

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of February, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A. Wilder,

Chris Faraldi 6

Absent: Beau Wright 1

// In the matter of Budget, Agenda Item #1, Ms. Donna Witt, Chief Financial Officer, provided Council with a monthly update on revenue collections received in several key City revenue sources. These figures consisted of the whole 2nd Quarter and provided a more thorough update than just the economic driven revenues given in previous updates.

Sales Tax is up just over \$1.9 million dollars for what has been received for December 2020. Online sales are still very strong and staff anticipate this revenue will continue to come in strong. Meals Tax is down from what was budgeted by around \$162,000, which continues the trend for this fiscal year for not meeting the adopted budget and staff have revised the projections to reflect that. Lodging Tax is still down and staff does not see this getting any better because things are not as open. Amusement Tax is also continually down and staff has further revised this projection.

Net Real Property – Originally, \$57.9 million was adopted in FY 2021. Staff increased the uncollectible from the normal 2.5% to 5%. Revenues are coming in consistently with previous years, so staff do not think there will be a need to increase the uncollectible to 5%. Councilmember Helgeson said that these revenues are to be expected and that they are not activity based. He commented on the 10% penalty for all late payments for real property, so the assumption would be that these would be paid.

Net Personal Property – Originally, around 18 million was adopted and staff believe that this is going to come in at about one million dollars higher than projected. Staff were not sure where new car sales would be. They are down but interestingly the NADA Values, especially SUVs and trucks, held to the point where it is going to make up for the less new sales.

Motor Vehicle License – Ms. Witt explained that the projection will not be changed. This fee is not due until June 5th and there are fewer vehicle sales so this might trend differently, but staff feels comfortable with the original adopted number of \$1.6 million.

Use of Money and Property – This includes several things, but the biggest piece of this revenue collection is interest collected on the City's investments. 2020 was a good year, and as such, \$1.2 million was adopted for FY 2021. Unfortunately, projections were incorrect, and the revised projection is now \$400,000.

Ambulance Fees – \$2.5 million was adopted for FY 2021 which is consistent with collections through December 31, 2020. Interestingly, these collections were higher than the previous year. The city also has a new contract with the billing provider that is adding some strength to this as well.

Building Inspections Permit Fee – The city saw a good year in 2020, however, in 2021 staff are seeing a decrease in these collections. Ms. Witt attributes the decrease in the number of permits to the rising cost of supplies and the lack of availability of supplies.

All Other Permits and Fees – These collections consist of parking permits and other smaller revenues and are slightly less the FY 2020 Actual.

Consumer Utility Tax, Electric – \$3.8 million was adopted in FY 2021 and the city is on target to reach \$3.5 million. This is based on consumption, the milder the weather, the less people consume.

Consumer Utility Tax, Gas – Trending the same as electric, this revenue source is a little bit above the receipts collected through December 31st of 2020.

Expenditures – Overall, for FY 2021 total expenditures are down about \$2 million compared to the same period in FY 2020. This is attributed to the department directors closely watching their spending.

Councilmember Faraldi stated it is good news that a moment is approaching where the city is gaining momentum back but offered two observations. The first, he asked Council whether this body should have a discussion on how best to leverage the political clout of the organization and address

either the Governor's Office or regional delegation on how the executive actions being mandated are hurting the community. Secondly, these numbers are an indication that people are still struggling.

Councilmember Nelson wanted to know the types of things that staff are doing to result in the \$2 million in savings for expenditures. He expressed concerns that if supplies or other items were purposefully being put off until a later date, that there will eventually be a time when they have to be ordered and will deplete the savings accrued. Ms. Witt replied that staff has not been spending money on in-person training and conferences and explained the significant cost savings of virtual training. Also, departments are being cautious of spending on supplies, as well as managed vacancies, and those line items add up across departments.

Councilmember Wilder asked that in reference to net real property, what portion of those comes from the escrow accounts? Ms. Witt replied that about 40% comes from mortgages and 60% are private pay.

Councilmember Helgeson stated that a big chunk of our budget goes to the schools and he wanted to know if the schools followed the same lead as city employees by cutting expenditures by \$2 million and now the city can expect a credit? Ms. Witt replied that the schools are paid out based on their monthly expenses and on their need, not one lump sum.

Mayor Dolan expressed her concerns about not putting the city in a situation where costs have been cut too much and things are not being replaced and a few years down the road, find that we are behind. Ms. Witt replied that the engineering staff does a really good job with facility studies and keeping track with our maintenance, so she does not foresee that as being a problem.

// In the matter of Budget, Agenda Item #2, Council reviewed the FY 2022 – FY 2026 Capital Improvement Plan (CIP) for City Capital and City Schools projects. Interim City Manager Dr. Reid Wodicka prefaced the conversation by stating this is a very preliminary look at where staff is with CIP. Typically, staff does not bring CIP to Council before budget discussion begins, however; since there has been a lot of conversations about a lot of different projects publicly, staff wanted Council to have a chance to view what CIP looks like before staff makes some structuring changes. Again, these will be very

preliminary discussions and are not going to make any decisions today but are hoping to learn of Council's idea as far as timing goes.

Dr. Wodicka continued by stating that for a number of years, CIP has been structured in a way that keeps debt service level every year. As projects get bigger and materials and labor more expensive, if the City does not start to spend more on debt service, then it will start to get behind on some major projects. So, staff is thinking about how to structure in more debt service at a time and investing in the properties the city already owns.

Ms. Donna Witt, Chief Financial Officer, provided an overview of the work already conducted with CIP. Staff previously asked all Project Managers to submit a list of projects that they would like to include in the FY 2022 – FY 2026 Capital Improvement Plan. After properly vetting, budget staff is proposing two different scenarios. Case One includes a new police headquarters building, a new school transportation building, and the replacement of Sandusky Elementary School. Ms. Witt explained that the city would not be able to afford this scenario. Case Two funds the police department but moves the Sandusky Elementary School replacement and the schools transportation building out of the five-year plan. In addition, Case Two moves renovations to Linkhorne Elementary School (design in FY 2023 and construction in FY 2024) and Paul Monroe Elementary School (design in FY 2025 and construction in FY 2026) in the FY 2022 – FY 2026 CIP. Dr. Wodicka explained the thought process behind this scenario. The Future of Education Task Force is working on a facilities study and stated that he would like to wait for the results from that before committing to erecting new buildings.

Councilmember Wilder asked if city staff have reached out to the schools to see what their thoughts are on this plan. Ms. Witt explained that the schools have received additional CARES funding that can help pay for projects related to COVID and that some of these school renovations, such as HVAC, can be tied to those funds. They are working on resubmitting some projects to staff now so that the pay as you go funds or the line of credit may not be needed.

Councilmember Nelson stated that police facilities are the highest priority, and nothing should disrupt that timetable. He also stated that he would like to hold off on all renovations for schools until the Task Force is able to conduct their work because the renovations might be inappropriate for a post-

pandemic environment. Dr. Wodicka agreed stating that in Case Two, the school building renovations are further out in the five-year plan which would buy some time to hear those recommendations before spending dollars.

Councilmember Faraldi asked what the status is of the police department at 12th and Kemper. Dr. Wodicka replied that the preliminary design is currently being done, and that staff is considering all options in trying to develop a financial plan to make sure this is being done in the most responsible way. Councilmember Faraldi inquired what those options were. Dr. Wodicka stated that \$40 million was previously budgeted for this project, however, current engineering estimates are coming in higher. He attributed this to being a hard site to build on and stated that other alternatives should be considered to remain financially responsible. Councilmember Faraldi asked if he had reservations about this location. Dr. Wodicka replied that this site does require the construction of a parking deck as well as a taller building and costs could potentially be reduced if the location moved elsewhere. He further explained that it is invaluable to at least consider alternatives. Councilmember Faraldi stated that he has very strong connections with this project with previous work he conducted with Congressman Bob Goodlatte's office by transferring this parcel from the federal government to the city. There is a stipulation from the federal government that if this property is not used for a police department it reverts back to the federal government. He explained that the Lynchburg Police Department has received only \$1.1 million in funding for improvement projects over the past 20 years, translating to 0.4% of total improvement funds spanning that timeframe. In the 1990s, the police department adopted the West Building as a 7-year temporary home of which they are still operating out of today. In 2017, the police department received commitment from Council that the new headquarters will happen, and it will be in the community. He likened the current police building to being dark, dank, and unprofessional and attributed them to being a key factor in low recruitment and retention. He acknowledged that emergency situations such as the removal of College Lake Dam do arise that need to be addressed, but he expressed that this needs to happen in FY 2023 and at the 12th and Kemper location to show local law enforcement that Council supports them. He stated that he believes 12th and Kemper is a prime location for police headquarters due to proximity of calls of service and it also initiates a sense of development in an area that could probably use it. There are also the stipulations with the federal mandate to take into consideration where the property would be

reverted back to the federal government if the land is not used for a police department and as such, the city would have no hope of even considering tax revenue on the property. He also expressed that it would be inappropriate for Council to discuss funding a brand-new school since the Education Task Force has not yet finished their work.

Councilmember Tweedy stated that she believes that school items should be put on hold until the Education Task Force has finished their work, however; she thinks Council needs to put a lot of support behind education. She explained that building a city to bring in the next generation starts with having a good school system.

Councilmember Helgeson stated recruiting for law enforcement is exceedingly difficult and has gotten even worse. The police building is important to all of Council and the citizens.

Ms. Witt explained that the engineering estimates that were recently received were at \$53 million dollars, instead of the original \$40 million, to build on that site and that doesn't include all of the components of the original plan, such as the gym.

Dr. Wodicka reiterated that staff is very committed to getting the new police headquarters built but spoke to remaining responsible financially in the long-term. He maintained that there needs to be thought into how the future debt service will be handled. He voiced concerns over putting future Councilmembers and future city staff in a position to have to make significant tax increases or significant cuts to services in order to make this work.

Councilmember Faraldi asked if engineers are coming back with an estimate of \$53 million dollars, then what is the way to do this right that gets the city a new police department for the next 40 years. Dr. Wodicka replied that if the city can consider an alternative site that is less difficult to work on, that might give the ability to do the project and get it done right for a lesser price. Councilmember Faraldi stated that maybe the police department really does need more than a \$40 million building. He also stated that Council had a discussion and decided that they did not want to move this project further away from the center of town. He reiterated that shovels need to be in the ground by FY 2023 at 12th and

Kemper. Dr. Wodicka replied that staff is happy to accommodate, but may need to come to Council and say that more revenue needs to be generated in order to get this done.

// In the matter of Roll Call, Agenda Item #3, Councilmember Faraldi had no items. Councilmember Wilder thanked staff for having the budget and finance related conversations with Council; he commended staff for their continued work with refuse collection and snow removal; he also commented on the Lynchburg Museum's online content as it relates to Black History Month. Councilmember Tweedy thanked refuse staff for their continued hard work; she also asked if staff could help the community understand where and when to receive the vaccination. Councilmember Nelson also reiterated Councilmember Tweedy's sentiments about the vaccinations. Councilmember Helgeson had no items. Mayor Dolan made the following statement regarding vaccinations:

Last week, we announced the City of Lynchburg had entered into a lease agreement with Liberty University to secure the space formerly known as T. J. Maxx in Candler's Station for the purpose of operating a regional vaccination center. The space was chosen because of its central location, accessibility to public transportation and ample parking.

In addition, the Central Virginia Vaccination Task Force comprised of the Region's Emergency Coordinators and other community stakeholders, including our City Schools, Centra and the Virginia Department of Health, have already operated several smaller sites with our regional partners to ensure that once the vaccine levels reach the levels that can sustain a mass vaccination site, we will be able to administer the vaccine efficiently and effectively.

I know it is extremely frustrating for everyone who wants to get the vaccine but has not been able to do so. However, we have been assured by the Health Department that everyone who wants to receive the vaccine will receive it. The City will continue to work with its regional and community partners to develop plans and share information and resources so that when the vaccine becomes available, we are ready to get it to people quickly.

I want to encourage everyone to continue to follow safety precautions by wearing masks, practice social distancing and washing your hands.

// The meeting was recessed at 5:19 p.m.

// City Council reconvened the meeting at 7:30 p.m. The following members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy, Sterling A.

Wilder, Chris Faraldi 6

Absent: Beau Wright 1

Councilmember Tweedy gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda Item #4, copies of the minutes of the January 12, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Wilder, seconded by Councilmember Nelson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

Absent: Wright 1

// In the matter of Community Development – Planning and City Code, Agenda Item #5, a public hearing was held, and Council considered adopting several ordinances dealing with telecommunications facilities and flag poles, light poles, and utility poles. Mr. Tom Martin, Lynchburg City Planner, provided Council with a summary of the request. The City's Zoning Ordinance sections related to Telecommunication Facilities were last updated in December 1997 with minor amendments in January 2020. Amendments to the Virginia Code in 2017 – 2020 and federal law regarding telecommunications facilities requires the City to update the Ordinance in order to be compliant with the new regulations. City Council received an overview of the proposed ordinance amendments on January 12, 2021.

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

Councilmember Nelson made the motion to approve Ordinance #O-21-008 adopting the proposed Zoning Ordinance amendment, as advertised, to add Section 35.2-61.2(d) with regard to flag poles, light poles, and utility poles to the City Code and to make that amendment effective upon adoption

but did ask staff to make an amendment to the ordinance to clarify the units of measurement as feet. Councilmember Faraldi seconded the motion. With no discussion from Council, the following vote was recorded approving #O-21-008:

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

Councilmember Nelson made the motion to approve Ordinance #O-21-009 repealing Chapter 35.2–73 of the City Code, which comprises Sections 35.2–73.1 through 35.2–73.20 of the current Zoning Ordinance and pertains to Telecommunications Facilities, and simultaneously adopt the proposed Zoning Ordinance amendments, as advertised, to add a new Chapter 35.2–73 to the Zoning Ordinance, which comprises Sections 35.2–73.1 through 35.2–73.26, and to make those amendments effective upon adoption. Councilmember Tweedy seconded the motion. With no discussion from Council, the following vote was recorded approving #O-21-009:

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

Councilmember Nelson made the motion to approve Ordinance #O-21-010 adopting the proposed Zoning Ordinance amendments, as advertised, to amend the exhibits in the Zoning Ordinance to reflect the “Approval Type” for wireless telecommunications transmission as “C” for Conditional Use Permit” and/or “P” for Permitted” in accordance with the new Chapter 35.2–73 Council just adopted, and to make those amendments effective upon adoption. Councilmember Tweedy seconded the motion. With no discussion from Council, the following vote was recorded approving #O-21-010:

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

Absent: Wright

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// In the matter of Community Development, Agenda Item #6, Council considered adopting Ordinance #O-21-011 approving the right-of-way vacation of Advantage Court. Ms. Victoria Glasgow, Planner I, presented Council with a brief summary of the request. Ed Willman, on behalf of O Mayflower, LLC, is petitioning to vacate the Advantage Court right-of way located off of Chiles Circle. The right-of-way vacation would facilitate the future development of the adjacent property for industrial use. The total area of the proposed vacation is approximately nine hundred seventy-nine thousandths (0.979) of an acre. The area to be vacated includes an unpaved gravel drive. The vacation would not impact vehicle or pedestrian access along Advantage Court or Chiles Circle. This item went to the Physical Development Committee (PDC) on January 12, 2021 and recommended approval of the right-of-way vacation.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed, and the matter rested with Council. As Chair of the PDC, Councilmember Tweedy made the motion to approve the ordinance. A second was not needed and with no other discussion from Council, the following vote was recorded approving Ordinance #O-21-011:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
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Noes:	0
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Absent: Wright	1
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// In the matter of Community Development, Agenda Item #7, Council considered adopting Ordinance #O-21-012 approving the right-of-way vacation of a portion of Chiles Circle. Ms. Victoria Glasgow, Planner I, presented Council with a brief summary of the request. Ed Willman, on behalf of O Mayflower, LLC, is petitioning to vacate a portion of Chiles Circle right-of-way, located off of Carroll Avenue and Chiles Circle. The right-of-way vacation would facilitate the future development of the adjacent property for industrial use. The total area of the proposed vacation is approximately four hundred eighty-five thousandths (0.485) of an acre. The area to be vacated includes an unpaved gravel drive. The vacation would not impact vehicle or pedestrian access along Chiles Circle or Carroll Avenue. This item went to

the Physical Development Committee (PDC) on January 12, 2021 and recommended approval of the right-of-way vacation.

There was no one to speak in favor or opposition, either by phone, email, or in-person, so the public hearing was closed, and the matter rested with Council. As Chair of the PDC, Councilmember Tweedy made the motion to approve the ordinance. There was no second needed and with no other discussion from Council, the following vote was recorded approving Ordinance #O-21-012:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
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Noes:	0
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Absent: Wright	1
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// In the matter of Public Comment, Agenda Item #8, Mr. Ben Castle, a resident of Ward IV and representative of the Lynchburg Pastors Association, urged Council to defend the Church from the executive orders from Governor Northam. He explained that Governor Northam's mismanagement of the pandemic is a clear abuse of power and is tyrannical. He cited Executive Order 72 which directs how Christians are to gather for religious services, and if the requirements of the executive order are not met, then religious services cannot be held in person. The government has no right to tell people how, or if, they may worship. He asked Council to fulfill their duty as elected officials and resist the tyranny.

// In the matter of Public Comment, Agenda Item #9, Mr. Andrew Glover, a Lynchburg resident and representative of the group Conservative Parents of Lynchburg, spoke to Council regarding concerns with precedents being set on the Lynchburg City School Board regarding their fiduciary mismanagement. He explained that Lynchburg residents pay a lot of taxes and they trust that City Council will not let those funds be mismanaged. He stated that Lynchburg City Schools (LCS) expenditures are high, but the quality of education is low, citing high failure rates. LCS is not meeting its commitment to continually maintaining the educational program. He commented that the General Assembly voted that in-person learning is the standard for education but LCS is not offering in-person learning, instead using the funds for raises and stipends for administration staff and board members. Since they are not elected, they are appointed Mr. Glover feels they are overstepping their authority and failing to fulfill their constitutional

requirements. He asked that Council consider alternatives to ensure that Lynchburg students have a high-quality education that can be continually maintained.

// In the matter of the Circuit Court, Agenda Item #10, Council considered introducing Resolution #R-21-013 amending the FY 2021 City/Federal/State Aid Fund budget and appropriating \$24,794 with resources for a grant from the Library of Virginia to preserve several land books and marriage bonds at the Lynchburg Circuit Court Clerk's Office. Mr. Todd Swisher, Circuit Court Clerk, provided Council with a brief summary of the request. The Library of Virginia allows Circuit Court Clerks' Offices to submit applications for grant funding. Staff submitted a grant application to The Library of Virginia to preserve records held at the Circuit Court Clerk's Office. The approved grant funding of \$24,794 will allow Land Books 1845 – 1861; Land Books 1875 – 1886; Marriage Bonds A – K, 1841 – 1847; Marriage Bonds M – Z, 1835 – 1840 to be reformatted and preserved. The grant covers 100% for total of preservation work; no local match is required of this grant.

Councilmember Helgeson stated that this would normally go to Finance Committee of which he's Chair, however, the January 26, 2021 meeting was cancelled. He commented that Mr. Swisher did not deviate from the City's normal fiscal policy and made the motion to approve the resolution.

Councilmember Nelson seconded the motion stating that Lynchburg is rich with history and he is appreciative of staff finding ways to fund the preservation of those records. With no other discussion from Council, the following vote was recorded approving Resolution #R-21-013:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
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Noes:	0
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Absent: Wright	1
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// In the matter of Community Corrections & Pretrial Services, Agenda Item #11, Council considered introducing Resolution #R-21-014 to amend the FY 2021 City/Federal/State Aid Fund budget and appropriating \$121,389 provided by the Department of Criminal Justice Services for the expansion of local probation and pretrial services to include Amherst County.

Ms. Cynthia Plummer, Agency Director, presented Council with a brief summary of the request. The Virginia Department of Criminal Justice Services (DCJS) solicited grant applications in March 2020 and awarded funds allotted by the General Assembly in December 2020 to expand local probation and pretrial services to unserved localities. This grant is in the amount of \$121,389 for an initial six-month period to assist the agency in providing local probation and pretrial services for defendants awaiting trial and individuals sentenced to local probation in Amherst County Courts. This will ensure that all courts within the 24th Judicial District have access to these bail and sentencing options. The period for this grant is January 1, 2021 through June 30, 2021.

Councilmember Helgeson wanted to know how probation and pretrial services for Amherst County affects Lynchburg. Ms. Plummer stated that these services are housed primarily in Lynchburg, but the 24th Judicial District serves neighboring localities, as well. Currently, when judges are sitting in Amherst County, they do not have access to these services. Many years ago, staff took advantage of opportunities to expand funding to be able to provide the same services to Bedford County and Campbell County. DCJS, in trying to minimize cost, only allowed existing programs to apply for funding which reduces administrative overhead costs.

Councilmember Nelson made the motion to approve the resolution stating that it's important to operate with efficiency by consolidating and conserving resources and to be inclusive with services delivered with shared jurisdiction. Councilmember Tweedy seconded the motion. With no other discussion from Council, the following vote was recorded approving Resolution #R-21-014:

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

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Economic Development Authority and City Employees Appeal Board pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

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

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

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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

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

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

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

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

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Horizon Behavioral Health Board of Directors: Ms. Sonya Baker – unexpired term ending December 31, 2021.

Economic Development Authority: No appointments were made at this time.

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Faraldi	6
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Noes:	0
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Absent: Wright	1
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// The meeting adjourned at 8:11 p.m.

Clerk of Council