

June 7, 2022

// A special meeting of the Council of the City of Lynchburg was held on the 7th day of June, 2022, at 5:00 p.m. in Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,	
Sterling A. Wilder, Chris Faraldi	7
Absent:	0

// In the matter of recognitions, Vice Mayor Wright presented the Patty Worsham Recognition Day Proclamation. Ms. Patty Worsham thanked Council, Mayor, Vice Mayor, and her friends and colleagues present this afternoon, and all the people she worked with and taught at E.C. Glass. She said that it had been a privilege and honor to teach generations of children, and being educated by one Councilmember's father at Lynchburg College, she learned about the tradition of a community where people stayed together, and students came back and raised their families.

// In the matter of Community Development, Agenda Item #1a, Council received a briefing on the Fiscal Year (FY) 2023 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program Funds. Mayor Dolan stated that the item will appear for City Council vote on the June 28, 2022 Public Hearing agenda. Ms. Melva Walker, Grants Manager, gave a summary to staff. The Department of Housing and Urban Development (HUD) requires local governments, which receive federal Community Planning and Development (CPD) formula block grant funds to prepare an Annual Action Plan as a component of the approved 2020-2024 Five-Year Consolidated Plan for the CDBG and HOME Program. This Plan has been prepared, with the required sections, and includes the CDBG and HOME projects that will be implemented during the program year to address the identified needs and objectives. The FY 2023 decrease in CDBG (\$14,338) and increase in HOME Program (\$7,178) funding based on final entitlement amounts from HUD. Ms. Walker stated that the recommended and approved project amounts had been adjusted as follows: Diamond Hill Neighborhood Plan and Improvement Project in the CDBG Program decreased by \$14,338, and the HOME Program, Lynchburg Redevelopment and Housing Authority's Home for Good Project, had been increased by \$7,178, and the required 30-day public comment period for the plan began on May 21, 2022, and will conclude at the public hearing scheduled to be conducted by the City Council on June 28, 2022.

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Councilmember Wilder asked how the decision to reduce the amount for the Diamond Hill project was reached. Ms. Walker answered that it was the recommendation from CDAC.

// In the matter of Planning, Agenda Item #1b, Council received a briefing on the Conditional Use Permit (CUP) of the New Vistas School at 520 Eldon Street. Mayor Dolan stated that this item will appear for City Council vote on the June 28, 2022 Public Hearing agenda. Ms. Rachel Frischeisen, Planner II, stated that New Vistas School is petitioning for a CUP at 520 Eldon Street to allow the construction of a six thousand two hundred sixty-two (6,262) square foot building to be used as a gymnasium and classroom space in an R-3, Medium-Density Residential District. There is no proposed increase in student enrollment with this petition. On April 27, 2022, the Planning Commission recommended approval (6-0), with 1 vacancy, of the CUP petition on, and the Planning Division recommended approval of the CUP petition.

Councilmember Helgeson said that this would be a great improvement and addition to the school site.

// In the matter of Planning, Agenda Item #1c, Council received a briefing on a Conditional Use Permit (CUP) for the Spring Hill Cemetery Association at 1550 James Street. Mayor Dolan stated that the item will appear for City Council vote on the June 28, 2022 Public Hearing agenda. Ms. Rachel Frischeisen, Planner II, gave a summary of the item to Council. Spring Hill Cemetery Association has submitted a CUP petition proposing the expansion of the existing cemetery. The expansion would include enlargement of the existing columbarium, new columbarium walls, a cremation garden, new burial plots and a new vehicular egress to Stadium Road. The property is zoned R-3, Medium-Density Residential District which allows cemeteries upon approval of a CUP by City Council. On May 11, 2022, the Planning Commission recommended approval (4-0), with 1 vacancy and 2 members absent, Bowden and Johnson, of the CUP petition. The Planning Division recommended approval of the CUP petition.

Councilmember Helgeson said that he regretted his past vote to close Rives Street, and if there was a way to rectify the closure of that public, he would like to identify and implement that procedure before this new CUP returned to the Board. He said that he would not be voting to any changes to the CUP while Rives Street remained closed.

Councilmember Tweedy asked if the cemetery owned most of the property in the neighborhood. Ms. Frischeisen said yes, most of the undeveloped parcels that did not have a house on it were owned by

the cemetery. She said that she recalled that during her tenure on the Physical Development Committee, there was much discussion about the expansion, and the cemetery's ownership of the surrounding parcels and the development and expansion of the cemetery was a factor in that decision-making then. She asked if more information regarding that could be provided. Ms. Frischeisen said that although it would not change the decision made at that time, there was a code change enacted after that in which right-of-ways proposed to be vacated that were currently in use by the public had to have signage posted prior to the public hearing.

// In the matter of Planning, Agenda Item #1d, Council received a briefing on a Conditional Use Permit (CUP) for the Liberty Christian Academy (LCA) at 1120 Hershey-Esbensshade Drive and 701 Mountain View Road. Mayor Dolan stated that this item will appear for City Council vote on the June 28, 2022 Public Hearing agenda. Ms. Rachel Frischeisen, Planner II, gave a summary of the item to the Council. Liberty University, Inc. has submitted a CUP petition to allow the construction of a four thousand, one hundred twenty-one (4,121) lighted multi-sport athletic complex at 1120 Hershey-Esbensshade Drive. Ingress / Egress improvements to support the facility are proposed at 701 Mountain View Road. On March 14, 2017, Council approved a CUP petition to allow a larger, six thousand (6,000) seat facility; however, the CUP has since expired. On May 11, 2022, the Planning Commission recommended approval (5-0), with 1 vacancy and 1 member absent, Johnson, of the CUP petition. The Planning Division recommended approval of the CUP petition.

Councilmember Helgeson asked for clarification for the purpose of the traffic study needed. Ms. Frischeisen said that the institutional use allowed many uses, and this was one of very few that required a CUP, which was valid for 36 months for institutional uses, and because that time had lapsed, it was procedural to bring this item back to Council.

// In the matter of City Council, Agenda Item #2, Council held a discussion regarding the July 2022 City Council Meeting Schedule. City Manager Mr. Wynter C. Benda gave a brief overview to Council. A calendar was adopted annually by Council, and the redistricting conversation had taken them to June 28, 2022. He stated his intent to propose a work session around the A, B, and D, options, but the timing necessitated Council to decide if they wanted two meetings in July in order to meet the standards under code.

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Councilmember Helgeson asked what the time constraint was for advertisement for June 28, 2022 or July 12, 2022 when the original motion was to have advertisements for scenarios A and B at that meeting. Community Development Director Mr. Kent White answered that they still did not have enough time to have things advertised on June 28, 2022, but the goal was to have all information related to precincts, boundaries, and polling places before the Board at that date, then advertise the preferred scenario. Mr. White said that staff's suggestion was to have a called meeting on July 26, 2022, giving Council the ability to have both meetings in July or cancel the July 12 meeting. Councilmember Helgeson suggested the fourth Tuesday in August as the next date. He asked if the July 12 meeting was unnecessary. Mayor Dolan said that was correct.

Mayor Dolan asked what the consensus was for July 26, 2022 as a meeting date.

Councilmember Faraldi asked if the meeting was currently scheduled or would be called as a special meeting on July 26.

Mr. Benda said that it was not currently on the calendar, and the current date was held as July 12. He said that the July 12 meeting would be cancelled and a special meeting would be held on July 26. He said that Councilmember Helgeson had proposed they cancel August 9, 2022 and add a meeting on August 23, 2022; Councilmember Helgeson said that was correct.

Mayor Dolan noted that there was consensus from the Council.

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council considered the to hold a closed meeting to consider appointments to the Lynchburg City School Board pursuant to Section 2.2-3711(A)(1.) of the Code of Virginia.

Councilmember Faraldi stated that he would be voting against the closed meeting because he would rather have this process be more transparent and open to the public.

Councilmember Helgeson said that taxpayers, students, families, teachers, administration, and the School Board had been suffering in their school system. He said that many issues had not been addressed, and constituents had stressed how important it was for their elected officials to make education better in Lynchburg. He noted that bus drivers had recently been petitioning the School Board for collective bargaining within the City of Lynchburg because they had not been heard by their unions, administration, or the City government, but the issues of the school bus service had been going on for

years. He said that there must be dramatic changes, and there must be credible candidates to serve on the School Board. He motioned, seconded by Councilmember Faraldi, to appoint Dr. Martin Day to School District 2. Councilmember Helgeson said that Dr. Day had answered the questions and was a good person who would bring wisdom, age, and intellect. He said that many current employees in the schools were not happy, so he hoped they could appoint Dr. Day to District 2.

Councilmember Tweedy said that she would like to make a substitute motion to go into closed session. She stated that politics should not be encroaching on the education system.

Councilmember Faraldi said that Dr. Day would be a fine addition to the School Board with his background in education at Virginia Tech and in Lynchburg. He said that it would be a disservice to put someone of lesser caliber to the position, so he looked forward to voting on the motion to support his appointment.

Councilmember Nelson said that he agreed with the high qualifications of Dr. Day, but it was inappropriate to critique any or all of these portfolios in a public session where they wanted to hear candid remarks and observations. He stated that while he would vote against the motion, it did not mean he would not otherwise support Dr. Day, but he wished to have the flexibility to candidly discuss candidates and make sound decisions.

Vice Mayor Wright said that he agreed that Dr. Day was a quality candidate but the inappropriateness of this motion led him to be unsupportive.

Councilmember Wilder said that he appreciated the process that allowed them to discuss all of the candidates. He said that the City had reviewed all interviews of candidates and had sent comments regarding that.

Councilmember Helgeson said that the vote for appointments would be public. He said that it was appropriate to have the justifications for the votes as well.

Mayor Dolan stated that the conversation would not be as candid in open session as it would be in closed session, and she did not want the process hijacked. She said that it had no reflection on her opinion of Dr. Day, however she would be voting against the motion.

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

Ayes: Helgeson, Faraldi

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Noes: Dolan, Wright, Nelson, Tweedy, Wilder 5

Councilmember Helgeson clarified that the votes would be in public after the closed session.

Mayor Dolan said yes.

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

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

Noes: Faraldi 1

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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

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

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

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

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

Noes: 0

Councilmember Helgeson motioned, seconded by Councilmember Faraldi, to appoint Dr. Martin Day to the Lynchburg City School Board, School District 2, for a 3-year term expiring June 30, 2025.

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

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

Noes: 0

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Councilmember Wilder motioned, seconded by Councilmember Nelson, to appoint Mr. Anthony Andrews to the Lynchburg City School Board, School District 1, for a 3-year term expiring June 30, 2025.

Councilmember Faraldi said that he would not be supporting this appointment because he did not think Mr. Andrews adequately supported parents' oversight and ability to make decisions in bringing up their children, and there was a stronger application for Dr. Struble in this process.

Councilmember Helgeson said that he would be voting against Mr. Andrews' appointment because there were many issues plaguing the school system that other candidates could address more adequately.

Councilmember Wilder said that Mr. Andrews had worked in their community in elementary and pre-kindergarten education programs to ensure their children were educated properly, and his own children attended the Lynchburg City schools, so his voice was appreciated.

Councilmember Tweedy stated that she would be voting in support of Mr. Andrews due to his engagement in the school system and community through his work as a parent and as a firefighter. She stated that his qualifications, time spent in the community, and volunteer work gave him an understanding of the school system that they wanted to build for the current and future students.

Councilmember Helgeson said that parents decided to take their children out of Lynchburg City schools because the schools required improvement. He said that there were facts as to how the schools were doing, and it was critical that they appointed leadership who would ask good questions and demand accountability.

Councilmember Tweedy said that there were many reasons why people did not enroll their children in the public school system, but all were invited to participate.

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

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder	5
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Noes: Faraldi, Helgeson	2
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Councilmember Helgeson motioned, seconded by Councilmember Faraldi, to appoint Dr. Jason Fleshman to the Lynchburg City School Board, School District 3, for a 3-year term expiring June 30, 2025. He stated that Dr. Fleshman had noted the issue of high teacher turnover and the underlying issues, which was important in making Lynchburg schools better. Councilmember Faraldi said that Dr.

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Fleshman would be a wonderful addition to the Lynchburg City School Board because he opposed collective bargaining and spoke creatively about how to bring in a competitive nature to the public school system by teaching vocational opportunities and was transparent and direct in his answers.

Councilmember Wilder made a substitute motion, seconded by Councilmember Tweedy, to appoint Ms. Gloria Preston to the Lynchburg City School Board, School District 3, for a 3-year term expiring June 30, 2025. Councilmember Wilder said that Ms. Preston had worked as an educator in Lynchburg City Schools and surrounding counties for more than 30 years, and he was a well-respected member of the community who had continued to strongly support public education through volunteerism. He said that she would be a great asset to the School Board due to her insight and relationships within the school system in order to make it better. Councilmember Tweedy said that Ms. Preston had a proven record of pulling children across the standardized testing line as a principal, served in rural county and city school systems, and served in positions that shouldered many large burdens throughout the years. She said that Ms. Preston's knowledge was essential to addressing issues in the school system and Dr. Fleshman did not have commensurate experience.

Vice Mayor Wright said that he would support the motion because he had great respect for Ms. Preston, her experience, and her integrity. He expressed his thanks to the candidates who submitted their names and participated in the process.

Councilmember Nelson said that Dr. Jason Fleshman would be a great member of the School Board, with a variety of insights that could be brought, and not only had he been a teacher in their school system but could look at the school division from a state level. He said that however, he also shared the highest regards for Ms. Gloria Preston, and he would be supporting her nomination.

Mayor Dolan said that Ms. Preston would be a strong School Board member due to her experience in the school system and community involvement, so she would be supporting her appointment.

Councilmember Faraldi clarified that the vote was for the substitute motion, which was to appoint Ms. Preston to District 3; Mayor Dolan replied yes.

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

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder

5

Noes: Helgeson, Faraldi

2

Councilmember Faraldi said that he challenged the notion that by nominating the same type of person who had works within the institution, there would be some sort of product. He said that having less involvement in the school system did not bar other citizens from serving on the School Board in this capacity.

Vice Mayor Wright said that he was not entirely clear on what Councilmember Faraldi's comments referred to, because both nominees had served their entire careers in school systems of a public nature, and affiliation with Liberty did not preclude anyone from serving in Lynchburg boards and commissions.

Councilmember Tweedy said that in her time served on the School Board, many members had been employed by Liberty University, and nor the City nor Council was against anyone working with Liberty. She said that there should not be divisive verbiage around these appointments and those who had previously served in the seats.

Councilmember Faraldi said that Dr. Fleshman's and Ms. Preston's backgrounds were not being compared fairly when they each had adequate experience, and Dr. Fleshman's interview gave clarity on his views of collective bargaining.

Councilmember Helgeson said that Dr. Fleshman had the best chance of facing the challenges in the school system based on the questions answered in his interview, and he had brought up the issues of teacher turnover and alternative education.

Mayor Dolan said that Ms. Preston was a very qualified person for this position. She said that both Dr. Fleshman and Ms. Preston were impressive candidates, and it was difficult for her to decide, but she would continue to support Ms. Preston because she was who the community needed for this position.

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

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder

5

Noes: Helgeson, Faraldi

2

// The meeting adjourned at 6:20 p.m.

Clerk of Council