

July 9, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of July, 2024, at 4:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns,

Larry Taylor, Sterling A. Wilder 7

Absent: 0

// In the matter of the Airport, Agenda Item #1, Council held a work session regarding the Lynchburg Regional Airport Air Service Update. Director of the Airport Andrew Lagala provided a presentation to Council. The Lynchburg airport has and continues to experience a modest increase in passenger demand. As such, American Airlines has advised the Airport Administration that flight crew availability is beginning to stabilize, and they plan to continue to increase capacity through the rest of the year including a return to seven daily departures this Fall. This will mark the first time Lynchburg flights are back to pre-pandemic frequency levels.

// In the matter of the Museums, Agenda Item #2, Council held a work session regarding the Museum Refresh and Exhibits. Museum Director Thomas Delaney provided a presentation to Council. The Lynchburg Museum System, our city's official history museum and archives, is approaching its 50th anniversary in 2026. In celebration of this major milestone, the Lynchburg Museum at the Old Court House has begun a multi-phase campaign to transform and reimagine the museum for the next 50 years. The overall goal is to ensure that the museum reflects the hospitality and charm of the Hill City and makes the best possible first impression on visitors. As part of this initiative, the museum is now open six days a week, Thursday through Tuesday (closed on Wednesdays). Admission is always free, and all three floors of exhibits and galleries are regularly updated. Current exhibit topics include the D-Day invasion of 1944 and midwifery in Lynchburg. Upcoming exhibits will explore the Virginia 10 Miler footrace and the Cold War in Lynchburg, 1945–1991.

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// In the matter of Community Development, Agenda Item #3, Council held a work session regarding the Fifth Street Corridor Revitalization. Community Development Director Tom Martin provided a presentation to Council. The Fifth Street Corridor Master Plan was adopted by the City Council on May 23, 2006. The plan establishes the vision for a rehabilitated and revitalized corridor that serves the needs of the surrounding neighborhoods. The City has committed Community Development Block Grant, Capital Improvement and Water and Sewer funds to improve the underground utilities and streetscape. A statue of Mayor M.W. Thornhill was unveiled in 2023 as a result of a partnership between the City of Lynchburg and the Fifth Street Community Development Corporation. As a result of plan implementation, the Fifth Street Corridor has seen considerable private investment which is working to achieve the vision of the plan.

Vice Mayor Faraldi asked if they had received interest in the Family Dollar property. Mr. Martin replied that they had not yet, but he planned to speak with Economic Development. Vice Mayor Faraldi noted that the Family Dollar location was in a food desert and that area could use a grocery store.

// In the matter of Planning, Agenda Item #4, Council was briefed regarding Rezoning: R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow forty-eight duplex, quadplex and townhouse-style residential units - 1015 & 1019 Pinehurst Street. City Planner Rachel Frischeisen provided a summary of the request to Council. Rush Homes is petitioning to rezone five and eighty-four hundredths (5.84) acres located at 1015 & 1019 Pinehurst Street R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of forty-eight (48) residential units.

The property is recommended for Medium Density Residential uses on the City's Future Land Use Map (FLUM). The proposed density of the housing fits within the recommended

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density range in Medium Density Residential areas, and is below the density that would be allowed by the current zoning.

The voluntarily submitted proffers indicate that access to Phase 1 of the development, consisting of eight (8) units, would be taken from Pinehurst Street; that access would be gated and used only for emergency access once the access drive from Florida Avenue is constructed. Access from Florida Avenue would be constructed as part of Phase II of the development. Residents and visitors would utilize the Florida Avenue entrance going forward.

// In the matter of Water Resources, Agenda Item #5, Council was briefed regarding City of Lynchburg and Griffin Pipe Products Co., LLC Parking and Ingress/Egress Easement. Director of Water Resources Timothy Mitchell provided a summary of the request to Council. This is associated with the Blackwater CSO Tunnel Project and is in accordance with the Memorandum of Understanding (MOU) previously discussed with Council and executed between the City of Lynchburg and Griffin Pipe Products Co., LLC. The purpose of the ingress/egress easement is to provide Griffin Pipe employees/agents access to a newly constructed employee parking lot that will offset the loss of parking during the construction of the Blackwater CSO Tunnel. This is one component of a complex MOU that was negotiated in order to acquire the property and temporary construction easements needed for the construction of the Blackwater CSO Tunnel. Bids for the easement will be due on September 10, 2024 and presented to City Council during the September 24, 2024 Work Session and then a Public Hearing held at the September 24, 2024 regular Council meeting.

// In the matter of Roll Call, Mayor Reed encouraged residents to take advantage of the cooling centers and to hydrate during the heatwave. She said that residents should check on their neighbors, especially elderly neighbors, and their pets during this time. She noted that pets should not be left outside since they can also experience heat-related emergencies. She highlighted the work and contributions of the Commonwealth Attorney's Office to the City.

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// On the motion of Councilmember Wilder, seconded by Councilmember Dolan, by the following recorded vote, Council elected to enter into a closed meeting to discuss the investment of public funds by the City where competition or bargaining is involved, where, if made public initially, the financial interest of the City would be adversely affected, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended. The subject of the closed session being specific to the Region 2000 Services Authority and its potential expansion.

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

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

Noes: 0

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

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

Noes: 0

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// The meeting recessed at 5:02 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of July, 2024, at 7:00 p.m. in the Council Chamber, City Hall, Stephanie Reed, President, presiding. The following Members were present:

Present: Stephanie Reed, Chris Faraldi, MaryJane Dolan, Jeff Helgeson, Martin Misjuns,

Larry Taylor, Sterling A. Wilder 7

Absent: 0

// Vice Mayor Faraldi led the invocation, followed by the Pledge of Allegiance.

// In the matter of the Consent Agenda, Item #1, copies of the minutes of the June 11, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of the Consent Agenda, Item #2, copies of the minutes of the June 12, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of the Consent Agenda, Item #3, copies of the minutes of the June 17, 2024 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

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// In the matter of Planning, Item #4, Council held a public hearing in consideration of adopting an ordinance changing a certain area located at 1101 5th Street from B-4, Urban Commercial District to B-5, General Business District. City Planner Rachel Frischeisen provided a summary of the request to Council. Kerr Holdings, LLC, is petitioning to rezone 1101 5th Street from B-4, Urban Commercial to B-5, General Business District. 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 property. 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.

The 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.

The petitioner has indicated that the purpose of the rezoning to B-5 zoning is to allow the use of the existing building for auto body repair. The B-5 zoning district is one of the most intensive zoning districts with the City. Other uses permitted in B-5 include towing yards, industrial equipment rental, lumber yards, self-storage, warehousing, and recycling centers. If Council wished to approve the proposed auto body repair shop without allowing the other uses, the body shop could be permitted through a Conditional Use Permit (CUP) without rezoning the property.

Mr. Dave Durbin, representing the petitioner, presented to Council. He said that the location had been an automotive repair use for over 80 years. He said that the property owner was a good neighbor who frequently cleared the sidewalks and picked up trash.

Mayor Reed opened the public hearing to comments from the public.

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Mr. Rodney Hubbard, speaking in favor of the request, said that he operated a property across the street. He said that in 2015, when he took over the property, it was zoned B6, but the City informed him he was not permitted to sell vehicles, and three years later when he made a request of Council, it was also denied. He expressed concerns that Council attempted to change the zoning from B6 to B4 in 2015 after he took over the property.

A citizen who did not give her name spoke in favor of the request, saying that her father purchased property at 1006 4th Street in 1958, and she remembered the owner of the subject property maintaining it. She said that there used to be more businesses on 5th Street when she was a child, and she believed it could be like that again.

Yvette Harris, Vice President of the Legacy Museum of African American History Board of Directors, speaking in opposition of the request, said that rezoning the subject property to B-5 would jeopardize the goals of the 5th Street Corridor Master Plan. She said that 5th Street should not return to an industrial zone of autobody shops. She asked Council to deny the petition for rezoning and the conditional use permit.

Alvin Elliot, President of the 5th Street Community Development Corporation (5th Street CDC), speaking in opposition of the request, said that his organization had worked for a number of years to rehabilitate and revitalize the 5th Street corridor. He said that the 5th Street Corridor had been the historic hub of African American economic and social activity, and the present request would jeopardize that legacy. He requested Council to deny the request.

Hunter Dawson, owner of Car Commander, speaking in opposition to the request, expressed concerns that the prospective tenant would allow the property to fall into neglect. He said that the proposed request would drive away potential development along the corridor.

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

Vice Mayor Faraldi asked whether the non-conforming status had lapsed. Ms. Frischeisen replied that through conversations with the Zoning Administrator, staff had

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determined that the lot had been vacant prior to 2015, and because there was no record of an autobody use within the past two years, there was no legally non-conforming status. She said that the applicant did have a non-conforming status for a carwash. Vice Mayor Faraldi asked if the City issued a determination regarding the zoning status. Ms. Frischeisen said that there was no formal document, but in the Zoning Administrator's research, there was no indication there was a previous non-conforming autobody use. Vice Mayor Faraldi clarified that the status of the non-conforming use was easily accessible to the parties involved. Ms. Frischeisen said that was correct.

Councilmember Wilder motioned, seconded by Vice Mayor Faraldi, to deny the petition.

Councilmember Wilder stated that the request was not in line with the 5th Street Corridor Master Plan, and the Planning Commission also recommended denial.

Vice Mayor Faraldi stated that regardless of the City planning documents, the non-conforming status had expired, so there would need to be a more convincing reason to change the zoning.

Councilmember Helgeson stated that the comprehensive plan for 5th Street, which is a substantial document, altered the zoning regulations for a parcel that has operated as an automotive shop for many years, now prohibiting its continued use for that purpose.

Councilmember Helgeson made a substitute motion, seconded by Councilmember Misjuns, to approve the request to rezone the property to B-5.

Councilmember Misjuns stated that it did not make sense to permit the current carwash non-conforming use to continue but not allow a body-shop use. He said that since a carwash use was permitted in the B-5 zoning, other B-5 uses should be permitted as well, such as a body-shop.

Councilmember Wilder stated his opposition to the substitute motion stating that the 5th Street CDC did not support the petition.

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Councilmember Taylor stated his support for rezoning the property to B-5. He said that it would allow more revenue to be generated from the area.

Mayor Reed said that rezoning the property to B-5 would permit unlimited uses on the site, while B-4 provided restrictions to the type of uses. She said that the community had expressed concerns about the B-5 zoning because it could allow a use that would impede the goals for the 5th Street corridor. She stated that Council should honor the will of the people.

With no further discussion from the Council, the following vote was recorded on whether to accept the substitute motion:

Ayes: Helgeson, Misjuns, Taylor	3
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Noes: Reed, Faraldi, Dolan, Wilder	4
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With no further discussion from the Council, the following vote was recorded on the original motion to deny the request:

Ayes: Reed, Faraldi, Dolan, Wilder	4
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Noes: Helgeson, Misjuns, Taylor	3
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// In the matter of Community Development, Council held a public hearing in consideration of adopting Resolution #R-24-053 approving the Fiscal Year 2025 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. Grants Manager Melva Walker provided a summary of the request. 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. The Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and consists of the required components, as well as the CDBG and HOME projects that will be implemented during the program year to address the identified needs and objectives.

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On June 7, 2024, a public notice was published in The News and Advance stating that a draft of the proposed Program Year 2024 (FY 2025) Annual Action Plan was available for public review for a 30-day public comment period and that City Council would be conducting a public hearing on July 9, 2024 to receive public comments regarding the Program Year 2024 (FY 2025) Annual Action Plan. The advertisement for the Annual Action Plan included the projects recommended by City Council at their June 11, 2024 meeting.

City staff has not yet received any public comments regarding the draft Plan. City Council and citizen comments received at the public hearing regarding the contents of the Annual Action Plan will be incorporated into the final document and submitted to HUD for approval.

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

Councilmember Taylor motioned, seconded by Councilmember Wilder, to adopt Resolution #R-24-053.

Councilmember Taylor said that the Community Development Advisory Committee recommended approval, so he supported adoption of the resolution.

Councilmember Wilder said that CDBG funds were necessary for the community, and he supported adoption of the resolution.

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

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

Noes: 0

// In the matter of Public Comment, Agenda Item #6, Citizen Jo Meadows, representing Citizens for Responsible Government, addressed Council regarding Councilmember conduct. They said that some councilmembers regularly spread false and inflammatory information about transgender people because it was politically advantageous, but transgender people would

never be intimidated by this rhetoric. They called on the Mayor to condemn, discipline, and expel councilmembers professing such violent rhetoric.

// In the matter of Public Comment, Agenda Item #7, Citizen Margaret Johnson was not present.

// In the matter of City Council, Agenda Item #8, Council considered adopting Resolution #R-24-054 approving City Council's Rules of Procedure. Mayor Reed stated that the item was previously presented to Council at the June 25 meeting. 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. As such, City Council's Rules of Procedure (RoP) should be readopted to confirm City Council's schedule of regular meetings and work sessions for the upcoming year.

Meetings shall be held as follows: Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m. in City Hall, Council Chamber, except for the fourth Tuesday of February and during the months of March and April where the meetings will be held in City Hall, 2nd Floor Training Room. In the months of July and December, there will be meetings on each of the second Tuesdays; in August, there will be meetings on the fourth Tuesday. City Council's Rules of Procedures Section 2-1 will be revised to reflect these changes.

Based on Council feedback given during the Business Item Briefing, staff reworked the additional language to Section 5-4(A) of the RoP specific to "Prohibited Conduct":

9. Use pickets, stakes, poles, staffs, or other similar items to display a sign, flag, poster, placard, or the like in the Council Chamber.
10. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.
11. Block entrances, exits, or doorways of the Council Chamber

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Councilmember Taylor motioned, seconded by Vice Mayor Faraldi, to adopt Resolution #R-24-054.

Councilmember Helgeson asked for clarification regarding the previously requested changes to the resolution. City Attorney Mr. Matthew Freedman explained that the resolution included the proposed changes to the Rules of Procedure, but the actual Rules of Procedure were not included with red-lined changes. He said that Section 5-4(A), Prohibited Conduct, included additions of Items 9, 10, and 11. Councilmember Helgeson said that Council had discussed keeping Item 10 but removing Items 9 and 11.

Councilmember Dolan said that Item 9 was a requested addition from the Chief of Police.

Mayor Reed noted there was consensus from Council to strike Item 11 since the Fire Marshall had the ability to enforce rules regarding blocking of entrances.

Mr. Freedman suggested proceeding with the adoption of the rules, and he could return with an additional rule to address issues with Item 9 at a later date.

Councilmember Helgeson motioned to amend to strike Items 9 and 11. He said that Council could consider a rule at a later date related to the use of pickets, stakes, poles, staffs, or other similar items to display a sign, flag, poster, placard. Mr. Freedman clarified that Items 9 and 11 would be stricken, and Item 10 would then become the new Item 9 under the Rules of Procedure.

Councilmember Taylor said that he accepted the amendment as friendly.

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

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

Noes: Dolan 1

// In the matter of the City Attorney's Office, Agenda Item #9, Council considered adopting Resolution #R-24-055 approving the City's participation in the proposed settlement of opioid-

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related claims against Kroger and its related corporate entities, and directing the City Attorney to execute the documents necessary to effectuate the City's participation in the settlement.

Vice Mayor Faraldi motioned, seconded by Councilmember Taylor, to adopt Resolution #R-24-055.

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

Ayes: Reed, Faraldi, Dolan, Helgeson, Misjuns, Taylor, Wilder	7
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Noes:	0
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// The meeting adjourned at 8:10 p.m.

Clerk of Council