

November 9, 2021

// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of January, 2021, at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

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

Absent: 0

// In the matter of the City Manager's Office, Agenda Item #1, City Manager Mr. Wynter C. Benda provided Council with an update on his first ninety days at the organization.

// In the matter of Central Virginia Planning District Commission (CVPDC), Agenda Item #2, Mr. Gary Christie, Executive Director of CVPDC, presented Council with the organization's 2021 Annual Report. The CVPDC works to provide services for its member localities and identify and develop opportunities for coordination among the region's local governments, facilitating collaboration among local governments in addressing challenges and opportunities of greater-than-local significance. The 2021 Annual Report covered the work being done by the CVPDC in the fields of environment, public safety, community development, economic development, workforce, and transportation.

// In the matter of Virginia Career Works, Agenda Item #3, Ms. Traci Blido, Executive Director, and Mr. Tim Saunders, Business Engagement and Outreach coordinator, presented Council with an update from the Central Virginia Workforce Development Board (WDB). The WDB is the designated regional convener and administrative entity that coordinates workforce training and career services through federal funding from the Workforce Innovation and Opportunity Act (WIOA). The organization is charged with overseeing and implementing workforce development initiatives and activities throughout the Virginia Career Works Central Region.

// In the matter of the Museum and Parks and Recreation, Agenda Item #4, Mr. Ted Delaney, Museum Director, and Mr. Ricky Kowalewski, Community Market Manager, presented Council with a list of upcoming community events offered by the City of Lynchburg, local businesses and nonprofits.

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// In the matter of the City Manager's Office, Agenda Item #5, City Manager Mr. Wynter C. Benda reviewed the draft 2022 Legislative Agenda with the provided input from Council at its October 26, 2021 Work Session.

Councilmember Helgeson asked Council to consider removing the City's Charter change for elections from the legislative agenda, citing that since the City's local delegation was not willing to carry the request to the General Assembly, that the City should align its wants with the campaign that the delegation ran on. He also asked Council to consider removing the language regarding Poverty Reduction, Community Wealth Building/Public Housing Redevelopment, Early Childhood Education, and Affordable Housing. He asked Council to consider adding language in support of a charter school pilot program. He asked for clarification on where the Tourism Improvement District would be and if it would include the entire city. Ms. Marjette Upshur, Director of Economic Development and Tourism clarified that this supports the ability to have a Tourism Improvement District and that the district lines would have to be decided by the locality.

Mayor Dolan disagreed stating the delegation represents a region and Council should be looking to the needs of the local community rather than the platform the delegation ran on.

Councilmember Tweedy stated that she is not in support of removing the language of Poverty Reduction, Community Wealth Building/Public Housing Redevelopment, Early Childhood Education, and Affordable Housing. She asked staff to bring back language expanding the definition of workforce housing.

Councilmember Faraldi stated that he would like to articulate items in the agenda that will align with the local delegation. He also asked staff to bring back language regarding charter schools for Council to consider.

Vice Mayor Wright stated that he understands Councilmember Helgeson's point of finding items to which Lynchburg aligns with the local delegation, however, he emphasized that this is Lynchburg's legislative agenda and should reflect the interests of city and not of the legislatures.

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// In the matter of Planning, Agenda Item# 6(a), City Planner Mr. Tom Martin briefed Council on a petition from Rick Barker Properties to rezone six and ninety-nine hundredths (6.99) acres at 2001 & 2003 Enterprise Drive from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow the use of existing office space for pediatric therapy services while maintaining the continued use of warehousing and distribution. The Planning Commission will review the item on November 10, 2021 and will appear for City Council action at the December 14, 2021 Public Hearing section.

// In the matter of Roll Call, Agenda Item #7, Councilmember Nelson had no items. Councilmember Helgeson stated that since the City is experiencing a surplus of revenues, that he would like the administration to explore implementing a one-time rebate program to citizens. Councilmember Tweedy stated that with the surplus, she would like to explore the City's competing needs. Councilmember Faraldi commended the Fire Department for its promotional ceremony; he also asked for an update regarding the Main Street construction timeline. Councilmember Wilder commended the Fire Department for its promotional ceremony; he also asked the community to support both local businesses and frontline workers by shopping locally and gifting them to the community's essential workers; he announced that there will be a COVID and flu vaccination event open to the public at the Jubilee Center on Saturday, November 13, 2021 at 11:00 a.m.; he announced that Leland Melvin will be inducted into the Virginia Aviation Hall of Fame; he brought awareness to the local fundraiser *Mustaches 4 Kids*. Vice Mayor Wright thanked the Registrar's Office, election administrators, and poll workers for their work during the past election; he asked the community to consider getting the COVID booster shot. Mayor Dolan made announcements regarding the Museum and Visitor Services updates hours; she made a few announcements from the Parks and Recreation department; and recognized Lynchburg Fire Captain Candace Brown for receiving the Governor's Award for Outstanding Pre-hospital Provider.

// On motion of Councilmember Wilder, seconded by Councilmember Tweedy, Council, by the following recorded vote, elected to hold a closed meeting to discuss the acquisition or disposal of real estate in the City for a PPEA project; and to discuss an appointment to the Lynchburg Redevelopment & Housing Authority, pursuant to Section 2.2-3711(A)(3) and Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.

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

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

Noes: 0

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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

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

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

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

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

Noes: 0

// On motion of Councilmember Helgeson, seconded by Councilmember Wilder, Council by the following recorded vote appointed the following members to the respective boards and commissions:

Lynchburg Redevelopment & Housing Authority: Ms. Davina Bare appointed to a new 4-year term effectively immediately and expiring on September 30, 2025.

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

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Noes: 0

// The meeting was recessed at 6:39 p.m.

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

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

Absent: 0

Councilmember Faraldi gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan proclaimed the week of November 7, 2021 – November 13, 2021 as Nurse Practitioner Week. Ms. Gabrielle Crawford, NP-C, was in attendance to accept the proclamation.

Mayor Dolan also proclaimed November 27, 2021, as Small Business Saturday. Ms. Marjette Upshur, Director of Economic Development & Tourism, was in attendance to accept the proclamation.

Mayor Dolan recognized the Lynchburg Parks and Recreation Department for receiving several Virginia Park and Recreation Society Awards. Ms. Jenny Jones, Director of Parks and Recreation was in attendance and provided brief remarks.

// In the matter of the Consent Agenda Item (A), Council conducted a second reading and adopted Resolution #R-21-078 amending the FY 2022 City/Federal/State Aide Fund budget and appropriating \$15,300 to purchase laptops carried on EMS apparatus for the Fire Department. On motion of Councilmember Helgeson, seconded by Vice Mayor Beau Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item (B), Council conducted a second reading and adopted Resolution #R-21-079 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating

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\$26,250 to facilitate speed enforcement activities. On motion of Councilmember Helgeson, seconded by Vice Mayor Beau Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item (C), Council conducted a second reading and adopted Resolution #R-21-080 amending the FY 2022 City/Federal/State Aid Fund budget and appropriating \$58,785 to facilitate selective enforcement activities, equipment, and training. On motion of Councilmember Helgeson, seconded by Vice Mayor Beau Wright, Council by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of the Consent Agenda Item (D), copies of the minutes of the August 10, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Vice Mayor Beau Wright, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of the Consent Agenda Item (E), copies of the minutes of the September 14, 2021 meeting have been previously furnished to Council, and on motion of Councilmember Helgeson, seconded by Vice Mayor Beau Wright, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Planning, Agenda Item #9, a public hearing was held and Council considered adopting Resolution #R-21-081 approving a Conditional Use Permit (CUP) to allow the construction of an oil change facility at 8209 & 8213 Timberlake Road. At its September 22, 2021 meeting, the Planning

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Commission recommended approval (6-0, with 1 member absent, Bowden). This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

Mr. William Shewmake of Woods Rogers PLC, on behalf of Quick Lube of Carolina Timberlake, LLC, provided Council with a brief presentation in support of the petition. He cited that a traffic analysis was conducted for this site and found that this is an extremely low traffic generator.

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

Councilmember Helgeson made the motion to approve the resolution. Councilmember Faraldi seconded the motion, stating even though this is a low traffic generator, the intersection associated with Timberlake Road and Laxton Road is intense leading to the use of Wood Road and Mountainview Drive as cut-throughs. He asked for the record for Council to be mindful of traffic issues with future development in this corridor.

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

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

Noes: 0

// In the matter of Planning, Agenda Item #10, a public hearing was held and Council considered adopting Ordinance #O-21-082 approving the rezoning of 1619 12th Street, 1701 12th Street, and 1114 Buchanan Street to renovate the existing building into twenty-four apartments. This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

Mr. Jamey White of White Engineering and Design, Inc. made a presentation to Council in support of the petition. He stated that this property is an existing building and is in the process of obtaining historical recognition. The project will also improve the existing gravel parking lot and renovate another lot to add additional parking, for a total of 24 off-street parking spaces, but may expand to add additional on-street parking on Buchanan Street, but will work with the City's traffic engineering department. Mr. White stated that the properties are currently mixed with different zoning and they are

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requesting to rezone each to B-4 zoning to have some flexibility with landscaping, parking, and buffer requirements.

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

Vice Mayor Wright made a motion to approve the ordinance, stating that this is an important historical building on 12th Street and is excited to see it being restored and being converted to more housing units. Councilmember Tweedy seconded the motion stating this property is a great space for residential use.

Councilmember Faraldi stated that he is glad to see this project happening, however, Council has previously had some reservations about using B-4 zoning as residential and not business.

Councilmember Helgeson commented that usually with rezoning, a site plan is included in the proffers but there was not one included in this petition. He asked City Planner Mr. Tom Martin if there are any drawings or plans associated with this development. Mr. Martin explained there was a site plan that was submitted with the petition but the petitioner chose not to proffer the site plan. Councilmember Helgeson requested confirmation that the development will not be Section 8 housing but rather full rent. Mr. Martin replied that he believes that to be the case.

Councilmember Wilder asked how many bedrooms are there in one unit. Mr. White replied that these units will be one-bedroom apartments.

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

Ayes:	Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
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Noes:		0
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// In the matter of Economic Development, Agenda Item #11, a public hearing was held and Council considered adopting Ordinance #O-21-083 authorizing the City Manager to sell 317 Hancock Street. This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

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Mr. Daryl Calfee, a Lynchburg business owner and purchaser of the property, spoke in favor of the sale of the property stating he hopes to develop the parcel to bring commerce and life to the area.

Ms. Gina Smith spoke in opposition of the sale stating that this property is assessed at a significantly higher value than the property she owns at 311 F Street. Mayor Dolan directed City Manager Mr. Wynter C. Benda to follow up with the resident.

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

Councilmember Helgeson stated that this property is being sold for fair market value and this will hopefully increase the property value in the surrounding area. He also commented that he would be in favor of identifying more property the City has no use for that can be sold for fair market value.

Councilmember Wilder made a motion to approve the ordinance, seconded by Vice Mayor Wright.

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

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

Noes: 0

// In the matter of the City Charter, Agenda Item #12, a public hearing was held and Council considered adopting Resolution #R-21-084 requesting an amendment and reenactment of Section 5 of Chapter III of the City's charter regarding the general elections. This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

Mayor Dolan opened the floor for anyone to speak in favor. Dr. Michael Gillette stated that he considers it dangerous to have local issues discussed during a federal election where they could be drowned out; local government is the most important form of government and it would not be good for local democracy. Dr. Owen Cardwell stated that aligning local elections with presidential elections would subsume local issues and concerns to political issues and moving elections to odd years would help alleviate that problem. Ms. Nicole Sanders stated that she enjoys being able to get to know the elected

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officials and their campaigns and fears this aspect would be lost if elections are held during the federal cycle. Mr. Bert Dodson stated that requesting the General Assembly go through with the City's Charter change would be the best for future generations of City Councilmembers. Mr. Caesar Johnson stated the underrepresented communities' voices won't be heard if local elections are held during a national election. Mr. Daniel Tuck stated that the competitiveness between candidates for vying for the same seat would be overshadowed by national elections. Mr. Jeffery Rosner stated that there has been a real loss of civility among national elections and if the local elections are scheduled in odd numbered of years, the community stands a better chance of avoiding a loss of civility.

Mayor Dolan opened the floor for anyone to speak in opposition. Mr. John Vassar stated the State government wanted to synchronize presidential elections with local elections so Lynchburg should follow suit. Mr. Andrew Glover stated that changing the Charter to hold elections in odd years would result in voter suppression. Ms. Stephanie Reed stated that she has not heard a community outcry on this matter, but has for public safety employee retention and thinks Council should focus on that.

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

Councilmember Nelson stated he disagrees but understands why the General Assembly moved all general elections from May to November. At this point, City Council has no choice in that decision. He expressed his concerns of federal elections overshadowing local elections if they were to be conducted in the same year. He emphasized that local elections require an informed voter to those local issues.

Councilmember Helgeson expressed his reservations about changing the City's Charter and stated that he will not be supporting the resolution directing that change. He commented that he would like to see more voters show up at the polls. He was not comfortable asking the City's General Assembly delegation to fight against the same people who first moved the elections.

Councilmember Faraldi stated that he agrees that federal politics should not influence local issues, however, the media will still cover local issues. He does not agree that personal preferences particularly of incumbency should dictate to the voters when elections and reelections are. The proposal

would be contrary to the previous actions of the General Assembly. The proposal would result in lower voter turnout. Therefore, he is not in favor of a Charter change especially if it has not been asked for by the public.

Councilmember Tweedy stated that she wants to keep Lynchburg first and urged Council to make bold decisions. She stated that she wants informed voters, and although federal elections sometimes affect what happens locally, federal candidates are not sitting in Council's seats and talking to the community to know what's important to the community.

Councilmember Wilder stated he didn't want local issues to be lost in federal elections and that it is damaging to allow politics to enter into local issues.

Vice Mayor Wright stated the issue before Council is to decide whether Council wants to align local elections with federal elections or with state elections. He reiterated that this will not benefit any of the members currently elected. If any of the members choose to run again, the next election will be in even years [2022] and then the following cycle would revert to odd years. Federal elections will subsume local elections and local issues will be lost to politics. He stated that the incentive structure will change and candidates would have an incentive to run as a party and not as an independent candidate who only has an interest in doing what is right for Lynchburg. He made the motion to approve the resolution, seconded by Councilmember Nelson.

With no other discussion from Council, the following vote was recorded approving Resolution #R-21-084:

Ayes: Dolan, Wright, Nelson, Tweedy, Wilder	5
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Noes: Helgeson, Faraldi	2
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// In the matter of Public Comment, Agenda Item (A), citizen Mr. James Crawford spoke to Council regarding neighborhood safety concerns on Buchanan Street. He made Council aware of the disorderly conduct he often observes and provided the Clerk of Council with a copy of a Computer Aided Dispatch (CAD) report with a summary of the calls for service from 2019 to present for 1107 Buchanan Street and

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1023 Buchanan Street. Mayor Dolan requested staff to follow up with Mr. Crawford regarding his concerns.

// In the matter of Public Comment, Agenda Item (B), citizen Mr. Jamie Maxwell who previously signed up to speak, reached out to the Clerk of Council prior to the meeting to be removed from the agenda.

// In the matter of Public Works, Agenda Item #13, Council conducted its first reading of Resolution #R-21-085 approving a grant awarded to assist with response to the infestation of Spotted Lanternfly. This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

Vice Mayor Wright made the motion to approve the resolution, seconded by Councilmember Wilder. With no discussion from Council, the following vote approving the motion was recorded:

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

Noes: 0

// In the matter of City Council, Agenda Item #14, Council considered adopting Ordinance #O-21-086 approving the change of May general elections to November to ensure compliance with Virginia law. This item was previously presented to City Council at the October 26, 2021 meeting under *Business Item Briefings*.

Councilmember Wilder made the motion to adopt the ordinance, seconded by Councilmember Nelson. With no discussion from Council, the following vote to approved the ordinance was recorded:

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

Noes: 0

// The meeting adjourned at 9:27 p.m.

Clerk of Council

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