as Interim City Manager – indefinite term beginning September 8, 2020.

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

Noes: 0

// The meeting was adjourned at 10:30 p.m.

September 8, 2020

AGENDA ITEM #: 7

Interim Clerk of Council

September 8, 2020

AGENDA ITEM #: 7

September 22, 2020

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of September, 2020, 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 S. Helgeson, J. Randy Nelson, Treney Tweedy

Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of the Fire Department, Agenda Item #1, Fire Chief Greg Wormser updated Council on the Community Risk Assessment-Standard of Cover. This was first brought to Council's attention in September of 2019, and as a commitment to transparency, it was decided that a subsequent update will be given annually. The CRA-SOC not only looks at how the department responds to calls from a service delivery perspective, but evaluates the system by measuring against baselines and benchmarks which include fire station locations, community demographics, call types, and response times. The CRA-SOC is used as a playbook for continuous improvement of service delivery through validation, identifies trends which assists with future planning, and helps constantly own what the department does through data driven assessment. Councilmember Helgeson asked Chief Wormser to clarify the difference between a benchmark and a baseline. A benchmark is the ideal goal for what the department is trying to achieve while a baseline is the actual response data from the department. Councilmember Nelson asked Chief Wormser to clarify the definition of call processing. Chief Wormser explained that call processing time is when the call is first picked up at the Department of Emergency Services and ends when the dispatcher hangs up. So, a lot of times even though Fire or EMS will be dispatched at some point within the duration of the call, the call processing time doesn't reflect that and only captures the dispatcher call length. Another data point that skews the call processing time is when a call comes in from a cell phone; dispatchers have to glean more information like the physical address from the caller because that does not populate from a cell phone. Councilmember Nelson also asked for clarification on turnout time and travel time. Chief Wormser explained that turnout time starts when the first tone hits the station, and ends when the first unit to mark in route. When the first unit marks en route, that starts the travel time.

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Councilmember Helgeson stated that call processing time should not be a benchmark that the department tries to blindly attain because dispatchers are offering lifesaving information during the call and aiming for this benchmark most times might not be a good thing.

Chief Wormser continued stating that the Fire Department is providing an incredibly prompt, skilled, and efficient service. Call volume continues to trend up but response times are improving slightly, or are flat as compared to benchmarks, and service delivery outcomes remain strong.

Chief Wormser reviewed the EMS and Fire response statistics by Ward and the top census tract growth over the last three years. He noted that the increase in responses to particularly Ward II and Ward IV, are indicative to these areas thriving. As the representative of Ward IV, Councilmember Faraldi wanted to know how getting a new medic unit would help combat these rising numbers in the southern end of the City. Chief Wormser explained that a new medic unit would decrease the call response time. Medic 1 spends 21% of their time in Station 8 territory, which is the furthest distance away. Think of response to calls as spokes on a wheel and units are driving into the calls wherever the call is originated. As units are displaced and calls are continuing to come in, having that extra medic unit gives the ability to answer calls in a much more expeditious manner. Councilmember Faraldi reiterated that this additional medic unit has to be a priority for Council. Councilmember Helgeson echoed Councilmember Faraldi's sentiments.

Councilmember Wilder asked about the growth in the Timberlake/Wards Road area and wanted to know if at some point Council should consider the addition of another fire station for that area. Chief Wormser said that's something that we are definitely considering in our CIP. Interim City Manager, Dr. Reid Wodicka explained that staff is also looking at the current placement of fire stations and could they be placed in a more appropriate location. Councilmember Tweedy thanked the fire department for their work and stated that she appreciates the services that they provide, and feels the citizens pay a tax rate that supports the services that we expect of our City.

Dr. Wodicka mentioned to Council that when discussion of the sixth medic unit was first presented to Council in the budget process last year, staff told Council that they would bring a

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recommendation for consideration in October. However, staff would feel more comfortable addressing this at the first meeting in November so that they will have a whole quarter of revenues to assess. He reiterated that this is one of the top priorities of staff. Councilmember Wilder asked how much is needed in order to fund this additional medic unit. Dr. Wodicka explained that for a full year, the figure is about \$550,000 and that staff has set aside \$190,000 for the medic unit. He also noted that it will take some time before the staffing is in place so that we can staff it in a way that is meaningful. This medic unit is a key priority and he appreciates everyone's continued support in its acquisition.

// In the matter of Community Development - Planning, Agenda Item #2, Mr. Tom Martin, City Planner, reviewed the current requirements of the B-1, Limited Business Zoning District and other business districts such as B-3 and B-5. Staff have proposed recommendations to amend the B-1, Limited Business District zoning. The comprehensive plan was originally developed in 2013 and recognizes two distinct facts; the need to make efficient use of limited land resources, and the City's growing population. Lynchburg has a land area of 50 square miles and the acquisition of developable land is very unlikely. As such, the majority of the growth within the City is infill development or the rehabilitation of older structures. The comprehensive plan does recommend policies to provide for accessory dwellings, density bonuses, and mixed use development. The effort was to provide for the growing population without having to increase the densities in the underlying residential districts. Since there is a limited amount of land, the intent of the comprehensive plan and zoning ordinance was to have an efficient use of land by mixing the uses together. If this was not done, there would have to be an increase to the densities in the lowest density neighborhoods to provide for the growth.

As a result of concerns previously expressed by the Richland Hills Neighborhood Association for a development at 7051 Timberlake Road, City Council requested that staff provide an overview of the B-1 Limited Business District Zoning and how that is allowing this type of development to occur. The development that is being proposed is Logan's Landing Phase II; it is 7.6 acres, it is zoned primarily B-1 but the development does have a small strip of B-3 along Timberlake Road. This is comprised of 123 apartments, 17 commercial units, 189,332 square feet between four buildings, 259 parking spaces, a

pool, and a pool house. This is a very large development being proposed adjacent to a very well established single neighborhood development.

Mr. Martin continued, stating that the B-1 District purpose is to provide for office, retail, restaurant, and service uses compatible with nearby residential areas. The development should be in scale with adjacent neighborhood developments and should have pedestrian-oriented designs, generate moderate levels of traffic, and provide a transition from retail districts and heavily traveled thoroughfares to residential areas. The development at 2472 – 2496 Rivermont Avenue is an example of the intent of B-1 District purpose. When Council adopted the zoning ordinance in 2016, staff were aware that some aspects of this ordinance would need to eventually be modified.

Vice Mayor Wright asked for clarification on how adopting these changes would affect the applications currently in process. His concern is that Logan's Landing Phase II does not comply with the new zoning ordinance. Mr. Martin stated that he verified with the City Attorney; unfortunately, since this particular development was submitted under the zoning ordinance the way it exists, the project would still be allowed to proceed. Vice Mayor Wright stated that assuming the developer meets the standards for the current district, Richland Hills Neighborhood cannot expect any kind of relief from this application if this developer decides to move forward. Councilmember Helgeson stated that when the zoning ordinance was rewritten, the unintended consequences were not thought through. He stated that he would support changing the zoning ordinance in making these amendments.

Councilmember Faraldi stated that through discussions with the Richland Hills Association, it's more how the product has been presented to the community. He commented on the lack of outreach from the developer to the community and their total disregard to being a community partner. He further stated that this is not proper use for this land, it is wrong to the community and to the area, and is dismayed that Council cannot do anything from this proceeding.

Councilmember Nelson voiced several procedural concerns. The applicant is vested; they have submitted their site plan and specifications. He posed the question, if the developer were to modify some portion of those plans, would that be considered a new application and therefore not giving the developer

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the opportunity to say they are vested under the old ordinance, or would that put them into a new time scale? Mr. Martin stated that he'd like to gain the City Attorney's opinion, but would get back to Council.

Councilmember Tweedy disclosed that she is resident of Richland Hills but not a member of the association, but is supportive of the recommendations of staff. She expressed her appreciation to the association in the work they put into this and the way they've worked with staff.

Vice Mayor Wright indicated that this is a real testament to how government should work. Neighbors organize, they bring their concerns to staff, and the staff spends time working with them to understand their concerns and then bring them to Council. He wanted to commend everyone involved, further stating that it is wonderful that our government is working this way and is responsive to the community concerns. Unfortunately, it sounds like this development will be moving forward.

Councilmember Faraldi asked Mr. Martin what the next steps Council needs to take in order to move this forward. Mr. Martin explain that he would need a motion telling staff to go forward and amend the ordinance related to mixed use developments and the business districts. Councilmember Faraldi made the motion, seconded by Councilmember Helgeson. Councilmember Helgeson asked Mr. Martin to clarify the next steps. Mr. Martin explained that this will go to the Planning Commission then back to Council for consideration. He expressed his understanding of Council's concern to move forward as quickly as possible, and will accelerate this accordingly. Councilmember Helgeson asked Mr. Martin to clarify with the City Attorney that the developer has the vested right unless they make substantial changes to the application. Council, by the following recorded vote passed the motion:

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

Noes: 0

// In the matter of Lynchburg City Schools, Agenda Item #3, City Council received an update on the Return to Learn Plan. Dr. Wodicka, prefaced this item stating that Council had previously asked to receive an update on the Lynchburg City Schools (LCS) Return to Learn Plan. While it is really critical that Council have an update on this plan, it is constitutionally vested in the school board to make decisions on

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operations for the schools. He further explained that it is really important for Council to have an understanding of what's happening with LCS because the City provides funding to the schools.

Dr. James Coleman, Chair of the Lynchburg City School Board, gave opening remarks, telling Council that his fellow board members are a team and are very dedicated individuals who seek to stay out of the political process and do what is best for the children. Lynchburg City Schools are presenting to Council as an act of courtesy for continued community collaboration and working with the community to make sure everyone understands the work that the school board and the superintendent continue to do for the students. Dr. Coleman introduced Superintendent Dr. Crystal Edwards.

Dr. Edwards thanked Council for their support and gave a brief presentation on the stepwise approach LCS has taken since the beginning of pandemic. She stated that the education of students as well as the safety of all children, parents, staff, caregivers, and community partners, has been a top priority for LCS. She reassured Council that she talks to the universities, Centra Health, and the Virginia Department of Health regularly in regards to how the pandemic is affecting the community in order for LCS to make the best decisions.

Dr. Edwards continued stating that the schools had reopened months ago and staff have been working ever since. The goal from the beginning was to get back to in-person learning in a way that is safe and secure for everybody. LCS adopted the theme, "Lead with Care". Dr. Edwards reiterated that the information around the pandemic is constantly changing as more data becomes available, and as such, their planning is constantly changing. She also reiterated that they have been planning for in-person learning for a lot of the vulnerable kids, such as special needs and the English-language learner population right away, stating that they had been in-person since September 8th. The next round of students coming back to in-person is Pre-K – 2nd grade, and with the remainder of students returning in phases shortly after. The biggest shift when bringing the kids back will be the 63 drivers who are delivering food will need to switch to transporting kids to school instead. LCS has been working through this change in food service delivery. Another aspect that staff have been working on is contacting every family to learn of their preference; either in-person or remain remote. Dr. Edwards stated that this has

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been a tremendous task considering the sheer volume of calls, follow up calls, and in some cases, translation services. She commended staff for their commitment to getting students back to school.

Councilmember Helgeson stated that by September 30th, LCS will have enrollment counts in which the state pays based on how many students are enrolled. Last year LCS estimated about 7,800 students would be enrolled this school year. Dr. Edwards stated that the preliminary counts put LCS at about 60 students down from their original projections. Councilmember Helgeson stated that during next budget season we'll need to look at giving money back to taxpayers.

Councilmember Wilder thanked Dr. Edwards for looking at the total picture and ensuring the safety of students, faculty, and staff. Councilmember Tweedy thanked the superintendent and school board members for keeping the kids and staff safe, for relaying information, for making and implementing plans, and for not being political but remaining diligent and vigilant.

Vice Mayor Wright stated that the claim has been made that the schools are sitting on a pile of cash. He asked Dr. Edwards to clarify if that was in the case. She explained that she was conservative with funds by not replacing vacancies from retirements of this past year because she didn't know what was going to happen with the public health emergency. She also stated that she is not certain of the long-term effects on students from being out of school since March. She feels it is prudent to keep funding available in the event LCS determines a need to hire more counselors, more mental health clinicians, and maybe more teachers. Vice Mayor Wright clarified that while the schools overall budget is a little over 100 million dollars, the City only contributes about 40%. The rest is made up of state and federal dollars, so even if they City were to claw back some of those funds, the entire budget would not come back to the community. Vice Mayor Wright wanted to know why it's not as easy as flipping a switch when considering bringing kids back to school. Dr. Edwards explained she has an obligation to not only consider the students but also the safety of the staff. For instance, the bus drivers are largely a part of the compromised staff with underlying health issues and she wants to make sure that when LCS is fully in-person, it doesn't just last two days and then they have to shut down again do to an outbreak.

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Councilmember Faraldi wanted to know how many students met their grade appropriate or academic goal requirements last year, particularly at the end of last year? Dr. Edwards said that we did not complete the SOLs last year, but she could get him whatever academic records that he needs. Councilmember Faraldi asked how many red flag or reports of abuse in potential unsafe environments did LCS flag last year and this year? Dr. Edwards said that she would get that information to him, but that it was not a figure she had with her. Councilmember Faraldi asked in current remote curriculum, are students on track to meet those same pacing guides that were used last year? Dr. Edwards stated that they are currently working on assessing everybody and obtaining that information. Councilmember Faraldi asked how many parents have contacted you or the school board requesting face-to-face? Dr. Edwards answered that just looking Pre-K – 2nd grade, staff have reached out to every family. Councilmember Faraldi asked what was the rationale behind Lynchburg not being in-person like the private schools in Lynchburg are doing? Dr. Edwards stated that LCS has different concerns than some of our colleagues and neighbors, citing transporting and getting kids into LCS. Councilmember Faraldi asked why is LCS conducting two days in-person instead of four or five? He further explained that single parents, now have to send their child not only to one group of people two days a week, but also to another group of people at a daycare the remainder of the week. Merely considering transmission, this does not seem safe. Dr. Edwards explained that the bus capacity has dwindled because the busses cannot run at full capacity. Councilmember Faraldi asked if staff are checking temperatures before kids get on the bus? Dr. Edwards answered that dependent upon the weather, there may be a false reading, so checking kids at the bus stop isn't feasible. However, children, faculty, and staff are being checked before they are allowed into the buildings. Councilmember Faraldi asked from a services offered standpoint, are we taking a service away from the community in regards to child care? He further explained that he is not necessarily inquiring about the quality of education. Dr. Edwards responded that she does not get the luxury of isolating one factor and just focus on the service, so she is unable to look at opening schools from a services rendered standpoint. Councilmember Faraldi commended her for taking this on and appreciates her desires to be present at this Council meeting to inform them. Councilmember Helgeson requested LCS staff to submit the answers to these questions to all of Council.

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Councilmember Nelson reiterated the fact that City Council cannot tell the schools how to deliver their educational service, but urged Council to be concerned with the economic, the community, and the social impacts of the educational system. Impacts include the parents who cannot remote into work and are forced to leave their kids at home unsupervised, and employers who have to lose employees because they need to stay home with their kids, or families who did not budget for child care. He continued that he is concerned about long-term impact on children who are living in poverty. He asked Dr. Edwards and her staff to explain how they verify how the students are engaged in online learning. Deputy Superintendent Amy Pugh and Director of Curriculum and Instruction Allison Jordan explained that this is done either by logging on and doing schoolwork, with a phone call with the teacher, or an email exchange.

Councilmember Nelson asked what the percentage is of students who have meaningful engagement every day. School staff explained that they are looking at that number right now. Councilmember Nelson stated that his concern is the student not showing up, what is that percentage? School staff replied that they will come back with that number. Councilmember Nelson asked if there is a means in the LCS plan to assess the efficacy of online learning? Are there plans to address the negative educational impact on those students with limited internet access or who did not participate in what you offer with a remote learning environment? Councilmember cautioned that those students will need to have remediation immediately and vigorously.

Councilmember Tweedy asked City staff to make the schools budget a priority. She also asked staff to look into the partnerships, like social services and our mental health professionals, that can assist the schools. She also urged all families to step up and utilize the avenues of help that are available to them.

// In the matter of Roll Call, Agenda Item #4, Councilmember Faraldi asked staff to consider a discussion on offering some sort of rebate program from revenues we receive from our citizens, to extend to citizens for the financial burden now placed on families to find daycare. Councilmember Wilder had no items. Councilmember Tweedy asked to move the rebate program to the state and federal level, stating that she would be in favor of raising taxes to create the support for the schools. Councilmember Nelson had no items. Councilmember Helgeson asked staff to advertise for the Economic Development Authority

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vacancy. Vice Mayor Wright had no items. Mayor Dolan made an announcement regarding the City of Lynchburg CARES Business Recovery Program. She also announced that the week of October 4-10th is National Fire Prevention Week. Mayor Dolan also urged citizens to mask up and wash their hands.

// The meeting was recessed at 6:43 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 Consent Agenda Item #5, consideration of adopting minutes from the June 23, 2020 meeting, Councilmember Faraldi asked to separate these minutes from the rest of the Consent Agenda as he was not an official member of the City Council. Councilmember Helgeson made the motion to approve the meeting minutes from June 23, 2020, seconded by Councilmember Wilder. Council, by the following recorded vote, approved the motion:

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

Noes: 0

Abstain: Faraldi 1

Councilmember Helgeson asked to pull Agenda Item #6, meeting minutes from September 8, 2020, so that a few revisions could be made.

In the matter of Agenda Item #7, Resolution #R-20-069, laid over from the August 11, 2020 meeting, was again presented and read, on motion of Councilmember Helgeson and seconded by Councilmember Wilder, amending the FY 2020 operating budget appropriating funds to reflect the FY 2020 Fourth Quarter Adjustment, and Resolution #R-20-070, amending the FY 2021 Operating Budget

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and Capital Budgets and appropriating or rescinding funds to reflect the FY 2021 First Quarter Adjustments. Council, by the following recorded vote, adopted #R-20-069 and #R-20-070:

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

Noes: 0

// In the matter of Public Comment, Agenda Item #8, citizen Robert Flood, representing Virginia Organizing Lynchburg Chapter, voiced his concerns to Council about expunging returning citizens records. He spoke in favor of "Banning the Box", a campaign aimed to remove the check box indicating a criminal record from job applications.

// In the matter of Public Comment, Agenda Item #9, citizen Tom Morris urged City Council to stop using poisonous methods for weed control, specifically on Hollins Mill Road. He spoke of the effects of the chemicals, mainly the potential to cause cancer and the harmful effects it has on the bee population.

// In the matter of Public Comment, Agenda Item #10, citizen Keith Jennings spoke on the quality of education in Lynchburg City Schools being poor due to virtual learning. He expressed the need for an option for face-to-face learning because virtual learning contributes to anxiety among children. He stated that there needs to be a balance between the health of our children and the education of our children.

// In the matter of Public Comment, Agenda Item #12, citizen Vick Thomas spoke urging the city to include Martin Luther King Boulevard signs around the City of Lynchburg, specifically from Fifth Street to Fort Avenue. He stated that the City of Lynchburg is a beautiful city and the citizens are proud of the connection between the city and Dr. Martin Luther King, Jr.

// In the matter of Public Comment, Agenda Item #11, citizen Hannah Wistrom spoke on the discrimination of ex-felons who have reentered society and who are actively seeking employment to become productive members of society. She voiced her support on "Ban the Box", stating that when employers discriminate against citizens upon reentry, it further keeps them in a cycle of poverty.

// In the matter of Public Comment, Agenda Item #13, citizen Sandra Travis stated that she is a member Conservative Parents of Lynchburg but will be speaking as an individual due to the group speaking at the

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September 8th meeting. She emphasized the importance of face-to-face education; virtual learning is inadequate and the local kids are suffering and Lynchburg City Schools needs to be fully reopened. She also stated that the schools have not been able to achieve common benchmarks. She reiterated that she has found the opinion of the community to be one in support of face-to-face learning. She implored Council to use any means to help open Lynchburg City Schools, for all grades and on a full-time schedule.

// In the matter of Finance, Agenda Item #14, Ms. Donna Witt, Chief Financial Officer, asked Council to authorize the refunding of the General Obligation Public Improvement Bonds, Series 2010 and 2015. The City's financial advisors, Davenport & Company, have reviewed the City's bond portfolio and believe that there is a refunding opportunity associated with the Series 2010 and 2015 bonds. This refunding is estimated to result in approximately \$2.6 million in net savings over the remaining life of the bonds. Savings would be allocated between the General, Water and Sewer Funds as appropriate. This refunding is in alignment with the City's "Refinancing Debt Policy" which states "a refunding transaction to achieve debt service savings should only be undertaken when the net present value of the savings, net of issuance costs, will be at least 3% of the principal amount of the refunded bonds". The City's financial advisors estimate that the net present value of the savings will be in compliance with this policy. Mr. Courtney Rogers, with Davenport & Company, was in attendance and made a presentation. He reiterated that one of their jobs is to look for refinancing opportunities. The rates have been trending down the past four years, with a spike in the beginning of the pandemic, but have since been at an all-time low.

Councilmember Helgeson had a question about the cost of issuance. Normally, there are about three or four line items i.e. bond council, underwriting. He noted that there are more line items with this cost of issuance, and specifically wanted to know what the 'Miscellaneous' line item covered and if in fact it is necessary. Mr. Rogers stated that this was a cushion if there are charges such as auditor fees that Davenport & Co. is not aware of until the day of the sale. He further explained that this is out of an abundance of caution. Ms. Witt clarified that this figure is just an estimate and doesn't necessarily mean it will be appropriated. Councilmember Helgeson made a motion, seconded by Vice Mayor Wright, to approve the Resolution, #R-20-072, to authorize the issuance of not to exceed \$19,500,000 principal

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amount of General Obligation Public Improvement Refunding Bonds, Series 2020B. The motion passed by the following recorded vote:

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

Noes: 0

A second resolution, #R-20-073, amending the FY 2021 General, Water, and Sewer Funds' Adopted Budgets and appropriate \$122,520, \$38,180, and \$39,300 respectively with resources from the refunding bond proceeds for a total of \$200,000 for estimated issuance costs needed to be passed. Councilmember Helgeson wanted to make sure that these appropriations were an estimated amount. Ms. Witt stated that these are in fact estimates. Councilmember Helgeson made the motion to approve the resolution, seconded by Nelson. The motion passed by the following recorded vote:

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

Noes: 0

// In the matter of Community Corrections and Pretrial Services, Agenda Item #15, Dr. Wodicka made a presentation on behalf of Cynthia Plummer, the representative of the agency who could not be in attendance. The Virginia Department of Criminal Justice Services made federal Coronavirus Emergency Supplemental Funding Grant funds available to assist applicants in preventing, preparing for, and responding to the coronavirus. The grant is in the amount of \$31,405 to purchase supplies and equipment to assist the agency in providing local probation and pretrial services to defendants and probationers while responding to the recommended protocols to prevent the spread of, prepare for, and respond to the coronavirus. Dr. Wodicka stated there is no in-kind match associated with this grant.

This item went to the September 22, 2020 Finance Committee meeting. Councilmember Helgeson stated that the committee recommended approval of this grant, and as the chair of the committee, he put that forth as the motion. The motion to approve Resolution #R-20-074 to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$31,405, with resources of \$31,405 passed by the following recorded vote:

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

Noes: 0

// In the matter of the Fire Department, Agenda Item #16, Fire Chief Wormser presented a grant through the Department of Homeland Security to receive fitness equipment at every fire station. He credited Health and Safety Captain Jennifer Collins with the acquisition of this grant. The Department of Homeland Security/FEMA awards grant funding to provide critically needed resources that equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability, and support community resilience. The Fire Department has been awarded \$88,942 in AFG grant funds to purchase equipment that is vital to firefighter wellness and fitness to assist in the improvement of cardio-respiratory output, strength, flexibility, and nutrition. The department recognizes the need for a physical fitness program that follows the National Fire Protection Association (NFPA) 1583 Standard on Health-Related Fitness Programs for Fire Department Members. The funds will be used to contract with a qualified health and fitness coordinator, periodic fitness assessments for all members (including initial employment assessments and strengthening for new hires), exercise training, education and counseling, and the collection and maintenance of program data. This grant will also replace fitness equipment that has met its useful life and provide other new equipment to address specific needs. This is a 90/10 matching grant with DHS providing \$88,942 and the local match of \$8,894. The match will be funded from the FY 2021 General Fund Fire Department budget.

This item went to the September 22, 2020 Finance Committee. Councilmember Helgeson stated that with the passing of the 19th anniversary of 9/11 recently, he was reminded of how physically taxing the job can be. Having this equipment will help the department train. The committee recommended approving the resolution #R-20-075. The motion passed by the following recorded vote:

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

Noes: 0

// In the matter of the Police Department, Agenda Item #17, Police Chief Ryan Zuidema stated that the City of Lynchburg is applying for \$32,130 in Edward Byrne Memorial Justice Assistance Grant (JAG)

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funding. The Lynchburg Police Department will use this funding to purchase 70 protective suits and 70 sets of protective gloves (\$25,540). This equipment is essential for safety of both officers and citizens during events of civil unrest. He explained that the department currently has 85 sets of protective gear. Purchasing these additional suits and gloves will help move the department closer to the goal of equipping all 176 sworn staff. The Lynchburg Sheriff's Office will use funds to purchase two laptops to assist with training (\$3,435). The Office of the Commonwealth's Attorney will use funds to purchase two laptops (\$3,155). The total equipment cost is \$32,130, which is fully reimbursable by the grant. No local matching funds are required. The grant application requires the approval of the governing body prior to submission of the grant request.

This item went to the September 22, 2020 Finance Committee. Councilmember Helgeson stated that the committee recommended approval of the resolution #R-20-076. The motion passed by the following recorded vote:

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

// In the matter of the Police Department, Agenda Item #18, Police Chief Zuidema gave a brief presentation of the request. The Department of Motor Vehicles Highway Safety Program has awarded the City a \$38,590 grant. The funds will be used for selective DUI activities, alcohol testing equipment and attendance to related training. The grant excludes reimbursement of FICA (Medicare and Social Security) benefit costs associated with the allotted overtime; however, funding of \$2,678 is available for transfer from the FY 2021 Police Department budget to cover this expense. An in-kind match of \$16,617 in police equipment and services is part of the grant agreement. The police department budgets for this every year.

This item went to the Finance Committee on September 22, 2020. As chair of that committee, Councilmember Helgeson made the motion to approve the resolution to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$57,885 with resources of \$38,590 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$16,617,

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and \$2,678 transferred from the FY 2021 General Fund Police Department budget to provide selective enforcement activities and attend related training. Councilmember Nelson stated that there has been plenty of conversation within the community to either fund or defund the police, but that it's critical to have well trained officers on the equipment that they will be using. If it's not done right, it will be unfortunate for all parties involved. Council, by the following recorded vote, approved Resolution #R-20-077:

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

Noes: 0

// In the matter of the Police Department, Agenda Item #19, Police Chief Zuidema again made a presentation to Council. The Department of Motor Vehicles Highway Safety Program has awarded the City a \$16,625 grant. The funds will be used for speed enforcement activities. The grant excludes reimbursement of FICA (Medicare and Social Security) benefit costs associated with the allotted overtime; however, funding of \$1,272 is available for transfer from the FY 2021 Police Department budget to cover this expense. An in-kind match of \$7,041 in police equipment and services is part of the grant agreement.

This item went to the September 22, 2020 Finance Committee. As chair of the committee, Councilmember Helgeson stated that the committee recommended approval of this grant. Councilmember Helgeson made the motion to adopt a Resolution #R-20-078, to amend the FY 2021 City/Federal/State Aid Fund budget and appropriate \$24,938 with resources of \$16,625 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$7,041, and \$1,272 transferred from the FY 2021 General Fund Police Department budget to provide funds for speed enforcement activities.

Councilmember Faraldi wanted to thank both the Fire Chief and the Police Chief for being creative and getting these resources to our City and our community.

Council, by the following recorded vote, approved the motion:

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

Noes: 0

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// In the matter of City Code, Agenda Item #20, Dr. Wodicka presented to Council an opportunity to re-adopt the Continuity of Governance Ordinance, to continue emergency procedures for the conduct of public business to ensure the continuity of City government and critical local services during the state of emergency and disaster caused by the COVID-19 pandemic. City Council first passed this ordinance on March 24, 2020 which allows not only the governing body, but its Council appointed boards, commissions, and authorities to hold electronic meetings. The initial term of this ordinance was for six months and is set to expire on September 24, 2020. If Council desires to continue to provide the authority to hold electronic meetings, re-adoption of this ordinance is necessary. The continuance ordinance, as presented, would remain in effect until City Council repeals the ordinance, or the local Declaration of Local Emergency is ended, whichever occurs first.

Councilmember Faraldi made the motion to keep a sunset clause on this ordinance to obtain a four month period, which would allow Council to reevaluate the ordinance at the beginning of next calendar year. Councilmember Nelson seconded the motion, stating that in terms of transparency and accountability, Council should not give itself long term reign to do conduct business in a virtual format. Councilmember Helgeson stated that he is not in favor of the four month period because he would like to see the City be a leader in returning back to normal.

Vice Mayor Wright said that he supports the four months stating that ultimately it is City Council's time, however, he would like to push back on the narrative that the pandemic should not be taken lightly. Councilmember Helgeson refuted that the widespread nature of the pandemic is nonexistent, and that more people's lives are destroyed by domestic violence, poverty, and by not getting an education. He further cautioned that when the governing body declares a State of Emergency, the responsibility of the legislative body is acquiesced and is given to the executive branch and that is not a good precedent. He further stated that he is not minimizing the severity of the virus; he is merely looking at the magnitude.

Councilmember Tweedy cautioned that it's the proactive actions and behaviors of the governing body that help keep people safe and the people that the virus does affect are by no means expendable.

Council, by the following recorded vote, approved the motion and adopted Ordinance #O-20-022:

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

Noes: Helgeson 1

// On motion of Councilmember Nelson, seconded by Councilmember Faraldi, Council, by the following recorded vote, elected to hold a closed meeting to discuss the appointments to the following Boards and Commissions: LRHA, Social Service Authority, Boards of Building Code Appeals, & GLTC, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

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

Noes: 0

// The meeting was re-opened 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 Tweedy, and Council, by the following recorded vote, adopted the motion:

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

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Noes: 0

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

Redevelopment & Housing Authority: Mr. Norwood Morrison and Ms. Laretta Spencer – terms ending September 30, 2024

Social Service Authority Board: Ms. Crystal Horsley – term ending September 30, 2024

Transit Company Board of Directors: Mr. Antonio M. Davis and Mr. Brian Landergan – terms ending October 30, 2023

Board of Building Code Appeal: no appointments were made at this time.

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

Noes: 0

// The meeting was adjourned at 9:01 p.m.

Interim Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of October, 2020, 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 S. Helgeson, J. Randy Nelson, Sterling A. Wilder,	
Chris Faraldi	6
Absent: Treney Tweedy	1

// In the matter of Recognition, Mayor Dolan presented Lynchburg Regional Airport with a proclamation declaring the month of October General Aviation Month. Airport Director Andrew La Gala was in attendance to accept the award.

// In the matter of Human Resources, Agenda Item #2, Council received a presentation on the City's Health Insurance Plan effective January 1, 2021. Interim City Manager Reid Wodicka gave the presentation on behalf of Ms. Michelle Jackson, Interim Director of Human Resources. Dr. Wodicka stated that as an employer, the City strives to provide a cost-effective, high-quality health plan for City employees. For Plan Year 2020, which refers to the calendar year, not fiscal year, projections show a 3.5% decrease since Plan Year 2019. Also, a 21% reserve has been established. Considering these two factors, no cost or plan changes are proposed for Plan Year 2021. Dr. Wodicka explained that originally, staff planned to bid out the health insurance in Plan Year 2021, however, given the pandemic, bidding out insurance will take place in Plan Year 2022. Although the City has seen the decrease in claims from 2019 – 2020, staff do anticipate an increase next year.

Councilmember Wilder asked if Lynchburg City Schools have seen a decrease in claims as well. Ms. Donna Witt, Chief Financial Officer, stated that she believes the schools saw higher claims than normal at the beginning of the year, but is unsure of how they ended the year.

Vice Mayor Wright stated that the industry's experts are anticipating healthcare rates will increase in the next plan year, and as such, he asked if it was wise to leave rates unchanged. Dr. Wodicka replied that due to the unprecedented events during the current year, staff felt this wasn't the appropriate time to raise rates if there was no immediate need. He further commented that since employees are not receiving

pay raises this year, staff consciously made the decision to not increase rates. He offered the insight that staff took into consideration the slight increase next plan year and built that into the plan.

Mayor Dolan asked what the impact would be during the bidding process next year since there are less claims in 2020 versus 2019. She wanted to know specifically how this factor will impact pricing. Dr. Wodicka replied that piece is really critical; it is really not a great idea when you've had two bad claims years in a row to go through the bidding process, so the City will be in a better position to bid out next year.

// In the matter of Budget, Agenda Item #3, Ms. Donna Witt, Chief Financial Officer, presented Council with the COVID-19 FY 2021 Adopted Revenue Monthly Update. Ms. Witt stated that Local Sales and Use Tax, are up \$364,886 for the month of August, although this figure is not final since Sales and Use Tax for August are due by October 15th. Meals Tax is up \$104,507 and she explained that staff are seeing stronger numbers from restaurants that offer drive-thru and curbside pickup and delivery options. Ms. Witt cautioned that staff are expecting this number to decrease in the coming fall and winter months due to the current need for outdoor seating. Lodging Tax is up \$35,758; Ms. Witt is reported our area has some of the strongest lodging numbers within the State. She attributed this to the universities and colleges in the area that are opening back up.

Ms. Witt also commented that the local Airbnb numbers are up. Councilmember Helgeson asked for clarification at how staff arrived to this conclusion since there is not a process yet for collecting any Lodging Tax from Airbnb. Interim Deputy City Manager Mr. Kent White stated that Lynchburg's Commissioner of Revenue is monitoring this number by what's being reported through State Sales Tax. Vice Mayor Wright asked where we stand with the Airbnb agreement. Mr. White stated that staff has suspended the registration process for the local Airbnb owners during the COVID period. Staff have reinitiated discussions with Airbnb on entering into a voluntary collection agreement. The plan is for staff to bring a recommendation back to Council at a later date. Councilmember Helgeson asked what the occupancy percentage is with the Lodging Tax. Ms. Witt answered that staff believe this figure represents about 40% occupancy.

Ms. Witt continued with the presentation stating that Amusement Tax is down \$9,073. She stated that the movie theaters are a big part of the Amusement Tax revenue and also contributed to Meals Tax revenue as well. Regal Cinemas recently announced that they are closing for a time period, but could actually be indefinitely. She cautioned that due to this event, projections for Amusement Tax are likely not going to be met.

Ms. Witt continued with addressing the utility accounts subject to disconnect. The total number of accounts past due is 1,093 equaling \$223,984 across the Water, Sewer, and Stormwater funds. This number has increased from last month, although not dramatically. She stated that staff are watching General Assembly action very closely and mentioned a few bills in particular that would include a moratorium for all utility disconnects that possibly go through the biennial budget which will be June of 2022. There is also some language that supports doing a payment plans for at least 6 months. There is also a caveat in this legislation that states once the delinquent amount is more than 1% of the budget, the municipality could proceed with disconnects. This figure for the Water, Sewer, and Stormwater budget would be about \$444,000. Currently, the city is at about 0.5% right now.

Councilmember Helgeson said that this is giving people an incentive to not pay. He asked Ms. Witt if there was any disincentive to send out disconnect notices now, and then later change it if the State passes legislation saying otherwise. He also asked if we should be charging late fees. Ms. Witt said there is no communication of a definite date to customers, but they are being notified if delinquent that their account is subject to disconnect. Mr. Tim Mitchell, Director of Water Resources, clarified that the two pieces of legislation are in the Senate and House budget and would be in effect immediately if passed. There is provision in the language stating that penalties and late fees cannot be charged during this period. This applies across the board to all utilities not just municipal utilities.

Councilmember Faraldi asked if there is any wisdom setting some date for Council to make a certain decision, not a deadline for the community per se, but setting some deadline for Council to consider next steps should the State not act. Ms. Witt said that we don't disconnect during the holidays so by January would ideally be when staff begin disconnecting, if in accordance with what the city is allowed to do by the State. She asked for a decision to be made at least by the beginning of December, if able, so

messaging can go out to citizens and that they would still have enough time to utilize the COVID Community Support funds available to them.

Councilmember Helgeson asked for an explanation about the fee structure, specifically the trash fee. Ms. Witt explained that the way the system is set up, when a payment is made it is applied to the other charges first so those are paid, and it leaves the water piece outstanding because the city can disconnect for an unpaid water account. Councilmember Helgeson asked, and Ms. Witt verified, that if someone does not pay the utilities bill which includes the refuse fee, the city is still picking up their trash.

Ms. Witt also updated Council on the Community Support stating that we have seen some more applications for the assistance. Pledges from August 11th through August 27th were 11 accounts from one organization. Pledges from August 28th through October 2nd are at 21 accounts through several organizations.

Mayor Dolan asked if we could offer a payment plan. Ms. Witt explained that a payment plan isn't possible with the current system and that it would have to be manually done which is not feasible.

Ms. Witt, at the direction of Council, will be bringing this item back to City Council at the November 10, 2020 City Council Meeting. This should allow staff to learn of any new legislation, as well as, provide citizens with enough time to utilize COVID funding before the expiration date of these funds on December 31, 2020.

// In the matter of the Registrar's Office, Agenda Item #4, Ms. Christine Gibbons Director of Elections & General Registrar, gave a brief update on the Center for Tech and Civic Life Grant (CTCL). The CTCL awards grant funding to provide critically needed resources to purchase voting equipment and supplies in addition to temporary staffing to meet the needs of new General Assembly Election laws and manage early voting procedures for Lynchburg citizens. Ms. Gibbons went on to state that the grant funds will be used to purchase staffed ballot drop boxes, temporary staffing, materials for mailed in votes (stamps, envelopes, ballots), absentee voting equipment, and voting supplies.

Ms. Gibbons reviewed the budget concerns for next fiscal year and asked Council to consider a carryforward of funds from the Registrar's Office budget. She stated that the decertification on voting

equipment will happen on June 30, 2021 with an estimated cost to upgrade at about \$70,000. There will also be a decertification of electronic pollbook version on June 30, 2021. Current laptops utilized for electronic pollbooks will no longer be compatible with new electronic pollbook version. Ms. Gibbons asked to approve the acceptance of the grant and the appropriation of those funds. In addition, she asked Council to reserve the funds for these upcoming expenses to supplement the budget in the next fiscal year. Dr. Wodicka clarified that the appropriate time for that to occur is during the carryforward period.

Vice Mayor Wright made a motion, seconded by Councilmember Wilder, to approve Resolution #R-20-079 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$63,882 with resources of \$63,882 from the Center for Tech and Civic Life Grant (CTCL) to purchase voting equipment and supplies in addition to temporary staffing to meet the needs of new General Assembly Election laws and manage early voting procedures for Lynchburg Citizens. Vice Mayor Wright stated that this will help make the elections safe.

Councilmember Helgeson stated that the normal process for the application for any grant goes to the Finance Committee. Then FC says, yes or no go ahead. Then after that grant is accepted, then the finance committee recommends to the full Council, yes or no that's not a good thing to do. The third step is appropriating funds. He stated that he understands there was a time constraint on this grant, but as chair of the Finance Committee, he is concerned that we skipped the process. I got a letter from the general counsel of the republican party of Virginia regarding counting ballots. There was no representation present. He hopes the grant will help with fair representation.

Dr. Wodicka clarified that by the time staff learned of receiving the grant, there was an obvious timing matter at hand. Finance Committee meets the second meeting of the month, which would be about a week before the Presidential election. After discussing this over with the Chief Financial Officer, staff decided it was best to bring this forward to Council promptly.

Councilmember Faraldi commends Ms. Gibbons for the work done to receive the grant; however, he wanted to make sure that State Code is followed as it pertains to both parties being present when counting ballots. He hopes these funds will help ensure that happens.

There being no further discussion, Council, by the following recorded vote, introduced and laid over to a later meeting for final action, Resolution #R-20-079:

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

// In the matter of Water Resources, Agenda Item #5, Mr. Tim Mitchell Director of Water Resources, gave Council a brief presentation regarding a resolution approving water and sewer availability fees in the amount of \$7,576 for water and \$11,966 for sewer for the Bausch Health Expansion.

Mr. Mitchell explained that Bausch Health (Bausch and Lomb, Inc.) submitted a site plan for the expansion of its current building at 1501 Graves Mill Road. The expansion is approximately 124,000 square feet. City Code Sections Chapters 34-4 (sewer) and 39-27 (water), both direct that availability fees will be determined by City Council if the square footage of a new building is 100,000 square feet or greater. However, there is no direction in City Code as to how those fees will be calculated. City staff recommends that Council approve fees for this site that are based on prorating the per square foot fees for a 99,999 square foot facility. The approved site plan indicates that a new 2" domestic water service and meter along with a new 8" fire line will be installed to the new addition. A new sewer connection will connect to their existing onsite private sewer line. Based on this calculation, the recommended water availability fee is \$7,576 and the recommended sewer availability fee is \$11,966.

Councilmember Wilder stated that this item went to the October 13, 2020 Physical Development Committee meeting where the committee recommended approval. Council, by the following recorded vote, introduced and laid over to a later meeting for final action, Resolution #R-20-080 approving the water and sewer availability fees in the amount of \$7,576 for water and \$11,966 for sewer for the Bausch Health Expansion.

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

Absent: Tweedy

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// In the matter of Roll Call, Agenda Item #6, Councilmember Faraldi reminded the community that the deadline for voter registration for the Presidential election is today, October 13, 2020. Councilmember Wilder attended the October 12th Desmond T. Doss Day celebration and commended the Lynchburg Area Veterans Council for the work they do in the community. Councilmember Nelson had no roll call items. Councilmember Helgeson stated that he had received inquiries from citizens who had not received the larger trash cart for which all citizens started paying for this month. Dr. Wodicka clarified that about 1,500 carts were already delivered to citizens and that staff will be working hard to ensure the rest are delivered promptly. Vice Mayor Wright echoed Councilmember Wilder's sentiments about Desmond T. Doss Day, stating that Desmond T. Doss was an extraordinary man. Mayor Dolan made several roll call announcements:

- A final round of the City of Lynchburg CARES Business Recovery Program is open for applications. The deadline to apply is Friday, October 30th. In order to be eligible, businesses must be physically located in the City of Lynchburg, in business and registered with the City as of March 1, 2020 have no more than \$5 million in annual gross revenues and demonstrate a financial loss due to COVID-19. The program is administered by the Office of Economic Development & Tourism and the Economic Development Authority. All information and the link to apply is available at www.opportunitylynchburg.com/cares.
- The Chronicle of Higher Education has announced Central Virginia Community College has been selected as a "2020 Great College to Work For". The "Great Colleges to Work For" survey identifies "colleges across the country that have demonstrated excellence" and that "are leading the way in their commitment to creating great workplaces." CVCC was specifically recognized in two categories: collaborative governance and teaching environment.
- LYHCares Relief Event: October 17, 2020 from 10am-2pm at Miller Park. -Distribution of COVID Care kits, information on utility bill assistance, grocery assistance and job assistance.
- Library Main Branch is now reopened! Hours include: Monday through Friday from 10am-11am (Seniors/At-risk only), and 11am-5pm for everyone with extended hours on Tuesday until 7pm. Saturdays, the Library is open from 10am-5pm.
- Earlier this week the fire department held its annual Fire Fighter Memorial Ceremony at the Firefighters Fountain at Miller Park. This year the memorial service was held virtually but shows the resiliency and commitment of our community and the fire department to pay our respects to the fallen firefighters and their families. The ceremony will be posted on social media in the coming days and aired on LTV.
- The Langhorne Trestle Ribbon Cutting is Friday October 22 at 10am in the Awareness Garden at the Ed Page Entrance off Langhorne Rd.
- The Department of Public Works is conducting a household hazardous waste and electronic recycling event for LYNCHBURG residents only on Saturday, October 24 from 8:00 a.m. until

12:00 p.m. at the Concord Turnpike Convenience Center, 2525 Concord Turnpike in Lynchburg.

This collection will be conducted differently than normal due to COVID restrictions and because unlike previous collections, this one will be open to Lynchburg residents only.

Residents are asked to adhere to the following guidelines to ensure a safe and efficient event:

- o Residents must present a valid photo ID
- o Masks should be worn while conversing with employees and vendors
- o Citizens must remain in your vehicle and convenience center staff will remove items from your vehicle
- o All materials to be recycled must be in the rear most compartment of your vehicle

Residents should refer to www.lynchburgva.gov/hhw for a list of items eligible to be recycled and other related guidelines.

// The meeting was recessed at 5:07 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
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Councilmember Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan welcomed Dr. Alison Morrison-Shetlar, President of the University of Lynchburg, who began her term over the summer of 2020. President Morrison-Shetlar spoke briefly about the university’s goal to be a strong partner with the City.

Mayor Dolan also presented the YWCA with a proclamation declaring the month of October as the YWCA Domestic Violence Awareness Month. Ms. Linda Ellis-Williams, Director of Programs for the YWCA was in attendance to accept the proclamation.

// In the matter of Consent Agenda Item #7, copies of the minutes of the September 8, 2020 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi by the following recorded vote approved the minutes as presented:

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

Absent: Tweedy 1

// In the matter of Consent Agenda Item #8, copies of the minutes of the September 22, 2020 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Tweedy 1

// In the matter of Budget, Consent Agenda Item #9, Resolution #R-20-073 amending the FY 2021 General, Water, and Sewer Funds' Adopted Budgets and appropriate \$122,520, \$38,180, and \$39,300 respectively with resources from the refunding bond proceeds for a total of \$200,000 for estimated issuance costs, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Tweedy 1

// In the matter of Community Corrections and Pretrial Services, Consent Agenda Item #10, Resolution #R-20-074 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$31,405 to assist the Lynchburg Community Corrections and Pretrial Services Agency in preventing, preparing for, and responding to the coronavirus, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Tweedy 1

// In the matter of the Fire Department, Consent Agenda Item #11, Resolution #R-20-075 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$97,836 to purchase fitness equipment and training in nutrition, injury prevention, cardio-respiratory health, and stress reduction, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Tweedy 1

// In the matter of the Police Department, Consent Agenda Item #12, Resolution \$R-20-076 authorizing the submittal of an application for the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$32,130 to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff's Office, and the Office of the Commonwealth's Attorney, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Tweedy 1

// In the matter of the Police Department, Consent Agenda Item #13, Resolution #R-20-077 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$57,885 to provide selective enforcement

activities and attend related training, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Tweedy 1

// In the matter of the Police Department, Consent Agenda Item #14, Resolution #R-20-078 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$24,938 to provide funds for speed enforcement activities, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Tweedy 1

// In the matter of Community Development, Agenda Item #15, a public hearing was held to receive comments regarding the Program Year 2019 (PY 2019) Fiscal Year 2020 (FY 2020) Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Program and adopt a resolution approving the CAPER for submission to the U.S. Department of Housing and Urban Development.

Ms. Melva Walker, Grants Manager, provided Council with a summary of the request. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress towards the housing and community development goals established within the 2015-2020 Consolidated Plan and the Program Year 2019 (FY 2020) Annual

Action Plan. This CAPER is for the period of July 1, 2019 through June 30, 2020. With City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program.

There was no one in attendance that made a presentation, and there were no citizens who spoke in favor or in opposition, either by voice message, email, or in-person. The public hearing was closed and the matter rest with Council.

Councilmember Helgeson had a question regarding the EmpowOR Software purchased by Lynchburg Community Action Group (Lyn-CAG) that tracks clients served by Lyn-CAG and agencies in the Bridges to Progress Initiative. The data tracked includes demographics, services, and housing assistance. Out of the 1,632 persons served and \$25,000 of CDBG funds expended, he wanted to know if there was any metric available indicating the progress made for these individuals since the program is based off of moving citizens from poverty to clear progress. Ms. Walker explained that the software only tracks the services that citizens receive. He understands that this is data tracking to see what's happening, but the whole point of initiative was progress and wanted to see affirmative data that says that more people are working, or are out of poverty, or finished high school. Ms. Walker said that she would ask Lyn-CAG to send more information at a later date.

Councilmember Wilder, seconded by Vice Mayor Wright, made the motion to adopt the Resolution #R-20-081 approving the submission of the Program Year 2019 (FY 2020) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD). 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 – Rezoning, Agenda Item #16, a public hearing was held to discuss the rezoning petition of development located at 127 Brunswick Drive from R-4C, High Density

Residential District (Conditional) to R-4C, High Density Residential District (Conditional) to amend a proffer that would increase the total number of apartments by ten (10) units.

Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. TPB Enterprises, LLC is petitioning to rezone approximately seventeen and nine tenths (17.9) acres located at 127 Brunswick Drive from R-4C, High Density Residential District (Conditional) to R-4C, High Density Residential District (Conditional) to amend a previously approved proffer. The proffer included substantial compliance with a concept plan that showed a maximum of two hundred and seventy (270) units. The revised proffer/concept plan would amend the maximum to two hundred and eighty (280) units. The additional ten (10) units were incorporated into the original traffic study and concept plan. The change should have minimal effect on the area. All other proffers will remain unchanged.

Mr. Daniel Cyrus, a representative of TPB Enterprises, LLC, was in attendance and gave a presentation to Council. Mr. Cyrus indicated that there was a mistake in the original rezoning, and that the plans should have been submitted showing 280 units. He stated that these units are shown on the site plan and were accounted for in the traffic study. Two buildings in this development have basements that would accommodate the additional units.

There was no one in attendance that made a presentation, and there were no citizens who spoke in favor or in opposition, either by voice message, email, or in-person. The public hearing was closed and the matter rest with Council.

Councilmember Nelson disclosed that he represents a client, who although not directly involved with this project, does stand to benefit financially from the success of this project. However, if the public would clearly benefit from this project, then he will be able to vote on this rezoning. He stated that he would be able to decide his stance after the conclusion of Council input regarding the public hearing.

Councilmember Helgeson stated that looking back at all of the iterations of this plan, they all comprise of 270 units. He stated that he does not believe this was in error and that the planning staff also stated that 270 units were the absolute max. He continued, affirming that the current developer has not sufficiently made the argument that anything new and improved has been done to the development to

support the additional units. He guarded against sending the wrong message to the community and urged Council to protect the neighborhoods.

Mr. Cyrus clarified that the error came from one of the previous iterations of the project that tabulated the terrace level units incorrectly, and did not intend to say that staff made the error.

Councilmember Wilder asked, and Ms. Frischeisen clarified, that the traffic study was conducted based off a plan that consisted of the inclusion of retail buildings and since that development was not completed, the study was still relevant to the 280 units. Councilmember Wilder said he would support this plan because the traffic would not have much of an impact.

Councilmember Helgeson, who represents Ward III and has heard from its citizenry, made the motion to deny the rezoning. Councilmember Faraldi seconded the motion, out of deference to those citizens.

Vice Mayor Wright stated that he would be supporting the proposal and voting against the motion on the floor, because he believes this is a reasonable ask and believes that this was a clerical error from years past.

Mayor Dolan said she would be supporting the proposal because the additional units would have minimal impact.

Councilmember Nelson said that he would be abstaining because he does not feel this would benefit the public, given what he's heard from the neighbors. He asked Council to consider tabling this discussion until Councilmember Tweedy can weigh in on the discussion since she resides in that area. City Attorney Walter Erwin stated that Council has to act on a zoning petition within twelve months, so Council would be able to table this item until the October 27, 2020 meeting. According to Council's Rules of Procedure, if there is a consensus among Council to table this discussion, no vote needs to be taken. All present members of Council were in favor of carrying this item forward to the October 27, 2020 meeting. Mayor Dolan asked staff to provide Council with comments and input from citizens regarding this development from previous years.

// In the matter of Community Development – Rezoning, Agenda Item #17, a public hearing was held to discuss a rezoning petition. Ms. Frischeisen again made a presentation to Council regarding the request. Mr. Edgar J. T. Perrow, Jr. & Mr. Nathaniel F. Perrow are petitioning to rezone approximately two hundred thirty-one thousandths (0.231) of an acre at 708, 710 & 712 Court Street from B-1, Limited Business District to B-4, Urban Commercial District to allow the use of the property for residential and office uses. The proposed rezoning would allow greater flexibility in the use of the property for office and residential uses without a requirement for first floor office space. Parking is available behind the buildings, with additional spaces at 714 Court Street.

Mr. Edgar J. T. Perrow was in attendance and provided Council with a brief presentation. He explained that this property is part of one of the oldest surviving row of townhouses in the City. It is residential street, but has some professional offices. He reiterated that B-4 zoning works best for this area due to space, and that the intent is not to pack people in.

There was no one in attendance that made a presentation, and there were no citizens who spoke in favor or in opposition, either by voice message, email, or in-person. The public hearing was closed and the matter rest with Council.

Councilmember Nelson disclosed that he represents both Mr. Turner Perrow and Mr. Nathaniel Perrow in other real estate interests, and although he has never been involved with this project in particular, he is an office neighbor of theirs on Court Street so he will be observing the same ethical considerations on this item whether to vote or abstain.

Councilmember Wilder made the motion to adopt Ordinance O-20-023 approving the petition to rezone approximately two hundred thirty-one thousandths (0.231) of an acre at 708, 710 & 712 Court Street from B-1, Limited Business District to B-4, Urban Commercial District to allow the use of the property for residential and office uses. Vice Mayor Wright seconded the motion. Councilmember Helgeson stated that this project showcases the correct use of the B-4, Urban Commercial District zoning. Councilmember Nelson stated that this project would be in the public's interest so he would be able to vote. With no further discussion, the following vote was recorded and the motion passed:

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

Noes: 0

Absent: Tweedy 1

// In the matter of Public Comment, Agenda Item #18, Citizen Ginna Haske requested to be removed from the agenda.

// In the matter of Public Comment, Agenda Item #19, Citizen Rodney Hubbard was not in attendance.

// In the matter of Schools, Agenda Item #20, Council considered adopting a resolution to amend the FY 2021 General Fund budget and appropriate \$3,431,645 with resources from unexpended FY 2020 Schools Operating Fund for transfer to the FY 2021 Schools Operating Fund (\$2,521,564) and to the Schools Capital Fund (\$910,081) to fund needs as approved by the School Board. Also, amend the FY 2021 General Fund budget and authorize \$675,474 with resources from unexpended FY 2020 Schools Operating Fund to increase the Schools Textbook Reserve.

Ms. Donna Witt, Chief Financial Officer, provided Council with a brief summary of the request. She stated that the Lynchburg City School Board requested the appropriation of the \$4,107,119 in FY 2020 Operating Fund Balance. This action is requested in accordance with an agreement signed by the Lynchburg City Council and the Lynchburg City School Board dated December 14, 1993. This agreement provides for the creation and maintenance of a Schools Operating Fund balance for “the purpose of underwriting any occasional shortfalls from the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board.”

Ms. Witt continued, stating that LCS is proposing a \$1000 bonus for LCS and School Nutrition staff. The \$1000 is for a full time equivalent, with part time staff being prorated accordingly. The estimated cost of this bonus is \$1,484,114.48. LCS is also proposing an investment in distance learning classrooms that will enhance our remote learning options which will require 350 webcams and accompanying equipment at an estimated cost of \$204,750. LCS is proposing various transportation upgrades and other

vehicle maintenance totaling \$520,700. Maintenance and facilities proposed requests total \$312,000 and include the following: A/C System at Transportation - \$ 25,000; Repair Storm Water issues at Transportation and EC Glass - \$ 15,000; Replace Siding on Bedford Hills Elementary Modular Building - \$ 15,000; Fire Alarm System Upgrade at Dunbar Middle and Perrymont - \$ 100,000; Replacement of 3 maintenance work vehicles - \$ 90,000; Replacement of 2 zero turn mowers - \$ 30,000; Vehicle for Maintenance Field Supervisor - \$ 30,000; and the replacement of 200 Fire Extinguishers - \$ 7,000. LCS is requesting the remainder of the funds (\$910,080.52) be allocated to upcoming CIP projects including a facilities study for the school division.

Vice Mayor Wright made the motion to approve the Resolution #R-20-082 amending the FY 2021 General Fund budget and appropriate \$3,431,645 with resources from unexpended FY 2020 Schools Operating Fund for transfer to the FY 2021 Schools Operating Fund and to the Schools Capital Fund to fund needs as approved by the School Board. He stated that these are all reasonable expenditures and would be in line with the common practice put in place in 1993. He also stated that the bonus to school employees is well deserved.

Councilmember Wilder seconded the motion and asked Superintendent Dr. Crystal Edwards to clarify if the return to fund balance should normally be this large. Dr. Edwards clarified that normally it is not normal to have a figure this large, but LCS enacted their own hiring freeze earlier this year in order to be conservative with their funds. A significant portion of the return to fund balance is due to personnel savings.

Councilmember Helgeson stated he understands that a lot of the teachers are working extremely hard to deliver a service, but the issue is what kind of product are the families and students actually receiving. He commended the Interim City Manager Reid Wodicka for strategically thinking through uses of these funds that would ensure long-term viability in terms of the facilities study. He continued, stating he can see using the funds in these ways, however, did not feel that bonuses are prudent. As such, he stated he could not be in favor of this motion. He asked Vice Mayor Wright to amend his motion to sequester funds for the facilities study.

Vice Mayor Wright clarified that the facilities study is in fact in this proposal. LCS is doing exactly what Council asked them to do; be conservative and prudent with funds. 1993 agreement says that if the schools don't spend their entire budget, then they have to return it to Council to insight a thoughtful dialogue about how best to use the funds. Vice Mayor Wright commented that the sticking point seems to be the bonus. He further explained his stance, stating that all City employees are doing good work and are deserving of a bonus; this includes LCS employees. He further asserted his motion, saying, "We want a good school system, we have to be willing to invest." Vice Mayor Wright concluded that he would like the motion to stand as-is.

Councilmember Faraldi stated his concern is yearly amendments being made to these budgets. It could be perceived that the school system has become reliant on those funds. He continued, stating that he is not opposed to this motion, but cautioned about needing to be diligent in the budgetary process. Council and the schools need to be really intentional about properly budgeting in a way that reflects the itemized issues.

Vice Mayor Wright inquired if the schools could overspend their budget. City Attorney Walter Erwin clarified that not only could the schools not overspend their budget, but State Code makes it an offense. He also stated that the schools cannot create a fund balance because State Code dictates that the funds have to return to the City.

There was no further discussion. Council, by the following recorded vote, introduced and laid over to a later meeting for final action, Resolution #R-20-082:

Ayes: Dolan, Wright, Nelson, Wilder, Faraldi 5

Noes: Helgeson 1

Absent: Tweedy 1

// In the matter of City Code, Agenda Item #21, City Attorney Mr. Walter Erwin presented Council with several sections of the City Code to be amended. Mr. Erwin stated that this was a housekeeping item and

would be in line with Virginia Code. He explained that local governments are permitted to adopt ordinances that parallel certain provisions of the Virginia Code. Local governments frequently adopt such ordinances because localities get to keep the fines imposed for violations of local ordinances while fines that are imposed for violations of the State Code go to the state. Such ordinances must be kept up to date and amended as state laws are amended so the City's ordinances will continue to parallel the State Code. This ordinance (1) amends, reenacts, and repeals previously adopted ordinances to be in line with the Virginia Code; (2) further makes minor wording and technical changes; and, (3) changes Section 25-317.1 of the City Code to allow for "ticketing." The proposed revisions have been reviewed and approved by the Police Department and the Sheriff's Office. He advised that most of these sections deal with traffic offenses. The two sections that are being repealed are in line with the action the General Assembly took with State Code that dealt with profane language in public and fornication.

Councilmember Wilder made the motion for approval, seconded by Vice Mayor Wright, to adopt the Ordinance #O-20-024 amending sections 25-93, 25-99, 25-125, 25-147, 25-147.1, 25-151, 25-152, 25-153, 25-154, 25-155, 25-310, 25-317.1, 25-332, 25-386, 25-387, 25-391, 25-393, and 27-10 of the City Code and to repeal sections 27-2 and 27-13.1 of the City Code. There was no further discussion, and Council, by the following recorded vote, approved the motion:

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

// On motion of Councilmember Wilder, seconded by Councilmember Faraldi, elected to hold a closed meeting for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, specifically: (i) legal matters relating to the Region 2000 Services Authority Member Use Agreement for the disposal of solid waste and the distribution of excess revenue, and (ii) legal matters relating to the proposed amendment of various sections of the Zoning Ordinance to clarify the uses that are permitted in B-1 Limited Business Districts, pursuant to Section 2.2-3711(A)(8) of the Code of

Virginia. There was no further discussion, so Council, by the following recorded vote, approved the motion:

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

// The meeting was re-opened 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 Faraldi, 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 adjourned at 10:30 p.m.

October 13, 2020

AGENDA ITEM #: 2

Interim Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of October, 2020, at 3:15 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. 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

// In the matter of Agenda Item #1, Council considered a closed meeting for the discussion of the terms and scope of a contract with a recruitment company for the hiring of a City Manager because discussion in an open session would adversely affect the bargaining position or negotiating strategy of the City and for discussion and consideration of prospective candidates for appointment as the Clerk of Council, pursuant to Section 2.2-3711(A)(29) and Section 2.2-3711(A)(1) of the Code of Virginia.

Councilmember Helgeson made the motion, seconded by Councilmember Wilder to enter into a closed session. There was no further discussion; Council, by the following recorded vote, approved the motion:

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

// The meeting was re-opened 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 Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

// The meeting was recessed at 5:50 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

// In the matter of Consent Agenda Item #2, copies of the minutes of the October 13, 2020 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Faraldi 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 Registrar's Office, Consent Agenda Item #3, Resolution #R-20-079 amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$63,882 with resources of \$63,882 from the Center for Tech and Civic Life Grant (CTCL) to purchase voting equipment and supplies in addition to temporary staffing to meet the needs of new General Assembly Election laws and manage early voting

procedures for Lynchburg Citizens, and on motion of Councilmember Wilder, seconded by Councilmember Faraldi, Council by the following recorded vote adopted Resolution #R-20-079:

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

Noes: 0

// In the matter of Water Resources, Consent Agenda Item #4, Resolution #R-20-080 approving the water and sewer availability fees in the amount of \$7,576 for water and \$11,966 for sewer for the Bausch Health Expansion, and on motion of Councilmember Wilder, seconded by Councilmember Faraldi, Council by the following recorded vote adopted Resolution #R-20-080:

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

Noes: 0

// In the matter of the Sheriff's Office, Agenda Item # 5, this Council report was withdrawn prior to the meeting.

// In the matter of the Office of the Commonwealth's Attorney, Agenda Item #6, Council received the first reading of Resolution #R-20-083, amending the FY 2021 City/Federal/State Aid Fund budget to appropriate \$632,496 with resources of \$632,496 from the FY 2020 Department of Justice, Office on Violence Against Women, Improving Criminal Justice Responses Grant Program, also known as Arrest Program, to enhance the criminal justice response to sexual assault, domestic violence, dating violence, stalking, and protective order process.

Commonwealth's Attorney Ms. Bethany Harrison provided Council with a brief summary of the request. The Commonwealth's Attorney's Office was awarded \$632,496 in FY 2020 for the Improving Criminal Justice Responses Program for the period of 10/1/2020 to 9/30/2024. The Office of the Commonwealth's Attorney is requesting approval to appropriate \$632,496 towards the following criminal justice responses and victim services: hire an hourly (30 hours per week) In-House Investigator; hire a part-time (32 hours per week) Domestic/Dating Violence Prosecutor; hire a consultant to lead and further develop the Lynchburg Domestic Abuse Response Team (DART); in partnership with the YWCA

Domestic Violence Prevention Center and Sexual Assault Response Program, hire and house a part-time Protective Order advocate within the Lynchburg Juvenile and Domestic Relations District Court to assist victims in navigating the protective order process and to obtain needed resources and supports; training for new and seasoned staff members; and, computers and equipment for newly hired staff. Ms. Harrison continued by stating that this is a four year grant and the Commonwealth’s Attorney’s Office would have to wait a year before applying again.

This item went to the October 27, 2020 Finance Committee meeting. Mayor Dolan deferred to the Chair of that committee, Councilmember Helgeson. He stated there are staggering numbers in the increase of domestic violence cases. This grant will help facilitate in helping those that are witnesses, and those that are assaulted, with prevention of domestic violence, and the prosecution of such acts. He affirmed that the Finance Committee is thankful staff received this grant. There is no local match required. He brought the Finance Committee’s recommendation for approval forward as a motion. No second was needed, 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 Fire Department, Agenda Item #7, Council received the first reading of Resolution #R-20-084, amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$76,507 with resources from the 2020 State Homeland Security Program (SHSP) grant from U.S. Department of Homeland Security (DHS) to fund equipment for the Fire Department Technical Rescue Team.

Fire Chief Greg Wormser provided Council with a brief summary of the request. The Fire Department is seeking authorization to appropriate funds 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 confined space rescue equipment, confined space monitoring equipment, rope rescue equipment and USAR PPE that includes helmets and class III harnesses. The majority of this equipment is replacing existing equipment that has exceeded its useful life, but there are a few items that are being added to enhance rescue capabilities. He stated that this grant is 100% reimbursable and no local match is required.

This item went to the October 27, 2020 Finance Committee meeting. Mayor Dolan deferred to the Chair of that committee, Councilmember Helgeson. He stated that this equipment will help to protect our firefighters. He affirmed that the Finance Committee is thankful staff received this grant. He brought the Finance Committee's recommendation for approval forward as a motion. No second was needed, 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 #8, Council received the first reading of Resolution #R-20-085 amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$32,130 with resources from the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney.

Police Chief Ryan Zuidema provided Council with a brief summary of the request. This is a recurring grant that is split between the Police Department, the Sheriff's Office, and the Office of the Commonwealth's Attorney. The City of Lynchburg was awarded \$32,130 in Edward Byrne Memorial Justice Assistance Grant (JAG) funding. The Lynchburg Police Department will use this funding to purchase 70 protective suits and 70 sets of protective gloves (\$25,540). This equipment is essential for safety of both officers and citizens during events of civil unrest. Currently, the department has 85 sets of protective gear. Purchasing these additional suits and gloves will move the Lynchburg Police Department closer to the goal of equipping all 176 sworn staff. The Lynchburg Sheriff's Office will use funds to

purchase two laptops to assist with training (\$3,435). The Office of the Commonwealth's Attorney will use funds to purchase two laptops (\$3,155). The total equipment cost is \$32,130, which is fully reimbursable by the grant. No local matching funds are required. The grant application requires the approval of the governing body prior to submission of the grant request.

This item went to the October 27, 2020 Finance Committee meeting. Mayor Dolan deferred to the Chair of that committee, Councilmember Helgeson. He offered the opinion of what's interesting about this grant is that three law enforcement offices worked together in a concerted effort to receive this grant. He affirmed that the Finance Committee is thankful staff received this grant. There is no local match required. He brought the Finance Committee's recommendation for approval forward as a motion. No second was needed, 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 #9, Council received a first reading of Resolution #R-20-086 amending the FY2021 City/Federal State Aid Fund budget and appropriating \$122,990 with resources from the 2020 State Homeland Security Program (SHSP) Grant through the Virginia Department of Emergency Management (VDEM) to purchase mobile vehicle barriers and a trailer for the Lynchburg Police Department.

Police Chief Ryan Zuidema provided Council with a brief summary of the request. The Police Department was awarded \$122,990 through a competitive grant process with the Virginia Department of Emergency Management (VDEM) State Homeland Security Program (SHSP) to purchase mobile vehicle barriers and a trailer to transport them. This equipment will protect residents, visitors, and officers by preventing intentional motor vehicle assaults during planned permit gatherings, special events, demonstrations, dignitary visits and other assemblies. The total equipment cost is \$122,990 which is fully reimbursable by the grant; no local matching funds are required.

This item went to the October 27, 2020 Finance Committee meeting. Mayor Dolan deferred to the Chair of that committee, Councilmember Helgeson. He stated that this equipment will ensure the safety of

our officers and our citizens. He affirmed that the Finance Committee is thankful staff received this grant. There is no local match required. He brought the Finance Committee’s recommendation for approval forward as a motion. No second was needed, 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 #10, Council received a first reading of Resolution #R-20-087, amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$59,138 with resources of \$29,569 from the Bulletproof Vest Partnership 2020 Grant Program and \$29,569 transferred from the FY2021 General Fund Police Department (\$24,769) and Sheriff’s Office (\$4,800) budgets to purchase 74 replacement ballistic vests for law enforcement officers.

Police Chief Ryan Zuidema provided Council with a brief summary of the request. This is an annual request for the Bulletproof Vest Partnership through the Office of Justice Programs. For the 2020 Police Bulletproof Vest Partnership the City was awarded the funding, covering the cost of replacement ballistic vests for both the Police Department and the Sheriff’s Office. The vests provide protection to officers in the line of duty and the life of the vest is five years from the manufacturer date. The total replacement cost for seventy-four vests is \$59,138. The grant requires a 50% local match; these funds are available in the FY 2021 General Fund Police and Sheriff’s Office operating budgets.

This item went to the October 27, 2020 Finance Committee meeting. Mayor Dolan deferred to the Chair of that committee, Councilmember Helgeson. He stated that this is great defensive equipment that is needed to keep our officers safe. He also commended Chief Zuidema and his staff for recognizing that these would be ongoing expenses and obtaining grant funding to help alleviate those costs. He brought the Finance Committee’s recommendation for approval forward as a motion. No second was needed, and Council, by the following recorded vote, approved the motion:

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

0

// In the matter of Engineering, Agenda Item #11, Council considered approving Ordinance #O-20-025 for the vacation of a sewer easement on 8004 Timberlake Road. City Engineer Mr. Lee Newland provided Council with a brief summary of the request. In 1988 the City acquired an easement to construct and operate a sewer line across the property located at 8004 Timberlake Road. However, the current owner of 8004 Timberlake Road, the Westwood Corporation, has plans to develop the property and the location of the City's sewer easement limits the development of the property as the owner desires. TPB Enterprises is developing the adjacent property and has installed other sewer lines from Dreaming Creek and is not tying into this line. In order for the Westwood Corporation to develop 8004 Timberlake Road it has requested that the City vacate the City's 1988 sewer easement. Staff have reviewed the request and recommends the City's 1988 sewer easement be vacated. This matter has been vetted through, and has full support of, the Technical Review Committee. The vacation of the sewer easement will not have a negative impact on the City and will allow the Westwood Corporation to proceed with its development of the property.

This item went to the October 13, 2020 Physical Development Committee and Acting Chair Councilmember Sterling Wilder made the motion to approve this ordinance. No second was needed, 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 Community Development – Rezoning, Agenda Item #12, Council considered the approval of the rezoning petition from R-4C, High Density Residential District (Conditional) to R-4C, High Density Residential District (Conditional) to amend a proffer that would increase the total number of apartments by ten (10) units.

Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary stating that TPB Enterprises, LLC (Tom Bell) is petitioning to rezone approximately seventeen and nine tenths (17.9) acres located at 127 Brunswick Drive from R-4C, High Density Residential District (Conditional) to R-4C, High

Density Residential District (Conditional) to amend a previously approved proffer. The proffer included substantial compliance with a concept plan that showed a maximum of two hundred and seventy (270) units. The revised proffer/concept plan would amend the maximum to two hundred and eighty (280) units. The additional ten (10) units were incorporated into the original traffic study and concept plan. The change should have minimal effect on the area. All other proffers will remain unchanged.

On October 13, 2020, City Council postponed action on the item and requested summaries of the previous rezoning of the property and environmental violations on the site. Since April of 2020, when former Councilmember Turner Perrow first gave this developer a stern warning, this particular site had eight environmental violations.

Councilmember Helgeson stated that he is glad Council decided to table this item so that staff could bring the environmental violations pertaining to this site and the overall lack of the developer to address the issues, to Council for their consideration. Councilmember Helgeson made a motion to deny the request, seconded by Councilmember Faraldi.

Councilmember Nelson noted that he must abstain from voting on this item because he represents a client, who although not directly involved with this project, does stand to benefit financially from the success of the project.

Councilmember Wilder asked if the amount of violations cited by the Department of Environmental Quality was normal. Zoning Administrator Mr. Kevin Henry said that this was a large site and the amount of violations is not uncommon, but what are not typical of these findings are the lack of correction and the lack of maintenance associated with these violations.

Mayor Dolan commented that this development has changed in character over the years. She further explained that she read several sets of minutes over the years that this development changed hands. She mentioned a comment that stuck with her during her research; in March of 2020, during a planning commission meeting, a commissioner asked City Planner Mr. Tom Martin how to prevent developers from transitioning from their original plans. His response was that Council needs to stop amending proffers. For this reason, Mayor Dolan will support the denial of amending this proffer.

There was no further discussion; Council, by the following recorded vote, approved the motion for denial:

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

// In the matter of the City Manager's Office, Agenda Item #13, Council reviewed and provided feedback to the 2021 Draft Legislative Agenda in preparation for the Virginia General Assembly Session. Interim City Manager Dr. Reid Wodicka provided a summary of staff recommendations:

- Updated language regarding recommendation for the improvement of commercial air service development.
- Removal of language requesting changes to the Virginia's Region 2000 Airport Authority Act since it was not successful in the last year.
- Updates to the Economic Development section to more accurately reflect the present economic development environment.
- Addition of language in support of continued state tourism funding.
- Addition of language requesting the repeal of the requirements for Economic Development Authority members to file financial disclosure forms.
- Added language to request that the General Assembly revise the Lynchburg Parking Authority's terms from five years to three years and allow members to serve three terms instead of two.
- Updated language regarding the impact of changes in legislation that could eliminate Machinery and Tools and/or Business License taxes.
- Updated and reorganized section on Drinking Water, Water Quality, and the Environment to better reflect the current present regulatory environment.
- Updated language to the binding arbitration section opposing any language that would amend the City's choice as to their participation in collective bargaining or binding arbitration. Additionally, opposing the repeal of Virginia's right to work law.

- Addition of language opposing any preclearance of changes to voting laws or practices, such as changing the City's wards and polling places.
- Addition of language opposing the removal of qualified immunity for local law enforcement officers.
- Update to the short-term rental language to reflect the current state of short term rentals in Virginia localities.

Vice Mayor Wright will be attending a Virginia First Cities meeting as Lynchburg's representative and offered to bring any proposals or recommendations that are in-line with Lynchburg's interest back to staff for incorporation.

Councilmember Helgeson cautioned that this approach seems too broad and asked Council to consider a more focused approach; a strategy used years ago of picking a few specific topics agreed upon by the vast majority of Council and really pushing for those.

Councilmember Faraldi asked for clarification on the updated language to the binding arbitration section opposing any language that would amend the City's choice as to their participation in collective bargaining or binding arbitration, and opposing the repeal of Virginia's right to work law. City Attorney Mr. Walter Erwin stated that the legislation that was adopted by the General Assembly this year dealing with collective bargaining was a compromise. The House wanted to require localities to recognize unions and engage in collective bargaining. The Senate wanted to make it optional, and the Senate version passed. Currently, a locality is not required to engage in collective bargaining or to recognize unions. The language is asking the General Assembly to not change the existing legislation and require that it should remain a local option and that it should not be mandatory. So the initiative behind the agenda would be to support the Senate version and not the House version. Councilmember Faraldi confirmed his support of keeping this on the agenda.

Councilmember Faraldi also asked staff for the addition of a statement regarding unfunded mandates. He emphasized the importance of protecting the fact that if the State will be mandating that the City of

Lynchburg has to establish certain policy initiatives, then the State has a responsibility to find a solution for assisting localities in achieving that.

Vice Mayor Wright asked for clarification regarding the City's process for drawing wards. Mr. Erwin explained that this is addressed after receiving the results of the 2020 census. The population in each ward has to be in certain percentage of one another, so once the census figures are received, this data will be input into software programs that determine the various options that are possible for drawing the boundaries. Staff will then present those options to City Council and Council adopts the changes that they believe are the most appropriate. In the past, those changes would need to be approved by the U.S. Department of Justice, but that is no longer a requirement.

Councilmember Nelson stated that for strategic reasons, he would like to keep everything that our staff, our administrators, and our community feel is important to be on the list so that when it gets to the proper place in Richmond where it will be discussed, they will know we have a position on it even though it might not be a priority to us in relation to other things.

Councilmember Tweedy asked for the addition of language supporting early childhood education, particularly how to incentivize expanding daycare options in the workforce.

Dr. Wodicka explained that these revisions will be addressed and the final agenda brought back at the November 10th Council meeting.

// In the matter of Schools, Agenda Item #14, Resolution #R-20-082 received a second reading, laid over from a previous meeting, amending the FY 2021 General Fund budget and appropriate \$3,431,645 with resources from unexpended FY 2020 Schools Operating Fund for transfer to the FY 2021 Schools Operating Fund and to the Schools Capital Fund to fund needs as approved by the School Board. Interim City Manager Dr. Reid Wodicka explained that according to Council's Rules of Procedure, since this item did not receive a unanimous vote for approval, the second reading comes back to Council under General Business.

Councilmember Wilder made the motion to approve the resolution stating he sees the value in the school system and is in favor of appropriating the funds they need; Councilmember Tweedy seconded the motion.

Councilmember Helgeson remarked to the staggering number of daily average of absenteeism among students and worries the achievement gap is expanding. Even though this item comes before Council as the second reading, he explained that he feels it prudent to discuss different strategies and allow for more conversation on how the schools spend their funds.

Vice Mayor Wright said that the items that the return to fund balance would go to buy are not necessarily correlated to the potentially short-term fluctuation in school attendance. These resources would be used to fund maintenance-type products and do not support the rise and fall of attendance during the pandemic. He confirmed his support of this resolution.

Councilmember Faraldi asked if Councilmember Wilder would allow for a friendly amendment to his motion so that Council could consider this in two votes. He emphasized his support of awarding bonuses for the frontline workers, i.e. the nutritionists and the bus drivers. However, he commented that there are aspects of this proposal that he would like to delay in order to have a more robust discussion. He attributed this to the schools receiving CARES Act funds plus additional funding from the State and he would like to see a plan for how the schools propose to use all of those funds.

Councilmember Wilder replied that he does not feel it is Council's position to micromanage how the school board and school administration spend their funds. He entrusts the school system to see how best to utilize their funds based on their needs, and as such, will be leaving his motion as-is.

Councilmember Faraldi made a substitute motion to engage on this issue in two separate votes. Councilmember Nelson seconded the substitute motion. Councilmember Faraldi further affirmed his support of the bonuses for the workers, but emphasized his desire of learning how the schools intend to spend all of the funds they received from federal and state aid. He maintained that grasping this bigger picture will help maintain financial prudence.

Councilmember Nelson stated that the schools have received a substantial amount of federal funding that has an impending expiration date. He is in favor of giving the school division as much incentive to spend all of those funds. He clarified that he is not saying to not appropriate the fund balance to the schools, but rather hold the funds in reserve until other aid is expended. From a comprehensive point of view, it is prudent and not an unreasonable approach to set aside those funds and make certain that the money with an expiration date is spent before the money that has been generated by the fund balance.

Vice Mayor Wright stated that these are in two different buckets of funds; a fund balance that can be spent on the list of smaller capital projects, and funding that can only be spent on items specifically attributable to the pandemic. He further asked Councilmembers Wilder and Tweedy to consider splitting the vote so that Council can clear up certain aspects of this resolution.

Councilmember Wilder stated that the resolution is in reference to the fund balance and as such, will be voting against the substitute motion.

Councilmember Tweedy echoed that this item is in relation to the fund balance and further reiterated that the CARES Act funds need to be spent within certain parameters. The school system is aware of those guidelines and Council should entrust them to stay within those rules. She also stated, for further consideration at a later date, that Council should consider improving the infrastructure of internet and Wi-Fi accessibility in households of residents of the City of Lynchburg. She stated that this issue is not just on the shoulders of the schools, this is a citywide issue and one that Council needs to support.

There was no other discussion, and Council, by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Faraldi 5

Noes: Tweedy, Wilder 2

Vice Mayor Wright made the motion to approve the line item listed for the bonuses, seconded by Councilmember Nelson. Councilmember Helgeson stated that he would have liked to see this motion further divided so that the bonuses could be awarded only to the frontline workers within the school

system. He believes that this is a huge priority and a motion he would have voted in favor for; however, in the interest of time he would not be requesting to further divide this vote, but he would be supporting the motion. Council, by the following recorded vote, approved the motion:

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

Noes: Helgeson 1

Councilmember Wilder made the motion to appropriate the remaining funds to be allocated for the items on the list, seconded by Vice Mayor Wright.

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Noes: Helgeson, Faraldi 2

// The meeting is adjourned at 9:10 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of November, 2020, at 2:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, J. Randy Nelson, Sterling A. Wilder, Chris Faraldi 4

Absent: Beau Wright, Jeff S. Helgeson, Treney Tweedy 3

// In the matter of a Closed Meeting, Agenda Item #1, Council considered a closed meeting to interview prospective recruitment firms relating to the appointment of a City Manager, pursuant to Section 2.2-3711(A)(29) of the Code of Virginia.

Councilmember Nelson made the motion, seconded by Councilmember Wilder to enter into a closed session. There was no further discussion; Council, by the following recorded vote, approved the motion:

Ayes: Dolan, Nelson, Wilder, Faraldi 4

Noes: 0

Absent: Wright, Helgeson, Tweedy 3

// The meeting was re-opened to the public with the following members present:

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, Chris Faraldi 4

Absent: J. Randy Nelson, Treney Tweedy, Sterling A. Wilder 3

// 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 Faraldi, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Faraldi	4
Noes:	0
Absent: Nelson, Tweedy, Wilder	3

// The meeting was recessed at 3:50 p.m.

// City Council reconvened the meeting at 4:00 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

// In the matter of Budget, Agenda Item #2, Chief Financial Officer Ms. Donna Witt presented Council with an update on the 1st Quarter revenue collections received in several key City revenue sources and a review of the FY 2021 Adopted General fund operating budget. Sales and Use Tax is continuing to exceed projections in part due to online sales revenues coming in very strong. Ms. Witt stated that we are about one million above our revised projection. Meals Tax is up about \$263,000 for the 1st Quarter total, however, September collections didn't yield as high above the revised projections as normally seen. Lodging Tax collections for September are down compared to the previous month. Ms. Witt explained that staff thought there would be an increase in these collections from August to September, but that was not the case. These numbers are down consistently 20% where staff projected they would be. Amusement

Tax is down \$39,000 from projected because staff thought establishments would be opening back up by this time, but unfortunately, they are not. Overall, for the quarter, this is good news, but we need to be prepared for our next quarter not being so good.

Ms. Witt continued with her presentation explaining that the revenue assumptions used to build the FY 2021 budget was based on the phased approach of reopening. Staff anticipated that by 2nd Quarter, the state would be in Phase III of reopening with social distancing and consumer behavior driven by individual health concerns, and businesses would be open. For the most part, that trend is on par. For 3rd and 4th Quarters, staff was originally anticipating a more normal consumer spending, but Ms. Witt feels that will not be the case. She stated that it is her belief that the city will continue to be down in Meals Tax and Lodging Tax. Staff are revising projections for FY 2021 to be backed down from \$14,932,599 to \$13,200,000 in Meals Tax and also revising Lodging Tax from \$2,725,636 to \$2,135,623. Amusement Tax is being revised from \$795,190 to \$205,201; she stated that staff does not see this changing unless Regal Cinemas reopens. Communications Sales and Use Tax is projected to be down \$300,000. Consumer Utility Tax – Electric is projected to be down \$300,000. Net total is \$1,462,929 down for FY 2021 from where we projected we would be. Ms. Witt said that staff has been directed to extend a hiring frost, spending frost on all non-personnel related expenditures, and exercise mindful spending.

Ms. Witt advised that staff plans on updating Council at its February 9, 2021 meeting with the revenue numbers for FY 2020 Personal Property Tax and FY 2020 Real Estate Tax, plus December Meals, Lodging, Amusement, and Sales Tax numbers. Historically, December is one of the biggest months for those collections, however, if the local economy does not improve, expenditure adjustments will be proposed.

During this time, staff will also know more about what consumer behavior trends look like and the economic impact of college students returning to campus. Previously, Council amassed a list of items for future reconsideration should revenues hold true. This list includes: exploring the addition of a Medic Unit; exploring Phase 2 of the salary study; exploring a 3% general wage increase; exploring funds for implementing the Downtown 2040 plan due to no longer making payments to the Academy Center of the Arts; and exploring allocating more funds to the Poverty Initiative.

Vice Mayor Wright stated that the assumption is that the city will be down 1.5 million dollars by the end of the year; however FY 2020 ended with a pretty healthy surplus. He wanted to know if there was an opportunity to expedite the addition of the medic unit taking this into account. Interim City Manager Dr. Reid Wodicka clarified that staff would like to remain cautious with funds to ensure the revised projections are not worse than expected, but reiterated that the decision is ultimately Council's to make.

Councilmember Helgeson made a motion to fund the medic unit as soon as practical, stating that this should not be a debatable item anymore. Lynchburg residents are at home now more than ever due to the pandemic and the need for this service during this particular time is imperative. Councilmember Faraldi seconded the motion, stating that even though he understands the strategy for delaying this in these uncertain times from a budgetary perspective, he does not like the idea of putting off a service that both the community and fire department employees both desperately need.

Vice Mayor Wright requested clarification on the motion. Dr. Wodicka stated if Council chooses to fund the medic unit, the \$193,936 that was placed in reserve for these positions would be moved to the operating budget to the personnel line. Council would then afford any difference at its February meeting if needed.

With no other discussion the following vote was recorded approving Resolution #R-20-091:

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

Noes: 0

Councilmember Tweedy asked if we are looking down the road at a readjustment of City operations due to the transition college students are making to attend online classes rather than on campuses. Ms. Witt reiterated that the lack of student population on campuses is majorly impacting Meals, Lodging, and Amusement Taxes.

// In the matter of Water Resources, Agenda Item #3, Director of Water Resources Mr. Tim Mitchell gave Council an update regarding the utility disconnects state moratorium. Recently, the General Assembly

passed legislation related to a State Mandated Utility Disconnection Moratorium and Coronavirus Relief Funds. This legislation is included in the amended State budget and is currently on the Governor's desk for his signature. These amendments enact a "universal" prohibition on service disconnections for past due accounts; require the establishment of repayment plans within 60 days of enactment; and prohibits the charging of late fees, interest, or penalties. The act does allow for exemptions to the moratorium provided that arrearages exceed 1% of the utilities annual operating revenues, however, specific processes must be followed to qualify. Mr. Mitchell informed Council that the arrearages for the city do presently exceed the 1% of the utilities annual operating revenues and that the city could apply for an exemption. In order to do so, the city would produce documents showing how the calculations of the arrearages were determined and present that to City Council for inspection. These would then be provided to the public for their inspection and a public hearing would be held. City Council would then vote to approve the statement that the city is exceeding the 1% and that we would want to proceed with an exemption of the disconnection moratorium.

Additionally, the act includes significant reporting requirements due on December 31st for the period of March 16, 2020 through December 15, 2020. Additional reports will also be required and are dependent upon how long the moratorium is in effect. There are provisions to allow for the use of \$100 million in CARES funds but timing, availability, and administration of such funds will be challenging since this act also applies to electric and gas utilities and the funds have to be spent by the end of the calendar year.

Councilmember Faraldi asked what was needed from Council. Mr. Mitchell stated that right now, nothing at this point until we have the final legislation. Once we have that, we'll need to know whether we should apply for the exemption.

// In the matter of Roll Call, Agenda Item #4, Councilmember Helgeson recognized Liberty University for having a winning record this football season. Councilmembers Nelson and Faraldi had no items. Councilmember Wilder commended Lynchburg Parks & Recreation for holding a luncheon and a drive-thru parade for Veterans; he thanked Lynchburg Police Department and the group One Community, One Voice for hosting a Trunk-or-Treat event at Miller Park; and he asked citizens to donate to the volunteer-

run organization, Mustache 4 Kids, which raises money for children’s charities. Councilmember Tweedy asked staff to look into a constant brush and bulk issue around Memorial Avenue near E.C. Glass High School. Vice Mayor Wright thanked Councilmember Tweedy for her service in the U.S. Navy, and for all the veterans in the community for their service to the country, in honor of Veterans Day. Mayor Dolan encouraged everyone to wear masks, wash their hands, and practice social distancing. She also made the following announcements:

- The City of Lynchburg recently won the Center for Digital Government’s Future Ready Award. This award is presented to jurisdictions that are laying the foundation for the disruptive and converging forces that are shaping an uncertain future - through technology or process changes; innovation; engagement with partners collaboratively; and by harnessing emerging technologies to solve problems. The Future Ready Award is a new award that Google sponsors, and Lynchburg was the only city in the country to win.
- Lynchburg also won 2nd place for Digital Cities, making this the 17th year in a row that we have been in the Top 10 Cities.

Due to the lack of agenda items for both the November 24, 2020 Council meeting and Finance Committee meeting, Council reached a consensus to cancel these meetings.

// The meeting was recessed at 5:22 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
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Absent:	0
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Councilmember Tweedy gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan presented Ms. Gabrielle Crawford and Ms. Morgan McDowell a proclamation declaring the week of November 8, 2020 – November 14, 2020 as Nurse Practitioner Week.

Mayor Dolan continued with the following announcement regarding Veterans Day:

As we all know, Veterans Day is tomorrow, November 11. It is a time for all of us to pay our respects to the brave men and women who have served our country. We celebrate and honor America's veterans for their patriotism, love of country and willingness to serve and sacrifice for the common good.

In 1918, on the 11th hour of the 11th day of the 11th month, an armistice was declared between the Allied nations and Germany in World War I, then known as "the Great War." And became known as Armistice Day. However, in 1954, the holiday was changed to "Veterans Day" in order to account for all veterans in all wars.

Tomorrow at 11:00 a.m., the Lynchburg Area Veterans Council will sponsor its Annual Veterans Day Observance at the foot of Monument Terrace. We encourage those of you who can to come out and support them and to honor our veterans and to thank them for their service and their sacrifice.

// In the matter of Consent Agenda Item #5, copies of the minutes of the October 27, 2020 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, 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 Office of the Commonwealth's Attorney, Consent Agenda Item #6, Resolution #R-20-083 amending the FY 2021 City/Federal/State Aid Fund budget to appropriate \$632,496 with resources of \$632,496 from the FY 2020 Department of Justice, Office on Violence Against Women, Improving Criminal Justice Responses Grant Program, also known as Arrest Program, to enhance the

criminal justice response to sexual assault, domestic violence, dating violence, stalking, and protective order process, received a second reading. On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion to adopt Resolution #R-20-083:

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

Noes: 0

// In the matter of the Fire Department, Consent Agenda Item #7, Resolution #R-20-084 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$76,507 with resources from the 2020 State Homeland Security Program (SHSP) grant from U.S. Department of Homeland Security (DHS) to fund equipment for the Fire Department Technical Rescue Team, received a second reading. On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion to adopt Resolution #R-20-084:

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

Noes: 0

// In the matter of the Police Department, Consent Agenda Item #8, Resolution #R-20-085 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$32,130 with resources from the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney, received a second reading. On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion to adopt Resolution #R-20-085:

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

Noes: 0

// In the matter of the Police Department, Consent Agenda Item #9, Resolution #R-20-086 amending the FY2021 City/Federal State Aid Fund budget and appropriate \$122,990 with resources from the 2020

State Homeland Security Program (SHSP) Grant through the Virginia Department of Emergency Management (VDEM) to purchase mobile vehicle barriers and a trailer for the Lynchburg Police Department, received a second reading. On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion to adopt Resolution #R-20-086:

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

Noes: 0

// In the matter of the Police Department, Consent Agenda Item #10, Resolution #R-20-087 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate \$59,138 with resources of \$29,569 from the Bulletproof Vest Partnership 2020 Grant Program and \$29,569 transferred from the FY2021 General Fund Police Department and Sheriff’s Office budgets to purchase 74 replacement ballistic vests for law enforcement officers, received a second reading. On motion of Councilmember Helgeson, seconded by Vice Mayor Wright, Council by the following recorded vote approved the motion to adopt Resolution #R-20-087:

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

Noes: 0

// In the matter of Community Development – Rezoning, Agenda Item #11, a public hearing was held to discuss adopting Ordinance #O-20-026 approving amendments to Zoning Ordinance Section 35.2-45, Limited Business District (B-1), Section 35.2-46.4, B-3 District Development Standards, Section 35.2-48.4, B-5, District Development Standards, Section 35.2-61.2, Additional Height Regulations and Section 35.2-61.3, Setbacks related to residential uses permitted by right as part of mixed use developments.

Mr. Tom Martin, City Planner, provided Council with a brief summary of the request. At its September 22, 2020 meeting, City Council directed staff to prepare Zoning Ordinance amendments related to residential uses permitted by right as part of mixed use developments in business districts. City staff prepared draft amendments based on discussion with City Council at that meeting and with

representatives from the Richland Hills Neighborhood Association. At its October 28, 2020 meeting, the Planning Commission requested that ground floor residential be defined. The proposed amendments would:

- Clarify that multi-tenant commercial developments or mixed-use developments are limited to fifty thousand (50,000) sf per lot.
- Define ground floor residential as the floor of a building most nearly on a level with the ground and facing the public street.
- Prohibit ground floor residential in the B-1, B-3 & B-5 Districts.
- For lots in the B-1 District, limit buildings to two (2) stories when adjacent to an R-1, R-2 or R-3 District.
- Require commercial space to comprise at least fifty percent (50%) of building gross floor area when part of a mixed-use development in the B-1, B-3 & B-5 District.
- For lots in the B-1 District, require a fence at least six (6) feet in height to be established when adjacent to an R-1, R-2 or R-3 District.
- For lots in the B-1 District, require height to be measured from the natural grade at the horizontal midpoint of the building when adjacent to a residential district.
- For lots in the B-1 District, require a fifty (50) foot setback when adjacent to an R-1, R-2 or R-3 District.

Mr. Martin stated that what staff found over time, was that the way the ordinance was written allowed for much larger developments than what was originally acceded for the purpose of the B-1 District. Staff also looked at the B-3 District and determined it appropriate to maintain the same ratio of commercial to residential to try and maintain the primary use of those districts as commercial.

Mr. Martin continued, stating that the Richland Hills Neighborhood Association has concerns with the ordinance and would like to have conditional use permits required for any mixed use development. Another concern of the association is the ability of properties to be further subdivided. However, staff feels it is unreasonable to limit a large parcel to only 50,000 square feet.

Mr. Jason Snyder, President of the Richland Hills Association, was in attendance and made a presentation. He stated that the association is in full support of the changes that staff is proposing. These changes serve to clarify and strengthen sections of the zoning ordinance that have left room for developers to take B-1 property and turn it into high density residential apartment complexes. At a minimum, the association hopes that Council approves these amendments to the ordinances to better protect neighborhoods across Lynchburg from these large scale developments being built in their backyards and better ensuring future developments are living up to the spirit of the zoned district as defined by the zoning ordinance.

There was one area of the amendments that the association does still have concern. Developers that wish to build mixed use residential in B-1 Districts should be required to apply for a Conditional Use Permit (CUP) when proposing apartments in the upper floors of their buildings. The association is of the strong belief that B-1 Districts should have an extra level of review by Council, given its proximity to neighborhoods and traffic concerns that stem from that.

There was no one to speak in either favor or opposition, either in person, or through voicemail or through email. The public hearing was closed and the matter rested with Council.

Councilmember Helgeson made the motion to approve the ordinance with the amendment suggested by the Richland Hills Neighborhood Association to require a CUP when developers propose adding residential units in a B-1 District stating that as elective representatives, it is imperative to hear from citizens. If the development vastly changes the area, it is important to hear from the citizens it will be affecting.

Councilmember Faraldi seconded the motion. As the Ward IV representative he is familiar with this project and has worked with the neighborhood to initiate this process of approving the amendments. He also stated that adding an extra layer of oversight is prudent.

Councilmember Nelson asked staff to clarify a discrepancy on the presentation that referenced Section 35.2-45, Section 35.2-46, and Section 35.2-48.4 (presentation slide numbers 14, 15, and 16, respectively) this new ordinance would require 50/50 ratio of commercial to residential for mixed use

developments, where the ordinance actually says a minimum of 50/50 ratio. It's a technical inconsistency between the ordinance and the presentation slide but in the effort of transparency, he wanted to make the public aware. He further explained that what was stated in the ordinance is actually better because it implies that there be at least more residential than commercial. He will be supporting the motion because he thinks it a good reservation of authority to have the opportunity for Council to review any commercial business development with residential units that may lie next to a residential area.

Vice Mayor Wright inquired about the consequences if a CUP is required for this type of development. Mr. Martin explained that any time a developer wanted to do a mixed use development in a B-1 District, whether it be commercial or residential, it would need to come before the Planning Commission and then City Council. He discouraged requiring a CUP in B-3 and B-5 Districts due to those being more intense districts. He also stated the importance of encouraging mixed-use throughout the city.

Mayor Dolan said that she will be supporting this motion because Council needs to respect the integrity of the neighborhoods and oversight of the B-1 District is reasonable.

With no other discussion from Council, the following vote was recorded approving Ordinance #O-20-026:

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

// In the matter of Economic Development, Agenda Item # 12, a public hearing was held to consider adopting Resolution #R-20-088 amending the geographic boundaries and local incentives for Enterprise Zone #2 and #46.

Ms. Marjette Upshur, Director of Economic Development & Tourism, provided Council with a brief summary of the request. Enterprise Zones are geographically specific areas established by the Commonwealth of Virginia to provide incentives for businesses to locate or expand, stimulating economic development within the designated areas. Commercial and industrial businesses located in one of the

City's Enterprise Zones may be eligible to apply for two grant programs offered by Virginia DHCD; a real property improvement grant and a job creation grant. In 2019 alone, twelve businesses located in the City of Lynchburg's Enterprise Zones, received \$1,175,524 in cash grants for real property improvements and for job creation.

Ms. Upshur stated that Lynchburg has two Enterprise Zones; Zone # 2 and Zone #46. Under the state's regulations, the zone size is limited to 7% of the locality's total land area. Currently, Zone #2 is at 6.94% and Zone #46 is at 6.87%. Given the maturity of these zones, staff recently audited these areas to ensure they are being utilized to allow as many businesses as possible to take advantage of the incentives. Staff worked diligently to identify residential or government-owned property where the zone designation provides no benefit and would render the property ineligible for this program. Only three noncontiguous areas are allowed; these zones cannot be picked up and placed anywhere. As such, staff looked at the edges of the established zones to see where there were pockets of unqualified properties. The parcels identified as ineligible for this program and are being proposed for removal from the zone are 3525 John Capron Road (LCS Transportation Facility) and 331 Chapel Lane (vacant land with access limitations). Both of these parcels are publicly owned.

Ms. Upshur stated that these zone boundaries are eligible for amendment upon approval of City Council and DHCD. The final approval of the boundaries amendment lies with the state; however, City Council is required to conduct a public hearing regarding the proposed amendments and execute a resolution supporting the request.

There was no one to speak in either favor or opposition, either in person, or through voicemail or through email. The public hearing was closed the matter rested with Council.

Vice Mayor Wright made the motion to approve the resolution, thanking staff for being vigilant in finding these opportunities to increase the coverage of the Enterprise Zones. Councilmember Helgeson seconded the motion.

With no other discussion from Council, the following vote was recorded approving Resolution #R-20-088:

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

Noes: 0

// In the matter of Community Development, Agenda Item #13, Council considered adopting a resolution approving the renaming of the existing public street located between Page Street and Caroline Street, currently named Hillcrest Avenue, as Caroline Street.

Ms. Victoria Glasgow, Neighborhood Planning Coordinator, provided a brief summary of the request. The City of Lynchburg is petitioning to rename a portion of public right-of-way named Hillcrest Avenue as Caroline Street for E911 and postal service purposes. The name change will alter the address of one (1) private undeveloped property and one (1) city-owned undeveloped property. Presently, the street name changes from Caroline Street to Hillcrest Avenue in the middle of the street. Once approved, the street will instead change names at the intersection of Hillcrest Avenue and Page Street.

On August 18, 2020 The Technical Review Committee reviewed the petition and had no issues. On September 9, 2020 the Planning Commission reviewed the item and had no comment. On October 13, 2020 the Physical Development Committee reviewed this item and recommended approval.

Councilmember Wilder, who chaired the Physical Development Committee meeting when this item was reviewed, stated that the committee recommended approval because there was no objection from any of the neighbors (all were contacted), and overall, will help with receiving emergency services to this area. He brought the committee's recommendation forward as a motion to approve the resolution; no second was needed 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 City Manager's Office, Agenda Item #14, Council considered adopting the 2021 Legislative Agenda. Interim City Manager Dr. Reid Wodicka provided Council with a brief summary of the request. At its October 27, 2020 meeting, Council reviewed recommended revisions to the 2021

Legislative Agenda for the upcoming General Assembly session. City Council requested the following revisions to the proposed language:

- Councilmember Faraldi requested the addition of a statement opposing unfunded mandates from state government
- Vice Mayor Wright requested the addition of a statement requesting that the General Assembly revise the City Charter to eliminate the salary cap for Lynchburg City Council members.
- Councilmember Tweedy requested the addition of a statement advocating for General Assembly action to improve early childhood education.

Vice Mayor Wright recommended the following additions to the City's legislative agenda based on the Virginia First Cities Legislative Agenda:

- Addition of language supporting additional options for the City to address blighted properties
- Addition of language supporting a comprehensive governmental effort to improve broadband access and affordability
- Addition of language supporting revising the Aid to Localities with Police Departments funding formula to more adequately address the challenges faced by urban police departments
- Addition of language supporting measures to assist local government to reduce their carbon footprint and promote energy efficiency

Councilmember Helgeson requested clarification that the law regarding blighted properties did not change where Council would need to petition the General Assembly, but rather the Housing Authority priorities have changed where they no longer are able to run the program for blighted properties. City Attorney Mr. Walter Erwin stated that the General Assembly did change some of the laws dealing with spot blight that the Housing Authority felt it more difficult to implement the program.

Vice Mayor Wright stated that this term is to add language making it possible to transfer blighted properties into a land bank. This is not necessarily to talk of the program as it existed. Mr. Erwin clarified that what would happen is the housing authority would get the property and would have the authority to convey the property to a new owner. This would allow the property to go into a land bank to be held and then used as the City felt appropriate. That's not something that is available under the current law.

Vice Mayor Wright made the motion to approve Resolution #R-20-090, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// On motion of Councilmember Wilder, seconded by Councilmember Faraldi, Council, by the following recorded vote, elected to hold a closed meeting to discuss the disposition of certain real property identified as 97 Page Street, Lynchburg, Virginia, including, if any, improvements thereon; and to discuss the appointment of members to the Economic Development Authority, Historic Preservation Committee, Parking Authority, Social Services Advisory Board, City Employee Appeals Board, Horizon Board of Directors, and for discussion and consideration of prospective candidates for appointment as the Clerk of Council, pursuant to Section 2.2-3711(A)(3) and Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

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

Noes: 0

// The meeting was re-opened 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 Faraldi, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

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

Economic Development Authority: no appointments were made at this time.

Historic Preservation Committee: no appointments were made at this time.

Parking Authority: Mr. David Cook – term ending October 31, 2025.

Social Services Advisory Board: Mr. Timothy Schoonmaker – unexpired term ending September 30, 2021; Mr. Mitchel Gilman – unexpired term ending September 30, 2023.

City Employee Appeals Board: no appointments were made at this time.

Horizon Board of Directors: Councilmember Chris Faraldi – term ending December 31st, 2023.

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

Noes: 0

// The meeting was adjourned at 10:10 p.m.

Interim Clerk of Council

November 10, 2020

AGENDA ITEM #: 6

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of December, 2020, 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 S. Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi	7
Absent:	0

// In the matter of Agenda Item #1, Ms. Kristen Nolan and Ms. Sarah Quarantotto, the Director of Housing Services and the Executive Director of Miriam’s House, respectively, presented the Central Virginia’s Continuum of Care’s (CVCoC) *Strategic Plan to End Homelessness*. Miriam’s House serves as a lead agency for the Continuum of Care. It is in this capacity that Miriam’s House is a liaison between local homeless response efforts, and local, state, and federal government entities. The CVCoC’s mission statement outlined in the strategic plan is to ensure that homelessness is rare, brief, and non-recurring. Its vision is for all individuals and families experiencing homelessness in the City of Lynchburg and surrounding counties to have a permanent, safe, decent, and affordable place to call home by the year 2024. The CVCoC is funded through federal, state, and local grants totaling \$964,720. The way the mission is carried out is through the homeless response system, comprised of shelters, prevention programs, rapid re-housing, and supportive housing that all come together to work cohesively to make sure that there are no gaps in service, that everyone receives the help that they need, and that everyone receives the appropriate level of intervention.

Councilmember Tweedy commented on the fact that seniors are posing a serious increase in homelessness since they are unable to grow their income. Ms. Quarantotto said that nationally those numbers are rising, however an analysis was recently conducted on the local level and there were no alarming findings yet. She agreed that as housing costs increase and seniors’ retirement income does not, it is a looming crisis.

Mayor Dolan noted that in the survey over half of the responses indicated that the individuals did not have a job and she wanted to know how workforce is being addressed. Ms. Nolen stated that the

CVCoC has increased its partnership with Virginia Career Works, and are attempting to better communicate with frontline staff (caseworkers) on those resources.

Councilmember Faraldi asked how the pandemic is affecting the workforce aspect. Ms. Nolen responded that one of the big issues they're facing is obtaining proper identification. Getting an appointment at the DMV is really hard due to the pandemic, and having proper identification to fill out an I-9 Form is the first step to applying for a job. It has also been a challenge to find jobs that are available along the bus line. Although there are less people who have become homeless, the CVCoC has had to help people with rent assistance for a much longer time period than normal because getting a job or keeping a job has been really difficult during the COVID-19 pandemic.

// In the matter of Finance, Agenda Item #2, Council received a report on the FY 2020 Comprehensive Annual Financial Report from the City's external auditing firm. Mr. Chris Banta with Brown Edwards, LLC was in attendance and presented the results of the audit. He stated that when doing an audit, it is important to understand how the organization serves the citizenry and how it pays its vendors. Those are called internal controls and understanding that is the backbone of the process. Also, understanding how the organization adapted to the pandemic in regards to remote work and serving the citizens is also important because that could have enhanced risks from an auditor's standpoint. The City and School finance did adapt well to the remote processing and had no enhanced risks.

Mr. Banta presented the highlights of the CAFR. An audit opinion gives an opinion on the financial statements. An unmodified opinion, or clean opinion, states that the auditor believes the financial statements are materially correct. That's the highest level of assurance an auditor can give to a set of audited financials, and the City received an unmodified opinion.

The next report was a General Fund Budget to Actual Statement. The City's general fund underspent the expenditures for the year so it is in compliance with the legally adopted budget. Mr. Banta explained that there is a footnote within the statement referencing the impacts of the COVID-19 pandemic and that is to simply let the user know, as they're digesting this document, they need to keep in mind that

there was a global pandemic going on and that had wide-ranging implications on operations and financials for local governments.

The next phase of the audit was to craft the Yellow Book opinion which takes a deeper dive in assessing the internal controls and processes. If there are any significant deficiencies or material weaknesses, not just in problems found but in problems based on the design of the operations, it would have to be reported in the CAFR. There were no significant deficiencies or material weaknesses to report.

The next opinion is called a Passenger Facility Charge Audit Report. Since the City operates a commercial airport, it charges what is called a Passenger Facility Charge, an additional fee with a purchase of an airline ticket. There are certain compliance requirements that auditors have to test as a result of charging these fees. This looks at how those fees are being used and reports on any significant findings; there were no significant finding for the City.

Last is the Federal Single Audit Report. The City expended about 40 million dollars of federal awards this year in coronavirus relief funding. Mr. Banta stated that staff is anticipating this will be subject to audit. The Office of Management and Budget issues the compliance supplements that guides staff and tells them exactly what to look at; however, that guidance has not been released yet. Therefore, this portion of the audit is on hold but will be submitted by its deadline of March 31st. The state deadline for issuing the CAFR is December 15th. Mr. Banta stated that the CAFR will be issued with just the Passenger Facility Charge, the report on the financials, and the yellow book government report. Then an update will be issued with the federal award report at a later time.

// In the matter of Budget, Agenda Item #3, Ms. Donna Witt, Chief Financial Officer, presented Council with an update on the revenue collections received in several key City revenue sources. Ms. Witt explained that these numbers are through October which means that we are starting to look at the 2nd Quarter. The 1st Quarter came in stronger than what staff anticipated, however staff thought the economy would be more back to normal by the 2nd Quarter, but unfortunately, that is not the case overall.

Fortunately, Sales Tax is about \$233,000 above budget. This continues to come in very strong; the revenues are up about 6.7% compared to last year's numbers and up just about 4% compared to last

month. This is based primarily on online sales, grocery sales, and home improvement sales. Ms. Witt anticipates these numbers will remain strong.

Unfortunately, Meals Tax, for the first time, is below what was anticipated in the budget. Restaurants are just not as open, or back to normal, as staff thought they would be. Ms. Witt anticipates that these collections will not rebound and a decline will be continual probably through the rest of the 2nd Quarter, and possibly in to the 3rd Quarter.

Lodging Tax, poses the same situation as Meals Tax. Staff is seeing about an \$88,000 difference from what was collected to what we anticipated in the budget. Ms. Witt explained that she again expects a decline through at least the rest of the 2nd Quarter.

The Amusement Tax sector is really still very much closed; very little is open for people to participate with in order for the City to collect Amusement Tax. Ms. Witt anticipates that the mere \$18,000 - \$19,000 being collected is going to continue for at least the 2nd Quarter and possibly in to the 3rd and 4th Quarter.

// In the matter of Water Resources, Agenda Item #4, Council received an update on the Utility Disconnect Moratorium and considered adopting Resolution #R-20-092 related to the COVID-19 Municipal Utility Relief Program and associated CARES funding.

Mr. Tim Mitchell, Director of Water Resources presented Council with a summary of the recommendation. On November 19, 2020, as a result of recent State Budget Amendments, the City received a memorandum from the Virginia Department of Housing and Community Development (DHCD) regarding the COVID-19 Municipal Utility Relief Program (Relief Program). The memorandum explained the process for municipal utilities to apply for CARES funds for the Relief Program. The applications were due on November 30, 2020 and only included utility and locality identification and the total arrearages for 60 and 30 days which were \$397,121 and \$619,181, respectively, at the time of the application. The funds will be distributed to all water, sewer, gas, and electric utilities that applied for the funding on a pro-rata basis and are considered pass-through funds since they will be applied directly to qualifying customer accounts. \$344,014.82 was awarded to the City.

The General Assembly 2020 Special Session Budget Bill HB5005 Item 4-14 requires that notification be sent to all customers by January 17, 2020 with arrearages over 30 days with information about the disconnect moratorium and repayment plan options. The City can qualify for an exemption from the Utility Disconnect Moratorium to resume utility cut-offs of delinquent accounts, but certain criteria must be first met. These include, arrearages must exceed 1% of the total annual operating revenue; documents must be available to the public; and City Council must conduct a public hearing and affirm the 1% exceedance and the intent to resume cut-offs.

Mr. Mitchell outlined the staff recommendations to Council which included adopting a resolution waiving Council's normal fiscal policies and accepting the COVID-19 Relief Funds. Councilmember Helgeson asked for clarification about the statement, wanting to know exactly what fiscal responsibilities are being waived. Ms. Donna Witt, Chief Financial Officer, clarified that Council's normal financial procedures require appropriations of funds to have two readings; however that is a City code not a State code. This means that Council has the ability to waive the need for a second reading and appropriate these funds with one reading. There is a very short window to work with citizens to get information out about these funds to pay their bill. If Council waited to have a second reading at the next Council meeting in January 12, 2021, the window to receive these funds would be missed.

Mr. Mitchell continued with the following staff recommendations: within the next two weeks notify customers with arrearages of the repayment plan and relief fund availability and requirements; conduct a Public Hearing on January 12, 2021 for consideration approving the 1% Exemption from the moratorium and resumption of utility disconnections on a date to be established; if it is determined that utility disconnections will resume, immediately notify customers again with arrearages of the available resources, assistance, and repayment plan options and when cut-offs will resume.

Vice Mayor Wright made a motion to approve Resolution #R-20-092, seconded by Councilmember Tweedy. With no further discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Roll Call, Agenda Item #5, Councilmember Faraldi had no items. Councilmember Wilder thanked the community for all of the work they are doing during this crisis. Councilmember Tweedy asked that all citizens be diligent and adhere to guidelines that will make us all safe. Councilmembers Nelson and Helgeson had no items. Vice Mayor Wright recently went to an unveiling of a marker at the Juvenile Court for Lucy Harrison Baber who is a Lynchburg native and longtime resident who advocated for Juvenile Justice Reform in Virginia and helped establish the juvenile justice system that we have here in Lynchburg. Mayor Dolan had the following roll call items:

- Mustaches for Kids (M4K) Lynchburg just completed our annual fundraiser and raised \$318,713 in 30 days for local children's charities. Since the inception of this organization in 2014, this brings the total amount raised for local non-profits to over \$1,000,000.
- "Since the onslaught of the COVID-19 pandemic, I have seen this community come together in so many different ways to support one another - whether it was following safety guidelines and wearing masks, supporting local businesses, checking on elderly neighbors or donating to those who were in need. I have been so proud to witness just how great this community continues to be and how, in times of adversity, we come together and grow stronger!

This evening, I would like to take just a moment to recognize a special group of people. I don't think anyone has seen their lives change quite as much as the lives of our healthcare workers. On a daily basis, these individuals have been on the frontline risking their lives and working long, exhausting hours to take care of our friends and loved ones struck down with COVID-19.

On behalf of this community, I want to thank not only the doctors and nurses, but every technician and CNA, every aide and housekeeper, every senior care and doctor's office worker -thank you for what you are doing! We want you to know we appreciate your sacrifice, dedication and service. What you are doing is so very important, and we owe you a great debt of gratitude.

If my fellow Council Members would be so kind, I'd like us to stand and give our healthcare

workers a standing ovation of thanks. God bless you!”

Vice Mayor Wright asked the City Attorney what the potential for citation was due to having more people in the room than the current allowable 25 people under State law. City Attorney Mr. Walter Erwin clarified that there is an exemption in the Governor’s executive order for government operations. He continued by stating that if there are more people in the room than is allowed, the City runs the risk of the Health Department sending a notice saying we are in violation. However the governor’s order is vague, as in is a meeting of a governing body a government operation. Vice Mayor Wright asked that his fellow Councilmembers concede to keeping the number of individuals in Council Chamber for the 7:30 p.m. meeting to 25 people. Councilmember Helgeson stated that Council meetings are open public meetings which are required under the Virginia Freedom of Information Act. He further commented that Council does not get to arbitrarily decide which citizens get to attend the meeting and who does not and he would not be agreeing.

Vice Mayor Wright made a formal motion to restrict Council Chamber to 25 persons with overflow seating in a different location within City Hall. Councilmember Tweedy seconded the motion stating she has concerns and errs on the side of safety and compliance.

Councilmember Faraldi asked Vice Mayor Wright who he envisioned would enforce these orders. He specifically wanted to know if local law enforcement would be asked to enforce the attendee restrictions. Vice Mayor Wright retorted that the logistics could be worked out, but the idea of limiting the number of people allowed in one space is to keep people safe and comply with the State law. Councilmember Faraldi stated that he could walk in to any restaurant, and if there were 35 – 40 people in the restaurant, remaining socially distanced, that business would be considered complying with state mandates. He commented that the proposal to limit Council Chamber to 25 people when it could hold, by his count, around 40 people and allow for social distancing, seemed inconsistent with this executive order. Further, he stated that adding any agenda item, especially an item that would greatly impact the community, within seven days of the Council meeting violates Council’s Rules of Procedure. Lastly, he stated that he cannot in good conscious infringe on the rights of the constituency that he represents to

view and engage with their government in-person. He also noted the importance for citizens who are at-risk, to stay at home, but for these reasons, he will not be supporting the motion.

Councilmember Nelson stated that he appreciates both sides of the argument, however, on the agenda for the 7:30 p.m. meeting are two public hearings, one for a zoning issue and the other an appeal. The citizens have a right to come and petition at the public hearings. That is a government operation. He stated that Council should not skirt the right of citizens to a fundamental constitutional liberty on the basis of whether we would fall under the exemption under the governor's mandate.

Mayor Dolan stated that she would agree to limit the number of people in Council Chamber to 25 people with an overflow room for viewing if there were more time to notify the public of this stance. For that reason she will not support the motion.

With no further discussion, the following vote was recorded:

Ayes: Wright, Tweedy 2

Noes: Dolan, Helgeson, Nelson, Wilder, Faraldi 5

Interim City Manager Dr. Reid Wodicka had an item for Council's consideration. In the recently adopted Legislative Agenda, there is a request to the General Assembly to remove certain provisions from the City's Charter, specifically related to City Council's pay. In order to request that, Council either needs to hold a public hearing on the subject, or conduct a referendum on the subject to reopen the Charter. Dr. Wodicka recommends holding a public hearing, but needs Council's permission to advertise and schedule a public hearing for the first January meeting. Council reached a consensus, giving staff the ability to do so.

// The meeting was recessed at 5:42 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 Recognitions, Mayor Dolan made the following acknowledgements:

- She congratulated the graduates of the CO.STARTERS Fall 2020 program: Andrea Plunkett, Kenneth Payne, Thomas Morris, Kathryn Lewis, Heather Knopp, Vanessa Kaszubowski, Diana Ferrell, Skyler Donaldson, Molly Corbet.
- The International Economic Development Council awarded the City of Lynchburg an Excellence in Economic Development Silver Award for the 2019 Annual Report, produced by the Office of the Economic Development & Tourism.
- The Office of Economic Development & Tourism received the VIRGO award for Destination Event of the Year for the 2019 State Games of America.
- Ms. Marjette Upshur, Director of Economic Development & Tourism, provided Council with a copy of the Economic Development 2020 Annual Report and played a short video of the highlights of the report.

// In the matter of Consent Agenda Item #6, copies of the minutes of the November 10, 2020 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Faraldi, 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, Consent Agenda #7, Resolution #R-20-093 amending the FY 2021 General Fund Personnel budget and appropriating \$193,936 with resources from the Fire Medic Unit Reserve to fund six Advanced Life Support Firefighters for the Fire Department, received a second reading. On motion of Councilmember Wilder, seconded by Councilmember Faraldi, Council by the following recorded vote approved the motion to adopt Resolution #R-20-093:

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

Noes:

0

// In the matter of Community Development – Rezoning, Agenda Item #8, a public hearing was held to discuss adopting Ordinance #O-20-027 approving the rezoning petition of Meanwhile Back on the Farm to rezone approximately three and sixty-one hundredths (3.61) acres at 2627 Old Forest Road, 2624 & 2700 Confederate Avenue.

Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. Meanwhile Back on the Farm is a business petitioning to rezone approximately three and sixty-one hundredths (3.61) acres at 2627 Old Forest Road, 2624 and 2700 Confederate Avenue from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend a previously approved concept plan. The approved concept plan was proffered during a rezoning in 2014 and showed a restaurant use in the existing manor house and a three-thousand (3,000) square foot event space. The proposed concept plan shows a retail use in the manor house and a four-thousand (4,000) square foot event space. In summary, the concept plan is very similar to the rezoning from 2014. The use should not have a significant impact on the surrounding neighborhood given the nature of the activities that this business will be conducting. Additionally, the sites designation as a local historic district which provides another layer of protection for this neighborhood since the HPC will need to review the changes and ensure that the nature of the character is maintained. The approval of the petition will also allow for the reuse of a historic site. The Planning Commission held a public hearing on November 11, 2020 and recommended approval of the petition.

Mr. Bobby Harris, co-owner of Meanwhile Back on the Farm was in attendance and made a presentation. He stated that they would like to expand the business at the Locus Thicket, utilizing the manor house for retail, bag making, and event space for workshops. The historic nature and beauty of Locus Thicket is a key factor that drew them to the property. It is a perfect match for their business and is their intention to preserve, improve, and be good stewards of the property.

Mr. Vance Driskill, the owner of 2610 and 2613 Confederate Avenue, the property neighboring the development, was in attendance to speak in opposition of the petition. Although he is excited to have

this business as a neighbor, he is concerned about the headlights from vehicles that would beam directly into his home. He has no concern of daytime operations; it is at dusk that concerns him. Mr. Driskill has talked to the business owner addressing his concerns and they have ensured him that they would take care of the issues. Mr. Driskill's also has a concern with what is outlined in the proffers doesn't give the City enough bite to make the owner adhere to these promises should there be a need.

Mr. Harris rebutted, stating that he would take care of the light issue. This is addressed in the concept plan.

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

Councilmember Helgeson thanked both Mr. Driskill and Mr. Harris for being good neighbors and made the motion to approve the ordinance. He asked staff what action has to be taken in order to ensure the proper shielding is erected. Ms. Frischeisen stated that the zoning ordinance requires that when commercial property that backs-up to a single family residence, as in this instance, there would be a 20 foot evergreen buffer required, staggered in-between any building or parking lot and a residence.

Councilmember Faraldi seconded the motion stating that as the representative for Ward IV, he is glad something is being done to the property since it has been sitting for a while.

Councilmember Wilder asked staff if there were any additional traffic concerns. They did not have to do a traffic study based on the projections the developer provided not meeting the City's threshold for requiring a traffic study.

With no other discussion from Council, the following vote was recorded approving Ordinance #O-20-027:

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

Noes: 0

// In the matter of Community Development, Agenda Item #9, a public hearing was held to consider adopting Resolution #R-20-094 to either uphold or reverse the decision of Historic Preservation Commission to deny a Certificate of Appropriateness at 2144 Rivermont Avenue.

Mr. Chris McSwain, Chair of the Historic Preservation Commission provided Council with a brief request of the summary. Mr. Martin Donovan is appealing the decision of the HPC that denied his COA request to erect a black aluminum fence at 2144 Rivermont Avenue. The HPC reviewed the petition on September 21, 2020 and found that there was insufficient information to make a determination. The Commission postponed the item and requested that the petitioner “provide the Commission a visual of what the 6’ fence looks like, show where the fence is located in relation to the house, property lines, and street. The petitioner did not provide the materials by the October 19th, 2020 meeting. The Commission was unable to decide based upon what was originally provided and denied the petition due to lack of information. The City’s Zoning Ordinance, Section 35.2-13.11, Appeals to City Council, states: “On any such appeal, the final decision of the HPC ... shall be stayed pending the outcome of the appeal to City Council, except that the filing of such appeal shall not stay the decision of the HPC if such decision denies the right to raze or demolish a historic landmark, building or structure. The City Council shall conduct a full and impartial public hearing on the matter and apply the same criteria as the HPC before rendering any decision. The City Council may affirm, reverse or modify the decision of the HPC, in whole or in part. The decision of City Council, subject to the provisions of Section 35.2-13.12, shall be final. If approved, a certificate of appropriateness, signed by the Clerk of the City Council, shall be issued to the applicant.”

Mr. Donovan was in attendance and provided Council with background information on his project. There was a dilapidated fence on his lot previously which he removed with the intent of replacing it with a newer fence. Due to traveling for work, he was unable to attend the HPC meetings, leading the commissioners to deny his request. Mr. Donovan asked Council to consider reversing the decision of the HPC so that he may erect his fence which will protect his dogs from traffic, as well as, the neighborhood children from the pool in his backyard.

Councilmember Helgeson made the motion to reverse the decision of the Historic Preservation Commission stating that this aligns with historic preservation in his opinion. Councilmember Faraldi seconded the motion.

Councilmember Wilder asked Mr. McSwain if Mr. Donovan has properly addressed the HPC's concerns. Mr. McSwain said he could not speak for the whole commission, but explained that he feels they never received proper clarification as to where the fence would lie. Councilmember Wilder said that he would be supporting the motion because Mr. Donovan did a very good job with the revitalization of the property already and he feels comfortable with what he will do with this next step.

Councilmember Nelson asked Mr. McSwain if there was something about this that would violate some of the protocols or qualifications set forth by the HPC that the commission would normally require. Mr. McSwain stated that in his opinion, he does not see any issues with the details provided today, but asked Ms. Victoria Glasgow, Planner I, if she could clarify the guidelines in regards to the height of the fence. Ms. Glasgow stated that they will have to adhere to the zoning ordinance requirements, which she did not have on hand.

With no other discussion from Council, the following vote was recorded approving Resolution #R-20-094:

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

Noes: 0

// In the matter of Public Comment, Agenda Item #10, Mr. Andrew Glover presented to Council a proposal on community engagement. Currently stated in City Council's Rules of Procedures, any Lynchburg citizen is allowed to address Council at its regularly scheduled meeting by contacting the Clerk of Council by noon the Wednesday before the Council meeting. Mr. Glover requested that City Council amend their rules of procedure postponing the deadline for citizens to register for Public Comment in response to agenda items, and have it moved 24 hours before the Council meeting. This would allow citizens to review the items on the agenda and decide what they would like to speak about.

// In the matter of Lynchburg Redevelopment Housing Authority (LRHA), Agenda Item #11, Council considered adopting Resolution #R-20-095 re-authorizing the issuance by the LRHA tax-exempt revenue bonds for the acquisition and rehabilitation of James Crossing Apartments.

Mr. Walter Erwin, City Attorney, provided a brief summary of the request on behalf of Mr. Richard L. Hurlbert, Jr., Bond Counsel, and Mr. Herschel Keller, Attorney of LRHA, who were both unable to be in attendance. On December 10, 2019, City Council authorized the issuance of tax exempt revenue bonds by the Lynchburg Redevelopment and Housing Authority for the acquisition and rehabilitation of the James Crossing Apartments, located at 808 Greenfield Drive; there have been no changes to the project. Due to the impacts of COVID-19, this issuance has not been completed and must be re-authorized by City Council. The Housing Authority conducted the requisite public hearing on November 19, 2020 and recommended approval. Although the bonds will be issued through the Lynchburg Redevelopment and Housing Authority and the City has no obligations to pay these bonds, however; regulations require that Lynchburg City Council adopt a resolution supporting the transaction.

Councilmember Helgeson asked Mr. Erwin to clarify that Mr. Hurlbert and Mr. Keller weren't getting cold feet since they were not in attendance. Mr. Erwin assured Council that they are very eager for the project to continue, but other obligations kept them away from tonight's Council meeting.

Councilmember Tweedy stated that she sits on the LRHA board and they are still in favor of the project. LRHA met with the owners prior to the approval and they were very cooperative and responsive to the housing authority with development of programs and understanding of what the expectations for this property are.

Councilmember Wilder stated that he is encouraged by the development and some of the plans they have. He commented on the need to continue revitalizing that community and give them support and services.

Councilmember Nelson stated that City Council approved this a year ago and the circumstances have not gotten any better; in fact the needs may be greater.

Councilmember Helgeson made the motion, seconded by Councilmember Nelson, to approve the resolution. With no other discussion from Council, the following vote was recorded approving Resolution #R-20-095:

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

Noes: 0

// In the matter of Planning, Agenda Item #12, Council considered approving a resolution abandoning a portion of Top Ridge Drive from the City's Street System. Mr. Lee Newland, City Engineer, presented Council with a brief summary of the request. The Virginia Department of Transportation (VDOT) has requested that the City of Lynchburg formally abandon a section of Top Ridge Drive (Frontage Road FR-794) from the city's street system. This section of roadway was removed to accommodate the construction of the Odd Fellows Interchange on and off ramps. This is simply an administrative "clean-up" item for VDOT since this section of roadway no longer exists. If City Council approves the abandonment of this street section, the Commonwealth Transportation Board will take action on this item at a future meeting.

Councilmember Helgeson asked for clarification on how much of the roadway would be abandoned. Mr. Newland stated that it was just for the interchange that no longer exists and not for the entire length of Top Ridge.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded approving Resolution #R-20-096:

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

Noes: 0

// In the matter of City Manager's Office, Agenda Item #13, Council considered adopting Resolution #R-20-097 adding Juneteenth and Veterans Day as permanent City holidays. Dr. Reid Wodicka, Interim City Manager, presented Council with a brief summary of the request. The City's personnel policies identify a

number of holidays for which City offices are closed. In reviewing the City's holidays compared with many of our surrounding counties as well as the Commonwealth of Virginia, the City provides considerably fewer paid holidays. For example, the state recognizes 15.5 holidays, while the City recognizes just 10. Last year, members of City Council suggested adding Juneteenth to the list of holidays. City Council did so, but just for calendar year 2020. Given the importance of this holiday to everyone in our community, this holiday should be added to the permanent list. Additionally, Veterans Day has not traditionally been recognized by the City and, given the number of employees who are veterans, plus the important role that veterans play in our community, staff recommends adding this holiday as well.

With the addition of holidays, there was a concern about overtime costs. If these two holidays are added, staff will increase the amount of time that employees carryover from year-to-year from 80 hours to 96 hours. This will decrease the amount of payouts from the City and can be done administratively and does not require Council action.

Councilmember Wilder stated that he is in support of adding both holidays to the City's register and made the motion to approve the resolution. Vice Mayor Wright seconded the motion and briefly read an email sent from a citizen on why he supports observing Juneteenth. With no other discussion from Council, the following vote was recorded approving Resolution #R-20-097:

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

Noes: 0

// In the matter of Appointments, Agenda Item #14, Council considered adopting Resolution #R-20-098 appointing Ms. Alicia L. Finney, Interim Clerk of Council, as the new Clerk of Council for the City of Lynchburg, Virginia, effective December 9, 2020.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Faraldi. With no other discussion from Council, the following vote was recorded approving Resolution #R-20-098:

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

Noes:

0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss the disposition of certain real property identified as 97 Page Street, Lynchburg, Virginia, including, if any, improvements thereon; and to discuss the appointment of members to the Economic Development Authority, Historic Preservation Committee, Parking Authority, Social Services Advisory Board, Transit Board, Community Development Advisory Committee, Towing Advisory Committee, Planning Commission, Airport Commission, and Horizon Board of Directors, pursuant to Section 2.2-3711(A)(3) and Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

State law requires City Council to disclose the name of the person who is being considered for appointment to Horizon’s Board of Directors. City Council will consider appointing Mr. Chris Faraldi as the Council representative to this board.

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

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

Noes: 0

// The meeting was re-opened 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 Faraldi, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

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

Economic Development Authority: no appointments were made at this time.

Historic Preservation Committee: Ms. Tracey Langseth – unexpired term ending June 30, 2022

Parking Authority: Mr. Charles Warner – unexpired term ending October 31, 2023

Social Services Advisory Board: Ms. Denise Dempsey – term ending September 30, 2024; Mr. Jeffrey Krantz – term ending September 30, 2024

Transit Company Board of Directors: Dr. Les Reed – unexpired term ending October 31, 2022

Lynchburg Regional Airport Commission: Mr. Jones Stanley – term ending December 31, 2023; Mr. John (Dennis) Marcinik – term ending December 31, 2023

Planning Commission: Ms. Nancy Marion – term ending December 31, 2023

Towing Advisory Board: Mr. Timothy Clements – term ending December 31, 2023; Mr. Charles Cramer – term ending December 31, 2023; Mr. James Hall – term ending December 31, 2023

Community Development Advisory Committee: Mr. Leonard “Rad” Briley – term ending December 31, 2021; Ms. Mandze Dyke – term ending December 31, 2021; Ms. Valerie Harris – term ending December 31, 2021; Mr. John Hughes, III – term ending December 31, 2021; Ms. Susan Murray – term ending

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December 31, 2021; Mr. Sterling Wilder – term ending December 31, 2021; Mr. Beau Wright – term ending December 31, 2021

Horizon Board of Directors: Councilmember Chris Faraldi – term ending December 31, 2023.

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

Noes: 0

// The meeting was adjourned at 9:15 p.m.

Interim Clerk of Council