

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

July 1, 2020

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.

July 1, 2020

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

July 1, 2020

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

July 1, 2020

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.

July 1, 2020

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
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Noes: Helgeson, Faraldi	2
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// 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
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Noes: Helgeson, Faraldi	2
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// 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

July 1, 2020

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