



CITY COUNCIL WORK SESSION

Tuesday, September 23, 2025 | 4:00 PM
2nd Floor Training Room- City Hall
900 Church Street
Lynchburg, VA 24504

AGENDA

- I. **Welcome** *Larry Taylor, Mayor*
- II. **Work Session Agenda Overview** *Wynter C. Benda, City Manager*
- III. **Business Item Briefing(s)**
 - III.1. 1115 Wise Street - Conditional Use Permit (CUP) - Multi-Family Dwelling
 - III.2. 826 Kemper Street - Rezoning - Retail & Short Term Rentals
 - III.3. 663 Leesville Road - Rezoning - Cedar Ridge Townhomes
 - III.4. Boards & Commissions Quarterly Reporting (Q3)
- IV. **Work Session Agenda Items**
 - IV.5. Lynchburg City Council Rules of Procedure Discussion
 - IV.6. Councilmember Misjuns Item: *Ordinance to Amend the City Code to Add Section 27-12.1 Regarding Obscene or Indecent Performances and Exhibitions*
- V. **Roll Call**
- VI. **Closed Session**
 - VI.7. Consideration of a closed meeting to consult with the City Attorney (or his designee) and, where needed, receive briefings by City staff members in connection with actual litigation involving the Lynchburg City Council where such consultation or briefings in an open meeting would adversely affect the negotiating or litigating posture of the Lynchburg City Council, pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended. The subject of the closed meeting being specific to the Timberlake Investments, LLC v. Lynchburg City Council litigation.

AGENDA ITEM SUMMARY**MEETING DATE**

September 23, 2025

PRESENTED BYWilliam Martin, Community Development
Director**AGENDA ITEM # III.1**

1115 Wise Street - Conditional Use Permit (CUP) - Multi-Family Dwelling

RECOMMENDATION

This item will appear for City Council vote on the October 14, 2025, Public Hearing agenda. Approval of the Conditional Use Permit (CUP) petition to allow the use of an existing structure as a four (4) unit multi-family dwelling at 1115 Wise Street.

SUMMARY

Dio Rentals, LLC is petitioning for a CUP to allow the use of an existing structure as a four (4) unit multi-family dwelling in a B-5, General Business District at 1115 Wise Street.

The property is zoned B-5, General Business District. In this district, multi-family dwellings are permitted upon approval of a CUP by Council. The *Comprehensive Plan 2013-2030* Future Land Use Map (FLUM) recommends Neighborhood Commercial use for the subject property. These areas call for less intense commercial uses such as office, retail, and personal services. The existing structure currently has three (3) units.

The use of the existing residential structure as a four (4) unit multi-family dwelling should have limited impact on the surrounding area. Approval of the CUP petition would allow for one (1) additional residential unit without altering the zoning and would preserve the opportunity for future commercial uses to occupy the space.

PRIOR ACTION(S)

September 10, 2025: The Planning Commission recommended approval (6-0, with 1 absent: Young-Jefferson) of the CUP petition.

September 10, 2025: The Planning Division recommended approval of the CUP petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, City Planner

ATTACHMENT(S)

1. Presentation
2. Planning Commission Minutes, Report, and Attachments

REVIEWED BY



William Martin, Community Development Director

Date: September 15, 2025



Kent White, Assistant City Manager

Date: September 16, 2025



Alicia Finney, Clerk of Council

Date: September 17, 2025

1115 WISE STREET CONDITIONAL USE PERMIT

Tuesday, September 23, 2025



PURPOSE & ACTION

Purpose:

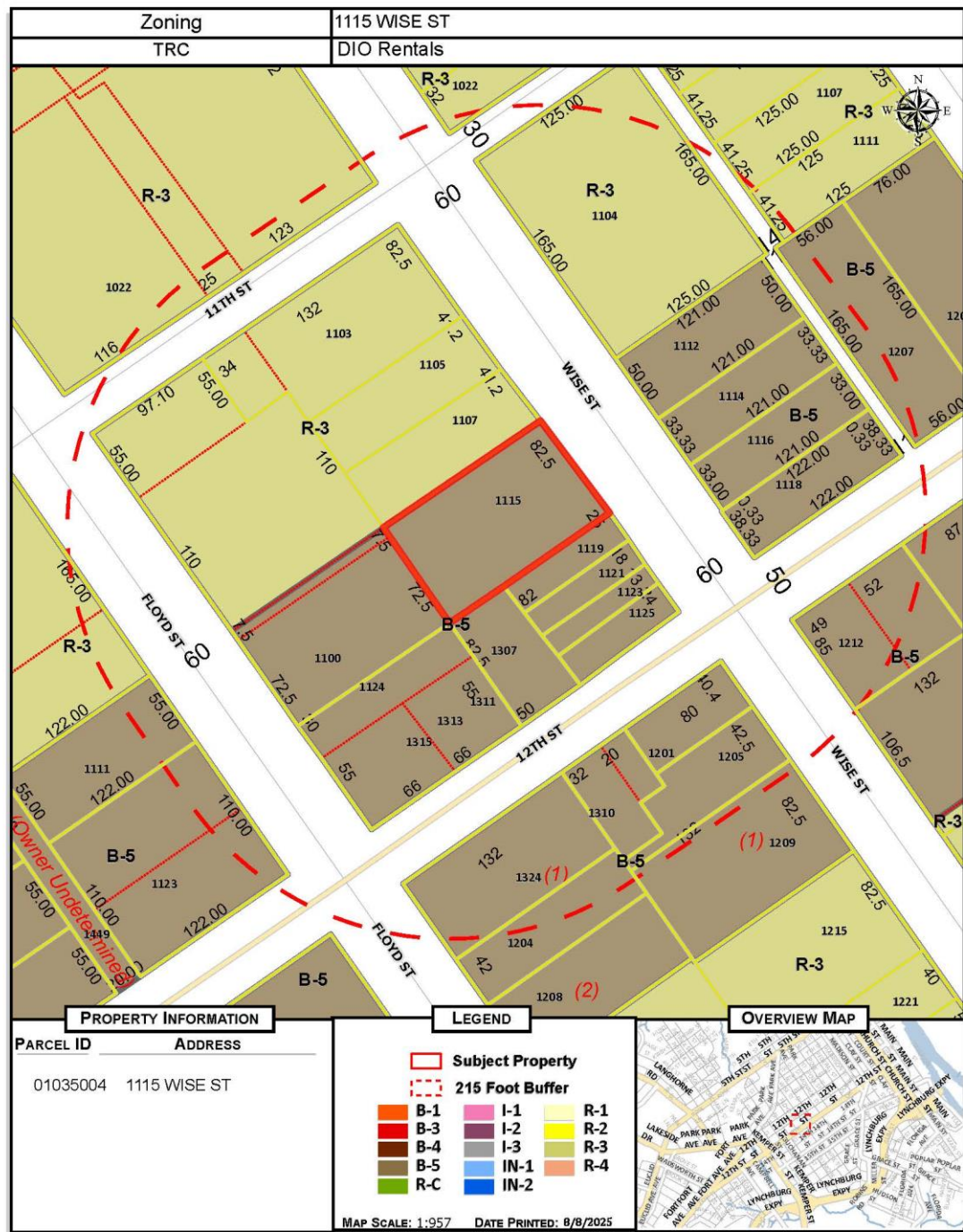
Petition of Dio Rentals, LLC for a Conditional Use Permit (CUP) in a B-5, General Business District to allow the use of an existing structure as a four (4) unit multi-family dwelling at 1115 Wise Street.

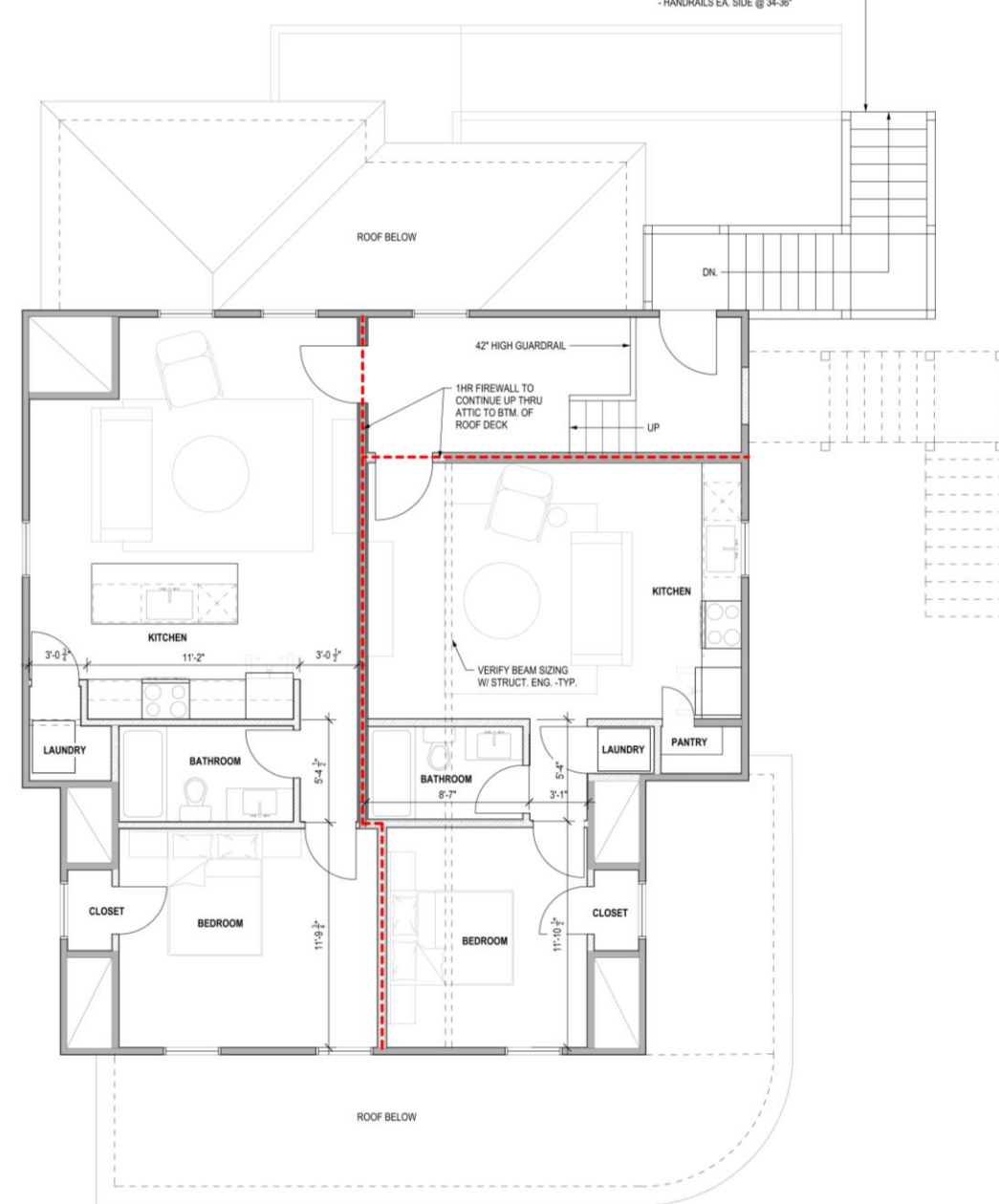
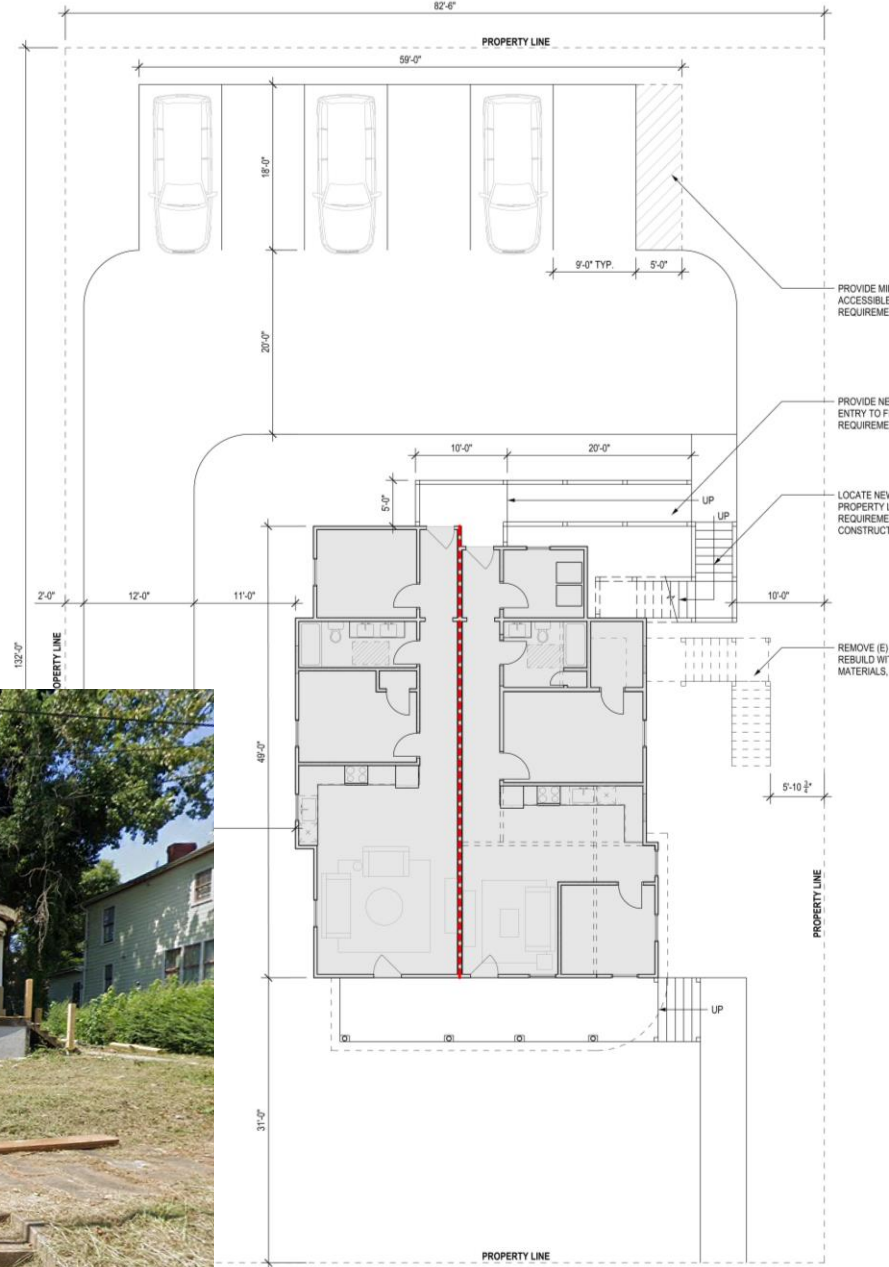
Recommendation:

The Planning Commission recommended approval (6-0, with 1 absent) of the CUP petition.

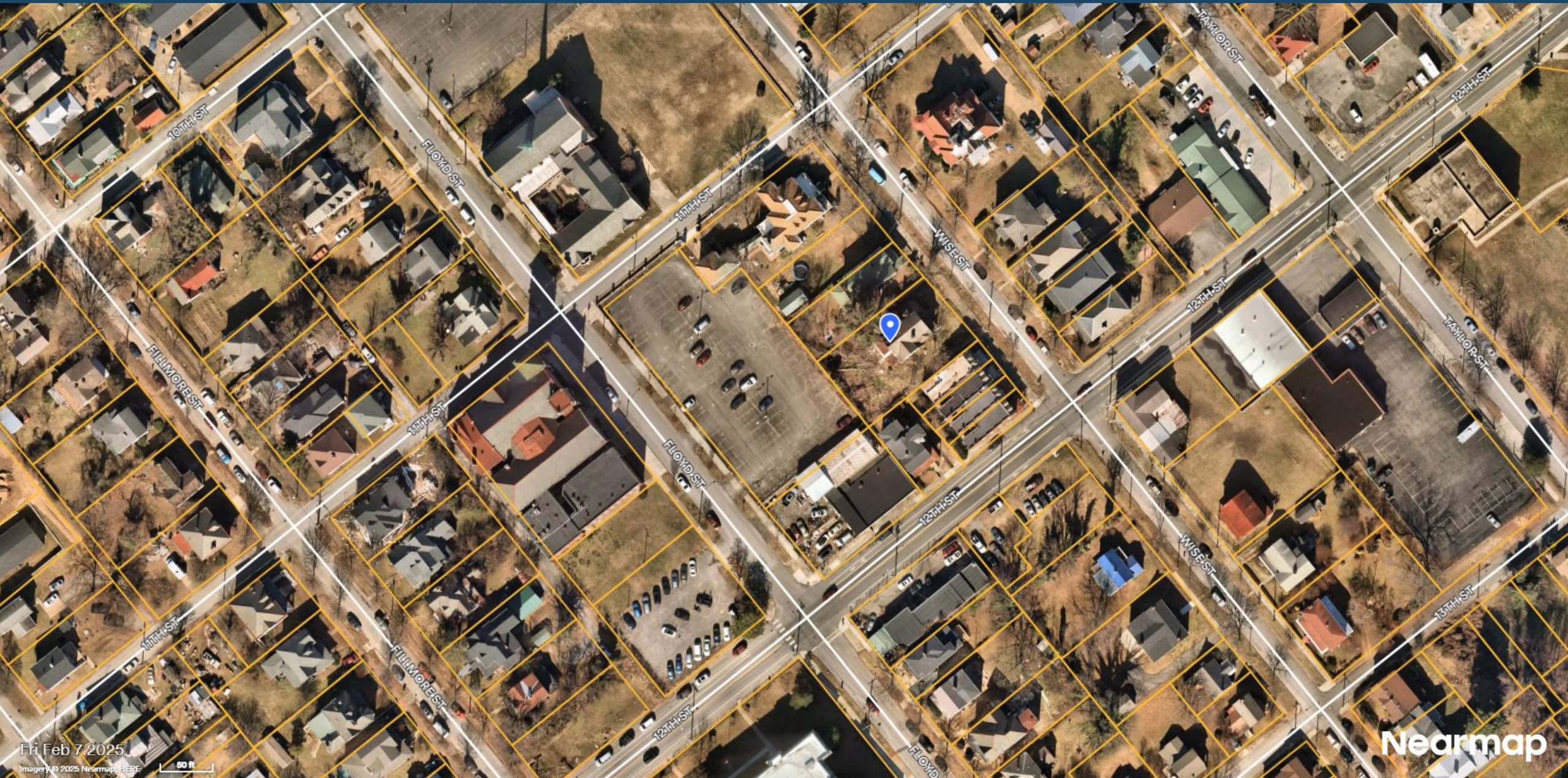
Action:

A City Council Public Hearing will be held on October 14, 2025.





1' 3' 5'



Fri Feb 7 2025

Imagery © 2025 Nearmap, HERE

50 ft

Nearmap

MINUTES OF THE September 10, 2025 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Dio Rentals, LLC for a Conditional Use Permit in a B-5, General Business District to allow the use of an existing structure as a multi-family dwelling with four (4) units at 1115 Wise Street.

Ms. Rachel Frischeisen, City Planner, provided the following summary to the Commission. The petition is for a Conditional Use Permit (CUP) to allow the use of an existing structure as a four (4) unit multi-family dwelling in a B-5, General Business District. The structure currently has three (3) units. The property is zoned B-5, General Business District, and has been zoned that way since 1978. In this district, multi-family dwellings are permitted upon approval of a CUP by Council. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends Neighborhood Commercial use for the subject property. It consists of twenty-four hundredths (0.24) acres and contains a two-story, wood frame structure constructed in approximately 1905 and has two thousand, seven hundred (2,700) square feet. It currently contains three (3) existing dwelling units. The petitioner is requesting a CUP for a fourth unit. In summary, the proposed multi-family dwelling should have limited impact on the surrounding area. It would be located within an existing residential structure adjoined by single-family detached and attached residential uses. As shown on the slide, there are a number of residential uses on this block of Wise Street, including a small group of four (4) rowhomes adjoining this property. The proposed use would blend with the existing uses. Approval of the CUP petition would allow an additional residential unit without altering the zoning. This would preserve the opportunity for future commercial uses to occupy the space, which would be more closely aligned with the FLUM designation for Neighborhood Commercial uses. All residential units should be made to comply with applicable building code requirements and this is reflected in the recommended conditions in the report. The planning division recommends approval of the petition.

Chair Rogers asked if there was anyone present to speak on behalf of the petition.

Mr. Ifeanyi Chukwu Onukogu of Dio Rentals, was present to represent the petition. Mr. Onukogu stated the property had been idle for a long time, was overgrown, and had a problem with squatters. He said the community agreed that the property should be used as a multi-family dwelling and there was a big parking space in the back of the property for tenant parking.

Chair Rogers asked if there was anyone present to speak in favor of the petition.

Chair Rogers asked if there was anyone present to speak in opposition to the petition.

With there being no further members of the public who wished to speak on the petition, Chair Rogers closed the public hearing.

Commissioner Gammon asked the petitioner if he just wanted to change the three (3) unit dwelling into four (4).

Mr. Onukogu replied yes.

Commissioner Gammon asked if there was anything else in the building.

Mr. Onukogu replied no, it would just be the four (4) residential units.

Commissioner Henderson asked if they had permission to use the parking lot behind the property, (referring to the adjoining paved parking lot).

Mr. Onukogu responded that the parking is located on the subject property.

Ms. Frischeisen clarified that Mr. Onukogu was referring to the driveway that is currently on the property and the backyard.

Commissioner Perault asked if the existing units are in compliance.

Ms. Frischeisen replied the current use is likely nonconforming, or “grandfathered.” The petitioner has contacted an architect to develop building plans and bring the building into compliance with code. They had received a stop work order for work done without a permit and were advised to go through the CUP process. If the CUP is approved, they will then obtain a building permit to construct the additional unit.

Commissioner Cox made the following motion, seconded by Commissioner Gammon. The motion to approve passed by the following vote:

“Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Dio Rentals, LLC, to allow the use of an existing structure at 1115 Wise Street as a multi-family dwelling subject to the following conditions:

- 1. There shall be a maximum of four (4) residential units.**
- 2. All residential units must meet applicable building code requirements.**
- 3. Any necessary modifications to rectify work completed without permits will be the responsibility of the developer.”**

AYES: Cox, Gammon, Henderson, Perault, Rogers, Woodson

6

NOES:

0

ABSTENTIONS:

0

ABSENT: Young-Jefferson

1

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: September 10, 2025
Re: **Conditional Use Permit (CUP) – Apartments – 1115 Wise Street**

I. PETITIONER

Property Owner: Dio Rentals, LLC, 1710 Texas Avenue, Lynchburg, Virginia 24501
Representative: Ifeanyi Chukwu Onukogu, Owner of Dio Rentals, LLC, 911 Rivermont Avenue, Lynchburg, Virginia, 24504

II. LOCATION

The subject property consists of approximately twenty-four hundredths (0.24) acres located at Wise Street.

III. PURPOSE

The purpose of the CUP petition is to allow the use of an existing structure as a four (4) unit multi-family dwelling in a B-5, General Business District. The structure currently has three (3) units.

IV. SUMMARY

- The property is zoned B-5, General Business District. In this district, multi-family dwellings are permitted upon approval of a CUP by Council.
- The *Comprehensive Plan 2013-2030* Future Land Use Map (FLUM) recommends Neighborhood Commercial use for the subject property. These areas call for less intense commercial uses such as office, retail, and personal services.
- The use of the existing residential structure as a multi-family dwelling should have limited impact on the surrounding area.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* Future Land Use Map (FLUM) recommends Neighborhood Commercial use for the subject property. These areas call for less intense commercial uses such as office, retail, and personal services. Patrons can walk, bike or take a short drive to reach them. Generally, residential uses should be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings (p.75).

The *Diamond Hill Neighborhood Plan*, adopted on December 10, 2024, recommends B-4, Urban Commercial District, zoning for the 12th Street Corridor. The B-4 district is intended to provide for a wide range of residential, commercial and other sales and service operations, and to encourage a compatible mix of multi-household residences, business and related activities of relatively high densities and with adequate services (Although this property is located in College Hill, 12th Street connects these two neighborhoods.)

2. **Zoning.** The subject property was annexed into the City in 1870. The existing B-5, General Business District zoning was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On August 11, 1987, City Council approved the Free Clinic of Central Virginia, Inc.'s CUP petition to allow a free health clinic in an existing church building in an R-3, Medium Density Two-Family Residential District at 1022 Floyd Street.
 - On February 9, 1988, City Council approved James E. Shaner, Jr. and Gayle E. Shaner's CUP petition to allow the construction of a parking lot in an R-3, Medium Density Two-Family Residential District at 1217 and 1223 Taylor Street.
 - On October 22, 2013, City Council approved Wanjema Muhoro's CUP petition to allow the use of an existing structure as a duplex in a B-5, General Business District at 1116 Wise Street.
 - On May 9, 2017, City Council denied the petition of Rose T. Properties, LLC, to rezone 1223 Fillmore Street from R-3, Medium Density Residential to R-4, High Density Residential to allow the use of the property as four (4) apartments.
5. **Site Description.** The subject property consists of approximately twenty-four hundredths (0.24) acres located at Wise Street. The property contains a two-story, wood frame structure constructed in 1905. The structure is approximately two thousand, seven hundred (2,700) square feet in size contains three (3) existing dwelling units. The petitioner is requesting a CUP for a fourth unit.
 The property is bound to the north, east, and south by residential uses, including rowhomes at the corner of 12th and Wise Streets. To the west, along Floyd Street, is a parking lot owned by Gospel Community College Hill Church.
 The current owner purchased the property on June 18, 2025. In July, the owner began renovations on the property without a building permit. A stop work order was issued and is currently in place until a CUP and building permits are approved.
6. **Proposed Use of Property.** If the petition is approved, a fourth residential unit would be added to the property.
 Since some work has been done without permits to renovate the property. There may be additional building code requirements (ex. fire separation, sprinklers) that need to be met in order to occupy the building even with approval of a CUP petition.
7. **Traffic, Parking and Public Transit.** The petitioner was not required to conduct a traffic analysis as part of this petition.
 The property has an existing driveway, which the petitioner has indicated they plan to improve to accommodate parking for future tenants.
 The area is served by the Greater Lynchburg Transit Company (GLTC) Route 3A with a bus stop located at the corner of 12th and Floyd Streets.
8. **Stormwater Management.** A stormwater management / Erosion & Sediment Control Plan will not be required as there are no external improvements or modifications proposed at this

time. An Erosion & Sediment Control Plan would be required if disturbed areas exceed one thousand (1,000) square feet. A stormwater management plan would be required if disturbed areas exceed five thousand (5,000) square feet.

9. **Emergency Services:** The City's Fire Marshal and Police Department had no comments of concern regarding the proposal.
10. **Impact.** The proposed multi-family dwelling should have limited impact on the surrounding area. It would be located within an existing residential structure adjoined by single-family detached and attached residential uses. A residential use at the subject property, such as proposed, would blend more cohesively with the existing uses on this block of Wise Street than a commercial use. Approval of the CUP petition would allow an additional residential unit without altering the zoning. This would preserve the opportunity for future commercial uses to occupy the space, which would be more closely aligned with the FLUM designation for Neighborhood Commercial uses. All residential units should be made to comply with applicable building code requirements.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the CUP petition on August 19, 2025. Comments were minor in nature.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Dio Rentals, LLC, to allow the use of an existing structure at 1115 Wise Street as a multi-family dwelling subject to the following conditions:

1. **There shall be a maximum of four (4) residential units.**
2. **All residential units must meet applicable building code requirements.**
3. **Any necessary modifications to rectify work completed without permits will be the responsibility of the developer.**

This matter is respectfully offered for your consideration.



Rachel Frischeisen
City Planner

pc: Wynter Benda, City Manager
Greg Patrick, Deputy City Manager
Kent White, Assistant City Manager
Tom Martin, Director of Community Development
Matthew Freedman, City Attorney
J. Lee Newland, City Engineer
Cynthia Kozerow, Lynchburg Police Department
Candace Brown, Fire Marshal
Doug Saunders, Building Official

Kevin Henry, Zoning Administrator
Ifeyanyi Chukwu Onukogu, Dio Rentals, LLC

VII. ATTACHMENTS

- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Narrative**
- 6. Architectural Drawings**
- 7. Property Photograph**

Zoning

1115 WISE ST

TRC

DIO Rentals



PROPERTY INFORMATION

PARCEL ID

ADDRESS

01035004 1115 WISE ST

LEGEND

Subject Property

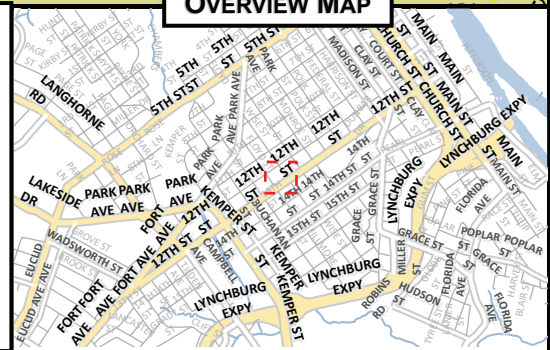
215 Foot Buffer

B-1	I-1	R-1
B-3	I-2	R-2
B-4	I-3	R-3
B-5	IN-1	R-4
R-C	IN-2	

MAP SCALE: 1:957

DATE PRINTED: 8/8/2025

OVERVIEW MAP



1115 Wise Street

Parcel ID	Address	Owner
02605013	1204 FLOYD ST	JERNIGAN, ANDREW C. & ALLYN G.
02605001	1324 12TH ST	ELITE CONSULTANTS AND MANAGEMENT LLC
02605005	1209 WISE ST	CARTER, SHARON Y
01036004	1123 FLOYD ST	GOSPEL COMMUNITY CHURCH INC
02605002	1310 12TH ST	ELITE CONSULTANTS AND MANAGEMENT LLC
02605004	1205 WISE ST	CARTER, SHARON Y
01036003	1111 FLOYD ST	GOSPEL COMMUNITY CHURCH INC
02605003	1201 WISE ST	ELITE CONSULTANTS AND MANAGEMENT LLC
01035010	1124 FLOYD ST	RAY, DONALD P & RAY, JAMES L
02606008	1212 WISE ST	CARTER, SHARON Y
01035009	1307 12TH ST	DAVIS, THOMAS EDWARD JR & DAVIS, RICHARD EARL
01035008	1125 WISE ST	MCCANLESS, JASON D TRS
01035007	1123 WISE ST	MCCANLESS, JASON D TRS
02606001	1212 12TH ST	CARTER, SHARON Y
01035006	1121 WISE ST	RUSNAK, ROBERT & KOMYNARETS, RUSLAN
01035005	1119 WISE ST	XIE, DEQUAN
01036001	1101 FLOYD ST	GOSPEL COMMUNITY CHURCH INC
02606003	1208 12TH ST	ALCC PROPERTIES LLC
01035004	1115 WISE ST	DIO RENTALS LLC
01035003	1107 WISE ST	HILLTOP HOMES LLC ATTN: NATASHA POSTON
01035016	1100 FLOYD ST	GOSPEL COMMUNITY CHURCH INC
01035002	1105 WISE ST	ERSKINE, ANTHONY E & LAURA S
01035001	1103 WISE ST	ERSKINE, ANTHONY E & LAURA S
01024009	1022 WISE ST	KANEV, SHAKHNOZA S & SVETLOZAR N
01034001	1022 FLOYD ST	WESTMINSTER PRESBYTERIAN CHURCH
01023009	1207 12TH ST	JUSTIS, JEFFREY W & JUSTIS, WILLIAM
01023004	1111 TAYLOR ST	POINDEXTER, CAROLYN L
01023003	1107 TAYLOR ST	POINDEXTER, CAROLYN L LIFE ESTATE
01023010	1118 WISE ST	JACKSON, WILLIAM ROBERT
01023011	1116 WISE ST	JACOBSON, KAREN A & JACOBSON JOSHUA
01023012	1114 WISE ST	BURKS, LAURA
01023013	1112 WISE ST	VAN DEN BOS, PAUL DONALD TRS & VAN DEN BOS, MELISSA LYNN TRS
01023014	1104 WISE ST	HAILEY, JOEL S

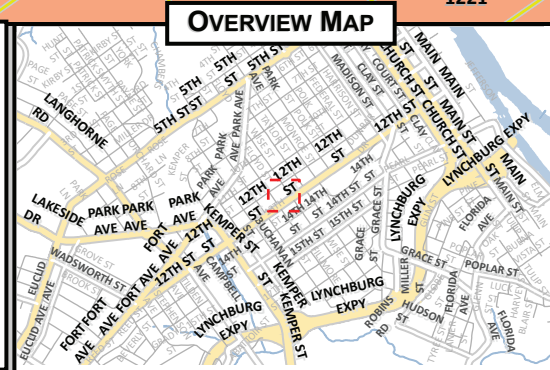
FLUM	1115 WISE ST
TRC	DIO Rentals



PROPERTY INFORMATION	
PARCEL ID	ADDRESS
01035004	1115 WISE ST

LEGEND

	Local Historic District		Employment 1
	Traditional Residential		Employment 2
	Low Density Residential		Downtown
	Medium Density Residential		Institution
	High Density Residential		Public Use
	Neighborhood Commercial		Public Parks
	Community Commercial		Resource Conservation
			Mixed Use



Watershed

1115 WISE ST

TRC

DIO Rentals



PROPERTY INFORMATION

PARCEL ID	ADDRESS
01035004	1115 WISE ST

LEGEND

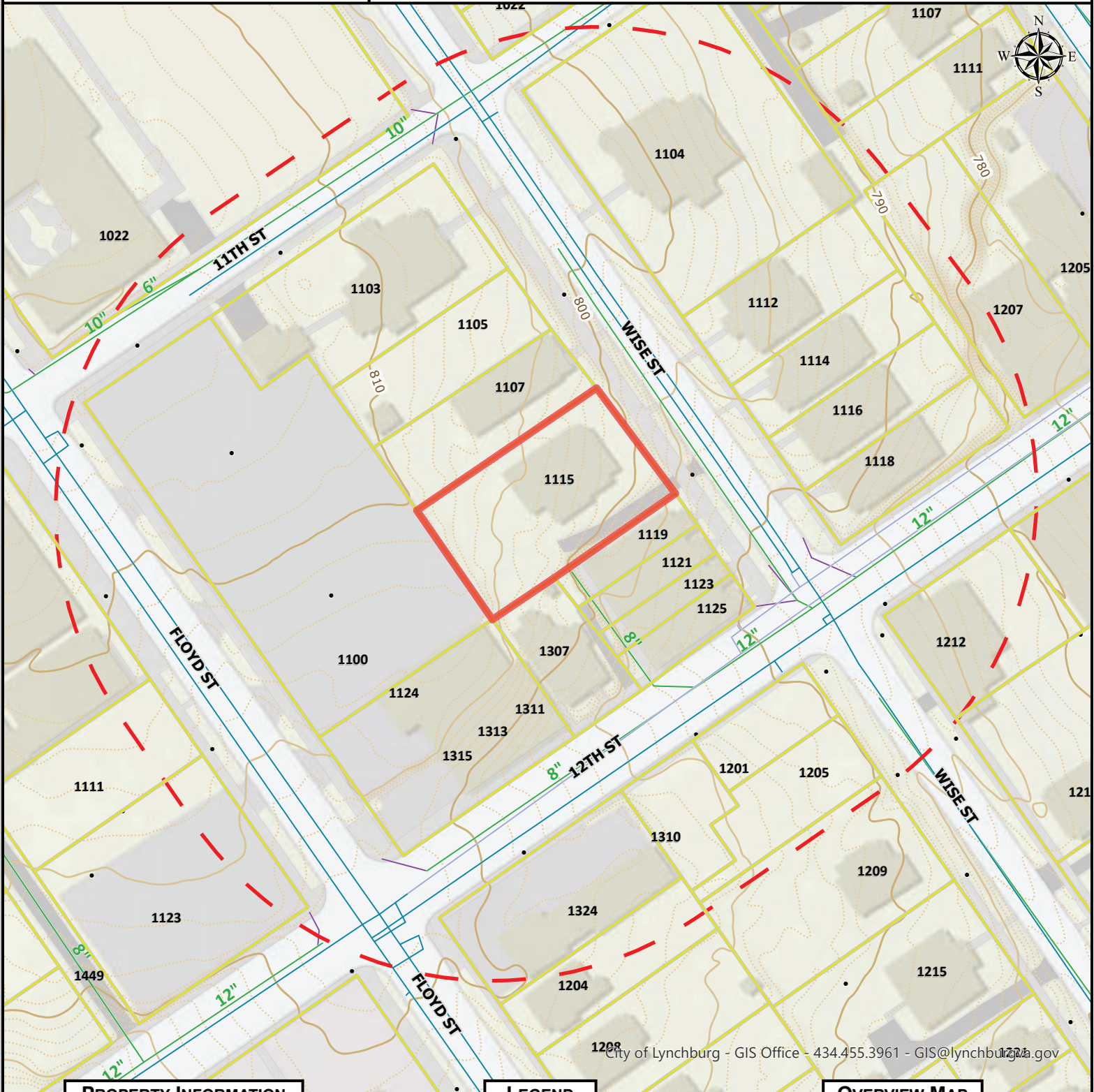
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

MAP SCALE: 1:957

DATE PRINTED: 8/8/2025

OVERVIEW MAP





City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

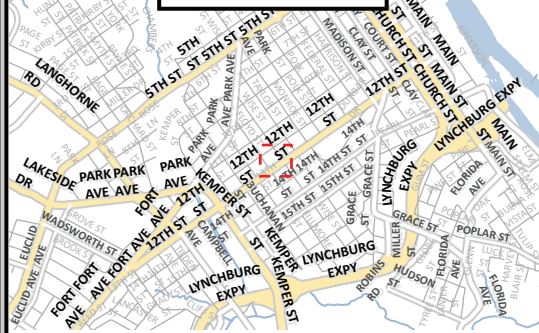
PARCEL ID	ADDRESS
01035004	1115 WISE ST

LEGEND

	Active	Proposed	Abandoned
Utilities	Water	Sanitary	Storm
Planimetrics	Paved	Unpaved	Other
Topography	Contour		

MAP SCALE: 1:957 DATE PRINTED: 8/8/2025

OVERVIEW MAP



Restoring 1115 Wise Street, Lynchburg, VA 24504: A Step Toward Neighborhood Renewal and Stability

We believe remodeling the address mentioned has several benefits for the neighborhood including the following:

1. Increasing Access to Quality Housing

Lynchburg, like many cities across the country, faces a shortage of safe, affordable, and dignified housing. Fixing 1115 Wise Street would bring four much-needed residential units back online, offering quality homes for individuals or families in need. In doing so, it helps alleviate housing pressure, reduce displacement, and give more people the opportunity to live in stable, well-maintained conditions.

2. Revitalizing the Physical Environment

Vacant or deteriorating buildings can negatively affect surrounding properties by dragging down property values, attracting vandalism, and signaling disinvestment. Restoring 1115 Wise Street eliminates a neighborhood eyesore and replaces it with a clean, safe, and visually appealing residence. This improvement can encourage nearby property owners to invest in upkeep and foster a culture of care and pride in the community's appearance.

3. Boosting Public Safety

Vacant buildings often attract unwanted activity—illegal dumping, squatting, or crime—that erodes residents' sense of safety. Renovating 1115 Wise Street into a livable, occupied apartment complex brings stability and a daily presence of tenants and visitors. This consistent activity acts as a deterrent to crime and makes the area feel safer for families, pedestrians, and children.

4. Supporting Economic Growth and Local Jobs

The rehabilitation of this multi-unit property creates short-term and long-term economic benefits. Construction and renovation work provide jobs to local contractors, tradespeople, and suppliers. Once restored, the apartment units generate ongoing tax revenue and can help support nearby businesses by increasing foot traffic and bringing more residents into the neighborhood.

5. Strengthening Community Identity

1115 Wise Street sits in a part of Lynchburg known for its rich cultural history and strong neighborhood ties. Restoring the property respects that legacy and affirms that all corners of the city are worthy of investment and attention. Whether it houses young professionals, seniors, families, or formerly unhoused individuals, a revitalized apartment building

becomes a symbol of inclusive progress and shared commitment to the future of Lynchburg.

6. Inspiring Broader Redevelopment

Visible success stories can trigger a chain reaction. When a once-blighted property like 1115 Wise Street is transformed, it proves that change is possible—and worth the effort. Other property owners may be inspired to follow suit, and city leaders or nonprofits may be more inclined to focus resources in areas showing momentum. It becomes a catalyst for continued investment.

Conclusion

Remodeling multiunit 1115 Wise Street is not simply a construction project—it is an investment in people, places, and potential. It will provide housing, beautify the neighborhood, deter crime, stimulate the local economy, and inspire hope. In a city where every block matters, restoring this four-unit apartment could be the spark that helps a whole neighborhood rise.

PROJECT SUMMARY

Project: Conversion of existing Building to Four-Unit Apartment Building
Location: 1115 Wise St. Lynchburg, Virginia
Building Code: 2021 Virginia Construction Code (VCC, based on IBC 2021); 2021 Virginia Existing Building Code (VEBC, based on IBC 2021); 2021 Virginia Statewide Fire Prevention Code

The subject property is a two-story wood-framed residence originally constructed in 1905 using balloon frame construction. The structure is approximately 2705 SF in area and was previously used as a three-unit dwelling, but has been vacant and condemned since 2017. The property is zoned B-5, which permits multifamily use by conditional use permit, rezoning is not required.

The new owners intend to renovate and adapt the building into a four-unit apartment building (Group R-2). The scope includes a full interior and exterior renovation, structural stabilization, firelife safety upgrades, and added off-street parking. The project aims to meet all current building codes by following the VEBC Change of Occupancy provisions, providing for NFPA 13R sprinkler system, and implementing U-rated wall and floor assemblies for the separation between all units. FHA compliant accessibility will be provided for both ground-floor units via a compliant rear ramp, while upper units remain exempt.

PROJECT DATA

Occupancy Group	R-2 (Apartments)
Previous Occupancy	R-3 (Single-Two Family, 3-unit prior use, condemned since 2015)
Construction Type	Type V-B (existing balloon-frame wood)
Compliance Path	VEBC Chapter 9 - Change of Occupancy; Work Area Method (Chapter 5)
Sprinkler System	NFPA 13R throughout (required by VCC §903.2.8; VEBC §904.1)
Stories	2 stories above grade
Building Height	<26' (≤ 60 allowed, VCC Table 504.3)
Building Area	~2,755 SF total (≤ 7,000 SF allowable per story, VCC Table 506.2)
Dwelling Units	(2) two-bedroom units (ground floor), (2) one-bedroom units (second floor)
Calculated Occupant Load	~ 14 persons (200 SF gross/person, VCC Table 1004.5)
Exit Access Travel Distance:	Per VCC Table 1017.2, R-2 occupancies with NFPA 13R sprinkler protection are permitted 250' maximum exit access travel distance. Actual travel distances within this project are <95', compliant.

EGRESS & ACCESSIBILITY

Egress - Ground Floor	Each unit has direct exit to grade via exterior porch, (2) exits per unit
Egress - Upper Floor	Both dwelling units accessed via common foyer. Existing (newly constructed) exterior stair is non-compliant in its current combustible construction within 10ft of the property line and should be relocated shown in plan. The new stair is to follow dimensional requirements of VCC §1011.1: 7' max rise height, 11" min. tread depth, 36" max riser deviation, 36" min. width, landings at top & bottom, 42" guard rail each side, & handrails each side at 34-38."
Emergency Escape & rescue	New bedroom windows will comply with VCC §1031: 15.7 SF net clear opening (25.0 SF at grade floor, 24" min height, 20" min width, sill 54" above floor)
Accessibility	FHA Compliance: Both ground-floor units shall meet FHA accessibility design requirements: 1. Accessible building entrance route: Both ground-floor units shall be accessible via rear entrance provided with 1:12 ramp landing serving both units. Upper-floor units exempt (no elevator). 2. Accessible common areas (hallways, trash, laundry, parking, site amenities, walkways). At least one van-accessible parking space with aisle shall be provided. 3. Usable doors: 32" min. clear opening 4. Accessible route into/through unit: Continuous route at least 36" clear width through main spaces 5. Accessible controls: Light switches, outlets, & thermostats within accessible reach ranges: 15" min above floor / 48" max above floor (forward reach) 6. Reinforced bathroom walls: solid blocking in walls around tubs, showers, and toilets to allow later installation of grab bars (33"-36" height for horizontal bars) 7. Usable kitchens: Min. 48" clear passage between counters. Usable bathrooms: Must allow for wheelchair maneuvering (36"x48" clear floor space at fixtures). Door must not swing into required clear floor space.

FIRE SEPARATION NOTES

1. Dwelling Unit Separations (Vertical Walls)

- All dwelling units shall be separated from each other and from common areas by 1-hour fire partitions in accordance with VCC §409.2 and VEBC §903.3
- Approved Assembly: UL Design No. U305 — 2x4 wood studs @ 16" o.c., cavity filled with mineral wool or fiberglass insulation, one layer 5/8" Type X gypsum board each side. Assembly provides 1-hour fire rating and minimum STC50 in compliance with VCC §1207.

2. Horizontal Assemblies (Floors/Ceilings)

- Floor/ceiling assemblies between dwelling units shall be 1-hour fire-resistance rated horizontal assemblies in accordance with VCC §711.
- Assemblies shall also provide minimum STC 50 / IIC 50 sound attenuation per VCC §1207.
- Approved Assembly: UL Design No. L501 — existing 1x T&G plank subfloor with finish flooring above, 2x joists @ 16" o.c., and one layer 5/8" Type X gypsum board attached to the underside. Mineral wool insulation and resilient channels may be added for improved STC/IC performance.

3. Structural Beams

- Structural beams supporting rated floor/ceiling assemblies shall be protected to achieve a 1-hour fire-resistance rating in accordance with VCC §704.1.
- Where beams project below the ceiling plane, they shall be encased on all sides with two layers of 5/8" Type X gypsum board, joint staggered and taped, or by use of an approved UL-listed beam protection assembly.
- Where beams are flush with the floor/ceiling plane, the continuous 5/8" Type X gypsum layer of UL Design L501 shall provide the required protection.

4. Continuity

- Fire partitions and horizontal assemblies shall be continuous from exterior wall to exterior wall and from foundation to roof deck, per VCC §708.4.
- voids created by balloon framing shall be fire-blocked at each floor line per VCC §716.2.2.

5. Openings in Fire Partitions

- Dwelling unit entry doors shall be 20-minute fire-rated, self-closing, and smoke-gasketing in accordance with VCC §716.2.2.1.
- Windows between units and between units and common spaces are not permitted unless fire-rated glazing meeting the wall rating is provided.

6. Exterior Walls at Property Lines

- Exterior walls located less than 10 feet from property line shall have a minimum 1-hour fire-resistance rating per VCC Table 602.
- Unprotected openings in these walls shall be limited in accordance with VCC Table 705.8.

7. Exterior Exit Stair Proximity

- Where the exterior stair is located within 10 feet of property line, stair construction shall be of noncombustible materials or fire-retardant-treated wood per VCC §1027.6.
- Openings in the building wall within 11 feet horizontally and 3 feet vertically of the stair shall be protected with rated glazing or eliminated per VCC §1027.5.

8. Penetrations

- All penetrations through rated fire partitions and horizontal assemblies shall be sealed with UL-listed firestop systems providing equal rating as the assembly, in accordance with VCC §714.
- Lighting Fixtures: Recessed light fixtures installed in 1-hour rated floor/ceiling assemblies shall be listed for use in fire-resistance-rated constructions (UL "fire-rated" housings) or shall be protected with an approved fire-resistive box/enclosure maintaining the 1-hour rating. Surface-mounted fixtures shall not reduce the rating of the underlying gypsum layer.

9. Mechanical, Electrical, and Plumbing Chases

- MEP chases located within fire-resistance-rated assemblies shall be lined or encased with rated construction equivalent to the required wall or flooring.

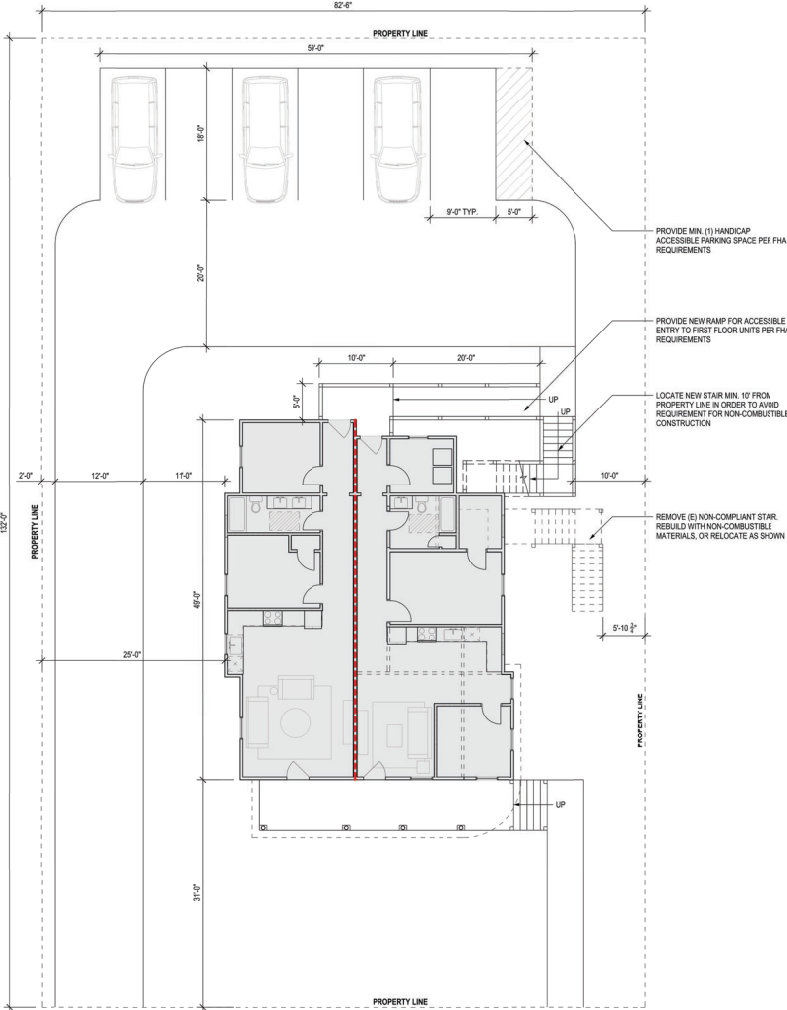
10. Attic and Concealed Spaces

- Concealed cavities formed by balloon-framed construction shall be subdivided by fireblocking at each floor line and at the intersection of vertical and horizontal concealed spaces per VCC §718.
- Attic/draftstopping shall be provided above dwelling unit separations per VCC §716.4.2.

11. Inspection and Verification

- Fire-resistance-rated assemblies shall be constructed in accordance with tested UL designs or Gypsum Association GA-400 details.
- Contractor shall provide documentation of listed assemblies and coordinate special inspections where required.

NOTE: PROPERTY LINE HAS NOT BEEN PROFESSIONALLY SURVEYED. GENERAL LOT DIMENSIONS HAVE BEEN TAKEN FROM CITY RECORDS. ALL DIMENSIONS FROM PROPERTY LINE ARE APPROXIMATE AND FOR SCHEMATIC LAYOUT PURPOSES ONLY.



1
A0.1

ARCHITECTURAL SITE PLAN
SCALE: 1/8"=1'-0"



SAMUEL HOROCHOWSKI
ARCHITECTURE
622 PIERCE ST.
LYNCHBURG, VA 24501
301.331.927
SAMHORCHOWSKI@GMAIL.COM

PERMIT CONSTRUCTION DRAWINGS



TITLE

1115 WISE ST.
PROPOSED 4-UNIT APRT.
BUILDING CONVERSION
FULL INTERIOR & EXTERIOR
RENOVATION

LYNCHBURG, VA 24504

SCALE:	AS NOTED
DATE:	9.3.2025
REVISIONS:	
NO.	DATE:

JOB #:

A0.1
ARCH. SITE PLAN &
BUILDING CODE REVIEW



SEAL

COMMONWEALTH OF VIRGINIA

SAMUEL
HOROCHOVSKI

Lic No. 0401020125

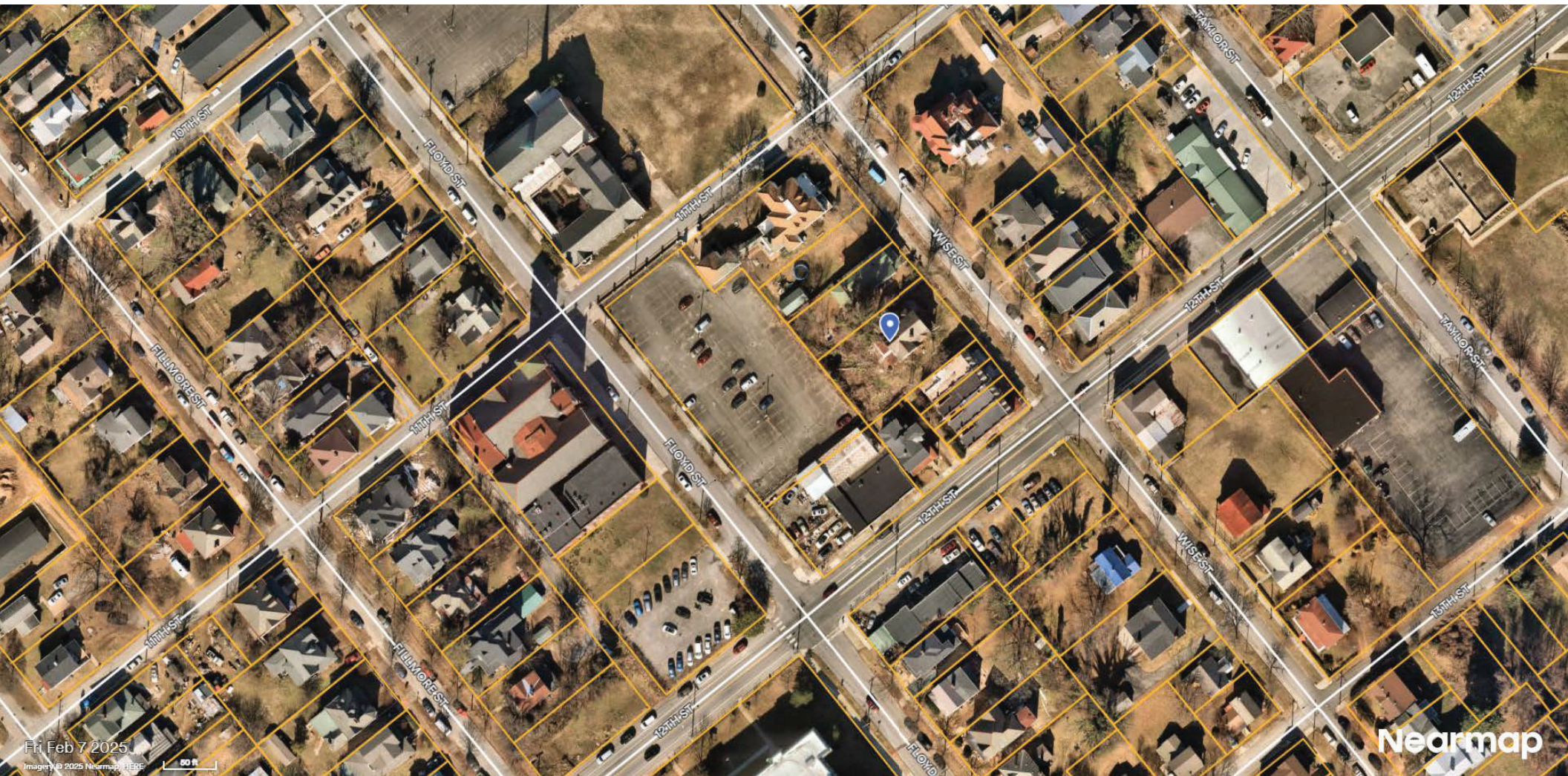
ARCHITECT

1115 WISE ST.
PROPOSED 4-UNIT APT
BUILDING CONVERSION
L INTERIOR & EXTERI
RENOVATION
LYNCHBURG, VA 24504

REVISIONS:	
NO.	DATE:

A1.1

FLOOR PLANS



Nearmap

Conditional Use Permit
1115 Wise Street
September 10, 2025

PLEASE PRINT CLEARLY

[illegible]

AGENDA ITEM SUMMARY**MEETING DATE**

September 23, 2025

PRESENTED BYWilliam Martin, Community Development
Director**AGENDA ITEM # III.2**

826 Kemper Street - Rezoning - Retail & Short Term Rentals

RECOMMENDATION

This item will appear for City Council vote on the October 14, 2025, Public Hearing agenda. Approval of the petition to rezone 826 Kemper Street from I-2, Light Industrial District to B-4, Urban Commercial District to allow for the use of an existing first floor as retail and the addition of a second floor for use as short-term rental units.

SUMMARY

Mary Janes, LLC is petitioning to rezone approximately thirty-seven thousandths (.037) of an acre from I-2, Light Industrial District to B-4, Urban Commercial District at 826 Kemper Street to allow for the use of an existing first floor as a gift shop and the addition of a second floor for use as two (2) short-term rental units.

The property is currently zoned I-2, Light Industrial District. The *Comprehensive Plan 2013-2030 Future Land Use Map (FLUM)* recommends an Employment 2 use for the property. Restaurant, hotel, and business service uses are appropriate, if sized and designed to serve the employment area. A restaurant formerly operated in the building, as a non-conforming use. The restaurant use discontinued for a period of more than two (2) years, and lost its non-conforming status. The requested B-4, Urban Commercial District would permit the proposed uses.

The property is currently vacant and in poor condition. Approval of the rezoning petition would allow for reuse.

PRIOR ACTION(S)

September 10, 2025: The Planning Commission recommended approval (6-0, with 1 absent: Young-Jefferson) of the rezoning petition.

September 10, 2025: The Planning Division recommended approval of the rezoning petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, City Planner

ATTACHMENT(S)

1. Presentation
2. Planning Commission Minutes, Report, and Attachments

REVIEWED BY



William Martin, Community Development Director

Date: September 15, 2025



Kent White, Assistant City Manager

Date: September 16, 2025



Alicia Finney, Clerk of Council

Date: September 17, 2025

826 KEMPER STREET REZONING

Tuesday, September 23, 2025



PURPOSE & ACTION

Purpose:

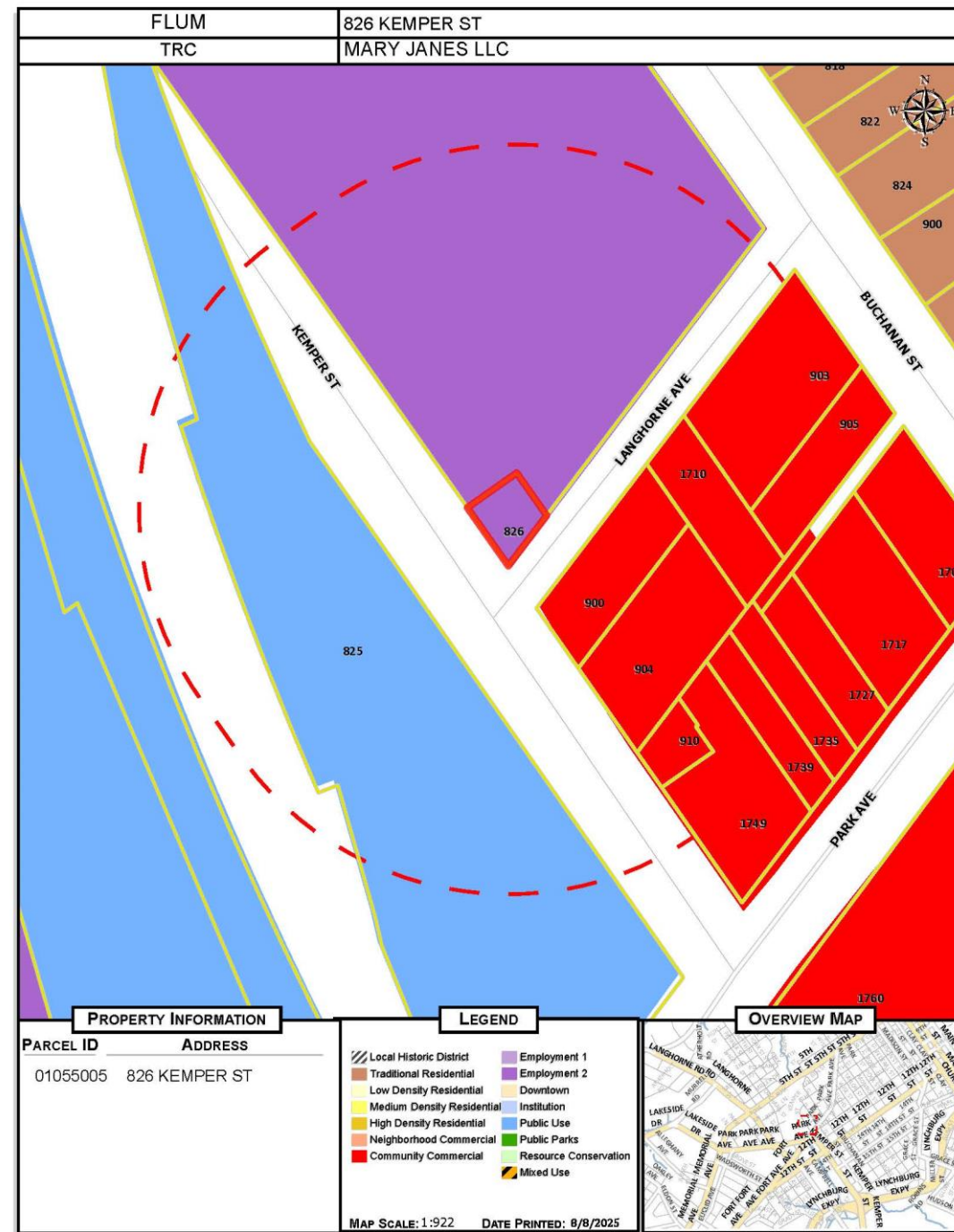
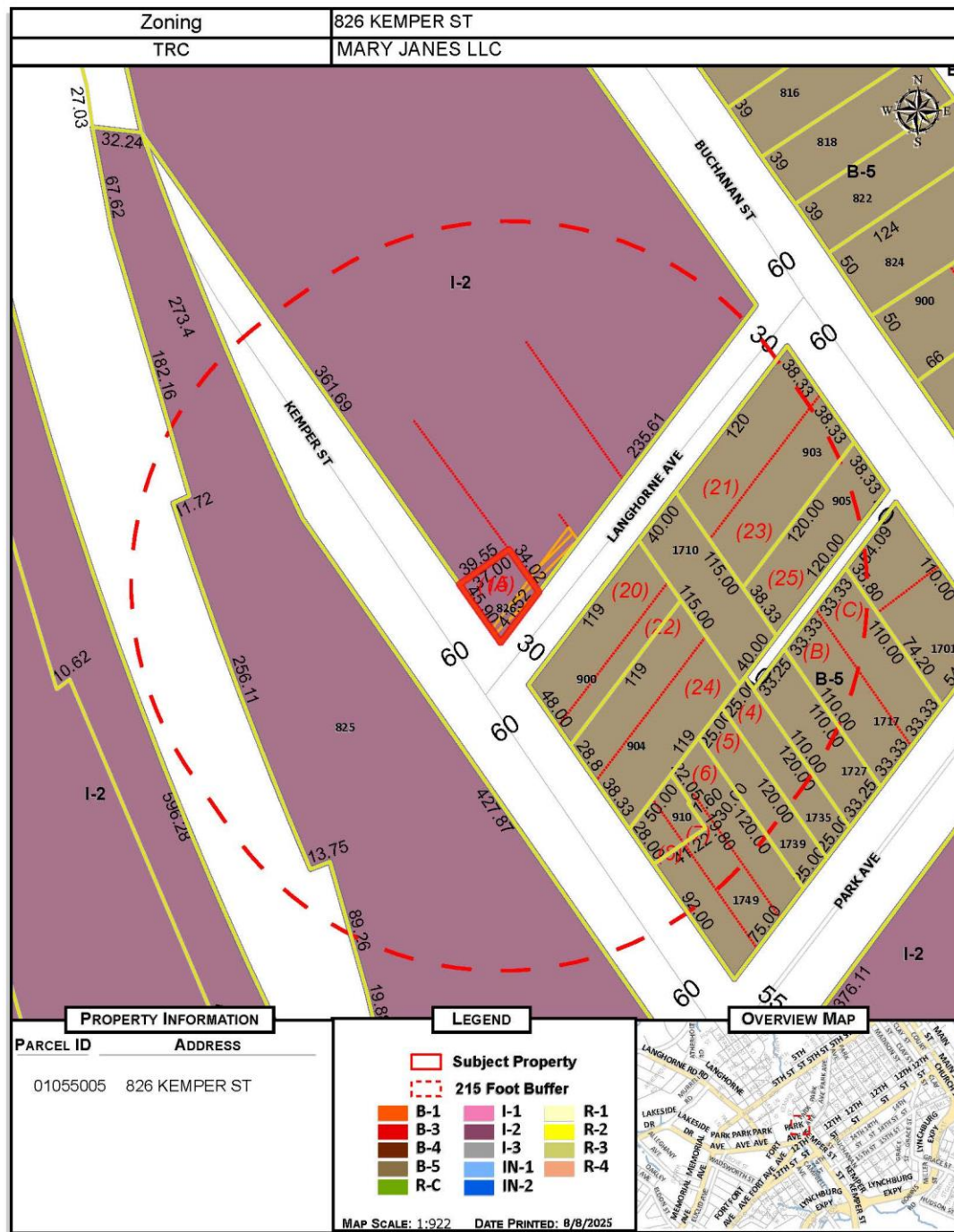
Petition of Mary Janes, LLC to rezone approximately thirty-seven thousandths (.037) acres at 826 Kemper Street from I-2, Light Industrial District to B-4, Urban Commercial District to allow for a gift shop and two (2) short term rental units.

Recommendation:

The Planning Commission recommended approval (6-0, with 1 absent) of the rezoning petition.

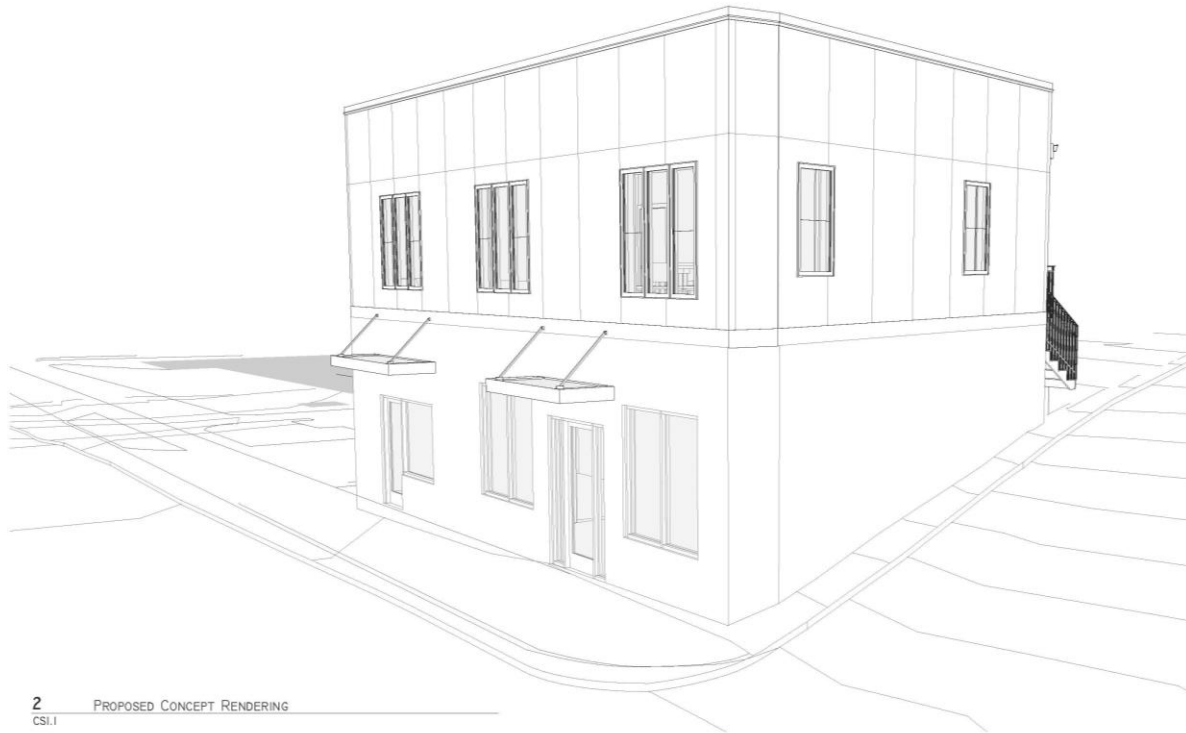
Action:

A City Council Public Hearing will be held on October 14, 2025.





3 EXISTING CONDITION
CSLI 3" = 1'-0"



2 PROPOSED CONCEPT RENDERING
CSLI



6 REAR ELEVATION - CONCEPT
AI.1 3/16" = 1'-0"



3 FRONT (KEMPER STREET) ELEVATION - CONCEPT



Fri Feb 7 2025

Imagery © 2025 Nearmap, HERE

Nearmap

MINUTES OF THE September 10, 2025 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Mary Janes, LLC to rezone approximately thirty-seven thousandths (0.037) of an acre located at 826 Kemper Street from I-2, Light Industrial District to B-4, Urban Commercial District to allow for the use of an existing first floor as retail and the addition of a second floor for use as short-term rental units.

Ms. Rachel Frischeisen, City Planner, provided the following summary to the Commission. As mentioned, the property is currently zoned I-2, Light Industrial District and has been zoned that way since 1978. A restaurant formerly operated in the building as a non-conforming use; however, the restaurant discontinued for a period of more than two years, and the future use of the building would need to be in conformity with the zoning district. The Future Land Use Map (FLUM) recommends an Employment 2 use for the property. Employment 2 uses areas are intended to include uses such as manufacturing and large-scale office uses. Restaurant, hotel and business service uses are also appropriate, as they can serve the more intense employment uses. The property is currently vacant and in poor condition. Rezoning the property would allow for reuse. If approved, the owner plans to use the building as a gift shop, serving coffee with some light food options. They also plan to add a second story for two (2) short term rental units. The B-4, Urban Commercial District permits these proposed uses. Given its proximity to the Kemper Street Station and the city bus transfer station, this property is well-positioned for redevelopment and could serve as an amenity for nearby transit users. The planning division recommends approval of the rezoning petition.

Chair Rogers asked if there was anyone present to speak on behalf of the petition.

Casey Servis of Servis Architecture Co., was present to represent the petition. He is the architect for the project. He said the existing building was just under twelve hundred (1,200) square feet, which was basically the entire property. Given that the proposed uses from the FLUM were for larger properties that would not fit on this parcel, they felt this was the best potential use for the property.

Chair Rogers asked if there was anyone present to speak in favor of the petition.

Chair Rogers asked if there was anyone present to speak in opposition to the petition.

With there being no further members of the public who wished to speak on the petition, Chair Rogers closed the public hearing.

Chair Rogers commented that this petition was one of the neater ones for reuse of the property.

Commissioner Gammon asked about their timeline for the project.

Mr. Servis replied if they received approval from City Council they hoped to start construction late 2025 or early 2026.

Chair Rogers asked if there would be one or two businesses on the first floor.

Mr. Servis replied there would be one business with an open floor plan, but one side would be a coffee shop and the other would be a gift shop.

Commissioner Gammon commented it looked like they were proposing a second floor.

Mr. Servis responded that the existing roof was collapsing and they plan to add a second floor for short-term rental units.

Commissioner Gammon asked what they would be doing on the outside.

Mr. Servis replied their plan was to have awnings that match those of the train station across the street and keep with the stucco style of the existing building for the first floor. They were exploring options for the second floor, but it would tie in with the rest of the building.

Commissioner Gammon asked Ms. Frischeisen if the city had any requirements for the outside of the building.

Ms. Frischeisen replied that the area doesn't fall within a historic district. There are some standards with the B-4 district, for example, the city discourages the use of materials like corrugated metal, but it's fairly flexible on materials.

Commissioner Woodson asked how many units they plan to have on the second floor.

Mr. Servis replied two, one-bedroom, six hundred (600) square foot units, which will be accessed from the back side of the building.

Commissioner Perault asked Ms. Frischeisen if the petition was just a short-term rental request with no retail, would the petition be any different.

Ms. Frischeisen responded that short-term rentals would not be permitted in the I-2 district.

Commissioner Perault commented that Planning Commission has seen petitions where retail has been part of the proposal for the ground floor, but the retail use never materializes. He asked if the city has any recourse in this situation.

Ms. Frischeisen replied that Planning Commission had previously instructed staff to look at promoting active, commercial use on the ground floor in the B-4 District, which staff continues to explore. Even if a proffer were to be added to limit the ground floor use to retail, it would not guarantee retail use will always occupy the space, as businesses come and go. Anecdotally, it does seem like this would be something Amtrak and transit users would enjoy.

Commissioner Perault said he loved the idea, it was the perfect spot for this project.

Mr. Servis commented that this was something that was asked for by people who use the train. Initially they thought to make both the first and second floors a restaurant, but the short-term rentals were a better long-term option.

Commissioner Gammon asked if they already had an operator for the retail space connected to this project.

Mr. Servis replied no, though they've started having discussions with people.

Commissioner Gammon asked if those people had a stake in this petition.

Mr. Servis replied no they don't, the owners of the building are the ones with a stake in the petition. They are looking for an operator of the space.

Commissioner Perault said he thought it was a good idea and would be a great location for a coffee shop.

Ms. Frischeisen added that B-4 is flexible in terms of the allowable uses and has no parking requirements. In this case, since it is such a small property, the proposed use and proposed zoning would be appropriate. Rezoning to B-4 opens up the property for a lot of potential uses.

Mr. Servis added that there is on street parking throughout, including space for parking in the front of the property, for people using the short-term rentals.

Commissioner Perault commented that people coming off the train who use the rentals wouldn't have a vehicle anyway.

Chair Rogers noted that it is a good location for a business.

Commissioner Woodson made the following motion, seconded by Commissioner Cox. The motion to approve passed by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Mary Janes, LLC to rezone approximately thirty-seven thousandths (0.037) of an acre at 826 Kemper Street from I-2, Light Industrial District to B-4, Urban Commercial District."

AYES: Cox, Gammon, Henderson, Perault, Rogers, Woodson

6

NOES:

0

ABSTENTIONS:

0

ABSENT: Young-Jefferson

1

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: September 10, 2025
Re: **REZONING: I-2, Light Industrial District to B-4, Urban Commercial District at 826 Kemper Street**

I. PETITIONER

Mr. Stewart Barney, Mary Janes, LLC, PO Box 390, Concord, Virginia 24538

Representative: Mr. Casey Servis, Servis Architecture, 1618 Yorktown Drive, Charlottesville, Virginia 22901

Property Owner:

Mr. Stewart Barney, Mary Janes, LLC, PO Box 390, Concord, Virginia 24538

II. LOCATION

The subject property located at 826 Kemper Street consist of approximately thirty-seven thousandths (0.037) of an acre.

III. PURPOSE

The purpose of the petition is to rezone approximately thirty-seven thousandths (0.037) of an acre at 826 Kemper Street from I-2, Light Industrial District to B-4, Urban Commercial District to allow for a gift shop and two (2) short-term rentals.

IV. SUMMARY

- The property is currently zoned I-2, Light Industrial District. A restaurant formerly operated in the building, as a non-conforming use; however, the restaurant discontinued for a period of more than two years, and the future use of the building would need to be in conformity with the zoning district.
- The property is currently vacant and in poor condition. Rezoning the property would allow for reuse.
- The B-4, Urban Commercial District permits the proposed uses – mixed-use residential structures with commercial uses on lower floors and residential uses on upper floors. Short term rentals are also permitted in this district.
- Given its proximity to the Kemper Street Station, this property is well-positioned to support dense, walkable, and mixed-use spaces near transit.

The Planning Division recommends approval of the Rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030 Future Land Use Map (FLUM)* recommends an Employment 2 use for the property.

Employment 2 uses 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. Employment 2 differs primarily from Employment 1 in that it permits heavy industrial uses. (p. 76)

2. **Zoning.** The subject property was annexed into the City in 1870. The existing I-2, Light Industrial District zoning was established in 1978.
3. **Proffers.** The petitioner has not submitted proffers.
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On February 9, 1988, City Council approved the petition of James E. Shaner, Jr and Gayle L. Shaner, for a Conditional Use Permit at 1217 and 1223 Taylor Street. to allow construction of a parking lot for storage of vehicles to be serviced by the existing garage at 1208 Twelfth Street.
 - On August 8, 1995, City Council approved Virgil Naff, Jr.'s petition to rezone approximately one and eight-tenths (1.8) acres at 1805 Twelfth Street, including frontage on Kemper Street, from I-2, Light Industrial District, to B-5 (Conditional), General Business District, to allow retail sales, storage, and repair service.
 - On August 14, 2007, City Council approved the petition of HROK, LLC for a Conditional Use Permit for use of the property at 1401, 1405, 1415, 1417, and 1501 Kemper Street to construct a Cluster Commercial Development that would include the renovation of three (3) existing buildings for a combination of residential, office, automobile service and retail units, in a B-3C, Limited Business District (Conditional).
 - On January 8, 2008, City Council approved the petition of HROK, LLC to amend the existing proffers and conditions approved by City Council on August 14, 2007 to allow the construction of a new twenty-four (24) unit, mixed-use residential and commercial building with parking as part of a Cluster Commercial Development (CCD).
 - On May 12, 2009, City Council approved the petition of Cameron Lofts, LP for a Conditional Use Permit to allow the renovation and use of an existing building and parking area for up to a maximum of sixty-four (64) multi-family apartment units at 1300 Campbell Avenue.
 - On January 12, 2010, City Council approved the petition of Jennings Dorm, LLC to allow the renovation of an existing building for up to one hundred seven (107) apartments at 1300 Campbell Avenue, in a B-5, General Business District.
 - On October 13, 2011, City Council approved the petition of Come As You Are Ministries to rezone approximately forty-nine hundredths (0.49) of an acre from I-2, Light Industrial District to B-3, Community Business District at 1713 12th Street and 1110 Kemper Street, to allow the use of the existing building as a church and child care facility.
 - On October 22, 2013, City Council approved the petition of Wanjema Muhoro for a Conditional Use Permit to allow the use of an existing structure at 1116 Wise Street as a duplex in a B-5, General Business District.
 - On May 9, 2017, City Council denied the petition of Rose T. Properties, LLC, to rezone twenty-five hundredths (0.25) of an acre located at 1223 Fillmore Street from R-3, Medium Density Residential to R-4, High Density Residential, for the purpose of correcting zoning violations related to the number of unrelated people residing in the structure.

- On July 9, 2019, City Council approved the petition of MTE, LLC to rezone approximately four and seventy-one hundredths (4.71) acres, located at 1415, 1417, 1501, and 1505 Kemper Street from B-3C, Community Business District (Conditional) to amend the existing proffers to allow seventy-nine percent (79%) of the development as residential use, and the remaining twenty-one percent (21%) as retail use.
 - On July 13, 2021, City Council approved the petition of Rebkee to rezone approximately two and twenty-five hundredths (2.25) acres located at 1300 Campbell Avenue, in the Kemper Street Historic District, from B-5C, General Business District (Conditional) to B-4, Urban Commercial District to be redeveloped as one hundred five (105) apartments with associated parking.
 - On November 9, 2021, City Council approved the petition of Stud Muffins, LLC to rezone 1619, 1701 12th Street & 1114 Buchanan Street from I-2, Light Industrial District, B-5, General Business District, and R-3, Medium Density Residential District to B-4, Urban Commercial District, to allow apartments with associated parking.
6. **Site Description.** The subject property located at 826 Kemper Street consists of approximately thirty-seven thousandths (0.037) of an acre.
- The property contains a fire resistant, one-story commercial structure constructed in 1926. The structure is approximately one thousand four hundred fifty (1,450) square feet in size.
- The property is bound to the north by the Greater Lynchburg Transit Company Transfer Station; to the west by the Amtrak Train Station Building with waiting room, the Greyhound Bus Stop, the Virginia Breeze Intercity Bus Service Stop, and the City Registrar; to the east by surface parking and commercial uses; and to the south by the Kemper Station Park.
7. **Proposed Use of Property.** If the petition is approved, the existing structure would be rehabilitated to include an addition of a second story. The ground level would be used for retail, and is intended to be a Lynchburg-themed gift shop with a coffee bar and prepackaged food and snacks to serve the adjacent train and bus transfer stations. The new second story would be used as two short-term rental units.
8. **Traffic, Parking and Public Transit.** The petitioner was not required to conduct a traffic analysis as part of the petition.
- There is no existing on-site parking; however, street parking is available. This property is located near high-quality transit service which supports multiple modes of transportation.
9. **Stormwater Management.** An Erosion & Sediment Control Plan or stormwater management plan would not be required for the proposed use.
10. **Emergency Services:** The City's Fire Marshal and Police Department had no comments of concern regarding the proposal.
11. **Impact.** The proposed rezoning would facilitate the reuse of a vacant property, which formerly operated as a non-conforming restaurant use. Given its proximity to the high-quality transit services at Kemper Street Station, this property is well-positioned to support both nearby residents and visitors. The proposed mixed-use development should have limited impacts on the surrounding area and would fit well within the transit-oriented development area.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on August 19, 2025.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Mary Janes, LLC to rezone approximately thirty-seven thousandths (0.037) of an acre at 826 Kemper Street from I-2, Light Industrial District to B-4, Urban Commercial District.

This matter is respectfully offered for your consideration.



Rachel Frischeisen
City Planner

pc: Wynter Benda, City Manager
Greg Patrick, Deputy City Manager
Kent White, Assistant City Manager
Tom Martin, Director of Community Development
Matthew Freedman, City Attorney
J. Lee Newland, City Engineer
Cynthia Kozerow, Lynchburg Police Department
Candace Brown, Fire Marshal
Doug Saunders, Building Official
Kevin Henry, Zoning Administrator
Stewart Barney, Mary Janes, LLC, Petitioner & Property Owner
Casey Servis, Servis Architecture

VII. ATTACHMENTS

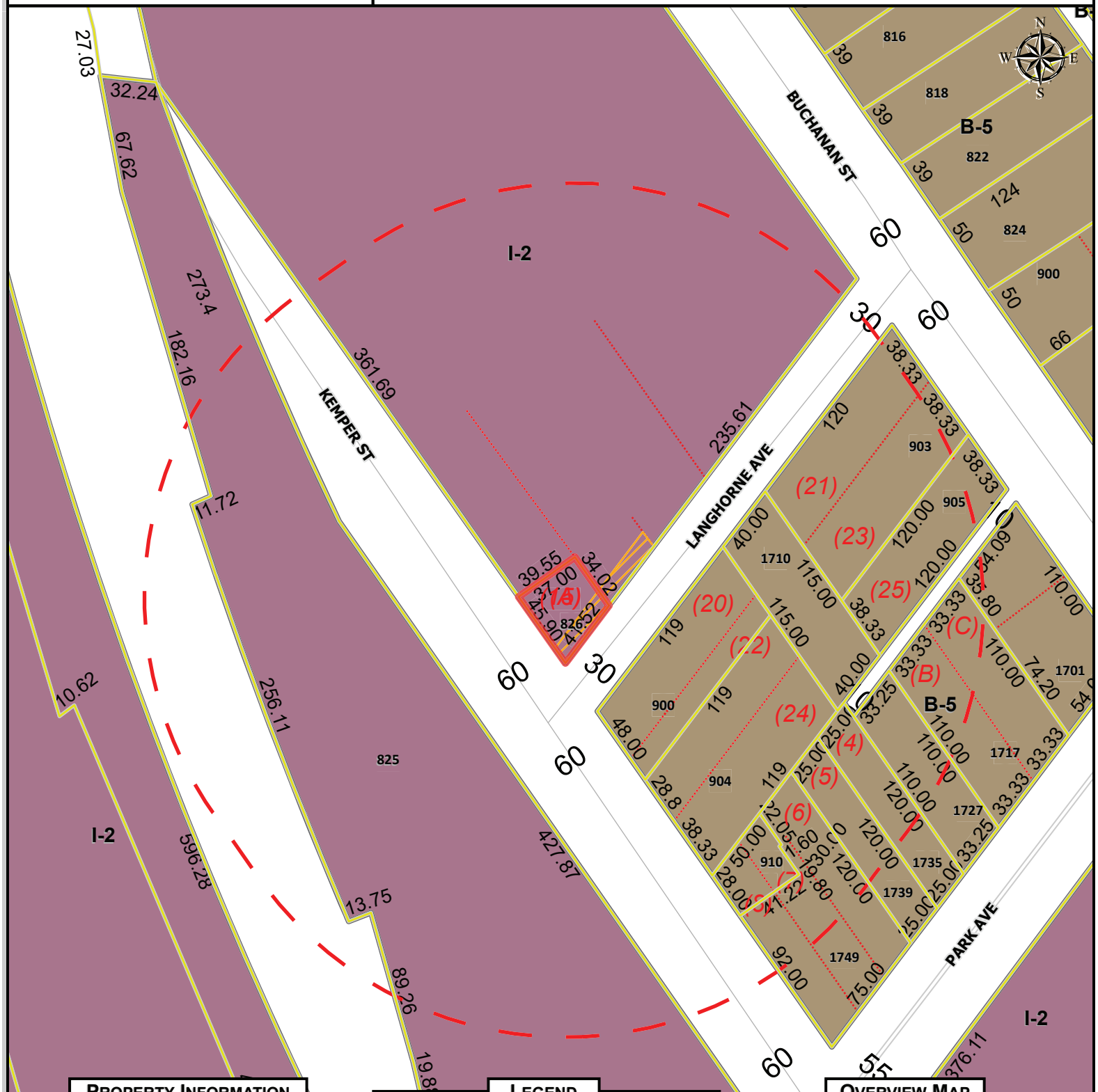
1. Zoning Map with Adjoining Property Owners
2. Future Land Use Map
3. Watershed Map
4. Planimetric and Topographic Map
5. Narrative
6. Concept Plan
7. Property Photograph

Zoning

826 KEMPER ST

TRC

MARY JANES LLC



PROPERTY INFORMATION

PARCEL ID

ADDRESS

01055005

826 KEMPER ST

LEGEND

Subject Property

215 Foot Buffer

B-1

B-3

B-4

B-5

R-C

I-1

I-2

I-3

IN-1

IN-2

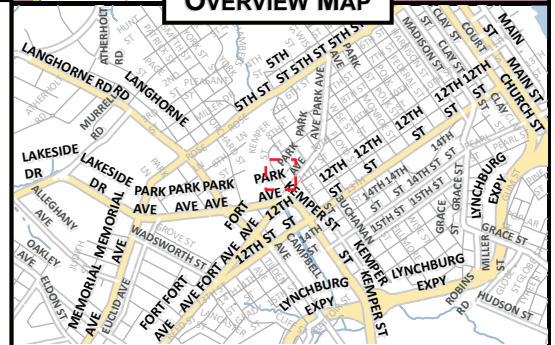
R-1

R-2

R-3

R-4

OVERVIEW MAP



MAP SCALE: 1:922

DATE PRINTED: 8/8/2025

826 Kemper St

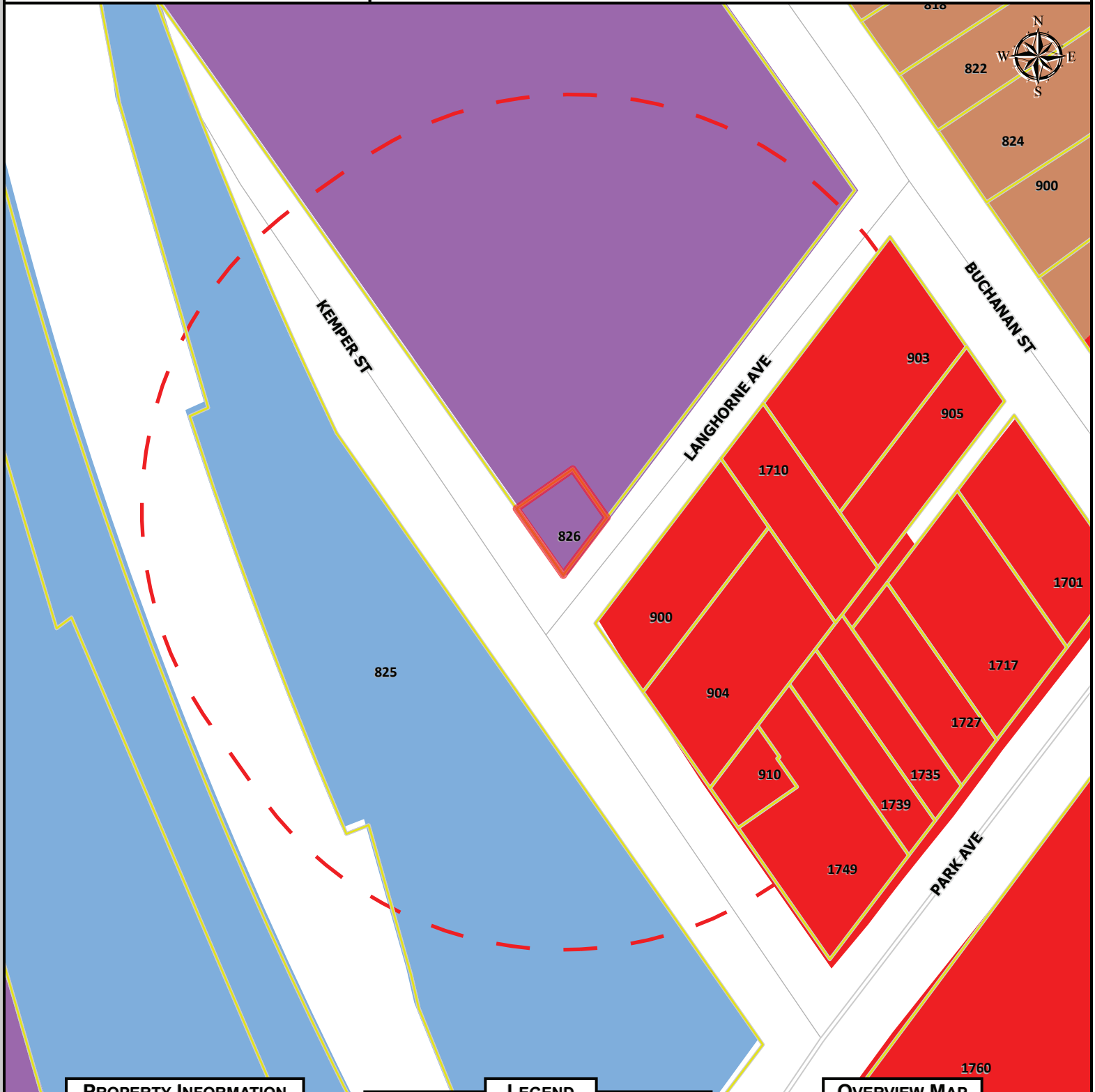
Parcel ID	Address	Owner
01055005	826 KEMPER ST	MARY JANES LLC
01056014	910 KEMPER ST	ECONOMIC DEVELOPMENT AUTHORITY
01056011	1749 PARK AVE	ECONOMIC DEVELOPMENT AUTHORITY
01056010	1739 PARK AVE	CHOPPER'S INCORPORATED
01056009	1735 PARK AVE	CHOPPER'S INCORPORATED
01056008	1727 PARK AVE	CHOPPER'S INCORPORATED
01056015	904 KEMPER ST	CITY OF LYNCHBURG CITY MANAGER'S OFFICE
01056006	1717 PARK AVE	CHOPPER'S INCORPORATED
01056017	900 KEMPER ST	CITY OF LYNCHBURG CITY MANAGER'S OFFICE
01056005	1701 PARK AVE	CHOPPER'S INCORPORATED
01056018	1710 LANGHORNE AVE	CHOPPER'S INCORPORATED
01056003	905 BUCHANAN ST	CHOPPER'S INCORPORATED
01056001	903 BUCHANAN ST	SKYLIMIT TRW LLC
01055006	825 KEMPER ST	CITY OF LYNCHBURG CITY MANAGER'S OFFICE
01055012	1761 PARK AVE	NORFOLK & SOUTHERN RAILWAY
01055001	800 KEMPER ST	GREATER LYNCHBURG TRANSIT COMPANY

FLUM

826 KEMPER ST

TRC

MARY JANES LLC



PROPERTY INFORMATION

PARCEL ID

ADDRESS

01055005

826 KEMPER ST

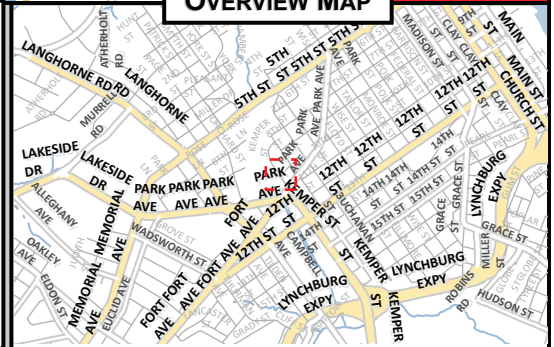
LEGEND

- | | |
|----------------------------|-----------------------|
| Local Historic District | Employment 1 |
| Traditional Residential | Employment 2 |
| Low Density Residential | Downtown |
| Medium Density Residential | Institution |
| High Density Residential | Public Use |
| Neighborhood Commercial | Public Parks |
| Community Commercial | Resource Conservation |
| | Mixed Use |

MAP SCALE: 1:922

DATE PRINTED: 8/8/2025

OVERVIEW MAP



Watershed

826 KEMPER ST

TRC

MARY JANES LLC



PROPERTY INFORMATION

PARCEL ID

ADDRESS

01055005

826 KEMPER ST

LEGEND

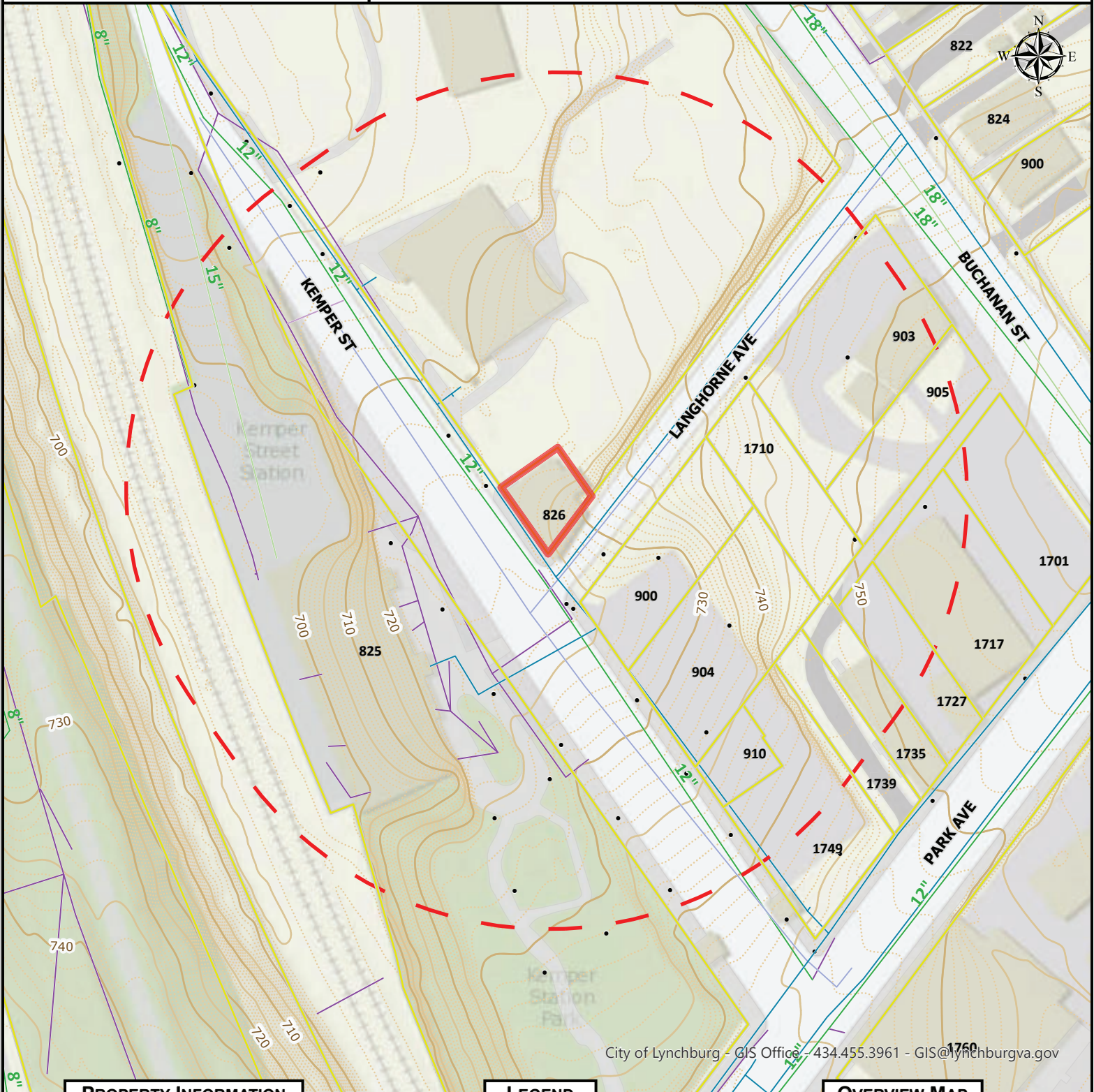
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

MAP SCALE: 1:922

DATE PRINTED: 8/8/2025

OVERVIEW MAP





City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

PARCEL ID	ADDRESS
01055005	826 KEMPER ST

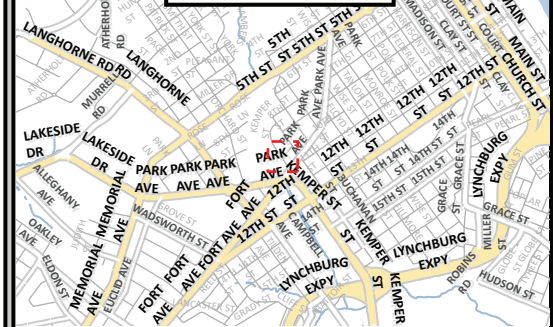
LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
	Paved	Unpaved	Other
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			
	100'	20'	5'
	50'	10'	1'

MAP SCALE: 1:922

DATE PRINTED: 8/8/2025

OVERVIEW MAP





JULY 31, 2025

CITY OF LYNCHBURG
900 CHURCH STREET
LYNCHBURG, VA 24505

RE: 826 KEMPER STREET PROPOSED RE-ZONING NARRATIVE

THE EXISTING STRUCTURE AT 826 KEMPER STREET IS A ONE-STORY STRUCTURE IN POOR CONDITION, INCLUDING A COLLAPSED ROOF. TO MAKE IT FINANCIALLY VIABLE TO REHABILITATE THE STRUCTURE, THE STRUCTURE ON THIS SMALL (0.037 ACRES) PARCEL NEEDS TO HAVE AN EQUALLY VIABLE USE CASE.

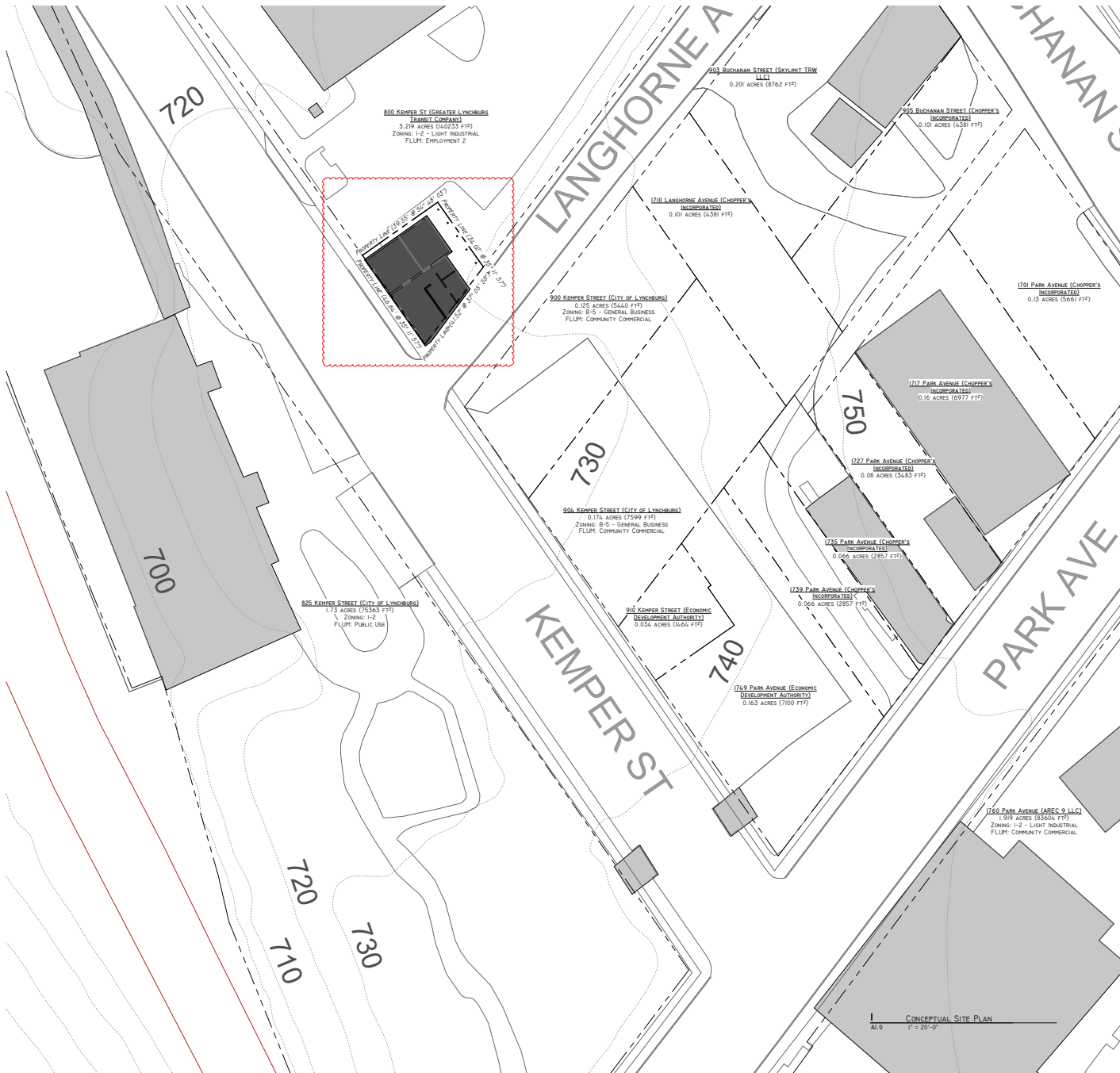
THE FORMER RESTAURANT SPACE HAD ALREADY BEEN VACANT FOR ALMOST 2 YEARS WHEN THE CURRENT OWNERS BOUGHT THE STRUCTURE, AND SINCE THEN, 2 YEARS HAVE LAPSED AND THE RESTAURANT USE IS NO LONGER GRANDFATHERED INTO THE CURRENT ZONING. THAT CURRENT ZONING IS (I-2) AND THERE ARE NO REALISTIC USES ALLOWED IN THAT ZONING DISTRICT FOR THIS STRUCTURE.

IT IS THEREFORE PROPOSED TO REZONE THE PARCEL TO B-4 (URBAN COMMERCIAL) TO ALLOW FOR THE STRUCTURE TO BE REHABILITATED, INCLUDING ADDING A 2ND STORY. IT IS PROPOSED FOR THE 1ST LEVEL TO BE RETAIL, INTENDED TO BE A LYNCHBURG-THEMED GIFT SHOP WITH A COFFEE BAR WITH PREPACKAGED FOOD AND SNACKS TO SERVE THE ADJACENT TRAIN AND BUS TRANSFER STATIONS AND TWO SHORT-TERM RENTALS ON THE NEW SECOND LEVEL.

OUR PROJECT TEAM EXPLORED REZONING TO B-5, WHICH IS ADJACENT TO THE SITE ACROSS LANGHORNE AVENUE, HOWEVER THE EXISTING PARCEL IS TOO SMALL AND WOULD BE CONSIDERED NON-COMPLIANT FOR THE PROPOSED USES.

WHILE THERE IS NO PROPOSED OFF-STREET PARKING, THE SMALL SCALE OF THE STRUCTURE AND ITS LOCATION DIRECTLY ADJACENT TO LYNCHBURG'S PRIMARY TRANSIT HUB(S), ALONG WITH THE PLENTIFUL PARKING AVAILABLE ON-STREET IN THE VICINITY WILL BE MORE THAN ADEQUATE TO SERVE THE PROPOSED USES.

CASEY SERVIS
ARCHITECT, SERVIS ARCHITECTURE CO



ZONING INFORMATION		
EXISTING ZONING DISTRICT	I-2 (LIGHT INDUSTRIAL DISTRICT)	
PROPOSED ZONING DISTRICT	B-4 (URBAN COMMERCIAL DISTRICT)	
EXISTING FUTURE LAND USE DESIGNATION	EMPLOYMENT 2	
PROPOSED FUTURE LAND USE DESIGNATION	EMPLOYMENT 2	
	ALLOWED / REQUIRED (B-4)	ACTUAL
FRONT YARD SETBACK	NONE REQUIRED	EXISTING, NO CHANGE
REAR YARD SETBACK	NONE REQUIRED	EXISTING, NO CHANGE
INTERIOR SIDE YARD SETBACK	NONE REQUIRED	EXISTING, NO CHANGE
EXTERIOR (STREET) SIDE YARD	NONE REQUIRED	EXISTING, NO CHANGE
LOT WIDTH	NO MINIMUM	EXISTING, NO CHANGE
LOT DEPTH	NO MINIMUM	EXISTING, NO CHANGE
BUILDING HEIGHT	NO MINIMUM	4.5X / 2 STORES
PARKING SPACES	NONE REQUIRED	NO OFF STREET PROVIDED
BICYCLE PARKING	2 REQUIRED	2 TO BE PROVIDED IN ROW
VICINITY MAP		

ARCHITECT:

HELLO@SERVISARCHITECTURE.COM
TEL. 434.806.3006
148 YORKTOWN DRIVE
CHARLOTTESVILLE, VIRGINIA 22901

REZONING APPLICATION
08/04/2025

NO.	DESCRIPTION	DATE
1	PLEASE USE DESCRIPTIVE COMMENTS HERE	11/11/2025

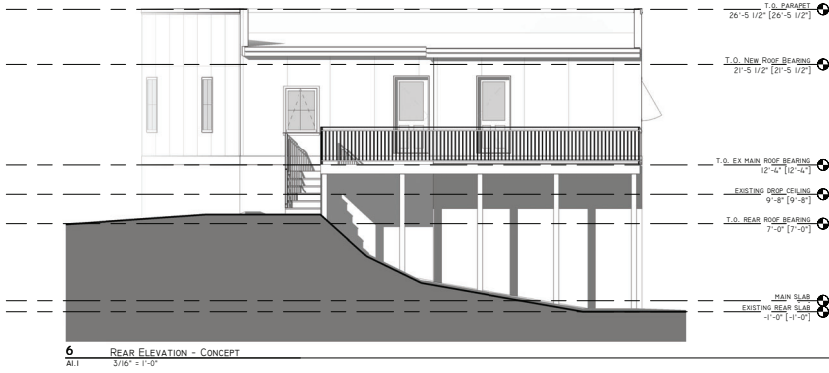
MARY JANE'S
826 KEMPER STREET
LYNCHBURG, VA 24504

CONCEPTUAL SITE PLAN

PROJECT NUMBER	2025-826
DRAWN BY	CS
CHECKED BY	CS

AI.0

SCALE 1" = 20'-0"



Architectural elevation drawing of the south side of the building. The drawing shows a two-story structure with a flat roof. The upper floor has three large, multi-paned windows. The lower floor features two sets of double doors, each with a small overhang supported by brackets. To the right of the doors are two more large windows. The drawing includes various level markers on the right side: "T.O. PARAPET" at 26'-5 1/2" (26'-5 1/2"), "T.O. NEW ROOF BEARING" at 21'-5 1/2" (21'-5 1/2"), "T.O. EX MAIN ROOF BEARING" at 12'-2" (12'-2"), "EXISTING REAR CEILING" at 9'-0" (9'-0"), "T.O. REAR ROOF BEARING" at 7'-0" (7'-0"), and "MAIN SLAB" at -1'-0" (-1'-0"). The drawing is labeled "SOUTH SIDE" at the bottom right.

Architectural drawing showing the side elevation of a building. The drawing includes a section cut on the left side, revealing the interior staircase and structural elements. The elevation is marked with horizontal lines and labels indicating various levels and dimensions.

Labels and dimensions on the right side of the drawing:

- T.O. PARAPET
26'-5 1/2" [80'-5 1/2"]
- T.O. NEW ROOF BEARING
21'-5 1/2" [21'-5 1/2"]
- T.O. EX MAIN ROOF BEARING
12'-4" [12'-4"]
- EXISTING ROOF CEILING
0'-0" [0'-0"]
- T.O. BEAR ROOF BEARING
7'-0" [7'-0"]
- MAIN SLAB
EXISTING BEAR SLAB
-1'-0" [-1'-0"]

5
ALL SIDE ELEVATION - CONCEPT
3/16" = 1'-0"

Page 48 of 172



**Rezoning
826 Kemper Street
September 10, 2025**

PLEASE PRINT CLEARLY

[illegible]

AGENDA ITEM SUMMARY**MEETING DATE**

September 23, 2025

PRESENTED BYWilliam Martin, Community Development
Director**AGENDA ITEM # III.3**

663 Leesville Road - Rezoning - Cedar Ridge Townhomes

RECOMMENDATION*This item will appear for City Council vote on the October 14, 2025, Public Hearing agenda.*

Approval of the petition to rezone 663 Leesville Road from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of fourteen (14) additional townhome units.

SUMMARY

Mr. Carl Martin, of Martin Ridge Homes, LLC, is petitioning to rezone approximately one and sixty-eight hundredths (1.68) acres from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) at 663 Leesville Road to allow for the construction of fourteen (14) additional townhome units.

Townhome developments are a permitted use in the R-4, High Density Residential District. The *Comprehensive Plan 2013-2030 Future Land Use Map (FLUM)* recommends a Medium Density Residential use for the portion of the property where the townhome units would be located. Medium Density Residential areas are characterized by small-lot single-family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. The proposed density is below that which is recommended.

The single-family dwelling will remain and the fourteen (14) townhome units, as presented on the concept plan, will tie in with a previously approved fifty-four (54) unit townhome development. The additional units should have limited impact on the surrounding area.

PRIOR ACTION(S)

September 10, 2025: The Planning Commission recommended approval (5-1, with 1 absent: Young-Jefferson) of the rezoning petition.

September 10, 2025: The Planning Division recommended approval of the rezoning petition.

FISCAL IMPACT

Approximately \$31,264 in new Real Estate Tax Revenue annually (based on an estimated valuation of \$275,000 per two-story unit and \$259,000 per one-story unit).

CONTACT(S)

Rachel Frischeisen, City Planner

ATTACHMENT(S)

1. Presentation
2. Planning Commission Minutes, Report, and Attachments

REVIEWED BY



William Martin, Community Development Director

Date: September 15, 2025



Kent White, Assistant City Manager

Date: September 16, 2025



Alicia Finney, Clerk of Council

Date: September 17, 2025

663 LEESVILLE ROAD REZONING

Tuesday, September 23, 2025



PURPOSE & ACTION

Purpose:

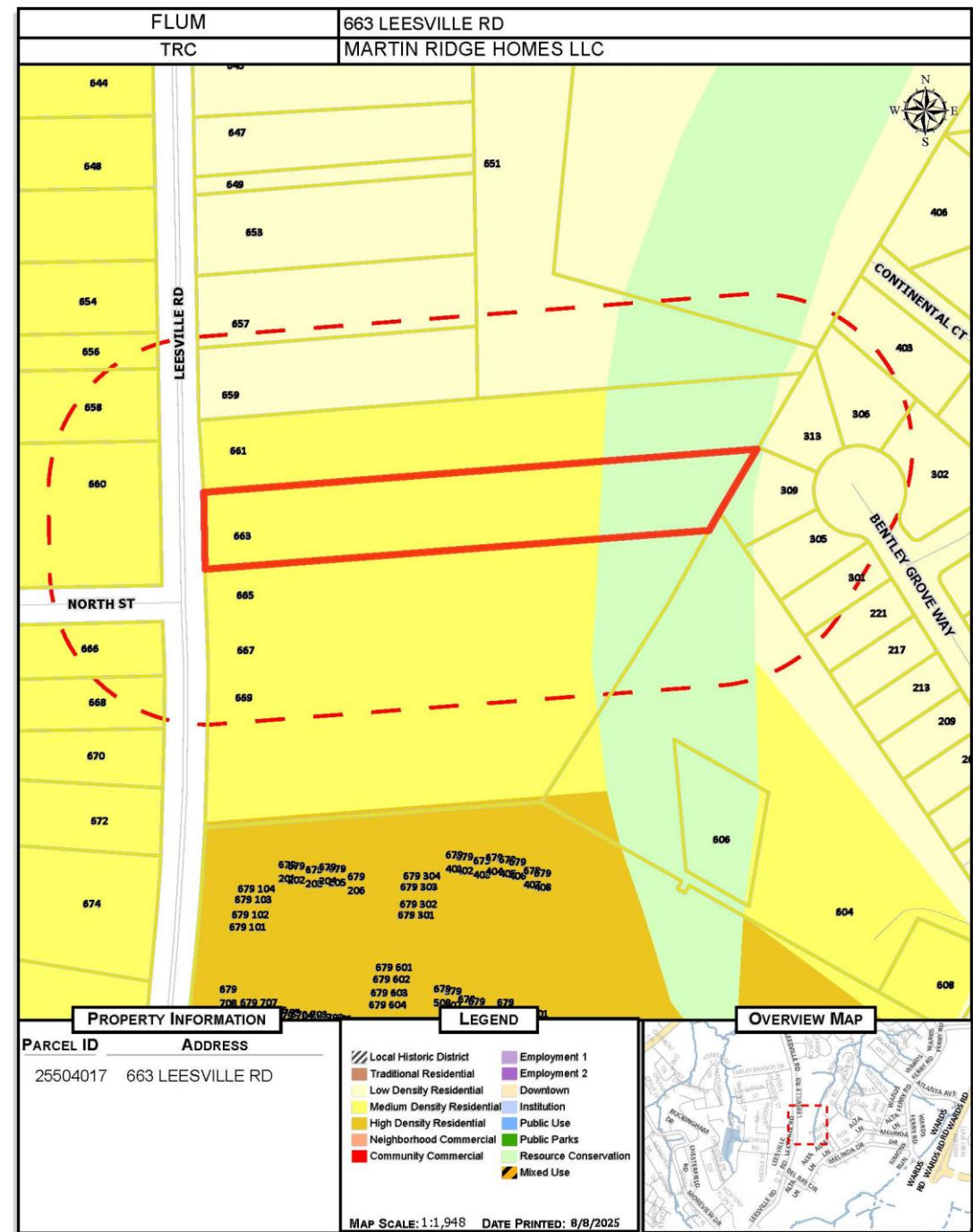
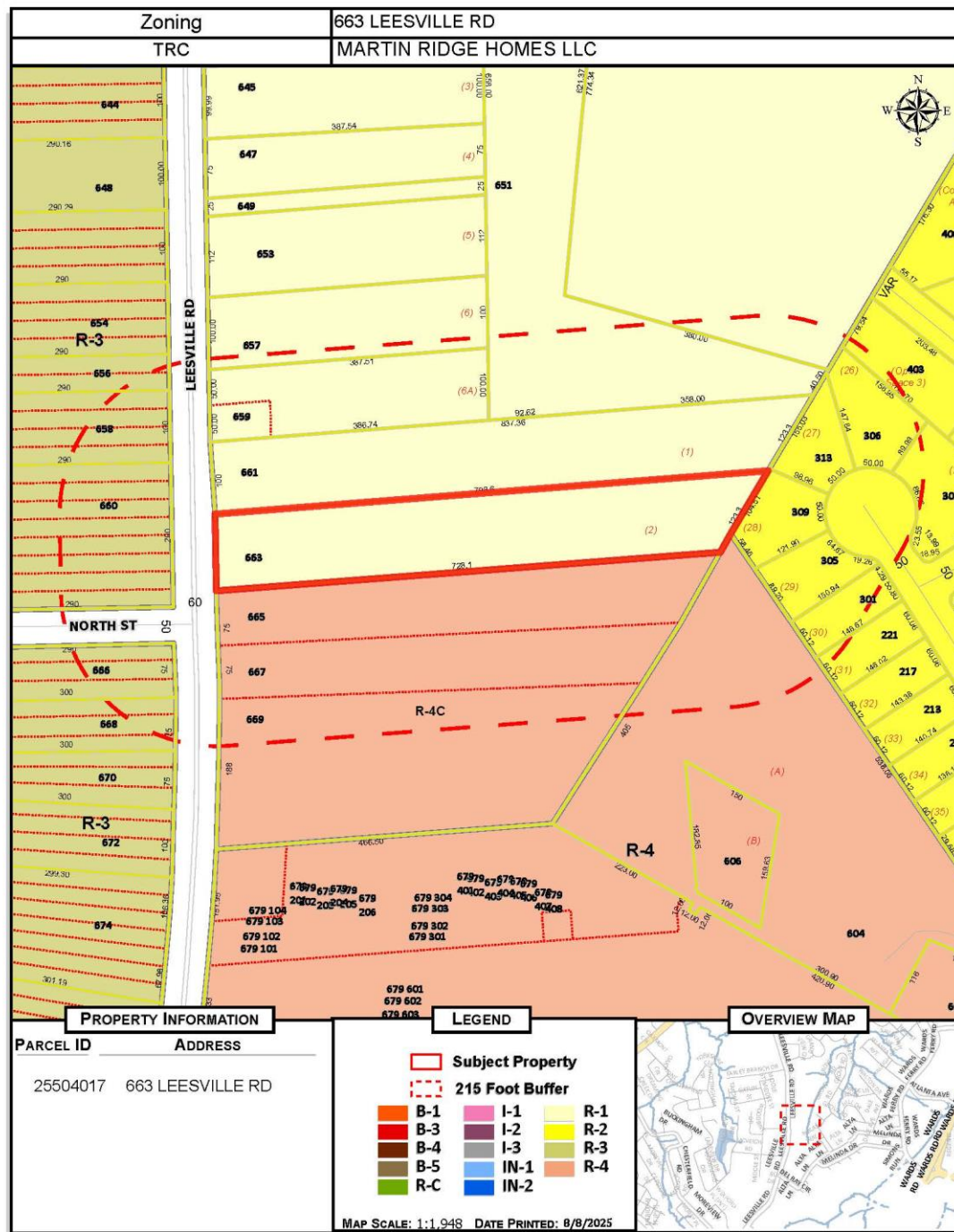
Petition of Martin Ridge Homes, LLC to rezone approximately one and sixty-eight hundredths (1.68) acres at 663 Leesville Road from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of fourteen (14) townhomes.

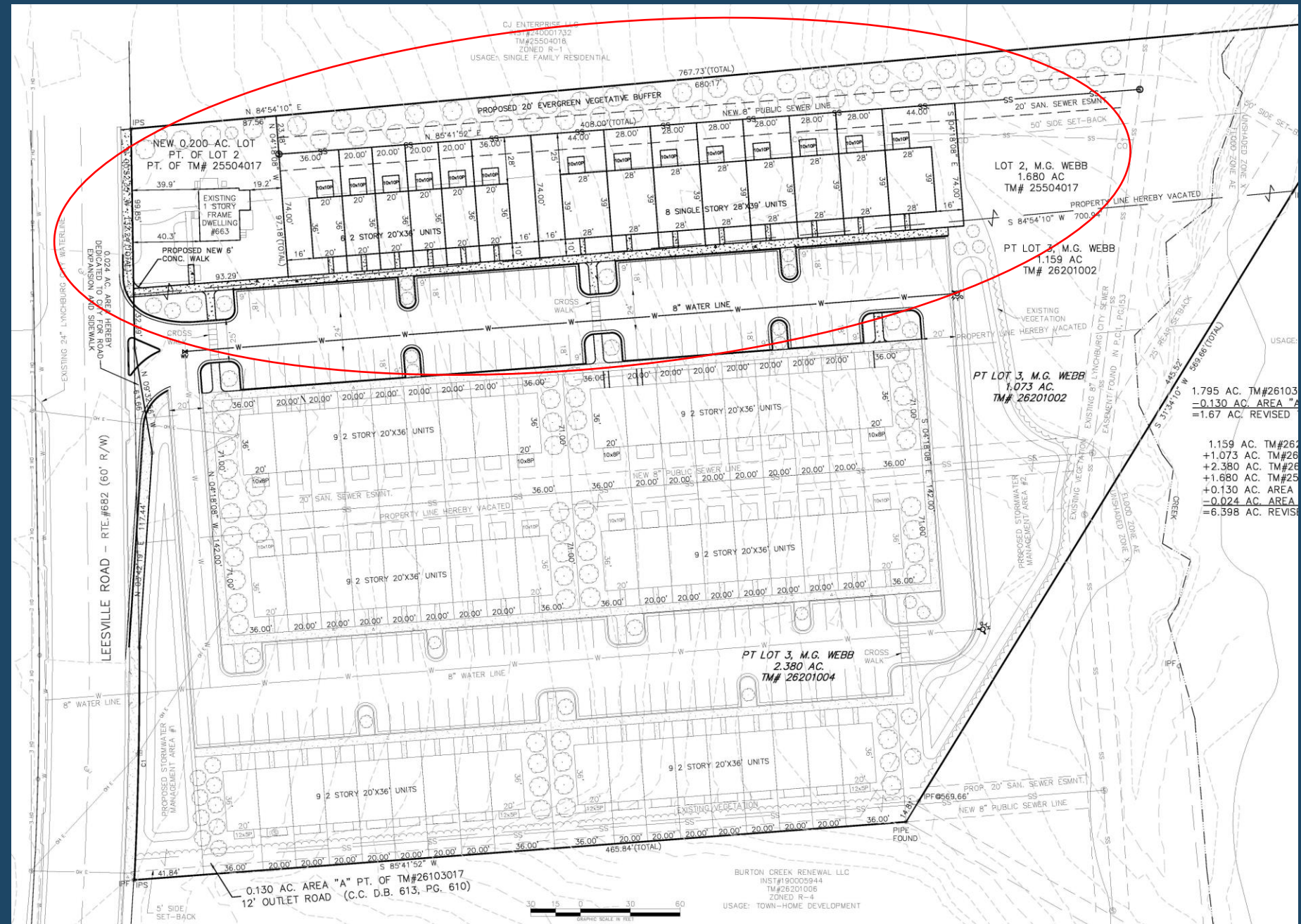
Recommendation:

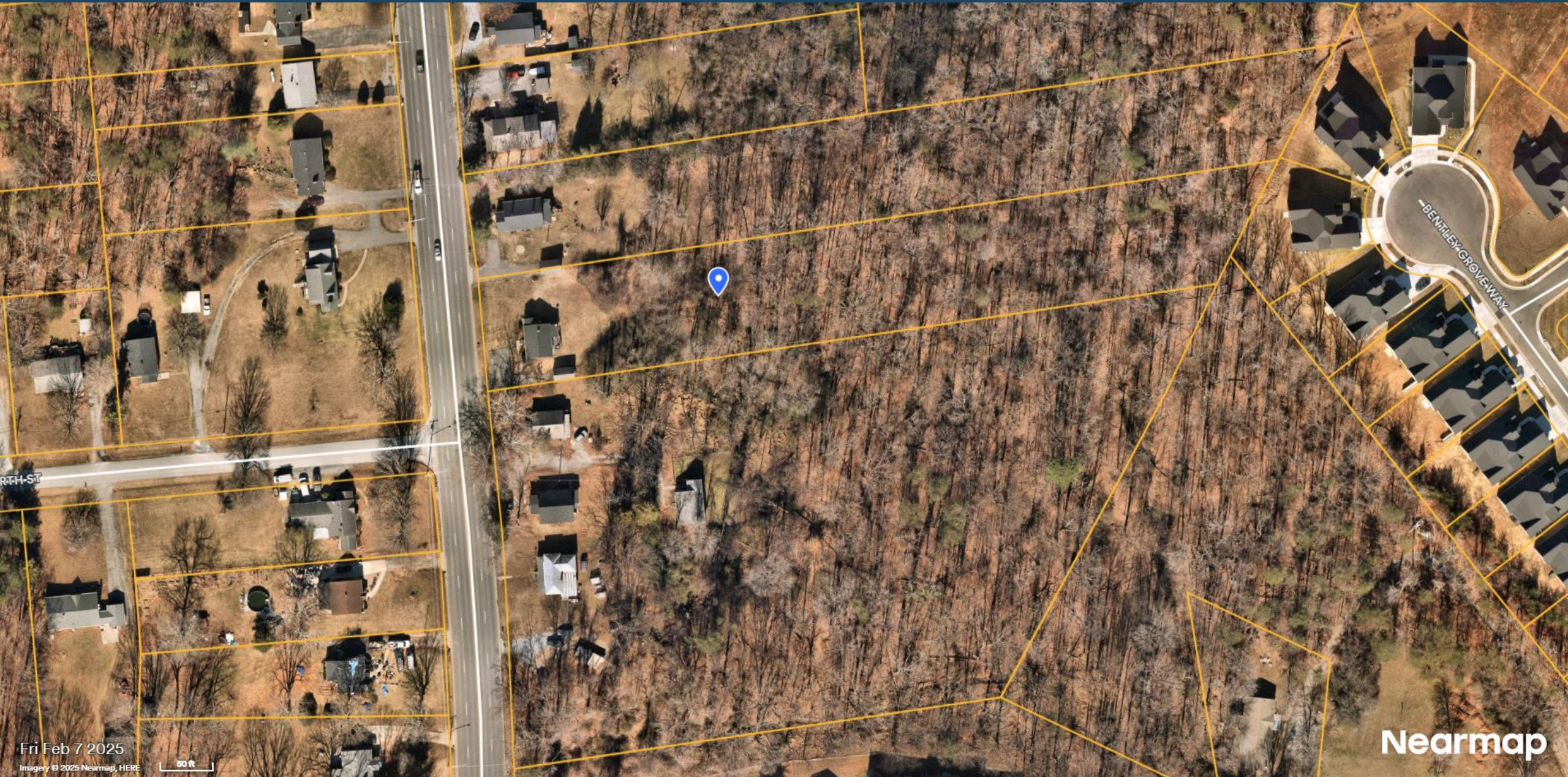
The Planning Commission recommended approval (5-1, with 1 absent) of the rezoning petition.

Action:

A City Council Public Hearing will be held on October 14, 2025.







RTH-ST

BENTLEY GROVE WAY

Fri Feb 7 2025
Imagery © 2025 Nearmap, HERE

50 ft

Nearmap

MINUTES OF THE September 10, 2025 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Martin Ridge Homes, LLC to rezone approximately one and sixty-eight hundredths (1.68) acres located at 663 Leesville Road from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) to allow for fourteen (14) townhome units.

Ms. Eve Mergenthaler, Senior Planner, provided the following summary to the Commission. The purpose of the petition is to rezone approximately one and sixty-eight hundredths (1.68) acres from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) to allow the construction of fourteen (14) townhomes located at 663 Leesville Road. The Comprehensive Plan 2013-2030 Future Land Use Map (FLUM) recommends a Medium Density Residential use for a majority of the property. The other portion of the property, adjoining Burton Creek, is recommended for a Resource Conservation use. Medium Density Residential areas are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. In addition to residential uses, they may include public and institution uses compatible in scale with single family residential homes. The subject property was annexed into the City in 1976. The existing R-1, Low Density Residential District zoning was established in 1978. The property is bound to the north and east by single-household uses, and to the west (across Leesville Road) by residential uses. The fourteen (14) proposed townhome units would become part of a townhome development to the south, which was approved by City Council on May 27, 2025. The development is not yet under construction. Beyond that, the development is bound to the south by townhome-style apartments. If the petition is approved, the existing one-story single-family dwelling would remain. The remainder of the property would be developed as fourteen (14) townhome units, with six (6) two-story units and eight (8) single-story units. The proposed development should have limited impact on the surrounding area. Substantial compliance with the plan has been proffered. Other proffers include for sale units and exceeding parking requirements. The existing single-family dwelling is proposed to remain and the additional fourteen (14) townhome units, access, and associated parking would tie-in with the previously approved townhome development to the south. Residential uses adjoin the property on all sides. As shown, the concept plan includes the required twenty (20) foot vegetative buffer adjoining the R-1, Low Density Residential District to the north. The proposed development density, for the fifteen (15) dwelling units located on the subject property, would be 11.29 units per acre. This would be below the density threshold as recommended by the Future Land Use Map (FLUM), which is up to twelve (12) units per acre in the Medium Density Residential category. Additionally, work is not proposed in the flood zone, which is consistent with the FLUM recommendation for Resource Conservation in that area. The Technical Review Committee (TRC) reviewed the petition on August 19, 2025 and comments were minor in nature. The planning division recommends approval of the petition.

Chair Rogers asked if there was anyone present to speak on behalf of the petition.

Mr. Jake Leonard of Nixon Land Surveying, LLC, was present to represent the petition. Mr. Leonard gave some background on the project, stating that City Council approved previous rezoning petition for Cedar Ridge Townhomes Development at 665, 667, and 669 Leesville Road in May 2025. A short time after that approval, their client was able to acquire 663 Leesville Road as well. They would like to rezone 663 Leesville, add it to the existing plan for Cedar Ridge Townhomes, and preserve the existing single-family dwelling. Additionally, they will remove the existing driveway access on 663, improving traffic safety. Lastly, they will be adding eight (8) single story units, in part due to the number of phone calls they received from elderly citizens asking for them.

Mr. Russel Nixon of Nixon Land Surveying, LLC, was also present to represent the petition. He said that he had received several phone calls asking if there would be any single-story housing in the development. He described the proposed single-story units as slab on-grade housing designed for retirees. In addition to meeting this demand for single-story housing, this rezoning petition would improve traffic safety on Leesville Road by removing another driveway access. Altogether, the development proposes one access rather than

the current three and the development proposes a right-in, right-out “porkchop” style access.

Chair Rogers asked if there was anyone present to speak in favor of the petition.

Chair Rogers asked if there was anyone present to speak in opposition to the petition.

With there being no further members of the public who wished to speak on the petition, Chair Rogers closed the public hearing.

Commissioner Gammon disclosed that Nixon Land Surveying is putting in a bid for a portion of a contract to which he is a party.

Ms. Frischeisen asked him if it had any connection to the petition before the Planning Commission.

Commissioner Gammon responded that it did not and added that he could be impartial in his approach to the petition and did not need to recuse himself.

Chair Rogers asked for a recap on Planning Commission’s previous decisions on the previous petition.

Ms. Frischeisen replied the Planning Commission recommended denial and planning staff did as well, though planning staff’s recommendation was prior to the added proffers, which state that the townhomes would be for sale rather than apartments for rent. The proffered concept plan also limits the density to the number of units shown.

Commissioner Perault asked Ms. Mergenthaler what the by-right density is.

Ms. Mergenthaler replied the density recommended by the FLUM is up to twelve (12) units per acre.

Commissioner Gammon asked if it would still be a single entrance/exit for the development.

Mr. Leonard gave confirmation.

Commissioner Woodson asked if the 663 Leesville petition would have its own entrance.

Ms. Frischeisen replied it would have a shared entrance with the adjoining development approved by City Council in May.

Mr. Nixon said that with this petition they would have an additional parking area for the development. The property in the current petition would be combined with the previously approved petition for Cedar Ridge Townhomes. They will share an entrance, so there will still only be one entrance for the whole property. This will allow for them to have a longer taper into the development which will make it safer.

Chair Rogers asked for them to clarify where the entrance will be located.

Mr. Leonard replied that adding 663 Leesville to the development would allow them to shift the entrance to be directly across from North Street, which is safer. They weren’t able to line up with North Street beforehand due to the twenty (20) foot vegetation buffer requirement.

Commissioner Perault asked why they couldn’t shift it even if this petition wasn’t approved.

Ms. Frischeisen replied they wouldn’t have the room to do so. Ideally, it’s best to have entrances or streets lined up with each other to avoid conflict points.

Commissioner Perault asked why it couldn’t be shifted.

Mr. Leonard replied it was because they needed a twenty (20) foot vegetative buffer on the north side of the property line, which is required since it adjoins R-1 zoned property on that side.

Commissioner Cox asked how trash would be handled.

Mr. Nixon responded that there would be dumpsters and the client has personal trash pick-up options within the HOA documents.

Commissioner Gammon asked if there would be an HOA.

Mr. Nixon replied yes.

Commissioner Cox asked Ms. Frischeisen if the Department of Water Resources had looked at the increased load on domestic water and sewage.

Ms. Frischeisen replied yes, the Technical Review Committee (TRC) is made up of representatives from various city departments. They review projects more closely at the site plan phase, but they attend the TRC meetings and review the applications to identify any major issues with concept plans such as this one.

Commissioner Henderson asked why they were leaving the single-family home.

Mr. Nixon replied the client plans to either rent or sell the home, as it is in good condition and they do not want to tear it down. The client is considering selling it as an individual lot.

Commissioner Cox asked if the single-family home property were sold would it carry the R-4 rezoning.

Mr. Nixon replied if it were rezoned it could be sold as R-4.

Chair Rogers asked if the proffer would follow the land.

Mr. Nixon responded yes as they have proffered substantial compliance with the site plan. The home would stay the same.

Chair Rogers said there is some contention when it comes to these developments, but he liked the idea of the single-level units and would support this petition.

Commissioner Gammon asked if the city supported the previous Cedar Ridge Townhomes petition.

Ms. Frischeisen responded that planning staff recommended denial prior to them submitting proffers. What they discussed at Planning Commission's public hearing for the previous petition was that planning staff would lean toward approval with the addition of proffers, as they gave clarity on what they planned to build. Planning Commission recommended denial and City Council ultimately decided on approval.

Commissioner Gammon said that Planning Commission had recommended denial before for these developments because the lower end of the city has been inundated with them. That area of the city is running out of space and more and more of R-1 is being rezoned with City Council expressing interest in preserving R-1. There is increased traffic on roads like Timberlake, Wards, Candler's Mountain and 29 South. While he believes this would be a well-designed development, he doesn't agree with it.

Mr. Nixon commented that the requirements and costs to put in single family residential developments are too high. People can't afford to build those developments and that's why more townhome developments are coming forward.

Commissioner Gammon agreed and said that it was by design to create urban density.

Mr. Nixon said the townhome development is cost effective as they are able to be sold from two hundred twenty thousand (\$220,000) to three hundred thousand (\$300,000) dollars

Chair Rogers said while there is a lot to talk about regarding the lack of single family, they need to focus on this petition.

Commissioner Perault said he is a strong supporter of keeping R-1, but the previous proposal had already been approved and will be moving forward. The commission has a chance to make that petition better and safer. He doesn't like the overall project, but he supports this petition in an effort to make the already approved petition better.

Commissioner Henderson made the following motion, seconded by Commissioner Cox. The motion to approve passed by the following vote:

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Martin Ridge Homes, LLC to rezone approximately one and sixty-eight hundredths (1.68) acres located at 663 Leesville Road from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional), subject to the following voluntarily submitted proffers:

- 1. The site will be developed in substantial compliance with the site plan as submitted.**
- 2. It is proffered that all units and lots will be for sale only.**
- 3. Parking will exceed requirements for the number of units shown."**

AYES: Cox, Henderson, Perault, Rogers, Woodson	5
NOES: Gammon	1
ABSTENTIONS:	0
ABSENT: Young-Jefferson	1

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: September 10, 2025
Re: **REZONING: R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) at 663 Leesville Road.**

I. PETITIONER

Mr. Carl Martin, Martin Ridge Homes, LLC, 101 Bethel Park Drive, Lynchburg, Virginia 24502
Representative: Mr. Russ Nixon, Nixon Land Surveying, LLC, 1063 Airport Road, Lynchburg, Virginia 24502
Property Owner: Same as Petitioner

II. LOCATION

The subject property contains approximately one and sixty-eight hundredths (1.68) acres located at 663 Leesville Road.

III. PURPOSE

The purpose of the petition is to rezone approximately one and sixty-eight hundredths (1.68) acres from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) to allow for the construction of fourteen (14) additional townhome units located at 663 Leesville Road.

IV. SUMMARY

- Townhome developments are a permitted use in the R-4, High Density Residential District.
- The proposed density for the fourteen (14) townhome units and remaining single-family home is below that which is recommended by the Medium Density Residential use on the Future Land Use Map (FLUM).
- The single-family dwelling will remain and the fourteen (14) townhome units as presented on the concept plan will tie in with a previously approved fifty-four (54) unit townhome development. The additional units should have limited impact on the surrounding area.

The Planning Division recommends approval of the Rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030 Future Land Use Map (FLUM)* recommends a Medium Density Residential use for a majority of the property. The other portion of the property, adjoining Burton Creek, is recommended for a Resource Conservation use.

Medium Density Residential areas are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. In addition to residential uses, they may include public and institution uses compatible in scale with single family residential homes. Private recreation uses, including country clubs, swim and racquet clubs, and private open space are also appropriate. (p.72)

Resource Conservation Areas encompass lands with special natural characteristics that limit land uses and development to protect the City's environmental health. The mapped Resource Conservation Areas include the steep slopes of Candler's Mountain as well as the City's stream valleys. The stream valleys include streams and rivers, their 100-year floodplains, connected wetlands and adjacent steep slopes. Resource Conservation Areas are planned to remain in vegetated open space with development limited to: 1) trails and other passive recreational facilities that involve minimal removal of vegetation, and 2) public facilities that must be located in stream valleys. These include sewer mains, wastewater treatment plants, water intakes and outfalls, road crossings, and public boat ramps. The goal is to keep Resource Conservation Areas as natural as possible to stabilize slopes, prevent soil erosion, provide natural absorption areas for urban runoff, moderate climate, and provide wooded areas for wildlife and for the respite of City dwellers. On privately owned land within conservation areas, the intent is to allow appropriate land uses and infrastructure as long as the environmental value of these areas is conserved or enhanced and public safety is protected through buffers and other best management practices. (p.77)

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low Density Residential District zoning was established in 1978.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
 1. The site will be developed in substantial compliance with the site plan as submitted.
 2. It is proffered that all units and lots will be for sale only.
 3. Parking will exceed requirements for the number of units shown.
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 22, 1979, City Council approved the Timberlake Road Study's Proposed Zoning, rezoning properties along Leesville Road.
 - On July 14, 1981, City Council approved Phillip Coffey's petition to rezone sixteen and eight tenths (16.8) acres at 762 Leesville Road from R-1, Low-Density Single-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional) to allow the construction of twenty-seven (27) four (4) and six (6) unit apartments.
 - On May 14, 1985, City Council approved Virginia Baptist Hospital's CUP petition for the construction of a residential care center at Leesville Road and Del Ray Circle.
 - On August 13, 1991, City Council approved Tree of Life Pentecostal Holiness Church's CUP petition for the construction of a sanctuary and parking lot at 742 Leesville Road.
 - On June 13, 1995, City Council approved Virginia Baptist Hospital's CUP petition for the construction of a dining facility and building additions for Bridges Treatment Center at 693 Leesville Road.
 - On April 9, 1996, City Council approved Virginia Baptist Hospital's CUP petition for cottages and parking areas for Bridges Treatment Center at 693 Leesville Road.
 - On August 13, 1996, City Council approved Tree of Life Ministry's CUP petition for the expansion of existing church facilities at 742 Leesville Road.

- On November 11, 1997, City Council approved Victory Christian Fellowship's CUP petition for a master development plan to allow construction of a church and related facilities on the 600 block of Leesville Road.
- On August 14, 2001, City Council approved Centra Health's CUP petition for the construction of modular classrooms, additional classrooms, residential cottages and parking for Bridges Treatment Center at 693 Leesville Road.
- On December 11, 2001, City Council approved Tree of Life Ministry's CUP petition for Master Plan Development of a sanctuary, multi-purpose building, parking and athletic fields at 742 and 752 Leesville Road.
- On December 10, 2002, City Council approved Centra Health's CUP petition to retain modular classrooms and construct additional classrooms/residential cottages and a nature walk for Bridges Treatment Center at 693 Leesville Road.
- On February 10, 2004, City Council approved Luther Shepard's petition to rezone approximately three and eighty-nine hundredths (3.89) acres from R-1, Low-Density Single-Family Residential District to R-3C, Medium-Density, Two-Family Residential District (Conditional) at 800 Middle Street, to allow the construction of five (5) duplexes, in addition to three (3) existing duplexes.
- On November 9, 2004, City Council approved Joe Gantt's petitions to rezone approximately six and one tenth (6.1) acres from R-1, Low-Density Single-Family Residential District to R-3C, Medium-Density, Two-Family Residential District (Conditional) and for a CUP at 716, 718 and 726 Leesville Road to allow the construction of fifty-nine (59) townhomes and associated parking.
- On November 13, 2007, City Council denied the petitions of Lynchburg Renting, LLC to rezone approximately seven and thirteen hundredths (7.13) acres from R-1, Low-Density Single-Family Residential District to R-3C, Medium-Density, Two-Family Residential District (Conditional) and for a CUP at 714 Leesville Road disallowing the construction of seventy-six (76) townhomes and associated parking.
- On April 13, 2010, City Council approved the petitions of SFB, LLC to amend the Future Land Use Map (FLUM) from Low Density Residential to Office and to rezone from R-1, Low Density Residential to B-2C, Neighborhood Business District (Conditional) (now B-1, Limited Business District) at 623 Leesville Road to allow the construction of a business park.
- On September 8, 2015, City Council denied the petitions of Lynchburg Renting, LLC to rezone approximately seven and thirteen hundredths (7.13) acres from R-1, Low-Density Single-Family Residential to R-3C, Medium-Density, Two-Family Residential District (Conditional) and for a CUP at 714 Leesville Road disallowing the construction of a sixty-eight (68) unit townhomes and associated parking.
- On September 13, 2016, City Council approved the petition of Kristie Napier to rezone approximately one (1) acre at 630 & 636 Leesville Road from R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the reuse of an existing building as a business.
- On October 10, 2017, City Council approved the petition of Bell Terrace Developers, LLC, to rezone approximately nineteen and seven tenths (19.7) acres from R-1, Low Density Residential District to R-2, Low-Medium Density Residential District at 226, 300, 306, 312, and 404 Alta Lane to allow the subdivision of the property into forty-four (44) lots.
- On September 24, 2019, City Council approved the petitions of Lynchburg Renting, LLC, to rezone approximately eight (8) acres from R-1, Low Density Residential District and R-3, Medium Density Residential District to R-3C, Medium Density Residential District

(Conditional) and for a CUP at 710 & 714 Leesville Road to allow the construction of eighty-seven (87) townhomes.

- On July 26, 2022, City Council approved the petitions of KAL Holdings, LLC, 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 to allow four (4) duplexes.
 - On April 11, 2023, City Council approved the petition of Lynchburg Renting, LLC, for a CUP at 710 and 714 Leesville Road to allow the construction of eighty-seven (87) townhomes. (The CUP granted on September 24, 2019 had expired.)
 - On September 26, 2023, City Council approved the petitions of Centra Health, Inc. to amend the Future Land Use Map (FLUM) from Low Density Residential to Community Commercial and to rezone 759 Leesville Road from R-1, Low Density Residential District to B-5C, General Business District (Conditional) to allow the construction of an entrance and parking area to serve the rehabilitation facility and behavioral health hospital that will be built on the portion of the property within the Campbell County.
 - On January 14, 2025, City Council approved the petition of NSS Propco, LLC, d/b/a Rivermont School, for a CUP at 742 Leesville Road to allow the use of an existing structure as a K-12 private school in an R-1, Low Density Residential District.
 - On February 11, 2025, City Council approved the petitions of Maddox and Sons Construction, Inc. to amend the Future Land Use Map (FLUM) from Institution and Neighborhood Commercial to Medium Density Residential; to rezone approximately eleven and seven hundred thirty-one thousandths (11.731) acres from R-1, Low Density Residential District to R-3C, Medium Density Residential District (Conditional); and for a Conditional Use Permit (CUP) at 750 Leesville Road to allow the construction of eighty-eight (88) townhomes.
 - On March 11, 2025, City Council approved the petition of Deborah H. Dolan to rezone approximately one and one hundredth (1.01) acres from R-1, Low Density Residential District to R-2, Low-Medium Density Residential District at 1600 & 1602 McVeigh Road to allow the subdivision of the existing two (2) lots into three (3) lots for an additional dwelling.
 - On May 27, 2025, City Council approved the petition of Martin Ridge Homes, LLC to rezone approximately four and six hundred twelve thousandths (4.612) acres from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional) at 665, 667, and 669 Leesville Road to allow a fifty-four (54) unit townhome development.
6. **Site Description.** The subject property located at 663 Leesville Road contains approximately one and sixty-eight hundredths (1.68) acres. The property contains a wood frame, vinyl siding, one-story residential home constructed in 1946. The structure is approximately eight hundred twenty-nine (829) square feet in size and is proposed to remain as part of this project. There is also a detached garage on the property that was constructed in 1980 and is approximately one hundred eighty (180) square feet in size.

The property is bound to the north and east by single-household uses, and to the west (across Leesville Road) by residential uses. The fourteen (14) proposed townhome units would become part of a townhome development to the south, which was approved by City Council on May 27, 2025 but is not yet under construction. Beyond that, the townhome development is bound by a townhome-style apartment development.

7. **Proposed Use of Property.** If the petition is approved, the existing single-family dwelling would remain. The remainder of the property would be developed as fourteen (14) townhome

units, with six (6) two-story units and eight (8) single-story units. Access and associated parking for the fourteen (14) units would tie in with the previously approved fifty-four (54) unit townhome development located to the south at 669 Leesville Road.

8. **Traffic, Parking and Public Transit.** The petitioner was not required to conduct a traffic analysis as part of the petition. The City Engineer noted that only one (1) entrance would be allowed for the previously approved fifty-four (54) unit townhome development. Access for the fourteen (14) units would utilize the same entrance.

The submitted concept plan indicates the retention of the existing single-family home and construction of fourteen (14) townhome units on the subject property. The units, access, and associated parking would tie in with the previously approved fifty-four (54) unit townhome development located to the south. The concept plan includes a total of one hundred fifty-nine (159) parking spaces, a directional island at the entrance, and pedestrian facilities within the development. The number of parking spaces proposed is above the *Zoning Ordinance* requirement of one (1) space per unit.

The area is served not by a Greater Lynchburg Transit Company (GLTC) fixed route, but is located within the GLTC Flex area, which is an on-demand transportation service that provides point-to-point trips.

9. **Stormwater Management.** A stormwater management / Erosion & Sediment Control Plan will be required prior to site plan approval. Information submitted by the petitioner indicates that stormwater quantity will be addressed by two (2) stormwater management areas. Stormwater quality will be addressed by offsite and/or onsite measures to be determined at the site plan phase.
10. **Emergency Services:** The City's Fire Marshal and Police Department had no comments of concern regarding the proposal.
11. **Impact.** The proposed development should have limited impact on the surrounding area and would fit well within the existing Leesville Road corridor. Substantial compliance with the plan has been proffered. The existing single-family house is proposed to remain and the additional fourteen (14) townhome units will tie-in and utilize a common entrance with the previously approved fifty-four (54) unit townhome development located to the south. These additional units are proposed to be a mix of six (6) two-story units and eight (8) single-story units, providing a mix of townhome styles.

Adjoining the subject property are residential uses on all sides. Below the previously approved townhome development, is a townhome-style apartment development. As shown, the concept plan includes the required twenty (20) foot vegetative buffer adjoining the R-1, Low Density Residential District to the north. The development will also need to meet the fifty (50) foot setback as required by the Zoning Ordinance. The proposed density for the fifteen (15) dwelling units located on the subject property would be 11.29 units per acre. This is below the density threshold as recommended by the Future Land Use Map (FLUM), which is up to twelve (12) units per acre in the Medium Density Residential category. Additionally, work is not proposed in the flood zone, which is consistent with the FLUM recommendation for Resource Conservation in that area.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on August 19, 2025.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Martin Ridge Homes, LLC to rezone approximately one and sixty-eight hundredths (1.68) acres located at 663 Leesville Road from R-1, Low Density Residential District to R-4C, High Density Residential District (Conditional), subject to the following voluntarily submitted proffers:

- 1. The site will be developed in substantial compliance with the site plan as submitted.**
- 2. It is proffered that all units and lots will be for sale only.**
- 3. Parking will exceed requirements for the number of units shown.**

This matter is respectfully offered for your consideration.



Rachel Frischeisen
City Planner

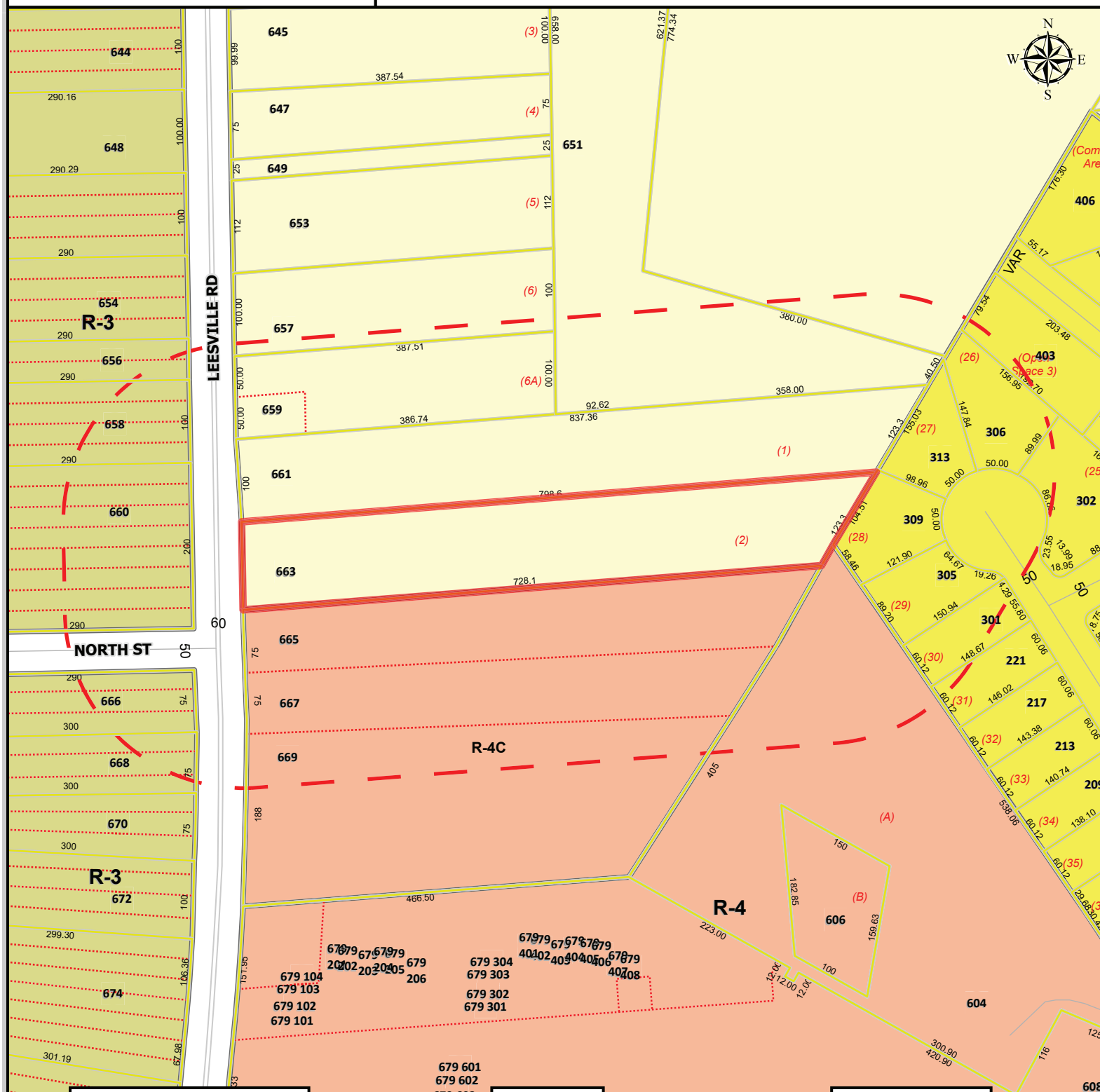
pc: Wynter Benda, City Manager
Greg Patrick, Deputy City Manager
Kent White, Assistant City Manager
Tom Martin, Director of Community Development
Matthew Freedman, City Attorney
J. Lee Newland, City Engineer
Cynthia Kozerow, Lynchburg Police Department
Candace Brown, Fire Marshal
Doug Saunders, Building Official
Kevin Henry, Zoning Administrator
Carl Martin, Martin Ridge Homes, LLC, Petitioner & Property Owner
Russ Nixon, Nixon Land Surveying, LLC, Representative

VII. ATTACHMENTS

- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Narrative**
- 6. Concept Plan**
- 7. Property Photograph**

663 LEESVILLE RD

MARTIN RIDGE HOMES LLC



PROPERTY INFORMATION

PARCEL ID**ADDRESS**

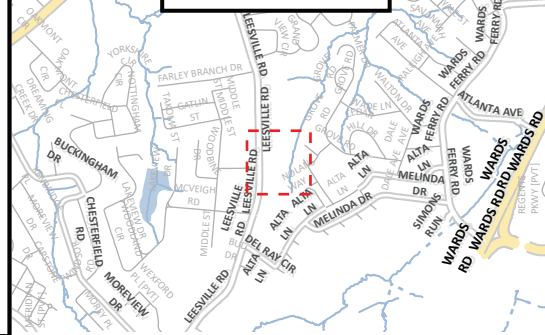
25504017 663 LEESVILLE RD

LEGEND

-  **Subject Property**
-  **215 Foot Buffer**
- | | | |
|--|---|--|
|  B-1 |  I-1 |  R-1 |
|  B-3 |  I-2 |  R-2 |
|  B-4 |  I-3 |  R-3 |
|  B-5 |  IN-1 |  R-4 |
|  R-C |  IN-2 | |

MAP SCALE: 1:1,948 DATE PRINTED: 8/8/2025

OVERVIEW MAP



663 Leesville Road

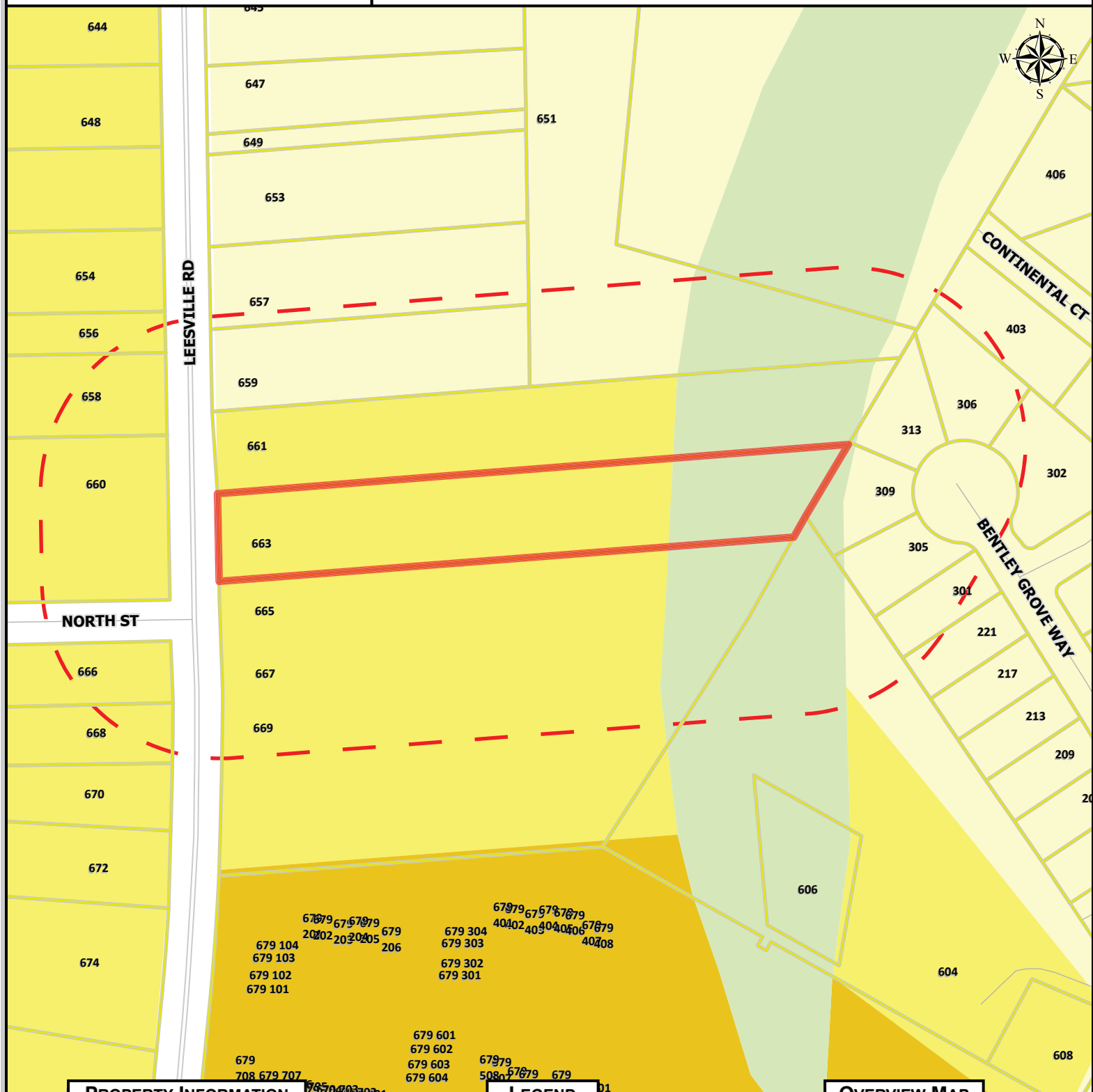
Parcel ID	Address	Owner
26203002	668 LEESVILLE RD	TEMPLETON, RUSSELL
26201004	669 LEESVILLE RD	MARTIN RIDGE HOMES, LLC
26103017	604 DENSON DR	MARTIN RIDGE HOMES LLC
26203001	666 LEESVILLE RD	MARSTON, JAMES R JR & MILSTEAD, JUANITA H TRS C/O CHERYL MARSTON
25504017	663 LEESVILLE RD	MARTIN RIDGE HOMES LLC
25506009	660 LEESVILLE RD	WRIGHT PROPERTIES OF LYNCHBURG LLC
25506008	658 LEESVILLE RD	WRIGHT PROPERTIES OF LYNCHBURG INC
25506007	656 LEESVILLE RD	MARTIN, GLADYS M
25504014	659 LEESVILLE RD	DUNN, VENESSA W ESTATE C/O JAMES E BURTON
25616001	651 LEESVILLE RD	DUNN, VENESSA W ESTATE C/O JAMES E BURTON
25504013	657 LEESVILLE RD	REYLE, AUSTIN
25616006	619 LEESVILLE RD	PHILLIPPS, BRYAN MICHAEL
25504016	661 LEESVILLE RD	CJ ENTERPRISE LLC
26103054	221 BENTLEY GROVE WAY	HODNICKI, STEPHEN & YOON
26103053	301 BENTLEY GROVE WAY	WHITE, COREY H & SHANNON T
26103052	305 BENTLEY GROVE WAY	305 BENTLEY GROVE LLC
26103051	309 BENTLEY GROVE WAY	HOOVER, SHAUN M & LUXA LAUREN
26103048	302 BENTLEY GROVE WAY	SHAH, SACHINKUMAR K & PALLIKABAHEN S
26103050	313 BENTLEY GROVE WAY	CLINTON, ZACHARY & EVELYN
26103049	306 BENTLEY GROVE WAY	BOHM, JASON Q
26103067	403 CONTINENTAL CT	BENTLEY GROVE LLC

FLUM

663 LEESVILLE RD

TRC

MARTIN RIDGE HOMES LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25504017	663 LEESVILLE RD

LEGEND

- | | |
|----------------------------|-----------------------|
| Local Historic District | Employment 1 |
| Traditional Residential | Employment 2 |
| Low Density Residential | Downtown |
| Medium Density Residential | Institution |
| High Density Residential | Public Use |
| Neighborhood Commercial | Public Parks |
| Community Commercial | Resource Conservation |
| | Mixed Use |

MAP SCALE: 1:1,948 DATE PRINTED: 8/8/2025

OVERVIEW MAP

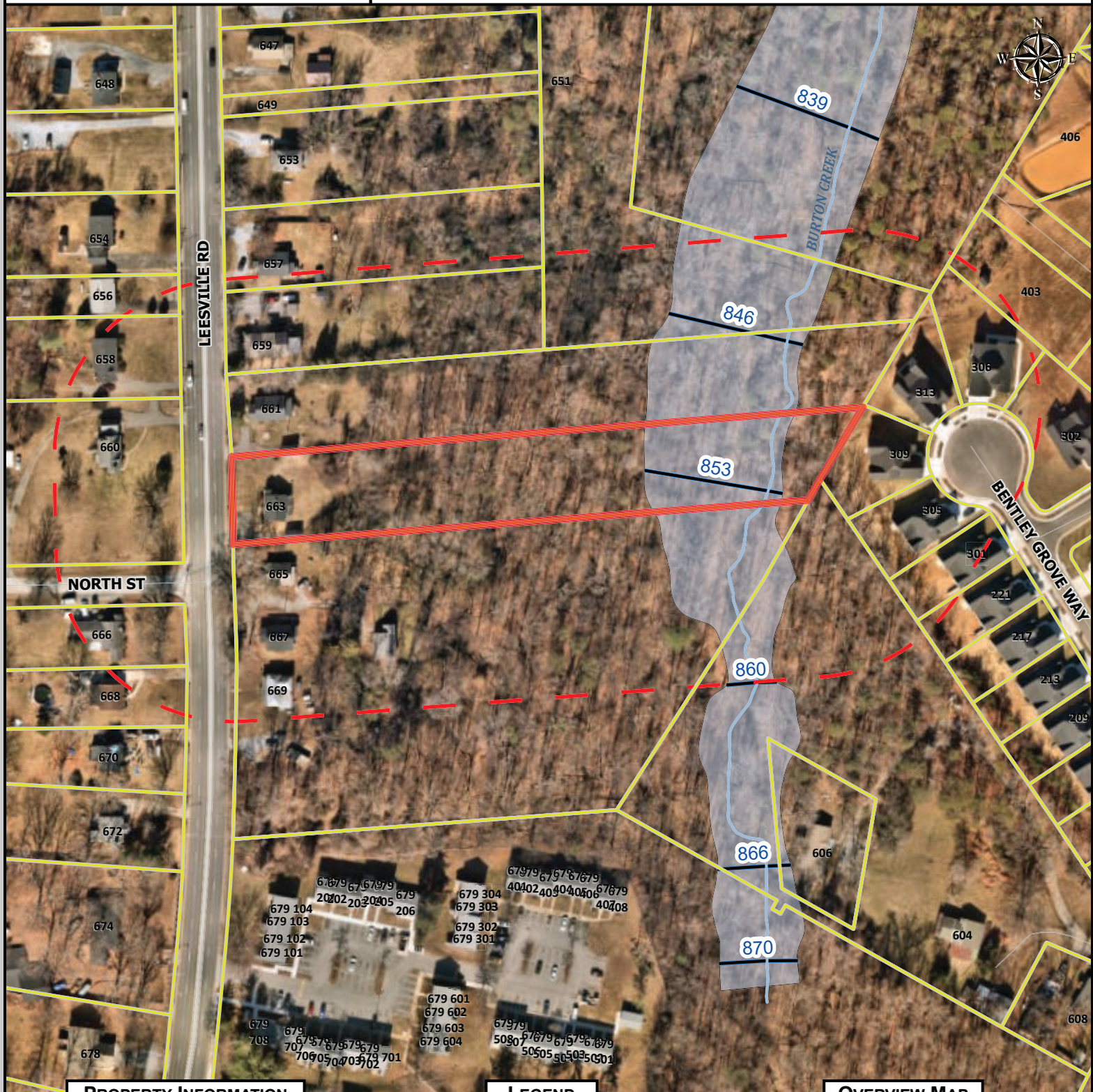


Watershed

663 LEESVILLE RD

TRC

MARTIN RIDGE HOMES LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS
25504017	663 LEESVILLE RD

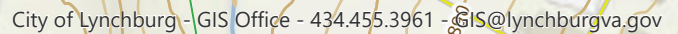
LEGEND

- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

MAP SCALE: 1:1,948 DATE PRINTED: 8/8/2025

OVERVIEW MAP







Nixon Land Surveying, LLC
Land Surveying, Planning & Environmental Consulting
1063 Airport Road, Suite C
Lynchburg, VA 24502
434-237-3600 (office)
434-237-0699 (fax)

8/5/2025

NARRATIVE:

The purpose of this rezoning request is to allow for the development of 14 townhomes on the property located at 663 Leesville Road in the City of Lynchburg, Virginia.

The owner proposes to leave and protect the existing single family residential dwelling and vacate the boundary line between TM#25504017 and TM#26201002. Combining the parcels into one larger parcel would allow for the construction of 14 additional townhome units, 8 single story units and 6 two story units. The existing single family dwelling will remain. The property is currently zoned R-1. Because the proposed construction and usage may no longer conform to the requirements of the R-1 zoning designation, changing the zoning designation of the property to R-4 is hereby requested.

Stormwater would be managed with the two proposed stormwater detention ponds (B.M.P.s), one in the front of the site and one in the rear.

Waterlines would be constructed connected to the previously proposed 8" waterline running through the drive isle of the proposed Cedar ridge townhomes. The water coming from the existing 24" waterline, running under Leesville road with a new 8" waterline, and split off into individual ¾" service lines for each individual unit.

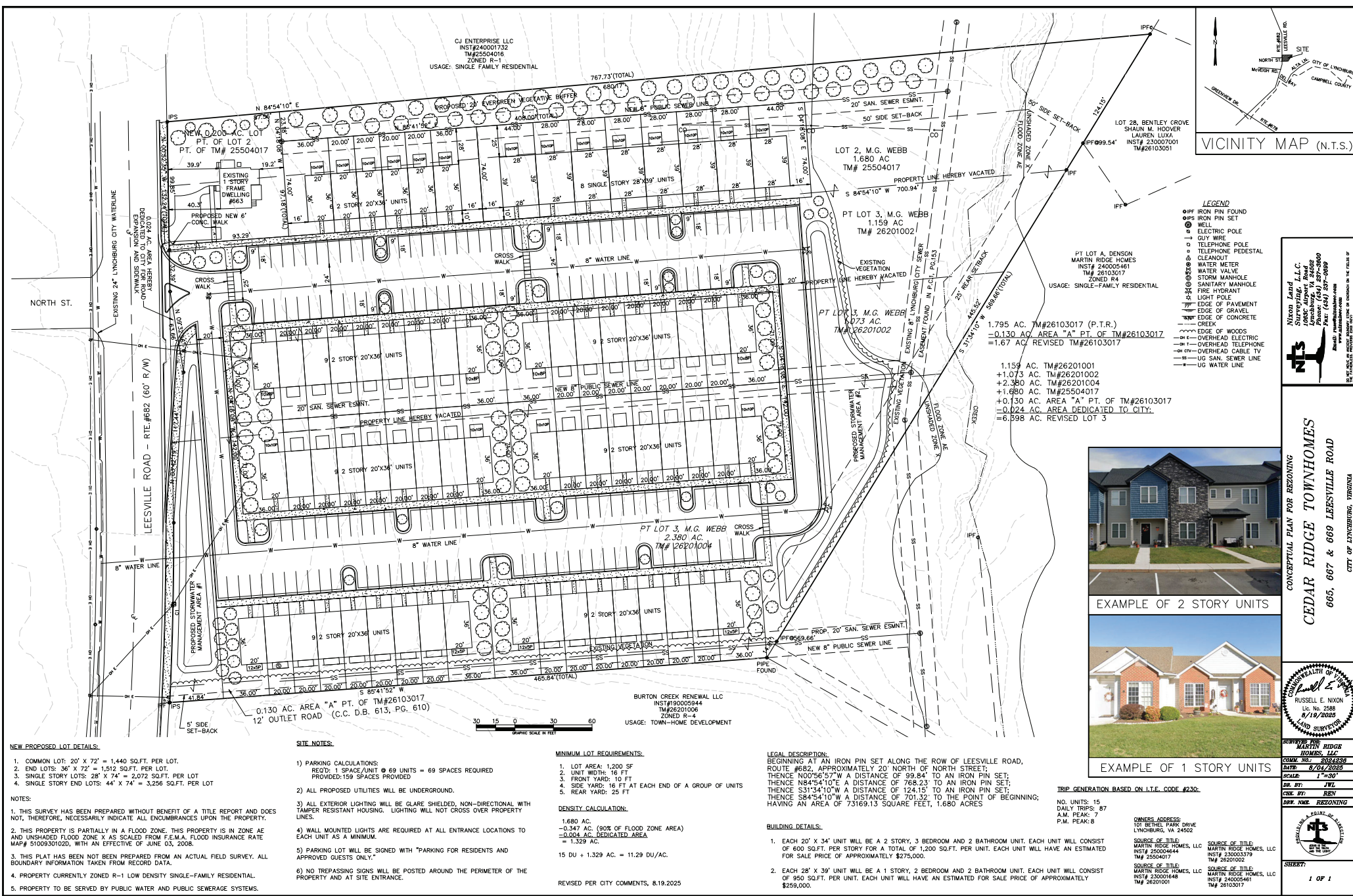
Sanitary sewer would be run with new 8" lines running east to connect with the existing City of Lynchburg sewer line in the existing City sewer easement area. A new 20 foot sewer easement would be created along these new sewer lines.

The proposed two story, 20 foot by 36 foot units, will be three bedroom and two bathroom units. Each unit would consist of approximately 600 square feet per story, for a total of 1,200 square feet per unit. Each unit is projected to have an estimated value of approximately two hundred and seventy-five thousand dollars.

The proposed single story, 28 foot by 39 foot units, will be two bedroom and two bathroom units. Each unit would consist of approximately 950 square feet. Each unit is

projected to have an estimated value of approximately two hundred and fifty-nine thousand dollars.

In conclusion, we are requesting a rezoning from R-1 to R-4 to construct 14 townhome units. Two detention ponds would be constructed to manage the stormwater quality and quantity, and the new units would be served by public water and public sewer by connecting to the existing utilities.



NEW PROPOSED LOT DETAILS:

- COMMON LOT: 20' X 72' = 1,440 SQ.FT. PER LOT.
- END LOTS: 36' X 72' = 1,512 SQ.FT. PER LOT.
- SINGLE STORY LOTS: 28' X 74' = 2,072 SQ.FT. PER LOT
- SINGLE STORY END LOTS: 44' X 74' = 3,256 SQ.FT. PER LOT

NOTES:

- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
- THIS PROPERTY IS PARTIALLY IN A FLOOD ZONE. THIS PROPERTY IS IN ZONE AE AND UNSHADED FLOOD ZONE X AS SCALED FROM F.E.M.A. FLOOD INSURANCE RATE MAP# 51009301020, WITH AN EFFECTIVE OF JUNE 03, 2008.
- THIS PLAT HAS BEEN NOT BEEN PREPARED FROM AN ACTUAL FIELD SURVEY. ALL BOUNDARY INFORMATION TAKEN FROM RECORD DATA.
- PROPERTY CURRENTLY ZONED R-1 LOW DENSITY SINGLE-FAMILY RESIDENTIAL.
- PROPERTY TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWERAGE SYSTEMS.

SITE NOTES:

- PARKING CALCULATIONS:
REQD: 1 SPACE/UNIT @ 69 UNITS = 69 SPACES REQUIRED
PROVIDED: 159 SPACES PROVIDED
- ALL PROPOSED UTILITIES WILL BE UNDERGROUND.
- ALL EXTERIOR LIGHTING WILL BE GLARE SHIELDED, NON-DIRECTIONAL WITH TAMPER RESISTANT HOUSING. LIGHTING WILL NOT CROSS OVER PROPERTY LINES
- WALL MOUNTED LIGHTS ARE REQUIRED AT ALL ENTRANCE LOCATIONS TO EACH UNIT AS A MINIMUM.
- PARKING LOT WILL BE SIGNED WITH "PARKING FOR RESIDENTS AND APPROVED GUESTS ONLY."
- NO TRESPASSING SIGNS WILL BE POSTED AROUND THE PERIMETER OF THE PROPERTY AND AT SITE ENTRANCE.

MINIMUM LOT REQUIREMENTS:

- LOT AREA: 1,200 SF
- UNIT WIDTH: 16 FT
- FRONT YARD: 10 FT
- SIDE YARD: 16 FT AT EACH END OF A GROUP OF UNITS
- REAR YARD: 25 FT

DENSITY CALCULATION:

1.680 AC.
= 0.347 AC. (90% OF FLOOD ZONE AREA)
= 0.004 AC. DEDICATED AREA
= 1.329 AC.

15 DU ÷ 1.329 AC. = 11.29 DU/AC.

REVISED PER CITY COMMENTS, 8.19.2025

LEGAL DESCRIPTION:

BEGINNING AT AN IRON PIN SET ALONG THE ROW OF LEESVILLE ROAD, ROUTE #682, APPROXIMATELY 20' NORTH OF NORTH STREET; THENCE NORTH 45° 54' 10" W A DISTANCE OF 99.84' TO AN IRON PIN SET; THENCE NORTH 45° 54' 10" E A DISTANCE OF 768.23' TO AN IRON PIN SET; THENCE SOUTH 31° 34' 10" W A DISTANCE OF 124.15' TO AN IRON PIN SET; THENCE SOUTH 84° 54' 10" W A DISTANCE OF 701.32' TO THE POINT OF BEGINNING; HAVING AN AREA OF 73169.13 SQUARE FEET, 1.680 ACRES

BUILDING DETAILS:

- EACH 20' X 34' UNIT WILL BE A 2 STORY, 3 BEDROOM AND 2 BATHROOM UNIT. EACH UNIT WILL CONSIST OF 600 SQ.FT. PER STORY FOR A TOTAL OF 1,200 SQ.FT. PER UNIT. EACH UNIT WILL HAVE AN ESTIMATED FOR SALE PRICE OF APPROXIMATELY \$275,000.
- EACH 28' X 39' UNIT WILL BE A 1 STORY, 2 BEDROOM AND 2 BATHROOM UNIT. EACH UNIT WILL CONSIST OF 950 SQ.FT. PER UNIT. EACH UNIT WILL HAVE AN ESTIMATED FOR SALE PRICE OF APPROXIMATELY \$259,000.

TRIP GENERATION BASED ON I.T.E. CODE #230:

NO. UNITS: 15
DAILY TRIPS: 87
A.M. PEAK: 7
P.M. PEAK: 8

OWNERS ADDRESS:
101 BETHEL PARK DRIVE
LYNCHBURG, VA 24502

SOURCE OF TITLE:
MARTIN RIDGE HOMES, LLC
INST# 25000444
TM# 25504017

SOURCE OF TITLE:
MARTIN RIDGE HOMES, LLC
INST# 23000379
TM# 25001002

SOURCE OF TITLE:
MARTIN RIDGE HOMES, LLC
INST# 24000541
TM# 26103017

SOURCE OF TITLE:
MARTIN RIDGE HOMES, LLC
INST# 23000168
TM# 26201001

LEGEND:

- IRON PIN FOUND
- IRON PIN SET
- WELL
- ELECTRIC POLE
- GUY WIRE
- TELEPHONE POLE
- TELEPHONE PEDESTAL
- CLEANOUT
- WATER METER
- WATER VALVE
- STORM MANHOLE
- SANITARY MANHOLE
- FIRE HYDRANT
- LIGHT POLE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- EDGE OF CONCRETE
- ORISK
- EDGE OF WOODS
- OVERHEAD ELECTRIC
- OVERHEAD TELEPHONE
- OVERHEAD CABLE TV
- UG SAN. SEWER LINE
- UG WATER LINE

VICINITY MAP (N.T.S.)

CONCEPTUAL PLAN FOR REZONING

CEDAR RIDGE TOWNHOMES

665, 667 & 669 LEESVILLE ROAD

CITY OF LYNCHBURG, VIRGINIA

APPROVED BY:
RUSSELL E. NIXON
Lic. No. 2586
8/19/2025
150 SUPERVISOR

REVIEWED BY:
MARTIN RIDGE HOMES, LLC
2024/230
8/04/2025
1:30

DATE:
8/19/2025

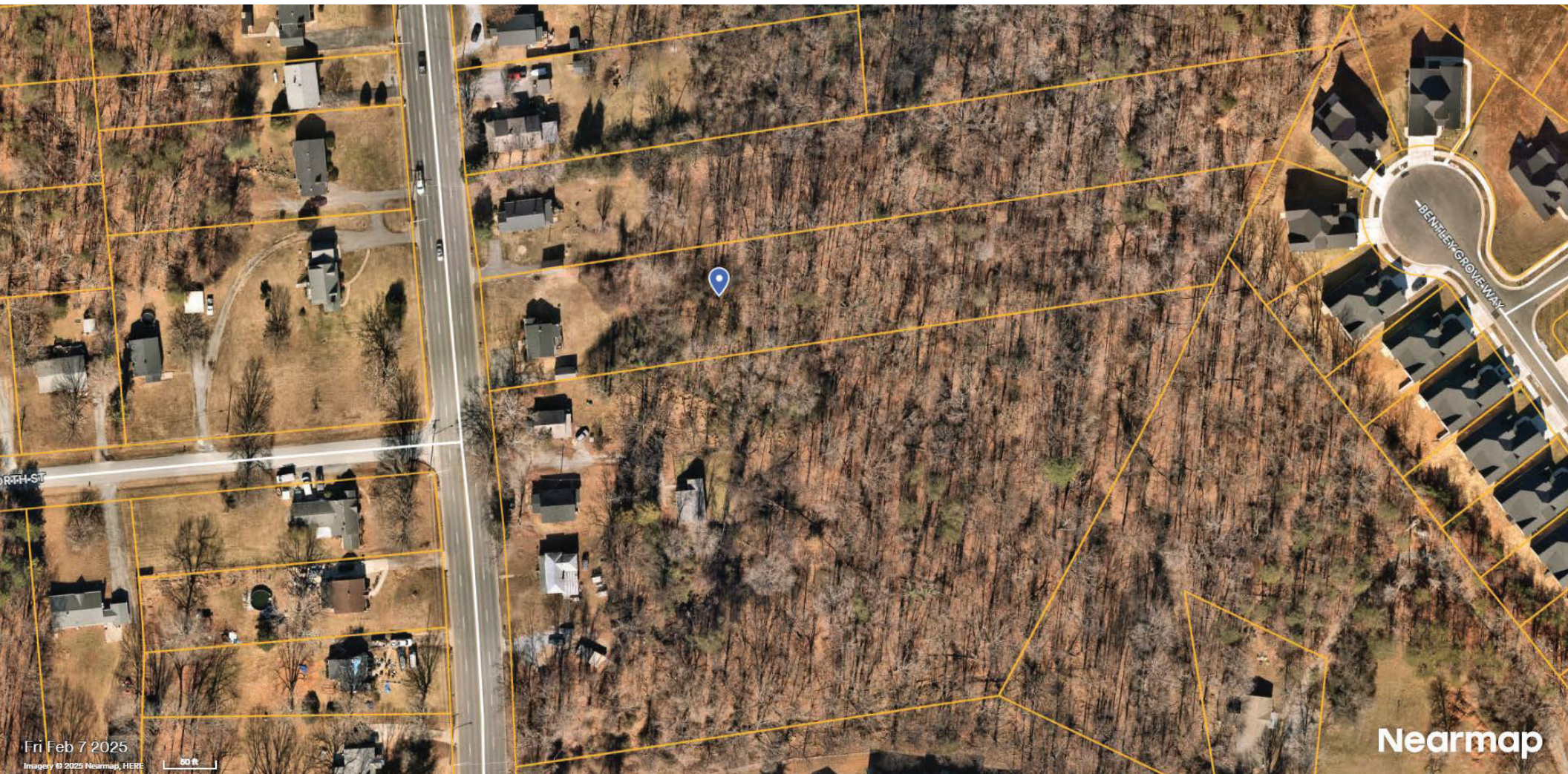
CHK. BY:
JVL

CHK. BY:
REN

APP. NAME:
REZONING

SHRIFT:

1 OF 1



**Rezoning
663 Leesville Road
September 10, 2025**

PLEASE PRINT CLEARLY

[illegible]

AGENDA ITEM SUMMARY**MEETING DATE**

September 23, 2025

PRESENTED BY

Alicia Finney, Clerk of Council

AGENDA ITEM # III.4

Boards & Commissions Quarterly Reporting (Q3)

RECOMMENDATION

Review upcoming September and October appointments to Council-appointed boards and commissions.

SUMMARY

The following volunteer opportunities are upcoming:

- Social Services Advisory Board
- Lynchburg Redevelopment & Housing Authority
- Lynchburg Parking Authority
- Greater Lynchburg Transit Board of Directors
- Business Development Centre

Interested candidates are encouraged to apply by completing our online application at <https://www.lynchburgva.gov/570/Boards-Commissions>. Applications will be taken through Tuesday, October 7th, and will be kept on file for one year for any future Council consideration unless advised otherwise by the applicant.

PRIOR ACTION(S)

N/A

FISCAL IMPACT

N/A

CONTACT(S)

Alicia Finney, Clerk of Council

ATTACHMENT(S)

1. Boards and Commssions_BIB_Q3_2025

REVIEWED BY

Alicia L. Finney

Alicia Finney, Clerk of Council

Date: September 18, 2025

BOARDS AND COMMISSIONS QUARTERLY REPORTING

September 23, 2025



VOLUNTEER OPPORTUNITIES

1. Social Services Advisory Board
 - One (1) reappointment
2. Lynchburg Redevelopment & Housing Authority
 - One (1) current vacancy
3. Business Development Centre
 - Six (6) reappointments
 - One (1) current vacancy
4. Lynchburg Parking Authority
 - One (1) reappointment
5. Greater Lynchburg Transit Board of Directors
 - Three (3) reappointments

SOCIAL SERVICES ADVISORY BOARD

- Meets the third Tuesday bimonthly (Feb, April, June, Aug, Oct, Dec) at 12:00pm, Human Services Building, 99 9th Street
- Monitors all matters pertaining to citizens' social welfare; monitors the formulation and implementation of social welfare programs; makes recommendations on policy matters concerning social services.
- Can serve up to two (2) consecutive 4-year terms
- Opportunities:
 - One (1) Reappointment



Name	No. of Terms Served	Term Expiration Date
Katheryne Goodman (Ward 4)	1	09/30/2025
Lenora Noell (Ward 1)	2	09/30/2026
LTea Thomans (Ward 1)	1	
Brenda Farmer (Ward 2)	1	09/30/2027
Janaye Wagner (Ward 2)	1	
Joan Rowe (Ward 1)	2	
Carroll Falls (Ward 1)	1	09/30/2028
Denise Dempsey (Ward 4)	2	
Julie Clark (Ward 1)	1	
Mary Prillaman (Ward 4)	1	
Patrick Brown (Ward 1)	1	
Sydney Hughes (Ward 2)	1	
Tammy Callen (Ward 1)	1	

LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY

- Meets the 3rd Thursday monthly, 9:30a.m., at LRHA, 1948 Thomson Drive
- Administers housing assistance programs as a political subdivision of the Commonwealth; conducts programs of urban renewal and housing rehabilitation in designated neighborhoods.
- Can serve up to three (3) consecutive 4-year terms
- Opportunities:
 - One (1) current vacancy



Name	No. of Terms Served	Term Expiration Date
Jennifer Wills (Ward 4)	1	9/30/2026
Ray Booth (Ward 3)	2	
Laura Dupuy (Ward 1)	1	9/30/2027
Dr. Sterling Wilder (Council)	1	
Angela Cox (Ward 2)	1	9/30/2028
Marc Schewel (Ward 1)	2	
VACANT		

BUSINESS DEVELOPMENT CENTRE

- Meets the second Wednesday of every month, at 3:30p.m., at the BDC, 147 Mill Ridge Road
- Administrative body that governs the existing Lynchburg Business Development Centre or "business incubator"
- Regional representation
- Can serve up to three (3) consecutive 3-year terms
- Opportunities:
 - Six (6) reappointments
 - One (1) current vacancy



Name	No. of Terms Served	Term Expiration Date
Cheryl Valentine (Ward I)	2	9/30/2025
Corey Davis (Ward I)	2	
Kamal Darden (Ward IV)	2	
Pavlina Dirom (Ward I)	2	
Randall Calloway (Bedford Co.)	1	
Samuel Howe (Ward I)	2	09/30/2027
Arthur Pike (Ward 3)	2	
Christopher Hackman (Ward 2)	1	
Jerry Brooks (Campbell Co.)	1	
Donna Witt	*	N/A
VACANT		

LYNCHBURG PARKING AUTHORITY

- Meets the second Tuesday of every other month (Feb, April, June, Aug, Oct, Dec), at 2:30p.m. in Council Chamber, City Hall
- To develop plans for and to coordinate the development and use of sufficient off-street public owned parking facilities in the City and as necessary to acquire, construct, reconstruct, equip, improve, extend, enlarge, maintain, repair and operate off-street parking facilities.
- Can serve up to two (2) consecutive 3-year terms
- Opportunities:
 - Three (3) current vacancies
 - One (1) reappointment



Name	No. of Terms Served	Term Expiration Date
Scott Campbell (Ward 2)	1	10/31/2025
David Marple (Ward 2)	2	10/31/2027
Christopher Hackman (Ward 2)	1	
Jacqueline Timmer (Council)	1	1/28/2028
VACANT		
VACANT		
VACANT		

GREATER LYNCHBURG TRANSIT COMPANY

- Meets the first Wednesday of each month at 8:30am at Kemper Street Transfer Center; additional work session
- Formulates policies and operating procedures and offers general supervision of a professional transit management company providing bus service.
- Can serve up to three (3) consecutive 3-year terms
- Opportunities:
 - Three (3) reappointments



Name	No. of Terms Served	Term Expiration Date
Benjamin Blanks (Ward 2)	2	10/31/2025
Tabatha Sprouse (Amherst County)	1	
Valerie Holmes (Ward 4)	1	
Brian Landergan (Ward 4)	2	10/31/2026
Gary Dupriest (Ward 4)	1	
Metchi Braun (Assistant to the City Manager)	1	
Andre Miller (Ward 2)	1	10/31/2027
Cameron Howe (Ward 1)	3	
Christopher Hackman (Ward 2)	1	

NEXT STEPS

Closed Session Scheduled – October 14, 2025

Collecting applications and resumes through Tuesday, October 7, 2025



Alicia L. Finney
CLERK OF COUNCIL

O 434.455.3981

F 434.847.1536

alicia.finney@lynchburgva.gov

AGENDA ITEM SUMMARY**MEETING DATE**

September 23, 2025

PRESENTED BYMatthew Freedman, City Attorney, Alicia
Finney, Clerk of Council**AGENDA ITEM # IV.5**

Lynchburg City Council Rules of Procedure Discussion

RECOMMENDATION

Receive Information Regarding Possible Updates to the Lynchburg City Council Rules of Procedure.

SUMMARY

Proposed updates to the Lynchburg City Council Rules of Procedure (ROP) are included in a draft resolution attached. The red and yellow highlighted items are staff-recommended changes and the remaining red changes are various Councilmember-recommended changes. As requested by the Council, Councilmember Timmer's proposed changes have been incorporated into the said draft resolution attached. Councilmember Timmer's previous draft has also been included with this agenda summary in the event it's needed.

City staff seek guidance regarding what proposed changes to the ROP are to be considered.

PRIOR ACTION(S)

Business Item Briefing - August 26, 2025
Last Update to the Lynchburg City Council Rules of Procedure - July 9, 2024

FISCAL IMPACT

N/A

CONTACT(S)

Matthew Freedman, City Attorney
Alicia Finney, Clerk of Council

ATTACHMENT(S)

1. Draft Resolution - LCC RoP Amendments (09-11-25 Draft)
2. LCC Rules of Procedure
3. Timmer Proposed Ordinance to Change Rules

REVIEWED BY

Alicia L. Finney

Alicia Finney, Clerk of Council

Date: September 17, 2025

RESOLUTION:

#R-25-__

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

1. That the Lynchburg City Council Rules of Procedure ("RoP") are hereby amended, reenacted, and readopted with the following changes to the Introduction:

INTRODUCTION

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council (hereafter "the Council"). Their purpose is to help the Council conduct its affairs in a timely and efficient manner as well as promote transparency, free speech, and robust debate. They incorporate the general principles of parliamentary procedure found in Robert's Rules of Order Newly Revised and applicable Virginia laws. These rules of procedure do not create substantive rights for third parties or participants in proceedings before the Council. Further, the Council reserves the right to suspend or amend these rules of procedure whenever a majority of the Council decides to do so. When the Council's rules of procedure do not address a procedural issue, the Council may consider the most recent edition of Robert's Rules of Order Newly Revised for guidance. The failure of the Council to strictly comply with these rules of procedure shall not invalidate any action of the Council.

Commented [FM1]: Requested by Councilwoman Timmer

Commented [FM2]: Red and yellow highlighted items are staff-recommended changes to the rules.

2. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 1-1:

Section 1-1. Purpose of the Rules of Procedure

A. To enable the Council to transact business fully, expeditiously, and efficiently while affording every opportunity to citizens to witness the operations of government;

B. To protect the rights of each individual Councilmember;

C. To preserve a spirit of cooperation among Councilmembers while also ensuring each Councilmember's ability to discuss and debate matters before the Council; and

D. To determine the will of the Council on any matter.

Commented [FM3]: Requested by Councilwoman Timmer

3. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 1-2:

Section 1-2. Basic Principles Underlying the Rules of Procedure

A. The business of the Council should proceed be transparent, encourage accountability, and proceed in the most efficient manner possible;

B. The Council's rules of procedure must be followed applied consistently;

C. The Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;

Commented [FM4]: Requested by Councilwoman Timmer

Commented [FM5]: Requested by Councilwoman Timmer

D. Only one (1) subject may claim the attention of the Council at a time;

E. Each item presented for consideration is entitled to full and free discussion, and the freedom to express ideas and engage in robust debate will be encouraged;

Commented [FM6]: Requested by Councilwoman
Timmer

F. Every Councilmember shall have equal rights to participate and vote on all issues;

G. Every Councilmember must have an equal opportunity to participate;

H. The will of the majority must be carried out, and the rights of the minority must be preserved; and

I. The Council must act as a body.

4. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 2-1:

Section 2-1. When and Where Regular Meetings are to be Held

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 Council Chamber, on the first floor, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will be no regular meeting on the second Tuesday during the month of August. However, on the fourth Tuesday of February and during the months of March and April, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504. Except as previously noted, all regular meetings of the Council shall be held in the Council Chamber of the City Hall, 900 Church Street, Lynchburg, VA 24504.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

5. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 2-1.1:

Section 2-1.1. Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting

if (i) the time surpasses 11:59 p.m., or (ii) the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for the Councilmembers to attend the regular meeting. Such finding shall be communicated to the Councilmembers and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Commented [FM7]: Requested by Councilman Faraldi

6. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 2-2:

Section 2-2. Special Meetings

The Council may hold such special meetings as it deems necessary at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Sections 15.2-1417 and 2.2-3707(D) of the Code of Virginia, 1950, as amended.

A. Special meetings may be called by the Mayor, the City Manager, or any two (2) Councilmembers in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the Councilmembers of the time and place designated and the purpose of the special meeting. Notice of the special meeting shall be provided to each Councilmember by written notice, telephone, or electronic means. The Clerk of Council will attempt to give each Councilmember at least twelve (12) hours' notice before the time scheduled for the special meeting, as provided by the Virginia Freedom of Information Act and the City's Charter, and that notice shall be "reasonable under the circumstances". In order to hold a special meeting, a majority of the Councilmembers who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve (12) hours' notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

B. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the Councilmembers, the City Attorney, and the City Manager.

C. Once a special meeting has been called, no other special meeting(s) may be called on the same day unless the first called special meeting has been cancelled or adjourned.

Commented [FM8]: Requested by Councilman Faraldi

D. Prior to the recess or adjournment of a special meeting called by the Mayor or at least two (2) Councilmembers, the Mayor or such Councilmembers, as applicable, will be afforded an opportunity to speak to the reasons for calling the special meeting.

Commented [FM9]: Requested by Councilwoman Timmer

7. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 3-2:

Section 3-2. Clerk of Council

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for the Council meetings, shall attend all of the Council meetings, and shall keep an accurate record of the Council's proceedings. shall afford all Councilmembers the opportunity to request

Commented [FM10]: Requested by Councilwoman Timmer

items be placed on a Council meeting agenda, and shall provide all Councilmembers with notice of items that are to be placed on a Council meeting agenda.

8. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 3-4:

Section 3-4. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum, encourage the expression of ideas, and also encourage robust debate between Councilmembers. The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion not germane to the subject under discussion ~~or patently offered for obstructive or dilatory purposes;~~
2. To determine whether a speaker ~~has gone beyond reasonable standards of courtesy in his or her remarks, and to entertain and rule on objections from other Councilmembers on this ground violated these rules;~~
3. To entertain and answer questions of parliamentary ~~law or~~ procedure, including addressing points of order raised by Councilmembers;
4. To call a brief recess at any time; and
5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three (3) powers listed above may be appealed to the Council upon motion of any Councilmember. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The Councilmember making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. ~~There are two (2) exceptions to this right of appeal. In the event the presiding officer refuses or fails to acknowledge a Councilmember seeking an appeal under the first three (3) powers listed above, then the appellant may appeal to the Parliamentarian who will make efforts to gain the attention of the presiding officer for purposes of addressing the appeal being sought.~~

C. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the Councilmembers.

D. While a meeting of the Council is in session, all Councilmembers ~~will should~~ treat one another with respect, courtesy, and exhibit appropriate decorum. Councilmembers ~~shall should~~ not insult, demean, ~~interrupt~~, or belittle one another or the City's staff while a meeting of the Council is in session.

Commented [FM11]: Requested by Councilwoman Timmer

Commented [FM12]: Requested by Councilwoman Timmer

Commented [FM13]: Requested by Councilwoman Timmer

Commented [FM14]: Requested by Councilwoman Timmer

Commented [FM15]: Requested by Councilwoman Timmer

Commented [FM16]: Requested by Councilwoman Timmer

Commented [FM17]: Requested by Councilman Faraldi

9. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 4-1:

Option A

Commented [FM18]: Requested by Mayor Taylor

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the Council's regular meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Councilmember may request ~~that an~~ items be placed on the agenda by contacting the Clerk of Council ~~by 5:00 p.m.~~ at least seven (7) ~~calendar~~ days prior to the ~~date of the~~ meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall ~~then~~ place ~~the~~ requested items ~~under Roll Call for an introduction by the Councilmember on the agenda for at~~ the next regular meeting following the request. Such items ~~requested to be placed on the agenda shall first will then~~ appear before the Council during a Council Work Session for discussion.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, and voted upon by a majority of the Council. Council members must use discretion in requesting the addition of items to an agenda. It is considered desirable to have items listed on a published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Friday preceding the regular meeting.

Option B

Commented [FM19]: Requested by Councilman Faraldi

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the Council's regular meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Councilmember may request ~~that an~~ items be placed on the agenda by contacting the Clerk of Council ~~by 5:00 p.m.~~ at least ~~seven (7)~~ ~~eight (8)~~ ~~calendar~~ days prior to the ~~date of the~~ meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall ~~then~~ place ~~the~~ requested items ~~on the agenda for~~ the next regular meeting following the request. ~~All Councilmember-requested items must be reviewed at a Council Work Session prior to being added to and voted upon at a regular meeting. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion.~~

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion at a regular meeting, and voted upon by a majority of the Council. Council members must use discretion in requesting the addition of items to an agenda. It is considered desirable to have items listed on a published agenda the addition is approved by a two-thirds majority vote of the Council, and has been reviewed by the Council at a Council Work Session within the last six (6) months or is a pressing matter that requires immediate consideration. The addition of speakers under the Public Comment section of an agenda are excluded from the aforesaid requirements. Councilmembers are to use discretion in requesting items be added to an agenda. It is desirable to have items listed on a published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Friday preceding the regular meeting.

Option C

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the Council's regular meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Councilmember may request that items be placed on the agenda by contacting the Clerk of Council at least seven (7) days prior to the meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall place requested items on the agenda for the next regular meeting following the request. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion. A Councilmember's request to place an item on an agenda shall be deemed received at the time it is delivered to the Clerk of Council or his/her designee. However, if the request is delivered by email, then the request will be deemed received at the time it is sent to the Clerk of Council's official City of Lynchburg email address.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, and voted upon by a majority of the Council. Council members must use discretion in requesting the addition of items to an agenda. It is considered desirable to have items listed on a published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Friday preceding the regular meeting.

Commented [FM20]: Requested by Councilwoman Timmer

10. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-1:

Section 5-1. Order of Business

A. At regular meetings of the Council, on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. 4:00 p.m. Call to Order
2. Council Work Session (to conclude at 6:00 p.m.)
 - Staff Reports/Business Item Briefings
 - ~~Roll Call~~
 - Closed Meeting (if necessary)
3. Recess
4. 7:00 p.m. Call to Order
5. Invocation & Pledge of Allegiance
6. Special Recognitions by the Mayor or Council (if any)
7. Consent Agenda
8. ~~Roll Call~~
9. Public Hearings
10. Public Comment (if requested)
11. General Business
12. Closed Meeting (if necessary)
13. Adjournment

Commented [FM21]: Requested by Councilman Faraldi

Commented [FM22]: Requested by Councilman Faraldi

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council; ~~however, such modifications may be reversed or otherwise changed by the Council.~~

Commented [FM23]: Requested by Councilwoman Timmer

11. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-1.1:

Section 5-1.1. Council Work Session

A. The Council Work Session shall be the designated time where items that affect the City, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and consideration for a vote at a later date. The Council and the City's staff are encouraged to engage in discussion, ask questions, and the like during the Council Work Sessions.

B. Unless ~~a motion to consider for adoption is~~ approved by a ~~two-thirds vote majority~~ of the ~~membership of the~~ Council, no items will be positioned for a vote during a Council Work Session. Motions to enter into closed meetings and to accept bids pursuant to the requirements of §§ 15.2-2100 *et. seq.* of the Code of Virginia, 1950, as amended, are excepted from this rule.

Commented [FM24]: Requested by Councilman Misjuns

12. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-3:

Section 5-3. Public Comment

A. Every petition, communication, or address to the Council ~~shall~~ should be in respectful language and is encouraged to be in writing.

Commented [FM25]: Requested by Councilwoman Timmer

B. General rules regarding Public Comment are as follows:

1. Individuals or groups wishing to speak at a regular meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting.

2. Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.

3. Remarks shall be addressed directly to the Council and not to City staff, the audience, or the media.

4. The presiding officer shall open the Public Comment period. ~~Residents of the City shall be permitted to address the Council before non-residents.~~

Commented [FM26]: Requested by Councilman Misjuns
Requested by Vice Mayor Diemer

5. Each speaker shall clearly state his or her name and locality of residence

6. There shall be a time limit ~~for each individual speaker~~ of three (3) minutes ~~for each speaker.~~

Commented [FM27]: Requested by Councilman Faraldi

7. ~~A representative of a group may have up to five (5) minutes to make a presentation. The A group representative shall identify the group they represent at the beginning of his or her their comment period. A group may have no more than one (1) spokesperson.~~

Commented [FM28]: Requested by Councilman Faraldi

8. Speakers are not permitted to donate time to other speakers.

9. There shall be no comment during the Public Comment period on a matter for which a public hearing is scheduled during the same meeting.

10. There shall be no comment during the Public Comment period on a matter that has already been the subject of a previous public hearing where no final vote has been taken.

11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.

12. Councilmembers shall not discuss issues raised by the public except by consent of a majority of the Councilmembers present. ~~Additionally, except by consent of a majority of the Councilmembers present, Councilmembers are not permitted to leave the Council's dais during the Public Comment period or any public hearing for the purpose of interacting with speakers or members of the general public.~~

Commented [FM29]: Requested by Vice Mayor Diemer

13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on

the same subject within three (3) months of the first presentation, except by a majority vote of the Councilmembers present and voting.

14. ~~The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers at any time during the meeting. Such written comments shall be submitted through the Clerk of Council. Speakers are not permitted to approach the Council's dais during the Public Comment period or during any public hearing. Upon a request and express permission being granted by the presiding officer, materials or documentation may be provided to all Councilmembers through the City Manager or Clerk of Council.~~

Commented [FM30]: Requested by Mayor Taylor

15. ~~If a speaker makes an allegation of misconduct against a Councilmember, then the presiding officer will afford such Councilmember the opportunity to briefly respond to the speaker upon the conclusion of the speaker's Public Comment period.~~

Commented [FM31]: Requested by Councilwoman Timmer

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the Council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the Councilmembers present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a ~~two-thirds (2/3)~~ majority vote of the Councilmembers present.

~~E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit ten (10) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.~~

13. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-4:

Section 5-4. **Prohibited Conduct**

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures;
4. ~~Interrupt Councilmembers while they are speaking and should avoid Use using language which insults or demeans any person or which, when directed at a public official or employee, is not related to his or her official duties,~~ however, ~~citizens speakers~~ have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane ~~or frivolous~~ statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;

Commented [FM32]: Requested by Councilwoman Timmer

Commented [FM33]: Requested by Councilwoman Timmer

7. Engage in behavior that ~~intimidates others may reasonably be interpreted as physically intimidating or threatening in nature;~~ **or**

Commented [FM34]: Requested by Councilwoman Timmer

8. Address the Council on issues that do not concern the services, policies, affairs of the Council or the City; **or**

9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.

B. The presiding officer shall preserve order and decorum at the Council meetings. ~~There shall be zero-tolerance for a citizen's violation of subsections (A)(3), (A)(4), or (A)(7) above.~~

Commented [FM35]: Requested by Vice Mayor Diemer

~~He or she may ¶~~ **The presiding officer may** order the expulsion of any person for violation of these rules, ~~disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council if such person fails to correct their conduct after being warned by the presiding officer. Immediate expulsion may be ordered by the presiding officer for (i) behavior which stops a meeting of the Council or (ii) for any words or actions which are intended to incite violence among attendees of a meeting of the Council.~~ Any person so expelled shall not be readmitted for the remainder of the meeting from which they were expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six (6) months, or upon a still subsequent expulsion a period not to exceed one (1) year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Commented [FM36]: Requested by Councilwoman Timmer

14. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-5:

Section 5-5. Public Hearings

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

B. The presiding officer shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.
2. Public hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee. The presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers may seek clarification during the presentation.
3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant(s) or his or her representative's presentation.
4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. ~~Residents of the~~

~~City shall be permitted to address the Council before non-residents.~~ Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. ~~If the speaker represents a group, there shall be a time limit of five (5) minutes.~~ A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the Council members present, may allow any speaker to proceed past the time limit.

Commented [FM37]: Requested by Councilman Misjuns
Requested by Vice Mayor Diemer.

Commented [FM38]: Requested by Councilman Faraldi

5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.
6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. Emails, letters, and other writings submitted to the Clerk of Council or Councilmembers to be included as part of a public hearing shall be provided to the Clerk of Council at least one (1) calendar day prior to the applicable public hearing date. Such emails, letters, and other writings need not be read publicly. If provided in accordance with the above, such emails, letters, and other writings shall be provided by the Clerk of Council to the Council prior to the public hearing for review. If a Councilmember desires any such emails, letters, and other writings to be included as part of a public hearing, then such Councilmember shall announce the same during the public hearing and provide a summary of the applicable documents to be included in the minutes prior to the conclusion of the public hearing.

~~E. Voicemails submitted to the Clerk of Council to be included as part of a public hearing shall be publicly presented to the Council prior to the conclusion of the public hearing. Such voicemails shall be provided to the Clerk of Council at least one (1) calendar day prior to the public hearing date. Voicemails shall only be presented during a public hearing after all in-person speakers have had an opportunity to speak and all emails, letters, and other writings have been summarized.~~

Commented [FM39]: Requested by Councilman Faraldi
"Text Box Submissions" would fall under "D".

EE. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. The Councilmembers, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

GF. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

15. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-7:

Section 5-7. Items Not on the Agenda

Commented [FM40]: Requested by Councilman Faraldi

~~With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda. Reserved.~~

16. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-3:

Option A

Section 6-3. Comments and Queries of Councilmembers

Councilmembers are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. The Councilmembers may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Councilmembers' questions. All legal questions should be addressed to the City Attorney.

C. A Councilmember who holds the floor during a discussion shall hold the floor as long as they desire unless a time limit for the same has been set by a two-thirds majority vote of the Council. If, during discussion, another Councilmember or member of the general public disrupts the Councilmember, then the presiding officer shall award the Councilmember speaking additional time to offset the disruption.

D. If a Councilmember makes an allegation of misconduct against another Councilmember during a discussion, then the presiding officer will afford such Councilmember the opportunity to briefly respond to the allegation made prior to the conclusion of the discussion.

Option B

Section 6-3. Comments and Queries of Councilmembers

Councilmembers are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. The Councilmembers may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Councilmembers' questions. All legal questions should be addressed to the City Attorney.

C. A Councilmember who holds the floor during a discussion shall hold the floor for no longer than ten (10) minutes.

17. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-5:

Section 6-5. Motions

A. Informal discussion of a subject is permitted while no motion is pending. No motion shall be made while informal discussion between Councilmembers is occurring.

B. Any Councilmember, including the presiding officer, may make a motion.

Commented [FM41]: Requested by Councilwoman Timmer

Commented [FM42]: Requested by Councilman Wilder

Commented [FM43]: Requested by Councilman Faraldi

C. Councilmembers are required to obtain the floor before making motions or speaking, which they can do while seated. A Councilmember shall not make a motion unless it is at the outset of their obtaining of the floor. Otherwise, a Councilmember must re-obtain the floor to make a motion.

D. A Councilmember may make only one (1) motion at a time.

E. Except for matters recommended by a committee of the Council, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

F. Debate is not permitted on a motion until it has been seconded.

18. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-7:

Section 6-7. Procedural Motions

A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, requires a majority of the votes cast, and a quorum being present for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The Councilmember making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.

2. To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action in a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending.

4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules

requires unanimous consent or an affirmative vote of ~~two-thirds (2/3) of a majority of~~ Councilmembers present.

5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:

- (a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.
- (b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.
- (c) **Section §** 15.2-2286 of the Code of Virginia, 1950, as amended, requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one (1) year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.

6. To Call the Question. The motion to call the question is not in order until every Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that item of business has exceeded ~~thirty (30)~~ ninety (90) minutes. The motion is not amendable or debatable.

Commented [FM44]: Requested by Councilman Wilder

7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion. ~~An informal amendment to a motion that is agreed upon by the movant, the Councilmember who seconded the motion, and not opposed by any other member of the Council (known as a "friendly amendment"), shall not be considered in the number of times a motion may be amended.~~

Commented [FM45]: Requested by Councilwoman Timmer

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made ~~per motion properly on the floor.~~ If a substitute motion

passes and replaces the main motion, no further substitute motions maybe made. A substitute motion that passes and replaces the main motion shall not be amended.

Commented [FM46]: Requested by Councilman Faraldi

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever is first.

10. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. To Prevent Reintroduction for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules of procedure.

12. To Rescind, Repeal, or Annul. This motion may be used to cancel or countermand a matter previously adopted or approved. The motion requires for adoption a vote of the majority of the entire membership of the Council. This motion shall be made and adopted in accordance with applicable laws and subject to the following exceptions:

(a) A motion to rescind, repeal, or annul shall not be in order where a motion to reconsider has been used to address the same subject and such motion has failed.

(b) A motion to rescind, repeal, or annul shall not be in order on any matter that cannot be undone or is impractical to undo.

Commented [FM47]: Requested by Councilman Misjuns

19. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-8:

Option A

Commented [FM48]: Requested by Councilman Faraldi

Section 6-8. Debate

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according with strict adherence to the following general principles:

1. The maker of the motion is entitled to speak first Debate on a motion shall be limited to no more than thirty (30) minutes in total;

2. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken Councilmembers are not to speak for more than three (3) minutes at a time on a pending motion;

~~3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure. The maker of the motion is entitled to speak first followed by the Councilmember who seconded the motion;~~

~~4. A Councilmember may vote for or against his or her motion, but may not speak against his or her motion. A Councilmember who has not spoken to a motion shall be recognized before a Councilmember who has already spoken to a motion;~~

~~5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote. To the extent possible, debate on a motion shall alternate between proponents and opponents of the measure before the Council; and~~

~~6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate. A Councilmember may vote against their own motion, but may not speak against their own motion; and~~

~~7. The presiding officer may participate in the debate prior to calling for a vote.~~

~~B. Councilmembers shall not engage in electronic communications among themselves regarding a motion that is on the floor.~~

~~C. Three (3) minutes of the debate shall be permitted on substitute motions and motions to amend connected to the subject matter of the debate.~~

~~D. A vote shall be called after thirty (30) minutes of debate has passed on a motion, including any substitutions or amendments thereto, or after all Councilmembers have had the opportunity to speak on the motion, whichever occurs first.~~

Option B

Commented [FM49]: Requested by Councilwoman Timmer

Section 6-8. Debate

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;

2. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken;

3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure;

4. A Councilmember may vote for or against his or her motion, but may not speak against his or her motion;

5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote; *and*

~~6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate. If a Councilmember makes an allegation~~

of misconduct against another Councilmember during a debate, then the presiding officer will afford such Councilmember the opportunity to briefly respond to the allegation made prior to the conclusion of the debate.

7. A Councilmember who holds the floor during debate shall hold the floor as long as they desire unless a time limit for the same has been set by a two-thirds majority vote of the Council. If, during discussion, another Councilmember or member of the general public disrupts the Councilmember, then the presiding officer shall award the Councilmember speaking additional time to offset the disruption.

Option C

Section 6-8. Debate

Commented [FM50]: Requested by Councilman Wilder

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according with strict adherence to the following general principles:

1. The maker of the motion is entitled to speak first Debate on a motion shall be limited to no more than ninety (90) minutes in total;
2. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken Councilmembers are not to speak for more than ten (10) minutes at a time on a pending motion;
3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure The maker of the motion is entitled to speak first followed by the Councilmember who seconded the motion;
4. A Councilmember may vote for or against his or her motion, but may not speak against his or her motion A Councilmember who has not spoken to a motion shall be recognized before a Councilmember who has already spoken to a motion;
5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote To the extent possible, debate on a motion shall alternate between proponents and opponents of the measure before the Council; and
6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate. A Councilmember may vote against their own motion, but may not speak against their own motion; and
7. The presiding office may participate in the debate prior to calling for a vote.

B. Councilmembers shall not engage in electronic communications among themselves regarding a motion that is on the floor.

C. Fifteen (15) minutes of the debate shall be permitted on substitute motions and motions to amend connected to the subject matter of the debate.

D. A vote shall be called after thirty (90) minutes of debate has passed on a motion, including any substitutions or amendments thereto, or after all Councilmembers have had the opportunity to speak on the motion, whichever occurs first.

20. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-11:

Section 6-11. Decisions on Points of Order

Any Councilmember may raise a point of order without being recognized by the presiding officer. A Councilmember is not permitted to raise a point of order as a form of debate or belabor. When a Councilmember raises a point of order, the Councilmember must specifically cite the provision in these rules being violated (e.g. "Point of Order: Germaneness"). The presiding officer shall may refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Councilmember may appeal the ruling of the presiding officer to the Council which shall decide the matter without debate and by majority decision vote.

Commented [FM51]: Requested by Councilman Faraldi

Commented [FM52]: Requested by Councilwoman Timmer

Commented [FM53]: Requested by Councilman Faraldi

21. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 7-1:

Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees

A. Members of boards, authorities, commissions, and committees shall be appointed by an affirmative vote of a majority of the Councilmembers to serve specified terms as may be deemed appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two three standing committees, Finance, Lifelong Learning, and Physical Development. Substitutes or alternates may participate on such committees only if so authorized by the Mayor. Committee members for such committees will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time by the Council, for specific purposes, as determined by the Council.

Commented [FM54]: Requested by Councilman Faraldi

22. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 7-2:

Section 7-2. Standing Committees Roles and Guidelines

The roles of and the operating guidelines for the Lifelong Learning, Finance, and Physical Development committees shall be as adopted by a majority of the Council. Such guidelines shall allow the Chairmen of such committees, with the written consent of the Mayor and except where directed otherwise by a majority of the membership of the respective committee, to set the times, dates, and locations of meetings and to also call special meetings.

Commented [FM55]: Requested by Councilman Wilder

Commented [FM56]: Requested by Councilman Misjuns

23. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 8-4:

Section 8-4. Amending the Rules of Procedure

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment to these rules shall require an affirmative vote of ~~four (4)~~ two-thirds of the membership of the Council.

Commented [FM57]: Requested by Councilman Faraldi

24. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 8-5:

Option A

Section 8-5. Special Rules of Procedure

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

Special Rule 1: Censure Proceedings

A. A motion or resolution to censure a member of the Council may be considered only if it is in writing, factually and legally sufficient, and includes citations and copies of any documents and statements relied upon to support the allegations.

B. Upon presentation of such a motion or resolution, the Council shall vote on whether to accept it for consideration and place it on the agenda for a public hearing no sooner than 30 days after the vote to accept.

C. The member(s) subject to the censure motion shall have the right to request all relevant documents and communications, and any delay in providing such information shall extend the scheduling of the public hearing accordingly.

D. At the public hearing, the proponents of the censure who are on council shall present their arguments and facts, holding the floor subject to time constraints set by a two-thirds vote of the Council prior to the hearing but which shall not be less than 30 minutes each for the proponent and opponent, unless the opponent agrees to the alternative time limit. If the resolution of censure is made against multiple members of council, each individual member against whom the resolution is made can demand a separate hearing relating to their censure. If the censure hearing against multiple members is held concurrently, each member against whom the allegations were made shall have the right to veto any time limits less than 30 minutes for their presentation.

E. Following the proponents' presentation, the member(s) subject to the censure shall present their defense, holding the floor and may question others, subject to the same time constraints.

F. After both presentations, the Council shall vote on whether to place the censure motion or resolution on the agenda for the next regular meeting. If this motion fails, the censure is defeated. If it succeeds, the censure shall be considered as regular business at the subsequent meeting.

G. A censure motion or resolution must specify the alleged violation(s) of these Rules of Procedure, the Lynchburg City Charter, or applicable Virginia law, supported by factual evidence.

Commented [FM58]: Requested by Councilwoman Timmer

Special Rule 2: Resignations

All resignations of personnel whose resignations require the Council's attention shall be communicated by the person resigning in writing directly to the Clerk of Council. The Clerk shall distribute said writing promptly to each member of Council. Any resignation not so distributed to all members of Council shall not be considered or accepted and may not be discussed during the public work of the Council.

Commented [FM59]: Requested by Councilwoman Timmer

Option B

Section 8-5. Special Rules of Procedure

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of **a quorum of** the Council.

Special Rule 1: Councilmember Discipline

A Councilmember may be disciplined by the Council for misconduct, disorderly behavior, or as otherwise permitted by Virginia law. Such discipline shall be (i) by a resolution adopted by a majority vote of the entire membership of the Council and (ii) only considered for adoption at a regular meeting of the Council. A copy of a proposed resolution to discipline a Councilmember shall be delivered by the Clerk of Council to the entirety of the Council at least five (5) calendar days prior to the proposed meeting where the discipline is to be imposed. A Councilmember proposed to be disciplined by the Council shall be given an opportunity to publicly respond prior to the adoption of the resolution imposing the discipline. Notwithstanding any other provision of these rules, such response shall be no more than twenty (20) minutes in length.

The Council, by a majority vote of its entire membership, may agree to hold a public hearing to receive public input on the proposed discipline of a Councilmember.

Special Rule 2: Resignations of Council Appointees

A resignation of a Council appointee should be communicated in writing to the Council and to the Clerk of Council. A resignation may be accepted or rejected by the Council once communicated. Unless sooner accepted by the Council, a resignation may be withdrawn until its effective date. When no effective date is provided, a resignation shall be considered effective immediately.

Commented [FM60]: Requested by Councilman Wilder

25. That all other parts, portions, and provisions of the RoP not inconsistent herewith are readopted, reenacted, and remain in full force and effect.

26. That this Resolution shall be effective upon its adoption.

Adopted: _____

Certified: _____
Clerk of Council

DRAFT

LYNCHBURG CITY COUNCIL RULES OF PROCEDURE

(Adopted September 23, 2008; Amended August 11, 2009, July 9, 2010, July 3, 2012, May 14, 2013, July 12, 2016, July 1, 2020, July 13, 2021, July 26, 2022, July 11, 2023, and July 9, 2024)

INTRODUCTION

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council (hereafter “the Council”). Their purpose is to help the Council conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. These rules of procedure do not create substantive rights for third parties or participants in proceedings before the Council. Further, the Council reserves the right to suspend or amend these rules of procedure whenever a majority of the Council decides to do so. When the Council's rules of procedure do not address a procedural issue, the Council may consider the most recent edition of *Robert's Rules of Order Newly Revised* for guidance. The failure of the Council to strictly comply with these rules of procedure shall not invalidate any action of the Council.

SECTION 1 -- PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of the Rules of Procedure

- A. To enable the Council to transact business fully, expeditiously, and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Councilmember;
- C. To preserve a spirit of cooperation among Councilmembers; *and*
- D. To determine the will of the Council on any matter.

Section 1-2. Basic Principles Underlying the Rules of Procedure

- A. The business of the Council should proceed in the most efficient manner possible;
- B. The Council's rules of procedure must be followed consistently;
- C. The Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one (1) subject may claim the attention of the Council at a time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every Councilmember shall have equal rights to participate and vote on all issues;
- G. Every Councilmember must have an equal opportunity to participate;

H. The will of the majority must be carried out, and the rights of the minority must be preserved; *and*

I. The Council must act as a body.

SECTION 2 -- MEETINGS

Section 2-1. When and Where Regular Meetings are to be Held

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 Council Chamber, on the first floor, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will be no regular meeting on the second Tuesday during the month of August. However, on the fourth Tuesday of February and during the months of March and April, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

Section 2-1.1 Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for the Councilmembers to attend the regular meeting. Such finding shall be communicated to the Councilmembers and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 2-2. Special Meetings

The Council may hold such special meetings as it deems necessary at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Sections 15.2-1417 and 2.2-3707(D) of the Code of Virginia, 1950, as amended.

A. Special meetings may be called by the Mayor, the City Manager, or any two (2) Councilmembers in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the Councilmembers of the time

and place designated and the purpose of the special meeting. Notice of the special meeting shall be provided to each Councilmember by written notice, telephone, or electronic means. The Clerk of Council will attempt to give each Councilmember at least twelve (12) hours' notice before the time scheduled for the special meeting, as provided by the Virginia Freedom of Information Act and the City's Charter, and that notice shall be "reasonable under the circumstances". In order to hold a special meeting, a majority of the Councilmembers who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve (12) hours' notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

B. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the Councilmembers, the City Attorney, and the City Manager.

Section 2-3. Legal Holiday

When a regular meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is cancelled by a majority of the Council.

Section 2-4. Adjourned or Recessed Meetings

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings, and after the recess business is resumed where it left off.

B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such recessed or adjourned session of a properly called regular, additional scheduled, or special meeting.

Section 2-5. Cancellation or Rescheduling of Meetings

A regular meeting may be cancelled or rescheduled, in special circumstances and for the convenience of the Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change and the Councilmembers shall be immediately notified of the change and the reason therefore. If any Councilmember objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no Councilmember objects, the public and the media shall be notified promptly.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year shall be known as the organizational meeting. The purpose of the organizational meeting shall be:

1. To establish the dates, times, and places for its regular meetings; *and*
2. Adopt its Rules of Procedure.

Section 2-7. Procedure for Election of Mayor and Vice Mayor

A. The first meeting in January of each year following a municipal election shall be reserved for the election of Mayor and Vice Mayor. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership of the Council.
2. Any Councilmember, after being recognized by the presiding officer, may place one (1) or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. After all nominations have been made, the presiding officer shall close the nominating process and open the floor for discussion.
4. After discussion, the presiding officer shall call for the vote.
5. The Councilmembers shall vote by written ballot and the completed ballots shall immediately be passed to a City staff member designated by the Clerk of Council who shall collect the ballots, read them aloud, publicly announce how each Councilmember voted, and tally the respective votes.
6. Each Councilmember shall cast one (1) vote for any one (1) nominee.
7. In the case of a three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.
8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve for a term of two (2) years, or until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining Councilmembers shall determine their seating arrangement by seniority with the most senior Councilmember selecting his or her seat first and the remaining Councilmembers selecting their respective seats in seniority order based on years served on the Council. In the event that two (2) or more Councilmembers have equal seniority, the selection of seating for those Councilmembers shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Councilmembers present shall choose one of themselves as temporary presiding officer.

Section 3-2. Clerk of Council

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for the Council meetings, shall attend all of the Council meetings, and shall keep an accurate record of the Council's proceedings.

Section 3-3. Parliamentarian

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these rules of procedure and the Code of Virginia as may be directed by the presiding officer, or as required as a result of a point of order raised by one (1) or more of the Councilmembers. If the City Attorney is unavailable, then the City Manager shall serve as the Parliamentarian.

Section 3-4. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks, and to entertain and rule on objections from other Councilmembers on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time; *and*
5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three (3) powers listed above may be appealed to the Council upon motion of any Councilmember. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The Councilmember making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two (2) exceptions to this right of appeal.

C. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the Councilmembers.

D. While a meeting of the Council is in session, all Councilmembers will treat one another with

respect, courtesy, and exhibit appropriate decorum. Councilmembers shall not insult, demean, or belittle one another or the City's staff while a meeting of the Council is in session.

SECTION 4 -- AGENDA

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the Council's regular meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Councilmember may request that items be placed on the agenda by contacting the Clerk of Council at least seven (7) days prior to the meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall place requested items on the agenda for the next regular meeting following the request. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, and voted upon by a majority of the Council. Council members must use discretion in requesting the addition of items to an agenda. It is considered desirable to have items listed on a published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Friday preceding the regular meeting.

Section 4-2. Delivery of Agenda

The Council agenda packet shall be delivered to each Councilmember, the City Attorney, and the City Manager the Thursday prior to a regular meeting. Delivery by electronic means is the preferable method. The Public Comment Agenda Addendum will be posted after the Public Comment sign-up deadline.

Section 4-3. Public Access to Agenda Materials

The Clerk of Council shall post the Council agenda packet on the Internet for public information as promptly as possible. Copies of the Council agenda will also be available outside of City Council Chamber and at the Citizens First desk located on the first floor of City Hall for public inspection. Furthermore, paper copies of the Council agenda packet will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. At regular meetings of the Council, on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. 4:00 p.m. Call to Order
2. Council Work Session (to conclude at 6:00 p.m.)
 - Staff Reports/Business Item Briefings
 - Roll Call
 - Closed Meeting (if necessary)
3. Recess
4. 7:00 p.m. Call to Order
5. Invocation & Pledge of Allegiance
6. Special Recognitions by the Mayor or Council (if any)
7. Consent Agenda
8. Public Hearings
9. Public Comment (if requested)
10. General Business
11. Closed Meeting (if necessary)
12. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council.

Section 5-1.1. Council Work Session

A. The Council Work Session shall be the designated time where items that affect the City, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and consideration for a vote at a later date. The Council and the City's staff are encouraged to engage in discussion, ask questions, and the like during the Council Work Sessions.

B. Unless a motion to consider for adoption is approved by a two-thirds vote of the membership of the Council, no items will be positioned for a vote during a Council Work Session. Motions to enter into closed meetings and to accept bids pursuant to the requirements of §§ 15.2-2100 *et. seq.* of the Code of Virginia, 1950, as amended, are excepted from this rule.

Section 5-1.2. Roll Call

A. Roll Call shall be the designated time where Councilmembers may individually and publicly speak to matters relevant to the City, its citizens, and/or the operations of the municipal corporation.

B. Debate shall not be permitted during Roll Call.

Section 5-2. Consent Agenda

A. The Consent Agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.
2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances, or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The Consent Agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of Consent Agenda items to answer questions or clarify a matter. There shall be no lengthy debate or discussion of a Consent Agenda item.

D. Upon request of a Councilmember, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

Section 5-3. Public Comment

A. Every petition, communication, or address to the Council shall be in respectful language and is encouraged to be in writing.

B. General rules regarding Public Comment are as follows:

1. Individuals or groups wishing to speak at a regular meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting.
2. Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to City staff, the audience, or the media.
4. The presiding officer shall open the Public Comment period.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of three (3) minutes.

7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her comment period. A group may have no more than one (1) spokesperson.
8. Speakers are not permitted to donate time to other speakers.
9. There shall be no comment during the Public Comment period on a matter for which a public hearing is scheduled during the same meeting.
10. There shall be no comment during the Public Comment period on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.
12. Councilmembers shall not discuss issues raised by the public except by consent of a majority of the Councilmembers present.
13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the Councilmembers present and voting.
14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the Council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the Councilmembers present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Councilmembers present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit ten (10) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;

3. Use profanity or vulgar language or gestures;
4. Use language which insults or demeans any person or which, when directed at a public official or employee, is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane or frivolous statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;
7. Engage in behavior that intimidates others; *or*
8. Address the Council on issues that do not concern the services, policies, affairs of the Council or the City.
9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.

B. The presiding officer shall preserve order and decorum at the Council meetings. He or she may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which they were expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six (6) months, or upon a still subsequent expulsion a period not to exceed one (1) year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Section 5-5. Public Hearings

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

B. The presiding officer shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.
2. Public hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee. The presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers may seek clarification during the presentation.
3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant(s) or his or her representative's presentation.

4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.
5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.
6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. Emails, letters, and other writings submitted to the Clerk of Council or Councilmembers to be included as part of a public hearing shall be provided to the Clerk of Council at least one (1) calendar day prior to the applicable public hearing date. Such emails, letters, and other writings need not be read publicly. If provided in accordance with the above, such emails, letters, and other writings shall be provided by the Clerk of Council to the Council prior to the public hearing for review. If a Councilmember desires any such emails, letters, and other writings to be included as part of a public hearing, then such Councilmember shall announce the same during the public hearing and provide a summary of the applicable documents to be included in the minutes prior to the conclusion of the public hearing.

E. Voicemails submitted to the Clerk of Council to be included as part of a public hearing shall be publicly presented to the Council prior to the conclusion of the public hearing. Such voicemails shall be provided to the Clerk of Council at least one (1) calendar day prior to the public hearing date. Voicemails shall only be presented during a public hearing after all in-person speakers have had an opportunity to speak and all emails, letters, and other writings have been summarized.

F. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. The Councilmembers, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

G. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

Section 5-6. General Business

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive a unanimous vote upon introduction. After the presiding officer has stated the item for consideration, staff may be asked to provide a brief summary.

Section 5-7. Items Not on the Agenda

With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

Section 5-8. Closed Meetings

A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.

B. No meeting shall become a Closed Meeting until the Council takes an affirmative recorded vote during the open meeting.

1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Virginia Freedom of Information Act, which authorizes the Closed Meeting.

2. The Councilmembers shall request the assistance of the City Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation, or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; *and*
2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed, or considered.
3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the Councilmembers present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Virginia Freedom of Information Act.

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

SECTION 6 -- RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, 1950, as amended, a majority of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. A quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia, 1950, as amended, provide that a majority of the remaining members of the Council shall constitute a quorum.

Section 6-2. Priority in Speaking on the Council

When two (2) or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments and Oqueries of Councilmembers

Councilmembers are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. The Councilmembers may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Councilmembers' questions. All legal questions should be addressed to the City Attorney.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one (1) at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all Councilmembers present, and the proposal will

not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Councilmembers present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

Section 6-5. Motions

- A. Informal discussion of a subject is permitted while no motion is pending.
- B. Any Councilmember, including the presiding officer, may make a motion.
- C. Councilmembers are required to obtain the floor before making motions or speaking, which they can do while seated.
- D. A Councilmember may make only one (1) motion at a time.
- E. Except for matters recommended by a committee of the Council, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6. Substantive Motions

- A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.
- B. A substantive motion is out of order while another substantive motion is pending.

Section 6-7. Procedural Motions

A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, requires a majority of the votes cast, and a quorum being present for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The Councilmember making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.

2. To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action in a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.
3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending.
4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of the Councilmembers present.
5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:
 - (a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.
 - (b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.
 - (c) Section 15.2-2286 of the Code of Virginia, 1950, as amended, requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one (1) year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.
6. To Call the Question. The motion to call the question is not in order until every Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that item of business has exceeded thirty (30) minutes. The motion is not amendable or debatable.
7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A

motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions may be made.

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever is first.

10. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. To Prevent Reintroduction for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules of procedure.

Section 6-8. Debate

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken;
3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure;
4. A Councilmember may vote for or against his or her motion, but may not speak against his or her motion;
5. The presiding officer may participate in the debate prior to declaring the matter ready

for a vote; *and*

6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

Section 6-9. Duty to Vote

A. Each Councilmember who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests Act or unless excused from voting by the other Councilmembers. A Councilmember who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the Councilmember to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining for the record.

Section 6-10. Method of Voting

A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.

C. An "affirmative vote" by a majority of the Council present is necessary to adopt a motion, and a tie vote means that the motion, resolution, or issue has been rejected. When a motion fails on a tie vote, the "noes" prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

E. All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in the Council Chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any Councilmember may request a roll call vote. In any case, the presiding officer shall announce the results of the vote.

Section 6-11. Decisions on Points of Order

Any Councilmember may raise a point of order without being recognized by the presiding officer. The presiding officer shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Councilmember may appeal the ruling of the presiding officer to the Council which shall decide the matter by majority decision.

SECTION 7 -- BOARDS, AUTHORITIES, COMMISSIONS, AND COMMITTEES

Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees

A. Members of boards, authorities, commissions, and committees shall be appointed by an affirmative vote of a majority of the Councilmembers to serve specified terms as may be deemed appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two standing committees, Finance and Physical Development. Substitutes or alternates may participate on such committees only if so authorized by the Mayor. Committee members for such committees will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time by the Council, for specific purposes, as determined by the Council.

Section 7-2. Standing Committees Roles and Guidelines

The roles of and the operating guidelines for the Finance and Physical Development committees shall be as adopted by a majority of the Council.

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Public Engagement at cost.

Section 8-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk of Council to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. For example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

The minutes of the Council's meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record of the Council's votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

Section 8-4. Amending the Rules of Procedure

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment to these rules shall require an affirmative vote of four (4) members of the Council.

Section 8-5. Special Rules of Procedure

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

AMENDMENTS:

August 11, 2009: the time of Council meetings was changed to the present schedule.

July 9, 2010: amended Section 6-7, B (8) to stipulate that if a substitute motion passes it becomes the main motion for consideration and action and there may be no additional substitute motions.

July 3, 2012, amended as follows:

- Introduction; added a process to consider when the Rules of Procedure do not address a procedural issue.
- Section 2-1; adjustments reflecting the practice of no longer distinguishing separate "work session" meetings. The work session will be recognized as a part of Council's regular meeting and that section will be separated from the rest of the meeting by a recess.
- Section 4-3 to 4-4; clarifying language reflecting that agendas are now prepared, delivered, and are available to the public electronically. Section 4-5 was deleted.
- Section 5-1; amended the order of business to reflect current practice.
- Section 5-3, B; added a restriction on speakers donating their time to other speakers.
- Section 6-8, A; added a restriction on electronic communication between Councilmembers regarding an item under debate.
- Section 6-10. D; clarification that action on a zoning matter requires a majority vote of those present for resolution.
- Section 7-1, C; acknowledgement of the Mayor's responsibility to appoint Councilmembers to the Audit Committee.

May 14, 2013: amended Sections 5-3 and 5-5 to eliminate the requirement that a speaker provide his or her physical address and replace it with the requirement that the speaker identify his or her locality of residence when speaking in a public meeting.

July 12, 2016: amended Section 7-1(C) to eliminate the provision providing for the appointment of Councilmembers to serve on the Audit Committee.

July 1, 2020: amended Section 2.2 to eliminate the provision requiring that twelve hours advance notice must be given in order to hold a special meeting.

July 13, 2021: amended Section 4-1(F) and Section 5-3(B)(1) changing deadline for public comment from noon on the Wednesday preceding the Council meeting to noon on the Friday preceding the Council meeting.

July 26, 2022, amended as follows:

- All non-consequential clerical revisions including grammatical and formatting changes; uniform language changes; and modernization of terminology changes, less the revision of replacing "must" with "should" under Section § 1-2.(B.).

- Section § 2-6.(A.) - hold an Organizational Meeting annually instead of biennially to align with State code Section § 15.2-1416
- Section § 2-7.(A.)(5.) - removal of “Deputy Clerk”; changed to “City staff member designated by the Clerk of Council”
- Section § 4-3. Delivery of Agenda - addition of language to address the delivery of the Public Comment Agenda Addendum
- Section § 2-7. Procedure for Election of Mayor and Vice Mayor – address moving the Mayor and Vice Mayor elections from July to January to align with municipal elections
- Section § 3-4. Preservation of Order; separated last sentence of subsection B to be a “C” so it can be used as needed by the Mayor/Vice Mayor
- Section § 3-4. Preservation of Order; created subsection “D” to address Councilmember decorum
- Section § 5-4. Prohibited Conduct; edited language in subsection A to apply to all persons speaking or in Council Chamber

July 11, 2023, amended as follows:

- Section § 2-1 When and Where Regular Meetings are to be Held; in the month of March, hold the Council Work Sessions in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.
- Section § 3-4(D) Preservation of Order; add additional language to include, “Councilmembers shall not insult, demean, or belittle one another or the City’s staff while a meeting of the Council is in session.”
- Section § 4-1(B) Preparation; add additional language to include, “Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion.”
- Technical revisions to correct § 4-2 and § 4-3
- Section § 5-1(A) Order of Business; to further detail Council Work Session and to move the Call to Order to 7:00 p.m.
- Section § 5-1.1 Council Work Session; created a new section to further define Council Work Session.
- Section § 5-1.2 Roll Call; created a new section to further define Roll Call.
- Section § 5-5 Public Hearings; revised subsections (D) and (E) to address emails and voicemails to be submitted for the record. Created new subsections (F) and (G) as technical revisions.

July 9, 2024, amended as follows:

- Section § 5-4(A), Prohibited Conduct; add additional language to include, “ 9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.”
- Section § 2-1, When and Where Regular Meetings are to be Held; 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.**

RESOLUTION:

#R-25-__

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

1. That the Lynchburg City Council's Rules of Procedure ("RoP") are hereby amended, reenacted, and readopted with the following changes:

INTRODUCTION

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council (hereafter "the Council"). Their purpose is to help the Council conduct its affairs in a timely and efficient manner **while promoting free speech, transparency, and robust council debate on issues of public importance**. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. These rules of procedure do not create substantive rights for third parties or participants in proceedings before the Council. Further, the Council reserves the right to suspend or amend these rules of procedure whenever a majority of the Council decides to do so. When the Council's rules of procedure do not address a procedural issue, the Council may consider the most recent edition of *Robert's Rules of Order Newly Revised* for guidance. The failure of the Council to strictly comply with these rules of procedure shall not invalidate any action of the Council.

SECTION 1 -- PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of the Rules of Procedure

- A. To enable the Council to transact business fully, expeditiously, and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Councilmember;
- C. To preserve a spirit of cooperation among Councilmembers **by respecting the free and transparent public discussion on issues before the Council**; and
- D. To determine the will of the Council on any matter.

Section 1-2. Basic Principles Underlying the Rules of Procedure

- A. The business of the Council should proceed in the most ~~efficient~~ **transparent and accountable manner reasonably possible**;
- B. The Council's rules of procedure must be ~~followed~~ **applied** consistently;
- C. The Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one (1) subject may claim the attention of the Council at a time;

- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every Councilmember shall have equal rights to participate and vote on all issues;
- G. Every Councilmember must have an equal opportunity to participate;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; *and*
- I. The Council must act as a body.

New Section 1-3.

In cases where the application of these rules is ambiguous, the presiding officer and the Council shall interpret the rules in a manner that favors the free expression of ideas and the full participation of all Councilmembers in debate.

SECTION 2 -- MEETINGS

Section 2-1. When and Where Regular Meetings are to be Held

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 Council Chamber, on the first floor, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will be no regular meeting on the second Tuesday during the month of August. However, on the fourth Tuesday of February and during the months of March and April, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

Section 2-1.1 Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other

conditions are such that it is hazardous for the Councilmembers to attend the regular meeting. Such finding shall be communicated to the Councilmembers and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 2-2. Special Meetings

The Council may hold such special meetings as it deems necessary at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Sections 15.2-1417 and 2.2-3707(D) of the Code of Virginia, 1950, as amended.

A. Special meetings may be called by the Mayor, the City Manager, or any two (2) Councilmembers in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the Councilmembers of the time and place designated and the purpose of the special meeting. Notice of the special meeting shall be provided to each Councilmember by written notice, telephone, or electronic means. The Clerk of Council will attempt to give each Councilmember at least twelve (12) hours' notice before the time scheduled for the special meeting, as provided by the Virginia Freedom of Information Act and the City's Charter, and that notice shall be "reasonable under the circumstances". In order to hold a special meeting, a majority of the Councilmembers who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve (12) hours' notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

B. Notice to the public of any special meeting shall be given contemporaneously with the notice provided to the Councilmembers, the City Attorney, and the City Manager.

Section 2-3. Legal Holiday

When a regular meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is cancelled by a majority of the Council.

Section 2-4. Adjourned or Recessed Meetings

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings, and after the recess business is resumed where it left off.

B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such recessed or adjourned session of a properly called regular, additional

scheduled, or special meeting. **Prior to the vote on adjournment, or for recess of a special meeting, the members who originally sought the special meetings shall be afforded an opportunity to address the reasons the meeting was called.**

Section 2-5. Cancellation or Rescheduling of Meetings

A regular meeting may be cancelled or rescheduled, in special circumstances and for the convenience of the Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change and the Councilmembers shall be immediately notified of the change and the reason therefore. If any Councilmember objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no Councilmember objects, the public and the media shall be notified promptly.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year shall be known as the organizational meeting. The purpose of the organizational meeting shall be:

1. To establish the dates, times, and places for its regular meetings; *and*
2. Adopt its Rules of Procedure.

Section 2-7. Procedure for Election of Mayor and Vice Mayor

A. The first meeting in January of each year following a municipal election shall be reserved for the election of Mayor and Vice Mayor. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership of the Council.
2. Any Councilmember, after being recognized by the presiding officer, may place one (1) or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. After all nominations have been made, the presiding officer shall close the nominating process and open the floor for discussion.
4. After discussion, the presiding officer shall call for the vote.
5. The Councilmembers shall vote by written ballot and the completed ballots shall immediately be passed to a City staff member designated by the Clerk of Council who shall collect the ballots, read them aloud, publicly announce how each Councilmember voted, and tally the respective votes.
6. Each Councilmember shall cast one (1) vote for any one (1) nominee.
7. In the case of a three-way race, the candidate receiving the least number of votes will

be dropped from the slate of nominees, and another vote will be taken.

8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve for a term of two (2) years, or until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining Councilmembers shall determine their seating arrangement by seniority with the most senior Councilmember selecting his or her seat first and the remaining Councilmembers selecting their respective seats in seniority order based on years served on the Council. In the event that two (2) or more Councilmembers have equal seniority, the selection of seating for those Councilmembers shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Councilmembers present shall choose one of themselves as temporary presiding officer.

Section 3-2. Clerk of Council

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for the Council meetings, shall attend all of the Council meetings, and shall keep an accurate record of the Council's proceedings. **The Clerk shall apply these rules of procedures consistent with the objective of affording all councilmembers the opportunity to place items on the agenda while providing reasonable notice to all councilmembers of agenda items.**

Section 3-3. Parliamentarian

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these rules of procedure and the Code of Virginia as may be directed by the presiding officer, or as required as a result of a point of order raised by one (1) or more of the Councilmembers. If the City Attorney is unavailable, then the City Manager shall serve as the Parliamentarian.

Section 3-4. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum **while protecting free speech**. The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion not germane to the subject under discussion ~~or patently offered for obstructive or dilatory purposes;~~
2. To determine whether a speaker has ~~gone beyond reasonable standards of curtesy in~~

violated these rules in his or her remarks, and to entertain and rule on objections from other Councilmembers on this ground;

3. To entertain and answer questions of parliamentary law or procedure;

4. To call a brief recess at any time; *and*

5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three (3) powers listed above may be appealed to the Council upon motion of any Councilmember. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The Councilmember making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two (2) exceptions to this right of appeal. **If the presiding officer refuses to acknowledge a councilmember seeking an appeal of the presiding officer's ruling under the first three (3) powers listed above, the appealing member may directly appeal to the Parliamentarian who will gain the attention of the presiding officer and instruct the presiding officer the appeal is in order.**

C. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the Councilmembers.

D. While a meeting of Council is in session, all Councilmembers ~~should shall~~ treat one another with respect, courtesy, and exhibit appropriate decorum. Councilmembers should ~~shall~~ not insult, demean, or belittle one another or the City's staff while a meeting of the Council is in session.

SECTION 4 -- AGENDA

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the Council's regular meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Councilmember may request that items be placed on the agenda by contacting the Clerk of Council at least seven (7) days prior to the meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall place requested items on the agenda for the next regular meeting following the request. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion. **A Councilmember's request for an agenda item shall be deemed submitted at the time the Councilmember sends an email to the clerk at the clerks' proper email address requesting the item be placed on the agenda.**

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, and voted upon by a majority of the Council. Council members must use discretion in requesting the addition of items to an agenda. It is considered desirable to have items listed on a published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Friday preceding the regular meeting.

Section 4-2. Delivery of Agenda

The Council agenda packet shall be delivered to each Councilmember, the City Attorney, and the City Manager the Thursday prior to a regular meeting. Delivery by electronic means is the preferable method. The Public Comment Agenda Addendum will be posted after the Public Comment sign-up deadline.

Section 4-3. Public Access to Agenda Materials

The Clerk of Council shall post the Council agenda packet on the Internet for public information as promptly as possible. Copies of the Council agenda will also be available outside of City Council Chamber and at the Citizens First desk located on the first floor of City Hall for public inspection. Furthermore, paper copies of the Council agenda packet will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. At regular meetings of the Council, on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. 4:00 p.m. Call to Order
2. Council Work Session (to conclude at 6:00 p.m.)
 - Staff Reports/Business Item Briefings
 - Roll Call
 - Closed Meeting (if necessary)
3. Recess
4. 7:00 p.m. Call to Order
5. Invocation & Pledge of Allegiance
6. Special Recognitions by the Mayor or Council (if any)
7. Consent Agenda
8. Public Hearings
9. Public Comment (if requested)

10. General Business
11. Closed Meeting (if necessary)
12. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council after prompt notice to all members of Council is made. ***Said modifications may be reversed by a vote of majority of council.***

Section 5-1.1. Council Work Session

A. The Council Work Session shall be the designated time where items that affect the City, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and consideration for a vote at a later date. The Council and the City's staff are encouraged to engage in discussion, ask questions, and the like during the Council Work Sessions.

B. Unless a motion to consider for adoption is approved by a two-thirds vote of the membership of the Council, no items will be positioned for a vote during a Council Work Session. Motions to enter into closed meetings and to accept bids pursuant to the requirements of §§ 15.2-2100 *et. seq.* of the Code of Virginia, 1950, as amended, are excepted from this rule.

Section 5-1.2. Roll Call

A. Roll Call shall be the designated time where Councilmembers may individually and publicly speak to matters relevant to the City, its citizens, and/or the operations of the municipal corporation.

B. Debate shall not be permitted during Roll Call.

Section 5-2. Consent Agenda

A. The Consent Agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.
2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances, or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The Consent Agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of Consent Agenda items to answer questions or clarify

a matter. There shall be no lengthy debate or discussion of a Consent Agenda item.

D. Upon request of a Councilmember, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

Section 5-3. Public Comment

A. Every petition, communication, or address to the Council should ~~shall~~ be in respectful language and is encouraged to be in writing.

B. General rules regarding Public Comment are as follows:

1. Individuals or groups wishing to speak at a regular meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting.
2. Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to City staff, the audience, or the media.
4. The presiding officer shall open the Public Comment period.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of three (3) minutes.
7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her comment period. A group may have no more than one (1) spokesperson.
8. Speakers are not permitted to donate time to other speakers.
9. There shall be no comment during the Public Comment period on a matter for which a public hearing is scheduled during the same meeting.
10. There shall be no comment during the Public Comment period on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.
12. At this time Councilmembers shall not discuss issues raised by the public except by consent of a majority of the Councilmembers present. **If a member of the public makes any allegation of impropriety or improper conduct against any member of council the councilmember against whom the allegation was made shall be afforded the**

opportunity to briefly respond to the speaker or at the next public meeting of the council during roll call.

13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the Councilmembers present and voting.

14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the Council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the Councilmembers present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Councilmembers present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit ten (10) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures;
4. **Citizens should ~~Use language~~ not use language** which insults or demeans any person. Citizens, however, have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane ~~or frivolous~~ statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;
7. Engage in ~~behavior that intimidates~~ **conduct that can be reasonably interpreted as physically intimidating to others or make any verbal or physical threat of physical harm to another person; or**
8. Address the Council on issues that do not concern the services, policies, affairs of the

Council or the City.

9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.

B. The presiding officer shall preserve order and decorum at the Council meetings. He or she may order the expulsion of any person for violation of these rules ~~, disruptive behavior, or any any words or action which incites violence or disorder if such person fails to properly comport their conduct after a warning by the presiding officer and an explanation of the violation. Immediate expulsion can be ordered for disruptive behavior, or any words or action which incites violence.~~ Orders of expulsion are immediately appealable to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which they were expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six (6) months, or upon a still subsequent expulsion a period not to exceed one (1) year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Section 5-5. Public Hearings

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

B. The presiding officer shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.
2. Public hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee. The presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers may seek clarification during the presentation.
3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant(s) or his or her representative's presentation.
4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.
5. After public comments have been received, in a land use case, the applicant or the

representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. Emails, letters, and other writings submitted to the Clerk of Council or Councilmembers to be included as part of a public hearing shall be provided to the Clerk of Council at least one (1) calendar day prior to the applicable public hearing date. Such emails, letters, and other writings need not be read publicly. If provided in accordance with the above, such emails, letters, and other writings shall be provided by the Clerk of Council to the Council prior to the public hearing for review. If a Councilmember desires any such emails, letters, and other writings to be included as part of a public hearing, then such Councilmember shall announce the same during the public hearing and provide a summary of the applicable documents to be included in the minutes prior to the conclusion of the public hearing.

E. Voicemails submitted to the Clerk of Council to be included as part of a public hearing shall be publicly presented to the Council prior to the conclusion of the public hearing. Such voicemails shall be provided to the Clerk of Council at least one (1) calendar day prior to the public hearing date. Voicemails shall only be presented during a public hearing after all in-person speakers have had an opportunity to speak and all emails, letters, and other writings have been summarized.

F. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. The Councilmembers, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

G. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

Section 5-6. General Business

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive a unanimous vote upon introduction. After the presiding officer has stated the item for consideration, staff may be asked to provide a brief summary.

Section 5-7. Items Not on the Agenda

With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

Section 5-8. Closed Meetings

A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.

B. No meeting shall become a Closed Meeting until the Council takes an affirmative recorded vote during the open meeting.

1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Virginia Freedom of Information Act, which authorizes the Closed Meeting.

2. The Councilmembers may request the assistance of the City Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation, or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; *and*

2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed, or considered.

3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the Councilmembers present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Virginia Freedom of Information Act.

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

SECTION 6 -- RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, 1950, as amended, a majority of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. A quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia, 1950, as amended, provide that a majority of the remaining members of the Council shall constitute a quorum.

Section 6-2. Priority in Speaking on the Council

When two (2) or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments and Queries of Councilmembers

Councilmembers are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. The Councilmembers may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Councilmembers' questions. All legal questions should be addressed to the City Attorney.

C. A Councilmember who holds the floor during council discussions shall hold the floor as long as desired unless limited by a time limit approved by a super-majority of council prior to the debate or articulated within these rules. If another councilmember or member of the public disrupts or impedes the comments of a councilmember the presiding officer shall award the offended councilmember reasonable additional time to offset the disruption.

D. If during debate or discussion a councilmember lodges an allegation of impropriety or improper conduct against another member of council, the member of council against whom

the allegation was made shall have the right to respond prior to the end of the discussion of the item at hand.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one (1) at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all Councilmembers present, and the proposal will not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Councilmembers present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

Section 6-5. Motions

A. Informal discussion of a subject is permitted while no motion is pending.

B. Any Councilmember, including the presiding officer, may make a motion.

C. Councilmembers are required to obtain the floor before making motions or speaking, which they can do while seated.

D. A Councilmember may make only one (1) motion at a time.

E. Except for matters recommended by a committee of the Council, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6. Substantive Motions

A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.

B. A substantive motion is out of order while another substantive motion is pending.

Section 6-7. Procedural Motions

A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, requires a majority of the votes cast, and a quorum being present for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The Councilmember making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.
2. To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action in a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.
3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending.
4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of the Councilmembers present.
5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:
 - (a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.
 - (b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.
 - (c) Section 15.2-2286 of the Code of Virginia, 1950, as amended, requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one (1) year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.
6. To Call the Question. The motion to call the question is not in order until every

Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that item of business has exceeded thirty (30) minutes and the proponent of the motion has the opportunity to speak last to the motion. The motion is not amendable or debatable.

To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice, **however, a friendly amendment accepted by the movant and the councilmember who seconded the original motion shall not against this limitation.** Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

7. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions may be made.

8. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever is first.

9. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

10. To Prevent Reintroduction for Six (6) Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules of procedure.

Section 6-8. Debate

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken;
3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure;
4. **If during debate, any member of council makes an allegation of impropriety against any other member of council, the presiding officer shall afford the member against whom the allegation was made the opportunity to respond to the allegation and the opportunity to ask the councilmember who is making the allegation reasonable questions pertaining to the allegation, prior to closing the debate on the matter.**

45. A Councilmember may vote for or against his or her motion, but may not speak against his or her motion;

~~56.~~ The presiding officer may participate in the debate prior to declaring the matter ready for a vote; *and*

~~6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.~~

Section 6-9. Duty to Vote

A. Each Councilmember who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests Act or unless excused from voting by the other Councilmembers. A Councilmember who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the Councilmember to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining for the record.

Section 6-10. Method of Voting

A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.

C. An "affirmative vote" by a majority of the Council present is necessary to adopt a motion, and a tie vote means that the motion, resolution, or issue has been rejected. When a motion fails on a tie vote, the "noes" prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

E. All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in the Council Chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any Councilmember may request a roll call vote. In any case, the presiding officer shall announce the results of the vote.

Section 6-11. Decisions on Points of Order

Any Councilmember may raise a point of order without being recognized by the presiding officer. The presiding officer ~~shall~~ **may** refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Councilmember may appeal the ruling of the presiding officer to the Council which shall decide the matter by majority decision.

New Section 6:12. Censure Proceedings.

A. A motion or resolution to censure a member of the Council may be considered only if it is in writing, factually and legally sufficient, and includes citations and copies of any documents and statements relied upon to support the allegations.

B. Upon presentation of such a motion or resolution, the Council shall vote on whether to *accept it for consideration* and place it on the agenda for a public hearing no sooner than 30 days after the vote to accept.

C. The member(s) subject to the censure motion shall have the right to request all relevant documents and communications, and any delay in providing such information shall extend the scheduling of the public hearing accordingly.

D. At the public hearing, the proponents of the censure who are on council shall present their arguments and facts, holding the floor subject to time constraints set by a two-thirds vote of the Council prior to the hearing but which shall not be less than 30 minutes each for the proponent and opponent, unless the opponent agrees to the alternative time limit. If the resolution of censure is made against multiple members of council, each individual member against whom the resolution is made can demand a separate hearing relating to their censure. If the censure hearing against multiple members is held concurrently, each member against whom the allegations were made shall have the right to veto any time limits less than 30 minutes for their presentation.

E. Following the proponents' presentation, the member(s) subject to the censure shall present their defense, holding the floor and may question others, subject to the same time constraints.

F. After both presentations, the Council shall vote on whether to place the censure motion or resolution on the agenda for the next regular meeting. If this motion fails, the censure is defeated. If it succeeds, the censure shall be considered as regular business at the subsequent meeting.

G. A censure motion or resolution must specify the alleged violation(s) of these Rules of Procedure, the Lynchburg City Charter, or applicable Virginia law, supported by factual evidence.

SECTION 7 -- BOARDS, AUTHORITIES, COMMISSIONS, AND COMMITTEES

Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees

A. Members of boards, authorities, commissions, and committees shall be appointed by an affirmative vote of a majority of the Councilmembers to serve specified terms as may be deemed appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two standing committees, Finance and Physical Development. Substitutes or alternates may participate on such committees only if so authorized by the Mayor. Committee members for such committees will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time by the Council, for specific purposes, as determined by the Council.

Section 7-2. Standing Committees Roles and Guidelines

The roles of and the operating guidelines for the Finance and Physical Development committees shall be as adopted by a majority of the Council.

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Public Engagement at cost.

Section 8-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk of Council to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. For example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

The minutes of the Council's meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record of the Council's votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

Section 8-4. Amending the Rules of Procedure

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment to these rules shall require an affirmative vote of four (4) members of the Council.

New Section 8-5: Resignations

All resignations of personnel whose resignations require the Council's attention shall be communicated by the person resigning in writing directly to the Clerk of Council. The Clerk shall distribute said writing promptly to each member of Council. Any resignation not so distributed to all members of Council shall not be considered or accepted and may not be discussed during the public work of the Council.

Section 8-~~56~~. Special Rules of Procedure

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

(NOTE: Red language above is new language. Red language that is lined out is existing language that will be removed. Black language is the existing rule.)

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION 27-12.1 OF ARTICLE I OF CHAPTER 27; SUCH NEW SECTION BEING TO PREVENT UNLAWFUL DISPLAYS OF OBSCENITY AND PREVENT MINORS FROM BEING EXPOSED TO OBSCENITY AND SIMULATED VIOLENT ACTS

ORDINANCE:

#O-25-_____

WHEREAS, the purpose of this Ordinance is to (i) promote the general welfare and protection of the general public; (ii) safeguard the safety and well-being of minors whose vulnerability renders them susceptible to exploitation; (iii) foster and strengthen parental responsibility for their children; and (iv) prevent minors from being exposed to obscenity and specific forms of simulated violence.

WHEREAS, the Lynchburg City Council relies on §§ 15.2-1100, 15.2-1102, 15.2-926.2, and 18.2-375 of the Code of Virginia, 1950, as amended, as well as Chapter VI Sections 38 (5), (18), and (24) of the City's Charter to enact this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by creating a new Section 27-12.1 of Article I of Chapter 27 as follows:

Sec. 27-12.1. Obscene or Indecent Performances.

(a) Definitions. As used in this section, the following words and phrases shall have the following meanings ascribed to them below:

The term "animal" shall mean any nonhuman vertebrate species.

The term "establishment" shall mean any privately-owned place of business within the City of Lynchburg, Virginia ("City"), open to the general public, including, but not being limited to, any place of amusement or entertainment.

The term "indecent performance" shall mean (i) any performance that depicts actual or simulated sexual conduct, sexual excitement, or sadomasochistic abuse, all as defined under § 18.2-390 of the Code of Virginia, 1950, as amended, and which when taken as a whole, dominantly appeals to the prurient interest in sex, or (ii) any performance that depicts the simulated abuse, torture, mutilation, or killing of any person, animal, or both.

The term "knowingly" shall mean having general knowledge of, reason to know, a belief, or a ground for belief.

The term "minor" shall mean any person under eighteen (18) years of age who has not been emancipated by court order entered pursuant to § 16.1-333 of the Code of Virginia, 1950, as amended, or is not enlisted in the United States Armed Forces.

The term "obscene" shall have the meaning described under § 18.2-372 of the Code of Virginia, 1950, as amended, and being "that which, considered as a whole, has as its dominant theme or purpose an appeal to the prurient interest in sex, that is, a shameful or morbid interest in nudity, sexual conduct, sexual excitement, excretory functions or

products thereof or sadomasochistic abuse, and which goes substantially beyond customary limits of candor in description or representation of such matters and which, taken as a whole, does not have serious literary, artistic, political or scientific value.” The definitions under § 18.2-390 of the Code of Virginia, 1950, as amended and applicable to this definition are expressly incorporated herein by reference.

The term "operator" shall mean any person, firm, association, partnership (and the members or partners thereof), and/or any corporation (and the officers thereof) conducting or managing an establishment.

The term “parent” shall mean:

- (1) A person who is a minor's biological or adoptive parent and who has legal custody of a minor (including either parent, if custody is shared under a court order or agreement);
- (2) A person who is the biological or adoptive parent with whom a minor regularly resides;
- (3) A person judicially appointed as a legal guardian of the minor; and/or
- (4) A person eighteen (18) years of age or older standing in *loco parentis* (as indicated by the prior written authorization of an individual listed in part(s) (1), (2) or (3) of this definition, above, for the person to assume the care or physical custody of the minor).

The term “performance” shall mean any physical presentation done by a person or persons and intended to be viewed publicly by a live audience, including, but not being limited to, dances, theatrical acts, or similar live presentations.

The term “person” shall mean an individual who is not an association, corporation, partnership, or any other legal entity.

The term “plainly visible” shall mean clearly seen by a person using his or her unaided eyes.

The term “public place” shall mean any location within the City to which the public or a substantial group of the public has access, including, but not being limited to, streets, sidewalks, parks, and common areas of public buildings.

(b) Violations.

1. It shall be unlawful for any person to knowingly conduct, host, or participate in any obscene or indecent performance that would violate § 18.2-375 of the Code of Virginia, 1950, as amended.
2. It shall be unlawful for an operator of an establishment to conduct or host an obscene or indecent performance that is plainly visible from a public place.
3. It shall be unlawful for an operator of an establishment, or any employee or agent thereof, to knowingly allow a minor to enter or remain in such establishment to observe an obscene or indecent performance.

4. It shall be unlawful for a parent to knowingly allow a minor in their care or physical custody to attend an obscene or indecent performance.

(c) Investigation and Penalties.

1. Before taking any enforcement action hereunder, a law-enforcement officer shall make an immediate investigation as to whether a violation of this section has occurred. If such investigation reveals that a violation has occurred, then the officer may issue process for such violation in accordance with Virginia law.

2. A violation of this section shall be punishable as a Class 1 misdemeanor.

3. An establishment within the corporate limits of the City, where an obscene or indecent performance is held and plainly visible from a public place on more than two (2) occasions in a single calendar year, shall be considered a public nuisance and subject to legal, equitable, and administrative abatement and enforcement measures permitted by this Code or Virginia law.

(d) Exception.

This section shall not apply to any performance that has serious literary, artistic, political, or scientific value, as determined from the totality of the circumstances.

If an operator of an establishment took reasonable steps to prevent an obscene or indecent performance from being plainly visible from a public place prior to such performance taking place, then they shall not be in violation of subsection (b)(2) of this section. Reasonable steps may include, but are not limited to, using curtains, shades, barriers, or other measures designed to block the visibility of a performance.

If an operator of an establishment, or any employee or agent thereof, employed reasonable age verification measures prior to allowing the general public entrance into the establishment for purposes of attending the performance, then they shall not be in violation of subsection (b)(3) of this section. Reasonable age verification measures may include, but are not limited to, checking identifications of attendees to confirm the ages of persons desiring to attend a performance.

(e) Severability.

If any provision or part of this section is held to be unenforceable or invalid by a court of competent jurisdiction, then invalid provision or part shall be deemed stricken, severable, and not affect any other provision or part of this section.

(Remainder of Page Intentionally Left Blank)

2. That, in accordance with § 38 – A (1) of the Charter for the City of Lynchburg, Virginia, this Ordinance shall be published by “pamphlet” by the Clerk of Council and become effective on , which is no less than thirty (30) days from the adoption date of this Ordinance.

Adopted:

Certified: _____
Clerk of Council

DRAFT



Protecting Lynchburg's Families and Taxpayers: **Obscene or Indecent Performances Ordinance**

Councilmember Martin J. Misjuns



Purpose of the Ordinance

- Safeguard **children and unwilling passersby** from obscene performances, including simulated sexual acts and violent abuse.
- Ensure enforcement is **legally defensible** under state and federal law.



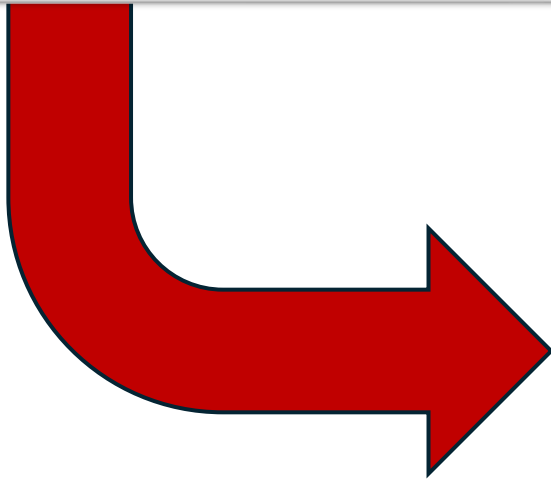
Do we want this in the Amphitheater?



r/AskReddit • 4 yr. ago
tothebluemoon



What is the most unexpected thing you have seen a singer do on stage?



jainboww • 4y ago

I watched GWAR "behead" Obama during a tribute show for one of the band members that died and then spray green goo out of a 3' fake member all over the crowd and a girl in the front row was guzzling it. I had never been to a GWAR show and did not do my research before going.

↑ 2 ↓ ...



Anchored in State Law

- **Anchored in Code of Virginia §§ 15.2-1100, 15.2-1102, 15.2-926.2, and 18.2-375, and Lynchburg Charter §§ 38(5), (18), (24).**
- Proposed ordinance ties enforcement to **state law convictions**.
- Keeps us consistent and avoids legal challenges of overreach.



Other Virginia Localities Already Regulate Obscenity

- **York County** – Comprehensive chapter on obscenity: prohibits obscene items, exhibitions, performances, and indecent exposure; includes specific nudity prohibitions with exceptions for artistic/theatrical value .
- **Edinburg (Town)** – Defines “obscene” (nudity, sexual conduct, sadomasochism) and prohibits obscene items, indecent exposure, and vulgar/obscene displays in public while defining .
- **Lynchburg** – Has outdated ordinances on lectures/shows dealing with sex, and indecent/obscene shows (Sec. 6-4, Sec. 6-5) with permits required; adopts state obscenity law by reference (Sec. 27-12) .
- **Arlington County** – Chapter 56 prohibits obscene exhibitions, performances, and related distribution.
- **Middleburg & Norton** – Include prohibitions on obscene exhibitions and indecent exposure.
- **Page County & City of Richmond** – Define “obscene” broadly in line with state law and restrict public displays.



Local Models: Page County

- Defines “obscene” by adopting Virginia Code definitions (§ 18.2-372, § 18.2-390).
- Explicitly defines and includes:
 - Sexual conduct (intercourse, sodomy, masturbation).
 - Sadomasochistic abuse (whipping, bondage, torture).
 - “Harmful to juveniles” standard for what is patently offensive.
- Shows Lynchburg would be in line with other Virginia localities that already restrict **patently offensive, harmful-to-minors performances.**



Public Place Standard

- Ordinance applies **only** when:
 - *Obscene performance **violates state law** (§ 18.2-375)*
 - *Obscene or indecent performance is **plainly visible from a public place***
- Protects passersby/minors but does not regulate private activity behind closed doors where reasonable efforts are made to shield from public view.



Violations

- **Performers / Participants**

- Violating state obscenity law
- Conducting/hosting an indecent performance **plainly visible to the public.**

- **Operators / Establishments**

- Hosting or permitting obscene performances on their premises or carrying out indecent performances **plainly visible to the public.**
- Allowing minors to attend such performances.



Violations

- **Parents / Guardians**
 - **Knowingly** allowing a minor to attend or view obscene or indecent performances
- **Repeat Offenses (Establishments)**
 - Defined as **twice** in one year
 - Shall be considered a **public nuisance** and be subject to abatement.



Free Speech Protection

- Obscenity is **not protected speech** under the First Amendment.
- Ordinance includes **safe harbor**: works with serious literary, artistic, political, or scientific value are excluded (*Miller Test*).
- Ensures legitimate theater, art and education are **not targeted**.



Additional Exceptions

- Operator/Establishment took reasonable steps to prevent an obscene performance from **being plainly visible**.
- Operator/Establishment took reasonable steps for **age verification** to prevent minors from attending.



Enforcement Tools

- **Criminal:** Violation is a **Class 1 Misdemeanor**—Consistent with other localities and state law.
- **Administrative:** Options include **Nuisance abatement** and regulation under Charter/State Law for **Repeat Offenders**



Anticipated Criticism & Responses

- **Claim:** *This censors art/theater.*
 - **Response:** Only applies to legally obscene content, not protected works
- **Claim:** *Too harsh on businesses.*
 - **Response:** Operators liable for performances plainly visible from public places
- **Claim:** *Parental rights violation.*
 - **Response:** Narrowly tailored, mirrors curfew laws, compelling interest in child welfare.



What Would Not Be Prohibited

Comedy with Adult Humor – Stand-up routines with crude jokes or innuendo, but no simulated sex acts.

Concerts with Explicit Lyrics – Rock or hip-hop shows using strong language, but no staged sexual or violent acts.

Classic Theater – Shakespeare plays with implied violence or romance; staged fights with fake blood.

Performance Art – Abstract nudity or symbolic self-expression with artistic/political meaning.

Satirical Political Sketches – Crude parody or innuendo aimed at commentary, not prurient appeal.



What Could Be Prohibited

Burlesque / Striptease with Simulated Sex Acts – Grinding, mock intercourse, explicit gestures.

BDSM Demonstrations – Simulated whipping, bondage, or sadomasochistic role-play.

Graphic Gore Performances – Simulated mutilation, torture, or splatter acts with fake blood *depicting sadomasochistic abuse or violence harmful to minors* as defined in Va. Code § 18.2-390

Bestiality Simulations – Erotic dances or skits depicting human-animal sexual conduct.

Fetish Exhibitions – Bondage, flogging, or simulated excretory functions presented for prurient appeal.



Bottom Line

- Strong but **fair** ordinance.
- Protects families, children, neighboring businesses, and city integrity.
- Legally **defensible and enforceable**.