// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of September 2023, at 4:00 p.m. in Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Jerry Taylor, MaryJane Dolan, Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Taxicabs, Agenda Item 1, Council received an overview of the City ordinance related to taxicabs. Assistant City Manager Kent White gave a summary of the item to Council. City ordinances related to taxicabs have been in effect since 1931 and Council has reviewed them on multiple occasions. Chapter 37 of City code includes requirements, such as, (i) regulation of taxicab rates; (ii) criminal background checks for taxicab driver applicants; (iii) standards for the issuance of permits to operate a taxicab; (iv) a provision, where proper, to revoke permits to operate taxicabs; and (v) an appeal process in the event the revocation of a permit to operate a taxicab was not proper. While not required, Council has the option of holding a public hearing on changes to taxicab requirements.

City Council last reviewed these requirements and adjusted the rates on February 22, 2022. An excerpt from the minutes of that meeting along with the agenda packet from that meeting were supplied to Council. As part of that packet, the taxicab owners board provided a letter unanimously supporting the City regulating the rate, citing it as a mechanism for taxicabs to avoid price wars and provide a means of fixed-rate transportation that families can build into their budget. The Lynchburg Police Department also supported continuing to be involved in the licensing of those operating taxicabs and in ensuring the taxicabs meet all of the safety standards required under City code.

Councilmember Helgeson stated that the meeting minutes from 2008 brought up the possibility of repealing the setting of rates by City Council, and he hoped that they would be able to repeal this ordinance now in order to allow the free market to work.

Councilmember Wilder noted that the decision by City Council last year to set the rates was spurred by requests to do so from taxi cab owners. He asked if the taxi cab companies had recently voiced concerns about the regulation of the rate. Mr. White replied that the taxi cab owners they had been able to contact so far had indicated they were still interested in the City setting the rates for the reasons they had said before, and one owner would speak to Council this evening. Dr. Wilder said that it would be helpful to have discussion with the cab owners before changing the policy in order to see if anything had changed within the past year.

Councilmember Misjuns stated that he did not agree with the City Council setting the rates for a private business because it is inappropriate for the government to interfere with competition between private businesses. Mr. White clarified that the state code set and enabled this piece of legislation, the extent of which was up to the local governing body, and rates were included in that.

Vice Mayor Faraldi stated that he maintained his position from two years ago that if this industry needed the flexibility to increase prices, especially associated with inflation, then they needed to be able to do so, but the companies themselves should be determining what was best for their drivers and riders. He reiterated that the City Council should not be in the business of setting rates.

Councilmember Dolan stated that she supported this measure in the past because the taxi cab drivers were overwhelmingly asking the City Council to support it, and she was interested in having more conversation about it in order to better make a decision. She agreed with Vice Mayor Faraldi that flexibility for the taxi cab owners was important.

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to have a public hearing on repealing the taxi cab ordinance.

Councilmember Wilder reiterated that he would like to hear from the taxi cab owners to hear if anything had changed since staff met with them last year.

City Manager Wynter C. Benda said that staff could present that information during the work session prior to the public hearing.

Mayor Reed said that she agreed with Mr. Benda’s proposal. She asked City Attorney Matthew C. Freedman if it was correct that they were not supposed to make motions or vote during a work session. Mr. Freedman answered that that was correct, unless there was an exception in which two-thirds of Council agreed to adopt the motion. He asked if the motion made was to repeal the entirety of the taxi cab ordinance or if the motion pertained only to setting the rates and charges. Councilmember Helgeson said that he was referring to repealing the ordinance in its entirety, because the entirety of the ordinance revolved around rates. He said that he would direct staff to come back with how they could repeal the whole ordinance or the rates that could be removed. Mr. Freedman said that in the past, the regulation of the taxi cab industry had also revolved around public safety in that the police department would know specifically who was operating taxi cabs and ensuring that they were properly vetted, so while Council had the ability to repeal the ordinance in its entirety, he would suggest that staff brief the City Council on the public safety component before considering that.

Mayor Reed clarified that the motion should reflect that Council was moving forward with a presentation and public hearing, rather than motioning to repeal the ordinance.

Mayor Reed called for the vote and the following vote was recorded:

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

Noes: Wilder 1

// In the matter of Public Works and Water Resources, Agenda Item 2, Council received a review from staff about the flooding event that occurred in July 2023. Director of Public Works Gaynelle Hart and Director of Water Resources Tim Mitchell gave a summary of the item to Council. On July 13 & 14, 2023, areas of Lynchburg received over seven inches of rain. This resulted in activation of the College Lake Dam Emergency Action Plan, downed trees, flooded streets and parks, sewer damage and major erosion problems. Staff gave a brief update on storm events, progress of repairs and what remains to be assessed and repaired.

Councilmember Helgeson asked what could be done to prepare for an event as rare as a 500- to 1000-year flood event. Mr. Mitchell said that they were currently evaluating what could be done to accommodate the flooding on Fort Avenue, and storm systems were typically not designed to handle storms of this magnitude due to the costs, but they had to take into consideration that these storms were occurring more frequently and were causing damage.

Councilmember Misjuns asked how this compared to the storm where they decided they had to spend a bunch of money to build a bridge and take down the dam. Mr. Mitchell said that that previous storm was about a 500-year flood event and did cause the overtopping and almost the failure of the dam, so it was a more serious storm event than the July event. He said that the intensity of 2-3-hour storm event would have a greater impact than a 5-6-hour storm event because it took about 2 hours for water to travel through the watershed through the end of the dam. Councilmember Misjuns asked if the new CSO project and tunnel boring would increase the capacity to be able to handle these events. Mr. Mitchell said that it would from a sewer overflow standpoint.

Dr. Wilder asked if there was any assistance available for the costs of the repairs, or if it was from the City's funds and reserves. Ms. Hart replied that they were paying for this out of their general fund budget, which had enough to pay for a couple of small storm events per year, but sometimes when it became a much bigger project, such as the 12th Street stabilization, required more money. She said that at this time, there was no need to supplement the general fund budget. City Manager Mr. Wynter C. Benda said that the state had factors for financial assistance for storm events, and they had found that some of these events were costly but not impactful enough for state support.

// In the matter of Public Works, Agenda Item 3, Council received options for 12th Street stabilization, presented by Director of Public Works Gaynelle Hart. In 2001, at the direction of the Physical Development Committee, Public Works staff stabilized the bank along 12th Street between Jackson Street and Harrison Street. The repair included installation of a wire mesh along a major portion of the face of the bank to prevent erosion from blocking 12th Street and causing a safety issue for the traveling public . During the heavy rains in July 2023, a portion of the bank failed and eroded into 12th Street closing the road to traffic. Since that time, the staff researched three repair options and costs for each option:

- Pinned Mesh–$2,105,000
- Pinned Mesh with Shotcrete Rough Finish-$2,455,000
- Pinned Mesh Stained and Sculpted Finish-$3,290,00

Staff will present funding options at a future City Council meeting once a repair option is approved. Ms. Hart said that staff recommended either option 2 or 3 so that they would not have to close the road to do any future maintenance.

Vice Mayor Faraldi noted that option 1 would be more expensive over time. He asked if option 2 would be more cost-effective in the long run. Ms. Hart said that it would save maintenance time and money, and over the lifetime of the structure, it could be more cost-effective.

Councilmember Misjuns asked when the old steel mesh was installed. Ms. Hart replied that it was installed in 2001 as it was recommended at that time. Councilmember Misjuns asked what caused that mesh to fail. City Engineer Lee Newland said that it was installed in 2001 as a draped system that was designed to replace materials as they failed, and it was more maintenance-intensive as a system. Because the road had to be closed in order to maintain it, it was not maintained as properly as it should have been, but the engineer said that those systems lasted probably about 12 years and they used it for about 20 years. Councilmember Misjuns said that he understood the majority of the cost difference between the options was due to the labor involved for sculpting. He asked if there was an option to stain the concrete and if that would be more aesthetically pleasing at a lesser cost. Ms. Hart said that was possible. Mr. Newland said that it would be a little bit more to stain it, but it would still be a rough concrete finish on it. Councilmember Misjuns said that he was not inclined to spend the extra money to sculpt it, but would be interested in staining it.

Councilmember Wilder asked what the time period was for options 2 and 3. Ms. Hart said that staff would return with a funding plan in October, giving time for the contractor to mobilize, and the Principal Engineer estimated that it might be next summer before they opened, so it would probably be around May or June of next year, but it also depended on if the winter was mild enough to allow work on the dam. Councilmember Wilder asked if options 2 and 3 would both take that same amount of time. Ms. Hart said yes, although sculpting would take a lot more time, so she would assume during the summer would be the timeframe for that sculpting, but they needed the funding lines up. Councilmember Wilder asked what the options were for funding. City Manager Mr. Wynter C. Benda said that the event itself did not merit a state declaration, so they had accounted for expenses but there were no resources from the state. Councilmember Wilder asked if it was possible to keep one side open or if the entire road should remain closed for safety reasons. Ms. Hart said that it was staff's recommendation to keep the road closed for safety reasons due to concern of potential heavy rains leading to another failure.

Vice Mayor Faraldi suggested that the sculpted finish may not be necessary at the outset because there may be opportunities for public art to be used there.

Councilmember Helgeson asked what the life expectancy for option 2 was. Mr. Newland said that it should be a much longer than the current mesh due to the structural stability of the pins. Councilmember Helgeson said that option 2 seemed to be the most appropriate option. He asked Ms. Hart if the timeline would be sometime next year. Ms. Hart replied that they would like to start as soon as possible but had to get funding lined up before purchasing and entering into a contract. Councilmember Helgeson asked if the CIP was an appropriate way to finance this project. Mr. Benda said that staff would return with funding options.

Mayor Reed said that there was consensus for option 2. She requested staff bring back information about the costs associated with staining the concrete.

// In the matter of Historic Preservation Commission, Agenda Item 4, Council received a briefing on the appeal of the Historic Preservation Commission (HPC) decision to deny a Certificate of Appropriateness (COA) at 713 Peal Street. Planner I Eve Mergenthaler stated that Stephen Milacci of Upkeep Homes, LLC is appealing the decision of the HPC to deny a COA request to replace wood windows with smaller vinyl windows wrapped in aluminum, replace the front door, replace elements of the front porch, and replace the rear deck at 713 Pearl Street. The work was completed after a stop work order (SWO) was posted on the property and without approval from the HPC. The HPC reviewed the "after-the-fact" petition on June 26, 2023, and found that the replacement work was not consistent with the Lynchburg Historic Districts Residential Design Review Guidelines, the style of the house, or the surrounding historic district. The City's Zoning Ordinance, Section 35.2-13.11, Appeals to City Council, states: "On any such appeal, the final decision of the HPC ... shall be stayed pending the outcome of the appeal to City Council, except that the filing of such appeal shall not stay the decision of the HPC if such decision denies the right to raze or demolish a historic landmark, building or structure. The City Council shall conduct a full and impartial public hearing on the matter and apply the same criteria as the HPC before rendering any decision. The City Council may affirm, reverse or modify the decision of the HPC, in whole or in part. The decision of City Council, subject to the provisions of Section 35.2-13.12, shall be final. If approved, a certificate of appropriateness, signed by the clerk of the City Council, shall be issued to the applicant."

Mayor Reed stated that her understanding of this issue was that the owner was aware of the process and restrictions associated with this project, a SWO was placed on the property, and they proceeded with the work anyway. There were multiple efforts on the part of the City to have conversations with the owner about the violations taking place. She asked if it was fair to say that those conversations were ignored by the property owner. Ms. Mergenthaler replied yes, there were several conversations over the phone and via email, and the applicant had received a COA previously.

Councilmember Wilder noted that several neighbors were coming to the public hearing and were in support of the decision of the Historic Preservation Committee because the owner did not listen to the recommendations of the HPC. He clarified that the property in question was not derelict.

Councilmember Misjuns said that he would like to see the City lessen the restrictions to permit the allowance of these sorts of things that would benefit derelict properties in the City.

Councilmember Taylor asked if the roof had been replaced on the house. Ms. Mergenthaler replied that Mr. Milacci did not replace the roof. Councilmember Taylor noted that in the past, the house had different features. Ms. Mergenthaler said those were likely made by a previous owner.

Mayor Reed clarified Councilmember Taylor was asking if the past modifications to the house lined up with the Historic Preservation Committee's regulations at that time. She said that while the house renovation looked appealing, the issue was with process and procedure with the regulations in place right now. She said that she was open to discussing changes to those regulations with the HPC members.

// In the matter of Planning, Agenda Item 5, Council received a briefing on a Conditional Use Permit (CUP) for Towns at Misty Mountain (townhomes) at 532 and 536 Leesville Road. Senior Planner Rachel Frischeisen gave a summary of the item to Council. Sundance Design & Build, LLC is petitioning for a CUP at 532 and 536 Leesville Road to allow the construction of forty-four (44) townhomes in a R-3, Medium Density Residential District. Townhome developments are permitted in this zoning district upon approval of a CUP from City Council.

The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Medium Density Residential use for the area. These areas are characterized by small-lot single-household detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. The project would also contain sixteen (16) duplex units which are permitted by-right for a total of sixty (60) units, which is below the density recommended by the Future Land Use Map (FLUM). On September 13, 2023, the Planning Commission recommended approval (7-0) of the CUP petition, and the Planning Division recommended approval of the petition.

Councilmember Helgeson stated that he was in favor of the CUP petition and gave his appreciation to the developers for working so well with the neighborhood.

Vice Mayor Faraldi noted that a constituent from Ward III, specifically the 542 block of Leesville Road, had expressed concern about the development.

Mayor Reed asked who the developer was for this project. Ms. Frischeisen answered that it was Sundance Design and Build, LLC, and Bryce Harker was the representative at the Planning Commission.

// In the matter of Planning, Agenda Item 6, Council received a briefing on a Conditional Use Permit (CUP) for University of Lynchburg office space at 333, 335, and 337 College Street. This item will appear for City Council vote on the October 10, 2023 Public Hearing agenda. Senior Planner Rachel Frischeisen gave a summary of the item to Council. The University of Lynchburg is petitioning for a CUP at 333, 335, & 337 College Street to allow the use of existing structures as office uses associated with the University in an R-2, Low-Medium Density Residential district. College and university use are permitted in this zoning district upon approval of a CUP by City Council.

The Comprehensive Plan 2013-2030 recommends a Low-Density Residential use for the subject properties. Public and private institutional uses compatible in scale with single-family homes may be included in these areas. The properties have been used for student housing since 1989.

// In the matter of Planning, Agenda Item 7, Council received a briefing on a Conditional Use Permit (CUP) for the University of Lynchburg laundry facility at 504 Westwood Avenue. This item will appear for City Council vote on the October 10, 2023 Public Hearing agenda. Senior Planner Rachel Frischeisen gave a summary of the item to Council. The University of Lynchburg is petitioning for a CUP at 504 Westwood Avenue to allow the use of an existing structure as a laundry facility for students in an R-4, High Density Residential district. College and university use are permitted in this zoning district upon approval of a CUP by City Council.

The Comprehensive Plan 2013-2030 recommends a Low-Density Residential use for the subject properties. Public and private institutional uses compatible in scale with single-family homes may be included in these areas. The property has been used for student housing since 2001.

// In the matter of Planning, Agenda Item 8, Council received a briefing on a Conditional use Permit (CUP) and FLUM Amendment of Neighborhood Commercial to Medium Density Residential for Wards Ferry

Road Apartments at 3146 and 3150 Wards Ferry Road. This item will appear for City Council vote on the October 10, 2023 Public Hearing agenda; Senior Planner Rachel Frischeisen provided Council with an overview of request. Timberlake Investments, LLC is petitioning for a CUP at 3146 and 3150 Wards Ferry Road to allow the construction of nineteen (19) apartments in a B-1, Limited Business district. Apartments are permitted in this zoning district upon approval of a CUP from City Council. The petitioner had originally requested twenty-four (24) apartments but has since reduced the request to nineteen (19) units, following the Planning Commission meeting. The Comprehensive Plan 2013-2030 recommends a Neighborhood Commercial use for the subject properties. The petition proposes to amend the Future Land Use Map (FLUM) to Medium Density Residential. Medium Density Residential areas are characterized by small-lot single-family detached housing, duplexes and townhomes at densities up to twelve (12) units per acre. The property consists of one and six hundred twelve thousandths (1.612) acres, which would support nineteen (19) units under a Medium Density land use. However, the proposed apartments are not in keeping with single-household, duplex, or townhome uses recommended in a Medium Density area.

Councilmember Misjuns asked if Ms. Frischeisen could provide information regarding why the recommendation was for denial. Ms. Frischeisen answered that it was mainly based on the Wards Ferry Road corridor study, the capacity of the road, and knowing that increasing density would add units and trips. Councilmember Misjuns asked if it would include the house and trailer across from Copley Place when amending the FLUM. Councilmember Misjuns said that he was unsure if this was the right plan, and he would like to give the developer more time to come up with something to do with that piece of land. He asked if there was any pushback from the neighbors. Ms. Frischeisen said that one neighbor who lived in the neighborhood to the south who expressed concern.

Councilmember Helgeson said that it was difficult to put more density there especially when it was zoned for business. He asked what the 19 units written in the recommendation were referring to, as it was denied for 24 units. Ms. Frischeisen said that they recommended denial of the 24 units, the petitioner heard the concern about the higher density in the FLUM category they were asking for because they were exceeding 12 units per acre, so they chose to revise it after the Planning Commission meeting, which had been allowed in the past if scaling something back or adding a proffer between Planning Commission and

City Council. She said that if the City Council felt that it would significantly change the petition, it could be sent back to the Planning Commission. Councilmember Helgeson clarified that they currently were proposing 19 units, the Planning Commission voted for denial, and staff still recommended denial at 19 units due to the Wards Ferry Road connection. Ms. Frischeisen replied yes, even though they decreased the number of units, it was still increasing the density, which the Wards Ferry Road corridor study recommended against.

// In the matter of the Legislative Agenda, Council reviewed the City of Lynchburg's 2024 Legislative Agenda. Executive Assistant to the City Manager Mercedes Braun gave a summary of the item to Council. The Legislative Agenda is a culmination of requests from staff and Council based on the needs of the City. There are three sections: Education, Public Safety and Economic Strength, as well as a miscellaneous item. At the Council's direction, the document will be updated and presented to the City Council during the Formal Session on October 10th.

// In the matter of Roll Call, Councilmember Wilder commended the Governor for giving a grant to the Downtown Lynchburg Association for $300,000. He said that he appreciated the Governor recognizing the importance of the DLA and continuing to revitalize the downtown area by investing in the businesses located there as they had been doing for the past 20 years. Councilmember Dolan congratulated Clerk of Council Alicia Finney for the article in the News & Advance this morning. She said that she was certainly an example of great young leadership in the City. Councilmember Helgeson said that he wanted to commend the School Board. He said that there was state law that all School Boards had been under with regard to setting the Comprehensive Plan. He said that State Code 22-1 said that every School Board signed off on the Comprehensive Plan, and the Comprehensive Plan shall include a forecast of enrollment changes, a plan for projecting and managing enrollment changes, including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations. He said that this had been state law for a long time, and School Boards had historically said that they should do that but had not. He said that no action was perfect, but they were taking action because of the fact that it was one of their duties as a School Board. He said that it correlated well with what the City Council had done this past budget cycle, which was give more money to instruction and less money to administration. He said that if a couple of schools closed, that meant that the schoolchildren would probably go from one classroom to another or one building to another and have less administrative costs so they could focus on the classroom. He said that it was a great, bold action they took, and they should not have been bold because they should have done it 20 years ago. He said that in Norfolk, over the last 10 years a lot of schools had been closed, along with Roanoke and Bedford County. He said that in Bedford County, which was 800 square miles, closing a school meant riding on the bus for an extra 45 minutes. He said that he had been to a lot of the different schools and asked how many were close. He said that one of the schools he was at this afternoon was within .6 miles, .7 miles, 1.2 miles, and 1.3 miles of other elementary schools, so making action for the betterment of their taxpayers and the school children. He asked if they would rather see another principal and assistant principal staffed or another violin teacher. He said that it was important, and he was glad that they took action even though it was tough, because that was what they were supposed to do by their charge. He applauded them for their action and leadership.

He said that he sent several different items that they should talk about at some point, and this one was a public hearing on the City's tax policy. He said that lots of times they had a public hearing when they were thinking about raising taxes or whatever it was from their budget. He said that with the budget, it was really correlated with spending. He said that it would be nice to have a public hearing separate from the normal budget process where they could actually hear from citizens. He said that they did some great things this past budget year with tax policy that had long needed to be changed, like lowering the real estate taxes, lowering the business license tax, and getting rid of the license for small businesses. He said that they did those good things because they were thinking what was a good thing and what was not, but having some level of public hearing at some point to be able to hear from others. He said that if they looked at or listened to good supply-side economists, they would say that all taxes were bad, some worse than others. He said that they needed taxes for roads, schools, police, and fire, so they should figure out which ones were the worst that they could help lower or eliminate so that businesses and property owners could thrive. He said that it was always good to hear from citizens and to have some level of public hearing that was separate from the spending of it may not be a bad idea. He said that they were representatives, so they liked to hear from people. He said that there were certain fees that they would never know about unless they heard from somebody, so it would not be a bad idea to hear about what other businesses, property owners, or taxpayers thought that they could do to help the City thrive even better than what they were doing this past budget year.

Vice Mayor Faraldi said that early voting was now open for November's general election. He said that it was open at 825 Kemper Street, Monday through Friday, 9:00 a.m. to 5:00 p.m. He asked the public to do their research on the candidates.

Mayor Reed said that the International Economic Development Council (IEDC), the largest nonprofit professional association for professional economic developers in the world selected the Economic Development Authority of the City of Lynchburg for the silver award for its real estate redevelopment and reuse of the Virginian Hotel redevelopment project. This award honored organizations across the country for innovative real estate development or reuse projects for the creation of jobs or for increasing the tax base. As noted in the award application, the redevelopment of the Virginian Hotel was a $29M investment that produced an economic impact of $59M. Now in its fifth year of operation, the Virginian Hotel boasts 115 guestrooms and suites, three restaurants, and a historic ballroom that hosted weddings, conferences, and events up to 440 guests and supported over 80 full-time jobs for their residents. She congratulated the City of Lynchburg and the Economic Development Authority on the award and the Virginian Hotel on celebrating their five-year anniversary. She said that she also wanted to take a moment to recognize the 49th running of the Moore & Giles Virginia Ten Miler on Saturday, September 30th, and the Amazing Mile Children's Run happening at Amazement Square on Friday, September 29th. Each year the Virginia Ten Miler brought in nearly 3,000 runners and hundreds of spectators throughout the Langhorne Road and Rivermont Avenue neighborhoods. She asked the public to visit LynchburgVA.gov for information regarding street closures for both of these events and wished good luck to the runners. She said that she would be highlighting the Lynchburg Fire Department tonight. She said that for the past 140 years, the Lynchburg Fire Department has been an integral part of the services the City delivered to its citizens. Its rich tradition of being first in safety, first in service, and first in community has made it a respected and innovative leader among the Commonwealth fire agencies. Comprised of more than 180 uniformed personnel across eight fire stations and another 11 civilian staff members, the department responded to more than 19,000 calls for fire and emergency medical services every year. Its highly trained members also provide specialized services by way of HAZMAT, technical rescue, wildland fire, and drone teams. The LFD is an internationally accredited agency, one of just 315 such departments across North America. This recognition means that it meets or exceeds an industry-wide set of standard for equipment, performance, and training, among many other categories. LFD personnel were also dedicated to serving their community outside of their normal work duties through public education classes, school visits, and neighborhood walkthroughs. The department is a proud partner in a number of worthwhile charitable causes, such as One Community One Voice, Relay for Life, the MDA Fill the Boot Campaign, and many others throughout each campaign. Moving forward, the Lynchburg Fire Department looks forward to opening a ninth fire station in the near future while it continues to replace and upgrade its fire and emergency medical equipment. Everything from new air packs to new fire engines to ultrasound services were all designed to provide the best, most efficient services possible to the citizens of Lynchburg. She said that she would like to acknowledge a headline she read today about their police department, which said that Lynchburg City Police seized international package containing drugs on Tuesday containing 8 pounds of ketamine. Police say the LPD their vice unit received a tip about a package arriving in Lynchburg that contained drugs, and they worked along with the Department of Homeland Security to make that bust. She said that was wonderful because it saved a whole bunch of their citizens, and they were grateful for the police department's hard work.

Councilmember Taylor asked City Manager Mr. Wynter C. Benda about DEI and how it affected the employees of the City as far as the policy they looked at two weeks ago. He said that they had merit, opportunity, and equality, and he asked how DEI fit into this. Mr. Benda said that he would address along with Deputy City Manager Mr. Greg Patrick the certain human resources policies that included diversity, equity, and inclusion. He asked if Councilmember Taylor was referring to how diversity, equity, and inclusion were implemented or talked about. Councilmember Taylor asked how it was taught to personnel and how they should respond to it. Mr. Patrick said that when talking about DEI, the most important thing to understand that it was not about race or any other protected classes that they discussed two weeks ago, but was about making sure they created an even playing field in the City for all of their employees, so that they did things in order to allow equal opportunity and access to opportunity throughout the City. He said that they teach this in a number of ways, formally there had been trainings for department leaders that they had done over the course of the last year, internally they were putting together DEI plans for each department, and at their last leadership meeting last week, all of their departments shared what their DEI plans were for their departments. He said that no one was saying that they wanted to see more diverse candidates or women in the departments, but it was about creating a culture in each of the departments in the organization overall where everyone felt welcome, had the opportunity to succeed, and that the organization and colleagues respected and acknowledged them. He said that his takeaway was that in the DEI plans they were doing the right things to create a culture where everyone can be successful within the City. Councilmember Taylor said that that should be with the merit, opportunity, and equality, so he asked why they needed extra. Mr. Patrick asked what Councilmember Taylor was referring to as extra. Councilmember Taylor said that he was referring to DEI. Mr. Patrick said that DEI allowed them to intentionally focus on creating this culture within the City organization. He said that it allowed them to make sure they were intentional about ensuring everyone across the City and organization had equal opportunity in all of the opportunities in the City.

Councilmember Taylor asked why they needed DEI in the City as an organization. Dr. Hollie Jennings said that first, DEI in its true sense was to make sure that their organization was being intentional about who they were hiring, how they promote, how they retained, and that it was fair. They want to make sure their practices City-wide were fair and that they were promoting and giving opportunities based on merit, and the best way to do that was to have a person responsible for making sure those processes were fair. She said the second part was to make sure they were taking care of their workforce; 46% of their workforce was female and approximately the same amount of employees were people of color, so when they looked at merit, opportunity, and excellence resolutions, the question she got asked most frequently was what does that mean for an individual as an employee, and does that mean that they still have the right to come and tell them if something not good was happening to them in the City. So, the DEI program was also an assurance that if something was happening that was not fair, regardless of race or gender, within the City there was someone there who takes those concerns seriously and had the opportunity to respond to them. The other part of that was that they were a young City, and since that average age in Lynchburg was under 30, most young people looking for an employer were looking for employers committed to having an inclusive environment where employees were treated fairly and felt that they belonged. The DEI program was intentional about making sure they had that. The

City organization fell into the top 10 employers in the City, with about 1,400 employees, and all of the top 10 employers in Lynchburg had a DEI program. Therefore, if they do not have one, it makes them less competitive as an employer in the City, and their employees were vital to ensuring they could continue to deliver services. Councilmember Misjuns said that they had completely blown away from the intention of roll call by having City staff respond to Councilmembers. He asked what the intention was when they were being intentional about who they were hiring. Dr. Jennings replied that the intention was to hire people who were best qualified for the position. Mr. Misjuns asked if diversity, equity, and inclusion must be considered when determining who was most qualified. He said that he was trying to understand how they were being intentional about who they hired with diversity, equity, and inclusion, because it sounded like they were being intentional about who they were hiring based on factors and not merit. Dr. Jennings said that what falls under diversity, equity, and inclusion was compliance, so equal employment opportunity tended to fall under diversity, equity, and inclusion practices, and if they were being intentional about hiring the best people for the job, they wanted to make sure no one was being excluded from any of the factors. It was not saying that they were going to include people based on things other than merit, but was making sure people were not being excluded on factors other than merit.

Councilmember Misjuns said that they should not be doing that anyway because that was discrimination. Dr. Jennings said that was correct. She said that to have someone purposefully and intentionally monitoring to make sure that was not happening was a good practice for an organization. Councilmember Misjuns said that related to the culture of the workforce, when they had one public safety employee who assaulted someone in the workplace, had a protective order against him, but then was still on administrative leave with pay for well beyond a year and no action was taken, and another public safety employee who was charged with something clear to that but then he was recommended for termination, but they have different skin colors, he would ask how that fit in. Dr. Jennings said that she would not attempt to address any current human resources personnel matters, as it was not for her to do, but generally, they should be consistent across the City in how they were administrating discipline. Councilmember Misjuns said his concern was that that was not happening and was verifiable. Dr. Jennings said that that was a good reason to have a DEI program so that they could make sure that was not happening. Councilmember Misjuns said that when he was in the Coast Guard, they called that the civil rights officer, which was strictly looking at compliance. He said that he felt like some of these programs may morph into something else beyond what the intention was. They need to comply with the law, and there was no doubt about that, and he and Dr. Jennings had had a great discussion about this. On the other side of that, they should not be publicly funding anything, like she mentioned when she read the MEO resolution in that meeting, that those concepts were the tenets of critical race theory. He asked if that was correct. Dr. Jennings said that was correct. Councilmember Misjuns asked what was wrong with eliminating the possibility for government to fund those concepts. Dr. Jennings said that in that same meeting, they also had disagreements about what is critical race theory and what meets those standards. The hard part when they put something like that in place was that it becomes very vague as to one person thinks that if they talk about anything related to diversity, equity, and inclusion, even a training about harassment and discrimination that they were required to do annually because of the federal funding they got, some people may think they cannot do that because it falls under critical race theory and those tenets, but in fact it does not. They had reached a point in their society in general when they talk about those things, people want to say they were talking about critical race theory when they were not. The tenets listed in there were components of critical race theory, and critical race theory has its place, such as in law school or philosophy classes, but it was not in a workplace training program and that was not what they were doing here. But when they put something like that in place, they had all these different ranges of opinion on if they were actually implementing critical race theory because they were doing an inside harassment or discrimination training. She said that was her major concern about that. She said that yes, she did say that those were the tenets of critical race theory, and they were not intending to incorporate those in any workplace training, but was more of a philosophical discussion. She said that there were however a range of people who were responding by saying they were teaching critical race theory because they had a harassment training. Councilmember Misjuns said that perhaps people did say that, but the way that she characterized the resolution he did not agree with, mainly based on the fact that it was very specific in defining that these are the divisive concepts and these concepts shall not be funded, that they would prohibit the City from using taxpayer dollars to fund and further these concepts. Like it or not, there was an effort across the country right now through organizations to use government to advance these agendas. He said that he did not know if it was happening in Lynchburg because he did not know what was happening in all of the workspaces, but there was no reason they could not prohibit what was happening in other local governments from happening here. When looking at some of the localities that embrace a lot of these things early on, they look at the disasters they turned into, such as Portland, Oregon. He said that he loved Lynchburg but was not a fan of Portland and he did not want their City to be anything like that, so in order to prevent that from happening, they can prohibit funding for certain things and make sure there was accountability for that, and that was the entire intent of this resolution. He said that he appreciated Dr. Jennings and the conversation they had, and did not think she was trying to pull anything over on anybody, but he was concerned about other efforts and practices going on inside the City government that he felt it was absolutely necessary to take a firm stance and say they were going to prohibit funding these concepts.

// On motion of Councilmember Wilder, seconded by Councilmember Taylor, Council, by the following recorded vote, elected to hold a closed meeting to review and/or evaluate the performance of the City Manager pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

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

// Councilmember Wilder 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 Dolan, and Council, by the following recorded vote, adopted the motion:

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

Noes: 0

// The meeting recessed at 6:21p.m.

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

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Jerry Taylor, MaryJane Dolan, Sterling A. Wilder, Chris Faraldi 7

Absent: 0

Councilmember Misjuns led the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Agenda Item 1, Mayor Reed recognized the Women in Machining Program Graduates. She stated that the graduates completed a 12-week career training program at Vector Space, which had the goal of aiding women from underserved communities achieve employment in the machinist field. She stated that each participant spent approximately 70 hours learning technical machining skills. She said that each graduate completed the Virginia Career Works Skills USA curriculum, and they earned a certificate of completion. She said that the graduates would continue their education at CVCC or apply for employment. She noted the program was created in 2019, and funding was provided by the City via a workforce-specific TANF grant. Program leaders, Adam and Elise Spontarelli, and graduates, Kori Randolph, Demi McLaughlin, Vanessa Rucker, and Ekajah Rose, accepted the certificates.

// In the matter of Recognitions, Agenda Item 2, Mayor Reed recognized the University of Lynchburg Baseball Team – the NCAA Division III 2023 National Champions. She stated that this was the first national championship for the team in program history, with a 7–6 victory over John Hopkins University. She said they were the first Old Dominion Athletic Conference team and Division III school from Virginia to win a national championship in baseball. Head Coach Travis Beazley and Assistance Coach Orscar Garcia and Mike Solbach along with the baseball team accepted the certificates.

// In the matter of the Consent Agenda, Agenda Item 3, copies of the minutes of the April 26, 2022 City Council Meeting, May 10, 2022 City Council Meeting, May 24, 2022 City Council Meeting, June 7, 2022 Special Called Meeting, June 28, 2022 City Council Meeting, July 26, 2022 Special Called Meeting, August 23, 2022 Special Called Meeting, September 13, 2022 Joint Work Session LCS/City Council

Meeting and City Council Meeting, September 27, 2022 City Council Meeting have been previously furnished to Council. Vice Mayor Faraldi made the motion, seconded by Councilmember Helgeson. Mayor Reed, Councilmember Taylor, and Councilmember Misjuns stated that they would be abstaining from the vote since they did not serve as elected officials during those meetings. Council by the following recorded vote approved the minutes as presented:

Ayes: Helgeson, Dolan, Wilder, Faraldi	4
Noes:	0
Abstain: Reed, Misjuns, Taylor	3

// In the matter of the Consent Agenda, Agenda Item 4, Councilmember Helgeson requested to defer the approval of the minutes from 2023 City Council meetings to allow further time for review. Mayor Reed stated there was consensus to defer the item to the October 10, 2023 meeting.

// In the matter of the Consent Agenda, Agenda Item 5, a second reading was conducted and Council adopted Resolution #R-23-073 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating $57,200 for the purchase of one (1) Lifepak 15 monitor/defibrillator and one (1) Lucas 2 chest compression system. Councilmember Misjuns made the motion, seconded by Councilmember Dolan, to adopt the Resolution #R-23-073.

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

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

// In the matter of Community Development, Agenda Item 6, Council held a public hearing to receive citizen input on the adoption of Resolution #R-23-074 approving the submission of the Program Year 2022 (FY 2023) Consolidated Annual Performance and Evaluation Report (CAPER). Community Development Grant Coordinator Ms. Gabrielle Bateman provided a summary of the request. The U.S. Department of Housing and Urban Development (HUD) requires each jurisdiction receiving HUD-administered grants (CDBG and HOME) to draft a CAPER and submit it for public review and comment. The CAPER describes the City's progress toward the housing and community development goals established within the 2020-2024 Consolidated Plan and the PY 2022 (FY 2023) Annual Action Plan. This CAPER is for the period of July 1, 2022 through June 30, 2023. With City Council's approval, the CAPER, including a summary of any public comments, will be submitted to the HUD Richmond Field Office for review to meet compliance regulations for the CDBG and HOME Program. A public notice was published in The News and Advance on Saturday, September 9, 2023.

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

Councilmember Wilder motioned, seconded by Councilmember Taylor, to approve Resolution #R-23-074. Councilmember Wilder noted the various housing needs and programs that the funds would support.

Councilmember Dolan disclosed she served on two boards in connection with the report, LynCAG and the Lynchburg Redevelopment and Housing Authority, and she was able to objectively vote on the matter because she did not receive any benefit from the boards.

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

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

Noes: 0

// In the matter of Budget, Agenda Item 7, Council held a public hearing consideration of introducing Resolutions #R-23-075 and #R-23-076 approving the FY 2023 Fourth Quarter and FY 2024 First Quarter Adjustments. Chief Financial Officer Ms. Donna Witt provided a summary of the request to Council. The General, Children’s Services Act (CSA), and Fleet Services Funds are amended to reflect the FY 2023 Fourth Quarter Adjustments. The General, City/Federal/State Aid, Forfeited Assets, Children’s Services Act (CSA), Home Investment Partnerships Program (HOME), Regional Juvenile Detention Center, Technology, Airport, Fleet Services as well as the City Capital Projects, Schools Capital Projects, and Airport Capital/Grant Projects Funds are amended to reflect the FY 2024 First Quarter Adjustments.

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

Councilmember Dolan motioned, seconded by Councilmember Wilder, to adopt Resolutions #R-23-075 and #R-23-076.

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

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

Noes: Faraldi 1

// In the matter of Public Works, Agenda Item 8, Council held a public hearing to hear citizen input on the adoption of Resolution #R-23-077 granting a non-exclusive limited revocable license to Clancy D. Wilson to permit encroachments at 1200 Rivermont Avenue. Deputy Director of Public Works Mr. Clay Simmons provided a summary of the request to Council. Clancy Wilson has owned the house and property located at 1106 Cabell Street since December of 1989. At the time of the purchase, Mr. Wilson was under the impression that his property extended all the way to the adjacent parcel located at 1204 Rivermont Avenue. In reality, a vacant parcel of land (1200 Rivermont Avenue) extended between Mr. Wilson's parcel and the neighboring occupied property at 1204 Rivermont Avenue (see attached survey). The City was gifted the vacant parcel located at 1200 Rivermont Avenue in September of 1993 for the creation of a small park which is the current use of the front portion of the property. Operating under the assumption that the vacant land was his, Mr. Wilson made improvements in the form of a gravel driveway, an above-ground pool, and a concrete slab for parking on portions of the parcel remaining outside of the footprint of the park. As a result, a portion of the driveway, pool, and concrete slab have created an encroachment on the City's land. Mr. Wilson parks on a gravel driveway of which a portion also falls on City property but this appears to have existed at least as far back as 1997 in the available aerial imagery. The pool appears to have been constructed in 2012, and the concrete slab has existed since 2021. Staff recommends authorization of the attached license agreement by adopting the attached proposed Resolution to permit the existing driveway, concrete slab, and above-ground pool to remain, given that the encroachments cause no undue hardship to the City and the City has no current need for the area of the parcel where the encroachments exist.

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

Councilmember Helgeson asked if there was consideration of selling the entire parcels since it was stated that the City had no use for it. Mr. Simmons said staff looked into a sale. He explained that the parcel was gifted to the City in 1993 with the specific intention that the front portion be used for a park. He stated that the only way to sell the parcel would be to split it, which would then open up a bidding process—the City could not sell it specifically to Mr. Wilson. He said that even if the parcel were sold, the encroachments would still have to be removed. City Attorney Mr. Matthew C. Freedman stated that they usually addressed encroachments through franchise ordinances, but because of the nature of the request, which could potentially expose the City to liabilities, they decided to proceed with a license agreement to ensure the property was insured. Councilmember Helgeson clarified that if the property were sold, they would not have to take those actions. Mr. Freedman said that was correct, but the process to sell the property required it to be posted for purchase, and other citizens could potentially outbid the individual to whom the City wanted to sell the property.

Vice Mayor Faraldi asked whether the license would follow the property or the property owner; Mr. Freedman replied that it would follow the property. Vice Mayor Faraldi clarified that the licensure would follow the deed to the property; Mr. Freedman stated that was correct.

Vice Mayor Faraldi moved, seconded by Councilmember Wilder, to adopt Resolution #R-23-077. With no further discussion from the Council, the following vote was recorded:

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

// In the matter of Planning, Agenda Item 9, Council held a public hearing to receive citizen input on the adoption of Resolution #R-23-078 amending the Future Land Use Map and the adoption of Ordinance #O-23-079 changing a certain area located at 759 Leesville Road from R-1 Low Density Residential to B-5C General Business District. Senior Planner Ms. Rachel Frischeisen provided a presentation of the request to Council. Centra Health Inc. is petitioning to amend the Future Land Use Map (FLUM) from Low Density Residential to Community Commercial and to rezone approximately two and forty-seven hundredths (2.47) acres located at 759 Leesville Road from R-1, Low Density Residential District to B-5C, General Business District (Conditional). The subject property is approximately sixteen (16) acres total, of which two and forty-seven hundredths (2.47) acres are located within the City. The portion within Campbell County is zoned General Commercial and recommended for Urban Development Area – Commercial on the County's FLUM. The proposed FLUM amendment and rezoning within the City would allow the construction of an entrance and parking area to serve the rehabilitation facility and behavioral health hospital that will be built on the portion of the property within the County. Voluntarily submitted proffers should adequately limit the impact of the proposed development: “The property owner proffers the exclusion of the following uses for this site listed by LBCS#: 1121S, 1122S, 1140S, 1200S, 1201S, 1322, 1330, 2111-2113, 2113b, 2114, 2115, 2116, 2117a, 2117b, 2121-2125, 2126-2128, 2132-2135, 2141-2143, 2144, 2145, 2145b, 2155, 2199, 2221, 2222, 2223, 2224, 2331 & 2332, 2333, 2334-2335, 2417, 2418, 2423a, 2423b, 2424, 2425, 2440, 2450, 2455, 2550, 2570 & 2580, 2610, 2621 & 2622, 2630, 2651, 2652, 2653, 2710, 2721, 2722, 3110, 3130 & 3140, 3230, 3440, 3500, 3620, 4121, 4133-4134 & 4136-4137, 4138, 4140, 4181, 4182, 4190, 4210 & 4221, 4220, 4231, 4232 & 4241, 4243, 4244, 4315, 4329, 4339, 4349, 5110 & 5160, 5111, 5140-5150, 5170, 5180, 5320, 5380, 5390, 5375, 5400, 6144, 6300, 6700, 6710, 7000, 9922." (For descriptions of these land use categories, please see Attachment #7 in the Planning Commission Report) City Council received a Business Item Briefing on September 12, 2023 concerning this petition and there was discussion about whether a Conditional Use Permit (CUP) and/or lower commercial district designation would suffice. Since a CUP would be required in any district below a B-5 District, the item would be required to go back to the Planning Commission prior to being considered by City Council. The petitioner has decided to move forward with the rezoning as originally proposed. The petitioner's reasoning included having a zoning designation that did not require future City Council approval, a zoning that more closely aligns with the zoning in Campbell County, and to avoid a delay that could affect the "Certificate of Need" for the facilities.

Brad Lipsey, Crunk Engineering, representing Centra Health, spoke in support of the project. He said he was available to answer questions about the site.

Mr. Dwight Williams, 200 Wexford Place, said that he lived directly across the street from the proposed rezoning. He expressed concerns about the traffic impacts and the safety of children in the area. He said that children were often picked up and dropped off along the road for school.

Mr. Lipsey rebutted that a traffic study was performed.

Mayor Reed closed the public hearing.

Councilmember Helgeson disclosed that his spouse worked for Centra Health and he was able to objectively, fairly, and impartially address the matter.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt the Resolution #R-23-078 and Ordinance #O-23-079.

Councilmember Helgeson said he did not support the motion. He said that they should have done a CUP. He noted that it was currently the lowest density residential zoning, and it was proposed to be the most impactful use. He said that it would set a terrible precedent and impact all of the adjacent properties.

Vice Mayor Faraldi noted that the development had already been approved by Campbell County. He said that the building would be constructed, and the impact was coming. He said that if the proposal were not approved, an access road through the site would be used, which would cause more problems. He said that the proposal was a solution to the potential impacts of the development, which could not be prevented because it was in another jurisdiction. He asked whether CUPs expired. Mr. Freedman responded that if an expiration date were added as a condition of approval, it would expire, but typically, they would not. Ms. Frischeisen responded that a CUP expired after 24 months if a final site plan application was not made. She said that a CUP was more limiting, and it would require revisions if the built-out use did not match the submitted concept plan.

Councilmember Helgeson asked if the property would have construction within two years. Mr. Lipsey stated that they did not have a time frame for construction yet, but they intended to begin as soon as reasonably possible. He said that the purpose of the zoning was that B5 was the only classification which allowed a hospital. He said the goal was to develop the property without being tied to a specific site plan requiring additional approval. Vice President of Facilities, Design, and Construction at Centra Health Mr. Roger Bradley said that they were under a time consideration. He explained that they received a certificate of need from the state, which included a timeframe to turn over the project. He said that they were limited in available time. He said that they currently did not know if there was a need for additional parking. He said that the amount of work on the property would be limited, but they had to obtain the permit. He said that they included a proffer to address any impacts to the surrounding HOAs. He said that they had less than 24 months. He said they considered B1 zoning, but it would still require a CUP.

Councilmember Misjuns asked what the impact would be if they sought a CUP. Mr. Bradley replied that they would change the drawing to incorporate full parking to ensure they would not have to return for further review. Councilmember Misjuns asked what hurdle that would pose to the project. Mr. Bradley said that it would pose a difficulty with the time constraints and impede completing the project within the given timeframe for the certificate of need.

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

Ayes: Reed, Faraldi, Taylor, Dolan, Wilder 5

Noes: Helgeson, Misjuns 2

// In the matter of Public Comment, Agenda Item 18, Adelyn Robertson, a minor, spoke regarding the proposed closure of Sandusky Elementary School. She said she did not want her school to shut down because Sandusky was her home, where she had nice friends, teachers, and principal.

// In the matter of Public Comment, Agenda Item 10, Robert Flood, representing the Rescuers of the Youth, spoke regarding the proposed closing of Dearington, T.C. Miller, and Sandusky Schools and the consideration of a police precinct in Ward 2. He expressed concerns that they were not able to fund school repairs even though they spent $500,000 on other projects. He said that there were multiple unsolved murders that should be the focus of City efforts rather than closing schools. He said that they should build a precinct in Ward II so that the police can embed themselves in the community to prevent crime.

// In the matter of Public Comment, Agenda Item 12, Gary Taylor addressed Council regarding the state of the Republican Party in Lynchburg. He said that he was representing a newly formed group called Citizens for a Better Lynchburg. He said the Lynchburg Republican City Committee (LRCC) last week passed a resolution to force City Republicans to support Councilmember Misjuns' bogus DEI resolution. He said that Councilmembers Misjuns and Helgeson had lied, made derogatory comments, and spread misinformation about City Councilmembers, staff, and employees. He requested Councilmembers Helgeson and Misjuns to resign effective immediately and for LRCC to give up its charter.

// In the matter of Public Comment, Agenda Item 13, Tiersha Royal, President of the Sandusky Parent Teacher Organization, addressed Council regarding the Lynchburg City School Board's recommendation to close Sandusky Elementary School. She said the Sandusky community stands in opposition to the proposed decision due to the expected growth in enrollment and the high ranking and performance of the elementary school. The PTO respectfully requests a scheduled public hearing to discuss the School Board recommendation prior to formal voting. The public hearing should be held at Sandusky Elementary School and afford the community an opportunity to continue its parental and public engagement in dialogue about the factors influencing the Board's decision.

// In the matter of Public Comment, Agenda Item 14, Beth White addressed the Council regarding the topic of continued disunity among Republican Council members. She said there were continuing news reports on the constant in-fighting among the local Republicans since last November, including the phone call between then-Councilmember Faraldi and Senator Bob Good in which the congressman tried to order the now-Vice Mayor on who to vote for Mayor. Last week, the Lynchburg Republican City Committee voted to "direct" the five Republican members of Council to support Councilmember Misjuns' MEO resolution, but they were not elected by citizens and could not direct or urge the Councilmembers to bow to their wishes. She requested City Council members to stop acting like a bunch of two-year-olds on social media

// In the matter of Public Comment, Agenda Item 15, Colleen Larkins addressed Council regarding Lynchburg City Schools. She requested City Council to hold their School Board accountable for making a plan without a plan. She introduced her son, Kevin Larkins. He said that he was a 5th grader at Sandusky Elementary. Mr. Womack had told them for years that they did it better when they did it together, which made him feel like he was not alone, and if the school were closed, they would not be able to hear his encouraging voice anymore. That is one of the many reasons why he loved Sandusky. His teachers challenged him to discover new things and were always there to help him when he needed it. Closing Sandusky Elementary would hurt their schools, families, and entire community. He asked the City Council to vote against closing Sandusky Elementary School.

// In the matter of Public Comment, Agenda Item 16, Cynthia Capps addressed Council regarding saving Sandusky Elementary School from being closed. She said that she was a former member of the Title I teaching team at Sandusky. After attending community meetings and reading scenarios, over 70% of parents, staff, and community members selected scenario one, but the community has had zero voice in the choice of scenario three by the Board. Closing buildings before finalizing rezoning was unacceptable, and there were still costs to be incurred with closing the school. She did not understand why a school that was operating at capacity was being considered for closure, especially with its low turnover of both staff and students, high morale, strong teamwork, and their positive role models for children. She requested the Council to vote no on this proposal and the request for $15M in renovation to Bass.

// In the matter of Public Comment, Agenda Item 17, Marty Misjuns addressed Council regarding page 116 of the FY23 budget, “Police Department Performance Measures”. He said he was concerned that the school administration did not have what it takes to properly implement a plan, and had zero faith in the administration of the public schools. City Council was elected and were those that appointed the School Board. At the last joint meeting, there was very little dialogue between the Board and Council. The public was right that they do it better when they do it together, and the answer to this was a joint meeting where they actually have dialogue and walk through different ideas and scenarios on how to make the decision that serves the individuals, families, and businesses the best and provided the best academic experience for the children of the City.

// In the matter of Public Comment, Agenda Item 19, Jay Thomas, Taxicab Owner’s Board, previously signed up was not in attendance.

// In the matter of Public Comment, Agenda Item 20, Linda Barnett withdrew her request to speak regarding Sandusky Elementary.

// In the matter of Planning, Agenda Item 21, Council considered adopting Ordinance #O-23-080 vacating a public easement lying between 1504 Elm Street, 1500 Main Street, and 1520 Main Street. This item was presented to Council during the July 11, 2023 public hearing. Planner I Eve Mergenthaler provided a summary of the item to Council. Andy Maddox of Main, LLC is petitioning to vacate an easement for public right-of-way on a portion of Elm Street located between 1504 Elm Street, 1500 Main Street, and 1520 Main Street. The purpose of the petition is to allow the installation of parking to facilitate the continued expansion of The Wayne, which is a by-right development that consists of condo units and amenities. The total area of the proposed easement vacation is approximately five hundred seventy-two thousandths (0.572) of an acre.

The area to be vacated currently contains a paved road that serves the adjoining lots. If the petition is approved, access would continue through the establishment of several easements and agreements. A fifteen (15) foot wide public Bluff Walk pedestrian easement has been established on 1504 Elm Street and a twenty-four (24) foot wide public access easement has been established on 1500 Main Street. An agreement with the owner of 1520 Main Street will be established to preserve access to and from the rear of his property. Tenants and guests of The Wayne will be required to exit the development at the stop light on Main Street. Signs prohibiting entry onto Pearl Street from Elm Street will be installed. Mr. Maddox has also indicated that he will continue working with neighbors to increase the parking along Pearl Street for the neighbors' use. On September 12, 2023, the Physical Development Committee recommended approval (3-0) of the petition.

This item was first presented to City Council during a public hearing on July 11, 2023. At its September 12, 2023 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Taylor brought the committee's recommendation for approval forward as a motion; no second was required.

Councilmember Taylor said that at the Physical Development Committee meeting, they noted that Mr. Maddox was in touch with all the neighbors and was in agreement with them to take care of some of the items. Mr. Maddox said yes, he met with the cleaning company, the veterinarian, and the antiques store across Main Street and explained the proposal, and went as far as doing improvements on their side with adding in the "do not exit" from Elm to Pearl, and would put that in the leases with tenants. They had agreed and they had prepared letters that were included in the packet.

Councilmember Wilder suggested that they further research how to subsidize high rents to make it more affordable, and he would provide Mr. Maddox with related information.

Mayor Reed asked if Mr. Maddox could provide a comparison of the police calls they used to receive versus what they received currently. Mr. Maddox said that the year preceding the closure of the hotel, there were 1,500 calls to 1500 Main Street, and a year later, there were three calls.

Councilmember Misjuns suggested that Mr. Maddox meet with Mr. Benda to discuss the Bluff Walk. Mr. Maddox said that they would build a section of Bluff Walk through theirs, and the plan was to connect that over time, and they would like to be a part of that.

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

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

// In the matter of Engineering, Agenda Item 22, Council considered adopting Resolution #R-23-081 endorsing the Virginia Department of Transportation (VDOT) Grant Funding Applications. This item went to the Physical Development Committee on September 12, 2023. City Engineer Lee Newland provided a summary of item to Council. Staff recommends the following projects for application to Revenue Sharing: Previous Revenue Sharing Projects–Due to the unprecedented inflation over the past two years, the projects are underfunded and this funding request is for inflationary funds for the Revenue Sharing projects previously approved by City Council on September 24, 2019 at the Regular Meeting and for the 501/221 project. Hollins Mill Road Bridge and Bikeway Improvements was added in the last Revenue Sharing application process for partial funding and we are also requesting additional funding in this cycle. Additional funding for the project will need to be applied for in future grant funding cycles. Staff recommends the following project for application to Transportation Alternative Program: Sidewalk at Lynchburg Center for Industry–This project completes sidewalk at the Lynchburg Center for Industry located off of Graves Mill Road. This project is submitted in partnership with Economic Development. Previous cycle funded phase 1 of this project on the east side of the Mill Race and this is to install sidewalk on the west side. Funds will not become available until FY 2027 and FY 2028 to begin design and construction.

At its September 12, 2023 meeting, the Physical Development Committee recommended approval. As Chair of that committee, Councilmember Taylor brought the committee's recommendation for approval forward as a motion.; no second was required. With no further discussion from Council, the following vote was recorded:

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

// In the matter of Planning, Agenda Item 23, Council considered adopting Resolution #R-23-082 designating Odd Fellow Road from U.S. Route 460/29 to the Lynchburg Expressway as the Senator Steve Newman Parkway. Council was previously briefed on this item during the September 12, 2023 work session. Steve Newman was elected to Lynchburg City Council in 1988 and served in the Virginia House of Delegates from 1992 to 1996 when he was first elected to the Virginia Senate. After serving the Lynchburg area for thirty-five (35) years, Senator Newman announced he would not seek reelection in November 2023. Senator Newman played a key role in having the Odd Fellows Road Connector included as a State transportation project. If approved, the resolution would designate Odd Fellows Road from

U.S. Route 460 to the Lynchburg Expressway as the "Senator Steve Newman Parkway". Signs would be placed strategically throughout the corridor. The official name of the street would remain as "Odd Fellows Road" and no property addresses would change.

Vice Mayor Faraldi motioned, seconded by Councilmember Wilder, to adopt the resolution.

Vice Mayor Faraldi emphasized Senator Newman's impact on Lynchburg and the region during his tenure on Lynchburg City Council, Virginia House of Delegates, and the Virginia Senate. He said the fiscally responsible way to honor him was through this resolution, and Odd Fellow Road would forever be recognized as the Senator Steve Newman Parkway. He noted that there was some procedure necessary for renaming the bridge, and he was open to that as well.

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

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

// The meeting adjourned at 9:06 p.m.

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Clerk of Council