

// 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
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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 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
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Noes:	0
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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
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Noes: Nelson	1
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// 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
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Noes:	0
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// 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
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Noes:	0
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// The meeting was adjourned at 10:30 p.m.

Interim Clerk of Council

September 8, 2020

AGENDA ITEM #: 7