

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of March, 2019 at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, Vice President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow,
Sterling A. Wilder, Beau Wright

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Absent: Treney Tweedy

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// In the matter of Finance – Budget, Council Report #1 was considered to review the Proposed FY 2020 Budget for Component Units, Lynchburg City Schools (LCS) and The Greater Lynchburg Transit Company (GLTC). City Manager Bonnie Svrcek noted that there were no questions to consider from the previous meeting.

// Dr. Crystal M. Edwards, Superintendent of LCS provided a presentation and overview of the LCS FY 2020 Proposed Budget recommendations. Dr. Edwards highlighted the relative lower salaries of City School teachers. Recommendations included reinvesting the LCS, Getting staff up to an average 5% raise, and to fund the portion of the Citywide Salary Study that affected LCS staff.

[Mayor Tweedy joined the meeting and assumed her role as President at 4:23PM]

Councilmember Randy Nelson disclosed that his wife is a principal in the City Schools; however he doesn't have a conflict of interest in the discussion on LCS budget. Councilmember Wilder posed a question regarding total amount of staff reductions to the LCS budget and regarding potential collaboration between City departments. Councilmember Helgeson stated that the City Schools did not provide requested information on what a 5% cut would look like. Dr. Edwards noted that the information on this subject was contained in the packet provided to Council. Councilmember Helgeson spoke to declining enrollment in City Schools and the increased budget requests over the past several years. Dr. Edwards commented on what she has been doing since her appointment to assess and manage this situation. Dr. Edwards further posited that she has no documents advising where there are 200 additional staff members. This was in response to Councilmember Helgeson's comment paraphrasing Interim Superintendent Dr. Larry Massie's assertion that there were 400 less children and 200 additional staff during a school year. Dr. Edwards mentioned possible situations where this issue could have been interpreted as overall additional staff with declining enrollment, including not considering the context of staff hires. Councilmember Wright stated that the City Schools would have to absorb 5% of any staff raises

within level funding if not matched locally. Councilmember Perrow stated that the local match isn't a "new money" match, and commended Dr. Edwards for budgeting conservatively. Councilmember Perrow also suggested using the return of funds balance for future similar costs. Mr. Anthony Beckles, Chief Financial Officer of Lynchburg City Schools assisted in answering additional budget questions from Council. Councilmember Perrow noted that the proposed budget request averages to over \$14,000 per student when looking at the raw numbers, and that he supports a study on redistricting. Councilmember Nelson requested final numbers on the total number of Federal dollars allocated to the schools. Mr. Beckles advised these numbers are not available yet. Councilmember Nelson asked if the return of funds balance could be realized earlier in the fiscal year to address specific financial need. Dr. Edwards advised that LCS staff are looking at different budgeting methods moving forward. Mr. Beckles also advised that the impact and variance of health claims makes some use of other funds risky. Councilmember Helgeson reiterated the effect of Average Daily Membership (ADM) on school budgets. Mr. Beckles responded that he reviews and assesses the budget projections monthly. Mayor Tweedy suggested the Council be cognizant of time and ask staff to address additional questions or have the Superintendent return at a later date to answer questions. Councilmember Helgeson stated that the City School budget is a large part of the City's annual budget, and the Council should spend ample time on this matter. Councilmember Perrow commended Mr. Beckles for his professional work with the LCS budget. Councilmember Wright requested information from the past two fiscal years in the form of a proposed budget to actual budget document. Vice Mayor Dolan questioned why the return of fund balance was not used for salaries when there is a 1993 document approving use of funds in this manner. Dr. Edwards noted that she was not aware of the 1993 agreement until after the budget was submitted. Mayor Tweedy commented on the need for guaranteed results from staff toward the goal of having a great school system in Lynchburg with improved operations, education, and delivery of services. Mayor Tweedy mentioned the possibility of forming an Efficiency Task Force and potentially halting work on school gyms in the Capital Improvement Program to focus on other pertinent needs and to put the LCS Budget on the "list."

//Brian Booth, Director of the Greater Lynchburg Transit Company (GLTC) provided a presentation and overview of the GLTC FY 2020 Proposed Budget. Mr. Booth advised that GLTC recently completed the transit development plan supported by a community-wide survey.

Three priorities arose from this survey including: 1) more frequent service, 2) more direct service, and 3) extended hours of service. Per Mr. Booth, the proposed budget represents an approximately \$68,000 decrease from the FY 2019 adopted budget. Councilmember Helgeson questioned the reduction in fare revenue. Mr. Booth explained that policies for subsidized fares have contributed to the reduction in revenue. Councilmember Helgeson asked that the request for a partial return of fund balance be added to the “list.” Councilmember Perrow inquired about the effect of route changes on the ridership. Mr. Booth stated the passengers have expressed about 75% positive feedback and 25% negative feedback to these changes.

// City Manager Svrcek suggested that the FY 2020-2040 Capital Improvement Program review begin at the next session. Ms. Svrcek also reminded Council that the Public Hearing on the FY 2020 Proposed Budget would be held at 7PM in Council Chamber on Tuesday April 2, 2019. Councilmember Perrow asked about the Lynchburg Business Development Center funds. Ms. Svrcek responded that there were no changes in that fund.

// In the matter of Roll Call, [Council Report #3] Mayor Tweedy mentioned that the Mayor’s Youth Council 5K walk/run held on Saturday March 23, 2019 at Peaks View Park was a success. Love Lynchburg day is April 13, 2019 and citizens are encouraged to get out, clean up lots, and beautify neighborhoods. Mayor Tweedy also advised that the Care Collaborative will be held on April 13, 2019 as well at the Salvation Army.

// In the matter of holding a closed session, Council Report #4 was considered and on motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for the discussion and consideration of prospective candidates for the position of Clerk of Council; for the discussion and consideration of the sale of three City-owned parcels of land located at 99, 103, and 106 Breezewood Drive because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; and for consultation with legal counsel and briefings by staff members pertaining to probable litigation concerning the Link Road shooting incident that occurred on February 18, 2018; pursuant to Section 2.2-3711(A)(1),(3) and (7) of the Code of Virginia.:

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

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Noes:

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// The meeting was re-opened to the public.

// Council Member Wright made the following motion:

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

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

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

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

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

Noes: 0

Abstentions: Helgeson, Perrow 2

// The meeting was recessed after the closed session.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy 7

Absent: 0

Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance led by Boy Scout Troop #50, from the American Legion Hall.

// Mayor Tweedy requested a motion to revise the Council agenda by adding a motion for the consideration of approving the sale of three parcels of land. On motion of Councilmember Nelson, seconded by Councilmember Perrow, Council by the following recorded vote approved the motion to amend the agenda:

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

Noes: 0

// Councilmember Helgeson raised a point of order concerning the previous motion to amend the

agenda. As parliamentary authority, City Attorney Walter Erwin advised that Council by consensus vote may note that the item was voted upon when the Council came out of closed meeting and will be reflected in the closed record.

// Mayor Tweedy recognized Sheriff Don Sloan concerning re-accreditation of the Lynchburg Sheriff's Office. Sheriff Sloan provided a brief presentation on the accreditation process and history. Sheriff Sloan noted that on January 24, 2019 the Virginia Law Enforcement Professional Standards Commission (VLEPSC) voted unanimously to award a third accreditation to the Lynchburg Sheriff's Office. Two representatives from the VLEPSC were present to speak on behalf of the Commission and support Sheriff Sloan.

// In the matter of the Consent Agenda, Council Report #5 was considered. Copies of the minutes of the March 12, 2019 meeting, having been previously furnished Council; reading was dispensed with, and on motion of Council Member Wilder, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

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

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Noes:

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// In the matter of Public Comment, Council Report #6 was considered to hear from a citizen regarding a concern. Madeline Cotton was not present to speak.

// In the matter of Public Comment, Council Report #7 was considered to hear from a citizen regarding a concern. Thomas Wood addressed Council regarding his opposition to increased taxes and support for locking property taxes for citizens 75 years and older.

// In the matter of General Business – Lynchburg Police Department (LPD), City Council Report #8 was considered regarding the tethering of dogs and extreme weather conditions for dogs left outside in the City. Police Chief Ryan Zuidema provided a brief presentation on this item noting that the LPD met with several stakeholders after the initial request from Councilmember Wright to address citizen concerns. Councilmember Wright made a statement regarding the collaborative efforts to draft this proposed Ordinance and the need for such local policy. On motion of Council Member Wright, seconded by Council Member Dolan, Council considered the motion to adopt an Ordinance on this matter. Discussion germane to the motion ensued between Councilmembers. Councilmember Nelson noted concerns on proposed language in the Ordinance that may hinder enforcement, and may have unintended legal consequences for citizens. Councilmember Helgeson reflected upon personal experiences that suggest this issue is

not a pervasive problem in the City. Specifically, Councilmember Helgeson posited that his father, a milkman, could have been penalized with jail time for tethering their dog under such an ordinance. Councilmember Wilder stated that this may be a burden for the LPD, and asked if the Police Department could handle this additional workload. LPD Chief Zuidema and Ryan Ball, Chief Animal Warden responded to these questions indicating such calls would be a low priority. Councilmember Wilder asked if this law would be upheld as a standard, or an actual enforced ordinance. Vice Mayor Dolan gave support to the motion, and mentioned that this Ordinance should be a standard for citizens to follow. Councilmember Wright commented that other localities have more restrictive ordinances than what is proposed in this legislation. Councilmember Perrow stated that many renters in the urban residential district are unable to have animals in the residences and perhaps this ordinance would create unintended consequences. Councilmember Perrow also noted that he is concerned this Ordinance would be an overreach. City Attorney Walter Erwin advised Council that if the State adopted an ordinance on tethering, the City may revisit the matter and vote accordingly to change local laws. Mayor Tweedy encouraged everyone to remember the consideration of the safety and protection of people while exhibiting concern for animals. Commonwealth Attorney, Bethany Harrison addressed questions on criminal prosecution for animal cruelty crimes from Councilmembers Helgeson and Nelson. Ms. Harrison noted that she was not a part of the meetings held to craft the proposed ordinance, although she did give input regarding the specific language necessary for enforcement. Ms. Harrison stated that Class II misdemeanors carry a penalty of up to six (6) months in jail and incorporate seizure of the animal, which is a time-intensive process of litigation. Commonwealth Attorney Harrison provided an example of a civil seizure hearing on animal cruelty held earlier on today [March 26, 2019] that took 45 minutes. This is considered a significant amount of time on the misdemeanor court docket. Ms. Harrison stated that she hopes the Commonwealth attorney's Office does not see a number of cases rising to Class II Misdemeanors in relation to this proposed ordinance. Council by the following recorded vote adopted Ordinance #0-19-020, as presented, creating Section 7-42 to restrict the conditions under which dogs can be tethered and Section 7-43 restricting conditions under which dogs can be left outside in extreme weather conditions.

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

Noes: Helgeson, Perrow 2

// In the matter of General Business – Public Works, City Council Report #9 was considered. Mr. Lee Newland, City Engineer provided a brief summary of the request. As this matter was approved by the Physical Development Committee (PDC) on March 12, 2019, Councilmember Perrow, as PDC Chair noted support of the resolution. On motion of Council Member Perrow, there was no second necessary and Council by the following recorded vote adopted Resolution #R-19-021, as presented, requesting the Commonwealth Transportation Board (CTB) provide funding from the Virginia Department of Transportation’s (VDOT) Economic Development Access Program for a new road to give access to a proposed new industrial facility off of Carroll Avenue.

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

Noes: 0

// In the matter of General Business – Public Works, City Council Report #10 was considered. Mr. Lee Newland, City Engineer provided a brief summary of the request. As this matter was approved by the Physical Development Committee (PDC) on March 12, 2019, Councilmember Perrow, as PDC Chair noted support of the resolution. On motion of Council Member Perrow, there was no second necessary and Council by the following recorded vote adopted Resolution #R-19-022, as presented, retracting support for the Atlanta Avenue Trail project.

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

Noes: 0

The meeting was adjourned at 8:37 P.M.

Acting Clerk of Council