

May 10, 2022



CITY COUNCIL AGENDA

City Council Meeting - 7:30 p.m.

Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

IV. Invocation

Councilmember Tweedy

V. Recognitions

Proclamation – Drug Court Month
Proclamation – EMS Week

VI. Consent Agenda

- A) Consideration of adopting Resolution #R-22-032 amending the FY 2022 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2022 Third Quarter Detail by Fund.
-

VII. Public Hearing

- 5) Continue a public hearing to receive citizen input regarding appointments to vacancies that will exist June 30, 2022, in School Board Districts I, II, III.
-

VIII. Public Comment

**Public Comment Addendum will be posted separately after the citizen sign-up deadline of Friday at noon preceding the Council meeting.*

IX. General Business

- 6) Consideration of adopting Ordinance #O-22-___ for the proposed amendment to the City Code regarding dogs left outside during extreme weather conditions.
- 7) Consideration of a closed meeting to consider appointments to the Lynchburg City School Board and to determine a time in which to conduct the school board candidate interviews pursuant to Section 2.2-3711(A)(1.) of the Code of Virginia.

RESOLUTION:

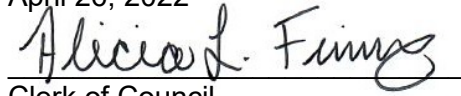
#R-22-032

BE IT RESOLVED That the FY 2022 Adopted Budget is amended and funds are appropriated or rescinded to reflect the Third Quarter Adjustments as identified in Attachment A in the General, City/Federal/State Aid, Forfeited Assets, Children's Services Act (CSA), Regional Juvenile Detention Home, Sewer, Airport, City Capital Projects, Schools Capital Projects, Sewer Capital Projects, and Airport Capital/Grant Projects Fund.

Introduced: April 26, 2022

Adopted: May 10, 2022

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 10, 2022**

AGENDA ITEM #: **5**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: **Public Hearing – School Board Appointments**

RECOMMENDATION: Continue a public hearing to receive citizen input regarding appointments, or reappointments, to vacancies that will exist June 30, 2022, in School Board Districts I, II, III.

SUMMARY: Section §22.1-50 of the Code of Virginia and Section §32-16 of the City Code provide that within thirty days preceding July 1st of each year, City Council shall appoint a successor for each school board member whose term expires on June 30th of that year. Section §22.1-29.1 of the Code of Virginia requires City Council to hold a public hearing on school board appointments at least seven days prior to making the appointments. It also provides that no nominee or applicant whose name has not been considered at a public hearing can be appointed to the School Board.

After the public hearing(s), Council will conduct a closed meeting(s) to consider all candidates and review the applications filed with the Clerk of Council to determine those individuals to interview. City Council shall also select a date/time to conduct interviews with the selected candidates in the closed meeting(s).

PRIOR ACTION(S):

April 14, 2022: Notice of the public hearing was duly advertised in *The News and Advance*.

April 26, 2022: Council conducted its first public hearing on the matter and chose to continue the hearing at its May 10, 2022 meeting.

FISCAL IMPACT: N/A

CONTACT(S): Alicia L. Finney, Clerk of Council, (434) 455-3990

ATTACHMENT(S): School Board Appointment List

REVIEWED BY: raw

075A

LYNCHBURG CITY SCHOOL BOARD

APPOINTMENT LIST | May 10, 2022 City Council Meeting

School District 1

Mr. James Porter
Mr. Clifton Reed
Ms. Ashley Reich
Ms. Brandy Gibbs
Mr. Anthony Andrews
Ms. Mary Wieberg
Dr. Justin Hensley
Mr. Elliott Clifton
Ms. Marianne Criswell
Dr. Kathie Carwile
Dr. Andrea Yesalis
Dr. Kevin Struble
Mr. Jerry Gibson

School District 2

Dr. Veronica McCue
Ms. Letitia Lowery
Dr. Martin Day
Ms. Erin Cruz
Ms. Charleta Mason
Ms. Rosamond Phillips

School District 3

Dr. Jason Fleshman
Mr. John Miska
Mr. Gary Woodson
Mr. Steven Smith
Ms. Gloria Preston

Updated: May 5, 2022

Updated: May 9, 2022

Updated: May 10, 2022

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE:

AGENDA ITEM #: **6**

REGULAR: **X**

WORK SESSION:

CLOSED SESSION (Confidential):

ACTION: **X**

INFORMATION:

ITEM TITLE: Ordinance Amendment – Extreme Weather Conditions for Dogs – Companion Animals Left in Vehicles

RECOMMENDATION: Adopt an amended ordinance to the City Code regarding dogs left outside during extreme weather conditions. This aligns City Code to current state laws on animal care. This amended ordinance proposal also addresses conditions for animals left in vehicles.

SUMMARY: This proposed amendment will align the current City Code more closely with the current state code on animal care by adding language requiring a windbreak at the entrance to a dog house in cold weather and properly shaded shelter in hot weather. This proposed ordinance also creates specific language that properly addresses the problem of animals left in vehicles during the summer heat.

PRIOR ACTION(S): March 26, 2019: City Council approved Section 7-43. – Leaving dogs outside during extreme weather conditions.

April 26, 2022: City Council was briefed on this topic during the Work Session under the Business Item Briefing.

FISCAL IMPACT: None.

CONTACT(S): Ryan Zuidema, Chief of Police, 434-455-6045
Ryan Ball, Chief Animal Warden, 434-455-6105

ATTACHMENT(S): Amended ordinance for Section 7-43.
Presentation.

REVIEWED BY: MMB WCB

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY AMENDING SECTION 7-43 OF CHAPTER 7, THE AMENDED SECTION RELATING TO THE CARE OF DOGS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by amending Section 7-43 of Chapter 7 as follows:

Sec. 7-43. Leaving a dog outside during extreme weather conditions; leaving a dog or other companion animal in a motor vehicle during extreme weather; penalty.

(a) Definition: For the purposes of this section, "outside" shall mean any unattended dog that is outside subject to the weather and elements, which includes, but is not limited to, a dog in a securely fenced-in yard, a dog in a kennel, or a dog tethered or tied out. A dog will be considered "outside" regardless of access to an outdoor dog house or similar structure unless the kennel is heated and/or air conditioned.

(b) It shall be unlawful for any person to leave any dog outside and unattended for a period of one-half hour or longer, during such a period when either:

- (1) The temperature is below 32 degrees Fahrenheit; or
- (2) The temperature is above 95 degrees Fahrenheit.

Should any either of the above ~~defined weather conditions~~ temperature thresholds be met, then the dog must be brought indoors. "Indoors," for the purposes of this ~~ordinance section~~, shall ~~be defined as mean~~ any area of the residence which is temperature controlled, including a garage or basement, as long as the ~~conditioned space area~~ is considered adequate according to the above temperature thresholds.

If a dog is left outside when the temperature is between 32 degrees Fahrenheit and 40 degrees Fahrenheit, then the dog must have access to a dog house or other type of shelter that has straw or like bedding of sufficient warmth for the conditions on the floor of such dog house or shelter. The doghouse or shelter must have a windbreak at the entrance. If the temperature is between 85 degrees Fahrenheit and 95 degrees Fahrenheit, then the shelter must be properly shaded and must not readily conduct heat.

(c) It shall be unlawful for any person to place or confine a dog or other companion animal, as defined under § 3.2-6500 of the Code of Virginia, 1950, as amended, inside a motor vehicle for a period of 15 minutes or longer while the outdoor temperature is 75 degrees Fahrenheit or greater, or for any person to knowingly allow the same. This subsection shall not be deemed to prohibit the transportation of livestock or poultry, as defined under Chapter 59 of Title 3.2 of the Code of Virginia, 1950, as amended, in trailers or other vehicles which are designed for such purpose. No person shall be charged with a violation of this subsection if a motor vehicle's engine and air-conditioning are operating and in effect while such dog or other companion animal is inside such motor vehicle.

~~(e)(d)~~ The city's animal warden, deputy animal wardens, and police officers shall enforce this ~~ordinance section~~.

~~(d)(e)~~ Any person violating ~~the provisions of~~ this section shall be guilty of a class 4 misdemeanor. Any person who subsequently violates ~~the provisions of~~ this section for the same animal shall be guilty of a class 2 misdemeanor. Upon such subsequent violation, and the dog may be seized pursuant to Section 3.2-6569 of the Code of Virginia, 1950, as amended, as an animal that has been cruelly treated, and the court may order the dog forfeited to the city to be disposed of by the city pursuant to subsection D of Section 3.2-6546 of the Code of Virginia, 1950, as amended.

2. That this Ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council



LYNCHBURG ANIMAL CONTROL AMENDED ORDINANCE PROPOSAL

May 10th, 2022



ORDINANCE PROPOSAL 7-43 (EXTREME WEATHER)

- What this ordinance does:
- Adds specific language in City Code for prosecution for dogs and companion animals left in vehicles in extreme heat.
- Provides ACO's and Officers the ability to write a lesser offense summons as opposed to animal cruelty.



ORDINANCE PROPOSAL 7-43 (EXTREME WEATHER)

- What this ordinance does NOT do:
- It does NOT ban dogs and other companion animals from being left in vehicles when the vehicle's engine and air conditioning are operating and in effect while the dog or companion animal is in the vehicle.
- It does NOT ban the ability of owners to bring their pets into their vehicles.
- It does NOT ban the ability of owners to secure their dogs to the bed of a truck.
- It does NOT take away discretion from the ACO or Officer on each incident.



WHAT ABOUT ROLLED-DOWN WINDOWS?

According to the American Veterinary Medical Association (AVMA), studies have shown that cracking a window changes these figures very little. A parked car with the windows cracked heats up at almost the exact same rate as a car with the windows rolled up, putting pets in serious danger.



AMENDMENT TO ORDINANCE PROPOSAL 7-43 (EXTREME WEATHER)

- This proposed amendment to the ordinance aligns current City Code to the new legislation enacted by the state in regards to the changing of the definition of “adequate shelter”.



AMENDMENT TO ORDINANCE PROPOSAL 7-43 (EXTREME WEATHER)

- This amendment proposal adds:
- The doghouse or shelter must also have a windbreak at the entrance.
- If the temperature is between 85-95 degrees, the shelter must be properly shaded and does not readily conduct heat.



LYNCHBURG ANIMAL CONTROL ORDINANCE PROPOSALS

Questions?



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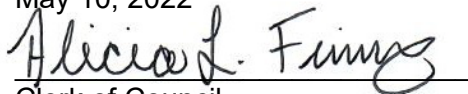
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