

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of June, 2020, at 7:30 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following Members were present:

Present: Treney Tweedy, MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E.J. Turner	
Perrow, Sterling A. Wilder, Beau Wright	7
Absent:	0

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

// In the matter of recognitions, Mayor Tweedy commemorated Councilmember E.J. Turner Perrow's 12 years of service to Lynchburg City Council. As the representative of Ward IV, Councilmember Perrow was elected to City Council on July of 2008. Mayor Tweedy praised his belief in fiscal responsibility, smart growth, and his commitment to public safety. Councilmember Perrow served as the chair of the Physical Development Committee for 10 years and as the chair of the Lynchburg Redevelopment & Housing Authority for 6 years. Mayor Tweedy presented Councilmember Perrow with a key to the City; his term expires June 30, 2020.

// In the matter of the Consent Agenda, Councilmember Nelson made a motion to approve all items except the special meeting minutes from June 1, 2020 and June 3, 2020, due to proposed revisions he had not been able to suggest to the Clerk prior to this meeting. Councilmember Wilder seconded the motion and Council, by the following recorded vote approved the Consent Agenda:

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

// In the matter of the Community Development Block Grant, Agenda Item #9, Council conducted a public hearing in order to consider approving a resolution endorsing the Analysis of Impediments to Fair Housing (AI) report that will be submitted to the U.S. Department of Housing and Urban Development (HUD). Ms. Melva Walker, Grants Manager, provided Council with a brief summary. She explained that as a recipient of Community Development Block Grant (CDBG) and HOME Investment Partnerships

Program funds, the City must certify HUD that its housing programs are implemented in a non-discriminatory manner. The AI includes an analysis of public and private sector policies, programs and statutes which impact the development, financing, regulation and siting of housing in the City. The City has identified within the AI: (a) impediments to fair housing choice; and (b) recommended strategies that would eliminate the impediments to housing choice. The previous AI was prepared in January 2014. It is required by HUD that the City perform an AI typically once every five (5) years in conjunction with the Five-Year Consolidated Plan. A draft AI has been prepared for the City by the professional consulting team at Mullin & Lonergan Associates (M&L). M&L followed a comprehensive approach to complete the AI utilizing many different data sources, City documents, and specifically conducted interviews and focus group sessions with agencies and organizations that provide housing and housing related services to members of the protected classes. On December 17 and 18, 2019 M&L conducted several Stakeholder Workshops at The Miller Center with key community stakeholders to hear their thoughts and observations on fair housing in our community. These public meetings encompassed workshops on affordable housing, workforce development, housing for individuals and families in crisis, asset building in low-to-moderate income neighborhoods, and healthy housing and healthy neighborhoods as they related to not only the development of the AI but also the 2020-2024 Five-Year Consolidated Plan for the CDBG and HOME Program. At the work session on June 9th Marjorie Willow, Principal Partner at M&L, provided a presentation summarizing the AI. Ms. Willow was present at the public hearing to provide an updated presentation of the AI. At the conclusion of the public hearing, City Council is asked to adopt a resolution endorsing the AI and approving the submittal of the final document, with any recommended changes from the public and/or City Council, to HUD

Citizen Benjamin Blanks and Reverend Carl Hutcherson were both in the audience who spoke in favor of the request. There was no one in attendance to speak in opposition and the Clerk indicated she had no emails or voicemails from citizens, therefore the public hearing was closed. Councilmember Perrow made the motion to approve the resolution, seconded by Councilmember Wright. Councilmember Helgeson commented on the findings in the report about how education is important because when students finish high school they were more likely to receive double the income of those in poverty. The report was very instructive when looking at the impediments. He asked his fellow Councilmembers to be

thinking about what Council can do so that the City can actually have policies and help people to purchase homes in Lynchburg. Mayor Tweedy stated that a high school education doesn't cut it anymore and she encouraged students to reach higher. She also stated that there are a large number of Lynchburg citizens who are considered "working poor", meaning they work two or three jobs in order to make ends meet and she hopes that we continue to work on programs that further help this class. There was no other further discussion from Councilmembers, so the following vote was recorded:

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

Noes: 0

// In the matter of Community Development, Agenda Item #10, Council conducted a public hearing to receive comments on the 2020-2024 Community Development Block Grant and HOME Program Consolidated Plan and Program Year 2020 (FY 2021) Annual Action Plan and adopt a resolution approving the plans. Ms. Walker again provided a summary of the request. The Department of Housing and Urban Development (HUD) requires local governments, which receive federal community development funds, to prepare a five-year Consolidated Plan and an Annual Action Plan. The plans outline the City's needs, goals, and objectives for community development (both housing and non-housing areas). The City's 2020-2024 CDBG and HOME Program Consolidated Plan and program Year 2020 Annual Action Plan have been prepared and consist of the following:

1. A housing and homeless needs assessment that describes the affordable housing needs of very low income and low-income households, homeless families and individuals, and others with special needs.
2. A housing market analysis which profiles existing housing options and facilities to assist the homeless, identifies barriers to affordable housing, and reviews institutional and governmental capacities to develop and implement the Plan.
3. A Strategic Plan for addressing priority needs including the priority non-housing community development needs eligible for assistance under the Community Development Block Grant (CDBG) Program.

4. An Annual Plan which identifies the activities that will be undertaken to address priority needs and local objectives. The City of Lynchburg will receive \$714,865 in CDBG entitlement funds and \$424,288 in HOME entitlement funds for the program year beginning on July 1, 2020.

Ms. Walker stated that a public notice was placed in The News and Advance on Tuesday, May 19, 2020 and through social media. In accordance with the Council-adopted Citizen Participation Plan, the Community Development Advisory Committee (CDAC) conducted a virtual public meeting on June 3, 2020 to review and discuss these two Plans. CDAC recommended that the documents be approved by City Council. In consultation with City staff, these documents have been prepared for the City by the professional consulting team at Mullin & Lonergan Associates (M&L). City staff did not receive any public comments prior to, or after, the CDAC meeting. City Council and citizen comments received at the public hearing regarding the contents of the Consolidated Plan and Annual Action Plan will be incorporated into the final document and submitted to HUD for approval.

Again, Ms. Willow with M&L was present at the public hearing and provided a presentation summarizing the contents of the documents. There was no one in attendance who spoke in favor or opposition by either voicemails, emails, or in person, so the public hearing was closed. Councilmember Perrow disclosed that he is the chair of the Lynchburg Redevelopment & Housing Authority who is the beneficiary of many of these funds; however, he does not receive a salary from the LRHA and maintained that he would be able to vote fairly and objectively. Mayor Tweedy made a similar statement as she also sits on the LRHA board. Councilmember Wilder made the motion to approve the resolution, commenting about the continued good work of the Community Development Advisory Committee. Vice Mayor Dolan seconded the motion, and Council, by the following recorded vote, approved the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Perrow	7
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Noes:	0
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// In the matter of Budget, Agenda Item # 11, Council conducted a public hearing in order to consider adopting a resolution to amend the FY 2020 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, business and community support and public education initiatives related to the Coronavirus Disease 2019 (COVID-19). Ms. Donna Witt, Chief Financial Officer, gave a brief summary of the request. The Commonwealth of Virginia has received approximately \$3.1 billion as its share of the Coronavirus Relief Fund (CRF). The City has received an allocation, based on population, in the amount of \$7,168,841. These funds may be used for qualifying expenses of state and local governments. The CARES Act provides that payments from the CRF only may be used to cover costs that: 1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019; 2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the state or government; and 3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. The City Manager tasked the Long-Term Recovery Team (Emergency Support Function 14 [ESF 14]) to manage requests for use of these funds from departments. These requests were categorized into three priorities with a fourth priority, regarding public education, being added with general approval by City Council:

1. Public Health and Safety – consists of appropriate cleaning, personal protective equipment (PPE), and items to allow for required social distancing;
2. Continuity of Operations – consists primarily of technology related items allowing service to continue when buildings are closed;
3. Small Business Assistance – Business and Community Support offering businesses, required to close or restrict operations by Executive Order 53 and Order of Public Health 2, the opportunity to apply for a grant equal to up to 50% and 25% respectively of the 2020 business license payment made to the City. These grants will be administered by the Economic Development Authority and the Office of Economic Development and Tourism.
4. Public Education – includes technology to assist with distance learning, cleaning supplies, PPE, and food delivery items and the related transportation costs.

Dr. Atul Gupta was in attendance to speak in favor of the request as a Lynchburg citizen and not as a School Board representative, regarding the connectivity and internet access piece that will aid with distant learning. There was no one in attendance to speak in opposition and there were no phone calls or emails from citizens. The public hearing was closed. Councilmember Perrow made the motion to approve the request, seconded by Councilmember Wilder. Councilmember Perrow stated that he thought the small business program that Economic Development developed was very important. Council, by the following recorded vote, approved the motion:

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

Noes: 0

// In the matter of Public Comment, Agenda Item # 12, the citizen who originally requested to speak withdrew from their request. In regards to Agenda Item #13, Citizen Keith Anderson spoke on behalf of the group Lynchburg Police Reform Taskforce, requesting the Council to address policing practices within our community.

// In the matter of the Airport, Agenda Item #14, Council considered adopting two resolutions authorizing the City Manager to accept and execute a \$6,647,475 federal Cares Act Airport Grant Agreement on behalf of the City of Lynchburg. Mr. Andrew Lagala, Airport Director, provided Council with a brief summary of the request. This U.S. Department of Transportation / Federal Aviation Administration (FAA) grant was provided in accordance with the CARES Act to provide eligible Airports / Sponsors with funding to help offset a decline in revenues arising from diminished airport operations and activities as a result of the COVID-19 Public Health Emergency. CARES Act Airport Grant amounts to individual airports were derived by a federal legislative formula. The Airport may use these funds for any purpose for which Airport revenues may be lawfully used. The CARES Act states the funds may not be used for any purpose not related to the Airport.

Councilmember Perrow made the motion to acknowledge and accept the grant funding that Council has to appropriate, seconded by Councilmember Wright. Council, by the following recorded vote approved the motion:

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

Noes: 0

Councilmember Perrow made the motion to approve the resolution amending the FY 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, seconded by Vice Mayor Dolan. Council, by the following recorded vote, approved the motion:

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

Noes: 0

Councilmember Wilder made the motion to approve the resolution to amend the FY 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, seconded by Councilmember Wright. Council, by the following recorded vote, approved the motion:

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

Noes: 0

// In the matter of the Police Department, Agenda Item #15, Police Chief Ryan Zuidema presented Council with a report providing an overview of how the Lynchburg Police Department is addressing community concerns and feedback. Chief Zuidema outlined the department's current policy and procedures as well as plans for future changes that will address the concerns and feedback from the community.

Councilmember Nelson asked Chief Zuidema to further explain why Lynchburg may delay the release of body worn camera footage, even longer than other localities. Chief Zuidema explained that he consults with the Commonwealth Attorney on each case where the body worn camera footage is in

question so that each suspect can remain innocent until proven guilty. Councilmember Nelson also asked for clarification on whether some of the equipment purchased is done through grant programs and couldn't necessarily be given to other departments like Social Services. Chief Zuidema confirmed that the grants procured by the Police Department are only intended for police equipment.

Councilmember Wright asked for clarification on what the department will be doing to address diversity within the department and within the ranks. Chief Zuidema said they have recruiters who are going out and addressing these issues, but what he'd like to see is young men and women of color from the community in the department.

Mayor Tweedy wanted to know the status of the Community Action Team. Chief Zuidema said that they had to be pulled into the field to help with the civil unrest, but should be moving back to their original assignments soon. He reiterated that the Community Action Team remained short staffed.

// In the matter of Police Department, Agenda Item #16, Council considered recommendations to the City Code Section 7-42 regarding the tethering of dogs within the City. Chief Animal Warden Ryan Ball presented Council with a brief summary. As a result of section 3.2-6500 of the Code of Virginia being amended by the General Assembly of Virginia, it is necessary to amend City Code regarding tethering to be consistent with State law which will be effective July 1, 2020.

Councilmember Wright made the motion to move the ordinance, seconded by Councilmember Wilder. Councilmember Helgeson commented on the timeframe of not allowing tethering in the ordinance of 9:00 p.m. to 6:00 a.m. City Attorney Walter Erwin replied that the community provided the input that this timeframe worked. Councilmember Perrow stated that he was originally not supportive of this ordinance but feels these changes alleviate a lot of the concerns he had, and therefore would be supporting the motion. There was no further discussion and Council, by the following recorded vote, approved the motion:

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

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Noes: Helgeson

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// In the matter of Budget, Agenda Item #17, Council considered adopting Resolution #R-20-042 adopting the FY 2021 General Fund Operating Budget (excluding External Service Providers) and appropriating \$194,398,344 for this budget. Councilmember Wright made the motion to approve the resolution, seconded by Councilmember Wilder. This was the second reading and as such Councilmember Helgeson noted that he will not be voting in favor, but did not need to enter in any new comments as to why he would be voting in opposition.

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

Noes: Helgeson 1

// In the matter of Budget, Agenda Item #18, Council considered the second reading of Resolution #R-20-044 adopting the FY 2021 Discretionary External Service Providers Budget for Virginia Legal Aid Society and appropriating \$12,167 for this budget. Councilmember Wright made the motion for approval, seconded by Vice Mayor Dolan. There was no further discussion and Council, by the following recorded vote approved the motion:

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

Noes: Helgeson, Perrow 2

// In the matter of Finance, Agenda Item #19, Council considered adopting an ordinance to amend and reenact Section 2-363.2 of the Code of the City of Lynchburg, 1981, relating to the assessment of courthouse security fees. Ms. Donna Witt provided Council with a brief summary of the request. Section 2-363.2 of the Code of Virginia allows a fee to be charged in each criminal or traffic case in the Circuit Court, Juvenile and Domestic Relations District Court and the General District Court in each case where the defendant is convicted of a violation of any statute or ordinance. As of July 1, 2020, this fee is increased from \$10.00 to \$20.00. This fee is collected as part of the court costs collected by the clerks of the respective courts and is remitted to the City's Billings and Collections division of Financial Services. The fee is held until appropriated to the Sheriff's Office by City Council for funding courthouse and courtroom security.

Councilmember Perrow made the motion to approve the ordinance, seconded by Councilmember Helgeson. Council, by the following recorded vote approved the ordinance:

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

Noes: 0

// In the matter of City Code, Agenda Item #20, Council considered amending Section 27-5 of the City Code so it will be consistent with the State Code. Mr. Walter Erwin provided Council with a brief summary, commenting that this is a simple housekeeping item. In 1931 the City adopted an ordinance prohibiting the purchase or possession of tobacco products by underage persons. However, the City's ordinance must be consistent with the state laws regulating the purchase or possession of tobacco products by underage persons. In addition to tobacco products, the State Code was recently amended to not only prohibit the purchase or possession of tobacco products, but to also prohibit the purchase or possession of nicotine vapor products and alternative nicotine products by persons under 21 years of age. Therefore, it is necessary to amend the Section 27-5 of the City Code so it will be consistent with the provisions of the State Code.

Councilmember Helgeson made a motion to table the ordinance, stating that he doesn't feel comfortable amending the code to state people under the age of 21 years old could not be in possession of nicotine. Councilmember Perrow seconded the motion, but asked for clarification from Mr. Erwin if there was a time limit to when Council would need to address aligning City Code with State Code. Mr. Erwin clarified that Council should repeal the ordinance, citing that this is the law that went into effect at the state level, and that this will be enforced whether we have a local ordinance or not. Councilmember Nelson asked to make a friendly amendment to the motion stating that Council will discuss the matter at its July 14th meeting. The motion failed by the following recorded vote:

Ayes: Nelson, Perrow, Helgeson 3

Noes: Wilder, Wright, Dolan, Tweedy 4

Councilmember Wilder made the motion to approve the ordinance as-is, seconded by Councilmember Wright. Councilmember Helgeson stated that he would be voting against this motion because he doesn't feel it is in the best interest of the citizens. Councilmember Perrow stated that he would rather just repeal the ordinance, but in favor of not belaboring the agenda, he will settle for voting in opposition of this motion. Vice Mayor Dolan said that this is a health issue and she has heard citizens state that they would like Council to vote in favor of this and also stated that this is a State law.

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

Noes: Perrow, Helgeson 2

// In the matter of the School Board, Agenda Item #21, Council considered making reappointments to vacancies that will exist June 30, 2020 in School Board districts I, II, and III. Council conducted a group interview with the three currently serving School Board members on June 11, 2020. It is Council's intention to reappoint Dr. Robert A. Brennan to District I; Dr. Kimberly A. Sinha to District II and Dr. James A. Coleman to District III. Councilmember Wilder made the motion to approve the request, seconded by Councilmember Wright. There was no discussion and Council, by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Management, Agenda Item #22, Council considered adopting a resolution approving the deferral of the City Manager's retirement date from July 1, 2020 to September 1, 2020. Councilmember Perrow made the motion to approve the resolution, seconded by Councilmember Wilder, who both thanked her for extending her time under these unprecedented times. Councilmember Helgeson stated that the citizens deserve having a manger who is eager and ready to serve the City and that the City Manager is ready to retire. Vice Mayor Dolan commented that City Council asked the City Manager to stay.

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

Noes: Helgeson

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// In the matter of a closed session, Agenda Item #23, Councilmember Wilder made the motion, seconded by Councilmember Perrow, to consider appointments and scheduling of prospective candidates for the position of City Manager; and to discuss appointment to the Youth Services Citizens Board; and for consultation with legal counsel and briefings by staff members regarding a legal matter requiring the provision of legal advice, specifically legal matters relating to the Region 2000 Services Authority Member Use Agreement for the disposal of solid waste and the distribution of excess revenue, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950.

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

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Noes:

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// The meeting was adjourned at 11:30 p.m.

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

// The following motion was made and seconded:

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.

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

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Perrow	7
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Noes:		0
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Interim Clerk of Council