

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
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Noes:	0
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// 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
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Noes:	0
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// 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