// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of January 2023, at 4:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding.

The following Members of the Council were present:

Present: Stephanie Reed, Chris Faraldi, Jeff Helgeson, MaryJane Dolan, Marty Misjuns, Sterling Wilder, Larry Taylor 7

Absent: 0

// In the matter of Work Session Agenda Overview, City Manager Benda stated that there were two work session items, one on HOME Investment Partnership American Rescue Plan to Reduce Homelessness and Increase Housing Stability, and one on Considerations for Establishing a School Funding Formula. He said that there would be business item briefings from staff, and there were two closed session items before the Council.

Mayor Reed made a motion to amend the agenda to add the discussion of a resolution expressing the City's intent to stand as a sanctuary city for 2nd Amendment rights. Vice Mayor Faraldi seconded the motion. With no further discussion from Council, the following vote was recorded:

Ayes: Stephanie Reed, Chris Faraldi, Jeff Helgeson, MaryJane Dolan, Marty Misjuns, Sterling Wilder, Larry Taylor 7

Noes: 0

Mayor Reed stated that the item would be positioned at the end of the work session after the Council concluded all other business.

// In the matter of Community Development, Agenda Item #1, HOME Investment Partnership American Rescue Plan to Reduce Homelessness and Increase Housing Stability, Grants Manager Ms. Melva Walker provided Council with an introduction to the item. The City has been allocated $1,498,471 in HOME Investment Partnership American Rescue Plan (HOME-ARP) funds to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations (“Qualifying Populations”). The purpose of the HOME-ARP funds is to reduce homelessness and increase housing stability. The funds may be purposed for housing development, tenant-based rental assistance (TBRA), supportive services, and non-congregate shelters. To receive the HOME-ARP allocation, the City must develop and submit a HOME-ARP Allocation Plan to HUD. The City procured the consulting services from the firm of Mullin and Lonergan (M&L) Associates, who has conducted extensive analysis of community needs and existing resources. The firm consulted with partners from across the City to inform priority needs and opportunities for the HOME-ARP funds to have the greatest possible impact. Ms. Marjorie Willow, Principal of M&L, will provide an overview and requirements for the submittal of the proposed Allocation Plan.

Vice Mayor Faraldi asked whether there were other ways for the federal ARPA funds to be used. Ms. Willow responded that the funds were part of the larger ARPA balance which had a broad range of eligible activities. She said that the specific $5B allocation was more restricted in what it could be used for, and the items listed on the budget were the spending limits for the funds. Vice Mayor Faraldi clarified that those were the parameters. Ms. Willow responded that in terms of eligible activities, they were. Vice Mayor Faraldi noted that the City planned to partner with a local nonprofit organization or housing provider and asked whether they could disclose more details to understand where the funds would go. Ms. Willow responded that HUD did not allow a community to engage in allocating the funds until HUD approved the plan, and the City would not begin the process until 45 to 60 days after submitting the application and receiving approval from HUD. Vice Mayor Faraldi requested a follow-up from staff once they knew what organization they would partner with. He asked if there was a way to ensure what the development of affordable housing would look like and what the metric of success would be. Ms. Willow responded that the units would be built the same way other affordable housing had been built in the City. Vice Mayor Faraldi asked what the metric of success would be. Ms. Willow responded it would be the number of units that would be built.

Councilmember Wilder asked if the funds would be similar to Community Development Advisory Committee (CDAC) or if they would be separate. Ms. Walker responded that they would go through the same process of going through CDAC and then coming before the Council with the project once they received approval of the plan. Councilmember Wilder asked if the funds were different from the regular funding from HUD. Ms. Walker responded yes, and they were restricted to certain activities. Councilmember Wilder asked whether nonprofits had to meet certain requirements to apply or if it was open enrollment. Ms. Walker responded that any nonprofit could apply, and for-profit developers could apply. Councilmember Wilder asked if the eligibility process was different from the CDBG funds. Ms. Walker responded that the process will be different.

// In the matter of Lynchburg City Schools, Agenda Item #2, Deputy City Manager Mr. Greg Patrick provided a presentation to Council regarding establishing a School Funding Formula. He stated that the presentation was not a recommendation from staff to develop a formula, but it was intended to be informational. The presentation provided City Council with an overview of K-12 funding in the Commonwealth and the considerations around potentially implementing a School Funding Formula that would provide an objective basis for determining the City’s local contribution to Lynchburg City Schools. Deputy City Manager Patrick also shared his experience negotiating and implementing a school funding formula between the City of Norfolk and Norfolk Public Schools.

Councilmember Helgeson stated that the Department of Education provided direction, and the composite index was tied to how rich or poor the community was. He stated that only 9% of the City's population was in the public schools. He said that the impacts of school quality on property values were critical. He stated that classroom challenges for teachers had increased while school administrations and bureaucracy grew. He stated that they had to budget for the schools based on the declining enrollment and the taxpayers' ability to pay, and they had to ensure that the funding was seen in the classrooms.

Vice Mayor Faraldi requested a pie chart by category of the school budget for informational purposes. City Manager Benda responded that he would work with the Chief Financial Officer, but they would have to solicit the schools for the information. Vice Mayor Faraldi stated that he was interested in including components of ADM in the determination. He said enrollment should be considered in funding. He stated that if consensus could not be gained as to the policy, he supported moving forward by category.

Councilmember Misjuns requested additional information on the categories, where the SOQs fell within the categories, what the City had above the mandates, and that the information covers the past five years.

Councilmember Wilder asked if the School Board was involved in the discussions about the formula, or if there would be discussions later. City Manager Benda responded that he had an opportunity before the holidays to meet with School Board Chair Dr. Coleman, School Board Vice Chair Dr. Brennan, and Superintendent Dr. Edwards. He stated that he would meet with Dr. Edwards in the middle of the month about the School Board budget. He noted that he sent Dr. Edwards a copy of Mr. Patrick's presentation. Councilmember Wilder asked what the impacts in Norfolk were after implementing the formula. Mr. Patrick responded that when Norfolk City Council adopted the 2019 budget, they also adopted the school funding formula. He stated that the budget included a real estate tax increase, and a portion of the revenue went to increase local funding to schools to set the base for the formula. He continued that afterward, the formula dictated the funding. Councilmember Wilder asked if the funding had increased under the formula. Mr. Patrick responded that the funding increased by $5M. Councilmember Wilder asked if there was a timeline for implementing the funding formula. City Manager Benda responded that they could go as fast as Council liked. He recommended that staff bring back various funding models, and he offered that the Mayor and Vice Mayor meet with the Superintendent, Board Chair, Board Vice Chair, and himself at an ongoing monthly meeting.

Councilmember Dolan asked how many of the school districts in the state were using a formula and what formula was being used. Mr. Patrick responded that there was not a lot of available public information, and there was no definitive database. He stated that the Virginia Municipal League was working on providing a survey at the City's request. He said that in a survey of the surrounding area, the only locality that was similar to the City was Roanoke.

Councilmember Misjuns clarified that the 5% state funding should only apply to the SOQ-funded positions, and teachers outside the SOQ positions would be within an unfunded mandate for the City to address. Mr. Patrick responded that was correct, that there were roughly 750 teachers in the City, and about 550 of those positions were supported by the SOQs. He stated that the local composite index was about 36%. He explained that if the state provided a 5% salary increase for SOQ-funded positions, then the City would be responsible for 36% of the increase for the 550 SOQ-funded positions and 100% of the increase for the 200 non-SOQ-funded positions.

// In the matter of Finance, Agenda Item #3, FY 2023 General Obligation Public Improvement Bond Issue, Mayor Reed stated that the item would appear before the Council for action on January 24, 2023. Chief Financial Officer Ms. Donna Witt provided the presentation to the Council. In coordination with the City's financial advisors, Davenport and Company, LLC, and the City's bond counsel, Hawkins, Delafield, &

Wood, a resolution will be presented to approve a general obligation public improvement bond issue to permanently finance the current Bond Anticipation Note and fund various capital projects including the Police Headquarters. The resolution will include a "not to exceed" clause of $78,500,000 which includes all issuance costs and an estimate should the bonds sell at a discount.

Councilmember Helgeson requested to know what the funding from the bond issuance would be used for; Ms. Witt responded that staff will get that information to Council.

// In the matter of Engineering, Agenda Item #4, Additional City Street Mileage for Virginia Department of Transportation Highway Maintenance Payments, Mayor Reed stated that the item would appear before the Council for action on January 24, 2023. City Engineer Mr. Lee Newland provided the presentation to Council. When required, usually each year, the City submits a list of new or improved streets to VDOT for acceptance into the street maintenance system for payments to the City from the Commonwealth. For FY 2024, staff has identified 5.23 lane miles of street segments that need to be added. These street segments are shown on the attached maps and VDOT U-1 Form. This action is required by VDOT to add these segments for addition to the system.

Councilmember Helgeson asked if the $13M could be used to improve roads or if the funding was for repaving and maintenance. Mr. Newland responded that the funds were mainly for maintenance—repaving, ditch cleaning, bridge maintenance, street lighting, and other such items. Councilmember Helgeson asked if the road could be improved if it was falling into the ditch; Mr. Newland responded yes.

// In the matter of City Council, Agenda Item #5, Council discussed Resolution #R-23-001 expressing the City of Lynchburg's intent to stand as a Sanctuary City for Second Amendment rights, City Attorney Mr. Matthew Freedman explained that the purpose of the resolution was for the City to take a position to oppose legislation and other government action that would hinder the right to bear arms as described in the 2nd Amendment. He stated that the resolution would mean that the Council would commit to appropriate funds and take legal and other lawful actions to oppose such legislation from Congress and the General Assembly. This matter appears before Council at the request of Mayor Stephanie Reed for discussion. Action upon this Resolution is contemplated to be taken at a later date. The primary question for the City Council being whether the City of Lynchburg, Virginia should be declared a Second Amendment Sanctuary.

Councilmember Dolan clarified that the matter before Council was to discuss the item. Mr. Freedman responded that the only matter before the Council was to discuss whether the City should become a sanctuary city for the 2nd Amendment.

Vice Mayor Faraldi asked for clarification about what it meant that the item was a Business Item Briefing and only for discussion. Mr. Freedman responded that the Business Item Briefing was an introduction to the possibility of the City becoming a sanctuary city for the 2nd Amendment. He stated that the intent was not for the Council to act on the item at the meeting, but the Council intended to review the resolution before it, make any proposed changes, debate the item, and at the appropriate time, hold a public hearing and proceed as the Council desired on the resolution. Vice Mayor Faraldi clarified that for the Council to move the item forward, a motion was required. Mr. Freedman responded that was correct.

Councilmember Helgeson stated that due to the previous public response, he was prepared to make a motion to approve the resolution; he made a motion to approve the resolution to make the City a sanctuary city for the 2nd Amendment. The motion was seconded by Councilmember Misjuns.

Vice Mayor Faraldi asked for clarification whether the motion was to approve the resolution at the work session or to put it on the regular meeting agenda for approval. Mr. Freedman responded that the motion before Council was to adopt the resolution.

Councilmember Dolan stated that they had received 60 emails in the past 24 hours requesting the Council not address the resolution at this point. She stated that she did not support the resolution because the resolution was outside the purview of the Council, and she could not violate her oath of office by advocating to disobey state and federal laws.

Councilmember Wilder clarified that people were currently allowed to exercise their 2nd Amendment right in the City. Mr. Freedman responded that citizens were allowed to bear arms within the bounds of the Constitution and state and federal laws. Councilmember Wilder stated that people would not have their guns taken away. He requested that the Council hear the Police Chief's thoughts and opinions on the matter before voting on the resolution. He stated that he did not support the motion.

Vice Mayor Faraldi stated that he would vote for a public hearing. He stated citizens had indicated that they would like to speak on the matter. He stated that he would support the motion when it was time to vote.

Mr. Freedman explained that if a majority of the Council wanted to wait to vote on the resolution, a substitute motion could be made to table the matter to a definite date to be considered for adoption.

Mayor Reed stated that the safety of children and the City were her greatest concerns. She stated that they had to discuss responsible gun ownership with the community.

Councilmember Taylor stated that he supported the 2nd Amendment. He stated that he supported the City becoming a sanctuary city for the 2nd Amendment.

Councilmember Dolan stated that she supported the 2nd Amendment but did not support the resolution before the Council.

Councilmember Wilder clarified that citizens still had the right to bear arms. He asked if the resolution was anything more than a statement of support of the 2nd Amendment. Mr. Freedman responded that the resolution was a formal position taken by the Council, but it did not grant the Council or the City any special rights or powers to defy federal or state laws. He stated that the City would commit to a position to have the ability to appropriate funds and take appropriate legal action to oppose bills that may be presented before Congress or the General Assembly. Councilmember Wilder clarified that people who were legally allowed to purchase guns would continue to be able to do so regardless of whether the resolution was adopted. Mr. Freedman responded yes. Councilmember Wilder clarified that individuals would be able to legally conceal carry weapons regardless of whether the resolution was adopted. Mr. Freedman responded yes, so long as individuals held a concealed weapons permit or fell under an exception according to the statute.

Vice Mayor Faraldi moved the pending question.

With no further discussion from Council, the following vote approving Resolution #R-23-001 was recorded:

Ayes: Reed, Faraldi, Helgeson, Misjuns, Taylor 5

Noes: Dolan, Wilder 2

// In the matter of Roll Call, Agenda Item V, Councilmember Wilder reported that he attended a Workforce Board meeting, and they were looking for a local representative from the City. He stated that there was a report from Old Dominion that misreported the City's economy. He said that the Workforce Board would send the Council a report on workforce displacement and job loss. He reported that the Martin Luther

King Commission was hosting an annual breakfast on Monday. He recognized Martin Luther King, Jr. and his work for the country. He reported that on Tuesday, January 17, the second semester would begin, and he welcomed students back to school.

Councilmember Helgeson noted that the City had two years of unprecedented budget surpluses. He said that local surplus funds could be returned to the taxpayers by lowering the tax rate or lowering fees. He said that the best way to return the surplus to the taxpayer was to refund the tax increase. He said that Councilmembers campaigned on the fact that taxes were too high.

Councilmember motioned that the tax rate be lowered to $1.03 effective on November 1, 2021. Councilmember Misjuns seconded the motion.

Mr. Freedman explained that Virginia law recognized two methods to return surplus funds—one was for personal property taxes, and one was for real estate taxes. He explained that the City would have to determine what the surplus was for the particular fiscal year, and that amount could be refunded. He stated that the funds Councilmember Helgeson referred to may be a surplus, but they may not be able to be refunded. He stated that lowering the tax rates and lowering fees were alternatives to providing relief to taxpayers without necessarily providing a refund.

Councilmember Misjuns stated that they were in a recession, and taxpayers were burdened by the rising costs of goods and services. He said it was time to lower tax rates and supported the measure.

Vice Mayor Faraldi moved to amend the motion to defer consideration until the February 28, 2023 City Council meeting.

Mr. Freedman explained that if there was a consensus of the Council to amend the motion, then it could be amended. He explained that the rate was set by ordinance, so the Council had to have a formal ordinance to make such a decision. He stated that Vice Mayor Faraldi's request was in order.

Councilmember Wilder seconded the amendment to the motion and stated that he would like to hear more from staff on the matter.

Vice Mayor Faraldi stated that he supported lowering the tax rate. He noted that the Council did not presently have a resolution, and the motion to amend would afford Council time to draft the language.

Mayor Reed asked for clarification about the process for the amended motion. Mr. Freedman responded that there was an amended or substitute motion on the table, and that was the topic of discussion that would continue until all Councilmembers were prepared to vote on the motion.

Vice Mayor Faraldi clarified that the motion was specifically a motion to amend. Mr. Freedman responded that if it was a motion to amend, then the discussion was on whether to amend the motion to the second meeting in February.

Councilmember Helgeson stated that lowering the tax rate would come out of the $43M surplus from the prior year. He stated that the $4.8M for the tax rate change came directly from the $43M surplus. He stated that the City revenues increased because of ARPA funds and CARES Act funding, but citizens did not receive an increase in funding. He stated that he did not want to further delay action on the item.

Councilmember Dolan stated that it was irresponsible to take action without further study.

Councilmember Misjuns stated that several families would benefit from tax relief passing at the meeting. He requested that Vice Mayor Faraldi withdraw the amended motion and stated that he would not support the amended motion.

Mayor Reed stated that she supported lowering taxes, but there was a correct order to the procedures. She stated that she supported the amended motion and intended to provide tax relief to the citizens.

Councilmember Helgeson stated that he hoped the amended motion be voted down, but if it were approved, it is handled in short order.

Mayor Reed called the vote on the amendment to the motion.

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

Ayes: Reed, Faraldi, Dolan, Wilder 4

Noes: Helgeson, Misjuns, Taylor 3

Mr. Freedman explained that the amended motion was on the table for Council to vote. He stated that the motion was to make the described rate change proposed by Councilmember Helgeson but consider the item at the second regular meeting in February. He explained that the original motion stood, but it was not to be considered until the February meeting, however, Council was not precluded from bringing alternate motions or considerations at the meeting.

Councilmember Helgeson motioned to amend the motion to consider the item at the January 24, 2023 City Council meeting.

Mayor Reed stated that the motion was not in order because the presiding officer did not recognize Councilmember Helgeson.

Councilmember Helgeson objected and called a point of order.

Mr. Freedman explained that the motion properly in order for a vote before Council was Councilmember Helgeson's motion to change the tax rate amended to not be considered for adoption until the second meeting in February. He stated that it would not be appropriate nor in order to make an additional motion on an already amended motion.

Councilmember Helgeson appealed the determination and stated that the Council's Rules of Procedure stated that a motion may be amended no more than twice. He clarified that his motion was in fact the second amendment made to the main motion.

Councilmember Misjuns seconded the motion.

Councilmember Wilder asked if staff had time to prepare a resolution by January 24. He noted that considering the item in February would provide staff with more time to prepare.

Councilmember Helgeson asked Mr. Freedman if January 24 would provide staff enough time to prepare. Mr. Freedman responded that the matter was financial, and it involved many facets of the City. He noted that the amended ordinance would not take long to draft, but he suggested that the City Manager be consulted before making such decisions. Councilmember Helgeson clarified that the documents could be prepared by January 24. Mr. Freedman responded that he could prepare an ordinance fairly quickly.

Mayor Reed called the vote on the proposed amendment. Mr. Freedman clarified that the motion on the table was to whether or not to accept Councilmember Helgeson's second amendment to change the date for the proposal to be considered from the February 28 City Council meeting to the January 24 City Council meeting.

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

Ayes: Reed, Faraldi, Helgeson, Misjuns, Taylor 5

Noes: Dolan, Wilder 2

Mr. Freedman clarified that the motion had been amended, so a motion to adopt the new motion was required. City Manager Benda clarified the expectations for City staff—that the City Attorney would draft a resolution, and the City Manager would work with the Finance Department to prepare to reduce the tax rate by $0.08 from November 2021. He clarified that by January 24, staff would have to draft a balanced budget for FY 23 to find $4.8M to fund the tax reduction. He recommended that Council take up the matter during the regular budget process given the complexities of amending the budget mid-fiscal year.

Mayor Reed called the vote on the motion.

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

Ayes: Helgeson, Misjuns, Taylor 3

Noes: Reed, Faraldi, Dolan, Wilder 4

Continuing with Roll Call, Councilmember Misjuns requested staff draft a resolution for the Council to approve periodic red-flag reports. He noted that employees in the City were being discriminated against based on their vaccine status, and some employees were required to take sick time off or personal time off. City Manager Benda explained that he would look into the matter. He stated that he believed the policy had changed, and now any employee was required to use personal sick leave regardless of vaccination status.

Councilmember Taylor reported that the pipes burst at the T.C. Miller School, and the students had to attend West Lynchburg Baptist Church for classes. He stated that the Church was requested to remove its crosses so that the students would not see them when they enter the schools, and that was unacceptable. He noted that they did not discuss public safety.

Vice Mayor Faraldi congratulated two students from E.C. Glass—Pen William for receiving the Athletic Boosters Athletic Excellence Award for football, and George White for winning the Rucker Cup.

Mayor Reed reported that January 9 was national law enforcement appreciation day. She thanked law enforcement for their service.

// In the matter of Closed Session, Agenda Item 6, onsideration of a closed meeting to discuss the acquisition of real property for public safety purposes where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body pursuant to Section 2.2-

3711(A)(3) of the Code of Virginia, 1950, as amended, Councilmember Wilder made the motion to go into closed meeting, seconded by Vice Mayor Faraldi.

Councilmember Helgeson made the motion that the closed meetings be moved to the end of the regular meeting due to the time. Councilmember Misjuns seconded the motion.

Mayor Reed called the vote on the motion to delay the closed meetings to the end of the 7:30 p.m. regular meeting.

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

Ayes: Helgeson, Misjuns, Taylor 3

Noes: Reed, Faraldi, Dolan, Wilder 4

Councilmember Misjuns made the motion to go into a closed session. Councilmember Wilder seconded the motion.

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

Ayes: Reed, Faraldi, Dolan, Wilder, Helgeson, Misjuns, Taylor 7

Noes: 0

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

Ayes: Reed, Helgeson, Dolan, Wilder, Misjuns, Taylor 6

Noes: Faraldi 1

// The meeting was recessed at 7:04 p.m.

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

Present: Stephanie T. Reed, Chris Faraldi, Jeff Helgeson, MaryJane Dolan, Marty Misjuns, Sterling Wilder, Larry Taylor 7

Absent: 0

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

// In the matter of Recognitions, Agenda Item #1, Mayor Reed read the recognition for Lynchburg Fire Department Captain Jennifer Collins who was recently recognized as the winner of the 2022 Governor's EMS Award for Outstanding Contribution to EMS Health and Safety. Captain Collins stated that serving and supporting the department was an honor. She thanked the Council.

// In the matter of Recognitions, Agenda Item #2, Mayor Reed recognized Laila Abdussalaam, Mayor's Youth Council representative, who was in attendance.

// In the matter of the Agenda, Mayor Reed noted that the Council was unable to hear the second item in closed session, so she requested the Council reach a consensus to amend the agenda to add the consideration of a closed meeting to discuss the potential resolution of a pending City law enforcement lawsuit pursuant to Virginia Code §§ 2.1-3711(A7) & (A8). She noted that there was a consensus to amend the agenda.

// In the matter of the Consent Agenda Item #3, Council conducted a second reading and adopted Resolution #R-22-079 amending the FY 2023 Sewer Capital Projects Fund budget and appropriating $25,000,000 American Rescue Plan Act (ARPA) Grant to reimburse costs associated with combined sewer overflow projects. On motion of Councilmember Helgeson, seconded by Councilmember Dolan, Council by the following recorded vote approved the adoption:

Ayes: Reed, Helgeson, Dolan, Wilder, Misjuns, Taylor 6

Noes: Faraldi 1

// In the matter of the Consent Agenda Item #4, Council conducted a second reading and adopted Resolution #R-22-081 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating

$76,000 from the 2022 State Homeland Security Program (SHSP) grant to fund equipment for the Fire Department Technical Rescue Team. On motion of Councilmember Helgeson, seconded by Councilmember Dolan, Council by the following recorded vote approved the adoption:

Ayes:	Reed, Helgeson, Dolan, Wilder, Misjuns, Taylor	6
Noes:	Faraldi	1

// In the matter of Community Development, Agenda Item #5, Council considered adopting Resolution #R-23-002 approving the Community Development Block Grant (CDBG) and HOME Program goals for Fiscal Year 2024 (Program Year 2023) Annual Action Plan, Grants Manager Ms. Melva Walker provided the staff report. The U. S. Department of Housing and Urban Development (HUD) requires state and local governments, which receive federal community development funds, to prepare a Consolidated Plan. The Consolidated Plan for the CDBG and HOME Program was approved in June 2020 and covers the period from July 1, 2020, through June 30, 2025. This plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). HUD requires Community Development Block Grant (CDBG) and HOME Program entitlement communities to review these goals on an annual basis.

City Council is seeking the input of citizens and other interested parties regarding the approved goals. A 15-day public comment period to receive citizen input regarding these goals was initiated on December 27, 2021, through a legal notice published in The News and Advance.

There was no one to speak in favor or opposition, either by phone, email, or in person, so the public hearing was closed.

Councilmember Wilder made the motion to approve the resolution. Councilmember Taylor seconded the motion.

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

Ayes: Reed, Faraldi, Dolan, Wilder, Taylor, Helgeson, Misjuns	7
Noes:	0

// In the matter of Rezoning, Agenda Item #6, Council considered adopting a resolution that would amend the Future Land Use Map (FLUM) and an ordinance that would rezone 615, 619, 623, and 651 Leesville Road to allow the construction of one hundred nineteen (119) townhomes and associated parking. Ms.

Rachel Frischeisen, Planning Tech II, provided the staff report. Bob Conner, Inc. is petitioning to rezone approximately twenty-eight and thirty-seven hundredths (28.37) acres located at 615, 619, 623, and 651 Leesville Road from R-1, Low-Density Residential and B-1C, Limited Business District (Conditional) to R-4C, High-Density Residential District (Conditional). The proposed rezoning would allow the construction of one hundred nineteen (119) townhomes and associated parking. The City's Future Land Use Map recommends Low-Density Residential and Resource Conservation uses for 619 and 651 Leesville Road, Institutional use for 615 Leesville Road, and Neighborhood Commercial for 623 Leesville Road. The petition proposes to amend the Low-Density Residential portions of the FLUM to High-Density Residential. The petitioner had voluntarily submitted a proffer for substantial compliance with the concept plan prior to Planning Commission. After a neighborhood information meeting was held by the petitioner on December 20, 2022, five additional proffers were submitted in response to neighbors' concerns:

1. The townhomes are to be "for sale" units.
2. All new utilities are to be underground.
3. The petitioner will not develop homes or trails within the floodplain or to the east side of Burton Creek; thereby conserving nearly 12 acres of the parcel. This area will remain as Open Space.
4. The roads within the property will be private roads. To avoid the need for a left turn lane on Leesville Road, the entrance will be a right-in/right-out configuration.
5. There will be a property owner's association to provide upkeep on site including snow removal and lawn maintenance. Lighting will be no more than 15' in height.

Mr. Trent Warner, Engineer for Hurt & Proffitt, stated that he represented the petitioner, Bob Conner, Inc. He explained that Victory Church was selling the land to the petitioner. He noted that the topographical features of the property, specifically the stream and the flood plain, prevented the site from being developed by-right due to the limited number of developable units.

Citizen Mr. Tannis Smith, 1233 Grove Road, spoke in favor of the item. He said that the roads in Vista Acres were not wide enough for school buses or firetrucks and on-street parking. He said that he supported multi-family housing because of the traffic issues, and he supported open space preservation.

Citizen Mr. Timothy Santiago, Lynchburg, spoke in opposition to the item. He stated that traffic in the area was already congested, and the proposed development would not improve traffic. He said that the road was not wide enough to safely support the traffic.

Citizen Ms. Charmaine Davis, Temple Circle, spoke in opposition to the item. She stated that she opposed the proposal because the infrastructure was unable to support the development. She stated that the traffic at Heritage High School was dangerous, and there were near-death experiences every morning. She said that development should not be approved until the traffic was improved and made safer.

Mr. Warner provided a rebuttal. He stated that a traffic study was performed with the townhome layout. He noted that Leesville Road was four lanes wide, so a turn lane would require right-of-way. He said that the traffic study indicated an issue with Leesville Road, but it was an issue throughout the whole corridor and was not related to the proposed development. He said that the petitioner proffered a right-in/right-out system for entering and exiting the development to increase safety. He stated that the interior roads of the townhome development would be privately maintained.

Mayor Reed closed the public hearing.

Councilmember Helgeson made the motion to deny the resolution. Councilmember Misjuns seconded the motion.

Councilmember Helgeson stated that there was enough density in the area.

Councilmember Misjuns stated that multi-family homes posed a higher risk for firefighters and fire suppression capabilities. He said that until the City received an additional ladder truck to support more multi-family complexes, it did not have the available safety resources to accommodate the development.

Councilmember Dolan asked what development could take place on the site by-right. Ms. Frischeisen responded that the property was limited to single-family development. She noted that an owner-occupied duplex could be constructed, but the density could not go beyond single-family.

Mr. Freedman clarified whether the motion was to deny both the resolution and the ordinance or just the resolution. Councilmember Helgeson responded that the motion was to deny only the resolution.

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

Ayes: Faraldi, Wilder, Taylor, Helgeson, Misjuns 5

Noes: Reed, Dolan 2

Councilmember Helgeson made the motion to deny the ordinance to rezone the property and stated that increasing density would have a negative impact on surrounding properties. Councilmember Misjuns seconded the motion.

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

Ayes: Reed, Faraldi, Wilder, Dolan, Taylor, Helgeson, Misjuns 7

Noes: 0

// In the matter of Parks and Recreation, Agenda Item #7, Council considered adopting a resolution approving the Parks and Recreation Master Plan as part of the City of Lynchburg's Comprehensive Plan 2013-2030. Ms. Rachel Frischeisen, Planning Tech II, provided the staff report. The purpose of the Lynchburg Parks and Recreation Master Plan is to assess the City’s public parks and recreation system and define how to best enhance these services throughout our community. The plan, developed by Lose Design with significant input from the Lynchburg community, provides recommendations to help guide future programs, parks, and recreational capital improvement projects over the next decade. The Master Plan is designed to be a flexible working document that establishes an overall vision for the City's future parks and recreation system. Once adopted, staff will explore opportunities and potential funding mechanisms, as resources permit, to implement the recommendations.

Vice Mayor Faraldi requested that the public hearing be extended by one more meeting to give the new Councilmembers the opportunity to read and review the Parks and Recreation Master Plan. Mr. Freedman explained that the public hearing could be opened at the present meeting and then extended and continued to the next hearing on January 24, 2023.

Mayor Reed opened the public hearing.

Citizen Mr. Timothy Santiago, Lynchburg, spoke in favor of the item. He requested that the Council help better the City and allow it to continue to grow in the ways that it needed.

Citizen Mr. Nathan Wyeind, Second Ward Second Precinct, spoke in favor of the item, particularly the proposed trails, and greenways. He stated that if the plan were approved, the City would construct a transportation system, and the inner loop was similar to Route 501 for bicycles. He noted that the master plan would connect parts of the City that had been inaccessible to pedestrian traffic. He requested that the Council approve the item.

Citizen Mr. Brandon Jones, Grace Street, spoke in favor of the item. He stated that he enjoyed the current trajectory of developments for the parks. He noted that he often utilized the park amenities and facilities and appreciated their availability to the public.

Citizen Mr. Andrew Glover, Fourth Ward, spoke in opposition to the item. He noted that he supported the Parks and Recreation Department and frequently used park facilities. He said that to get to any park from his house, he had to drive 15 to 20 minutes. He stated that the Fourth Ward was a parks desert as identified in the proposed master plan, however, there were no proposed projects for the ward besides maintenance projects. He noted that building greenways were expensive, and connecting the trail systems was one of the largest expenditures. He suggested that funding be focused on trail maintenance.

Clerk of Council Ms. Alicia Finney stated that one letter was submitted for comment by Ms. Marilyn Martin who overall supported the master plan but asked that staff consider moving parks and trails maintenance from Public Works staff to Parks and Recreation staff.

Mayor Reed noted that there was a consensus to extend the public hearing to the January 24, 2023 meeting and consider the resolution after the conclusion of the public hearing.

// In the matter of Public Comment, Agenda Item #8, Citizen Mr. Brandon Jones noted illegal activities were going on in the City, and he requested if there were ways for the police to look into such instances that were otherwise deemed low priority. He stated that he often reported the activity that he saw.

// In the matter of Public Comment, Agenda Item #9, Citizen Mr. Timothy Santiago stated that he would discuss the failures of the public transportation system. He noted that the buses for Routes 1, 4, 9, and 10 were running slower schedules or canceling routes altogether even though they were the most frequently used routes. He said that the unreliable bus schedules forced people to find alternate transportation that cost more money, and if they were unable to afford the transportation, then they risked losing employment. He requested that the Council instruct the City Manager to look into the failing system to determine methods of improvement.

// In the matter of Public Comment, Agenda Item #10, Citizen Mr. Curt Diemer spoke on behalf of the group, Let's Make Lynchburg a 2nd Amendment Sanctuary. He thanked the Council for approving the resolution to make the City a 2nd Amendment Sanctuary City. He stated that his leadership team included Mr. Chris Sheridan, Mr. Martin Misjuns, Ms. Dahlia Windowwalker, Mr. Ryan Thomas, Mr. Ben Summers, Mr. Isaiah Knight, Mr. Wes Gardner, Mr. A.J. Richards, Mr. Keysean Jackson, Mr. Phil Van Clief, Ms. Angie Diemer, Mr. Mike Graham, and Mr. Larry Doughty. He provided a petition from Change.org with over 3,000 signatures to the Council. He stated that there were 20,000 gun owners in the City. He noted that passing the resolution sent a message to criminals.

// In the matter of Public Comment, Agenda Item #11, Citizen Mr. Isaiah Knight stated that he represented Virginia Families PAC. He said that tax relief was important, and citizens had worked hard to obtain a Republic majority on the Council. He noted that two Republicans voted against the measure to provide immediate tax relief at the earlier work session meeting. He said he was disappointed that there was no unity or immediate tax relief.

// On motion of Councilmember Misjuns, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss the potential resolution of a pending City law-enforcement lawsuit pursuant to Section(s) 2.2-3711(A)(7) - (A)(8) of the Code of Virginia, 1950, as amended.

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

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

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

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:		0

// The meeting adjourned at 9:00 p.m.

Clerk of Council