

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of June, 2021, 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 Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Budget, Agenda Item #1, Ms. Donna Witt, Chief Financial Officer, provided Council with a monthly update on revenue collections received in several key City revenue sources. She stated that the report covers revenues collected through April 2021. It is a positive report that continues an upward trend. Sales Tax; Ms. Witt stated that collections are only \$45,000 below the whole projected budget for 2021 and attributed this to the public spending the federal stimulus money. Meals Tax; Ms. Witt stated that the monthly collections remain flat with the revised monthly projections but below the total budget. She is hopeful that the rest of the fiscal year will end strongly and will be on par with the projections. She also stated that she is hoping restaurants will get the wait staff needed. Lodging Tax; Ms. Witt explained that the monthly collections are just below what was anticipated for April. Amusement Tax; Ms. Witt stated that the projections will not be met for the year but since amusements and events are slowly picking back up the outlook will be hopeful not be as dire.

Councilmember Faraldi asked if CARES funding could go towards businesses in the form of hiring bonuses. Ms. Witt explained that there have been a few programs that the City offered to small businesses that utilized CARES funding, but staff had a hard time getting businesses to accept the aid. She stated that there is an allowance to help businesses that is part of ARPA funding, however, those final regulations are not available to date.

// On motion of Councilmember Faraldi, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting for the discussion of plans to protect the City from cybersecurity threats or vulnerabilities, because discussion in an open meeting would jeopardize such safety and security plans pursuant to Section 2.2-3711(A.)(19.) of the Code of Virginia.

With no discussion from Council, the following vote was recorded:

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Faraldi 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 Wilder, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

Absent: Helgeson 1

// In the matter of Roll Call, Agenda Item #3, Councilmember Nelson and Vice Mayor Wright had no items. Councilmember Faraldi encouraged the public to vote in upcoming elections. Councilmember Wilder attended the Lynchburg Fire Department Retirement Ceremony and commented on how it was a wonderful event; he thanked the Thomas Road Outpost that took youth citizens to Peaks of Otter; he

thanked One Community One Voice for the work they are doing by being proactive in communities that are prone to violence, and; he thanked the Lynchburg Police Department for attending an event held at the Jubilee Family Center. Councilmember Tweedy congratulated the 2021 Lynchburg City School Graduates and thanked City staff for working the graduation event at Lynchburg City Stadium. Councilmember Helgeson stated that he was disappointed in the Lynchburg City School Board for approving the curriculum for Critical Race Theory. Mayor Dolan made a few announcements from Parks and Recreation including the reopening of Langhorne Trestle, and the seasonal opening of Riverside Sprayground and Miller Park Pool.

// The meeting was recessed at 5:13 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 Recognitions, Mayor Dolan honored Mr. Royston Jester for his 36 years of volunteer service to the City of Lynchburg through the Zoning Appeals Board.

// In the matter of Recognitions, Mayor Dolan proclaimed the week of June 21-27, 2021 as Pollinator Week. Ms. Heidi James, President of the Bee City Group, and Ms. Lucy Hudson, Parks & Recreation Services Specialist, were in attendance to accept the proclamation.

// In the matter of the Consent Agenda Item #4, Council conducted a second reading and adopted Resolution #R-21-048 amending the FY 2021 City/Federal/State Aid Fund budget and appropriated \$100,000 to purchase Axon Performance and Respond services for the LPD current Body-Worn Camera System. On motion of Councilmember Helgeson, seconded by Councilmember Nelson, Council by the following recorded vote approved the motion:

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

Noes:

0

// In the matter of the Consent Agenda Item #5, Council conducted a second reading and adopted Resolution #R-21-050 approving and appropriating CRRSAA grant funds to provide relief to the Lynchburg Regional Airport for increased operating expenses that are due to the COVID-19 Pandemic. On motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the motion:

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

6

Noes: Faraldi

1

// In the matter of the School Board, Agenda Item #6, a public hearing was continued from the May 25, 2021 City Council Meeting, to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2021, in School Board Districts I, II, III. Section §22.1-29.1 of the Code of Virginia states that no applicant whose name is not considered at a public hearing can be appointed to the school board. Mayor Dolan then read the following names into the record:

- School District 1: Ms. Sarah Smith, Mr. Taylor Robertson, Mr. Clifton Reed, Mr. James Hoover, Ms. Rebecca Nelson, and Mr. Randall Trost.
- School District 2: Ms. Sharon Carter, Mr. Saudi Young, Mr. Terrence Jarrett, and Mr. Greg Berry.
- School District 3: Dr. Atul Gupta, Mr. Garrett Wedemire, Mr. Joshua Pratt, Ms. Elise Beraru, Mr. Kevin Davis, and Ms. Gloria Preston.

Mayor Dolan then opened the floor for any candidates in attendance to speak; there were none. She then asked to hear from any citizens present who would like to comment upon any name that has been submitted, or offer additional names for consideration; there were none.

Mr. Randall Trost was unable to attend the City Council meeting and was late submitting his remarks to read into the record. Council reached a general consensus to include his remarks for the record:

Hon. Alicia Finney, Clerk of Council

Dear Ms. Finney,

Would you please read the following statement to the city council members tonight? Thank you.

My name is Randall Trost and I am a Lynchburg resident and Lynchburg small business owner. I am also a proud product of the Lynchburg City School System. I would appreciate your consideration for appointment to the Lynchburg City School Board.

I have always held the viewpoint that there are no greater assets than time and children. I would be honored to have the opportunity to begin giving back to the community and I believe that there is no better way to give back than to dedicate my resources to ensure the continued growth and prosperity of our children and school system.

I would be honored to serve the families of Lynchburg and the educators in our city through an appointment to the school board.

I apologize that I was unable to be present tonight, but in my theme of putting children first, I am at my son's soccer game in Rustburg.

I appreciate your consideration and I thank you for your time.

*Best regards,
Randall T. Trost*

Councilmember Faraldi made the motion to close the public hearing, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Planning, Agenda Item #7, a public hearing was held for the consideration of adopting Ordinance #O-21-052 approving the rezoning petition to allow the use of an existing building as a medical office. Mr. Tom Martin, City Planner, was in attendance and provided Council with a brief summary of the request. Lowes Group, LLC is petitioning to rezone approximately one and three tenths (1.3) acres located at 2011 Enterprise Drive from I-2, Light Industrial District to B-3C, Community Business District (Conditional) to allow the use of the existing building as a medical office. On April 28, 2021 the Planning Division and the Planning Commission both recommended approval of the rezoning petition.

Jeff Lowes, of Lowes Group, LLC, provided Council with a brief presentation regarding the petition. Virginia Sports and Spine, which is currently located in Bedford County, will be relocating into the

city at 2011 Enterprise Drive. There are no plans to change the exterior of the building nor plans to alter anything structural, just some light remodeling within the building.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson made a motion to approve the ordinance, stating that this building has been vacant for a long time and is located in a neighborhood which is zoned for mixed-use so this business will make perfect use of the space. He commented that he was happy to see a business relocate from the county into the city. He asked if the proffer for hedges need to be included since the petitioner is already putting in the hedges. Mr. Martin explained that there are no landscaping requirements due to the fact that they are not making any exterior changes, however, the petitioner offered to proffer a solution to the landscaping issue in the hopes that Council would be more likely to approve the petition.

Councilmember Faraldi seconded the motion, stating he is happy to help support the petition to revitalize some structures that are not being fully used and he is glad to see Ward 4 obtain another business.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Planning, Agenda Item #8, a public hearing was held and Council considered adopting Resolution #R-21-053 approving a Conditional Use Permit (CUP) allowing the construction of a swimming pool for residents and guests of nearby properties under the ownership of Victoria's Inventory, LLC. Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. Victoria's Inventory, LLC is petitioning for a CUP to allow the construction of a swimming pool at 200 Bridge Street for the residents and guests of nearby properties under the ownership of Victoria's Inventory, LLC. The petition is consistent with the City's Zoning Ordinance, which allows residential uses in the B-1, Limited Business District, upon approval of a CUP from City Council. The pool is considered accessory to the residential

use, therefore also requiring a CUP. The pool would limited to use by residents and guests of nearby properties under the ownership of Victoria's Inventory, LLC. The pool would not be open for use by the general public. On May 12, 2021, the Planning Division and the Planning Commission recommended the approval of the CUP.

Ms. Amy Seipp, Accupoint Surveying & Design, LLC, made a presentation regarding the petition. She stated that this is an amenity that the petitioner would like to add for the residents to make the property more appealing. This is a downtown property and many downtown properties do not have the same amenities that some of the suburban developments have. This would be access controlled and only residents in the adjacent buildings would have access.

Councilmember Nelson disclosed that he not only represented the petitioner on this matter but he also represented him in the acquisition of the property and the development of the proposed improvements. As such, he cannot remain unbiased and will abstain from voting.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

Councilmember Helgeson made the motion to approve the resolution, but asked to strike proffer #2 that states, "The pool shall not be open to the general public," citing redundancy to proffer #3, which states, "The pool shall only be used by residents and guests of properties under the ownership of "Victoria's Inventory LLC" (or "Victorias Inventory LLC) located along Bridge Street, Blackford Street, and 301-401 Rivermont Avenue". Ms. Seipp responded that the proffer was intended to imply that the general public cannot buy membership to the pool and was meant for residents only.

Councilmember Wilder seconded the motion stating that some of the neighbors have concerns about traffic in the area but the development has already been approved so that is a moot point, but since the property is here and the Planning Division and Planning Commission do not have any concerns with the petition he seconded the motion.

Mayor Dolan asked if striking the second proffer would leave ambiguity to future owners of the property. City Attorney Mr. Walter Erwin advised that the third proffer would cover the use of the pool not being used by, or membership sold to, the general public.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi	6
Noes:	0
Abstain: Nelson	1

// In the matter of Planning, Agenda Item #9, a public hearing was held and Council considered adopting Ordinance #O-21-054 approving the right-of-way vacation of a portion of Blackford Street. Ms. Victoria Glasgow, Planner I, provided Council with a summary of the request. Ed Willman, on behalf of Across the Bridge, LLC, is petitioning to vacate an unimproved portion of the Blackford Street right-of-way, located off of D Street. The right-of-way vacation is proposed as part of a subdivision for the area. The total area of the proposed vacation is approximately one hundred ninety-nine thousandths (0.199) of an acre. The area to be vacated includes wooded land with a grade. The vacation would not impact vehicle or pedestrian access along Blackford Street.

Councilmember Nelson disclosed that he represented the petitioner on the acquisition of this land and in the development of this project and cannot remain unbiased and will abstain from voting.

Ms. Amy Seipp, Accupoint Surveying & Design, LLC, stated that vacating this right-of-way would help clean up years of piecemealing the different parcels and allow it to be cohesively tied together with improvements.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed and the matter rested with Council.

At its May 11, 2021 meeting, the Physical Development Committee recommended approval. As a member of the committee, Councilmember Wilder brought the committee's recommendation for approval

forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi	6
Noes:	0
Abstain: Nelson	1

// In the matter of Public Comment, Agenda Item #10, Mr. Jamie Maxwell, representative of Lynchburg Firefighters Association, addressed Council regarding the City Attorney and City Council's Rules of Procedure. He stated that he has been canceled twice by the City Attorney's Office by not being allowed to speak at Council meetings. He was given a Code of Conduct Violation from the City Attorney's Office which states that if he violates Council's Rules of Procedure again he will be barred from speaking at Council for 6 months. He submitted a verbal Freedom of Information Act request to the Mayor on how many people have been canceled from speaking at City Council meeting by the City Attorney. He talked about the retention issues in the Lynchburg Fire Department, the Lynchburg Police Department, and Lynchburg Public Works. He mentioned that a few fire recruits have left the program recently. He stated that Council has said they would fix compression.

// In the matter of Economic Development Authority, Agenda Item #11, Council considered adopting a Resolution #R-21-055 authorizing the issuance of up to \$23,000,000 in bonds through the Economic Development Authority of the City of Lynchburg for the benefit of Westminster-Canterbury of Lynchburg, Inc. Ms. Marjette Upshur, Director of Economic Development & Tourism, provided Council with a summary of the request. Westminster-Canterbury of Lynchburg, Inc. has requested the EDA issue its revenue bonds in an aggregate principal amount not to exceed \$23,000,000. These funds will be used to assist the Borrower in financing improvements to its continuing care retirement community at 501 VES Road, Lynchburg, Virginia 24503, including a renovation of approximately 76,000 square feet of residential space for assisted living residents and independent living apartments and construction of a parking deck for approximately 27 additional spaces along VES Road. The funds will also cover the bond issuance costs and other eligible expenditures. The attached information provided by Ted Craddock, counsel to the Economic Development Authority of the City of Lynchburg explains the proposed issuance

in detail. The Economic Development Authority of the City of Lynchburg has conducted the requisite public hearing and adopted a resolution recommending that City Council authorize the bonds on May 20, 2021. The Economic Development Authority of the City of Lynchburg, in accordance with Federal and State law, serves as a conduit for the bonds and assumes no financial responsibility or costs. The issuance of the bonds through the Economic Development Authority of the City of places no obligation on the City. Westminster Canterbury has been a valued corporate citizen of the City of Lynchburg since 1980. Westminster currently pays \$52,900 a year in payment in lieu of taxes, and employs 402 people at an average salary of \$44,380.00.

Councilmember Helgeson asked for clarification on payment in lieu of taxes, specifically if the payment has been the same over the years or if there has ever been any discussion about a different payment in lieu of taxes. Ms. Upshur stated that there was an agreement struck with Westminster Canterbury in the past. Councilmember Helgeson stated that he appreciates what they do for the community but normally as people add on to their house, their taxes increase. He questioned whether or not their payment rate in lieu of taxes should be reconsidered. City Attorney Mr. Walter Erwin explained that there is a formula that determines the payment in lieu of taxes that was previously agreed upon.

With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of the Fire Department, Agenda Item #12, Resolution #R-21-056 was introduced for a first reading, to amend the FY 2021 City/Federal/State Aid Fund budget and appropriating \$29,889 to purchase twelve Dell Latitude 5420 Rugged laptops carried on EMS apparatus for the Fire Department. Fire Chief Greg Wormser was in attendance and provided Council with a summary of the request. Fire Chief Greg Wormser was in attendance and provided Council with a summary of the request. The Virginia Office of Emergency Medical Services (EMS) awards grant funding to EMS agencies for the purpose of obtaining and maintaining emergency vehicles and equipment; providing EMS management, leadership, and advanced life support training; and achieving other goals that support the enhancement of community

EMS services. As a result of the statewide contract change to ESO Electronic Health Record (EHR) reporting software, the Fire Department has been awarded RSAF grant funds to replace its current cache of Microsoft Surface Pro reporting tablets with Dell Latitude 5420 Rugged laptops. The grant requires a local match. The Fire Department applied and was awarded funds under a 50/50 match. With a total cost of \$29,889, the required local match is \$14,945. The match will be funded from the FY 2021 General Fund Fire Department budget. Due to the expenditure deadlines associated with this grant, it was not possible for Finance Committee to review prior bringing this item to City Council.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Budget, Agenda Item #13, Council conducted a second reading on the adoption of the FY 2022 Budget. This requires the adoption of several resolutions.

In the matter of Budget, Agenda Item #13(a), Council considered adopting Resolution #R-21-040 approving the FY 2022 General Fund Operating Budget (excluding External Service Providers) and appropriating \$204,023,769. Councilmember Nelson made the motion to approve the resolution, seconded by Councilmember Wilder.

Councilmember Nelson stated that he has objections to certain General Fund revenues and expenditures. Early in this budget session, Council initially agreed to reduce city employee wage compression, target revenues to attract and maintain overworked and lower paid employees, increase compensation so as it increases ranks of public safety employees, and recognize that all citizens have been impacted by the pandemic. The majority of Council voted to allow an increase to Real Estate Tax Revenues to be accepted by the city from its citizens on the rationale the economy might not recover from the economic decline caused by the pandemic and that city needed to retain the extra Real Estate revenue to increase the fund balance reserve so as to protect the bond rating in the face of large capital projects. He continued by stating that he argued that the city's' economic outlook was good and that the

2021 – 2022 local economy would increase above last year's levels due to the massive amount of state and federal stimulus revenues flowing to the city. He stated that he urged Council to give citizens and businesses some equalization relief and felt his viewpoint was disregarded. He commented that once the majority of Council voted to not equalize taxes, it then voted to spend those revenues by giving all employees a 5% wage increase which complicates employee wage issues. He stated that it disproportionately rewards high income employees over lower paid employees. It does not resolve the public safety needs and issues. It does not noticeably decrease the city's fund balance reserve to promote the bond rating. He stated that he fears Council and staff will regret the actions and inactions of their decisions, however this budget does have significant features that he does support. He stated that he is willing to compromise and will vote yes to the budget.

Councilmember Wilder stated that he makes his decisions on the counsel of City staff members which is why he seconded the motion. The surrounding counties are giving 5% pay increase to their employees, Lynchburg Social Services and Constitutional Officers would be getting a 5% general wage increase. He stated that he is not comfortable giving some employees a raise when others wouldn't receive anything. He stated that this doesn't change the compression issue and he is still recommending that staff bring back compression information to Council to see how we can address the issue. Staff can have a year to bring back a plan to Council with option on how to address public safety and hard to fill positions.

Councilmember Helgeson stated that the budget process has been vastly different than it should have been. At a public hearing, citizens asked Council to not raise their taxes. He stated that the budget raises taxes on citizens, businesses, renters, and property owners. The budget violates the premise of listening to constituents. Public safety retention issues and general compression issues are not being addressed properly. This budget does not increase the fund balance. This budget is giving the same amount to schools despite a decline in enrollment. A new City Manager is coming in and this money could have been saved for the new manager to address compression issues.

Councilmember Tweedy stated that she will be voting in favor of this budget. City council showed courage with this budget. She stated that with her vote, she is supporting public education, supporting

increased positions in public safety, and supporting city employees getting a general wage increase. Compression has been in the city and employee ranks for a long time but no one tried to solve it all of these years. With this budget, Lynchburg is advancing. She has issues with the commentary that higher wage earners should not get an increase. Everyone has the opportunity to work toward being a higher wage earner. Increased wages mean increased responsibility and accountability. Staff have worked hard especially this year and deserve the 5% increase.

Councilmember Faraldi stated that this budget does not support public safety; it only adds three firefighter positions and does not add any new police officers or dispatchers. It is supporting city schools even though there was been a decline in enrollment. This budget does not support the compression issue or further implement the pay study. He doesn't see how this Council can say that next year it will talk about fixing compression when there have been multiple options to address it in this budget. He stated that he hopes the full Council will be engaged in moving forward to solve the compression issue, not just the Finance Committee. He ran on a campaign of fiscal responsibility and lower taxes and this budget is contrary to that notion and would be disingenuous on behalf of the voters of Ward 4 to support a budget that does that so he will be voting in opposition to this budget.

Vice Mayor Wright stated that he is in support of this budget and disagreed with Councilmember Nelson's recount of events. City staff's recommendation at the start of the budget process was to leave the tax rate as-is for a few important reasons: to ensure healthy fiscal future to accommodate known significant service infrastructure needs in the future; to address immediate community needs including additional public safety, and; to further buttress reserves in order to maintain the AA+ bond rating. Then, during the budget process, staff received updated revenue figures and were able to revise revenue forecasts for next year which if things turn out as projected would mean several million additional revenue. He stated staff did what Council would expect them to do and made a recommendation on what to do given this change. New opportunities became available including giving a 5% general wage increase for staff to match what Constitutional Officers, Lynchburg City Schools, and other localities are providing to their staff which is just trying to keep up with inflation. When staff made these recommendations based on new information, it is incumbent on Council to reconsider its position. He

stated that this budget does not do everything but it makes the biggest investment in public safety that it has in years.

Councilmember Helgeson stated that compression has gotten worse because of the national defunding of the police movement. He stated that if Council wants to have a safer community for its citizens, fixing compression is something that needs to be done.

With no other discussion from Council, the following vote was recorded:

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

Noes: Helgeson, Faraldi 2

In the matter of Budget, Agenda Item #13(b), Council considered adopting Resolution #R-21-041 approving the FY 2022 Mandated and Contractual External Service Providers Budget of \$8,289,338. Vice Mayor Wright made the motion, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #13(c)(i), Council considered adopting Resolution #R-21-042a approving the FY 2022 Discretionary External Service Providers Budget of \$17,324. Councilmember Wilder made the motion to approve the resolution, seconded by Councilmember Tweedy. With no other discussion from Council, the following vote was recorded:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #13(c)(ii), Council considered adopting Resolution #R-21-042b approving the FY 2022 Discretionary External Service Provider Virginia Legal Aid Society Budget of \$13,160. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Nelson. With no other discussion from Council, the following vote was recorded:

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

Noes: Helgeson, Faraldi 2

In the matter of Budget, Agenda Item #13(d), considered adopting Resolution #R-21-043 approving FY 2022 Operating Fund Budgets for other funds and appropriating the sums of each fund. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no other discussion from Council, the following vote was recorded:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #13(f), Council considered adopting Resolution #R-21-045 approving the FY 2022 Capital Budget and appropriating funds in the total amount of \$20,896,242 for the City Capital Projects Fund, \$0 for the Schools Capital Projects Fund, \$11,750,000 for the Airport Capital Projects Fund, \$11,545,000 for the Water Capital Projects Fund, \$12,318,000 for the Sewer Capital Projects Fund, and \$3,320,000 for the Stormwater Capital Projects Fund. Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder.

With no other discussion from Council, the following vote was recorded:

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

Noes: Faraldi 1

In the matter of Budget, Agenda Item #13(g), Council considered adopting Resolution #R-21-046 approving \$50,000 of the FY 2022 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2021 through June 30, 2022. Councilmember Wilder made the motion to approve the resolution, seconded by Councilmember Tweedy.

Councilmember Faraldi clarified that his justification for voting against every single item in this budget is that he disapproves of the manner in which this discussion has gone and the allocations of the dollars that go with it. He felt it wrong to be supporting these allocations when he disapproves of the process in general.

With no other discussion from Council, the following vote was recorded:

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

Noes: Helgeson, Faraldi 2

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting to consider appointments to the Lynchburg School Board and for the discussion and consideration of prospective candidates for the position of City Attorney pursuant to Section 2.2-3711(A.)(1.) of the Code of Virginia.

Councilmember Helgeson asked to talk about the process of the school board appointments and asked if Council should do the process differently this year. Historically, Council selects the candidates to interview in a closed session. They then conduct the interviews in another closed session while recording them. The recorded interviews then are released to the public by request after the appointments are made. Council wants to be open and transparent since there are a lot of citizens who want to be involved in helping Council select the School Board Members. He stated that he would like to conduct the interviews in an open session. City Attorney Mr. Walter Erwin advised Council that this is Council's process and Council can adopt whatever procedure it wishes.

Councilmember Tweedy stated that Council currently does not do this for any of its boards or commissions so she is against this idea. She then stated that if Council were to open it up for the School Board, it should also open the process up for all of its boards and commissions.

Vice Mayor Wright stated that he is not in favor of trying to change the procedure this far into the process. Council advertised a certain process based on years of precedent and it would be unfair to the citizens who have applied to now change the procedure.

Councilmember Faraldi stated that this process is not open to the public aside from stating the names of candidates and giving optional remarks at a public hearing. He offered a compromise; he asked Council to decide who to interview in a closed session but conduct the actual interviews at a public meeting. He stated that he would like for all appointments to all boards and commissions be open and transparent, but starting with the School Board would be a good compromise.

Councilmember Wilder asked staff to bring this back as a Work Session item at a later before the next School Board appointment process. Council has had two public hearings where the opportunity was offered for the public to weigh in and address why they wanted to serve. To him, that is an open process.

Councilmember Nelson stated that Council should be open and transparent but worried that conducting the interviews in public would stifle the responses from candidates. He stated that a closed session would garner more honest answers and allow Council to ask more pointed questions.

Councilmember Faraldi stated that the community only sees the three-minute presentation that the candidate gives and that is it.

Councilmember Wilder asked if the resumes can be made for the public to see. Mr. Erwin advised that Council can disclose that information if it chooses, however, in the past Council has tended to keep that information confidential. Volunteer applications are considered personnel records and they do not have to be disclosed but can be if Council so chooses. Councilmember Wilder stated that this conversation can be had at a future Work Session.

Councilmember Helgeson stated that one thing Council could do is state who was selected to be interviewed.

With no other discussion from Council, the following vote was recorded:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder	6
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Noes: Faraldi	1
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// The meeting was reopened 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 Vice Mayor Wright, 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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Council briefly discussed and reached a general consensus that the Clerk of Council, Ms. Alicia L. Finney, would submit the names of the candidates to the public that have been chosen to be interviewed.

// The meeting adjourned at 9:41 p.m.

Clerk of Council