

November 28, 2023

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of November, 2023, at 4:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Larry Taylor, MaryJane Dolan, Sterling

A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of the Fire Department, Agenda Item #1, Council received an update regarding Fire Department initiatives, including ISO, SAFER Grant, and general operational items, from Fire Chief Gregory Wormser.

Councilmember Wilder asked if there was diversity in the applicant pool. Chief Wormser replied that there was some diversity in the pool; however, they struggled to attract diverse applicants. He stated that they were working with community partners to develop strategies to get people to apply.

Councilmember Wilder asked if they kept decommissioned firetrucks for backup uses. Chief Wormser said that they did have backup fleet vehicles. He said that through Fleet Services, they had been able to retain an extra backup of a firetruck and an ambulance, totaling four backup vehicles for each. He said that it took longer to order and receive apparatus, so they had to maintain fleet vehicles for longer. He explained that generally, when they purchased a new apparatus, they sold the old one.

Councilmember Misjuns asked how many they had in the fleet. Chief Wormser stated that they had four. Councilmember Misjuns asked what would have been required to achieve ISO 1. Chief Wormser said that it would have required 90, and they were short four points. Councilmember Misjuns asked about the significance of the training records. Chief Wormser explained that it was one of four factors—dispatching, total resource allocation, water resources, and training. He noted that water resources were the most difficult because they were one of the oldest gravity fed systems in the country. Councilmember Misjuns asked how the scores compared to previous ISO evaluations. Chief Wormser stated that water resources scored about the same. He said that they received points for dispatching during the previous evaluation that they did not receive this time. He said that for training, they received eight points the prior round, and this round they received under seven points. Councilmember Misjuns

asked if they knew how to improve future SAFER Grant applications. Chief Wormser said they had not because they had not yet met with FEMA staff.

Mayor Reed clarified that the recently ordered ladder truck was for the new station, but it was a 48-month wait, so they would use a spare ladder truck in the meantime. Chief Wormser said that was correct and explained that the pace of opening the new station was dependent on staffing. He said that his goal for opening the new station was the summer of 2025. Mayor Reed asked how many staff members were required for the new station. Chief Wormser said they needed a total of 21 staff members.

Councilmember Taylor asked if they performed community outreach to staff the stations. Chief Wormser said yes, they held a number of community events and career fairs. He said that their connection with the community had improved, and they were taking a number of actions to ensure the workforce stayed in the City.

// In the matter of the Historic Preservation Commission, Agenda Item #2, Council received an overview presentation of Historic Preservation in the City from Acting Director of Community Development Mr. Tom Martin. Historic Districts were first established in Lynchburg in 1976. Historic Districts are designated by City Council for local significance and contribution to the City's identity, character and historical legacy. Historic Preservation is important because it improves quality of life, protects property owners' investments, increases property values, promotes tourism and creates a sense of identity, character and community. The City currently contains seven (7) local districts and twenty-two (22) individually designated properties. Any exterior modification to the exterior of a historic property must first obtain the approval of a Certificate of Appropriateness (COA) prior to the work commencing. Minor work can be approved administratively by City staff, while major work such as the construction, alteration or removal of features that affect the exterior architectural appearance require approval from the City's Historic Preservation Commission (HPC). In determining if an exterior modification is appropriate, the Historic Preservation Commission and City staff reference the Lynchburg Residential Review Guidelines or the Lynchburg Commercial Review Guidelines. These documents provide specific criteria where applicable and/or generally accepted preservation standards for appropriate rehabilitation work, new construction and demolition in designated historic districts.

Vice Mayor Faraldi asked what the largest impediments were for developers, in terms of fiscal barriers and HPC approval. Mr. Martin noted that HPC denials were low, and they often involved developers looking to flip properties rather than investing in the property. He said that the Historic District Ordinance was intended to protect the City's investment in historic properties as well as other property owners in the district. Vice Mayor Faraldi asked how issues related to historic building techniques no longer being practiced would be addressed. Mr. Martin said that some restoration work was highly specialized, but no one intended to allow buildings to fall over. He said that the HPC had architects on staff who could assist in rehabilitating buildings. Vice Mayor Faraldi asked if it was established that appearance was more important than materials used. Mr. Martin explained that it was a stepped approach. He said that the steps were to repair existing structures, replace in-kind, and then consider alternative materials if not feasible, and they were iterated in the design guidelines. Vice Mayor Faraldi suggested updating or revising the guidelines to better meet current building conditions. Mr. Martin said that the guidelines were last revised in 2013, and they were updated on the same schedule as the comprehensive plan. He said that they could look into starting a revision process if the Council desired.

Mayor Reed said she supported revising the guidelines.

Councilmember Misjuns said he supported revising the guidelines. He clarified that the historic district qualified them to receive federal funding. Mr. Martin explained that if a property was in a state or national historic district, the owner qualified for certain tax credits, and being a certified local government qualified the City to apply for certain grants. Councilmember Misjuns asked if there was an estimate for the return on investment from the historic district. Mr. Martin said that the assessed values were significantly higher than the adjacent neighborhoods. Councilmember Misjuns said he was interested in investigating whether the historic district was suppressing investment in the neighborhoods.

Mr. Martin said that staff would review the HPC guidelines with the commission and return to Council with more information.

// In the matter of Planning, Agenda Item #3, Council received a briefing regarding rezoning B-4, Urban Commercial to B-5 in the General Business District – 602 Taylor Street & 1212 Park Avenue. Mayor Reed stated that the item would appear before Council for action at the December 12 meeting. Senior Planner Ms. Rachel Frischeisen provided a presentation to Council. Mr. Hunter Dawson is petitioning to rezone

602 Taylor Street and 1212 Park Avenue from B-4, Urban Commercial to B-5, General Business District to allow the use of the properties for used automobile sales. The properties are included in the area covered by the Fifth Street Corridor Master Plan adopted by City Council on May 23, 2006. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Neighborhood Commercial land use for the properties fronting 5th Street & Park Avenue. These areas are intended to consist primarily of office, retail, personal service, and restaurant uses that are scaled and designed to be compatible with and serve their immediate neighborhood. Planning Commission recommended denial of the petition, citing concerns of setting precedence for auto-oriented uses which negatively impacted 5th Street and the adjoining neighborhoods in the past. The proposed rezoning does not align with the recommendations of the Future Land Use Map, Comprehensive Plan 2013-2030, and the 5th Street Corridor Master Plan.

Councilmember Helgeson encouraged the Council to consider the matter because they were rehabilitating a vacant property, which would improve the area and increase tax revenue.

// In the matter of Planning, Agenda Item #4, Council received a briefing regarding a Conditional Use Permit (CUP) for Hope Diamond Childcare Center - 805 15th Street. Senior Planner Ms. Rachel Frischeisen provided a presentation to Council. Diamond Hill Baptist Church is petitioning for a CUP at 805 15th Street to allow the use of an existing structure as a childcare center in an R-2, Low-Medium Density Residential District. Childcare facilities are permitted in this zoning district upon approval of a CUP by City Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Traditional Residential use for the subject property. Public and private institutional uses are appropriate in these areas when they are designed to blend into the existing urban fabric. With ample parking in the adjacent Diamond Hill Baptist Church parking area, the impact of the childcare center should be minimal.

// In the matter of Budget, Agenda Item #5, Council received a briefing on the Riverfront Amphitheatre Update. Mayor Reed stated that the item would appear before Council for action at the December 12 meeting. Deputy City Manager Mr. Greg Patrick provided the briefing to Council. The creation of Riverfront Park was one of the key components of the Downtown and Riverfront Master Plan 2000. In FY 2023, City Council approved funding to complete improvements to the park with the goals of:

- Build a destination amphitheater capable of hosting national touring acts.

- Install a fence and gate system to designate event areas and allow passive use between events.
- Build permanent public restrooms.
- Partner with the Kiwanis to build a new playground next to the splash pad.
- Include additional shade canopy and landscaping.
- Upgrade stormwater, sewer and rain garden capacity.

The project was put out for bid on May 19, 2023 with a bid opening on July 13, 2023. Although the last estimate of cost (July 2022) was approximately \$4.6 million dollars (+/- 6% of budget), the low bid came in at \$7,998,000 from Jamerson-Lewis, which is significantly over budget. The project timing has been impacted by this effort as well, the contractor indicated that the steel components for the amphitheater will take a much longer lead time than originally anticipated. The project construction time will extend from an estimated 420 calendar days to 630 calendar days for completion in July 2025.

Project Impact

Riverfront Park will be better positioned to drive visitor traffic through large-scale special events, festivals, movies and performances. On average there are approximately 16 local events per year at Riverfront Park varying from small community engagement events to music and food festivals. In 2022, local events in Riverfront Park generated 16,960 visits. The attendance capacity of the venue is approximately 3,500, up to 5,000. We expect an additional 10-20 nationally programmed performances per year in the new amphitheater within the first three years of operation. Based on actual visits to nationally performing artist events in Riverfront Park in recent years, we estimate that 20 additional nights of programming would conservatively drive nearly 75,000 visitors per year, a 330% increase in utilization of the Park. More than 90% of the foot traffic to Riverfront Park is for one-time events, meaning visitors are already using the park as a destination. Driving more visitors to the destination will increase direct spending in restaurants, retail, transportation, lodging, and more associated with event attendance, across the City.

Next Steps

Operator - The City of Lynchburg will pursue procurement of a venue operator to schedule, promote and program national touring performances.

Sponsorship - The City of Lynchburg will pursue corporate sponsorship for the amphitheater.

// In the matter of Public Safety, Agenda Item #6, Council received a briefing on the City-Wide Youth Curfew. Chief of Police Ryan Zuidema provided the briefing to Council. The City-Wide Youth Curfew Ordinance was enacted May 26, 2023 and is scheduled to sunset on December 1, 2023. At the request of City Council, monthly statistical data related to enforcement has been provided over the last five months. During this time, we have seen decreases in both property crime and violent crime. Statistical crime data will be provided to demonstrate the correlation between the curfew ordinance and this decline.

Chief Zuidema stated that the request was for Council to extend the curfew for an additional six months.

Mayor Reed asked if six months would be sufficient to gather the necessary data. Chief Zuidema said that it would be reasonable since they saw seasonal changes in criminal activity.

Councilmember Misjuns asked if there was a difference in enforcement across the seasons. Chief Zuidema said that the two highest months were July and August. Councilmember Misjuns asked whether data sharing issues with neighborhood watch organizations had been resolved. Chief Zuidema said yes, he said that they had shared offense data while posting arrest data, but they had changed to share the arrest data with neighborhood watch groups.

Mr. Benda said that staff could prepare a resolution for general business at the evening meeting since the ordinance would sunset on December 1. He said that staff could also bring the matter back before Council at the December 12 meeting. Mayor Reed stated that there was consensus from Council to include the matter under general business at the evening meeting.

// In the matter of Roll Call, Councilmember Wilder stated that Coach Bennet of Heritage High School died. He said Mr. Bennet was a track coach and Special-Ed teacher. He said that Share Lynchburg held an event for Giving Tuesday. He said that Moustache for Kids was a project that raised about \$600,000, and this year the event would end on Friday. He said that about 200 participants were growing moustaches to raise funds. He said that the funds would go to support children's charities.

Councilmember Helgeson said that on Friday, Liberty University was hosting a football championship competition. He noted the positive economic impact of hosting such events. He said that Liberty Football was 12-0. He said that the City was helping to coordinate events.

Councilmember Misjuns said he attended the ribbon cutting for the Peacemaker's Crisis Intervention Facility which opened on 12th Street. He said that two weeks ago, the School Board rejected a grant from an organization that promoted porn literacy and group masturbation in a sex education video series. He said that a school building was not the place to promote a brand that children should research to find recommendations on sexual perversion. He said that the City had become a battlefield to protect children from predators and those that sought to confuse, groom, and pervert them. He said that the School Board's decision was met by anti-Judeo-Christian speech from Save Our Schools LCS, which stated that, "Members' religious values do not have a place on the School Board." He said that this was a fringe belief that wanted to remove God from the public square. He said that there had been a rise of antisemitism and violence perpetrated against Jewish people. He said that any statement intended to prevent the free exercise of religion must be seen as hate speech. He said that the state constitution and Virginia Statute on Religious Freedom protected religious affiliation. He said that he took an oath to defend these rights, even if it cost him his life. He said that he could not remain silent while an organization sought to deprive the School Board of its privileges. He said that it was unconstitutional, anti-American, and against City values. He said that Save Our Schools was advocating an education approach informed by an expert on feminism and critical race theory, and the same person who developed the term "intersectionality". He said that this was not appropriate. He said that the Council could take a stand to ensure protections of religious liberty and oppose all forms of religious bigotry. He requested that the Mayor proclaim January as Religious Liberty Month in the City. He said the proclamation should make it clear that the City did not cower in the face of relentless attacks on religious freedom by the hardcore progressive leftwing of the Democratic Party. He said that those operatives wanted to erase the state constitution and establish a state religion of Secular Humanism—a world view that was intended to eliminate the moral values that made the US the greatest nation in world history. He said that they must continue to engage in the war to protect children from harmful ideologies. He said that they risked losing the war if they were not proactive. He requested the consideration of an ordinance to prohibit sexually charged performances when minors were present. He requested a one-on-one meeting with the City Attorney to draft the ordinance so that it may be introduced on the agenda during the first work session in January for discussion prior to adoption during the first business meeting. He said that it

was urgent to reconsider the Merit, Excellence, and Opportunity resolution. He said that they had to prevent City taxes from funding an organization that promoted harmful ideology in public schools, such as promoting a lesson plan that encouraged educators to read a book titled, "Who Are You? The Kids Guide to Gender Identity" and to use an app that allowed students to use pronouns that they wanted to use. He said that this was part of a larger, devious agenda to indoctrinate government employees, educators, and school children with politically motivated, far-left ideology to promote identity politics, destabilize the nuclear family, and deny religious liberty. He said that inaction demonstrated complicity in the efforts to undermine religious liberty by ushering in an established state religion of Secular Humanism and endorsed the sacrifice of children in the City to predators who sought to groom them into perverse, immoral lifestyles before they were of age to understand themselves. He said that little boys should not be castrated, and young women should be protected from men in school bathrooms, locker rooms, and on athletic teams.

Mayor Reed stated that she attended the Bright Nights event hosted by the DLA, and it was a wonderfully attended event. She said that the atmosphere was exciting, and she was proud of how the event unfolded. She said about 5,000 people attended. She acknowledged the contributions and efforts of the Information Technology Department.

// On the motion of Councilmember Wilder, seconded by Councilmember Misjuns, the Council elected to enter a closed session to discuss the City's participation in an Opioids Class Action Settlement concerning McKinsey & Company, Inc. and related entities, pursuant to Sections 2.2-3711(A)(7) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended, and for the discussion about the 3M Company aqueous film-forming foams product liability litigation, pursuant to §§ 2.2-3711(A)(7) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended.

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

Ayes: Reed, Misjuns, Dolan, Taylor, Wilder	5
Noes: Helgeson	1
Absent: Faraldi	1

// The meeting was reopened to the public.

// Councilmember Wilder made the following motion:

November 28, 2023

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

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

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

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

Ayes: Dolan, Reed, Misjuns, Taylor, Wilder	5
Noes:	0
Absent: Faraldi, Helgeson	2

// The meeting recessed at 6:38 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 28th day of November, 2023, at 7:30 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Martin Misjuns, Jeff Helgeson, Larry Taylor, MaryJane Dolan, Sterling A. Wilder, Chris Faraldi	7
Absent:	0

// Councilmember Helgeson led the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, the Mayor recognized Coach Enza Steele and the University of Lynchburg Field Hockey team. She said the team ended the season with a 21-3 record, including capturing the program's 22nd Old Dominion Athletic Conference Championship and making its 23rd appearance in the NCAA Tournament, where they advanced to the National Quarter Finals for the sixth time in program history. She said that the regular season included a 9-0 record in conference play to

secure the ODAC regular season championship and the top seed in the conference tournament, along with a final national ranking of 11. She said that the Hornets saw eight women named to the all-conference team, and Sophomore Marlou Wendriks earned Offensive Player of the Year and Freshman Khanyisile Mzizi earned Rookie of the Year. She said that Coach Steele was named the conference's Coach of the Year. She said that Coach Steele had concluded her 45th and final season with her fourth 20-win season, 22nd ODAC championship, and 23rd NCAA Tournament appearance. She said that Coach Steele won her 650th career game during the season and finished her career with 666 wins, the winningest coach in D3 history, and the third coach with the most wins across all divisions. She said that Coach Steele's teams won nine consecutive championships from 2006 through 2014, and she was inducted into the National Field Hockey Coaches Association Hall of Fame in 2020 and the University of Lynchburg Hall of Fame in 2023. She invited Coach Steele and the field hockey team to the dais to be recognized.

Coach Steele accepted the recognition.

// In the matter of the Agenda, Mayor Reed motioned, seconded by Councilmember Taylor, to temporarily suspend the rules of procedure to add an item to the agenda under General Business to consider a resolution censuring Councilmember Misjuns. Mayor Reed stated that the motion was based on the following actions and behavior of Councilmember Misjuns:

- Threatening City staff with mandamus actions.
- Insulting City staff and fellow Councilmembers.
- Attempting to illegally impose Council authority in City personnel matters that are, by law and by contract, the domain of the City Manager.
- Attempting to solicit assistance in a plan to set up a Councilmember at a townhall meeting.

She stated that in addition, there was a desire from a majority of Council to discuss the issue, and numerous citizens had expressed concerns about Councilmember Misjuns' behavior.

Councilmember Helgeson said that they should consider the matter at a separate meeting to provide Councilmembers time to review the resolution. He said that he did not think the matter should be added to the agenda.

Councilmember Misjuns said that he would like a one-on-one discussion to talk about the issues with the Mayor.

Councilmember Dolan said she supported including the matter on the agenda because it was a community issue and not a personality conflict between the Mayor and Councilmember Misjuns. She stated that Council needed to address the issue for the sake of the community.

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

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

Noes: Misjuns, Helgeson 2

// In the matter of the Consent Agenda, Agenda Item #2, Councilmember Helgeson requested to pull the minutes from October 24, 2023, to provide more time to review them; there was a consensus from Council. Councilmember Wilder motioned, seconded by Councilmember Dolan, to approve the following minutes: September 12, 2023 City Council meeting minutes; September 26, 2023 City Council meeting minutes, and; October 10, 2023 City Council meeting minutes.

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

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

Noes: 0

// In the matter of the Consent Agenda, Agenda Item #3, Council conducted a second reading and adopted Resolution #R-23-090 amending the FY 2024 City/Federal/State Aid Fund budget and appropriate \$47,138 to purchase law enforcement equipment for the Lynchburg Police Department and technology equipment for the Lynchburg Sheriff's Office and the Office of the Commonwealth's Attorney. On motion of Councilmember Wilder, seconded by Councilmember Dolan, Council by the following recorded vote approved the adoption:

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

Noes: 0

// In the matter of the Consent Agenda, Agenda Item #4, Council conducted a second reading and adopted Resolution #R-23-091 amending the FY 2024 City/Federal/State Aid Fund budget and appropriate \$25,800 to facilitate speed enforcement activities. On motion of Councilmember Wilder, seconded by Councilmember Dolan, Council by the following recorded vote approved the adoption:

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

Noes: 0

// In the matter of the Consent Agenda, Agenda Item #5, Council conducted a second reading and adopted Resolution #R-23-092 amending the FY 2024 City/Federal/State Aid Fund budget and appropriate \$26,400 to facilitate selective enforcement activities, equipment, and training. On motion of Councilmember Wilder, seconded by Councilmember Dolan, Council by the following recorded vote approved the adoption:

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

Noes: 0

// In the matter of the Consent Agenda, Agenda Item #6, Council conducted a second reading and adopted Resolution #R-23-093 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating \$55,618 for the purchase of 56 replacement bulletproof vests for law enforcement officers. On motion of Councilmember Wilder, seconded by Councilmember Dolan, Council by the following recorded vote approved the adoption:

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

Noes: 0

// In the matter of Water Resources, Agenda Item #7, Council held a public hearing in consideration of adopting Ordinance #O-23-095 authorizing the sale, grant, conveyance, and/or disposal of City-owned real estate to Giffin Pipe Products Co., LLC. Director of Water Resources Mr. Tim Mitchell provided a summary of the request. The Blackwater CSO Tunnel Project (CSO 52) requires the City to acquire a portion of Tax Map Parcel 04513002, 16 7th Street, from Griffin Pipe Products Co LLC and obtain a temporary construction easement on the entire parcel for the duration of the project. This displaces approximately 100 parking spaces significantly impacting the operation of US Pipe. Over the last year staff has been in negotiation with US Pipe to develop solutions that will minimize the impact to their operations during and after construction is complete. These negotiations include:

1. Swap New Parcel "A" (subdivided from Tax Map Parcel 04513002) 0.311 acres, for City-Owned Tax Map Parcel 04510002, 8 Adams Street, 0.540 acres. This would terminate their current lease of 8 Adams Street for which they are paying the City \$600 per month.
2. The City will construct a 100-space parking area on Tax Map Parcel 04513005, 2 Adams Street, a parcel owned by Griffin Pipe Products Co LLC to accommodate the displaced parking.
3. Vacation of a portion of Adams Street that serves their operation.
4. The City will remove a construction debris pile on north side of 7th Street to provide US Pipe more usable area.
5. Convey an access easement across Tax Map Parcel 04513004.

A signed and executed memorandum of understanding covering the items listed above is attached. This particular action is for the conveyance of City-Owned Tax Map Parcel 04510002, 8 Adams Street to Griffin Pipe Products Co., LLC.

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

Councilmember Helgeson made a motion, seconded by Councilmember Wilder, to adopt Ordinance #O-24-095. Councilmember Helgeson said that the resolution would help assist a local business for the mutual benefit of the City.

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

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

Noes: 0

// In the matter of Parks and Recreation, Agenda Item #8, Council held a public hearing in consideration of adopting Resolution #R-23-096 authorizing certain portions of City of Lynchburg real estate to be dedicated as conserved open space land (Jefferson Park and Tinbridge Hill Overlook). Director of Parks and Recreation Mr. Wyatt Woody provided a brief presentation to Council. City Council previously approved Community Development Block Grant funding for park projects in the Tinbridge Hill and Dearington Neighborhoods, respectively. In Tinbridge Hill, the project includes a trail connection and an overlook structure at the end of Hollins Street. In Dearington, upgrades to Jefferson Park include a new

basketball court with a community-chosen mural, stair improvements to the old amphitheater, a small loop trail in the park, a neighborhood “patio” with a pavilion on the former tennis court, and park lighting. These enhancements were identified as part of neighborhood plans based on input from the residents and ultimately adopted by Council. The improvements to both properties will generate surface water runoff (i.e. stormwater) that will need to be managed in accordance with City code and state law. Conserved open space—the practice of setting aside land via deed restriction to allow low volumes of runoff to disperse and infiltrate—is a state-approved measure to mitigate stormwater impacts. The engineers for each project identified conserved open space as a good fit for the park improvements and incorporated the practices into the approved design plans. To dedicate the land for stormwater management purposes, City Council will need to approve resolutions to create the necessary deed restrictions.

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

Councilmember Wilder made a motion, seconded by Vice Mayor Faraldi, to adopt Resolution #R-23-096.

Councilmember Wilder asked for clarification about the use of CDBG funds. Mr. Woody explained that previously, Council approved the use of CDBG funds for the project in the Tinbridge and Dearington neighborhoods. He said that from 2022 to 2024, Council approved funding of about \$1.1 million for improvements. He said that phase 2 of the project was already out for bid.

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

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

Noes: 0

// In the matter of the Police Department, Agenda Item #9, Council held a public hearing in consideration of adopting Resolution #R-23-097 granting a Revocable License Agreement with Flock Group, Inc. Chief of Police Mr. Ryan Zuidema provided a summary to Council. The Lynchburg Police Department (LPD) started the implementation of a Real Time Crime Center and plans to add Flock Safety services. Flock Safety offers compatibility with Virginia’s Criminal Justice Information Services (CJIS) to include Amber Alerts, Silver Alerts, Be-on-the-Look-Out (BOLO) advisories, and other items specifically related to vehicle information as a service. Flock Safety license plate reader (LPR) camera systems utilize proprietary

software to determine a vehicle's make, model, and color by capturing images of license plates. This software integrates with our current Axon Evidence system used for both body cameras and in-car cameras. Flock Safety will help address auto-theft and assist the LPD by using stationary cameras. It has already proven to be effective in other jurisdictions in locating vehicles and individuals involved in criminal activity, stolen vehicles, and stolen license plates. In these situations, Flock Safety provides an alert to authorized users of CJIS, in conjunction with the Virginia Criminal Information Network (VCIN) and the National Crime Information Center (NCIC). Flock Safety also provides a supplemental gunshot detection system, called Raven. Raven provides up to a one-mile radius gunshot detection capability per installed location. Raven will provide an alert to the LPD upon detecting a gunshot. This tool will assist with the timely investigation of shots fired incidents in our community. The Virginia State Police have provided \$10,000 in funding to us through the Help Eliminate Auto Theft (HEAT) program for Flock Safety. Additional funding is included in the FY24 budget. To move forward with this program, the approval of a right-of-way license agreement is needed to install the cameras on City-owned property. The cameras will be installed on existing City-owned signs and poles in the right-of-way and on City property. The LPD worked with Flock Safety, the City Attorney, and City Traffic Engineering to develop the license agreement. There are 15 proposed camera locations. The LPD will install the cameras at main entry points into the City and other high-volume traffic locations using traffic counts provided by the Virginia Department of Transportation.

Flock Safety Community Affairs Manager Ms. Amy Cornell provided a presentation to the Council on the Flock Safety technology.

Mayor Reed opened the hearing for public comment.

A citizen who did not state her name addressed the Council expressing concern about the use of the technology for identification of people. She noted that in two examples, a person had been identified using the technology despite claims that it would only be used to identify vehicles.

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

Councilmember Wilder made a motion, seconded by Councilmember Taylor, to adopt Resolution #R-23-097. Councilmember Wilder said that the resolution would provide another tool for the police department to monitor the community.

Councilmember Taylor asked for clarification about the people who were identified. Ms. Cornell replied that for the child who was identified, the parents had provided information about the vehicle she was in, and a photograph of the vehicle obtained was independently verified to identify the occupants of the vehicle.

Councilmember Helgeson expressed concerns about how the technology could be abused. He noted that there were federal lawsuits against Flock Safety, and there were concerns about 4th Amendment violations. He said he did not support the resolution.

Councilmember Misjuns expressed concerns about the future surveillance capabilities of the technology.

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

Ayes: Reed, Misjuns, Helgeson, Dolan, Taylor, Wilder, Faraldi 4

Noes: Faraldi, Misjuns, Helgeson 3

// In the matter of Public Comment, Agenda Item #10, Citizen Andy Dooley, 7938 West Lynchburg Turnpike, representing USA Softball of Piedmont Virginia, addressed Council regarding thanking the City and presenting the Mayor with a t-shirt from the National Invitation Tournament.

// In the matter of Public Comment, Agenda Item #11, Citizen Beth White, Ward III, addressed Council regarding conduct unbecoming of the office of a Lynchburg City Council member. She called for Councilmember Misjuns to resign from his seat on Council and listed several instances of Councilmember Misjuns' unbecoming conduct, including personal attacks on staff, Councilmembers, and members of the public. She passed packets out to the Councilmembers of Facebook posts created by Councilmember Misjuns.

// In the matter of Public Comment, Agenda Item #12, Citizen Robert Flood, representing Rescuers of the Youth Hoop City, addressed Council regarding things that will make areas in Lynchburg safer. He said he had a petition signed by about 200 Ward II residents requesting a police precinct. He requested information about the last time a survey was done on the methane leaks in Dearington. He said that

adults needed to model the behavior for how they wanted children to act, and they had to find a way to address behavioral issues without sending children to detention homes or boarding schools. He said that they set up the pipeline for children, so they should find ways to improve their outcomes.

// In the matter of Public Comment, Agenda Item #13, Citizen CJ Jordan addressed Council regarding concerns for Lynchburg and the Peacemakers. She said that there were allegations of Peacemakers having sex with volunteers and organization members in the group's conflict resolution building and prostitution. She requested the City to launch an investigation into the Peacemakers to determine the veracity of the allegations and for the City to revoke the occupancy permit for the conflict resolution building.

// In the matter of Public Comment, Agenda Item #14, Citizen Brenda Farmer, representing the Lynchburg NAACP Unit 7088, addressed Council regarding community needs. She said that Council should concentrate on concerns of the community, not personal agendas.

// In the matter of Public Comment, Agenda Item #15, Citizen Michael Bremer, Ward IV, addressed Council regarding the removal of Councilmember Misjuns. He said that in 35 years of observing Council, he had not encountered such behavior among Councilmembers. He called for the resignation of Councilmember Misjuns and expressed concerns about the Councilmember's behavior.

// In the matter of Public Comment, Agenda Item #16, Citizen Anne Morris was not present.

// In the matter of Public Comment, Agenda Item #17, Citizen Neal Tosi, Lynchburg resident, addressed Council regarding the removal of Councilmember Misjuns. He expressed concerns about remaining in the City and expanding his family and business because the Council's values did not align with his. He said that bigots should not sit on any council in the City. He requested Council to consider the economic and moral impact of Councilmember Misjuns' membership on Council.

// In the matter of Public Comment, Agenda Item #18, Citizen Gary Woodson was not present.

// In the matter of Public Comment, Agenda Item #19, Citizen Jim Quattlebaum, Ward I, addressed Council regarding the School Board vote. He said he supported the School Board's decision to not fund the safety room at E.C. Glass High School.

// In the matter of Public Comment, Agenda Item #20, Citizen Gary Taylor, representing Citizens for a Better Lynchburg, addressed Council regarding the November 2023 Virginia elections and 2024 local

elections. He said that there were factions forming in the Lynchburg Republican party, and for Republicans to maintain control of Council moving forward, the LRCC had to voluntarily rescind its charter, or the State Central Committee had to revoke it based on numerous issues throughout 2023 and unequal enforcement of rules and procedures. He called for Councilmember Misjuns to resign voluntarily or for Council to take the necessary steps to remove him.

// In the matter of Public Comment, #21, Council heard from citizen Chris David Quigg, Ward III, regarding School Board issues. He expressed his support for the School Board's decision to deny the grant awarded to E.C. Glass High School from the It Gets Better Project.

// In the matter of Public Comment, #22, Council heard from citizen Karen Elizabeth Quigg regarding the School Board. She expressed her support for the School Board's decision to deny the grant awarded to E.C. Glass High School from the It Gets Better Project.

// In the matter of Public Comment, #23, Council heard from citizen Cindy Ferguson, Ward I, regarding Councilmembers to hold Councilman Misjuns accountable for his actions over the past year, his first year as a Councilmember. She expressed concern that Councilmember Misjuns was not upholding the mission and values of the City Council at-large position he currently held, and then called for his resignation or dismissal.

// In the matter of Public Comment, #24, Council heard from citizen Kathleen Davis, city resident, regarding waste removal. She expressed her concern about the waste and harm caused by Councilmember Misjuns' actions during his 11 months on City Council, noting there were 1,700 signatures on a local petition to remove him from office. She requested City Council expel Councilmember Misjuns because a censure was not enough.

// In the matter of Public Comment, #25, Council heard from citizen Jeff Rosner, Lynchburg citizen, regarding Councilmembers' official Facebook pages. He expressed his concern about Councilmember Misjuns' posts on Facebook, which posited conspiratorial presumptions as facts, and he asked if these were an appropriate use of official communications which included the official Facebook pages of Councilmembers.

// In the matter of Public Comment, #26, Andrea Hurtt was not present to address Council.

// In the matter of Public Comment, #27, Council heard from citizen Kimberly Wynn, Ward IV, regarding the conduct of City Councilmember Marty Misjuns. She expressed concern that the accusations against Councilmember Misjuns were hypocritical, as divisive and contentious behavior originated from multiple members of City Council, and that Councilmember Misjuns was essential in addressing the corruption in Lynchburg.

// In the matter of Public Comment, #28, Council heard from citizen Peter Cefaratti regarding general comments on current Lynchburg issues. He expressed concern that the old status quo problems of Lynchburg were not being changed with the City Council elected last year, and that Councilmember Misjuns was doing his part in representing the constituents of the City who wanted to see solutions to the persistent problems.

// In the matter of City Council, Item Not on the Agenda, City Council considered adoption of a Resolution #R-23-098 to censure Councilmember Marty Misjuns for his conduct and disorderly behavior. Mayor Reed moved, seconded by Councilmember Wilder, to adopt the resolution as presented to censure Councilmember Marty Misjuns for his conduct and disorderly behavior.

Vice Mayor Faraldi asked if a friendly amendment would be accepted for approving the resolution and title it "The 2023 Misjuns Executive Order (MEO) of Lynchburg City Council." Mayor Reed declined the amendment, stating that the resolution was appropriate as it stood.

Mayor Reed explained that on October 9, 2023, she sent a letter from her position as Mayor to Councilmember Misjuns regarding her thoughts on his recent behavior, and her position remained the same as previously expressed in that letter. She said that now was the time for others on Council to discuss this matter on behalf of the thousands of citizens they represented.

Councilmember Wilder said that as a lifelong resident of Lynchburg, he had never seen Council in this state in his entire life. He said that it was a burden to witness the hostility that had occurred since January 1, 2023, and it was disappointing to see the situation degrade to the point that people were sorrowful and that publications mocked the state of their Council and the City. He expressed his gratitude for this issue being resolved in this manner because it had been taking up an inordinate amount of time at every meeting as well as in discussions outside of their regular meetings.

Councilmember Dolan stated that the distractions, belligerence, and threats made to staff and peers by Councilmember Misjuns undermined the long history of civility kept by the City Council, and had further caused community members to fear speaking out against Councilmember Misjuns. She said that perhaps the censure would assist in affecting change in the behavior of Councilmember Misjuns. She said that it was her personal belief that they could not conduct the business of the City moving forward with the continuance of all the distractions of the past 11 months, so she would support the censure.

Councilmember Helgeson expressed his concern that the issues that other Councilmembers had with Councilmember Misjuns should be resolved personally and not through official Lynchburg City communications or news publications. He stated that divisive comments continued to be presented at their public meetings rather than the matters being resolved through direct communication. He said that he would not support the resolution because it was not necessary business for the City Council to take up, and could be resolved between Councilmembers rather than in this official manner.

Vice Mayor Faraldi expressed concern that his professional relationship with Councilmember Helgeson had been negatively impacted by Councilmember Misjuns' actions. He stated that he believed the appropriate title for this resolution would be the "2023 Misjuns Executive Order for Lynchburg City Council," because the Council's core priority was to protect the integrity and public reputation of the City above all else, and the actions Councilmember Misjuns had taken in the past 11 months must be addressed. He said that he would vote to defend and protect the reputation of the body.

Councilmember Taylor expressed his gratitude and love for Councilmember Misjuns. He explained that Councilmember Misjuns' attitude had been out of order and must be righted. He said that if Councilmember Misjuns could give an open apology to Council and City staff, they could do away with the resolution and easily move forward to effectively address City business. He stated that he would support the resolution to censure Councilmember Misjuns.

Councilmember Misjuns expressed his gratitude for Councilmember Taylor's honesty with him. He stated that he was unconcerned with the outcome of this vote, because he would still continue to vote for the taxpayer and the children of the City. He said that he disagreed with Vice Mayor Faraldi's comment that the Council's primary objective was to represent itself, because they were not elected by the seven City Councilmembers, but by the citizens of the City. He expressed concern that the resolution

for censure came directly after he had proposed official recognitions of religious liberty and protection of children. He expressed concern about the FOIA redaction process regarding his emails with Mayor Reed, and that there were factual inaccuracies in the resolution to censure him. He questioned whether or not a question or directive could be considered a threat, as written in the resolution. He stated that he did not trust Vice Mayor Faraldi because he had recorded a conversation with Congressman Bob Good. He asked Mr. Freedman if he should abstain from the vote due to a conflict of interest. Mr. Freedman answered that if there was an issue of conflict of interest, it was individual for each Councilmember. He said that the Conflict of Interest Act provided for the minimums of abstaining from contracts and transactions, so if Councilmember Misjuns felt that it was in his best interest to abstain, he could, but he was unaware of any issues with participating in this specific instance. Councilmember Misjuns clarified that he felt that he could vote on this impartially because he was going to voice the vote of his constituents that did not want himself censured.

Vice Mayor Faraldi stated that Councilmember Misjuns' question about whether or not a question or directive could be a threat was ignoring the context of the situation. He clarified that he had been warned that Congressman Bob Good would call him with the directive to vote for Councilmember Helgeson for Mayor because they knew each other from wrestling, and he recorded that phone call because he did not trust Congressman Good at all.

Mayor Reed clarified that the resolution was not written by a City employee; outside counsel had written this resolution. She noted that if information was presented as a fact, it could sound like a fact, but a lot of the time it was not. She said that this resolution was not personally from herself to Councilmember Misjuns. She said that the resolution was a combination of issues that had been raised by Councilmembers and by citizens through emails, calls, and publications that the entire public was aware of. She stated that the Council had the obligation as a body to address the poor behavior of Councilmember Misjuns, and she hoped that the censure would set a precedent so that they could move on.

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

Ayes: Wilder, Dolan, Reed, Faraldi, Taylor	5
Noes: Helgeson, Misjuns	2

// In the matter of Emergency Services, Agenda Item #29, Council considered adoption of a Resolution #R-23-099 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating \$102,500 to be used as a one-time retention bonus and an incentive in the Emergency Services recruiting process. The Virginia 9-1-1 Services Board recognizes that most PSAP's across the Commonwealth are experiencing severe staffing shortages. This grant is an effort from the board to recognize those that remain on the front lines and continue providing mission critical services to the citizens and visitors of the Commonwealth. These 9-1-1 professionals continue to show up each day and work many hours of overtime to ensure that no call goes unanswered. This grant will provide a one-time payment of \$2,500 for full-time employees and \$1,250 for part-time employees that are certified to take 911 calls. This money will be used as a retention bonus and an incentive in our departmental recruitment process for 911 Public Safety Communications Specialists that are hired prior to June 30, 2024.

At its November 28, 2023, meeting, the Finance Committee recommended approval. As Chair of that committee, Vice Mayor Faraldi brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Emergency Services, Agenda Item #30, the Council considered introducing Resolution #R-23-100 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating \$3,000 to support Emergency Services GIS services and software. The 9-1-1 Services Board recognizes the importance of GIS to Public Safety Answering Points across the Commonwealth. The GIS data is used in emergency call routing functions, to determine which 911 call center a call should be routed to and also in location validation to identify the correct location of an address (using house number and street name data). This grant is meant to provide some support to those GIS systems so that they can continue providing this important support.

At its November 28, 2023, meeting, the Finance Committee recommended approval. As Chair of that committee, Vice Mayor Faraldi brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes:

0

// In the matter of Emergency Services, Agenda Item #31, the Council considered introducing Resolution #R-23-101 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating \$29,707 for the purchase of Security Cameras and Front Counter Upgrades for the Lynchburg Registrar's Office.

The Department of Emergency Services was awarded \$29,707 through a competitive grant process from the Virginia Department of Emergency Management, State Homeland Security Program to purchase a Security Camera System and Front Counter Upgrade for the Lynchburg Registrar's Office. The purpose of the proposed project is to install a security camera system in the City of Lynchburg Registrar's Office at 825 Kemper St, Suite A, Lynchburg, VA 24501, as well as harden and upgrade the front counter area so as to provide staff a more secure way for staff to greet customers and provide a place to shelter in place if necessary. The Registrar's Office is considered a critical infrastructure. All election administration for the City of Lynchburg takes place within the office as well as early and absentee voting. Improving the physical security of the building protects the building and all of the information and technology held within. The total cost is \$29,707, which is fully reimbursable by the grant; no local matching funds are required.

At its November 28, 2023, meeting, the Finance Committee recommended approval. As Chair of that committee, Vice Mayor Faraldi brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

7

Noes:

0

// In the matter of the Fire Department, Agenda Item #32, Council considered introducing Resolution #R-23-102 amending the FY 2024 City/Federal/State Aid Fund budget and appropriating \$70,000 to fund equipment for the Fire Department Technical Rescue Team. The funds will be used for the purchase of personal protective equipment (PPE), rope rescue equipment, USAR stabilization equipment to include low pressure air bags, confined space rescue communications equipment and a new exothermic torch system. The majority of this equipment is replacing existing equipment that has exceeded its useful life, but there are a few items that are being added to enhance our rescue capabilities. This equipment can be used in a variety of ways, such as stabilization of a structure that is in danger of collapse, stabilizing a vehicle after a crash or clearing debris from a trench. This equipment is vital to the successful mitigation

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of a variety of incident types and ensures not only the prolonged safety of our citizens, but also the immediate safety of our responders. The grant is 100% reimbursable; no local match is required.

At its November 28, 2023, meeting, the Finance Committee recommended approval. As Chair of that committee, Vice Mayor Faraldi brought the committee's recommendation for approval forward as a motion. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of Public Safety, Item Not on the Agenda, Council considered adopting Ordinance #O-23-103 extending the City-wide curfew to June 1, 2024.

Councilmember Wilder motioned, seconded by Councilmember Taylor, to extend the curfew to June 1, 2024.

Councilmember Helgeson said that he supported the original ordinance pertaining to the curfew because it had a sunset date which gave it time to serve its purpose. He said that it was best utilized during the summer months when children were out of school and not during the winter months, so he would not be supporting the motion.

Vice Mayor Faraldi said that while this was a tool for their police officers to use, he did not think it was appropriate at this time. He expressed concern with continuing this policy because he did not yet see a correlation between the curfew and a diminishment in youth crime, as there was a lack of age-related demographic data. He said that he would continue to oppose the implementation of the curfew and would oppose this motion.

Mayor Reed stated that she supported this motion because the Chief of Police and Commonwealth's had requested additional implementation of the curfew in order to get a full 12 months of data.

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

Ayes: Wilder, Dolan, Reed, Taylor, 4

Noes: Helgeson, Faraldi, Misjuns 3

// The meeting adjourned at 10:12 p.m.

Clerk of Council