

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of December 2019, at 4:00 p.m. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The following members were present:

Present: Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder, Beau

Wright, Treney Tweedy 7

Absent: 0

// In the matter of Budget, Agenda Item #1, Mr. Norman Yoder and Ms. Julie Moore with Brown Edwards were in attendance to give Council a presentation on the audit. Mr. Yoder commented that the financial summary shows a clean report for the City of Lynchburg. He mentioned that the City's assets have crossed a billion dollars and the City's liabilities total a little more than 600 million. He pointed out the statement of revenues and expenditures for the governmental funds, especially the general fund. The fund balance in the general fund at the end of the year was about \$68 million, which is a strong fund balance relative to the total expenditures of \$180 million.

Mr. Yoder also pointed out the budgeted versus actual results for the school operating fund. He pointed out a return of funds of about \$5 million. One of the reasons for that is an exceptionally good year at the schools in their health insurance reserve.

Mr. Yoder directed them to a summary of the whole audit and is called the Schedule of Findings in Question Costs. Number one is the unmodified opinion on the financial statements as a whole. Number two, there were no significant deficiencies or material weaknesses identified in the controls at the City or the schools. They test various areas of compliance both state and federal and there were no findings there. He remarked that the City was not determined to be a low-risk auditee. The reason for this is that there was a material weakness found at the schools because of a new payroll package. That situation has been rectified and there is an update provided in the audit report. However, for two years after a material weakness, a locality cannot be considered a low-risk auditee. That means that they have to test a larger percentage of the City's overall federal expenditures.

Council was provided a letter with internal control comments for schools, some IT related ones. These are suggestions and are not significant findings. He thinks that in the letter regarding the same to the City, there was only a couple of disclosure and economic interest statements that were not filed in a timely manner.

Mr. Yoder commented that this was a fairly clean audit and he was available to answer any questions.

Councilmember Perrow commended the budget and management staff on the clean audit and commended LCS for cleaning up the material finding. He hopes the City is a low risk auditee in the future. Councilmember Perrow said he has been made aware of an organization that had the same auditor for the past 15 years or so. However, they found significant deficiencies in their books when they changed bookkeepers to the point that there may have been criminal activity. Councilmember Perrow would like to know what Brown Edwards does to make sure that there are fresh eyes looking and the tests are being done and they are not falling into complacency. Mr. Yoder acknowledged that this topic has received a fair amount of attention over the last 20 to 30 years. There has been debate about whether auditor rotation should be required. Most that have studied do not think an auditor needs to be rotated but things need to be in place to make sure that complacency does not set in. Mr. Yoder said they have had many of their municipal clients for years and they care a great deal about audit quality. Brown Edwards rotates partners on

engagements such as the City of Lynchburg. Other things are the tone of an organization and Brown Edwards' expectations of its audit staff. He said they have brainstorming sessions for each job and talk about the risks and what to look for and so forth. Councilmember Perrow noted that this organization thought everything was fine and it shows how much we depend on an independent audit.

Mr. Yoder thanked staff for all their good work. The ten or 15 minutes he spends in front of Council represents hundreds of hours of work on both sides.

// In the matter of Budget, Agenda Item #2, Ms. Donna Witt addressed Council about its fund balance policy. At Council's request, Ms. Witt brought has brought them some language to consider in regards to growing its fund balance incrementally to 15 percent. Ms. Witt explained that they did not want to set the goal of reaching 15 percent as a specific goal within a specific period of time. If there is a downturn in the economy or competing priorities, she did not want to see Council have to cut a service in order to put more money aside in a fund balance. The language is written to stress that our goal is a 15 percent unassigned fund balance but it is based on how our revenues are growing and taking into account competing priorities.

Ms. Witt pointed out a change to the debt management policy. The total tax supported debt has been stricken. The credit rating agency no longer looks at that item. Ms. Witt mentioned that these two items are the only changes to the policies.

Councilmember Helgeson spoke on behalf of the Finance Committee. The committee thought the policies changes are good and appreciate what staff is doing and how it is suggesting they set aside more money in reserves. The Finance Committee recommended approval of the policy changes and he made that motion on behalf of the Finance Committee. Councilmember Helgeson noted that the five percent increase in the fund balance equates to \$10 million, which equates to 16 cents on a real estate tax rate. He hopes they propose to do this incrementally and have it presented to them each budget year. Councilmember Wright feels this policy will put us on the right track and he is excited to support it.

The motion passed by the following vote:

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

// In the matter of Community Development – Zoning Ordinance, Agenda Item #3, Mr. Tom Martin summarized a presentation on single-family development standards for Council. This is in response to a request made by City Council a few months ago.

Mr. Martin explained that the Zoning Ordinance defines a detached dwelling as “a building containing only dwelling units surrounded by yards or other open area on the same zoning lot.” A single-household dwelling is defined as “a building containing not more than one (1) dwelling unit and occupied by not more than one (1) household. These dwelling are allowed in many of the City's zoning districts but for the purposes of today's discussion, they are being talking about in the R-1 and R-2 districts. R-C allows single-family homes but those parcels have very distinct characteristics and there are really not many R-C parcels in the City.

Mr. Martin showed Council a map showing the R-C, R-1 and R-2 districts in the City. He explained that R-C, Conservation, parcels have to have a minimum of 10 acres to be buildable. R-1, Low Density Residential have to

have a minimum lot size of 15,000 square feet and density is allowed at 2.9 units per acre. R-2, Low-Medium Density Residential has to have a minimum lot size of 10,000 square feet and density is allowed at 4.35 units per acre.

Councilmember Perrow noted there seems to be a disproportionate amount of R-C lots in the Tyreeanna area as compared to other parts of the City. He wondered if that puts a hardship on that area in terms of development. Mr. Martin said that could be looked at during the revising of the Tyreeanna Plan. He would need to look into the reason why there is so much R-C land in that area and felt that Councilmember Perrow made a very good point. Mr. Martin noted there are other issues associated with development in this area such as the availability of water and sewer.

Mr. Martin noted another development standard, which is the necessity for improved, dedicated street that extends across the entire frontage of new lots. The street width requirements are fifty feet of right-of-way with twenty feet of pavement.

The subdivision ordinance also requires that subdivisions of five lots or more connect to public sanitary sewer and public water where accessible. Accessibility is determined by the number of lots multiplied by 100 feet. For example, a five-lot subdivision would be considered accessible if there is public water and sewer within 500 feet.

Subdivisions of five lots or less may be served by private well or septic if there are no new roads required and public water and sewer is not available. Lots served by only one utility (water or sewer) have to be a minimum of 20,000 square feet. Lots served by neither utility (public water or sewer) have to be 25,000 square feet. Lots also have to meet Health Department requirements. Councilmember Perrow thinks that is a perfectly reasonable requirement from a public health perspective. Mr. Martin explained that subdivisions of six lots or more without public water and sewer can be approved by City Council. Each lot must be an acre in size and have sufficient area for drain fields. Easements have to be provided for future public water and sewer extension.

The subdivision ordinance also requires that new residential streets have curb and gutter per the City's Manual of Specifications. Sidewalks are required on one side of all new residential streets and both sides if vehicle trips exceed 6,000 per day. Street trees are also required. In answer to a question from Councilmember Helgeson, Mr. Martin commented that the Manual of Specifications is minimum engineering standards that are adopted by the Engineering Division. They can change; however, the City receives maintenance dollars based on how we construct our streets. A lot of the standards are VDOT standards and if we want the maintenance dollars, we have to build the streets to a certain standard. Dr. Reid Wodicka clarified for Councilmember Helgeson that we get maintenance dollars for all the roads and secondary streets and in order to receive those funds, all roads have to meet VDOT standards. Dr. Wodicka explained that counties are different because the streets are typically maintained by VDOT. Dr. Wodicka said he could not speak to that in any more detail. He acknowledged that our standards are above VDOT's minimum standards but they feel that leads to a better community. Mr. Martin said Council would need to have that discussion with the Engineer Division if it would like to know about the actual standards and what may be done to reduce costs.

Staff looked at data for the past five years and had a chart of single-family homes built in the City and surrounding counties. The number of those built in R-1 and R-2 districts in the City has stayed fairly consistent over

the past five years. Mr. Martin pointed out that when they compare the City's numbers to the surrounding counties, Council needs to remember that the City is much smaller than the counties. The number of single-family homes being built in the City is very proportional and we are capturing a good share. In answer to a question from Councilmember Wright, Mr. Martin thought it was a fair assumption that the homes being built in the City are now occupied. In answer to a question from Councilmember Perrow, some of the homes are a part of subdivisions. They are not all single building permits.

Mr. Martin pointed out that the map also shows the amount of vacant land zoned R-1 and R-2 and indicated it is about 3,051 acres. It captured parcels with a land value of six thousand dollars or less. The map does not include large tracts of land that have only one house on them that could be subdivided.

Mr. Martin outlined some of the perceived barriers to development in the City. One is the land cost. The average vacant residential land sale is \$23,980 per acre. The infrastructure costs for the road frontage and utilities total \$511.25 per foot of road frontage. A developer is looking at \$33,832 per 15,000 square foot lot with 100 feet of road frontage. This does not take into account the costs for designing the road and infrastructure. Mr. Martin said the cost for a foot of road in the counties is somewhere between \$300 and \$350. Councilmember Perrow feels that the assessed value for homes is probably less than the investment cost. Mr. Martin said he understood Councilmember Perrow's point and they could talk to the assessor regarding this information. Councilmember Perrow noted that developers have to sell a lot for the cost of the land and the amount it will or has cost them for improvements and that is where it gets cost prohibitive. Some other perceived and some real barriers to single-family development are the City's topography, flood plains, landlocked parcels, water/sewer availability, stormwater management, land availability and market conditions.

Mr. Martin acknowledged Councilmember's Perrow about development costs but would like to discuss with them what the City has done and continues to do to try and address some of these perceived barriers. The City pays for 100 percent of the cost of extending water and sewer to the subdivision boundary based upon economic feasibility. For example, if 500 feet of water/sewer line is needed, at least five lots would need to be developed. If 5,000 feet of water/sewer line is needed, 50 lots would have to be developed. Past Councils have expressed their concern with the perception that the City is not seeing enough single-family development and since 1989 things like this have been put in the ordinance to try and offset some of the higher costs.

The City also cost shares curb, gutter and sidewalk at a 50/50 ratio. Councilmember Perrow thought they had removed that and Mr. Martin said that was only for commercial development. The commercial development cost sharing was never codified and a policy decision was made to discontinue doing it. The City also allows for the development of flag lots with fifty feet of road frontage if it is the only feasible way to develop a parcel.

Mr. Martin highlighted several things that have been addressed in the Zoning Ordinance to encourage single-family development. Lots existing as of July 11, 2011 may provide access on dedicated improved street extending a minimum of 25 feet past the driveway entrance. Lots existing prior to September 12, 1989 may be accessed by a perpetual unobstructed easement at least 30 feet in width. In February 2016, the Zoning Ordinance was amended to allow a reduction in setbacks and lot sizes to encourage infill development (neighborhood norms).

Another new standard in the 2016 Zoning Ordinance is a Residential Cluster Subdivision. It allows up to a 50

percent reduction in the required lot size and setbacks to create residential cluster. It allows the density of the underlying zoning district, undeveloped land is preserved in open space and it reduced infrastructure costs by shorter water, sewer and road construction. Mr. Martin had an example to show them of a development discussed recently with a developer. A typical subdivision layout would have only yielded 49 lots on a 31 acre tract. With the cluster development concept, they can get 71 lots out of the 31 acres and retain 30 percent open space. The developer said he would not be considering this development without the cluster development option because of development costs. In answer to a question from Councilmember Helgeson, Mr. Martin said this differs from a Planned Unit Development (PUD) because a PUD allows for different housing types. The cluster subdivision only allows for detached housing and has the requirement for open space.

The City's population was estimated to be around 80,000 in 2018. That is an increase of over 6,500 people since 2010. Campbell County only increased by 131 people. Amherst declined by 688 people. Bedford County increased by 4,000 people. The *Comprehensive Plan* recognizes that the City's boundaries are unlikely to expand so the City will need to provide opportunities for great densities in areas where they can be compatibly integrated with existing neighborhoods.

Councilmember Wilder asked Mr. Martin if they have tried to address developers' concerns that have been expressed to staff. Mr. Martin said they always talk to developers about what the City can offer them. They have been talking to developers about the residential clustering option and Mr. Martin believes it will encourage more single-household development. Councilmember Wilder asked if there was a better way the City could make developers aware of the various options the City has to offer. Mr. Martin suggested they might be able to promote the residential clustering on the City's website or possibly by working with Economic Development. Councilmember Wilder said he is glad to hear the City has options available and tries to make concessions for development. He would like staff to do whatever they can to help promote these options to the developers in the community.

Mr. Martin explained that the residential clustering allows for a 50 percent reduction in lot size. Theoretically, it allows a developer to do shorter street extensions and shorter water and sewer line extensions. In answer to a question from Mayor Tweedy, Mr. Martin said this clustering applies to new subdivisions and not infill development, unless the person had a very large lot.

Mayor Tweedy said she has heard from developers about things they felt would have made the price point better for infill development and she asked Mr. Martin if they are doing anything to incentivize that type of development. Mr. Martin said they attempted to do that with updates to the Zoning Ordinance and would love to listen to other suggestions. Mayor Tweedy said the cost of hooking up to the City's water and sewer was a cost that was specifically mentioned. Dr. Wodicka indicated staff has not really talked about that issue but could certainly consider it.

Councilmember Perrow noted that this Council has supported slowing down traffic by putting them on a "road diet," such as approving two-way traffic downtown, which effectively narrows the street and slows down traffic. He thinks that a wide street does incentivize people to go faster. He thinks they might want to look at their standards and see if we can get on a "road diet" in our residential subdivisions in order to slow traffic and make it more

conducive for pedestrians. Mr. Martin agreed that wider streets do promote speeding and the photo he had provided them earlier of a newer versus an older street in Lynchburg speaks for itself.

Mayor Tweedy asked if our map shows areas that are prime for residential clustering. Mr. Martin said our *Future Land Use Map* shows areas that the City would like to see developed as low-density development. Sometimes developers ask staff to help them find tracts of land for a certain type of development (both commercial and residential) and staff will do so. Councilmember Wilder suggested that Community Development work with Economic Development and have an informational session to let them know what is available.

Councilmember Wright wondered if they are disincentivizing single-family development because they are approving so many apartment complexes. Mr. Martin thinks that proportionately Lynchburg is capturing its fair share of the single-family household dwellings proportionately to the counties. Council still has to talk about what is the highest and best use of the property. Council may want to look at whether or not single-family detached housing actually pays for itself, which is a difficult conversation to have. Ms. Svrcek said typically it does not. Councilmember Helgeson said a townhome full of school aged children using services could not even remotely pay for itself. Mr. Martin said he does not have the data in front of him but we are talking about assessed value of one versus assessed value of another.

Councilmember Helgeson noted that the more that we put in densely populated areas, the less elbow room we have. The more we make approvals for rezonings, it does not help us economically because you have a larger supply with the same demand. If you have a smaller supply and the same demand, prices go up. Mr. Martin said the City has 50 square miles and an increasing population and a limited availability of R-1 and R-2 land. We have said it since at least the year 2000 that if the City wants to grow, it is going to have to become denser. Councilmember Helgeson asked what is the importance in growing in population and Mr. Martin said “retail follows rooftop.” Councilmember Helgeson pointed out people can come from other areas to shop here and they also shop online. Mr. Martin said he is not sure what the right answer is and the topic of how the City is going to grow in the future is a good discussion for us to have periodically. Mayor Tweedy noted that as we improve the quality of life here, we are going to see people that want to benefit from those amenities. This is why she asked about encouraging infill development because that may be where we get some traction.

// In the matter of City Code, City Council Compensation, Agenda Item #4, Ms. Svrcek explained that it has been staff's practice to bring them ever two years prior to a Council election an opportunity for them to review their compensation to see if they want to change either their salaries or benefits and to receive budget guidance as we prepare the FY 2021 proposed budget. State code states that no increase in salary shall take effect until July 1 after the next regularly scheduled election of councilmembers. Code also states that any proposed increase in the salary of members be adopted at least four months prior to the next election. For our population category of 75,000 to 174,999, the salary for the mayor shall not exceed \$25,000 and \$23,000 for councilmembers. The mayor's and councilmembers' salaries are \$12,000 and \$10,000 respectively and have not changed since 2008. Currently, Council is not eligible for any benefits.

Mayor Tweedy thinks that if you want a diverse group of people and more people interested, you have to pay them more. A person is fine to serve if he or she is a professional with a flexible and schedule or has an employer

that is very flexible because he values the role of a public servant. There are others with great leadership skills that want to serve their community and they have to be able to help support their families. With a City like ours that is growing, it takes a lot of time and she does not really think the public understands the amount of time that a councilmember spends on the work. She supports a pay increase or benefits. You love public service but you have to survive too.

Councilmember Wilder said it takes a lot of hours of a person's time to do this job and you have to have a flexible job that allows a person to do it. He commented how much time he spent this weekend reading the agenda packet and the numerous emails he received about the Second Amendment. He noted that Charlottesville has about half the population of Lynchburg and pays almost twice as much to its mayor and councilmembers. He would suggest they change their salaries to Charlottesville (\$20,000 and \$18,000) or something close to it.

Vice Mayor Dolan noted that she is retired and has all kinds of time to do what she wants. She is sensitive to those that do not have that kind of time; however, she would not be able to vote for a raise in good conscience because we have City employees working two and three jobs to make ends meet. She would hate to have someone sitting in this seat for the money. They are a public servant.

Councilmember Wilder thinks they are all committed to public service. He noted that he has to work this job and other jobs just to make it.

Councilmember Perrow asked Ms. Svrcek when Council reduced its salaries because of budget. Ms. Svrcek said they increased their salaries in FY 2009. Councilmember Perrow noted that he came on Council in 2008. It was not actually a change in the code. Council chose not to fully fund its salaries in the budget for a few years. Their salaries were fully funded again around 2012 to 2013. Councilmember Perrow noted that there were some changes made in the structure of Council's meetings so they were not being held in the early afternoon. Councilmember Perrow has never seen this as a job. He has seen it as a calling. He thinks it would be wrong to consider this a job because maybe then he should have an office and be down here all the time. The mayor's position is different because he or she needs to be able to receive guests. He would not endorse changing their salaries. He thinks you have to do this because you love the job and not because it is a supplemental source of income.

Councilmember Wright is not sure how he feels about this topic. Doing some math though and assuming a councilmember puts in 15 hours, which is not unusual, that comes to \$12.82 an hour. If a councilmember put in 20 hours a week, which is also not unusual, it comes to \$9.61. There is a practical concern, which is wear and tear on your vehicle and gas. Those expenses are defrayed somewhat by the compensation. He would also echo the mayor's comment about diversity. It is a privilege to serve here but he thinks it also requires privilege to serve here in a lot of respects. If we want to make this body more accessible to more members of the community, he thinks they could take steps to make it more equitable so that more folks can actually make this job a reality.

Councilmember Nelson agrees with what has been said about incentivizing a greater diversity of participation of persons. He thinks he probably puts in around 25 hours a week, so we do not do it because of the compensation. He would not vote for any benefit that would come to him within his term.

Mayor Tweedy noted that the mayor spends a great deal of time being accessible to multiple areas, people and

groups. She would like to make everyone aware that these are part-time roles and it is always about the public service.

Councilmember Wilder asked for clarification that they could approve a raise but would not necessarily have to take it. Councilmember Helgeson noted the amount could be in the City Code but then not funded at a later date. Ms. Svrcek said that is correct. Councilmember Wilder noted he is up for reelection in May and he is not sure whether or not he is running. He is thinking about people in the future. He makes a motion to increase each salary level by \$4,000. The mayor would receive \$16,000 and a councilmember would receive \$14,000. The motion was seconded by Mayor Tweedy.

Councilmember Helgeson commented that the Clerk of Council sends them a lot of event invitations. Many of them the mayor tries to attend. The mayor is also asked often to do proclamations. The mayor does not have to go to all of them but people appreciate it. She showed up at the Finance Committee meeting this morning, which she is not even a member of; she does the same for the Physical Development Committee. It is obviously not about the money and is about the service. We want people to run and he has talked to many people that say they cannot run because they cannot afford it. Having the amount in City Code does not mean that it will be funded.

Councilmember Perrow does not think he can support this motion because there are already constraints in the upcoming budget. He is sure there is going to be pressure for a pay increase for many of our City employees. Those will likely be small percentage raises so it is hard for him to justify a 40 percent pay increase for Council. Councilmember Helgeson recognizes the percentage does not look good but it is a total of only \$28,000 in the budget, if it even gets funded. He thinks the issue is looking at the future and future councilmembers.

Mayor Tweedy noted that it takes a lot to be present to a City of 80,000 people. It is a reality that we are a growing City and it takes more meetings and engagements if you are doing it well.

Councilmember Helgeson noted that this is supposed to be done four months before the election and the election is in May. Ms. Svrcek noted their meeting in January 2020 would be too late because the election is May 5 and the meeting in January is the 14th. The motion passed by the following vote:

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

// In the matter of Roll Call, Agenda Item #5, Councilmember Nelson had no items.

Councilmember Perrow commented the Christmas Parade being fun. He thought it was a really good event and the more it happens in Midtown, the more he likes it. It is very accessible to a larger group of people.

Councilmember Helgeson echoed those comments. He thought it was great and it was easy for people to get to and lots of food options available.

Councilmember Wright congratulated the Lynchburg Downtown Association and all their partner organizations for the Christmas tree lighting down at the Craddock Terry Hotel. He also congratulated the City on the groundbreaking for the Langhorne Road trestle project to extend the Blackwater Trail from the Ed Page entrance over to Linkhorne Road. Also, he had a great experience recently when he went to the Diamond Hill Community Center and got to meet the team and some of the folks that use the center. It looks great and he is really proud that this institution exists in our City along with the other neighborhood centers.

Councilmember Wilder congratulated Jane White on always doing an awesome job in our community in recognizing the history of Lynchburg. This past weekend a marker was dedicated for Morris Alexander, a nationally known caddy. His family came from all over the weekend and Councilmember Wilder thanked Oakwood Country Club for hosting the event. He thanked all the men that participated in Moustaches for Kids. Over \$185,000 was raised in one month for children in our community. Councilmember Wilder won a Moore & Giles for his fundraising efforts.

Vice Mayor Dolan had no items.

Councilmember Helgeson mentioned that this is the first year that Liberty University has been in the Football Bowl championship series. It has qualified for the Cure Bowl, which is fabulous. Congratulations to them; this should be great for Lynchburg as they move up in the division.

Councilmember Perrow noted that a press release just went out saying that Lynchburg ranks #55 in the country for affordable homes. It is a Harvard study and the relevant data shows that 93.02 percent of Lynchburg homes were affordable to the average household living there. Homes were considered to be affordable if the required monthly payment was less than 31 percent of the median monthly household income.

Mayor Tweedy had the following announcements:

a. On Thursday, December 12th from 4:30 p.m. – 7:30 p.m., the public is cordially invited to attend an open house for the development of the Dearington Neighborhood Plan. This kick-off event will take place at the Dearington Elementary School for Innovation, 210 Smyth Street, in the school's cafeteria. This is a collaborative effort between the City of Lynchburg and the residents of Dearington to help plan the neighborhood's future. Current and former neighborhood residents are encouraged to attend the open house and share information. In addition, there will be an opportunity to visit information stations set up throughout the cafeteria with representatives from various community organizations to discuss available resources. Complimentary pizza and other refreshments will be provided, and adults in attendance can register to win gift cards to local establishments. There will also be kids' activities available during the open house.

b. The Blue Ridge and James River Chapters of the Daughters of the American Revolution, in cooperation with the Old City Cemetery in Lynchburg, are proud to sponsor our 12th Anniversary Wreaths Across America ceremony on Saturday, December 14, at 12:00 noon. This event is free and open to the public. Please arrive early as parking within the cemetery is very limited and the cemetery gates close at 11:45 a.m.

c. In preparation of its 2020-2024 Consolidated Plan, 2020 Annual Action Plan and Analysis of Impediments to Fair Housing Choice, the City of Lynchburg is seeking community input. Two public meetings are scheduled on Tuesday, December 17 and Wednesday, December 18, 6:00 p.m. - 7:00 p.m. each evening. Both meetings will be held at the Miller Center, 301 Grove Street, Room 205. This facility is handicapped accessible with free parking.

// On motion of Councilmember Wilder, seconded by Vice Mayor Dolan, Council by the following recorded vote elected to hold a closed meeting to discuss appointments to the Building Code Appeals Board, Community Development Advisory Committee, Horizon Behavioral Health Board, LYNCAG Board, Lynchburg Regional Airport Commission, Planning Commission, Transit Company Board of Directors and Youth Services Citizens Board:

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

// Agenda Item #6 - On nomination of Councilmember Helgeson, seconded by Councilmember Perrow, Council by the following recorded vote appointed Andrew Flint and Jody Miller to the Building Code Appeals Board for terms ending September, 2023:

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

// On nomination of Councilmember Helgeson, seconded by Councilmember Perrow, Council by the following recorded vote reappointed Susan Murray, John Hughes, III, Valerie Harris and Councilmember Beau Wright and appointed Leonard Briley, Mandze Dyke and Councilmember Wilder to serve on the Community Development Advisory Committee for terms to expire December 31, 2020:

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

// On nomination of Councilmember Helgeson, seconded by Councilmember Perrow, Council by the following recorded vote reappointed Betty Brickhouse to serve on the Horizon Behavioral Health Board for a term to expire December 31, 2022:

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

// On nomination of Councilmember Helgeson, seconded by Councilmember Perrow, Council by the following recorded vote reappointed Debra Allen and appointed Janice Crawford to serve on the Lynchburg Regional Airport Commission for terms to expire December 31, 2022:

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

// On nomination of Councilmember Helgeson, seconded by Councilmember Perrow, Council by the following recorded vote reappointed Robert C. Light, Jr., and David Perault to serve on the Planning Commission for terms to expire December 31, 2022:

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

// On nomination of Councilmember Helgeson, seconded by Councilmember Perrow, Council by the following recorded vote appointed Tyeast Blanding, Amber Davis, Vice Mayor MaryJane Dolan, Tremayne Edwards and Vivian Miller to serve on the Youth Services Citizens Board for terms to expire June 30, 2022:

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

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

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

// The meeting was recessed at 6:30 p.m.

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

Present:	Mary Jane Dolan, Jeff Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling Wilder, Beau Wright, Treney Tweedy	7
Absent:		0

// Vice Mayor Dolan gave the Invocation, followed by the Pledge of Allegiance led by Girl Scout Troop 9200.

Mayor Tweedy presented certificates to the following girls from the troop: Savannah Assent, Charlotte Assent, Claudia Arp, Luci Ashare, Miriam Boyers, Alexis Day, Hailey Day, Aubrey Hopkins, Ellery McLemore, Caroline Pollard, Brielle Ramirez, Claire Terry and Eva Wilson.

// In the matter of Recognitions, Chris Adams from the Lynchburg Fire Department was recognized as the Governor's EMS Provider of the Year. Fire Marshal Gregory Wormser was also present to help with the presentation of the award. For more than thirty years, the Virginia Office of Emergency Medical Services has been honoring Emergency Medical Service Providers and Agencies in the Commonwealth for their outstanding contributions to the health and well-being of the citizens they serve. On November 9, 2019 Captain Chris Adams became the recipient of the Governor's Award for Outstanding Pre-hospital Provider in the Commonwealth of Virginia. Chris was selected by his peers and State Officials for this award from nominations that were received from eleven regions across the state. Fire Marshal Gregory Wormser was present to help with the recognition.

// In the matter of Recognitions, Mayor Tweedy recognized the City's IT Department for receiving the Digital Cities Award. Every year, the City participates in the national Digital Cities Survey conducted by the Center for Digital Government. This survey ranks cities across the country for how they utilize information technology to serve their citizens and improve the efficiency and effectiveness of their local government operations. The City of Lynchburg has received First Place in its population category (75,000 – 124,999). This is the 16th consecutive year the City of Lynchburg has been in the national top 10 and the fourth time it has been ranked first in its population category. The Mayor and City Manager also recognized Mike Goetz, the Director of IT, for his work and announced that he will be retiring on February 1, 2020.

// In the matter of Recognitions, Mayor Tweedy recognized two members of the Mayor's Youth Council who are attending the meeting tonight, John and Teddy Tharp.

// Copies of the minutes of the November 7, 2019 Council Retreat, Agenda Item #7, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dolan, seconded by Councilmember Wilder, by the following recorded vote, approved the minutes as presented.

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

// Copies of the minutes of the November 12, 2019 meeting, Agenda Item #8, having been previously furnished Council, reading was dispensed with, and on motion of Vice Mayor Dolan, seconded by Councilmember Wright, by the following recorded vote, approved the minutes as presented.

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

// In the matter of Community Development - Conditional Use Permits, Agenda Item #9, a public hearing was conducted regarding the petition of HumanKind for a Conditional Use Permit at 150 Linden Avenue to allow the construction of recreational facilities including athletic fields, swimming pool, and parking areas in an R-1, Low-Density Residential District. Mr. Tom Martin, the City Planner provided a summary of the request for Council. Mr. Bob Dendy, the President of HumanKind was present to represent the petitioner. He feels they have addressed the concerns regarding access to the campus, the type of application (a CUP instead of institutional zoning) and the retention of some requested accommodations.

Mr. Collin Byrne spoke in favor of the petition because athletic fields are very much in need in the City of Lynchburg.

Mr. David Kerr came forward to speak. He is not necessarily opposed to the project but he has met with someone from HumanKind and been promised things that have not happened and are not a part of the conditions of their conditional use permit. He does acknowledge that many of his concerns were addressed at the Planning Commission meeting. He would like to see HumanKind change its address after the new access road is constructed so people do not have to come back Linden Avenue. Traffic, lights and noise are all concerns to him. He would like to see a gate at the entrance on Linden Avenue. He does not understand why the CUP is being considered without the access road.

Mr. John Bruce came forward to speak. He thinks the conditions have addressed many of the concerns; however, he is concerned about traffic on VES Road. He would like the City to study VES Road and how they what traffic improvements might be helpful to slow down traffic. He would also like to see the construction of the access road as a condition of the CUP.

Mr. Dendy came back for a rebuttal. The changing of the address to VES Road will happen. They are also considering the possibility of putting a crash bar on Linden Avenue but would like to hear more feedback from neighbors. The new road is not a CUP item but it is something to which HumanKind is committed doing before the new elements are constructed. They have contacted a contractor and the construction of the new road should start in the spring.

There were no other persons who wished to speak and Mayor Tweedy closed the public hearing portion of the petition. Councilmember Helgeson made a motion, which was seconded by Councilmember Perrow to approve the petition. Councilmember Helgeson appreciates the diligence and patience of HumanKind. He appreciates what they will be doing for children and sports. He is concerned with the number of conditions on the CUP. He would like to see some of them removed but he assumes HumanKind has agreed to all of them.

Councilmember Perrow thinks there has been a lot of work between all parties. There has been a lot of concern from neighbors. A lot of those concerns will be alleviated with the conditions of the CUP. In answer to a question from Councilmember Perrow, Mr. Martin said the construction of the access road is not directly tied to the CUP. They could still build the athletic fields if the access road is not constructed but he has no reason to believe the HumanKind would do that. Mr. Martin clarified that the conditions in the resolution were submitted by HumanKind and not recommended by staff. Councilmember Perrow asked if the City has something in writing from HumanKind that it will construct the road. Mr. Martin said he would have to go through the file but the plan for it has been submitted.

Mr. Hank Creasy, an attorney and the chair of the board of HumanKind came forward. HumanKind is committed to building the road but it is not part of the CUP because it is not a governmental process. They have received a price from a contractor and fully expect this road to be constructed so the fields can be built. If the road is not built, the fields will not be built. Councilmember Nelson commented that he assumes that is HumanKind built the project as a CUP but did not build the new road to VES Road that it is unlikely that Westminster Canterbury would let HumanKind use their easement as access leaving them with only Linden Avenue. Mr. Creasy said that as part of the commitment with its neighbor, the easement area will be released and returned to Westminster Canterbury. It is part of the agreement with Westminster Canterbury that the project will not be built unless the new access road is built.

Mr. Walter Erwin explained that if the activity that is granted by the conditional use permit becomes a nuisance, Council can revoke the conditional use permit. That has happened once before.

Councilmember Perrow asked the City Manager to look at VES Road in a future capital planning exercise, as well as Williams Road because they could both stand a little bit of safety improvements.

Councilmember Wilder thanked HumanKind for its work in the community and for working with Westminster Canterbury to address its concerns. He would HumanKind to address some of the other concerns expressed about Linden Avenue.

Councilmember Nelson said there is no doubt that the athletic fields are needed and the good part is that it is being funded by a private entity on land that is already tax exempt. It is impressive that the parties have complied with all the recommendations that Council requested the last time they were before Council.

The motion passed by the following vote:

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

// In the matter of Community Development – Conditional Use Permits, Agenda Item #10, a public hearing was conducted regarding the Petition of Millside Development Center (Scott Zechini) to amend the previously approved

Conditional Use Permit for a Cluster Commercial Development at 1602, 1604, 1606, 1608, 1610, 1612, 1614 and 1620 Graves Mill Road to allow the construction of a twenty-two thousand three hundred (22,300) square foot assisted living facility in a B-1, Limited Business District. Mr. Tom Martin provided a summary of the petition for Council.

Mr. Michael Bryant with Hurt & Proffitt was present to represent the petitioner. The facility will serve a need in the City of Lynchburg and is similar to a use that already exists in the Millside Development Center. He explained it is a smaller use and the traffic will be reduced with this footprint as compared to what was approved with the original CUP in 2005.

There were no other persons who wished to speak in favor or in opposition. Mayor Tweedy closed the public hearing portion of the petition.

Councilmember Wilder made a motion, which was seconded by Councilmember Wright to approve the petition. Councilmember Helgeson acknowledged the need in the community for this type of facility and thanked the developer for building and investing in the City. Councilmember Wright said it was a great use of the property and they are excited for it.

The motion passed by the following vote:

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

// In the matter of Budget – Schools, Agenda Item #11, a Public hearing was conducted regarding amending the FY 2020 Budget to reflect the Return of Schools Fund Balance for ongoing activities not expended in FY 2019, and appropriating supplemental funds for both the Capital and Operating Budgets for the twelve month period beginning July 1 2019 and ending June 30, 2020. Ms. Svrcek said the Lynchburg City Schools requested the appropriation of the entire \$5,008,139 in FY 2019 operating fund balance for capital improvement program projects, the textbook and health insurance reserves, technology upgrades, software and bus engine rebuilds. City staff recommends a reduction of this request by \$1,233,075 with \$1.2 million allocated to a reserve for implementing recommendations from the Task Force on the Future of PreK-12 Education and Beyond and \$33,075 for expenses associated with the work of the task force. Funding is needed for a demographic study to be performed by the Weldon Cooper Center Demographics Research Group as well as other to be determined costs, which may include outside consultants. The reduction proposed by staff comes from a deferral of elementary gym number four for \$800,000 until the task force completes its work and the request to increase the health insurance reserve by \$433,075. The current balance in the health insurance reserve is \$2,066,925. This action is requested in accordance with an agreement signed by the Lynchburg City Council and the School Board dated December 14, 1993, which provides for the creation and maintenance of the school's 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.

Dr. Crystal Edwards came forward to speak. She would like Council to seriously consider their fund balance requests so they can do the best they can for our students and so they can create an environment that makes their staff, families and students feel comfortable, welcome and supported.

Coach Brian Farrell with E C Glass football came forward to ask for support for the E C Glass practice field. They are constantly moving soccer nets off the field because everyone uses it. The practice field would allow them to have a place to practice all the time rather than moving all over the City.

Coach Nicki Aarons with E C Glass field hockey also spoke in favor of the E C Glass practice field. She has to find places off site for the girls to practice and transport the players and the equipment in her own vehicle. There is also no athletic trainer on site for these practices.

Vondell Shavers came forward to speak in favor of the practice field. He is a graduate of E C Glass and was an athlete as well. The practice field will allow more students to be able to participate in sports and give them a safe place to practice.

Susan Morrison, the chair of the School Board came forward to ask for Council's support. They put a great deal of thought into these requests. They appreciate Council's serious consideration for our kids.

Dr. James Coleman, also on the School Board, supported Ms. Morrison's comments.

Megan Short, a student athlete at E C Glass came forward to ask for their support for the practice field. She told Council how they have to go to the stadium to practice. It is a struggle to get everyone there on time because not all the students can drive and there is no bus service. There is also no athletic trainer on site.

The coach for the girls' lacrosse team came forward to speak in favor of having the practice field. There is a definite risk to having practices off site because there is not always a portable defibrillator available. The field would allow the players to have continuous practice time. Sometimes a player cannot get back for a game because they do not have a ride.

There were no other speakers for or against the petition and Mayor Tweedy closed the public hearing portion of the petition.

Councilmember Wright made a motion to move the petition as recommended by the City Manager. The motion was seconded by Councilmember Perrow. Councilmember Wright thinks it is a reasonable compromise between the schools' original request and what has now been worked out between the City Manager and the school administration. He thinks it is productive and he is glad they are planning for and setting aside funds for what the education task force may recommend.

Councilmember Perrow thought Councilmember Wright summarized it very well. Councilmember Perrow thought the field was busy when he graduated in 1992 and they probably only had half the number of athletic teams. He is happy to support this and wishes all the athletic teams the best of success.

Councilmember Nelson appreciates all the effort and thought that went into this and thinks the City Manager's compromise/proposal is appropriate. The task force is going to come forth with some significant recommendations which are not going to be inexpensive and we need to be putting funds aside for those operational and capital expenses. It is not up to Council to tell the schools how to spend the funds allocated to them, but he does think that the plea for an additional practice field is appropriate.

Councilmember Helgeson is thinking about last year when we funded about \$100 million to the schools to educate about 8,000 kids. He voted against it because he said there is extra money in here. He appreciates schools saving this \$5 million but he is not sure it is judicious and prudent with our taxpayers' resources to turn around and

spend it right away. Normally money that is not being used goes to a capital fund and not an operating fund and he is looking at a recommendation for \$1 million to go to the school's operating fund. Ms. Donna Witt explained that there are several items that are not at the level to be capitalized and are funded through the school's operating fund. They are one-time expenses such as rugs and blinds but do not rise to the level to be capitalized.

Councilmember Helgeson likes saving the \$1.2 million for the task force recommendations but would like to see it bumped up. The athletic field could be built but then more money could be saved for the recommendations of the task force. He thinks the need for the athletic field is very evident but he does not understand the rush to spend the rest of it.

Councilmember Nelson noted his wife is a principal of one of the Lynchburg elementary schools. He does not think that this type of funding would impact her school or any of the schools to any degree. To the extent that there may be the appearance of a conflict, he discloses that he can be unbiased and without prejudice in voting and discussing this. He has been advised by both the Commonwealth and City attorneys that there is no legal conflict of interest.

Councilmember Wilder asked the City Manager if she and the school administration negotiated this compromise together. Ms. Svrcek said it is the City's recommendation but she did have a conversation with the school superintendent. She cannot speak to whether or not they are in agreement but they did have a conversation. Dr. Edwards indicated they are willing to compromise. Councilmember Wilder thinks the list of items is all things that will make our school system better. You want to keep your budget to a certain size but when you have some extra funds, there are always things that have been put on the back burner that you need. He was on the School Board for nine years and knows that there were always things they had to postpone because they did not have the funds at that time. He does not think this list is "fluff." It is all things that are needed for the kids to better their education and make the schools even better.

Councilmember Helgeson noted that the auditor said that the health insurance reserve for schools can be decreased because of its claims experience. Ms. Witt explained that the approximately \$400,000 requested by schools for the health insurance reserve is being earmarked for the recommendations of the school task force.

Vice Mayor Dolan thanked staff for their work on this. She thinks all these projects are really needed. She thinks it is a great compromise.

Mayor Tweedy said she appreciates all the advocates of the schools here today. The task force is doing some good work and we are looking for great outcomes. She thinks we need to support that financially.

The motion passed by the following vote:

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

// In the matter of Budget – Bonds, Agenda Item #12, a public hearing was conducted regarding the proposed adoption of a resolution to authorize the City to contract a debt and issue General Obligation Public Improvement Bonds of the City (the "Bonds") in the principal amount not to exceed \$32,000,000 to finance the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement, equipping, rehabilitation and repair of various public improvement projects of and for the City) including related design and architectural and

engineering services and underwriting compensation and other costs of issuance of such Bonds), including, but not limited to, the Lakeside Drive bridge project, acquisition of fleet vehicles, transportation projects, school improvement projects, sewer improvement projects, water improvement projects, construction, renovation and improvements to various City buildings, parks and recreation projects, economic development projects, and stormwater improvement projects (collectively, the "Projects"). The Resolution will also authorize the City to issue its general obligation public improvement bond anticipation notes of the City, if any, in an amount not to exceed \$32,000,000 in order to provide short-term financing for the Projects in anticipation of the issuance of the Bonds and to reduce the annual debt service requirements of the City.

Ms. Witt reminded them the Davenport & Company gave Council a report last month to explain the plan and to permanently finance the current line of credit and also to borrow not to exceed \$32 million for the design and construction of Lakeside Drive Bridge at College Lake Dam. The resolution that Council is asked to consider gives latitude to fund other projects should the bridge project come in under budget or be delayed. The maximum interest rate that we could move forward with this bond issuance is 5 percent. Because the permanent financing of the line of credit was included in the original resolution to establish the line of credit, Council is not required to do a separate resolution for it.

There were no speakers either in favor or in opposition to the petition. Mayor Tweedy closed the public hearing portion of the petition.

Councilmember Perrow made a motion, which was seconded by Councilmember Wilder, to approve the first resolution. Councilmember Perrow asked Ms. Witt what our target rate is for the interest rate. She said we are hoping to be at about 2.25 percent. Councilmember Perrow commented we are taking what amounts to credit card debt and now make that loan permanent. This is a very prudent measure to be taking. Councilmember Wilder thought Councilmember Perrow explained it perfectly.

The motion passed by the following vote:

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

Ms. Witt explained the second resolution is to appropriate the actual cost of issuance to do this bond issue. Councilmember Perrow made a motion, which was seconded by Councilmember Wilder, to approve the second resolution. In answer to a question from Councilmember Helgeson, Ms. Witt said this is to pay for bond counsel, the bond rating agencies, our financial advisor fee, official statement preparation and any other miscellaneous expenditures with this issuance. It is estimated high just in case.

The motion passed by the following vote:

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

// In the matter of City Code, Agenda Item #13, a public hearing was conducted regarding the Consideration of adding a new section 36-178 to the Code of the City of Lynchburg, 1981, relating to the establishment of a Commercial Property Assessed Clean Energy (C-PACE) Financing Program. Pursuant to the C-PACE Act, any Virginia locality may enact an ordinance authorizing a C-PACE program to provide C-PACE loans for the initial

acquisition and installation of eligible clean energy, resiliency, and/or stormwater management improvements with willing owners of qualifying properties, which may include renovations to existing improvements or new construction.

Ms. Anna Bentson from Economic Development gave a summary of the proposed ordinance to Council. It is enabled by Virginia statute and established by local governments that allow property owners to finance energy efficiency, water conservation and renewable energy projects. Property owners receive long-term 100 percent financing from qualified capital providers and repay that loan through a special voluntary real estate assessment. Eligible activities include renovations to existing improvements or new construction. City staff has also provided a recommended standard financing agreement. Economic Development believes this is another tool in the tool kit to encourage rehabilitation and renovation of older buildings in the City and sustainable development practices. Locally, they have seen interest from developers.

Simon Burgess from Winston-Salem, North Carolina came forward to speak. His development company, Mayfair Street Partners, is looking to invest in Lynchburg. They support the C-PACE program and think it would be a great fiscal benefit for Lynchburg. He thinks it would incentivize and motivate other developers and investors to enter the Lynchburg market.

There were no other speakers either in favor or in opposition to the petition. Mayor Tweedy closed the public hearing portion of the petition.

Councilmember Wright moved for approval of the ordinance. The motion was seconded by Councilmember Perrow. Councilmember Wright thinks this will be a valuable addition to our economic development toolbox and it will hopefully incentivize folks to make more investments in our community, especially since the City has no liability in this question. Councilmember Perrow thinks this is an excellent opportunity for economic development and growth of our tax base without raising our tax rate. He asked Mr. Erwin if this language is derived directly from state code. Mr. Erwin said it is based on the language but is a little more detailed than what is in the state code. It is modeled after some organizations and other localities in order to meet Lynchburg's needs. Councilmember Perrow thinks this is a great starting point and there is always the ability to tweak it later.

Councilmember Helgeson asked if there has been negative downside in places where this has been tried. Mr. Jeff Bandy said the energy efficiency aspect is superior with the lien status just below real estate taxes. The construction person would get a better rate on financing for it. The yield on these projects is not very good unless they use these types of things along with tax credits. Mr. Bandy said there is quite a bit of risk with renovation projects and this helps to mitigate that risk somewhat. In answer to a question from Councilmember Helgeson, Mr. Bandy said there is no risk to our City or our taxpayers.

The motion passed by the following vote:

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

// In the matter of Public Comment, Agenda Item #14, Curt Diemer addressed Council and presented it with a petition with 1,500 signature that requests it support making Lynchburg a Second Amendment Sanctuary City. They would like Council to uphold the Constitution and the constitution of the State of Virginia and protect Second

Amendment rights being threatened by the governor. He feels that a person's safety is mainly their responsibility and cannot be passed on to public safety individuals, no matter how good they are. He does not want citizens to be turned into Class C felons or have self-protection possibly grandfathered for him and then taken away from his kids and grandkids because he cannot pass his gun on to them. He would like them to pass a Second Amendment sanctuary resolution and keep Lynchburg what it is, a relatively safe place to live. Trust the citizens to partner with the public safety professionals. He would like them to let Richmond that we will never give up the tools that we need to protect our families. This is not a Republican or Democratic issue. It is a "life or death" issue. He would like them to make this a sanctuary city like 47 other cities and counties in Virginia have done.

// In the matter of Public Comment, Agenda Item #15, Roger Fons addressed Council about why he feels the right to bear arms is so high on the list. Detroit made concealed weapons legal and reduced the death rate by 22 percent. He said Council has allowed criminals to post lower bonds so they are back to what they were. He had a demonstration to make for them with dowel rods. Together they could not be broken but when several of them are taken away, one by one, they are able to be broken. The dowel rods together represent the Constitution.

// In the matter of Public Comment, Agenda Item #16, Isaiah Knight addressed Council on behalf of Virginia Families Political Action Committee. He expressed that our civil liberties need to be protected against all attacks. He pointed out that law enforcement officers carry weapons with more than 10 rounds. He feels he should be allowed the same opportunity to protect his family and eliminate a threat. If not, how is this equal protection under the law? The red flag laws are another form of tyranny proposed that would allow someone to remove property by force ex parte without the ability to defend yourself, which violates several of our constitutional rights. Every surrounding county has pledged to uphold its oath of office by doing all in their power to protect its citizens constitutional rights. Lynchburg is a desert island in a sea of liberty right now. He asked them to protect their citizens and their constitutional rights or they will all remember on Election Day.

// In the matter of Public Comment, Agenda Item #17, Nathan Cantu addressed Council. The idea of Lynchburg being torn apart by gun violence scares him. He wants himself and his family to feel safe and not live in fear. We all want the same things, which is why we have laws. We all know there are evil individuals from which we need to protect ourselves but we disagree on how we stop them. He and others in this room have decided to seek out the same tools and training that law enforcement uses every day. The new laws being proposed will remove the access of private citizens to the best tools possible to defend our communities against evil people. The laws are unconstitutional and vague and will criminalize otherwise law abiding citizens. Healthy communities are built on trust and these laws demonstrate a lack of trust in its citizens by the General Assembly. He urges Council to send and signal its disapproval of its legislative agenda with a resolution that states that, if passed, that these gun laws will not be enforced in the City of Lynchburg.

// In the matter of Public Comment, Agenda Item #18, Ryan Thomas addressed Council. He commented that when Senate Bill 16 passes, hundreds of thousands of otherwise peaceful and law abiding citizens will be rendered felons with the stroke of a pen. It will mean punishment in the extreme for something that harms no one and for something that has been practiced in this state for centuries. If Senate Bill 16 was really predicated on promoting public safety, it would have targeted handguns, which are used in the overwhelming majority of homicides. He challenges Moms

Demand Action to either openly admit that they want to forcibly deprive them of legally acquired property, which is explicitly protected by the federal and state constitutions or speak out against Senate Bill 16 with them. He employs City Council to do the right thing and make Lynchburg a Second Amendment Sanctuary City. These laws would be an illegitimate dictate and we are morally obligated to treat it as such.

// In the matter of Public Comment, Agenda Item #19, citizen asked to be removed from the agenda.

// In the matter of Public Comment, Agenda Item #20, Craig Storrs, Jr., addressed Council. He commented that Democrats are learning that their victories have consequences across Virginia. They have galvanized gun owners in a way not seen before. Mr. Storrs was part of making Liberty University a gun friendly university. It was predicted that Liberty would turn into the Wild West and that has been proven cataclysmically wrong. Council's power comes from the people in this City and he wants to believe that they understand that the people have the right to defend themselves as they see fit, not as the government sees fit. The same people that say that being a Second Amendment Sanctuary City is not worth the paper it is written on are the same people that argue for localities to become sanctuary cities for illegal immigration. If a locality can refuse cooperation with ICE, it can certainly refuse to enforce unconstitutional gun laws.

// In the matter of Public Comment, Agenda Item #21, Jamie Cash addressed Council. He feels that people blame the gun when a mass shooting happens but it is a person to blame. There is one officer per 500 Lynchburg residents. This is not about hunting. It is about protection. He gives gun classes and the most given reason for people taking his class is to protect themselves and their families. He listed several cities with the strictest gun laws but also the highest crime rates. He reiterated that the proposed laws are against the U.S. Constitution as well as the constitution of Virginia.

// In the matter of Public Comment, Agenda Item #22, Damien Miller addressed Council. The main point he made is that it takes time for the police to arrive and it is an unfair expectation that they can get there within seconds. The average is seven to ten minutes. It is his responsibility and his alone to protect his own life and his wellbeing and those of his loved ones. The laws being filed in Richmond seek to limit the ability of guns to be used in the role of force equalizers. Mr. Miller asks them to consider if it is fair to expect people to be able to defend themselves in violent situations with the guns to which they are being limited. He would ask them not to let the lawmakers in Richmond to strip the defenseless of the only tool they have at their disposal to stand against evil men and to stand with neighboring counties and make Lynchburg a Second Amendment Sanctuary City.

// In the matter of Public Comment, Agenda Item #23, Mike Sharrett addressed Council. Councilmember Nelson asked the speakers to state their jurisdiction. Mr. Sharrett said he is from Ward II. The bills will restrict rights and also set dangerous precedent for lack of due process during enforcement because of the red flag component. There will be inevitable economic repercussions that may be long lasting, including the credit rating and appetite for future bond offerings, if Lynchburg does not declare itself a Second Amendment Sanctuary City. Tourism, retail and dining revenues in Lynchburg may suffer because some people do not travel to cities that have adverse gun laws. Portable businesses will relocate to counties that have become sanctuaries. Imagine the outflow of home sales to surrounding counties when the option to protect your constitutional rights is simply the zip code where you buy a home. Our country does not forget its history particularly when it comes to violating the Bill of Rights. He would

also ask them to think about police recruitment, which is already difficult. It will become more difficult when they have to disarm law abiding citizens. The citizens of Lynchburg are more aware when each of you are up for reelection whether you stand for our right to defend ourselves. It has never been something he considered until now. Council has a responsibility to protect its citizens from unconstitutional federal and state laws being enforced.

// In the matter of Public Comment, Agenda Item #24, citizen asked to be removed from the agenda.

// In the matter of Public Comment, Agenda Item #25, citizen asked to be removed from the agenda.

// In the matter of Public Comment, Agenda Item #26, Karch Frankenfield addressed Council. He used to live in Lynchburg and now lives really close to the line in Campbell County. The decision we have to make is the place for guns in our modern society. The horror we have seen with mass shootings is a terrible basis for sound decisions. Data is pretty strongly the best thing that we have and he provided some statistics to demonstrate that there are far more people that attribute a gun to their being live as those that were murdered by one. He provided statistics to show that more people would attribute a gun being used in self-defense as those attacked by one. He had many statistics to show that guns are good in the hands of the majority of citizens. We should not restrict gun rights for fear of a violent offender and Lynchburg should become a Second Amendment Sanctuary City.

// In the matter of Public Comment, Agenda Item #27, Katie Webb Cyphert addressed Council. She is a Lynchburg resident and a gun owner. On one side we have people horrified by guns and on the other side we have people that declare every gun legislation to be unconstitutional confiscation. The fact is that most of us are in the middle. The middle supports background checks. A person who is a danger to himself, herself or others could have their guns stored by the police and when he or she is stabilized, he or she deserves due process to get their guns back. Children should be taught gun safety and awareness. Senate Bill 16 goes too far and restricts our hunting and marksmen communities but so does this. Localities are pledging to refuse enforcement measures that hearken back to our terrible history of massive resistance. We will not solve these issues tonight and people are asking our legislators to thread the needle carefully. The path forward will take discussions and considering impacts of proposed legislation. We get that through civil dialogue with legislators in Richmond. City Council has been careful with its legislative agenda in the past requesting changes to code that have specific local fiscal impact and she asks that this body retain that moderate stance.

// In the matter of the Legislative Agenda, Agenda Item #28, Council considered a resolution amending City Council's 2020 General Assembly Legislative Agenda to include language regarding the right of citizens to keep and bear arms. Councilmember Helgeson noted that the discussion today is great and everyone on Council obviously wants less criminal activity and less violence against citizens. We can unify and recognize that we are all pulling the oars in the same direction for a safer community. The role of government is to enforce against evil and not against good and our framers really put that through. It is nice that it has been protected for so long. Councilmember Helgeson spent some time talking about the analogy of sheep (who are the good people) and wolves (who are the bad people) and sheepdogs who protect. Sometimes the sheep look at the wolves and sheepdogs being equally evil because they both carry guns. Councilmember Helgeson gave credit for this illustration to retired Lieutenant Colonel Dave Grossman.

Councilmember Helgeson thinks it is important for Lynchburg to look at these bills because they are telling the sheepdogs to go do the opposite and not protect the sheep but go after and arrest the sheep. Someone that proposes that type of legislation—to him, that is truly evil. This legislation will take 180 good officers and make them have a choice and he thinks it is a terrible choice. He thinks we can clarify and classify which laws to enforce and back our police officers. Some of these people have never committed a crime and now they are going to be classified as a felon with the stroke of a pen. Council has an opportunity today to tell our legislators that we back our police officers. One of our elected legislators has already said he supports it. Two of our State Senators say they support it. Other delegates in the area say that they support it. It is not a tough ask to add this to our legislative agenda. We can take it a step forward but he will yield for now. There is a lot more they can do in Lynchburg because he would like to see less victims. This is not just about the Constitution. It actually affects us and affects our men in blue. Let's back our sheepdogs and let them do what they are trained to do and uphold their oath that they are sworn to uphold.

Councilmember Perrow thanked Councilmember Helgeson for his well-spoken remarks. He thanked everyone in attendance for the way they have conducted themselves. This is a civil discourse and could have been a rowdy affair. It makes him proud to be a resident citizen of Lynchburg. Councilmember Perrow said we have an opportunity and need to send a message to the Governor, Lieutenant Governor and Attorney General. He thinks they should have taken a look at this when they first looked at their legislative agenda. Maybe we should go further with amendments to this legislative agenda to protect right-to-work, which affects our financing and our budgetary process.

Councilmember Perrow would like to make a motion for Option A: Public Safety: Oppose any additional legislation infringing on the right of its citizens to keep and bear arms. New legislation is ill advised due to the pending court cases that may have a significant impact on any proposed legislation. The motion was seconded by Councilmember Helgeson. Councilmember Perrow asked if he could read a statement on behalf of Congressman Ben Cline. He kept the statement germane to the subject and read a statement from him that is in support of a citizen's right to bear arms. Councilmember Perrow very much appreciates the opportunity to take a firm stance supporting the citizens of Lynchburg. Our voice provides a powerful influence in Richmond. It is important to send a message that encroachment on our constitutional rights is unacceptable. Our founding fathers thought that the right to keep and bear arms was so important that they made it the Second Amendment. Councilmember Perrow disagrees that guns kill people. People kill people. Freedom of religion is protected by the First Amendment but some religious sects support terrorism. We support the First Amendment but do not argue that some religious sects should be suppressed because it is one of the fundamental principles upon which our country was founded.

He submits that the Second Amendment should be treated the same way and not be infringed upon. He would submit that all our articles and its amendments be treated with the same respect. If there is a need to modify the Constitution, Article 5 instructs us how to do so. He stands by the way it was written and by the oath he took as an elected official to uphold it. He hopes Council will join them in supporting the motion they put forward and the citizens of Lynchburg.

Councilmember Nelson thanked everyone for being there and speaking very clearly and understandably. The Second Amendment Sanctuary movement implies that Lynchburg should not comply with state laws that it deems to restrict the Second Amendment liberties. As a subdivision of the Commonwealth of Virginia, Lynchburg must comply with all of Virginia's laws. Councilmembers took an oath to obey the Constitution and all of Virginia's laws. Lynchburg could express its concerns by becoming a Second Amendment Sanctuary City but it cannot lawfully be enforced. Council's rules and procedures also demand that we not express opinions on theoretical issues or those beyond our jurisdictional authority. He sees no reason for them to now deviate from those protocols. If Richmond enacts laws offensive to us, we can resort to a very sound judicial system to redress our grievances.

He affirmed that the Second Amendment is as significant as any other constitutional right. Nevertheless, rational limitations have been repeatedly authorized upon all constitutional rights for more than two centuries. The standard of review by the Supreme Court applies a strict scrutiny test to the targeted law. It has to promote a compelling governmental purpose, has to be crafted in its narrowest fashion and has to adopt the least restrictive means to accomplish the compelling governmental purpose. Councilmember Nelson is reasonably confident that the primary purpose of every firearm is either to kill, maim or destroy someone or something. He is equally confident that firearms have increasingly been designed and produced to inflict death and destruction in volumes and at rates that are far greater than those familiar to the 18th Century authors of our Constitution and Bill of Rights. Reducing or preventing harm to innocent people is a compelling governmental purpose. There is debate on how to do this and preserve the Second Amendment, but weapons should certainly be kept out of the hands of the mentally ill and those expressing a clear intent to harm others.

Previous attempts such as the Second Amendment Sanctuary City resolution have been attempted and have been shown to be unlawful. There was the practice of massive resistance in the 1950s and 1960s in Virginia requiring localities to racially integrate their public schools. The judiciary is the third branch of government by which legal disputes are to be resolved. This is not a conflict to be resolved by Councils or Boards of Supervisors. The U.S. Supreme Court is considering whether to adjudicate a former New York City ordinance that required a license to possess a firearm. They had to keep the gun in their home unless they were transporting it to a firing range by the most direct and uninterrupted route. If the Supreme Court renders a decision on the merits of that case, the legal standards for testing the constitutional validity of a law affecting the Second Amendment may change what is being considered by the passage of some of the Virginia Assembly bills such as Senate Bill 16. The Supreme Court's decision next summer may invalidate whatever the General Assembly does. Lynchburg could possibly be caught in a bind if the court decision and the legislature do not coincide.

He would like the motion to be amended as follows: "The City of Lynchburg opposes any legislation directly impacting the Second Amendment of the Constitution until the U.S. Supreme Court resolves issues presented in the New York City Second Amendment case now pending before it." Councilmember Perrow accepted the amendment because he thought it accomplishes the intent of his motion. It clarifies and puts a finer point on the original motion.

Councilmember Wright thanked everyone for their attendance tonight and their powerful testimony. He thinks this is an important and people have strong feelings about it for very good reason. We need to be having this conversation about firearms and our rights as a community with each and with their state and national legislators.

He is not going to comment on the bills in state legislature because he feels this is a state and national issue. It is a constitutional issue and Council has no legal authority to affect it. If a resolution is passed, it would carry no legal weight and case law bears that out. We have to enforce the state laws. That is their job and their oath. We can disagree and that is why we have elections so we can vote out the people that put those laws in place. That is also why we have a judicial system so the courts can bear out whether or not that law is constitutional. City Council traditionally stays out of partisan political debates and he thinks that is a wise policy. It is not their job to get involved in national and state level debates. Their job is to fix potholes, work on public schools and think about what our community's needs are and try to address them. The only thing we would do by passing a resolution is to say what our community thinks and feels and the community is divided on this question. Passing a resolution would be divisive for this community and why do that if we cannot actually control this issue. He strongly encourages folks to reach out to their state and congressional representatives to let them know how they feel so they can enact laws that respond to their will. Councilmember Wright will be doing that himself.

Councilmember Wilder thanked everyone for their comments. He thinks it is so important to honor the Second Amendment. He will be deferring to our state legislators. He has not read any of the bills that have been proposed and talk to our legislators about them. He thanked everyone and said their voice has been heard.

Vice Mayor Dolan thanked everyone and said she appreciated the respectful participation. She thought all her colleagues had very powerful statements to make that going forward will be very helpful. She strongly feels that this is a matter for the constitutional scholars and for the state and national legislative bodies. Without a clear mandate from the majority of our constituents, she finds it problematic to add this piece to our legislative agenda. The statement gives the appearance that we are representing the voice of the majority and as you can see here this evening the majority did not show up for reasons that she is not sure of. New gun laws will have to pass constitutional muster and the rule of law will prevail. From a practical standpoint, this is a meaningless gesture without a compelling reason that only serves to be divisive.

Councilmember Helgeson said he can appreciate the concepts and the punting. The founders of this document made it not legalese. They made it the people's document that we can read it and understand it. We are a compound republic. We are a branch of the government and do not just punt because we have local legislative authority of our budget. We can tell our City Manager and our police department not to enforce unconstitutional laws. We have to stand in this gap because this affects us locally. Apparently we need to hear from more citizens and he has asked the City Manager to schedule a public hearing for January 14, 2020 to decide whether the City should become a Second Amendment Sanctuary City. It does not need to be a motion. Two City Councilmembers can request a public hearing. Councilmember Perrow said he would be supportive in listening to the public voice.

Councilmember Perrow went back to the motion on the table. He appreciates Councilmember Wright's point about trying to stay out of larger affairs but there has been a real upswale in this and we have a petition with several hundred signatures. He is responding to the citizens demanding that Council take this up by proposing this motion. He is confident that he is representing the principles of Ward IV by bringing this forward.

Councilmember Nelson wanted to respond to Councilmember Wright's comment that we have no legal weight. We have no legal weight in enacting legislation in Richmond but we certainly have legal weight with regard to what

happens in Lynchburg. But what happens in Richmond can affect what happens in Lynchburg. The facts of the case in New York are very similar to what might be the facts of the Virginia statute if those proposed bills end up being enacted. The Supreme Court is going to decide on the ownership of a magazine of a certain quantity and the Supreme Court is going to give the entire country its standard as to how those types of laws are going to be looked at. Lynchburg could be shackled by having to spend the money to file a lawsuit to have the state law declared unconstitutional. He does not want our budget money to be used to attack a statute that is unconstitutional when it could have been written properly by waiting for the Supreme Court's order to be known. He knows that legislators try to find a common ground. Rather than issue a blanket prohibition or completely ban something, they license or permit it and look at why the right of ownership should be allowed to some people but denied to others. He thinks the state legislature would be wise to hold off until the Supreme Court case has been decided. He would like to see the citizens of Lynchburg talking to the legislators in Richmond in January because that is a direct communication to the folks that are going to have the authority to make a decision not us. He would like it on our legislative agenda so we can move it along to the appropriate venues.

Mayor Tweedy asked Ms. Svrcek to explain our rules about the public hearing process. The rules of procedure state that unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the council. Mr. Erwin concurred that what she read is correct.

Mayor Tweedy said she will not be supporting the motion. She appreciates the passion and opinions on all sides but believes this is a matter for our legislators to decide. To take this on the local level is premature to her and not giving our legislators the opportunity to do their job at the state level. She is not willing to commit this body or a future Council to stand against our state legislative body before giving them the opportunity to do their due diligence. She believes that no action is the best action right now for our City. She has heard from many people on all sides even if they were not all equally represented here tonight. She is not a fearful person and does not believe there is false evidence appearing real to her. She called for a vote on the motion and Councilmember Helgeson asked if they could then bring a motion regarding a public hearing. She said another motion could certainly be brought forward at that time. The motion regarding the legislative agenda failed by the following vote:

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

Councilmember Helgeson made a motion to have a public hearing about making Lynchburg a Second Amendment Sanctuary so we can hear from the citizens that were not here today. Councilmember Perrow seconded the motion. Councilmember Perrow thought they would have to have the meeting at the E C Glass Auditorium. The motion passed by the following vote:

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

// In the matter of Budget, Agenda Item #29, Council considered introducing a resolution to amend the FY 2020 General Fund budget and appropriate \$32,585 with resources from the General Fund Reserve for Contingencies to provide funding to the Electoral Board/Registrar's Office for estimated costs associated with the March 3, 2019 Democratic Presidential and City Council Primary. A third quarter budget request may occur due to a possible U.S.

Senate or U.S. House of Representative Primary in June. Councilmember Helgeson said it came to the Finance Committee and the committee made recommendation for approval and he brings it forward as a motion.

Prior to the motion being voted on, Vice Mayor Dolan announced that she had voted incorrectly on the motion to hold a public hearing on the Second Amendment Sanctuary City. Mr. Erwin said it would be proper to go ahead and vote on the motion on the table regarding the budget item and then return to Vice Mayor Dolan. The motion passed by the following vote:

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

// In the matter of a reconsideration of the vote taken on the public hearing, Vice Mayor Dolan indicated that she had made a mistake in her vote. Mr. Erwin said Council's rules of procedure are for their convenience. If a member makes a mistake in their vote, he has never known City Council to try to hold someone to a vote. He thinks it would be appropriate for a motion to be made to retake the vote. Councilmember Helgeson said he cannot tolerate or abide changing the vote after everyone has left thinking they are having a public hearing. If a mistake was made, what is the harm in having a public hearing? Vice Mayor Dolan thought he was painting a picture that was not quite accurate. As soon as she realized she made a mistake, she went to the Clerk of Council to see what she should do but everyone was leaving.

Councilmember Wright moved the motion as a matter of courtesy that it sounds like we have traditionally afforded to other councilmembers. Councilmember Wilder seconded the motion. Councilmember Perrow understands making a mistake but we were at capacity and the public saw the vote. He thinks it is a bad idea and if we take a revote, he hopes they choose to go forward with the public hearing because he feels there is a commitment out there. Mr. Erwin explained that this is a motion to essentially wipe out the previous vote and take up the issue again. Councilmember Nelson agreed everyone was here in mass. If the public was unaware that the decision had been reversed that would be one thing but there will be more than a month before the meeting was set. He has faith in our media to communicate that it was a mistake and nothing clandestine or deceptive. The fact that the public was here should not influence them. They were not participating in our discussion. It is somewhat of a moot point as to their involvement. It is unfortunate but he would support a revote. The motion to reconsider passed by the following vote:

Ayes:	Dolan, Nelson, Tweedy, Wilder, Wright	5
Noes:	Helgeson, Perrow	2

Councilmember Perrow made a motion to have a public hearing to address the Second Amendment City at our earliest convenience. The motion was seconded by Councilmember Helgeson. Councilmember Perrow would like those that did not vote for it the first time to be considerate of the group that was here and the citizens of Lynchburg and go ahead and have a public hearing. Councilmember Helgeson thought they had a good dialogue. He heard from people that do not want the City to be a Second Amendment Sanctuary City so he would like to hear from them. It never hurts to hear from our citizens and he hopes Vice Mayor Dolan will vote to have a public hearing even though she made a mistake the first time. Vice Mayor Dolan said she did not support a public hearing because those against did not show up tonight for obvious reasons because they were afraid they were going to be harassed.

There were a number of citizens that dropped off the agenda because they heard what happened in other areas. She thinks they will hear from the same people at a public hearing and hear the same stuff we heard tonight.

Councilmember Helgeson is not sure how she can make assumptions about certain people acting like they are violent. There was zero level of violence tonight. They were respectful. It is all safe and secure and it's what we do. We hear from people. He would love to hear from them and they will be gladly escorted in by people that want to protect them.

Councilmember Wilder thinks that if they have another public hearing, they will not get anything different but he is uncomfortable with people leaving here thinking we were going to have a public hearing and now we are going to change it. Right now our nation is so divided and has so many issues, it is challenging. He feels like they need to have a public hearing and let persons voice their concerns. He would prefer to wait until the General Assembly presents something but it is important for our citizens to have a platform. He does not want to give people the wrong impression of what we did because they might not understand what happened.

Councilmember Wright would like to reassert that everyone here is of good intent and we are not trying to diminish anyone or their voice or perspective or cast anyone as a bad person. This is one of those issues where people can disagree and disagreement is okay. He thinks that is important to say because we might be moving into territory that might be demonizing of certain folks or their opinions. We should keep things civil and recognize that as rational friends, we can disagree.

The motion passed by the following vote:

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

// In the matter of Budget, Agenda Item #30, Council considered introducing a resolution approving the issuance of up to \$28,000,000 in taxexempt revenue bonds for the rehabilitation of the James Crossing Apartments located at 808 Greenfield Drive through the Lynchburg Redevelopment and Housing Authority (LRHA). Mr. Richard L. Hurlbert, Jr., Bond Counsel and Mr. Herschel Keller, Attorney, LRHA were present to address Council. Mr. Keller commented that Atlantic Housing Foundation has asked LRHA to issue these low-income housing finance bonds to renovate the James Crossing Apartments. Council has approved these types of bond issues previously for other projects. Mr. Hurlbert clarified that the action is for Council to adopt a resolution to approve LRHA to issue up to \$28 million in multifamily revenue bonds. LRHA has been very thorough in its process. LRHA will serve as a conduit bond issuer. The bonds do not represent a debt of LRHA except in the context of the repayment source being the revenues generated by the operation of the project. They are not a general obligation of LRHA or the City. There is no pledge over the faith and credit or taxing power of the City involved this particular issue. The resolution also includes approval of a standalone agreement between the City, LRHA and the owner of the property to ensure that there would always be a dialogue and this agreement establishes the guidelines for that dialogue.

Councilmember Perrow, who is also the Chair of the Housing Authority, commented that the Housing Authority had an opportunity to review this and he thinks the key takeaway is the agreement. He thinks the agreement is a key component because they have seen these types of projects fall into disrepair over time. This agreement open channels of communication and will help facilitate the way this redeveloped center is managed.

The City is being an active partner because this is a troubled neighborhood and this is an opportunity for the City to engage. Councilmember Perrow is very pleased with what the developer has brought to the table and the discussion really made him feel comfortable with the services and plans for the redevelopment. It gives him a lot of hope for James Crossing in the future. He thanked the developer for their proposed investment in the property.

Councilmember Perrow made a motion to move the resolution forward, which was seconded by Councilmember Wright. Mayor Tweedy recognized Mr. French and thanked him for sitting through this evening's agenda.

The motion passed by the following vote:

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

// In the matter of City Code, Agenda Item #31, Council considered adopting an ordinance to regulate the use of shared mobility devices such as electric power-assisted scooters, skateboards, bicycles, etc. within the City. Mr. Erwin reminded them the state legislation is giving localities the ability to regulate these devices but the ordinance needs to be on the books by the end of this year. He has revised the ordinance to reflect Council's requests from the November 12, 2019 meeting.

Councilmember Wright is satisfied with the changes made to the ordinance and they address his concerns. He made a motion to adopt the ordinance. Vice Mayor Dolan seconded the motion. Councilmember Helgeson appreciates Mr. Erwin adding some items but he thought it was supposed to be as miniscule as possible. Councilmember Wright thought that some of these items were areas of concern by other councilmembers because they are safety issues. Councilmember Helgeson is concerned with having some of these items being offenses, such as wearing earbuds and riding on the sidewalk. Mr. Erwin said this was added at the request of some of the councilmembers and he thinks it is a public safety issue. He came across a report that 47 cities have reported over 1,500 accidents. He does not think there is anything inappropriate about saying that we want our police officers to make sure that people do not do things like text or operate these devices while under the influence. He clarified that they would be misdemeanor offences with no jail time and just a fine of up to \$500 at the discretion of the court. Councilmember Helgeson thinks there are many laws on the books that are not enforced. He thought they were going to tread lightly because there are a lot of benefits of these devices.

Councilmember Perrow said he would be supporting this because it is important to get something on the books. It may not be perfect but we can certainly change it and tweak it once we have some situations that actually arise. He thinks the safety measures are a way for the police officers to charge someone with improper use in case there is an accident.

The motion passed by the following vote:

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

// In the matter of Budget, Agenda Item #32, Council considered introducing a resolution to amend the FY 2020 City/Federal/State Aid Fund budget and appropriate \$215,474 with resources from the Commonwealth of Virginia Department of Social Services (VDSS) through the Employment Advancement for Temporary Assistance for Needy Families (TANF) Participants Community Wealth Building (CWB) Grant. Mr. John Hughes said the idea for

expansion of poverty reduction strategy includes but is not limited to the Higher Lynchburg Initiative Partnership with the Lynchburg Office of Economic Development and Tourism, as well as other job readiness training and internships with local stakeholders and direct intervention with eligible City of Lynchburg residents.

On behalf of the Finance Committee, Councilmember Helgeson made a motion to approve the resolution. The motion passed by the following vote:

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

// In the matter of City Council, Agenda Item #33, Council considered approving a support resolution for Holiday Lake 4-H Educational Center to the Commonwealth of Virginia for funding capital improvement projects.

Ms. Svrcek explained that Mr. Preston Wilson, President/CEO of Holiday Lake 4-H Education Center is requesting support of the attached resolution as part of its application to the Virginia General Assembly for \$332,000 in essential capital safety improvements. Holiday Lake 4-H Educational Center serves nineteen (19) Virginia localities and many have supported this resolution.

Councilmember Perrow said this is a very good local, convenient spot for all Lynchburg families to visit and he sees no reason not to support it. It supports recreation in our area. Councilmember Perrow made a motion to approve the resolution, which was seconded by Councilmember Wilder and passed by the following vote:

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

// Ms. Svrcek asked for direction on where Council would like to hold the public hearing on January 14, 2020.

Mayor Tweedy would like to hold the meeting for purposes of being able to televise it. Councilmember Perrow said he would defer operationally to staff. He does not think it is a policy issue. Ms. Svrcek said she would consult with the police department. Councilmember Helgeson said it would be his preference to hold it somewhere other than a public school because they are “gun free” zones. There are probably places like the Academy or Liberty University that have ample room and are not “gun free” zones. Mayor Tweedy reiterated that she would like to have it here because it is a non-partisan, local body public building and because of the ability to televise it live for the viewing audience.

// The meeting was adjourned at 11:05 p.m.

Clerk of Council

December 10, 2019

AGENDA ITEM #: 3