AGENDA ITEM #: 2

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of October, 2020, 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 S. Helgeson, J. Randy Nelson, Sterling A. Wilder, Chris Faraldi 6

Absent: Treney Tweedy 1

// In the matter of Recognition, Mayor Dolan presented Lynchburg Regional Airport with a proclamation declaring the month of October General Aviation Month. Airport Director Andrew La Gala was in attendance to accept the award.

// In the matter of Human Resources, Agenda Item #2, Council received a presentation on the City's Health Insurance Plan effective January 1, 2021. Interim City Manager Reid Wodicka gave the presentation on behalf of Ms. Michelle Jackson, Interim Director of Human Resources. Dr. Wodicka stated that as an employer, the City strives to provide a cost-effective, high-quality health plan for City employees. For Plan Year 2020, which refers to the calendar year, not fiscal year, projections show a 3.5% decrease since Plan Year 2019. Also, a 21% reserve has been established. Considering these two factors, no cost or plan changes are proposed for Plan Year 2021. Dr. Wodicka explained that originally, staff planned to bid out the health insurance in Plan Year 2021, however, given the pandemic, bidding out insurance will take place in Plan Year 2022. Although the City has seen the decrease in claims from 2019 – 2020, staff do anticipate an increase next year.

Councilmember Wilder asked if Lynchburg City Schools have seen a decrease in claims as well. Ms. Donna Witt, Chief Financial Officer, stated that she believes the schools saw higher claims than normal at the beginning of the year, but is unsure of how they ended the year.

Vice Mayor Wright stated that the industry's experts are anticipating healthcare rates will increase in the next plan year, and as such, he asked if it was wise to leave rates unchanged. Dr. Wodicka replied that due to the unprecedented events during the current year, staff felt this wasn't the appropriate time to raise rates if there was no immediate need. He further commented that since employees are not receiving pay raises this year, staff consciously made the decision to not increase rates. He offered the insight that staff took into consideration the slight increase next plan year and built that into the plan.

Mayor Dolan asked what the impact would be during the bidding process next year since there are less claims in 2020 versus 2019. She wanted to know specifically how this factor will impact pricing. Dr. Wodicka replied that piece is really critical; it is really not a great idea when you've had two bad claims years in a row to go through the bidding process, so the City will be in a better position to bid out next year.

// In the matter of Budget, Agenda Item #3, Ms. Donna Witt, Chief Financial Officer, presented Council with the COVID-19 FY 2021 Adopted Revenue Monthly Update. Ms. Witt stated that Local Sales and Use Tax, are up $364,886 for the month of August, although this figure is not final since Sales and Use Tax for August are due by October 15th. Meals Tax is up $104,507 and she explained that staff are seeing stronger numbers from restaurants that offer drive-thru and curbside pickup and delivery options. Ms. Witt cautioned that staff are expecting this number to decrease in the coming fall and winter months due to the current need for outdoor seating. Lodging Tax is up $35,758; Ms. Witt reported our area has some of the strongest lodging numbers within the State. She attributed this to the universities and colleges in the area that are opening back up.

Ms. Witt also commented that the local Airbnb numbers are up. Councilmember Helgeson asked for clarification at how staff arrived to this conclusion since there is not a process yet for collecting any Lodging Tax from Airbnb. Interim Deputy City Manager Mr. Kent White stated that Lynchburg's Commissioner of Revenue is monitoring this number by what's being reported through State Sales Tax. Vice Mayor Wright asked where we stand with the Airbnb agreement. Mr. White stated that staff has suspended the registration process for the local Airbnb owners during the COVID period. Staff have reinitiated discussions with Airbnb on entering into a voluntary collection agreement. The plan is for staff to bring a recommendation back to Council at a later date. Councilmember Helgeson asked what the occupancy percentage is with the Lodging Tax. Ms. Witt answered that staff believe this figure represents about 40% occupancy.

Ms. Witt continued with the presentation stating that Amusement Tax is down $9,073. She stated that the movie theaters are a big part of the Amusement Tax revenue and also contributed to Meals Tax revenue as well. Regal Cinemas recently announced that they are closing for a time period, but could actually be indefinitely. She cautioned that due to this event, projections for Amusement Tax are likely not going to be met.

Ms. Witt continued with addressing the utility accounts subject to disconnect. The total number of accounts past due is 1,093 equaling $223,984 across the Water, Sewer, and Stormwater funds. This number has increased from last month, although not dramatically. She stated that staff are watching General Assembly action very closely and mentioned a few bills in particular that would include a moratorium for all utility disconnects that possibly go through the biennial budget which will be June of 2022. There is also some language that supports doing payment plans for at least 6 months. There is also a caveat in this legislation that states once the delinquent amount is more than 1% of the budget, the municipality could proceed with disconnects. This figure for the Water, Sewer, and Stormwater budget would be about $444,000. Currently, the city is at about 0.5% right now.

Councilmember Helgeson said that this is giving people an incentive to not pay. He asked Ms. Witt if there was any disincentive to send out disconnect notices now, and then later change it if the State passes legislation saying otherwise. He also asked if we should be charging late fees. Ms. Witt said there is no communication of a definite date to customers, but they are being notified if delinquent that their account is subject to disconnect. Mr. Tim Mitchell, Director of Water Resources, clarified that the two pieces of legislation are in the Senate and House budget and would be in effect immediately if passed. There is provision in the language stating that penalties and late fees cannot be charged during this period. This applies across the board to all utilities not just municipal utilities.

Councilmember Faraldi asked if there is any wisdom setting some date for Council to make a certain decision, not a deadline for the community per se, but setting some deadline for Council to consider next steps should the State not act. Ms. Witt said that we don’t disconnect during the holidays so by January would ideally be when staff begin disconnecting, if in accordance with what the city is allowed to do by the State. She asked for a decision to be made at least by the beginning of December, if able, so messaging can go out to citizens and that they would still have enough time to utilize the COVID Community Support funds available to them.

Councilmember Helgeson asked for an explanation about the fee structure, specifically the trash fee. Ms. Witt explained that the way the system is set up, when a payment is made it is applied to the other charges first so those are paid, and it leaves the water piece outstanding because the city can disconnect for an unpaid water account. Councilmember Helgeson asked, and Ms. Witt verified, that if someone does not pay the utilities bill which includes the refuse fee, the city is still picking up their trash.

Ms. Witt also updated Council on the Community Support stating that we have seen some more applications for the assistance. Pledges from August 11th through August 27th were 11 accounts from one organization. Pledges from August 28th through October 2nd are at 21 accounts through several organizations.

Mayor Dolan asked if we could offer a payment plan. Ms. Witt explained that a payment plan isn't possible with the current system and that it would have to be manually done which is not feasible.

Ms. Witt, at the direction of Council, will be bringing this item back to City Council at the November 10, 2020 City Council Meeting. This should allow staff to learn of any new legislation, as well as, provide citizens with enough time to utilize COVID funding before the expiration date of these funds on December 31, 2020.

// In the matter of the Registrar's Office, Agenda Item #4, Ms. Christine Gibbons Director of Elections & General Registrar, gave a brief update on the Center for Tech and Civic Life Grant (CTCL). The CTCL awards grant funding to provide critically needed resources to purchase voting equipment and supplies in addition to temporary staffing to meet the needs of new General Assembly Election laws and manage early voting procedures for Lynchburg citizens. Ms. Gibbons went on to state that the grant funds will be used to purchase staffed ballot drop boxes, temporary staffing, materials for mailed in votes (stamps, envelopes, ballots), absentee voting equipment, and voting supplies.

Ms. Gibbons reviewed the budget concerns for next fiscal year and asked Council to consider a carryforward of funds from the Registrar's Office budget. She stated that the decertification on voting equipment will happen on June 30, 2021 with an estimated cost to upgrade at about $70,000. There will also be a decertification of electronic pollbook version on June 30, 2021. Current laptops utilized for electronic pollbooks will no longer be compatible with new electronic pollbook version. Ms. Gibbons asked to approve the acceptance of the grant and the appropriation of those funds. In addition, she asked Council to reserve the funds for these upcoming expenses to supplement the budget in the next fiscal year. Dr. Wodicka clarified that the appropriate time for that to occur is during the carryforward period.

Vice Mayor Wright made a motion, seconded by Councilmember Wilder, to approve Resolution #R-20-079 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate $63,882 with resources of $63,882 from the Center for Tech and Civic Life Grant (CTCL) to purchase voting equipment and supplies in addition to temporary staffing to meet the needs of new General Assembly Election laws and manage early voting procedures for Lynchburg Citizens. Vice Mayor Wright stated that this will help make the elections safe.

Councilmember Helgeson stated that the normal process for the application for any grant goes to the Finance Committee. Then FC says, yes or no go ahead. Then after that grant is accepted, then the finance committee recommends to the full Council, yes or no that's not a good thing to do. The third step is appropriating funds. He stated that he understands there was a time constraint on this grant, but as chair of the Finance Committee, he is concerned that we skipped the process. He received a letter from the General Counsel of the Republican Party of Virginia regarding counting ballots. There was no representation present. He hopes the grant will help with fair representation.

Dr. Wodicka clarified that by the time staff learned of receiving the grant, there was an obvious timing matter at hand. Finance Committee meets the second meeting of the month, which would be about a week before the Presidential election. After discussing this over with the Chief Financial Officer, staff decided it was best to bring this forward to Council promptly.

Councilmember Faraldi commends Ms. Gibbons for the work done to receive the grant; however, he wanted to make sure that State Code is followed as it pertains to both parties being present when counting ballots. He hopes these funds will help ensure that happens.

There being no further discussion, Council, by the following recorded vote, introduced and laid over to a later meeting for final action, Resolution #R-20-079:

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

// In the matter of Water Resources, Agenda Item #5, Mr. Tim Mitchell Director of Water Resources, gave Council a brief presentation regarding a resolution approving water and sewer availability fees in the amount of $7,576 for water and $11,966 for sewer for the Bausch Health Expansion.

Mr. Mitchell explained that Bausch Health (Bausch and Lomb, Inc.) submitted a site plan for the expansion of its current building at 1501 Graves Mill Road. The expansion is approximately 124,000 square feet. City Code Sections Chapters 34-4 (sewer) and 39-27 (water), both direct that availability fees will be determined by City Council if the square footage of a new building is 100,000 square feet or greater. However, there is no direction in City Code as to how those fees will be calculated. City staff recommends that Council approve fees for this site that are based on prorating the per square foot fees for a 99,999 square foot facility. The approved site plan indicates that a new 2” domestic water service and meter along with a new 8” fire line will be installed to the new addition. A new sewer connection will connect to their existing onsite private sewer line. Based on this calculation, the recommended water availability fee is $7,576 and the recommended sewer availability fee is $11,966.

Councilmember Wilder stated that this item went to the October 13, 2020 Physical Development Committee meeting where the committee recommended approval. Council, by the following recorded vote, introduced and laid over to a later meeting for final action, Resolution #R-20-080 approving the water and sewer availability fees in the amount of $7,576 for water and $11,966 for sewer for the Bausch Health Expansion.

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

Absent: Tweedy 1

// In the matter of Roll Call, Agenda Item #6, Councilmember Faraldi reminded the community that the deadline for voter registration for the Presidential election is today, October 13, 2020. Councilmember Wilder attended the October 12th Desmond T. Doss Day celebration and commended the Lynchburg Area Veterans Council for the work they do in the community. Councilmember Nelson had no roll call items. Councilmember Helgeson stated that he had received inquiries from citizens who had not received the larger trash cart for which all citizens started paying for this month. Dr. Wodicka clarified that about 1,500 carts were already delivered to citizens and that staff will be working hard to ensure the rest are delivered promptly. Vice Mayor Wright echoed Councilmember Wilder's sentiments about Desmond T. Doss Day, stating that Desmond T. Doss was an extraordinary man. Mayor Dolan made several roll call announcements:

- A final round of the City of Lynchburg CARES Business Recovery Program is open for applications. The deadline to apply is Friday, October 30th. In order to be eligible, businesses must be physically located in the City of Lynchburg, in business and registered with the City as of March 1, 2020 have no more than $5 million in annual gross revenues and demonstrate a financial loss due to COVID-19. The program is administered by the Office of Economic Development & Tourism and the Economic Development Authority. All information and the link to apply is available at www.opportunitylynchburg.com/cares.

- The Chronicle of Higher Education has announced Central Virginia Community College has been selected as a "2020 Great College to Work For". The "Great Colleges to Work For" survey identifies "colleges across the country that have demonstrated excellence" and that "are leading the way in their commitment to creating great workplaces." CVCC was specifically recognized in two categories: collaborative governance and teaching environment.

- LYHCares Relief Event: October 17, 2020 from 10am-2pm at Miller Park. -Distribution of COVID Care kits, information on utility bill assistance, grocery assistance and job assistance.

- Library Main Branch is now reopened! Hours include: Monday through Friday from 10am-11am (Seniors/At-risk only), and 11am-5pm for everyone with extended hours on Tuesday until 7pm. Saturdays, the Library is open from 10am-5pm.

- Earlier this week the fire department held its annual Fire Fighter Memorial Ceremony at the Firefighters Fountain at Miller Park. This year the memorial service was held virtually but shows the resiliency and commitment of our community and the fire department to pay our respects to the fallen firefighters and their families. The ceremony will be posted on social media in the coming days and aired on LTV.

- The Langhorne Trestle Ribbon Cutting is Friday October 22 at 10am in the Awareness Garden at the Ed Page Entrance off Langhorne Rd.

- The Department of Public Works is conducting a household hazardous waste and electronic recycling event for LYNCHBURG residents only on Saturday, October 24 from 8:00 a.m. until

12:00 p.m. at the Concord Turnpike Convenience Center, 2525 Concord Turnpike in Lynchburg.

This collection will be conducted differently than normal due to COVID restrictions and because unlike previous collections, this one will be open to Lynchburg residents only.

Residents are asked to adhere to the following guidelines to ensure a safe and efficient event:

- Residents must present a valid photo ID
- Masks should be worn while conversing with employees and vendors
- Citizens must remain in your vehicle and convenience center staff will remove items from your vehicle
- All materials to be recycled must be in the rear most compartment of your vehicle

Residents should refer to www.lynchburgva.gov/hhw for a list of items eligible to be recycled and other related guidelines.

// The meeting was recessed at 5:07 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, Sterling A. Wilder, Chris Faraldi	6
Absent:	Treney Tweedy	1

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

// In the matter of Recognitions, Mayor Dolan welcomed Dr. Alison Morrison-Shetlar, President of the University of Lynchburg, who began her term over the summer of 2020. President Morrison-Shetlar spoke briefly about the university's goal to be a strong partner with the City.

Mayor Dolan also presented the YWCA with a proclamation declaring the month of October as the YWCA Domestic Violence Awareness Month. Ms. Linda Ellis-Williams, Director of Programs for the YWCA was in attendance to accept the proclamation.

// In the matter of Consent Agenda Item #7, copies of the minutes of the September 8, 2020 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi by the following recorded vote approved the minutes as presented:

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

Noes:		0
Absent:	Tweedy	1

// In the matter of Consent Agenda Item #8, copies of the minutes of the September 22, 2020 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi by the following recorded vote approved the minutes as presented:

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

// In the matter of Budget, Consent Agenda Item #9, Resolution #R-20-073 amending the FY 2021 General, Water, and Sewer Funds' Adopted Budgets and appropriate $122,520, $38,180, and $39,300 respectively with resources from the refunding bond proceeds for a total of $200,000 for estimated issuance costs, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Community Corrections and Pretrial Services, Consent Agenda Item #10, Resolution #R-20-074 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate $31,405 to assist the Lynchburg Community Corrections and Pretrial Services Agency in preventing, preparing for, and responding to the coronavirus, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Tweedy 1

// In the matter of the Fire Department, Consent Agenda Item #11, Resolution #R-20-075 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate $97,836 to purchase fitness equipment and training in nutrition, injury prevention, cardio-respiratory health, and stress reduction, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Tweedy 1

// In the matter of the Police Department, Consent Agenda Item #12, Resolution $R-20-076 authorizing the submittal of an application for the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $32,130 to purchase law enforcement equipment for the Lynchburg Police Department, Lynchburg Sheriff's Office, and the Office of the Commonwealth's Attorney, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Tweedy 1

// In the matter of the Police Department, Consent Agenda Item #13, Resolution #R-20-077 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate $57,885 to provide selective enforcement activities and attend related training, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

// In the matter of the Police Department, Consent Agenda Item #14, Resolution #R-20-078 amending the FY 2021 City/Federal/State Aid Fund budget and appropriate $24,938 to provide funds for speed enforcement activities, laid over from the September 22, 2020 meeting, was again presented and read, and on motion of Councilmember Helgeson, seconded by Councilmember Faraldi, Council by the following recorded vote adopted the Resolution:

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

// In the matter of Community Development, Agenda Item #15, a public hearing was held to receive comments regarding the Program Year 2019 (PY 2019) Fiscal Year 2020 (FY 2020) Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) and HOME Program and adopt a resolution approving the CAPER for submission to the U.S. Department of Housing and Urban Development.

Ms. Melva Walker, Grants Manager, provided Council with a summary of the request. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress towards the housing and community development goals established within the 2015-2020 Consolidated Plan and the Program Year 2019 (FY 2020) Annual

Action Plan. This CAPER is for the period of July 1, 2019 through June 30, 2020. With City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program.

There was no one in attendance that made a presentation, and there were no citizens who spoke in favor or in opposition, either by voice message, email, or in-person. The public hearing was closed and the matter rested with Council.

Councilmember Helgeson had a question regarding the EmpowOR Software purchased by Lynchburg Community Action Group (Lyn-CAG) that tracks clients served by Lyn-CAG and agencies in the Bridges to Progress Initiative. The data tracked includes demographics, services, and housing assistance. Out of the 1,632 persons served and $25,000 of CDBG funds expended, he wanted to know if there was any metric available indicating the progress made for these individuals since the program is based off of moving citizens from poverty to clear progress. Ms. Walker explained that the software only tracks the services that citizens receive. He understands that this is data tracking to see what's happening, but the whole point of initiative was progress and wanted to see affirmative data that says that more people are working, or are out of poverty, or finished high school. Ms. Walker said that she would ask Lyn-CAG to send more information at a later date.

Councilmember Wilder, seconded by Vice Mayor Wright, made the motion to adopt the Resolution #R-20-081 approving the submission of the Program Year 2019 (FY 2020) Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD). Council, by the following recorded vote, approved the motion:

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

// In the matter of Community Development – Rezoning, Agenda Item #16, a public hearing was held to discuss the rezoning petition of development located at 127 Brunswick Drive from R-4C, High Density

Residential District (Conditional) to R-4C, High Density Residential District (Conditional) to amend a proffer that would increase the total number of apartments by ten (10) units.

Ms. Rachel Frischeisen, Planner II, provided Council with a brief summary of the request. TPB Enterprises, LLC is petitioning to rezone approximately seventeen and nine tenths (17.9) acres located at 127 Brunswick Drive from R-4C, High Density Residential District (Conditional) to R-4C, High Density Residential District (Conditional) to amend a previously approved proffer. The proffer included substantial compliance with a concept plan that showed a maximum of two hundred and seventy (270) units. The revised proffer/concept plan would amend the maximum to two hundred and eighty (280) units. The additional ten (10) units were incorporated into the original traffic study and concept plan. The change should have minimal effect on the area. All other proffers will remain unchanged.

Mr. Daniel Cyrus, a representative of TPB Enterprises, LLC, was in attendance and gave a presentation to Council. Mr. Cyrus indicated that there was a mistake in the original rezoning, and that the plans should have been submitted showing 280 units. He stated that these units are shown on the site plan and were accounted for in the traffic study. Two buildings in this development have basements that would accommodate the additional units.

There was no one in attendance that made a presentation, and there were no citizens who spoke in favor or in opposition, either by voice message, email, or in-person. The public hearing was closed and the matter rest with Council.

Councilmember Nelson disclosed that he represents a client, who although not directly involved with this project, does stand to benefit financially from the success of this project. However, if the public would clearly benefit from this project, then he will be able to vote on this rezoning. He stated that he would be able to decide his stance after the conclusion of Council input regarding the public hearing.

Councilmember Helgeson stated that looking back at all of the iterations of this plan, they all comprise of 270 units. He stated that he does not believe this was in error and that the planning staff also stated that 270 units were the absolute max. He continued, affirming that the current developer has not sufficiently made the argument that anything new and improved has been done to the development to support the additional units. He guarded against sending the wrong message to the community and urged Council to protect the neighborhoods.

Mr. Cyrus clarified that the error came from one of the previous iterations of the project that tabulated the terrace level units incorrectly, and did not intend to say that staff made the error.

Councilmember Wilder asked, and Ms. Frischeisen clarified, that the traffic study was conducted based off a plan that consisted of the inclusion of retail buildings and since that development was not completed, the study was still relevant to the 280 units. Councilmember Wilder said he would support this plan because the traffic would not have much of an impact.

Councilmember Helgeson, who represents Ward III and has heard from its citizenry, made the motion to deny the rezoning. Councilmember Faraldi seconded the motion, out of deference to those citizens.

Vice Mayor Wright stated that he would be supporting the proposal and voting against the motion on the floor, because he believes this is a reasonable ask and believes that this was a clerical error from years past.

Mayor Dolan said she would be supporting the proposal because the additional units would have minimal impact.

Councilmember Nelson said that he would be abstaining because he does not feel this would benefit the public, given what he's heard from the neighbors. He asked Council to consider tabling this discussion until Councilmember Tweedy can weigh in on the discussion since she resides in that area. City Attorney Walter Erwin stated that Council has to act on a zoning petition within twelve months, so Council would be able to table this item until the October 27, 2020 meeting. According to Council's Rules of Procedure, if there is a consensus among Council to table this discussion, no vote needs to be taken. All present members of Council were in favor of carrying this item forward to the October 27, 2020 meeting. Mayor Dolan asked staff to provide Council with comments and input from citizens regarding this development from previous years.

// In the matter of Community Development – Rezoning, Agenda Item #17, a public hearing was held to discuss a rezoning petition. Ms. Frischeisen again made a presentation to Council regarding the request. Mr. Edgar J. T. Perrow, Jr. & Mr. Nathaniel F. Perrow are petitioning to rezone approximately two hundred thirty-one thousandths (0.231) of an acre at 708, 710 & 712 Court Street from B-1, Limited Business District to B-4, Urban Commercial District to allow the use of the property for residential and office uses. The proposed rezoning would allow greater flexibility in the use of the property for office and residential uses without a requirement for first floor office space. Parking is available behind the buildings, with additional spaces at 714 Court Street.

Mr. Edgar J. T. Perrow was in attendance and provided Council with a brief presentation. He explained that this property is part of one of the oldest surviving row of townhouses in the City. It is residential street, but has some professional offices. He reiterated that B-4 zoning works best for this area due to space, and that the intent is not to pack people in.

There was no one in attendance that made a presentation, and there were no citizens who spoke in favor or in opposition, either by voice message, email, or in-person. The public hearing was closed and the matter rested with Council.

Councilmember Nelson disclosed that he represents both Mr. Turner Perrow and Mr. Nathaniel Perrow in other real estate interests, and although he has never been involved with this project in particular, he is an office neighbor of theirs on Court Street so he will be observing the same ethical considerations on this item whether to vote or abstain.

Councilmember Wilder made the motion to adopt Ordinance O-20-023 approving the petition to rezone approximately two hundred thirty-one thousandths (0.231) of an acre at 708, 710 & 712 Court Street from B-1, Limited Business District to B-4, Urban Commercial District to allow the use of the property for residential and office uses. Vice Mayor Wright seconded the motion. Councilmember Helgeson stated that this project showcases the correct use of the B-4, Urban Commercial District zoning. Councilmember Nelson stated that this project would be in the public's interest so he would be able to vote. With no further discussion, the following vote was recorded and the motion passed:

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

// In the matter of Public Comment, Agenda Item #18, Citizen Ginna Haske requested to be removed from the agenda.

// In the matter of Public Comment, Agenda Item #19, Citizen Rodney Hubbard was not in attendance.

// In the matter of Schools, Agenda Item #20, Council considered adopting a resolution to amend the FY 2021 General Fund budget and appropriate $3,431,645 with resources from unexpended FY 2020 Schools Operating Fund for transfer to the FY 2021 Schools Operating Fund ($2,521,564) and to the Schools Capital Fund ($910,081) to fund needs as approved by the School Board. Also, amend the FY 2021 General Fund budget and authorize $675,474 with resources from unexpended FY 2020 Schools Operating Fund to increase the Schools Textbook Reserve.

Ms. Donna Witt, Chief Financial Officer, provided Council with a brief summary of the request. She stated that the Lynchburg City School Board requested the appropriation of the $4,107,119 in FY 2020 Operating Fund Balance. This action is requested in accordance with an agreement signed by the Lynchburg City Council and the Lynchburg City School Board dated December 14, 1993. This agreement provides for the creation and maintenance of a Schools Operating Fund balance for "the purpose of underwriting any occasional shortfalls from the various budgetary categories of direct State funding support as well as other applications, all based upon the required expenditure approval of the School Board."

Ms. Witt continued, stating that LCS is proposing a $1000 bonus for LCS and School Nutrition staff. The $1000 is for a full time equivalent, with part time staff being prorated accordingly. The estimated cost of this bonus is $1,484,114.48. LCS is also proposing an investment in distance learning classrooms that will enhance our remote learning options which will require 350 webcams and accompanying equipment at an estimated cost of $204,750. LCS is proposing various transportation upgrades and other vehicle maintenance totaling $520,700. Maintenance and facilities proposed requests total $312,000 and include the following: A/C System at Transportation - $ 25,000; Repair Storm Water issues at Transportation and EC Glass - $ 15,000; Replace Siding on Bedford Hills Elementary Modular Building - $ 15,000; Fire Alarm System Upgrade at Dunbar Middle and Perrymont - $ 100,000; Replacement of 3 maintenance work vehicles - $ 90,000; Replacement of 2 zero turn mowers - $ 30,000; Vehicle for Maintenance Field Supervisor - $ 30,000; and the replacement of 200 Fire Extinguishers - $ 7,000. LCS is requesting the remainder of the funds ($910,080.52) be allocated to upcoming CIP projects including a facilities study for the school division.

Vice Mayor Wright made the motion to approve the Resolution #R-20-082 amending the FY 2021 General Fund budget and appropriate $3,431,645 with resources from unexpended FY 2020 Schools Operating Fund for transfer to the FY 2021 Schools Operating Fund and to the Schools Capital Fund to fund needs as approved by the School Board. He stated that these are all reasonable expenditures and would be in line with the common practice put in place in 1993. He also stated that the bonus to school employees is well deserved.

Councilmember Wilder seconded the motion and asked Superintendent Dr. Crystal Edwards to clarify if the return to fund balance should normally be this large. Dr. Edwards clarified that normally it is not normal to have a figure this large, but LCS enacted their own hiring freeze earlier this year in order to be conservative with their funds. A significant portion of the return to fund balance is due to personnel savings.

Councilmember Helgeson stated he understands that a lot of the teachers are working extremely hard to deliver a service, but the issue is what kind of product are the families and students actually receiving. He commended the Interim City Manager Reid Wodicka for strategically thinking through uses of these funds that would ensure long-term viability in terms of the facilities study. He continued, stating he can see using the funds in these ways, however, did not feel that bonuses are prudent. As such, he stated he could not be in favor of this motion. He asked Vice Mayor Wright to amend his motion to sequester funds for the facilities study.

Vice Mayor Wright clarified that the facilities study is in fact in this proposal. LCS is doing exactly what Council asked them to do; be conservative and prudent with funds. 1993 agreement says that if the schools don't spend their entire budget, then they have to return it to Council to incite a thoughtful dialogue about how best to use the funds. Vice Mayor Wright commented that the sticking point seems to be the bonus. He further explained his stance, stating that all City employees are doing good work and are deserving of a bonus; this includes LCS employees. He further asserted his motion, saying, "We want a good school system, we have to be willing to invest." Vice Mayor Wright concluded that he would like the motion to stand as-is.

Councilmember Faraldi stated his concern is yearly amendments being made to these budgets. It could be perceived that the school system has become reliant on those funds. He continued, stating that he is not opposed to this motion, but cautioned about needing to be diligent in the budgetary process. Council and the schools need to be really intentional about properly budgeting in a way that reflects the itemized issues.

Vice Mayor Wright inquired if the schools could overspend their budget. City Attorney Walter Erwin clarified that not only could the schools not overspend their budget, but State Code makes it an offense. He also stated that the schools cannot create a fund balance because State Code dictates that the funds have to return to the City.

There was no further discussion. Council, by the following recorded vote, introduced and laid over to a later meeting for final action, Resolution #R-20-082:

Ayes:	Dolan, Wright, Nelson, Wilder, Faraldi	5
Noes:	Helgeson	1
Absent:	Tweedy	1

// In the matter of City Code, Agenda Item #21, City Attorney Mr. Walter Erwin presented Council with several sections of the City Code to be amended. Mr. Erwin stated that this was a housekeeping item and would be in line with Virginia Code. He explained that local governments are permitted to adopt ordinances that parallel certain provisions of the Virginia Code. Local governments frequently adopt such ordinances because localities get to keep the fines imposed for violations of local ordinances while fines that are imposed for violations of the State Code go to the state. Such ordinances must be kept up to date and amended as state laws are amended so the City's ordinances will continue to parallel the State Code. This ordinance (1) amends, reenacts, and repeals previously adopted ordinances to be in line with the Virginia Code; (2) further makes minor wording and technical changes; and, (3) changes Section 25-317.1 of the City Code to allow for "ticketing." The proposed revisions have been reviewed and approved by the Police Department and the Sheriff's Office. He advised that most of these sections deal with traffic offenses. The two sections that are being repealed are in line with the action the General Assembly took with State Code that dealt with profane language in public and fornication.

Councilmember Wilder made the motion for approval, seconded by Vice Mayor Wright, to adopt the Ordinance #O-20-024 amending sections 25-93, 25-99, 25-125, 25-147, 25-147.1, 25-151, 25-152, 25-153, 25-154, 25-155, 25-310, 25-317.1, 25-332, 25-386, 25-387, 25-391, 25-393, and 27-10 of the City Code and to repeal sections 27-2 and 27-13.1 of the City Code. There was no further discussion, and Council, by the following recorded vote, approved the motion:

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

// On motion of Councilmember Wilder, seconded by Councilmember Faraldi, elected to hold a closed meeting for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice, specifically: (i) legal matters relating to the Region 2000 Services Authority Member Use Agreement for the disposal of solid waste and the distribution of excess revenue, and (ii) legal matters relating to the proposed amendment of various sections of the Zoning Ordinance to clarify the uses that are permitted in B-1 Limited Business Districts, pursuant to Section 2.2-3711(A)(8) of the Code of

Virginia. There was no further discussion, so Council, by the following recorded vote, approved the motion:

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

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

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

// The meeting was adjourned at 10:30 p.m.

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Interim Clerk of Council