

July 26, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of July, 2022, at 4:00 P.M. in the 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 Planning, Agenda Item 1, Residential Uses in Commercial Districts, Acting Director of Community Development Mr. Tom Martin provided a summary presentation to the Council. The City has a limited amount of vacant land. With only ten and eight-tenths percent (10.8%) of the City's land zoned for commercial purposes, Council has expressed concern with allowing residential uses in commercial districts.

Councilmember Faraldi asked if there was a standard ratio or best practice for land zoned for commercial use. Mr. Martin said he would research the answer and follow up with the Council. Councilmember Faraldi asked what percentage of the 10% was currently occupied. Mr. Martin said he could follow up with the Council. Councilmember Faraldi asked how many residential developments had been denied in the B zoning districts in the past five years. Mr. Martin responded that he recalled only one or two. Councilmember Faraldi asked where those developments were located. Mr. Martin responded that they had been in the southwest portion of the City. Councilmember Faraldi asked if the conversion of commercial space to residential because long-term vacancy was a recurring problem. Mr. Martin said that it was a concern. Councilmember Faraldi asked how often it happened. Mr. Martin said he did not recall it happening. He said if it was a concern of the Council, then they could require the commercial use be constructed first. Councilmember Faraldi asked how often they enforced set back requirements. Mr. Martin responded that they were enforced all the time, primarily at the site plan review process and time of building permitting.

Councilmember Nelson asked if there was a functional difference between the zoning classifications of urban residential and B-4. Mr. Martin said that the end goal was the same—to allow residential uses without allowing a wide set of commercial uses. He said the urban residential district would have similar parking and set back reductions for an urban site with limits on commercial uses. He

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said if they only used a B-4 zoning, staff may recommend excluding non-residential uses in applications, but they could not dictate proffers. He said creating an urban residential district would simplify the process. Councilmember Nelson asked if staff saw a benefit to creating an urban residential district. Mr. Martin said that staff promoted mixed-use development and wanted to see greater flexibility in the spaces.

Councilmember Helgeson asked for clarification about how to increase business uses. Mr. Martin responded that B-4 zoning had been useful for developers to renovate and redevelop large industrial buildings that had been vacant for years. He said that allowing residential uses in the other B zoning districts provided the Council the option to approve or deny the applications. He said that single-family developments were not happening as often due to land costs and availability. He said if they wanted to curb population growth, they should slow apartment growth. Councilmember Helgeson stated that he wanted to curb the apartment growth. Mr. Martin responded that they should not rezone properties for higher density residential uses and not approve CUPs to limit apartment growth. Councilmember Helgeson clarified that residential uses were only in the B-4 district. Mr. Martin said 50% mixed use was available in the B-3 and B-5 districts by-right, but the first floor had to be commercial uses. He said in the B-4 district, the uses could be any mix of commercial and residential. Councilmember Helgeson clarified that the B-4 was specifically for downtown. Mr. Martin responded that when they changed the zoning to urban commercial, the B-4 zoning was applied to other buildings that were close to downtown but not in downtown. Councilmember Helgeson requested information from 20 years ago about the City's position on commercial property and high-density residential compared to present policies. Mr. Martin responded that 20 years ago, developers were requesting to rezone from low-density residential to commercial because retail uses were booming. Councilmember Helgeson suggested a way to make it more cost effective to construct single-family homes. City Manager Mr. Wynter C. Benda responded that there were ways the City could prepare and construct the infrastructure to incentivize single-family development. Mr. Martin responded that the Council had taken action to incentivize single-family development, which had worked. He said cluster developments were working along with continuing the cost sharing of curb, gutter, and sidewalk.

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Councilmember Wilder asked what the timeframe was for the comprehensive plan. Mr. Martin said they were drafting the proposals to provide to consultants, and they hoped to start the process by the end of the year. Councilmember Wilder asked about the benefits of the comprehensive planning process. Mr. Martin responded that the comprehensive plan would set the vision for the City for the next 20 years. He said that they wanted to review the future land use map to make sure it aligned with the City's goals and objectives.

Vice Mayor Wright asked if the comprehensive plan review would include a consideration of the City's future economic needs. Mr. Martin responded that it could, and they would be working closely with the Office of Economic Development. Vice Mayor Wright asked whether the construction of apartments was driving away commercial development and hurting the City economically. Mr. Martin stated that he had not heard developers complain about apartment construction. He said that in the land use map review, they would consider how much land to dedicate to each use. Mr. Benda said that interest rates were increasing, so advertising more units in the same space was a commercial incentive. Vice Mayor Wright stated that there was a cost to developing apartments. Mr. Martin said that they had to determine the cost to the City, and they would review those costs during the comprehensive plan review.

Councilmember Tweedy asked where incentive funding was sourced. Mr. Martin responded that it came from multiple sources, such as department budgets or other funds. Councilmember Tweedy asked what the cost was for a single-family development of 10 homes. Mr. Martin said that there was a range, and he could provide more information in a follow-up. Councilmember Tweedy asked what the cost was to public services for adding developments. Mr. Martin said that they were considering reviewing residential developments and the impacts they generated since development, such as the number of service calls and traffic generated. Councilmember Tweedy requested a comprehensive review of land use and residential development impact. Mr. Martin said he could begin researching the information.

// In the matter of Water Resources, Agenda Item 2, Lakeside Drive: Second Phase, Water Quality Manager Erin Hawkins provided a summary of the staff report. As the completion of Lakeside Drive bridge and roundabout nears, the City will soon begin the removal of College Lake Dam. This aspect of the project will both mitigate a potential hazard and provide additional opportunities to connect the University

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of Lynchburg and Lynchburg's greenway system. Staff will provide an overview of the progress to date, schedule, construction methodology and expected outcomes.

Councilmember Faraldi asked how they would account for upstream sediment and development. Ms. Hawkins responded that the design had accommodated for the watershed. She said that they were in the early stages of developing a watershed monitoring program. Vice Mayor Wright asked if the sediment was toxic. Ms. Hawkins said the sediment was not harmful. She said that when they performed sediment sample tests, there were elevated levels of chromium which restricted it from residential use. She said that the sediment could be used in industrial uses. She said that a review of the flood plain would happen with the FEMA flood plain map update. Vice Mayor Wright asked when DEQ reviewed the application and project. Ms. Hawkins responded that a review was ongoing from DEQ and the Army Corps of Engineers. She explained the Corps was the primary permitting agency, and the DEQ permits would ride the Corps permits. She said they anticipated receiving permits from the Army Corps of Engineers and the Virginia Marine Resource Commission in mid-September.

Councilmember Nelson asked clarifying questions about how the dam and drainage functioned. Ms. Hawkins explained how the drainage functioned and how the sediment would be impacted. Director of Water Resources Mr. Tim Mitchell explained that they had monitoring resources that notified their phones, and they had weekly dam inspections.

// In the matter of Planning, Agenda Item 3a, Street Renaming Process: Lakeside Drive Bridget to Elliot Schewel, and Dunbar Drive to Principal C.W. Seay, Acting Director of Community Development Mr. Tom Martin provided a summary of the staff report. City Council members have requested information on the possibility of renaming Dunbar Drive as "Principal C.W. Seay Drive" and naming the Lakeside Drive Bridge for Elliot Schewel. City Code Section 35-109 through Section 35-114 provides for the naming or renaming of streets within the City. City Policy provides the process for naming City Owned Properties, Facilities and Structures.

Vice Mayor Wright asked if renaming the private portion of Dunbar Drive would pose a difficulty to drivers. Mr. Martin responded that it would be easier because none of the properties on the street had a Dunbar address.

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Councilmember Helgeson asked if there was anything on Dunbar Drive. Mr. Martin responded that it was behind a school property. Councilmember Helgeson said he was less inclined to support changing the name if people regularly used it. Mr. Martin responded that the school did not have a Dunbar address.

Councilmember Wilder said he supported the name changes to honor the individuals and African-American history.

Vice Mayor Wright clarified that part of the request to rename Dunbar Drive came from the Dunbar High School alumni community.

Councilmember Tweedy asked if the private section was the only portion requested to be renamed. Mr. Martin responded that the request did not specify which portion. Councilmember Tweedy clarified that the private addresses on Dunbar Drive would have an address change; Mr. Martin replied yes. Councilmember Tweedy requested to hear from the applicant about their intents for renaming.

Councilmember Helgeson said they should reach out to the impacted residents. Mr. Martin said that if the applicant were interested in renaming the whole street, they would reach out to the private owners. Councilmember Helgeson said he wanted to discuss renaming the bridge further.

Councilmember Tweedy requested a list of the names of the other bridges in the City, and she requested a list of any recently changed street names.

Councilmember Wilder said he wanted to proceed with the renaming of the Lakeside Drive Bridge and Dunbar Drive.

Vice Mayor Wright stated he supported moving forward with the request.

// In the matter of Planning, Agenda Item 3b, Clayton Avenue Street Vacation, Planner I Ms. Eve Mergenthaler provided a summary of the staff report. Ed Willman of Accupoint Surveying & Design, LLC, on behalf of Kathryn M. and Christopher T. Zabriskie, is petitioning to vacate a portion of Clayton Avenue located between 4013 and 4101 Peakland Place. The right-of-way vacation is proposed to allow the residents to enclose their backyard and assume ownership of the existing paved driveway. The total area of the proposed vacation is approximately two hundred eighty-eight thousandths (0.288) of an acre. The area to be vacated contains a sidewalk and a paved driveway that serves the residences at 4013 and 4101 Peakland Place. The petitioner proposes to allow continued pedestrian access by establishing a five

(5) foot wide public pedestrian access easement that extends the length of the area to be vacated. With the access easement in place, the vacation would not impact vehicle or pedestrian access.

// In the matter of the Airport, Agenda Item 3c, The Hertz Corporation Lease Agreement, Airport Director Mr. Andrew La Gala provided a summary of the staff report. In September 2020, The Hertz Corporation elected to discontinue operating from the Lynchburg Regional Airport and ceased all rental car transactions due to a bankruptcy filing. The Hertz Corporation previously conducted business at the Lynchburg Regional Airport since 2004. Earlier this year, The Hertz Corporation expressed a renewed interest in operating from the airport once again. Due to the current airline industry environment and rental car business trends, this agreement will be in effect with a month-to-month term. An addendum to the existing concession agreements with the airport's other three rental car operators – Enterprise, Avis and Budget – will be executed concurrently in order to keep all terms and conditions consistent.

// In the matter of City Council, Agenda Item 3d, Organizational Meeting, Clerk of Council Ms. Alicia L. Finney provided a summary presentation to the Council. Section § 15.2-1416 of the Code of Virginia and Section § 2-6 of the City Council's Rules of Procedure provide that each year the local governing body shall prescribe by resolution the schedule of meeting dates, times, and places for the upcoming year. City Council's schedule of meetings and work sessions is set forth in its rules of procedure under Section § 2-1. Meetings shall be held in the City Council Chamber, on the first floor in City Hall, as follows: Second and fourth Tuesday of the month, at 4:00 p.m. There will be no regular meeting on the fourth Tuesdays during the months of July, August, and December. As such, City Council's Rules of Procedure should be readopted to confirm City Council's schedule of regular meetings and work sessions for the upcoming year. Additionally, Councilmembers and City staff have identified necessary amendments to the rules of procedure outlined below:

Clerical Revisions

- Grammatical and formatting changes
- Uniform language changes
- Modernization of terminology changes
- Section 2-6, Subsection A, biennially to annually to align with State Code Section § 15.2-

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- Previously agreed upon changes directed by Council (e.g. removal of “Deputy Clerk”; addition of Public Comment Agenda Delivery; and Mayor/Vice Mayor Elections being moved to January vs. July)

Proposed Councilmember Amendments for Discussion

- Councilmember Conduct – Mayor Dolan (Section § 3-4. Preservation of Order)
- Prohibiting harassment toward Councilmembers, staff, and/or general public – Mayor Dolan (Section § 5-4. Prohibited Conduct)

Councilmember Faraldi asked what constituted harassment. City Attorney Mr. Matthew Freedman responded that it would be the dictionary definition or common-sense definition of harassment.

Councilmember Nelson said that a definition of harassment would have to include a consideration of the intent of the speaker to harass an individual.

Councilmember Helgeson said that he agreed with Councilmember Nelson. He said that the harassment rule should be removed.

Mayor Dolan said that she was fine removing the harassment section.

Councilmember Tweedy asked when harassment would cross the line into criminal behavior.

Mr. Freedman said that item 6, which limited interruptions to other speakers and behavior that disrupted the meeting, could include the conduct referenced by Councilmember Tweedy. He said that other rules limited rude or demeaning language. He said if speakers breached the rules, law enforcement could remove the speaker.

Councilmember Tweedy asked what would happen if the harassment extended to social media. Mr. Freedman said that if the comments only insulted or demeaned the councilmembers on their political social media, then the comments could be removed. He said that the Council would not have control of the moderation of other forums.

Councilmember Faraldi asked if the rules applied outside of the Council Chambers.

Mr. Freedman stated that the rules were specific to the Council Chambers. He explained that the Council had a greater control over meeting proceedings to ensure they went uninterrupted.

Councilmember Faraldi asked for an explanation of the grammatical change from "must" to "should" in §1-2b. Mr. Freedman stated that the rules were not mandatory. Councilmember Faraldi asked

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who had discretion to determine when the rules applied. Mr. Freedman said that if the word were not changed to "should", the effect would be the same. He said that the rules of procedure were not intended to be entirely prescriptive. He said that the Council chose how to conduct its meetings, and it could take a vote to deviate from the rules of procedure.

Councilmember Helgeson said that the word "must" should be used for the speaking section of the rules to protect the interests of the minority opinion.

Councilmember Faraldi said the word should be "must" or "shall". Mr. Freedman said that he did not see an issue with leaving the word as "must". He said that the rules would not prevent a majority of the Council from deviating from the rules. City Manager Mr. Wynter Benda responded that the Council would take action on the rules of procedure and the 2023 calendar at the evening session. He said that changes had been proposed to the meeting dates because of the impacts of the census, and he provided an overview of the proposed changes to the calendar.

// In the matter of Roll Call, Agenda Item 4, Councilmember Tweedy requested a report from the Commonwealth Attorney's Office and the police department with information on the strategies for combating gun violence, how guns were getting onto the street, the number of unsolved murders, messaging around gun violence, resources to public safety, and the impacts on economic development. Councilmember Helgeson reported the Finance Committee met and discussed ways to alleviate tax burdens on Lynchburg residents. Councilmember Wilder announced that the Commonwealth Games were recently hosted in the City. Mayor Dolan announced that Co-Starters program had returned, and applications were open online.

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

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

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:	0
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// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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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 Vice Mayor Wright, and Council, by the following recorded vote, adopted the motion:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:	0
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// The meeting was recessed at 6:51 p.m.

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

Present: MaryJane Dolan, Beau Wright, Jeff S. Helgeson, J. Randy Nelson, Treney Tweedy,

Sterling A. Wilder, Chris Faraldi	7
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Absent:	0
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Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized Ms. Virginia Trost, E.C. Glass Salutatorian. Ms. Trost was in attendance to accept.

// In the matter of Recognitions, Vice Mayor Wright recognized Dr. Reid A. Wodicka for his years of service to the City of Lynchburg. Dr. Wodicka was in attendance to accept.

// In the matter of Consent Agenda Item A, copies of the March 8, 2022 City Council meeting minutes were previously furnished to the Council, and on motion of Councilmember Wilder, seconded by Councilmember Tweedy, the following vote was recorded:

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

0

// In the matter of Planning, Agenda Item #6, a public hearing was held and Council considered adopting Ordinance #O-22-046, approving the rezoning petition of 2237 Rivermont Avenue from R-3, Medium Density Residential District to R-4, High-Density Residential District. Council was previously briefed on this item at the June 28, 2022 City Council meeting. Ms. Rachel Frischeisen gave a brief summary of the item to Council. Brian Freedman, M.D., of Freedman Family Enterprises, LLC, is petitioning to rezone 2237 Rivermont Avenue from R-3, Medium Density Residential District to R-4, High-Density Residential District. The property is currently a nonconforming use with seven (7) apartments. The rezoning would allow the expansion to ten (10) apartment units. On May 25, 2022, The Planning Commission recommended denial (5-0), with 1 member absent, Marion, and one vacancy, of the rezoning petition, citing concerns that it would set a precedent for similar nonconforming rezonings in the area. The Planning Division recommended denial of the rezoning petition.

Mr. Brian Freedman stated that he was the petitioner of the request, and the purpose of the rezoning was to add a maximum of three additional units to the property by finishing the unfinished phase, using that space to recoup the substantial cost of renovating the building, as well as creating an off-street parking lot and three additional on-street parking spots for citizens to use in the immediate area. He said that the Council had heard the reasons for denial as well as the reasons for approval, notwithstanding the fact that the R-4 zoning was applicable in the City's adopted Future Land Use Map as well as the City having three additional parking spaces on the street which were currently not present. He said that the decision tonight was to support a property in need of renovation and the creation of high-quality rental housing, as well as increased tax revenue and neighborhood infrastructure. He said that they had the choice to support decline and decay and poor-quality rental housing. He said that they had the choice to invest in someone who was a local citizen and worker who was investing in the local property. He said that the City had supported other initiatives in the area that led to the beautification of the area, as well as increased public use of the entire area as well, and he hoped they would do so again by voting for approval of this rezoning.

Mayor Dolan asked if there were any speakers in person or by email.

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Clerk of Council Ms. Alicia L. Finney stated that there was one email in support received from Brett Schiller at 2124 Rivermont Avenue, which she read into the record.

Mayor Dolan closed the public hearing and the matter rested with Council.

Councilmember Helgeson said that there were many benefits to allowing the rezoning, most importantly that it would assist in the greater improvement of the neighborhood. He motioned, seconded by Councilmember Wilder, to approve the rezoning of the property.

Councilmember Wilder said that he grew up in the neighborhood that the building was located in, and had recently received a tour of the building, which was in need of substantial renovations. It was great that Mr. Freedman wanted to invest that money in the community in Ward 2, as well as maintaining the historic nature of the property.

Councilmember Nelson stated that he agreed with Dr. Freedman's initiative and would be supporting the rezoning. He said that in looking at the plans for the property, there was no question that the completion of the proposed project would enhance the value of all of the properties adjoining it in the neighborhood.

Councilmember Tweedy said that seeing the buildings along this road becoming repurposed had been a great success. She said that the condition of the building was disappointing, and Dr. Freedman had assisted in helping the former residents find better housing stock. She stated that she would be supporting the rezoning for the project and looked forward to the opening of the apartments.

Mayor Dolan said that she also visited the site with Dr. Freedman, and she thanked him for his initiative and vision to move forward with this project that was so important to the neighborhood. She stated that she would also be supporting this project.

Vice Mayor Wright said that he would also be supporting the rezoning. He thanked Dr. Freedman for taking the time to work through the process and with members of City staff. He thanked the Planning Commission for their commitment and time in working on this case.

Councilmember Faraldi said that he also met with Dr. Freedman for this project and looked forward to supporting the project.

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

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

Noes:

0

// In the matter of Planning, Agenda Item #7, a public hearing was held and the Council considered adopting a Resolution #R-22-047 and Ordinance #O-22-048 amending the Future Land Use Map from Community Commercial to Medium Density Residential and to rezone approximately one (1) acre from B-1, Limited Business District to R-3, Medium Density Residential District at 620 Leesville Road. The Council was previously briefed on this matter at the June 28, 2022 work session Business Item Briefing. Ms. Frischeisen provided a brief summary of the item to Council. KAL Holdings, LLC is petitioning to amend the Future Land Use Map (FLUM) from Community Commercial to Medium Density Residential and to rezone approximately one (1) acre from B-1, Limited Business District to R-3, Medium Density Residential District at 620 Leesville Road. If approved the property would be developed as four (4) duplexes. On June 8, 2022, the Planning Commission recommended approval (5-0), with one member absent, Light, and one vacancy, of the FLUM Amendment and rezoning petition. The Planning Division recommended approval of the FLUM Amendment and rezoning petition.

Mr. Norm Walton of Perkins and Orrison, representing the petitioner, stated that this property had been undeveloped for a long time, so this was an opportunity to develop it to be in character with the other developments along Leesville Road. City staff worked with the petitioner to ensure the ingress and egress was considered, as there was an existing driveway adjacent to the store there that served several houses, and another entrance had been added so that there would be access to all the duplexes.

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

Vice Mayor Wright made a motion to adopt the Resolution #R-22-047 and Ordinance #O-22-048, seconded by Councilmember Nelson.

Councilmember Faraldi said that he would be voting in opposition to this measure due to concerns raised by community members about this type of housing and the compactness of the proposal, which should be kept in mind as the area continued to develop out.

Councilmember Wilder asked what the Planning Commission noted as reason for recommendation of approval. Ms. Frischeisen answered that the proposal fit within the neighborhood and the land had yet to be developed, so the Planning Commission felt it would be appropriate.

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Councilmember Wilder asked if neighbors had discussed the proposal. Ms. Frischeisen said that neighbors had attended the public hearings, but she did not think anyone spoke. Councilmember Wilder asked for clarification that no one spoke in opposition at the public hearings; Ms. Frischeisen said no.

Mayor Dolan asked if the neighborhood had duplexes in the near vicinity of the property. Ms. Frischeisen said yes, it was noted by a Planning Commissioner that there were duplexes in the area that looked nice, so they felt it was appropriate.

Councilmember Helgeson asked if there had been any discussion about single-family houses being placed there rather than duplexes. Ms. Frischeisen said no, there had not been, and the petitioner's request was not countered with such a proposal. Councilmember Helgeson asked how many duplex units there would be. Ms. Frischeisen said that there would be four duplexes for a total of eight units, and the property would be combined with another owned property that was already zoned R-3. Councilmember Helgeson asked how many duplexes could exist only on the 620 Leesville Road property by right. Ms. Frischeisen said that there could be no duplexes in the B-1 district. Councilmember Helgeson asked for clarification that there could be no duplexes put on this property by right. Ms. Frischeisen said that they could not do so by right. Councilmember Helgeson asked if this item could be denied as a rezoning and return for a Conditional Use Permit. He said that they must be cognizant of where high-density living was placed in areas of growth, because it could be impactful when cumulatively placing multiple units in a small area. He stated that a CUP would be more appropriate, and putting in eight units would be deleterious to the neighborhood.

Councilmember Tweedy said that she had concern about the number of units proposed in an area that was developing so quickly, but also recognized how the development fit into the character of the development of the neighborhood and that the applicant was attempting to keep the same zoning between the two lots that they owned. She said that she would be open to learning more about the impacts and was not opposed to approving the rezoning.

Councilmember Wilder stated that the City was growing, and they must have a deeper conversation about how they wanted their City to grow and if they must limit the development and growth. He said that many developers built apartments because of the higher profit margins compared to single-family houses, so if they wanted those developers to do so, they must incentivize that building. He said

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that they should not penalize the applicant, and if the property had been vacant, they must decide if the use was better than leaving the property vacant. He stated that he supported the rezoning.

Councilmember Tweedy asked how many other apartment development projects were due to appear before Council this year. Mr. Tom Martin stated that with the projects currently being proposed or submitted, they could potentially be seeing upwards of 2,000 units coming online in the next year to two years. Councilmember Tweedy said that she would like to see that conversation come to the Council first before approving those developments through the Planning Commission and Council processes. She said that the Council should have all the information on how to incentivize developers to build single-family homes. She stated that she was not opposed to this project, but the vote should encompass their plan for the future development of the City.

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

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

Noes: Helgeson, Faraldi 2

// In the matter of Redistricting, Agenda Item #8, a public hearing was held and Council considered approving an Ordinance #O-22-049 approving either Scenario A or Scenario D as the ward and precinct boundaries. The Council was previously briefed on this matter at the June 28, 2022 City Council work session on redistricting. Mr. Tom Martin gave a brief summary of the item to Council. Redistricting is the process of redrawing the boundaries of districts that elect representatives who serve specific geographic areas. Redistricting occurs every 10 years following the United States decennial census and is the responsibility of state and local governments. During the June 28, 2022 work session, City Council directed staff to advertise the ward & precinct boundaries for Scenario A and Scenario D for public hearing. Following the public hearing, City Council may adopt either Scenario A or Scenario D as the ward & precinct boundaries.

A letter from a citizen Mr. Todd Cooper addressed to City Council in support of Scenario D was previously furnished to the Clerk of Council and was read into the record.

A letter from a citizen Mr. Curt Diemer addressed to City Council in support of Scenario D was previously furnished to the Clerk of Council and was read into the record.

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A form email in support of Scenario D was read into the record from the following citizens: Charles Faulconer, Steven Troxel, John Vassar, Marina Guenther, Ricky Templeton, George Harton, Ben Kahle, Susan Stowell, Sherry McCormick-Hawkins, Ted Weigand, Ronald Gillispie, Terry Adams, Charlie Judd, Janice Quattlebaum, Sandra Weigand, Chip Harvey, H. Cary III, Suzanne Chappell, Daniel Pence, Gary Garner, Glenda Frye, William Clough, and Timothy Echols.

Mayor Dolan closed the public hearing and the matter rested with Council.

Councilmember Faraldi made a motion to adopt Scenario D, seconded by Councilmember Nelson. Councilmember Nelson stated that he had been a part of the One Virginia 2021 initiative to end gerrymandering throughout the state, and the Virginia Constitution was successfully amended, although the outcome was challenging in implementing. He said that the principles of that initiative emphasized compactness and contiguity, so it would be hypocritical of him to promote those principles throughout the Commonwealth of Virginia but reject them when redistricting their own City. He said that many social and political evils had been justified and perpetuated on appeal to preserving the convenience of the status quo, and he categorically opposed doing so in this decision. He said that Scenario D aligned their City's wards and precincts in a manner that induced Councilmembers to be more sensitive to a broader constituency rather than focusing on a singular partisan influence. He stated that he supported Scenario D for the integrity and long-term sustainability it would bring to the City's elections and its citizens.

Councilmember Wilder stated that he favored Scenario A. He asked if it was correct that both scenarios met the state requirements. Mr. Martin answered yes, they both met the requirements for wards and precincts. Councilmember Wilder said that he still felt favorable toward Scenario A.

Councilmember Helgeson said that they could make a relatively small change of moving about 1,000 voters, which had been done previously after the 2010 census, and there likely would not be a large change in 2030. He said that he did not want to disrupt the lifelong voters who resided in their wards unless they absolutely had to. He stated that he was in favor of Scenario A due to its limited impact.

Councilmember Tweedy stated that she was in support of Scenario A because of its lack of disruption to voters. She said that the disruption of 9,000 voters was concerning, so she would be choosing the scenario that did not do that.

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Mayor Dolan said that Scenario D may look appealing due to the evenly shaped districts, but it did not exclude the possibility of it being partisan, and clearly moving residents into Ward I to Ward IV could have unexpected consequences of making Ward I noncompetitive in the future. She said that maintaining the status quo was not always a bad thing, especially if that if chosen by its very nature could have long-term effects on voting results. She stated that she supported Scenario A in order to achieve this and to give minimal changes to voters.

Vice Mayor Wright stated that Scenario D did not solve the issue of gerrymandering because it had been created by and endorsed by politicians, and solving gerrymandering would require appointing a citizen board to draw the maps or to create the least distinct amount of change by approving Scenario A. He said that they would have to meet the changes that occurred by 2030 regardless of the mapping changes, and he did not understand the argument that these maps could create some sort of evil. He said that he did not agree that if people did not know how to vote they should not be trusted to do so, because their job as government was that people had as little barriers as possible to exercising their right to vote. He said that he opposed Scenario D and supported Scenario A because it was least disruptive and had confidence in its source.

Councilmember Nelson stated that Scenario D did not create barriers to voting, and actually better located polling places to be accessible. He said that gerrymandering was not changing polling places or precincts but was drawing boundary lines of precincts in a way that took people out of one and into another so as to affect the outcome and voice of those speaking, to minimize the impact of a majority and give greater voice to a minority. He stated that Scenario D satisfied the eyeball test and was an un-gerrymandered configuration of the wards.

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

Ayes: Nelson, Faraldi	2
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Noes: Dolan, Wright, Tweedy, Helgeson, Wilder	5
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Councilmember Helgeson motioned, seconded by Councilmember Wilder, to approve Scenario A.

Councilmember Faraldi said that gerrymandering was the making a decision for a legislative district based off of the representation changing. He said that there were some changes where one

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precinct went from one district to another, but that should not be counted into the total impact of voters. He said that districts needed to be compact and contiguous, and Scenario A was not equivalent in population the way that Scenario D was, and in fact split developments in half. He said that these maps were drawn this way because of the splits from approximately 12 years ago and upheld that way because of the way state legislature drew the maps. He said that he preferred the more even divisions regardless of the political implications, and Scenario D spoke effectively to this matter.

Councilmember Helgeson said that his primary concern was minimizing impact to the voters, and he looked forward to the Council moving on to the next part of implementation of this process.

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

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder	5
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Noes: Nelson, Faraldi	2
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// In the matter of Public Comment, Mr. Timothy Santiago previously signed up to speak to City Council but was not in attendance.

// In the matter of City Council, Agenda Item #9, the Council considered adoption of a Resolution #R-22-050 approving City Council's Rules of Procedure. The Council was last briefed on this item at the July 26, 2022 work session Business Item Briefing.

Vice Mayor Wright asked if the language proposed to be removed from the Resolution had been updated. Clerk of Council Ms. Alicia L. Finney answered that the information in the Council packet would be updated to reflect those changes but had not yet occurred. Vice Mayor Wright asked if Ms. Finney could summarize the items. Ms. Finney answered that it was from §5.4(A)7 of the Prohibited Conduct, there would be removal of language that addresses "or harasses," specifically, and revert the clerical revision in §1.2(B) of the Basic Principles of the Underlying Rules of Procedures that would say "the Council's Rules of Procedures must be followed consistently."

Councilmember Helgeson asked if the changes regarding the calendar were included. City Manager Mr. Wynter C. Benda answered that the July and August changes had been notified, and he proposed September 13 or 27, of which the 13th seemed most amenable to Lynchburg City Schools as a joint meeting. He said that it would be held at 4:00 p.m. at the Lynchburg Regional Business Alliance, and a fall retreat was proposed for October 7. He said that in November, the second and fourth Tuesdays had

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been changed to the first and third Tuesdays, the first being a voting meeting and the third being a legislative dinner. Ms. Finney stated that in the Rules of Procedure, it addressed the calendar for 2023, and the other dates would require the Council's approval.

Vice Mayor Wright motioned, seconded by Councilmember Helgeson, to approve the Rules of Procedures with the changes made.

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

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

Noes: 0

// In the matter of City Council, Agenda Item #10, Council considered adopting a resolution condemning violence perpetrated against Blue Ridge Pregnancy Center.

Councilmember Faraldi motioned, seconded by Councilmember Helgeson, to adopt the resolution.

Councilmember Faraldi stated that this resolution gave Council the opportunity to fully condemn the actions against the individuals who vandalized the Blue Ridge Pregnancy Center, and also ensured that anyone had the right to protest peacefully in Lynchburg.

Councilmember Helgeson said that he was glad to see that people were there to clean up the next day and was glad to support the Resolution.

Councilmember Nelson said that the City of Lynchburg had laws that prohibited the behavior that was perpetrated against the property of the Blue Ridge Pregnancy Center. He said that condemnation of such crimes was one of the purposes inherently encompassed in their criminal laws, and if City Council were to pass resolutions condemning criminal behaviors whenever and wherever they occurred, they would be burdening staff and their time in an exercise that duplicated the role of law enforcement personnel and the judiciary. He stated that he would rather their taxpayer funds be directed to pursuits that fell within the legal authority and purpose of City Council. He said that while the damage to the Blue Ridge Pregnancy Center violated core American principles, the Resolution would set a bad precedence when criminal actions were being investigated and prosecuted by the City's law enforcement personnel, and for those reasons he would not be supporting the Resolution.

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Councilmember Helgeson said that he appreciated the City's law enforcement and groups who peacefully protested in the City. He reiterated that he supported the resolution.

Councilmember Tweedy said that she would not be supporting the resolution. She said that in talking to citizens about violence in Lynchburg and the ways to stop those violent acts in the community, it had been suggested that the City form a human rights commission to look into the issues of what the City condoned and did not condone, and what groups or issues deserved the City's support. She said that this issue deserved the opportunity for citizens to come together and discuss the acts of violence and the solutions to them. She said that a larger approach to the topic was necessary to bring people together and view the issues of human rights in the City to ensure all organizations were respected and protected.

Councilmember Wilder stated that there were many resolutions the City Council could make, including apologizing for past City Council resolutions that segregated public facilities in the City, or a Resolution to recognize the shootings of young people in the City. He said that vandalism occurred to many businesses and nonprofits, and such violence should be stood against completely through a group such the human rights commission suggested by Councilmember Tweedy.

Mayor Dolan said that she condemned all types of violence but did not see it fit to create resolutions for every case that they saw.

Councilmember Helgeson said that any of those other topics could be brought forward as resolutions to Council, but what was before Council through this procedure was the Resolution prepared to condemn the vandalism perpetrated against the Blue Ridge Pregnancy Center.

Vice Mayor Wright said that he and his colleagues strongly condemned all acts of violence, which was proven through the enforcement of laws and funding of their police department to ensure that crimes were investigated and thoroughly prosecuted. He said that to pass this Resolution would condemn the vandalism against the Blue Ridge Pregnancy Center, but it also would be a comment to the public on the general topic of abortion and how the City Council felt about abortion as an issue, which was why City Council had historically stayed away from making these types of resolutions related to very political issues.

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Councilmember Tweedy said that if the Council was going to begin choosing sensitive topics such as this to bring recognition to, there must be an overarching group of citizens who stated the values of the City and the support of quality of life for the people of the City.

Councilmember Faraldi said that this Resolution was the only form of acknowledgment from Councilmembers of the event that had transpired at the Blue Ridge Pregnancy Center. He said that resolutions acknowledging past actions or violence should be brought forward to the Council in order to begin to come together on those issues. He said that the City Council represented Lynchburg, so it was important for them to vote in order to voice their opinion on this issue.

Councilmember Nelson clarified that his vote against the Resolution would not condone the reprehensible damage, vandalism, and intimidation against the Blue Ridge Pregnancy Center.

Councilmember Wilder said that there were platforms to speak on issues other than at the dais of City Council, and he did not judge Councilmembers for what they chose to do in supporting or not supporting organizations or individuals who experienced violence in the community.

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

Ayes: Helgeson, Faraldi	2
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Noes: Nelson, Tweedy, Dolan, Wright, Wilder	5
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// On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council, by the following recorded vote, elected to hold a closed meeting to discuss the performance of specific officers of the City, and to receive/discuss legal advice concerning such officers, pursuant to §§2.2-3.711(A)(1) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended.

Ayes: Dolan, Wright, Nelson, Tweedy, Helgeson, Wilder	6
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Noes:	0
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Absent: Faraldi	1
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// 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

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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	6
Noes:	0
Absent: Faraldi	1

// The meeting adjourned at 9:48 p.m.

Clerk of Council