

August 13, 2024

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of August, 2024, at 4:00 p.m. in the Council Chamber, City Hall, Chris Faraldi, Vice President, presiding.

The following Members were present:

Present: Chris Faraldi, MaryJane Dolan, Larry Taylor, Sterling A. Wilder,	
Martin Misjuns	5
Absent: Stephanie Reed, Jeff Helgeson,	2

// On the motion of Councilmember Wilder, seconded by Councilmember Taylor, Council elected, by the following recorded vote, to enter into a closed meeting to discuss the protection of the privacy of individuals and public safety of individuals in personal matters not related to public business pursuant to § 2.2-3711(A)(4) of the Code of Virginia, 1950, as amended.

With no further discussion from the Council, the following vote was recorded:	
Ayes: Faraldi, Dolan, Taylor, Wilder, Misjuns	5
Noes:	0
Absent: Reed, Helgeson	2

// The meeting was reopened to the public at 4:10 p.m.

// Councilmember Wilder made the following motion:

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

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

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

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as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

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

Ayes: Reed, Faraldi, Dolan, Taylor, Wilder	4
Noes:	0
Absent: Helgeson, Misjuns	2

// In the matter of Elections, Agenda Item #1, Council was briefed regarding a proposed polling place change in Ward III, Precinct 4. General Registrar Daniel Pense provided a summary of the item to Council. The General Registrar has been notified that Compassion Church, the polling place for precinct 304, will no longer be able to serve as a polling location. The Registrar has met with staff at Heritage High School and the Electoral Board has authorized this location as a replacement polling place for the November General Election. City staff is preparing the paperwork for a precinct change to be presented to the City Council and, if approved, communication with the Attorney General's office.

Vice Mayor Faraldi noted that there were concerns related to the timeline of the change. He asked for clarification how they would ensure the change was made with the Attorney General's approval and with enough notice to the voters, considering the start of early voting in September and the election in November. Mr. Pense replied that ballot proofing was taking place on September 6 and should be complete by September 9. He said that early voting began on September 20 when absentee ballots were mailed. He said that these dates would not impact the opening of the polling locations. He explained that that the Department of Elections had a 60-day window prior to election day to request a polling place change, but they also permitted emergency polling place changes, which they were filing along with the regular polling place change request.

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Councilmember Wilder asked for information about notification to voters and new voting registration cards. Mr. Pense said that the law used to require a 15-day window to notify voters, but it was changed during the past legislative session to require a 30-day notification window. He said that in the past, they had used the same vendor that the City used for billing to send out notices, and they planned to continue doing so. Councilmember Wilder asked if there were available funds in the budget to cover the cost of notification. Mr. Pense said that the last time they had to notify voters, the cost was between \$1,000 and \$2,000, so it was expected to fall within their budget. He said that if they could not cover the cost, then they would submit a budget amendment request.

// In the matter of Planning, Agenda Item #2, Council was briefed regarding the Beacon Credit Union Headquarters Rezoning: I-2, Light Industrial District to B-5, General Business District - 5114 & 5208 Woodall Road. Mayor Reed stated that the item would appear before Council for action at the September 10, 2024 meeting. City Planner Rachel Frischeisen provided a summary of the request to Council. Beacon Credit Union is petitioning to rezone portions of 5114 & 5208 Woodall Road from I-2, Light Industrial District to B-5, General Business District to allow the construction of a forty thousand (40,000) square foot, four (4) story office building and associated parking. If approved, the proposed development would be used as the Corporate Headquarters of Beacon Credit Union.

The property is recommended for Employment 2 uses on the City's Future Land Use Map (FLUM). These areas are intended to include light and heavy manufacturing, research and development, flex space and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, if sized and designed to serve the employment area.

While the proposed large-scale office use is appropriate in an Employment 2 area, the proposed B-5, General Business District would allow a wide range of uses that may not be appropriate. The Planning Commission discussed this at their public hearing, noting that voluntary proffers would be a way to alleviate concerns over potentially incompatible uses.

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Vice Mayor Faraldi asked whether the developer would have time to submit their anticipated changes for the request prior to the public hearing. Ms. Frischeisen said that she had checked with the developer the day before, and they seemed to intend to submit the changes soon. She said that staff would provide the developer with the deadline to have the changes included in Council's materials for the meeting.

// In the matter of Planning, Agenda Item #3, Council was briefed regarding Street Vacation: Portion of Waughs Landing Drive. Mayor Reed stated that the item would appear before Council for action at the September 10, 2024 meeting. Senior Planner Eve Mergenthaler provided a summary of the request to Council. Elmwood Holdings, LLC is petitioning to vacate a portion of Waughs Landing Drive located adjacent to 101 Daura Road and 123 Goodyear Drive. Another phase of development, including an extension of the right-of-way, was previously proposed for this area, but the developer is no longer pursuing that. The right-of-way vacation is proposed to allow the sale of the undeveloped property to one owner and to remove the unimproved portion of right-of-way from City maintenance. The total area of the proposed vacation is approximately twenty-five thousandths (0.025) of an acre. The area to be vacated is behind a gate and has not been improved for public use. The vacation would not impact vehicle or pedestrian access.

Councilmember Taylor asked if the road had any other uses. Ms. Mergenthaler said that it did not, and it was not improved.

// In the matter of the Police Department, Agenda Item #4, Deer Population Reduction, Council deferred the matter to the September 10, 2024 meeting.

// In the matter of Roll Call, Councilmember Wilder commended the organizers and partners who helped host the Back-to-School event where they distributed supplies to help students prepare for the school year. He said that the event demonstrated how strong the community could be when they pooled together resources and supported each other. He said that a basketball tournament was also held in the gymnasium, and he commended the success of the event. He said that they were conducting the Men 2 School event again, so they called on all

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men to help welcome students back to school. He said that the event would be held on Tuesday, August 20, the first day of school for Lynchburg City Schools.

Vice Mayor Faraldi said that he had received a large amount of correspondence regarding the deer population issue. He said that one comment noted that most deck heights were 8 feet, not 10 feet, so when they considered reducing the stand-height regulations, this should be taken into account. He asked staff if it was possible to find a way to integrate concerns about cayotes into the deer population issue since he continued to receive complaints about cayotes in the City. In the matter of Roll Call, Agenda Item #5, Vice Mayor Faraldi presented to Council regarding the Lifelong Learning Committee. He said that there was a memo which outlined the general purpose of the committee, the targeted business, its advisory role, and the proposed membership. He noted that during the School Board appointment process, the lack of trust and communication between and with Council, School Administration, and the School Board was frequently addressed. He said that traditionally, there used to be a Mayor/Vice Mayor – Chair/Vice Chair meeting between Council and the School Board, and this committee was proposed to expound on that process and demonstrate a consistent dialogue between the two bodies. He said that currently, the committee was suggested to be composed of six members, three from Council and three from the School Board; the overarching goal was to explore policy matters concerning both bodies. He said that if the committee was approved, it was scheduled to start with the new City leadership in the next year, after the elections.

Mayor Reed stated that she was able to attend the LCS Convocation, and Councilmember Wilder and Vice Mayor Faraldi also attended. She thanked LCS staff for organizing the event and for the effort they put into their daily work. She said that she attended the ceremonial funeral for Sergeant Mayburn Hudson, a WWII soldier who was killed overseas 80 years ago on August 7, 1944, at the age of 20. She said that Sgt. Hudson was originally declared MIA and KIA, however, his remains were recently identified and returned to Lynchburg. She said that his remains were buried at the Fort Hill cemetery, and she issued a proclamation

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on behalf of the City. She said that several veterans, reservists, and the Fire Department attended to provide full honors. She said that Sgt. Hudson was survived by his niece and his sister, who attended the funeral, along with other family. She said that she visited Richmond to meet with Secretary of Education Guidera to request more funding for Lynchburg schools. She said that the meeting went wonderfully, and she would continue to request for more funds from the state and advocate through their representatives for LCS.

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

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

Ayes: Reed, Faraldi, Dolan, Taylor, Wilder	5
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Noes:	0
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Absent: Helgeson, Misjuns	2
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// The meeting was reopened to the public.

// Councilmember Dolan 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

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

// The meeting adjourned at 5:30 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of August, 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

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

// In the matter of the Consent Agenda, Agenda Item #1, copies of the minutes of the June 25, 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:

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 the Consent Agenda, Agenda Item #2, copies of the minutes of the July 3, 2024 special meeting were pulled by Councilmember Helgeson. He said that since the meeting was not official, there should not be official meeting minutes. He asked for staff to review this for next meeting; there was a consensus from Council.

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// In the matter of the Consent Agenda, Agenda Item #3, copies of the minutes of the July 9, 2024 special 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:

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 the Consent Agenda, Agenda Item #4, copies of the minutes of the July 9, 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:

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 Planning, Agenda Item #5, Council conducted a public hearing in consideration of adopting Ordinance #O-24- changing a certain area located at 1015 & 1019 Pinehurst Street from R-3, Medium Density Residential District to R-4C, High Density Residential District (Conditional) for Rush Homes, Carolyn's Place. City Planner Rachel Frischeisen provided a presentation 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 density range in Medium Density Residential areas, and is below the density that would be allowed by the current zoning.

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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.

Jamey White, White Engineering & Design, LLC, representing the petitioner, provided a presentation to Council.

Tracey Ballagh, Executive Director of Rush Homes and speaking in favor of the request, said that the organization was a local non-profit established 28 years ago. She said that Rush Homes' mission was to provide affordable and accessible housing to individuals with disabilities and low income. She said that they were dedicated to keeping residents housed, with an eviction rate of 1%.

Beth White, Ward III, speaking in favor of the request, addressed Council regarding the need for more affordable housing in the City, especially for elderly people.

Kate Goodman, Ward IV, speaking in favor of the request, said that she was employed by Rush Homes and had a sister who lived in one of their homes. She said that her sister depended on Rush Homes to provide her with affordable housing.

Carl Hutcherson, speaking in favor of the request, said that the developer should address traffic safety issues on Florida Avenue. He asked how many minority contractors would be working on the project to provide more economic opportunities.

Clerk of Council Alicia Finney played a voicemail from Milton Smith in support of the petition.

Ms. Finney played a voicemail from Fren Joy in support of the petition.

Ms. Finney played a voicemail from Rebecca Vie in support of the petition.

Ms. Finney played a voicemail from Maggie McDaniel in support of the petition.

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Mayor Reed provided the petitioner with a chance to address the public input regarding traffic safety issues and the hiring of contractors.

Mr. White said that regarding the traffic safety on Florida Avenue, the development would have a low impact on the traffic conditions, and they had worked with staff to determine the safest location for an entrance.

Ms. Ballagh said that regarding hiring minority contractors, they did not consider race, but they did encourage their contracts to hire low-income individuals. She said that contracts were awarded through an RFP process. She said that they also tracked this data.

Mayor Reed closed the public hearing, and the matter rested with Council.

Councilmember Misjuns motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-24-057. Councilmember Misjuns said that the development would address a housing need in the area. Councilmember Wilder said that the development would help address affordable housing needs in the City.

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 Peter Cefaratti addressed Council regarding the current affairs that the Council is dealing with. He said that the special meeting to censure councilmembers was a show-trial that would only sow more derision.

// In the matter of Public Comment, Agenda Item #7, Citizen Deborah Trefzger addressed Council regarding the special meeting. She said that the special meeting censure hearing felt like a kangaroo court, and it felt unfair and unjust.

// In the matter of Public Comment, Agenda Item #8, Citizen John Vassar, representing the Lynchburg Republican City Committee, addressed Council regarding the capital budget for public school construction. He said that they had to improve SOL scores to improve the reputation of LCS.

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// In the matter of Public Comment, Agenda Item #9, Citizen James Quattlebaum addressed Council regarding general Council concerns. He said that he was concerned regarding the procedure of the special meeting. He said that he would recommend to the Lynchburg Republican Committee to remove Mayor Reed and Vice Mayor Faraldi from the party. He said that Section 19.9 of the City Charter outlined the procedure to remove councilmembers, and he would recommend to begin those procedures for the Mayor and Vice Mayor.

// In the matter of Public Comment, Agenda Item #10, Citizen Cora Cefaratti addressed Council regarding the July 9 meeting. She expressed concerns about the conduct of the meeting. She said that after shaking her head in disagreement to statements made by the Mayor, she was called out by name and felt intimidated for quietly expressing her opinion. She said that the Mayor had been approached regarding this conduct privately, but there had been no response. She said that the meetings needed transparency and professionalism.

// In the matter of Public Comment, Agenda Item #11, Citizen Gary Woodson withdrew from public comment.

// In the matter of Public Comment, Agenda Item #12, Citizen Vincente Gonzalez, representing the Latino Community Center of Lynchburg, addressed Council regarding racism and Islamophobia. He said that immigrant communities and labor benefited the City, without which, it would not be able to pass resolutions for new development, housing, and government facilities. He called on Councilmember Dolan and Councilmember Wilder to express their support for the local Muslim and immigrant populations.

// In the matter of Public Comment, Agenda Item #13, Citizen Andrea Hurtt addressed Council regarding transparency. She said that the Mayor Reed betrayed the people who gave her campaign money by not letting Councilmember Helgeson be Mayor, essentially staging a coup. She called for the Mayor to resign.

// On the motion of Councilmember Misjuns, seconded by Councilmember Wilder, Council elected, by the following recorded vote, to enter into a closed meeting to discuss the protection

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of the privacy of individuals in personal matters not related to public business pursuant to § 2.2-3711(A)(4) of the Code of Virginia, 1950, as amended.

With no further 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 Misjuns 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: Wilder, Dolan, Reed, Faraldi, Taylor, Misjuns 6

Noes: 0

Absent: Helgeson 1

// The meeting adjourned at 8:02 p.m.

Clerk of Council