CONSENT AGENDA ITEM: A

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of April, 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, Council continued to balance the budget.

Interim City Manager Dr. Reid Wodicka reviewed the Proposed FY 2022 Revenues and Use of Fund Balance. Due to additional state revenue from the Compensation Board and revised local revenue projections, staff are proposing the following: set the Real Property Tax rate to $1.11 per $100 of assessed value; not grow the Unassigned Fund Balance to 12.3% but to leave it at 11.8%; increase Fuel Reserves by $200,000; increase Debt Service Reserve by an additional $200,000; eliminate *Strategic Initiative #3 – Continued Implementation of the City-wide Salary Study particularly for the lowest paid employees in the organization* and instead implement a 5% general wage increase to all employees.

Dr. Wodicka suggested Council first have a conversation and decide where to set the Real Property Tax rate stating that this will help staff and Council understand what the revenues will be as Council continues making decisions for the rest of the budget items. Councilmember Wilder made the motion to set the Real Property Tax Rate at $1.11, citing the long-term needs for the city such as the police headquarters and addressing compression issues as the key reasons. Councilmember Tweedy seconded the motion stating that she considers this an investment in the city.

Councilmember Faraldi stated that with the most recent projections, Council has the ability to lower the tax rate to at least a $1.07 and made the motion to amend the main motion to entertain the discussion of a lower rate. Councilmember Helgeson seconded the motion.

Councilmember Nelson stated that he was in support of this rate which would lighten the load of the citizens. The projected revenues are much higher than originally thought because the economic landscape seems promising. The city can sustain revenues at the $1.07 rate without compromising any of the city's critical needs.

Councilmember Helgeson stated that at the beginning of budget discussions, revenues were tight. Now, the projections of several key revenue sources have been revised upwards and Council can alleviate some of the burden to tax payers. He seconded the amendment to the main motion so that Council can further the discussion.

Councilmember Wilder stated that he is not in support of the amended motion for several reasons, including putting the bond rating at risk; funds are needed to build the police headquarters and for additional firefighters and medic units; and for the cost of living increase for employees.

With no other discussion from Council, the following vote to amend the main motion from $1.11 to $1.07 was recorded:

Ayes:	Helgeson, Nelson, Faraldi	3
Noes:	Dolan, Wright, Tweedy, Wilder	4

Councilmember Wilder stated that he still supports the main motion.

Councilmember Tweedy stated that she is in support of the main motion because even though projected revenues are higher this year, it does not speak to the years going forward.

Councilmember Faraldi made the motion to amend the main motion to a $1.09, in an attempt to debate a lower rate. Councilmember Helgeson seconded the motion.

Vice Mayor Wright stated that there's no mass exodus of people and they want to live in the city or else property rates would not be increasing. There are short-term needs that need to be funded and he considers the original motion an investment to the City.

Councilmember Nelson stated that he is disappointed Council does not seem to want to entertain a compromise. Citizens don't need to have an additional burden on top of other economic, personal, and emotional burdens that they have sustained over the last year in regards to the pandemic.

Mayor Dolan stated that she does not support the amendment to the main motion. Council needs to invest in the city and in the employees. She also stated that when staff talk about the revenues increasing, in reality they are increasing from the revisions made to the budget due to COVID, which was a reduction from the previous projections. She looks to the city's past, in particular the 2008 recession when Council decreased the tax rate, and the consequences of that action which created so many challenges for the city by way of furloughing employees

With no other discussion from Council, the following vote to amend the main motion from $1.11 to $1.09 was recorded:

Ayes: Helgeson, Nelson, Faraldi 3

Noes: Dolan, Wright, Tweedy, Wilder 4

With no other discussion from Council, the following vote on the main motion to set the Real Estate Tax Rate to $1.11 was recorded:

Ayes: Dolan, Wright, Tweedy, Wilder 4

Noes: Helgeson, Nelson, Faraldi 3

Dr. Wodicka continued reviewing List item #2; *Use of Unassigned Fund Balance.* The staff recommendation is to set the rate to 11.8%. Councilmember Helgeson stated that instead of spending the extra revenues, Council should consider increasing the Unassigned Fund Balance to as high as possible, then use it in the future if it's needed. This would guard against spending the funds frivolously now. Dr. Wodicka advised that setting the rate to a higher percentage and not sustaining that percentage could impact future bond ratings negatively. Councilmember Helgeson responded that Council should consider taking the extra revenues and create a separate reserve so as to not raise then lower the Unassigned Fund Balance.

Councilmember Wilder made the motion to leave the Unassigned Fund Balance at 11.8%, seconded by Vice Mayor Wright.

Councilmember Nelson asked if the 5% local match has to be given in order to receive the state funding in regards to the state employee raises; staff responded that it does. He is in favor of storing away as much as possible in either the Unassigned Fund Balance or an altogether separate reserve in the event of a situation where the revenues aren't there from normal operations, much like what Councilmember Helgeson proposed. Since the state funding for employees is contingent upon the city funding the full 5% for state employees, then he is not in favor of setting up a barrier for that to happen, however; he stated that there could be money in other places to fund the local match.

With no other discussion from Council, the following vote to leave the Unassigned Fund Balance at 11.8% was recorded:

Ayes:	Dolan, Wright, Tweedy, Wilder	4
Noes:	Helgeson, Nelson, Faraldi	3

Dr. Wodicka continued reviewing List item #3; *School Funding in the proposed amount of $39,828,498.* Councilmember Helgeson included this item on The List. He stated that due to the decline in enrollment, the additional Federal CARES funding, and the burden it imposes on tax payers he cannot justify spending this amount on the schools.

Councilmember Wilder made the motion to strike Item #3 from The List effectively leaving the allocation in the budget. Councilmember Tweedy seconded the motion. Councilmember Wilder stated that the school system has gone through a challenging time period with COVID and it is not a local issue it is a national issue. It cost more to educate children especially in a pandemic with new stress levels. There are now more private and Christian schools' options for families which can explain the decline in enrollment.

Councilmember Tweedy stated that it is her expectation that LCS build back brilliantly and competitively. LCS is a gem to this region and she is asking them to expand their offering and grow their customers and in order to do that, they'll need the funding.

Councilmember Nelson stated that over the past 9 or 10 months, Council has heard every excuse why LCS can't maintain the traditions of excellence that it has been known for. Council has heard from

LCS that they have mastered the COVID world and came up with a plan that is going to be successful and return the schools to the tradition of excellence. LCS said if Council funds at the level requested they will certainly be able to perform at a level they are expected to. He does not want anybody to blame City Council for any shortcoming that the schools may encounter over the next year.

Councilmember Faraldi stated that his concerns are with the decrease in enrollment and increase in costs and yet the graduation rate is still plummeting. Even though Council doesn't govern the schools directly in their operations and execution of funds, due to the fact that Council appoints the board members and approves the budget, ultimately, he feels Council is responsible for the direction of the school system. LCS is getting a lot of money through state and federal funding and he would like to see some offsetting costs to the local taxpayer from the city. In its current form, he stated that he cannot support this motion.

Vice Mayor Wright stated that there are a lot of things that he doesn't approve of in the schools' budget, but with the lack of line-item veto he'll still support the motion because the thought of defunding LCS and expecting that to yield better results is not logical.

With no other discussion from Council, the following vote to fund the schools for the full proposed amount of $39,828,498 was recorded:

Ayes:	Dolan, Wright, Helgeson, Nelson, Wilder	5
Noes:	Helgeson, Faraldi	2

// In the matter of Roll Call, Agenda Item #2, Councilmember Faraldi asked staff to put in writing, the policy regarding parental consent in vaccinating a younger age group as the city moves into Phase II of vaccination efforts. Councilmember Wilder mentioned the upcoming historical marker unveiling for Dr. Lushington. Councilmembers Tweedy, Nelson, and Helgeson had no items. Vice Mayor Wright thanked staff for their efforts at the Regional Vaccination Site and the satellite sites which together have vaccinated around 30,000 people. Mayor Dolan thanked the volunteers for their efforts at the regional vaccination center; she also reminded citizens about the community survey regarding Fifth Street and honoring Lynchburg's African American history; she made the following announcement:

- Pursuant to Section 2.2-3712(B.) of the Code of Virginia, City Council will be holding closed meetings at an undisclosed location within the following fifteen days for the purpose of interviewing candidates for the position of City Manager.

// The meeting was recessed at 6:13 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 recognized Lillian Meighan and Nancy Lilly (The Water Lilly's), Outreach Coordinators for the Department of Water Resources, for winning several awards for the video series "Water Wonders". Mr. Tim Mitchell, Director of Water Resources, was also in attendance and gave remarks. There is a monetary reward associated with this and Water Resources will bring this item to the April 27, 2021 meeting for appropriation.

Mayor Dolan also proclaimed the week of April 11, 2021 – April 17, 2021 as Telecommunicators Week and recognized that public safety communications specialists are mission essential personnel who continue to provide a singular service that ensures the public's health and safety every day. Ms. Melissa Foster, Director of Emergency Services, was in attendance to accept the proclamation.

// In the matter of the Consent Agenda Item #3, Council conducted a second reading and adopted Resolution #R-21-022 amending the FY 2021 City/Federal/State Aid Fund budget and appropriated $67,200 with resources to purchase eighteen (18) Pharm Guard Temperature Controls systems for pharmacy drug boxes carried on fire and EMS apparatus for the Fire Department. On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Planning, Agenda Item #4, a public hearing was held to consider Resolution #R-21-023 pertaining to a Conditional Use Permit (CUP) allowing an additional twelve condominium units in the Cornerstone Traditional Neighborhood Development (TND). Mr. Tom Martin, City Planner, was in attendance and provided Council with a brief summary of the request. Crosswhite Holdings, LLC petitioned for a CUP at 1240 Greenview Drive to allow the additional units, however, this would exceed the six hundred multi-family units originally approved for the Cornerstone TND. The Planning Division recommended approval; the Planning Commission recommended denial.

Mr. Zach Martin, the developer for this project, was in attendance and provided Council with a presentation. He stated that the Planning Commission recommended denial based on precedent and the fact that it exceeded the unit cap that was established in 2006.

There was no one to speak in favor of the petition, either in person, email, or voicemail.

Mr. Albert Billingsly, representative of the Windsor Hills Neighborhood Association, spoke in opposition to the petition stating that approving the CUP would set a precedent of allowing development to happen even after the maximum capacity has already been reached; he also stated that this development would make parking in the neighborhood difficult. Mr. Benjamin Rosenthal also spoke in opposition stating that as a Cornerstone community member, he has to abide by the rules and regulations to follow and the developer should too. Mr. Douglas Randlett stated when he first bought his home in the neighborhood, he was under the impression that only commercial properties would be developed but City Council approved dormitories; he hopes that Council will say enough is enough with residential development in that area. Mr. Donald Johnson stated that the neighborhood is its own community with restaurants and adding more residential properties will take away from the community. Mr. Gerry Sweinton stated that there is supposed to be undeveloped spaces near the residential houses in Windsor Hills and Cornerstone neighborhoods and the encroachment, if it were to continue, would set a dangerous precedent of overdeveloping the areas; he also stated that not using the space for commercial developments would result in a deficit of potential jobs and economic development for the community.

There was no one else to speak in opposition and no voicemails or emails were previously furnished to the Clerk of Council. Mr. Zach Martin offered a rebuttal to Council and those in opposition, stating that there's only a few options that make real sense for the property and he believes that this proposal is the best option for the use of space. The public hearing was then closed and the matter rested with Council.

Councilmember Helgeson made a motion for denial of the CUP stating that he appreciates what the developer is trying to do at this property but does not feel comfortable changing the already established precedent. Councilmember Faraldi seconded the motion stating he appreciates and is glad to see affordable housing options, however, he has only heard opposition and concerns from neighbors and out of respect for the Ward III representative who is opposed to this development, he will be supporting the denial of the CUP.

Councilmember Wilder asked Mr. Martin what the Planning Division's rationale was for recommending approval. Mr. Martin said that from an impact standpoint, the twelve units pose a very minor increase to the area and the amount of traffic it would produce would be minimal.

Councilmember Tweedy asked to hear from the Director of Economic Development & Tourism, Ms. Marjette Uphsur, on whether there are any incentives for this area in regards to developing the property for commercial use. Ms. Upshur stated retail and restaurants beget more retail and restaurants and her office is happy to share information or work with the developer.

Councilmember Nelson stated that he appreciates the developer wanting to build in the city, however, if he is going to justify deviating from a plan that the city has represented to its citizens, he wants to find a compelling, equitable interest to justify saying yes to something that was previously prohibited. In this case, he does not see an equitable justification to back making a change. Also, this lot is the last mixed-use lot in this neighborhood on a major throughway for Lynchburg and is the perfect space for a commercial enterprise.

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

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

Noes: 0

// In the matter of Community Development, Agenda Item #5, a public hearing was held and Resolution #R-21-024 was introduced regarding Substantial Amendment #3 for the CDBG program and the receipt of the Community Development Block Grant Coronavirus Aid, Relief and Economic Security Act (CDBG-CV) Round 3 Program Funds.

Ms. Melva Walker, Grants Manager, was in attendance and provided Council with a brief summary of the request. The City has received notification from HUD for an additional special allocation of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by HUD on September 11, 2020 and constituted a third round of CDBG-CV funds for states and local governments. These funds are an extension of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis. Lynchburg's allocation is $389,143.

For receipt of these funds, in accordance with HUD regulations, the City is required to submit a "Substantial Amendment" to its HUD PY 2019 CDBG Annual Action Plan. This Amendment is to include projects that will prevent, prepare for, and respond to the Coronavirus (COVID-19).

Utilizing the CDBG application process and the guidelines from HUD for eligible projects/activities, City staff solicited and accepted applications for the CDBG-CV funds. These projects/activities are eligible according to the HUD guidelines and will benefit the citizens of Lynchburg that have been or will be affected by COVID-19.

In accordance with the CDBG Citizen Participation Plan's "In the Event of an Emergency" section, the public comment period was reduced to five (5) days as approved by HUD. The Community Development Advisory Committee (CDAC) did not conduct a public meeting regarding the submitted projects. However, the applications were provided to CDAC with the opportunity to comment on the proposed projects. The CDAC comments provided to City staff supported the funding of the proposed projects. The following lists of projects are recommended for funding by City staff:

- City Administration: $18,448
- Feeding the Homebound (Meals on Wheels of Greater Lynchburg): $46,500
- Emergency Housing Assistance (Lynchburg Community Action Group): $75,000
- Reducing Evictions through Legal Aid (Virginia Legal Aid Society): $30,000
- Domestic Violence Prevention Program (YWCA of Central Virginia): $6,680
- Summer Lunch & Play Program (City's Department of Parks and Recreation): $20,000
- Shelter Program and Apparatus Air Purifier Project (City's Fire Department): $192,515
- Total CDBG-CV ROUND 3: $389,143

Mr. Jeremy White with the Virginia Legal Aid Society spoke in favor of the funds allocated to the project, *Reducing Evictions through Legal Aid.*

There was no one present to speak in opposition.

The following correspondences were previously furnished to the Clerk of Council and were entered into the record. Ms. Ashley Reynolds-Marshall, Executive Director of the YWCA, spoke in support of the *Domestic Violence Prevention Program*. Mr. Turner Perrow, who sits on the Lynchburg Redevelopment & Housing Authority, spoke in opposition of the project *Reducing Evictions through Legal Aid*.

There was no one else to speak in either favor or opposition; Mr. Jeremy White offered a rebuttal concerning the statement opposing the project *Reducing Evictions through Legal Aid.* He stated that in most cases, the Virginia Legal Aid Society are working toward resolution with the Lynchburg Redevelopment & Housing Authority and that both entities view each other as partners even if there is a percentage of the time that there is no resolution and conflict is unavoidable. Mayor Dolan closed the public hearing and the matter rested with Council.

Vice Mayor Wright made the motion to adopt the resolution approving the allocation of the funds, stating that all of the projects are worthy of these funds and that the City has a long history of giving funds to the Virginia Legal Aid Society even though they have represented clients at times whose interests don't align with the City's. Even though they may at times take action that is averse to the housing authority's interest that doesn't mean that their clients should not have representation.

Councilmember Wilder seconded the motion but stated that he had hoped to hear from the director of the housing authority. Councilmember Tweedy, who sits on the authority, offered that the housing authority does give many opportunities for families to work with the housing authority prior to eviction. She stated that she was undecided on this motion and asked Mr. White for figures on how much in eviction funds have come into the city as far as CARES Act. Specifically, how much did Legal Aid receive in funding from either state or federal, outside of the funds from this project, toward assisting with evictions? Mr. White responded that he did not have an answer to the additional CARES funds, but that he did know this is the only request from the city. Councilmember Tweedy said that she would like to see those figures.

Councilmember Helgeson asked for an amendment to the motion to not fund the project *Reducing Evictions through Legal Aid* at this time and asked for further discussion from both Legal Aid and the housing authority to get the information that Councilmember Tweedy requested. Vice Mayor Wright asked Ms. Walker if tabling the vote on funding this project would delay the overall process of dispersing the funds. Ms. Walker cautioned that striking the $30,000 from the proposal would mean starting a whole new public process of accepting applications for the funds.

Councilmember Wilder stated that he supports the amendment to the motion.

Councilmember Nelson asked if the those who serve indigent defendants that are being targeted for eviction are compensated; Mr. White replied that there is no compensation. Councilmember Nelson stated that he appreciates the work the Virginia Legal Aid Society does in regards to working with landlords, landlords' attorneys, and the housing authority. He is in favor of approving the entire CDBG proposal.

Councilmember Tweedy stated a part of the reason tenants get evicted is due to income. She felt the $30,000 could be appropriated differently to assist families to maintain incomes and avoid economic evictions during the pandemic. She reiterated that she would like to hear more information from Legal Aid on other funds they've received. She stated that she is not against representation from Legal Aid, but she thinks the City may possibly have a better investment opportunity of the $30,000 through the CDBG.

Councilmember Wilder supports Legal Aid's work in the community. He asked Mr. White what the portion of the funds used on litigation with the housing authority. Mr. White explained that a majority of the time Legal Aid is working out resolutions with the housing authority as partners. However, there are one or two cases of opposition that seems to be the focus when in reality there are a lot of other deserving families who need the help.

Vice Mayor Wright stated that Mr. White makes a compelling point that Legal Aid represents a number of clients in addition to those who have business with the housing authority. He stated that someone could make a substitute motion but that he would like to leave the main motion unadjusted.

Councilmember Helgeson made an amendment to the motion to table action on the $30,000 to Legal Aid but approve everything else, stating that it doesn't hurt to take a little longer to look at this. Councilmember Faraldi seconded the motion.

Councilmember Nelson stated that he is in favor of funding Legal Aid, but would not be opposed to tabling this so that Council can have a chance to review additional information.

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

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

Councilmember Wilder asked to hear from the Lynchburg Redevelopment & Housing Authority on their partnership with the Virginia Legal Aid Society at future meeting.

// In the matter of Budget, Agenda Item #6, a public hearing was held concerning Resolution #R-21-025 amending the FY 2021 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2021 Third Quarter Detail by Fund.

Ms. Donna Witt, Chief Financial Officer, was in attendance and provided Council with a brief summary of the request. In March, staff began the normal review of FY 2021 operating and capital revenues and expenditures of the City's various funds to determine if adjustments were needed prior to the end of the fiscal year. Departments were requested to submit any necessary adjustments that needed to be considered. The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Children's Services Act (CSA), HOME Investment Partnership Program, Water, Sewer, Airport, City Capital Projects, Water Capital Projects, Sewer Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2021 Third Quarter Adjustments.

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

Councilmember Nelson made the motion to approve the resolution, seconded by Councilmember Helgeson.

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 Public Comment, Agenda Item #7, Council heard from Mr. Marty Misjuns, group representative of Lynchburg FIREPAC, regarding a response to the Fire Chief's Annual Report; he stated how understaffed, underappreciated, and overworked the dispatchers are in Emergency Services. He stated that there needs to be more of an investment for public safety personnel; he commented on the compression issues, management issues, and mandatory overtime in both Emergency Services and the Fire Department.

// In the matter of Public Comment, Agenda Item #8, Council heard from Mr. Jamie Maxwell, group representative of the Lynchburg Firefighters Association, regarding a response to the Fire Chief's Annual Report; he stated that the boots on the ground are losing faith in the Fire Chief, the City Administration, and City Council. He asked Council to release the Korn Ferry pay study, commenting on the compression issues in the fire department. He commented on the amount of fire fighters still needed on each shift and spoke on the amount of overtime hours worked within the past year.

// In the matter of Emergency Services, Agenda Item #9, Council considered approving a Resolution #R-21-026 adopting the Central Virginia Planning District Commission (CVPDC) Hazard Mitigation Plan. This item was originally presented to Council at the March 9, 2021 City Council meeting where Council requested additional time to review the plan in its entirety.

Councilmember Tweedy made the motion to approve the resolution, seconded by Vice Mayor Wright.

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 Economic Development, Agenda Item #10, Council considered adopting Resolution #R-21-027 authorizing the issuance of up to $14,000,000 in bonds through the Economic Development Authority (EDA) of the City of Lynchburg for the benefit of Virginia Episcopal School, Inc (VES). Ms. Marjette Uphsur, Director of Economic Development and Tourism, provided Council with a brief summary of the request. Founded in 1916, VES is a college preparatory, coeducational, independent boarding and day school for students in grades 9-12. VES is a tax-exempt institution. The school employs approximately 85 people at an average annual salary of $57,135. Current enrollment is 260 students with 70% of those students boarding. VES has requested the EDA to issue its revenue bonds in an aggregate principal amount not to exceed $14,000,000, in one or more series. These funds will be used to: (a) finance the costs of constructing and equipping an approximately 15,239 square foot academic building to be known as Pannill-Smith Hall, renovate Jett Hall and the health center all located at 400 VES Road (b) and $3,500,000 to refund previous bonds issued through the Authority. 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. 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 Lynchburg and places no obligation on the City.

Councilmember Helgeson made the motion to approve the resolution, seconded by Councilmember Faraldi.

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 Council's Rule of Procedure, Agenda Item #11, Council discussed its current policies for Public Comment. City Council's Rules of Procedure permit any City Council member to request the addition of any item to a regularly scheduled City Council meeting agenda. Additionally, City Council's Rules of Procedure specify that the Rules of Procedure be reviewed and readopted at the beginning of each new City Council term, typically in July of even numbered years. However, the Rules of Procedure also state that the Rules of Procedure can be revised by action of City Council at other times if the need arises. Councilmember Faraldi has requested the addition of this agenda item to discuss City Council's Rules of Procedures, with particular focus on the Public Comment section of the agenda. He commented that a citizen requested a change to the procedure to address a loophole; since the period to sign up for Public Comment closes at noon the Wednesday before a Council meeting, and the agenda isn't posted until the Thursday before a Council meeting, a citizen would not be able to address an item that is on the agenda during Public Comment. Councilmember Faraldi asked to amend the Rules of Procedure to say expand the deadline to 24 hours before a Council meeting.

City Attorney Mr. Walter Erwin stated that this is the procedure that Council has followed since 1975 when it developed its Rules of Procedure. Council has a limited time to conduct its business and Council felt this rule makes the best use of its time allowing it to manage its meetings in an orderly and efficient manner. During the past year, there has been a lot of discussion of citizens' First Amendment rights and their right to address their government, however; in 1984 the U.S. Supreme Court dictated that citizens have no constitutional right to address a public body during its meetings. Moreover, the First Amendment guarantees citizens the right to petition government officials for the redress of grievances but the court pointed out that can be done by telephone calls and letters. Currently, citizens have more ways to contact government officials by way of phone calls, emails, and even text messages.

Vice Mayor Wright asked Clerk of Council Ms. Alicia Finney to describe the process staff have to go through regarding public comments. She outlined the screening process associated with current Rules of Procedure for Public Comment, which include: make sure a group has no more than one spokesperson *§5-3(B)(7);* make sure Public Comment isn't given on a matter for which a Public Hearing is scheduled during the same meeting *§5-3(B)(9);* make sure Public Comment isn't given on a matter that has already been the subject of a previous Public Hearing where no final vote has been taken *§5-3(B)(10);* make sure that once an individual or organization makes a public comment on a particular subject, the individual or organization may not make another public comment on the same subject within (3) three months of the first (except by a majority vote of the members of Council present and voting) *§5-3(B)(13).* She also stated that she confirms important information with the citizen requesting to speak, such as, the time/date/location of the meeting and informs them of what to expect from Public Presentation from a City Council Meeting including but not limited to, social distancing, mask mandates, parking, time limitations, and meeting etiquette.

Councilmember Nelson asked to table the request so that staff can figure out an appropriate deadline without Council capriciously picking a time and date. There was a consensus among Council to table the request.

// The meeting adjourned at 9:50 P.M.

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Clerk of Council