

// A regular meeting of the Council of the City of Lynchburg was held on the 12<sup>th</sup> day of May, 2020 at 4:00 p.m. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following members were present:

Present: Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder, Beau Wright, Treney Tweedy 7

Absent: 0

// In the matter of the agenda, Council amended the agenda to move a recognition for the Lynchburg City Schools graduating seniors to the work session, as Dr. Crystal Edwards was present to accept it. The item to consider changes to the Solid Waste Ordinance was moved to General Business. Council also began the meeting by viewing a video called "This is Lynchburg" created by the Office of Economic Development and Tourism. The video will be used to promote the City from both a sales and tourism perspective.

// In the matter of Budget, Council continued discussing the proposed FY2021 Operating Budget and the list. Item 22 is for an increase for pay for pool staff. Ms. Svrcek mentioned that a press release will go out later today announcing that the pool will not open this summer for public health concerns due to COVID-19. The fountain and sprayground will also be closed. If conditions improve, the fountain and sprayground can be opened quickly but pool staff could not be hired until July and then the pool would only be open for a few weeks. Items 22 and 24 can come off the list as reductions. There is an adjustment needed for the summer of FY2021 for pool staff but that can be handled when they get to it next year. Ms. Svrcek would suggest they carry forward the pool staff from FY2020 into FY2021. Councilmembers Helgeson and Perrow thought there would be further reductions due to the pool not being open for eleven months and they would like staff to look at it. Ms. Jenny Jones did clarify for Council that the pool is normally open from Memorial Day to the first week of August. Councilmember Perrow made a motion to accept these two items, which was seconded by Councilmember Helgeson. Councilmember Helgeson would like a ballpark figure of the savings, since they are looking at trying to find some funding for other things on the list. Ms. Svrcek said they could get them that number for the May 26<sup>th</sup> meeting.

The motion passed by the following vote:

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

Noes: 0

With regard to Item 23, Ms. Svrcek recommended they fund this software this year out of the City Manager's contingency funds. Councilmember Perrow made a motion to accept Item 23, which was seconded by Councilmember. The motion passed by the following vote:

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

Noes: 0

With regard to Item 25, Councilmember Perrow noted the Yoder Center will be unusable after it is renovated if there is no furniture, fixtures or equipment. It is pay-as-you-go and not recurring money. Councilmember Wright made a motion to remove it from the list and keep it in the budget. The motion was seconded by Councilmember Wilder. Councilmember Wilder thought it was important so the building will not be unusable. Councilmember Wilder thinks it important now more than ever to have our community centers.

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

With regard to Item 24, Ms. Svrcek noted the portable toilets can be paid for with the City's Manager contingency fund or with the stimulus money the City was just notified about today. The City will be receiving \$7.2 million from the CARES act for COVID related items. There are lots of details that come with this money that staff needs to look into. Councilmember Wilder thinks it is important to have the portable toilets, especially now when the trails are one of the few amenities the public can utilize. Councilmember Wright made a motion to remove Item 24 from the list, which was seconded by Councilmember Perrow, and passed by the following vote:

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

With regard to the stimulus money, Ms. Svrcek said little to none of this money can be used to help balance this budget. The requirements are that it be used for one-time expenditures and it cannot be used to replace revenue loss. Councilmember Wilder asked if it can be used to feed the children over the summer. Ms. Svrcek said they have to look into whether Schools is considered a separate government because you cannot transfer money between governments. Councilmember Nelson asked if the funds can be used for any of the items on this list. Ms. Svrcek did not think so, as there are very few one-time money items on this list. Most of them involve recurring revenue.

With regard to Item 27, One (1) new full-time Environmental Compliance Inspector position in the Zoning and Natural Resources Division (\$61,594 salary + benefits). Additional costs associated with the new position are a computer, software, phone, and training (\$3,600) and a vehicle (\$23,000). The cost is 100% funded through the Stormwater Fund. Councilmember Helgeson thought they have enough cars in Fleet and suggested the vehicle be removed. The stormwater fund is paid through a fee to the taxpayers and they are also going to have a \$10 solid waste fee added to their water bill. He would not this position to be hired for at this time and made that as a motion. There was no second and the motion failed.

In answer to a question from Councilmember Wilder, Dr. Wodicka said this position is critical to the environment and making sure developers follow the rules. From a business perspective, we need to be sure we can out and inspect appropriately in a timely fashion. The demand for this position has increased 35 percent in the last several years. He also clarified for Council that not filling will not mean any savings or decrease on a person's bill. There is no recommended adjustment to the stormwater fee. In answer to a question from Councilmember Helgeson, Mr. Kent White said this position deals with active construction and not post compliance, such as stormwater going into the sewer system from pressure washing your parking lot, for example. He clarified for Councilmember Helgeson that this person will inspect active sites for compliance such as dust coming off of it during construction and they only have one environmental inspector at the present time. Mr. White also clarified that all the department's cars are spoken for and this person will inspecting every day and needs a vehicle. Councilmember Nelson would be in favor of this position. He has represented someone whose property was damaged by the development of a subdivision because the City could not get there frequently enough to inspect. He made a motion to keep it on the list and it was seconded by Councilmember Wilder. The motion passed by the following vote:

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

Noes: Helgeson 1

With regard to Item 28, 7,000, Estimated costs of hiring a monitoring service to implement the Short-Term Rental Registration program, Dr. Wodicka acknowledged that the environment has changed for the short-term rental market and it is not likely that they will not need this increase in the contractual fees. Councilmember Helgeson made a motion to accept it, which was seconded by Councilmember Perrow, and passed by the following vote:

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

Noes: Wright 1

With regard to Item 29, 250,000 Transfer to the Economic Development Authority (EDA) of the City of Lynchburg providing funds for implementation of business development, expansion and retention, Councilmember Perrow made a motion to strike it from the list. He has received a lot of calls and emails from the business community and realizes the importance of restarting our businesses in this economy. The motion was seconded by Councilmember Wright. Councilmember Wright noted that the return on investment for this money is tremendous.

Councilmember Helgeson asked Ms. Marjette Upshur why the City is paying \$30,000 for a study in Amherst. Ms. Upshur said it the training center site and it reflects on the City. It is a \$500,000 study and the money will come from the Economic Development Authority.

In answer to another question regarding tourism funds and how they are allocated, Ms. Upshur said they are all within the Economic Development budget. The funds he is inquiring about are sponsorships to bring events to the City. Some of the organizations are nonprofits but they are getting a return on investment in terms of advertising, “heads in beds” and events coming here. Universities and colleges have rules and regulations that do not allow them to sponsor these types of events. Ms. Upshur said they have a tool that runs an economic impact calculator on each of the events to make sure that the event is either growing or bringing tax dollars to the City. The sporting side of it, especially with Liberty, has just been unbelievable and they certainly hope sports will be able to come back in some form because it drives meals, lodging, sales and amusement taxes.

He asked her about the approximately \$101,000 that is going to the Alliance. He did not see it so he was not sure they were still contributing. Ms. Svrcek said they absolutely are and the money was moved administratively into Economic Development because they were processing the bill. The partnership is getting much stronger and working together is critical to economic development for our City and our region.

Councilmember Helgeson is sure all these contributions are wonderful but in times of austerity when we are looking at how we pay for public safety and teachers, he really starts to question things.

With regard to the \$250,000, Ms. Upshur explained that it is made up mostly of the local redevelopment grant. It spurs the economy because it is a capital investment into properties. If they meet the requirements, they receive a grant for investing in that property. Applications are submitted and the money is prorated based on the number of applications received.

Councilmember Helgeson asked if they have curtailed their tourism budget. Ms. Upshur said yes; however, Ms. Svrcek no adjustments to the department's budget have been made in the recommendations. Dr. Wodicka pointed out that when we are able to return to business safely, we need to continue booking meetings here and putting "heads in beds" and that is what pays for medic units and schools. Ms. Upshur said they are looking very carefully at any advertising they do, but this area of their economy has been decimated. Liberty has moved graduation to September and that is a shot in the arm to local businesses and lodging. They are meeting with Liberty about the ASUN conference. In answer to a question from Councilmember Wilder, the Economic Development Authority has been meeting and assisting the department.

Councilmember Helgeson said he will be supporting Councilmember Perrow's motion, but he hopes they look at the list of contributions because it is a little disconcerting.

Councilmember Wilder thanked Ms. Upshur and her staff. She has so much energy that the business community respects her leadership.

The motion passed by the following vote:

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

Noes: 0

Council discussed \$12,167 for Virginia Legal Aid Society. Councilmember Helgeson does not think it is prudent to fund an outside organization during a time of austerity. Councilmember Helgeson made a motion to cut the funding and Councilmember Perrow seconded the motion. Councilmember Perrow is not pleased with some of the decisions they have made. The Housing Authority has spent close to \$50,000 in legal fees for frivolous suits. He understands that everyone is entitled to equal protection under the law, but a particular case he is familiar is over the top. The courts have been closed for months and he thinks they can carry over their dollars to next year, and he is sure they have qualified for federal money.

Councilmember Nelson has done pro bono work for the indigent poor in the City for 44 years and he is very familiar with the services of Legal Aid. Legal Aid is the clearinghouse to determine the eligibility of persons who have a grievance. Then the cases are referred to private attorneys who specialize in their need. At some point when the courts open up, there will be a wave of legal needs and that is not a good time to be cutting the clearinghouse facilities that Legal Aid will provide. There are those that abuse the legal system and take advantage of the City, but that is not a basis to deny justice. This is a very paltry amount of money in exchange for those benefits. He has worked with the City Attorney and Legal Aid on communications and procedures so the type of situation where the City was sued and incurred substantial costs is not repeated. To the best of his knowledge, it seems to be in place and working very well.

Councilmember Wright noted Legal Aid does incredibly important work for some of the most vulnerable members of our community and it helps to even the scales of justice. It is an important partnership for our City and our people who struggle and it is a relatively small amount of money, but it does a world of good.

Vice Dolan commented that when the dust settles after COVID, there will be a great number of people needing this service more than ever. She realizes that people abuse but we cannot make everyone suffer for a few people that are not behaving properly.

Councilmember Wilder would like staff to keep voicing concerns with Legal Aid that make it challenging. He would ask that staff maintains a dialogue with them.

Councilmember Helgeson noted that it is rare that you pay someone with tax dollars and they sue you. That is the problem.

Councilmember Perrow is frustrated with Legal Aid for the suits they pursue, particularly against the Housing Authority. He believes their tactic is to drag it so long that it becomes untenable and unsustainable for the Housing Authority, when frankly some people need to be out of public housing. Some people have broken the law to be there. He just wishes Legal Aid was not taking those cases. That is the message he wishes to send by his vote today.

The motion failed by the following vote:

|       |                                       |   |
|-------|---------------------------------------|---|
| Ayes: | Helgeson, Perrow                      | 2 |
| Noes: | Dolan, Nelson, Tweedy, Wilder, Wright | 5 |

Councilmember Perrow noted that this will be a separate line in the budget vote and will require a super majority to approve.

With regard to \$0 for the Poverty Initiative, Councilmember Wright asked Ms. Svrcek what the logic was behind the proposed cut. Ms. Svrcek said there was a choice of funding College Hill Neighborhood Center and the Poverty Initiative. There is still money in the Poverty Initiative, and she chose to put it toward the center. There is probably around \$20,000 to \$30,000 that has not been allocated. Councilmember Wright asked if there was any formal feedback from the Bridges to Poverty steering committee. Vice Mayor Dolan noted they have not been able to meet or to get out and spend the money due to the pandemic. Mayor Tweedy asked if a portion of the \$7.2 million stimulus money can be used for employment services. Ms. Svrcek is not sure but mentioned that some of the nonprofits that applied for CDBG COVID funds were asking for it to be used for utility payments, which will help those challenged with poverty. Mayor Tweedy is concerned with this being reduced to \$0. Councilmember Wright suggested they hold on this line item until after they address some of the bigger items on the list. Council was in consensus to hold discussion on this until they have more information.

With regard to \$2,000 for Office Support Services for Virginia Cooperative Extension, Councilmember Wright noted they have asked for this for several years and find it incredibly hard to do their work. He thinks they are doing really significant and important work in our community. They are emphatic that it will help and their return on investment is impressive. For every dollar they spend, they generate around \$20 in local economic impact. This would not make a big difference to our bottom line but will make a big difference to this organization. He made that as a motion, which was seconded by Vice Mayor Dolan. There was discussion about using the City Manager's contingency fund, but this is not a one-time expense. Councilmember Wright clarified they need this for office support expenses such as postage because they do a lot of work with labs around the state. Councilmember Perrow thinks they do good work, but the City cannot prop up everybody. Councilmember Helgeson thinks they do good work as well, but we are funding them pretty well already. Most of our departments would like more funds and are not getting it. Councilmember Wright noted their incredible return on investment again and noted there are very

instances where you get that kind of return on investment. Mayor Tweedy noted they do certifications and workforce development. They work a lot in the community beyond the trees and the impact of gardening.

The motion failed by the following vote:

|       |                                          |   |
|-------|------------------------------------------|---|
| Ayes: | Dolan, Wright                            | 2 |
| Noes: | Helgeson, Nelson, Perrow, Tweedy, Wilder | 5 |

With regard to \$72,852 Training and Conferences for Council/Manager Offices, Councilmember Helgeson would like to make some changes. He thinks they can justify the money for Council training and conferences because they are citizen representatives. He has a problem with the highest paid professional staff going to training and conferences. You hire someone with expertise and in times of austerity, he thinks they need to conserve dollars for frivolous, unnecessary training for experts. Also, our people are gone and not available, which is a lost opportunity. He would like \$22,850 for the City Manager staff stricken and maybe keep some of the \$5,300 for the Clerk of Council. He would suggest striking the \$5,925 for dues and memberships for the City Manager staff. People typically pay dues themselves to belong to an organization. He asked Councilmember Perrow about membership in Virginia First Cities. He said Virginia First Cities has done really terrific work lobbying for us on behalf. He thinks it is key access to the higher levels of state government. He would like to see them be a part of VML but understands that is not part of this current budget. We get to be a part of the important work it is doing but are not paying our responsible piece of it. Staff has lost that access and feels a real gap in outreach and appeals. Council may not have gotten much out of the conferences but what is the value of that lobbying arm? He would like to add the VML dues in but does not know how they would pay for it.

Councilmember Wilder noted they are in the process of hiring a new City Manager and not having a training budget for a new manager might make it a little challenging to attract someone. Ms. Svrcek broke down the amounts for Council training and conferences, which has not been used for the most part in the past year. \$1,200 is for newly elected officials training sponsored by VML. Councilmember Wilder suggested they leave in the \$1,200 for new members.

Councilmember Helgeson made a motion to remove \$22,850 and the \$5,925 for the City Manager staff expenses. There was no second and the motion failed.

Mayor Tweedy thinks that anytime you are not learning and building relationships and having lobbying efforts, you die as a City. We set ourselves up for failure not to have a training budget for a new City Manager. She thinks Council needs the opportunity to learn because no one comes into this seat knowing everything. She would like to keep this part of the budget intact and whole. Vice Mayor Dolan seconded the motion. Councilmember Wright would have a hard time supporting the full amount for City Council but would like to leave \$1,200 in there for new members. Councilmember Wright asked for the City Manager's thoughts on the value of the necessary trainings for herself and her staff.

Ms. Svrcek said Council has a contractual arrangement with the City Manager. To not fund those trainings would be a breach of that contract. She hopes it would be included with the contract for the next City Manager. Lifelong learning is critical to staff's success, which she hopes is critical to Council's success. Her staff was gone together for a total of only day this year. She is insulted that the City Manager's salary was brought up because

every other position that was not at the minimum of their salary range was moved during the Korn Ferry study except that of the City Manager. She hopes they pay the next City Manager at least the minimum of the pay range. The dues are for ICMA and the VLGMA. Councilmember Wright asked if the Mayor would accept an amendment to remove \$14,001 from the Council training and conferences budget. He would suggest they put it on the list for future deliberation.

Councilmember Helgeson noted that their contractual obligation ends September 30 and this budget begins July 1. His recommendation was to not make the mistakes they have done before. They typically hire the expert that has had the training. The previous City Manager made less what the Deputy City Manager does now. Ms. Svrcek said that is not correct. Councilmember Helgeson said that if they hire someone that does not have the experience, you pay them less. Ms. Svrcek said the practice is to pay someone the value in the market. Ms. Svrcek clarified that the Assistant City Manager was added prior to the former City Manager leaving. He recognizes that going on junkets is kind of fun. Ms. Svrcek said that is insulting. She will not use taxpayer money to go on a junket.

Mayor Tweedy accepted the friendly amendment. Councilmember Perrow said he will be voting against the motion because money can be appropriated but it does not have to be spent. Historically, it has not been fully spent. He thinks it will take more than \$1,200 for new councilmembers, as there are potentially three new councilmembers. He does not want to cut the entire amount because new councilmembers might find them beneficial. One of the biggest benefits is making connections. He noted that the City Manager says she will not spend taxpayer dollars on junkets and he believes her.

Mayor Tweedy noted that you look at the market and the values and duties and responsibilities of a position and pay accordingly. The market dictates the value and expertise of the person you get. She wants the viewing public to understand that in these days and times you have to pay professionals their value and according to their roles and responsibilities. The current City Manager had 17 to 18 years of prior experience and they valued that experience.

The motion passed by the following vote:

|       |                                       |   |
|-------|---------------------------------------|---|
| Ayes: | Dolan, Nelson, Tweedy, Wilder, Wright | 5 |
| Noes: | Helgeson, Perrow                      | 2 |

Councilmember Helgeson would like them to discuss the medic unit. Councilmember Nelson does not think they have enough money left on the table to do much. Councilmember Helgeson would like them to not “back” into it and see what they have left over. He would like them to say they care about their citizens’ safety and let us make that a priority. We can then kind of “back” into figuring out from where we will get the funds. Mayor Tweedy thanked him and said that since she is running the list, she would like to go to schools.

Ms. Svrcek noted that the school board met and adopted a revised request to the City. Ms. Witt said they revised page 267 of the budget book to give Council more information. Schools reduced their request from the City by \$1 million at its most recent board meeting. To clarify a question for Councilmember Perrow, they used a scenario of a 20 percent reduction in sales tax for the state revenue number. Kim from Schools mentioned that they also presented to the board a reduction of \$1, \$1.5 and \$2.2 million from the City and voted to go with Option B. Kim clarified that the state is suggesting they project a 25 percent reduction in sales tax revenue and a 28 percent

reduction in lottery tax revenue. Councilmember Nelson noted it was asked on April 14 what would be the projected fund balance. He thinks it was identified to be about \$1.5 million. He asked that question at the last meeting and the following day was told it was the same figure. At the board meeting, he thought he heard it said it could not be projected accurately because the April numbers were not in yet. He saw an email yesterday that the fund balance could be as high as \$2 million plus or as low as \$343,000. \$1,365,155 was identified, which is kind of splitting the difference. Kim said they are awaiting the numbers that will help them pinpoint this number better. She said it is a moving target and they are adjusting it for many things, including the average daily membership and health insurance claims. They get more accurate data every week as they receive payments. Councilmember Nelson wondered if it would be beneficial to wait until Friday's payment. Kim said it would help a little as the mid-month payment is usually what they get at the end of the month as well.

Councilmember Perrow would be curious to know if the lottery revenues have been declining and if the passing of a new gaming law would put more money back into the lottery. Ms. Svrcek said there is a summary on page 269 of the budget and generally there is a downward trend. Councilmember Perrow noted that with the new gaming law, there is a possibility that will reverse and relieve some pressure.

To clarify a question from Councilmember Nelson, there is \$1.5 million in the calculations for the estimated fund balance in Option B and it is called "Estimated Usable FY2020 Fund Balance Gap Filler." There would still be a shortfall of \$582,978. She mentioned that they also do not know the full impact of the Medicaid money reduction and the reduction in fees for other services, such as bus and facility rentals.

Councilmember Helgeson noted they are talking about moving parts and their possible revenue. Council has no control over their revenues or expenditures but do have control over how much of the local tax dollars they spend on the local school budget. He was saddened to see the school board ask for \$1 million than what the City Manager proposed. Now it looks like it is \$1.2 million more. If they use the \$1.5 million in fund balance, they are actually looking at \$2.7 million more than what was presented. Dr. Edwards noted the school board originally proposed flat funding of \$42 million. Councilmember Helgeson noted the \$1.5 million is not normally used for operating costs. Dr. Edwards said normally they do not have a sales or lottery tax problem. They are trying to do their best to cover the gaps. Councilmember Helgeson said it is schools and the school board's obligation to do that with expenditures. He is really disappointed with the school board. He understands the desire and passion but it reminds him of someone that did not get their way and is stomping their foot. He has heard from teachers and administrators that this looks bad. He directed his comments to the school board members present and said they might think they are doing a good thing but it looks bad and looks extremely selfish. It looks like they are not living in the world that they are in. We need to work together and not just ask the City to pitch in another \$1.2 million plus the extra \$1.5 million. Council is trying how to fix a \$6.5 million budget gap and get another medic unit. He is sad to hear they are getting less state revenue but they are suggesting they put it on the backs on the local taxpayers.

Councilmember Wright thinks schools is trying to be part of the solution based on their responsiveness. He is incredibly dismayed by the conduct we just saw and chiding professionals and the citizens that sit on the school board. He does not nor does he think that the citizens think the board or leadership is being selfish. He thinks they are all trying to do the best for their families and kids. That kind of inflammatory, divisive rhetoric has no place in

this chamber. It is an insult to the people who are tasked every day with educating our kid. He takes personal offense at those remarks and he wants to make sure that is very clear here. He asked if they would appreciate more time to see the revenue come in and get best estimates. Kim said there would be a little more data but it is difficult to absorb any cuts when their budget is mainly personnel.

Councilmember Wright noted that \$2.2 million has a huge effect on a budget that is mostly nondiscretionary. He thinks they play for time and then we can make a slightly more informed decision. Dr. Edwards said she has been getting together with other professionals and has spent a lot of time on best estimates and projections. Kim meets with the finance professionals. Her staff and the school board are doing a dynamic job with the information they have and the moving targets. They are doing that while still serving the children and also preparing for the future. None of that by any means is selfish. The task pre-COVID was level funding and they have adjusted it. They are trying to do their best and they do not have an emergency fund. They absorbed the \$1.5 million cut in the current year. They are trying to do their part so it does not fall on the City and she does not think that is selfish.

Councilmember Wilder thanked her for the heart and the compassion she has for the children. He hopes they can all agree that the greatest gift they can show is love and compassion for each other. In answer to a question about fund balance, Ms. Svrcek said Council policy is 10 percent of revenues. When the budget was proposed in March, it was at 10.8 percent, which equates to about \$1.8 million above the required 10 percent. Councilmember Wilder noted this is a challenging time period and we hope we never see another pandemic. Since this is a one-time situation, is this a time to use some of those funds? Ms. Witt said it cannot be used for ongoing expenses and hiring people is an ongoing expense. He wanted to know if there was anything in the budget that we could switch over that we could use our fund balance for the fire department and schools. Ms. Witt said they would have to cut money in the operating budget to put money there. She said they could trust her that they have been looking and he said he understood.

Mayor Tweedy asked if the budget still includes salary steps. Dr. Edwards said they took off the compensation package. In addition, they have frozen most of the new hires. In classified alone, there is about \$850,000 that is sitting there, meaning they are positions that they are not hiring for yet.

Councilmember Perrow noted that the operational expenses have not changed. The step increase is a rather large number. Dr. Edwards said the step increase is not included in here but it is a pretty large number. The operational number should come down concurrently was Councilmember Perrow's comment. Dr. Edwards said the money they would save would be to fill the gap. The reduction in expenses is not shown on the spreadsheet was Councilmember Perrow's comment. Ms. Witt said the expense side was not presented to the board Thursday night. Councilmember Perrow thinks they may be suffering from "paralysis by over analysis." At some point, they have to make a decision given the best information you have. If they need to make an adjustment in the future, that can be made, but we have to get a budget passed by July 1.

Ms. Witt explained to Councilmember Perrow how sales tax revenue works and why schools would not have the same percentage number as the City. The sales tax revenue is distributed differently to schools than it is to the City. Councilmember Perrow said he gets frustrated because from 2012 to 2021, schools revenues have increased by 22 percent. City revenues increased by 11 percent and that is why they have to be careful how they fund schools

because it is not sustainable for the City. He will not approve anything over what the City Manager proposed of \$39,828,498 and he would like to make a motion to strike number 32 off the list. The motion was seconded by Councilmember Helgeson.

Councilmember Helgeson said the funds given to schools by the City funds have increased for several years. He said he appreciates Dr. Edwards and the things she has tried to do to “pull in the reins.” He looks at hundreds of non-SOQ funded positions that are funded by our local taxpayers. Even when they go with the City Manager’s recommendation, they still do not have the money to get an extra medic unit. He can feel their pain because he is a teacher and he misses his students and the students are missing a lot by not being in a classroom. He hopes she and the board can continue to come up with a good solution of where items can be trimmed and they can keep moving forward.

Councilmember Nelson said he is uneasy approving a budget that is a moving target. He knows that the City does not have any money to give and fill the gap. The tangible source of revenue would be the FY2020 end of year balance. He does not want to try and identify it now and say they will give them that much. Councilmember Nelson noted that right now they cannot use their end-of-year balance for anything other than schools. He would consider anything that would fill this gap to be justifiable. He hopes it does not happen again and he does not think it will happen again. We have learned a lot that may help us deal with it if it does happen again. Councilmember Nelson would suggest amending the motion and propose that whatever is the LCS fund balance at the end of the year that the entire amount is allocated to schools. It would be a friendly amendment rather than a substitute motion, if Councilmember Perrow accepts it. It cannot be fixed at \$1.5 million, but whatever it is, it will be put in reserve and make a decision in October when figures are pretty stable. It would be used to fill the gap and if it is more than what is needed, it would be used for one-time expenses. Councilmember Perrow said he could accept that as a friendly amendment. He clarified it is not a budgetary amount. It is intent. It cannot be allocated yet because they do not know the amount. Councilmember Helgeson suggested they do it as two separate motions and Mayor Tweedy clarified they are discussing the original motion to strike Item 32 and accept the City Manager’s proposed schools budget.

Councilmember Wright will be voting against this motion. It will not move their progress to vote on this tonight. If we give it two weeks, we will have more data. He thinks it is an unnecessary, hasty and, he would dare to say, reckless move when there is no imperative that they decide the budget tonight. He thinks they are manufacturing urgency and they should make a more informed decision in two weeks.

Vice Mayor Dolan said she will be voting against it for the same reasons Councilmember Wright stated.

Councilmember Wilder stated he supports schools but is wondering if they will have better numbers in October. He is not sure how two weeks will make a big difference and he would prefer to make an adjustment in October when they have a better assessment of where things stand. For him, that seems like a compromise.

Councilmember Wright thinks this will give schools and the board more time to formulate a plan. It seems to him that they do not have clear answers and he does not know why they would push themselves to make a decision when we cannot be sure students will not suffer as a result. Dr. Edwards said that with the \$1.2 million cut that is left after the board reduced its request by \$1 million would equate to 20 staff members. That is not a place she

wants to be when the children are most vulnerable. Not replacing someone might save a job but it does not mean it is a better system for children. It would mean looking at people not necessarily programs or stuff when you start making significant cuts.

Councilmember Perrow noted that he will assume Councilmember Wright did not mean “reckless” but meant “realistic.” Otherwise, he would take offense and thinks they were inappropriate. Councilmember Wright said he meant reckless and Councilmember Perrow can take offense. He did say reckless and he wants to make sure the record is clear on that point. Councilmember Perrow said Councilmember Wright obviously has a lot to learn about budgeting. Councilmember Perrow noted we have about \$193,000 we can put toward schools from the list and every penny above that puts a hole in our budget. You better figure out where you are going to cut the money if you want to fund the whole \$2.2 million. We cannot print money and we have to have a balanced budget.

Mayor Tweedy said they will get a balanced budget but in this unprecedented pandemic, we have time. She does not know why people are trying to rush it now tonight. She likes the idea of giving it time to see what comes in and to have a better picture. Everyone knows that there will be some type of cut but she does not think they have to decide that tonight.

Dr. Edwards noted that the City just received \$7.2 million and schools is part of the City. Waiting two weeks give them time to find out what those funds could be used for, as well as they will have an additional sales tax payment and projections for sales tax in FY2021. Ms. Svrcek said it would not put the City in a bind to wait two weeks.

Councilmember Helgeson thinks that the sooner the school division and board has numbers to begin working with, they will know what the local taxpayers are contributing. The approximately \$39 is \$1.5 million more than just two years ago. It is not crazy, out of the world reckless. It is \$1.5 million more than the actual 2019 and what the City Manager proposed. There is \$2.5 million more from the state and the stimulus money of approximately \$2.4 million. The sooner we get to the items, the better. We need to start making decisions. Government folks are the ones that have not missed a paycheck. A lot of the citizens we are taxing have missed paychecks. It gives school administration and the board time to look at the fact that they need to tighten up a lot. He thinks it strengthens the school administration’s hand and understands they do not want to do it.

Councilmember Nelson noted that if the schools’ revenues are better in two or four weeks will just contribute to an enhancement of its fund balance. By his proposal, all of that is going to the school division. They will have it available to them to balance the school budget next year. The City has cut its expenditures and they do not have the volatility in revenues of the schools. Their resources and wherewithal will not increase but schools certainly could and it could not.

Councilmember Perrow reminded Council that this can be amended in the first quarter when schools comes back with changes in its operational expenses or if things are not better, Council can make some decisions then. It is perfectly reasonable because it gets them to a balanced budget. If we get into statutory requirement limits, we could get into some late nights and make some rush decisions. He would also like to be respectful of the school administration and board members’ time, as they give up their time to show up for these meetings.

Mayor Tweedy would like to learn more about the \$7.2 million and what it can and cannot be used for. She has

also asked the City Manager to look at some functional cuts for City services. She would like to see if there are places where we could gain some funds, for instance, we are now taking all online and drop-off payments. We never really ask the citizens what they are willing to do without. We may need to change citizens' standards and expectations. Ms. Svrcek said she would need more clarification. Mayor Tweedy does not want schools to get all the hit or a certain department gets the entire hit. When we talk about centers, we only talk about the urban core centers and we may need to talk about senior centers.

Mayor Tweedy called for a vote on the motion of the floor. Councilmember Nelson wanted his intent known that his intent with the suggestion about the fund balance is to bring the level of funding up to the school request in Option 2. He said he does not need to make his usual disclosure as his wife will no longer be employed as a principal next year.

The motion failed by the following vote:

|       |                               |   |
|-------|-------------------------------|---|
| Ayes: | Helgeson, Nelson, Perrow      | 3 |
| Noes: | Dolan, Tweedy, Wilder, Wright | 4 |

Councilmember Wright made a motion to allocate the \$193,936 on the list to the fire department and then revisit it in October. Ms. Svrcek clarified it would be put in a reserve allocation. The motion was seconded by Councilmember Perrow. Councilmember Wilder noted it a good idea and obviously an incredible need for our community. He is excited to see them put some money in a concrete way toward funding the nine firefighters. Councilmember Nelson thinks it is a good idea to get the funding stream going but that is a paltry amount given what we need to do. Councilmember Helgeson noted that the \$43,000 for training could have been used for this as well because can do online training rather than traveling, but he acknowledged that they are at least moving in the right direction. Councilmember Perrow noted it does not fund a full medic unit but at least provide some of the needed relief factor. Vice Mayor Dolan said she would support it because it is a start. We will look at it again in October and things could be a whole lot different then.

The motion passed by the following vote:

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

// The COVID-19 update was moved to 7:30 p.m.

// In the matter of Roll Call, Councilmembers Wright, Wilder and Nelson had no items. Councilmember Perrow made a motion to reconsider the minutes of March 10, 2020. The motion was seconded by Councilmember Helgeson and passed unanimously. Councilmember Perrow noted that the budget would have been balanced if they had removed the schools item. Between now and the next meeting, Councilmembers need to identify sources of revenue or savings are going to come from.

Vice Mayor Dolan Councilmember Helgeson did not have any items. Mayor Tweedy had the following announcements: a) The local election has been moved from May 5 to May 19. The deadline to request an absentee ballot was today by 5:00 p.m. The deadline to return it is by Saturday, May 16 by 5:00 p.m. You may also vote absentee in person Wednesday through Saturday of this week and Monday, May 18 from 9:00 a.m. to 5:00 p.m. at the Registrar's Office at 825 Kemper Street. b) Thanks to everyone for compliance with the COVID19 staying at

home, social distancing and wearing masks in public directives. To continue to stop the spread, we cannot become complacent.

// The meeting was recessed at 7:28 p.m.

// City Council reconvened the meeting at 7:35 p.m. The following members were present:

Present: Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling Wilder,  
Beau Wright, Treney Tweedy 7

Absent: 0

// Councilmember Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, the Mayor recognized the week of May 17 – 23 as Public Works week.

// In the matter of Recognitions, the Mayor recognized the week of May 10 – 16 as Police Week.

// Copies of the minutes of the April 14, 2020, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dolan, seconded by Councilmember Wilder, by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the April 28, 2020, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dolan, seconded by Councilmember Wilder, by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Budget, Resolution #R-20-030, laid over from the April 28, 2020 meeting, was again presented and read, on motion of Vice Mayor Dolan and seconded by Councilmember Wilder, the FY 2020 City/Federal/State Aid Fund budget was amended and \$112,531 was appropriated with resources from the 2020 Coronavirus Emergency Supplemental Funding Program to purchase COVID-19 related Equipment, Decontamination Services, Supplies, Overtime & Fringe Benefits expenditures.

// In the matter of Community Development, Council held a public hearing regarding adopting a resolution approving the allocation of the Fiscal Year (FY) 2021, Community Development Block Grant (CDBG) and HOME Program funds and incorporating into the FY 2021 General Fund Operating Budget and Program Year (PY) 2020-2024 Consolidated Plan and FY 2021 Annual Action Plan. Ms. Melva Walker gave Council a summary of the request. There were no persons present to speak in favor or in opposition. There were phone calls from persons in support. One was from George Clay, the director of the Boy Scouts for Central Virginia, thanking them for their support of the CDAC money. One was from Ken Lyons with the Blue Ridge Mountains Council, requesting support of its request to partner with the City's Parks & Recreation Department. Jeff Smith of Rush Homes called in to request support of its request for more affordable housing. Donna Vincent of Greater Lynchburg Habitat for Humanity called in to request support of its request for HOME funds. Mayor Tweedy closed the public hearing portion of the request.

Councilmember Wright spoke on behalf of the CDAC committee. He thinks they reached a conclusion that satisfied all parties. They adjusted the CDBG non-public service (\$607,000) and reduced the Biggers Park project from \$151,000 to \$110,000 and \$17,000 of that applied to the Tinbridge Hill Neighborhood pedestrian improvements. Mr. White and Ms. Jones felt that was a satisfactory adjustment. On the CDBG public service allocation, they were able to recommend full funding for the CHIA position and the Scout Reach position. They did not have enough money to fill the affordable housing resource center of the ARC, but the Housing Authority felt they could do well with the \$16,000. In the HOME funding, we actually had more money than was requested. They had an additional \$76,000 and it was split between Rush Homes and GLHFH.

Councilmember Helgeson asked about giving Tinbridge Hill \$17,000 more than they requested. Mr. White and Ms. Jones had wanted to focus on the Tinbridge Hill connection to the trail. They had to make a cut somewhere because the requests for \$630,000 and they could only allocate \$607,000. \$40,000 came from the Madison Street trail improvement, leaving \$17,000 to go somewhere and they chose the Tinbridge Hill trail connection. Councilmember Wilder commented that the neighbors indicated they wanted the Tinbridge Hill trail connection more than the Biggers Park one. The recommendation came from a person on the committee who lives in Garland Hill. Councilmember Wilder made a recommendation on behalf of the CDAC committee to approve the resolution.

The motion passed by the following vote:

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

// In the matter of Community Development, Council conducted a public hearing to receive comments regarding the proposed amendments to the Citizen Participation Plan for the Community Development Block Grant (CDBG) and HOME Investment Partnerships Act (HOME Program) and adopt a resolution approving the Plan. Ms. Melva Walker gave Council a summary of the request. There was no one to speak in favor or in opposition of the request and Mayor Tweedy closed the public hearing portion of the request.

Councilmember Helgeson made a motion to accept the plan, which was seconded by Councilmember Wilder and it passed by the following vote:

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

// In the matter of Community Development, Council conducted a public hearing regarding the consideration of adopting the Forest Brook Road Corridor Study as part of the City's Comprehensive Plan 2013-2030. The purpose of the study is to provide the City of Lynchburg with a detailed planning level assessment of the options for future needs of Forest Brook Road that will enhance safety while accommodating future capacity of the roadway. The plan provides the following recommendations: trimming and maintenance of vegetation, upgrading guardrails, installation of curb & gutter and sidewalk, improve intersection radius at Forest Brook Road and Lakeside Drive, improve the horizontal curvature of the roadway, and ensure adequate sight distances.

Mr. Scott Smith, Transportation Planning Director, of Central Virginia Planning District Commission, gave Council a summary of the corridor study.

Councilmember Perrow clarified that with the improvements suggested, we are not talking about taking property. We are talking about acquiring additional property and Mr. Smith said that is correct. Councilmember Perrow noted that by putting this into the *Comprehensive Plan*, it allows them to apply for VDOT funding in terms of SMART Scale, as well as revenue sharing. Mr. Smith said presence in the plan is one of the boxes that need to be checked to apply for funding. This looks like something that SMART Scale could afford was Councilmember Perrow's thinking. The pedestrian safety and the low cost of the realignment are good things to merge together to score favorably and get funded.

Councilmember Perrow had heard something about realignment of traffic lights on Lakeside Drive. Mr. Smith said that would be future work related to Lakeside Drive in the long-range plan. There was no one to speak either in favor or in against and Mayor Tweedy closed the public hearing portion of the request.

Mr. Newland said this is part of a project they have to realign Wyndale Drive. One traffic light will be moved down the road to where the new McConville Road would tie into it. It will separate the distance between those two signals and make it function much more efficiently. Councilmember Perrow noted they are related projects in that they affect traffic in similar patterns. Mr. Newland clarified does not have to go contingent on the other.

Councilmember Perrow moved the ordinance, which was seconded by Councilmember Wilder. Councilmember Helgeson asked for clarification that this does not mean that it is going to be approved for the funding. Mr. Martin said adopting this would allow the City to move forward with looking for funding alternatives. The City would enter into negotiations with the property owners to try and obtain any necessary property. Mr. Martin clarified that the Planning Commission recommended alternative 2 and the plan list alternative 2 as being the preferred alternative but both alternatives are in the plan. The adoption of this plan does not preclude them from going with either alternative at a future date. The motion passed by the following vote:

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

// In the matter of Public Works, Ms. Gaynelle Hart gave Council an overview of the changes to the Solid Waste Ordinance. Councilmember Perrow is concerned about the restriction on the trailer and dump bed. He would like it to be clear to people that if they have a dump bed and a trailer that they cannot use the convenience center and need to go to the landfill. Ms. Hart said it is difficult to regulate quantity and they have tried to make it clear with the language that they would like more of a pickup size truck being brought to the convenience center. If they have a dump bed, they would accept it. It is a problem it gets to one and two-ton trucks and they are loading up an entire bin. She said the operator has some discretion if a large truck comes in with not a lot of trash on it. When asked about fixing one of the scales, Ms. Hart said it is about \$60,000 to fix.

Councilmember Perrow moved the ordinance, which was seconded by Councilmember Wilder. Councilmember Helgeson questioned "unauthorized removal." Some people like to do that and repurpose or resell items. Ms. Hart said some people have made huge mess. They are not going to care about someone picking up one or two items. It was pointed out to him that this is not a change to the code. Ms. Hart clarified that this also makes it unlawful for the reason that someone should not be removing items because a landlord has to set them out for 48 hours. That gives times for the lawful owner to retrieve the items.

Councilmember Helgeson said there are a lot of changes and he is not sure why they have to adopt it tonight. Dr. Wodicka pointed out that they have five meetings about these and most of the changes in here have already been voted on. Ms. Hart noted the significant changes are pointed out on their Council report. They had not heard about the \$250 service fee and limiting the size of the pile. Ms. Hart said they will start with education and try to work with people before imposing the service fee.

Councilmember Helgeson asked how they can get the 96-gallon cans, since a person has to pay \$10 a month no matter how much trash they set out. If so, he would like, and he would like his neighbors, to be able to put out as much trash as possible. Dr. Wodicka reminded him that they brought them the idea of 96-gallon cans only and Council said no and they needed to keep the existing multiple cans. There will be a process for someone to go through if they want to switch their 32-gallon can to a 64-gallon can. There are 3,000 32-gallon containers out there and they do not think that everyone will want to change. It is a convenience for someone to keep the 32-gallon can and that is what they heard during the public meetings. Dr. Wodicka and other councilmembers noted that we have been through this discussion extensively. Mayor Tweedy pointed that if they have to buy new and bigger containers, it would be an increase over the \$10 a month. Councilmember Perrow thought it would be a logistical nightmare. Disposing of the existing trash cans would be a problem as well and probably create even more waste. Mayor Tweedy asked Ms. Hart to bring back to Council how these changes will be messaged to the community, once the campaign is finalized.

The motion passed by the following vote:

|       |                                                         |   |
|-------|---------------------------------------------------------|---|
| Ayes: | Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 6 |
| Noes: | Helgeson                                                | 1 |

// Dr. Wodicka provided them with an update on the City's actions regarding COVID-19. Courts will be reopening and we are working on providing PPE. They are working on best practices for businesses to reopen, as restrictions are lifted. They are working with the Registrar on the new voting date and safe practices. The senior support hotline continues to operate, averaging ten calls a day. There are 6,661 unemployment claims since the beginning of the crisis, but the ongoing claims are 4,312. They are excited to announce the rollout of the Economic Development Authority's business recovery loan program. It is for smaller businesses that were unable to receive payroll protection loan or the economic injury disaster loan. The interest rate will be one percent below the prime closing rate.

Councilmember Perrow would suggest they look for funds in the current fiscal year that they could supplant and carry over as one-time dollars in terms of the \$7.2 million stimulus package. They should also look at what eligible costs they have in the upcoming fiscal year that can be applied. Ms. Svrcek said funds need to be expended by December 31, 2020. He would suggest Council resolve the budget and then let staff have time to look for ways to apply those funds and then come back in the first quarter and make some adjustments.

The meeting was to conclude with a video but it is not ready for viewing at this time.

// On motion of Vice Mayor Dolan, by Councilmember Perrow, by the following recorded vote, elected to hold a closed meeting to for the 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.

The motion passed by the following vote:

|       |                                                         |   |
|-------|---------------------------------------------------------|---|
| Ayes: | Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Wright | 7 |
| Nos:  |                                                         | 0 |

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

Councilmember Helgeson made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Perrow, and Council, by the following recorded vote adopted the motion:

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

// The meeting was adjourned at 8:35 p.m.

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Clerk of Council