

October 11, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 11th day of October, 2022, at 4:00 p.m. in Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Chris Faraldi, Jeff Helgeson, Treney Tweedy, Sterling A.

Wilder 6

Absent: J. Randy Nelson 1

// In the matter of Schools, Agenda Item #1, Dr. Crystal Edwards, Superintendent of Lynchburg City Schools, presented the Lynchburg City Schools Achievement Preview to Council. At the September 20, 2022 School Board work session, the Spring 2022 SOL Achievement results were shared, and all related information was available on the website. Ms. Amy Pugh, Deputy Superintendent, stated there were 8 schools in the Lynchburg City School system that were fully accredited and 8 that were accredited with conditions. For most cases at the elementary level, science had been of difficulty, so they were focusing on learning recovery and grade level standards, including more hands-on learning of science with help from a STEM specialist. One of the two high schools was fully accredited and the other was accredited with conditions due in part to the drop-out rate. This year, they were partnering with Virginia Careerworks and Human Kind, identifying students at both high schools and at high school alternative programs to assign career navigators to students who were at risk of not completing school on time to give more support. Mr. Sam Coleman, Chief Academic Officer, walked the Council through the 2021- and 2022-SOL comparisons by race and subgroup. Learning recovery was noted in all categories between years, so progress was continuing to be made towards learning achievement goals. Dr. Edwards walked Council through shared information about the comparison of Lynchburg City Schools and other Virginia cities with SOL achievements and other school quality profile program achievements. Mr. Coleman listed the current strategies for closing gaps and the key focus areas to increase achievement and growth results. Dr. Edwards said that as they examined the middle schools, they were researching how to expand gifted program opportunities through implementing a lab school model with community partners.

Councilmember Faraldi asked why the only years of data were 2020, 2021 and 2022. Dr. Edwards said that longitudinal SOL data was available, but the concern raised when the scores were presented last year was what was going to be done to improve, so that was the baseline of looking at

student's placement and their growth. Councilmember Faraldi asked how the historical data, which showed little to no growth, related to the information presented today. Ms. Pugh said that the focus was currently on the most recent years of learning recovery and growth assessment of students. Dr. Edwards said that she understood Councilmember Faraldi's concern about the historical data, but she could only answer to the data that was collected under her tenure and the efforts undertaken to help children rebound from Covid-19. Councilmember Faraldi said that the historical data did not look good, and there were questions that must be asked as to what the School Division was doing to support the Superintendent in accomplishing the goals of the City for the School Division. Dr. Edwards said that last year, the division implemented the iExcel assessment program in order to track the achievement of children in the school system and compare them to themselves year over year rather than comparing to different classes of students.

Councilmember Tweedy said that there were noteworthy increases in testing achievements for Black students and economically disadvantaged students that should be recognized. She said that she hoped the reduction of poverty in the City would have an effect on the school system and decrease the deficits in the school system. She said that expanding the model of the schools was exciting, and she wondered if these necessitated being labeled lab experiment schools in order to receive state or federal funding. She asked if there was a breakdown of the education and background information on teachers in the school system, and if there was knowledge of how that factored in when they were a very urban school division, and how that may affect the outcome of students' testing scores. Mr. Coleman said that many teachers found that their prep programs did not prepare them for what they faced in classrooms today, so as a learning organization, they wanted to develop the skillset of teachers through instructional coaches and professional development. Councilmember Tweedy noted that there were Career Technical Education opportunities in the school system, and progress continued in aligning them more with economic development and business needs in the City.

Councilmember Helgeson said that there was room to grow, and they must recognize that 50% pass rates were not good compared to the pre-pandemic 73% pass rates. He asked how they dropped so far so quickly. Dr. Edwards said that the drop-in accreditation was a state-wide phenomenon and had not been contained exclusively to Lynchburg, and could be viewed in state data. Councilmember Helgeson

noted that other local private schools had stayed open to offer education to students during the pandemic, and having choice and competition was important for parents to have. Dr. Edwards said that they must support the students who were succeeding in the schools as well as those who were not, and while acknowledging that a 50% pass rate was not a good rate, 73% was not an acceptable goal either, so they would continue to try new strategies and maintain forward progress with their children. Part of the school quality report included information regarding efforts to reduce chronic absenteeism and providing more mental health services for younger students. Councilmember Helgeson asked what was being done with regard to discipline in classrooms. Dr. Edwards said that the first line of action was to contact the child's family to find what was the root cause of the behavior, then to provide family and administrative support. Recent behaviors exhibited by some children resulted in destructive episodes that went beyond the level that teachers' training prepared them for, so additional support was needed. Councilmember Helgeson asked if problem children were removed from classrooms as soon as possible. Dr. Edwards said that yes, all best practices and strategies were implemented, and because absence from school was not proven to alleviate the issue, they tried to work with the supports of the child, including clinical, family, counseling, and school staff support. Many schools had calm-down rooms where children could safely be removed from situations in order to calm down. Councilmember Helgeson asked if transportation assisted in allowing children to attend schools for partial days. Dr. Edwards said that yes, although drivers were needed for transporting children to the schools of innovation. Councilmember Helgeson said that if the schools rezoned, the transportation would not require driving all around town. He asked if redistricting was being considered. Dr. Edwards said that they were currently performing a facilities study, and their educational consultant would work on student assignment to schools, which was part of the educational programming, as well as the zoning of the schools. Councilmember Helgeson asked if rezoning could be done at any time. Dr. Edwards said yes, but they were waiting for the completion of the facilities study before applying any approaches in order to sustain an efficient solution.

Councilmember Wilder said that some children attended schools far away from their neighborhoods because specific schools offered specific programs that those children attended, so transportation was necessary to pick up children all throughout the community. He asked Dr. Coleman how they would be addressing and working with teachers who came from a predominantly white

background in order to prepare them for being in the predominantly African American, multicultural environment of Lynchburg City schools. Dr. Edwards said that the Office of Equity and Inclusion normally gave a family simulation presentation at the beginning of each school year, which gave teachers and administrators a glimpse into the life of what family life could be for some children that they may not have had experience with yet. It was also acknowledged that educators must sometimes change their key strategies in order to understand the children of different cultures. A large part of this research came from neighborhood relationship building, so that the places that students brought with them to school were understood when trying to find the best educational strategies for them. Dr. Coleman said that children of all identities had the right and the ability to learn, and he prioritized leveraging the professional learning community opportunities to apply culturally relevant teaching strategies to other strategies to support students in the classrooms. Dr. Wilder asked how communications with local universities explained that policies or teaching methods may need to be changed or reevaluated. Dr. Coleman said that they had not yet begun working with universities to define how they prepared their teachers, but to prepare their own teachers in the school system, they prioritized equity and cultural and racial identities as a lens through which they practiced. There were some things that could be done in partnerships to provide feedback to universities, and there were more things they could do when developing their own teachers with development opportunities through that cultural lens on a weekly or monthly basis. Dr. Wilder said that it was a worthwhile conversation to have with higher-level institutions, especially those in the area. He said that it would be useful to know the race and subgroup makeup of the children attending private schools versus public schools in Lynchburg. It was important to highlight that LCS offered CTE programs that were not offered through private institutions, as well as work with the career navigators to give children opportunities and career paths to curb the drop-out rate.

Vice Mayor Wright asked if Lynchburg had the highest cost per pupil in the area. Dr. Edwards said that she could return with information about the cost per pupil in the surrounding counties. Vice Mayor Wright asked if the per pupil spending for peer cities could also be provided. Dr. Edwards confirmed that she would provide the data to Council. Vice Mayor Wright asked what Dr. Edwards had in mind when she had requested the Council to join them in this effort. Dr. Edwards said that she was highly aware of the issues in the school system and in each individual school, but constantly discussing the

deficits reduced the significance of the growth and progress that was being made. All public departments wanted to attract top talent to their organizations, but no one would want to come to the city if the City Council did not promote the positive aspects of the city, and children would not have a positive experience in the schools if the community around them did not support the school they were in. Vice Mayor Wright asked if funding formulas would be discussed during this upcoming budget season or was something to be expected next year. Mr. Benda said that the answer came down to how quickly the two bodies could agree to a number, and different funding formulas and calculations could be used. He said that they were discussing the school funding formulas in preparation of the budget, and while he would like to see it in FY 24, he was hopeful it would be in FY 25.

Councilmember Tweedy asked how the published data related of the city schools compared to data published about private schools. She said that this may indicate how students in all schools interacted with the economic development and career opportunities in Lynchburg. Mr. Benda said that he did not currently know, but could inquire about that information.

Councilmember Wilder said that the problems faced by the schools were a community-wide problem, so they must all work together to solve those problems.

Mayor Dolan asked if it would take multiple years to get back to the 73% rates from the current 50% rates. Dr. Edwards said that they would certainly try to reach it, and they would continue to work with students to reach 100% passing the SOLs.

// In the matter of Planning, Agenda Item #2, a report on Enterprise Drive had been pulled from the agenda. City Manager Wynter C. Benda stated there must be a study performed before moving forward with any projects solving the traffic speed issues, so the item would not be engaged at tonight's meeting.

// In the matter of Finance, Agenda Item #3, Council received a presentation about City Financials. Mr. Greg Patrick, Deputy City Manager, gave a summary of the economic update and overview for the U.S. and City of Lynchburg presented by Dr. Chmura that previous week at the Council's retreat. The national economy was experiencing a tight labor market, with high inflation driving Fed behavior, and recession was likely. The City of Lynchburg is growing slower than the nation on average, and Liberty University boosted growth. Lynchburg is also currently experiencing the tight labor market and now more than ever, economic developers need to work with educators. Inflation is currently at a 40-year high, and could lead

to recession if the Fed continues to raise rates. It was unclear if the economy currently was experiencing a recession based on the evaluation of the metrics used by the National Bureau of Economic Research, but the economy was slowing in terms of job ads since June 27, the federal treasury interest rates had resulted in an inverted yield curve for borrowing rates, and real GDP was slowing, which indicated an official recession. He walked Council through the projections for the city's industry and employment growth for the next year. The implications of recession may not be seen at a local level immediately because the local revenues lagged the economy by a year or two, but a recession is highly likely, and sub-part growth will last for more than one year.

Councilmember Wilder asked if the average salary for workers in Lynchburg, including Liberty University, was known. Mr. Patrick said that he was unsure if they had the information with and without Liberty, but the average wage for jobs in Lynchburg was approximately \$50,400. Councilmember Wilder asked if more information could be provided. Mr. Patrick said yes.

Councilmember Tweedy asked if there was information available related to the average pay of technical skills and customer service jobs at Liberty University. Mr. Benda said that that information had recently become available, so that data could be provided. Councilmember Tweedy said that there were 6,000 jobs projected to be available in Lynchburg, so they must ensure that people had the training and opportunities to access and succeed in those jobs.

Ms. Witt, Chief Financial Officer, stated that the year's ending fund balance was estimated to be about \$66M, or approximately \$16M more than last year's \$49.8M. The revenues came in over budget by about \$14.5M, and expenditures were below the budget by about \$7.7M. The list provided to Council showed that all economically-related revenues came in much higher than projected because the FY 22 projections were made while the economy was closed due to conditions of the pandemic, and it was not until the last quarter of FY 21 that the economy began to open back up. The budget had already been adopted at that time, so the revenues were well above what was projected. She noted that the business license tax came in at \$1.2M more than projected, which was based on gross sales for businesses in 2021, and the real personal property tax came in at \$500,000 less than projected. In March, the Commissioner of Revenue recommended that they reduce the ratio for assessments, so the assessments

went up for the first time in history. The City Council had already made an adjustment for that property tax and was included in the documents.

Councilmember Faraldi asked if the \$2M was with the adjustment that Council made. Ms. Witt said yes. Councilmember Faraldi asked if the 25% ratio adjustment resulted in \$2M more than what was expected. Ms. Witt said that a lot of that came in with the December 5, 2021 installment, but some growth was seen with the first installment on June 5 even though they reduced the assessment by 25%. Councilmember Faraldi said that if the revenues were still coming in above the projections, they must revisit the issue. Ms. Witt said that the ordinance was good for one tax year, so the Commissioner of Revenue made a commitment to present the information again in March for the next tax year. She noted that continued vacancies in staffing resulted in \$4.2M less than what had been projected in terms of both salaries and benefits, which was \$1.5M higher than the city's historical maximum. Operational savings were \$1.3M due to the Finance Committee not using the fund for contingencies and the Blue Ridge Regional Jail returning \$1M for per diems.

Councilmember Helgeson said that the city financial presentations along with the unassigned funds balance gave the impression that the City was in great shape with finances, but the economic forecast showed that the citizens were not due to inflation and the slowing economy. The local government could alleviate the pressure of inflation by giving excess real estate tax revenues back to the citizens. The rates must be corrected fully in the last bill and in the bills going forward so that the City could budget and plan for it.

Councilmember Tweedy asked if excess funding could be used towards workforce development initiatives in public safety departments as part of their investment in infrastructure. She asked if the one-time funds could be invested as incentive bonuses to fill necessary public safety positions. Mr. Benda answered yes. Councilmember Tweedy asked if current incentives offered could be increased. Mr. Benda answered yes.

Councilmember Faraldi said that with the surplus \$14M they could offer substantial tax relief to citizens while still investing in the City, and there were many options to do so. Mr. Freedman clarified that there was only one statute in state law that permits governing bodies able to return what was deemed surplus revenues to citizens by a method determined by the local governing body. Those revenues must

be specific to surpluses in personal property taxes and real estate taxes, which according to Ms. Witt existed in the approximate amount of \$2.5M.

Councilmember Wilder asked when the last time the real estate tax rate was changed. Ms. Witt said that it went to \$1.05 and was increased back to \$1.11 in 2013. Councilmember Wilder asked for clarification that the real estate tax had not changed but stayed the same. Ms. Witt said that was correct, it had not been changed in almost ten years. Councilmember Wilder asked if the fund surplus issues should be addressed at this time or during the budget process. Ms. Witt said that she had just received some of their August data this week, and some of it was trending upward, but it should be noted that the projections were based on an open economy, so it was not anticipated that these types of revenues would be occurring in 2023. Councilmember Wilder asked if this information was normally addressed during the budget process. Ms. Witt said yes. The money that filled the fund balance would be looked at when budgeting for 2024, and typically any excess unassigned funds went towards capital one-time expenditures. Councilmember Wilder asked if that timeframe would be in March or April. Mr. Benda said that one-time funds could be used for initiatives that the City Council was interested in invested in, and it was understood that Councilmembers desired multiple options for decision-making, so staff would ensure options were provided. The formal budget process began with departments determining how to structurally balance FY 24 expenses and revenues, but there would be an aspect of the budget that would take into account the surplus the City had.

Vice Mayor Wright said that based on the data the City provided, cutting the real estate property tax would benefit the wealthiest property owners in the city, because they would receive a disproportionate share of the rebate for their very valuable properties. It was of concern that there was suggestion to cut the taxes back without recognizing the various ways in which the City needs investment, such as the debt load, school facilities, the Housing Trust Fund, and difficult-to-fill public safety positions. The Council must look at all options available to them, including how they could mitigate the current and future challenges they knew the city was facing.

Councilmember Faraldi said that he disagreed with Vice Mayor Wright's characterization of his comments regarding lowering taxes, because he was simply requesting options for how to give some relief to citizens in some form.

Councilmember Tweedy said that she agreed that the wealthiest in the City would receive the highest rebates from cutting the real estate tax, and those with less means needed additional services because they did not have the options afforded to the wealthy. She said it was of concern that they still were debating whether or not to invest in their growing City, because more residents resulted in more demand for public services. The tax rate had been raised in the past to avert laying off City employees, so there was question as to whether future tax cuts would result in those staff reductions.

Councilmember Helgeson said that the \$5M tax increase last year was unnecessary, so even if they were benefitting those wealthiest property owners in the City, it should be acknowledged that they should give back the previous amount that they should not have taken. He agreed that this topic was related to the budget process and was discussed when they heard from citizens, but Council decided that the citizens did not matter. He said that after they gave back to the citizens who they had overtaxed, they should adjust the real estate tax rate or meals tax because it was not needed to be so high.

Councilmember Tweedy said that a citizen had recently asked her if public speakers who had requested a tax reduction were developers or homeowners. Renters understood taxes and tax relief, and people were questioning if developers or landlords would be receiving a rebate and if that would be reflected in reducing charges to renters. They also were a city that operated with a large college student population, so the tax rates related to tourism should be evaluated. It should also be analyzed how college students affected the housing and real estate markets in the community, because they did not live in owner-occupied homes. Mr. Benda said that he had no data related to the pass-through of rebates to landlords and renters. Councilmember Tweedy asked if it could be assessed how those rebates were affecting those citizens versus developers in the City. Mr. Benda said yes, he could provide that information to Council.

Mayor Dolan said that she felt this conversation would be most appropriate for the FY 24 budget process, because reopening the FY 23 budget would be greatly difficult.

Councilmember Helgeson said that he had brought this issue up with the budgets of past fiscal years as well, because the taxes did not need to be raised due to the values of real estate increasing over the past decade. The Council should support the citizens who came to speak publicly to the Council about what would make Lynchburg better in terms of economic development.

Vice Mayor Wright said that the investment in the City's downtown and neighborhoods had brought important development and growth to the economic development of the City, and that resulted in a higher quality of life for everyone.

Councilmember Tweedy said that the City should be taking a deeper look into how their investments affected the housing market, and how they could balance the housing market to allow for more owner-occupied homes in the City. The economic investments of the City had shown to have profitable returns in creating an environment that attracted people and development to the city, furthering its growth and stability. Due to the high status of Lynchburg as a college town, people appreciated the investment.

// In the matter of Business Item Briefings, Agenda Item #4, Council decided to move the following scheduled items to the October 25, 2022 meeting:

- Bikes Unlimited Lease
- Prohibiting the Feeding of Deer Ordinance
- Support of Campbell County SMART SCALE Application
- Business License Tax

// In the matter of Roll Call, Agenda Item 5, Councilmember Tweedy stated that she attended the Chauncey Spencer statue dedication at the Lynchburg Airport, which was a well-attended and great event with many organizations represented to discuss Mr. Spencer's iconic role in aviation and his other ventures in life.

Councilmember Helgeson said that he read in the paper that their previous Commonwealth Attorney had said that they had not had enough staff or resources to prosecute misdemeanors and that it was happening again. He said that the front page said that the Commonwealth Attorney did not have the resources, and that was something that must be expeditiously solved. When some of these misdemeanors went unpunished, crime in Lynchburg was soaring through the roof, so they needed to get a handle on this. Not prosecuting misdemeanors is not a good thing, and they needed to get on that.

Mayor Dolan clarified that the police would continue to prosecute misdemeanors, so criminals would still be charged. Councilmember Helgeson said that they would be arrested, but prosecution was

through the court system. Councilmember Tweedy asked Chief Zuidema if longitudinal crime data could be presented in a report to Council at the next meeting.

Councilmember Faraldi said that he had a phone call regarding development behind the Wendy's in Timberlake, and while he could not recall the road name, he would like staff to get background on a petition for a rezoning or conditional use permit near the Kroger. It appeared to be a development building off of a previous community, and he would email staff about the street. He said that if any information could be provided, it would be helpful.

Councilmember Wilder said that the Pink football game for E.C. Glass had a dinner tomorrow and the game was on Friday. He said that E.C. Glass had done a great job supporting cancer awareness, and Ms. Kay Vaughn worked with the football team at E.C. Glass for the project. He thanked all the supporters of that project and who continued to support and care for that community.

Mayor Dolan stated that this afternoon, the Fire Department held their annual memorial service to honor the lives lost in service to the City of Lynchburg. It was a moving and beautiful service at the backdrop of the Fireman's Memorial Fountain in Miller Park. On the back of the program is the Fireman's Prayer, and near the end of the prayer it reads, "I want to fill my calling and give the best in me to guard my every neighbor and protect his property." These men we honor today gave their best. She asked that they pause for a moment to reflect and honor those people.

// On motion of Vice Mayor Wright, seconded by Councilmember Helgeson, Council, by the following recorded vote, elected to hold a closed meeting to discuss an active law-enforcement lawsuit currently faced by the City, pursuant to §§ 2.2-3711(7) and 2.2-3711(8) of the Code of Virginia, 1950, as amended.

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

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

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

October 11, 2022

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

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

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

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

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi 6

Noes:

Absent: Nelson 1

// The meeting was recessed at 6:52 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, Treney Tweedy, Sterling A. Wilder, Chris Faraldi 6

Absent: J. Randy Nelson 1

Vice Mayor Wright gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan proclaimed the month of October as Domestic Violence Awareness Month. Ms. Linda Ellis-Williams, Director of Victim Services, YWCA, was in attendance to accept the proclamation.

Mayor Dolan also proclaimed the week of October 9 – 15, 2022, as Fire Prevention Week. Fire Chief Greg Wormser was in attendance to accept the proclamation.

// In the matter of Agenda Item #7, a public hearing was held and Council considered adopting a Resolution #R-22-061 approving the *Dearington Neighborhood Plan* as part of the *Comprehensive Plan*

2013-2030. City Council was previously briefed on this item at the August 23, 2022 City Council work session. Ms. Rachel Frischeisen, Acting City Planner, gave a summary of the item to Council. The Dearington Neighborhood Plan was developed by City staff and based on input received from the neighborhood at two public events, steering committee meetings, a neighborhood survey, and numerous conversations over the years. The plan effort was modified due to the COVID-19 pandemic and a concern over ensuring the meetings would be inclusive enough with varying comfort levels in gathering. The draft plan recommendations have a focus on City-owned property, programming, and right-of-way, mainly from a recreation and parks perspective with the aim of transforming previously neglected spaces into valuable neighborhood assets that help the Dearington Neighborhood reach its full potential.

Robert Flood stated that he was speaking on behalf of the NAACP and as a concerned citizen. He said that he was a member of the committee Ms. Frischeisen served on, and it was a beautiful thing they were doing in Dearington that was past due, however, there was concern about the methane gas emitting from the ground. He said that people who lived in Dearington knew that entire area had been used as a dumpster in 1961, when the City took garbage and used it to fill in the swimming pool of the predominantly Black neighborhood, then built houses on top of it. The first survey studying the methane gas emissions was not done until 2014 under the previous City Manager, and many current residents did not know that they were living on a former landfill. He said that he supported the project, but requested that City Council wait to proceed with funding until another survey of the gas was completed and they had full knowledge of the situation.

Kimberly Dyke-Harsley stated that she was a resident of the City of Lynchburg. She said that she was in favor of the Dearington Neighborhood Improvement Plan with conditions, which she said as a former resident of Dearington, and as the city liaison for the Environmental Justice Committee of Virginia Organizing. The methane gas issue had been known for a while, and she would like to see the results of the September 8 study. She said that the number one issue in Dearington was safety, due to speeding and not enough stop signs, and effective lighting was needed in the area. She requested that a safety plan be developed prior to this budget cycle so that it could be incorporated, and with those conditions she would support the project.

Angela Payne-Cox said that she was a citizen of Lynchburg and was in favor of the transformation that would happen in Dearington. She said that she agreed with the previous speakers about the issue of the gas. The September 8 study stated that as long as nothing was built on top and the gas was not in an enclosed area, the gas was not harmful, however she had lived in Dearington, and she was on the committee and was supportive of the improvements to the community. There had always been a negative connotation associated with Dearington and the apartments at Dearington, and she was unsure how aggressively input had been gathered from residents about what they wanted, but she would support those families. Dearington was established as a working-class community for people to live in and save resources to become homeowners, and improving the community would give those living in the apartments the incentive to become homeowners in the neighborhood.

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 Wilder asked if construction was planned on the portion of the site that had been used as a landfill. Ms. Frischeisen said that the only planned structure near the pool site was a potential walking trail, composed of either earth or permeable asphalt, but that would require due diligence before they pursued that to prevent future issues. Councilmember Wilder asked if there were any other projects where landfills had been used for other projects. Ms. Frischeisen said yes, there were examples of landfills being used for passive recreational purposes because building an enclosed structure was not usually possible without puncturing the landfill cover. Councilmember Wilder asked if the most recent study on the methane gas at Dearington was available to the public. Ms. Frischeisen said yes, it was currently on the website and she had highlights of the study available. At Dearington Playground, 186 readings found detectable levels of methane gas out of the 1,200 readings were taken, and the maximum concentration at Dearington Playground was 0.139%. At Jefferson Park, 1,800 readings were taken and 150 of those detected methane, and the maximum concentration was 0.05%. In the text, the consultant talked about these readings being well below the threshold of regulatory standards of VDEQ. Councilmember Wilder asked if it was known what the residents of the area desired to have happen near the area of the landfill since it was known to be somewhat of an issue. Ms. Frischeisen said that what the conclusions and report say were basically what the plan had already included in its text, which was to limit excavation in the area, not dig down into the

area that contained the landfill, and there should be no enclosed structures on the landfill.

Councilmember Wilder asked if efforts to reduce the methane gas emissions could be undertaken or if it was best to leave it alone. Mr. Clay Simmons, Deputy Director of Public Works, stated that unless there was some change in the current levels being emitted, the recommendation would be to leave it as it currently is. He said that adding fill and cover was possible for areas that experienced settlement, and could be incorporated into any projects taking place in the area. As far as performing any significant remediation, there were not levels of emissions that warranted it at this time. Councilmember Wilder asked what was being done to address the traffic and lighting issues in the area. Ms. Frischeisen said that there were some traffic calming recommendations in the plan, and speed was definitely an issue that was raised by the neighborhood as something that needed improvement so that was addressed. Councilmember Wilder asked when the housing development project in the area would begin. Ms. Frischeisen said a study was currently being done through Virginia Housing that was analyzing how to achieve more infill housing in the Dearington neighborhood, where vacant lots existed for potential new homes.

Mr. Flood requested Ms. Frischeisen provide information on the survey from the consultant. Ms. Frischeisen said that the survey was completed by a group called TRC, formerly Draper Aden, the firm previously used for gas monitoring events in the park. They compared the results to standard set by VDEQ, which were in the report as 1.5% methane by volume in enclosed structures, and the lower explosive level was 5%, which the recorded levels were well-below.

Councilmember Tweedy asked Ms. Frischeisen what VDEQ stood for. Ms. Frischeisen said it was the Virginia Department of Environmental Quality. Councilmember Tweedy said that she was a member of the Housing Authority, and they had developed the plan for the new Dearington Hills, which would add more than 200 units of mixed housing types where the Dearington neighborhood is. She asked if Ms. Frischeisen could speak to the collaboration of the City, residents, and the Housing Authority in achieving a strategic plan overall for the neighborhood. Ms. Frischeisen stated that the last chapter of the Dearington Neighborhood Plan was future planning efforts, and even though LRHA was its own entity, it talked about the future reimagination of the Dearington apartments. It would definitely be a collaboration between the two bodies of the City government and LRHA. Councilmember Tweedy asked if all

information would be shared between groups when it came time to redeveloping the area. Ms. Frischeisen said yes.

Councilmember Faraldi motioned, seconded by Vice Mayor Wright, to approve the Resolution #R-22-061 approving the Dearington Neighborhood Plan as part of the Comprehensive Plan 2013-2030. Councilmember Faraldi said that the residents who spoke publicly about their concerns in handling this delicate aspect of their community had his commitment to be mindful of how they developed that area before putting any resources towards it. Vice Mayor Wright said that this was an excellent plan developed by the community and City staff, and they now had to face the issue of funding it and monitoring the former landfill site to ensure it remained safe. Councilmember Wilder asked what the approximate dollar amount was for investment in the community. Ms. Frischeisen said that the information was contained in the implementation matrix in the back of the plan. Councilmember Wilder asked if the City was planning to invest millions of dollars into the community. Ms. Frischeisen said yes, and it would be through a combination of funding sources. The act of Council approving the plan allowed them to go out and seek grant funding for the project. Councilmember Wilder asked what the time period was for the plan. Ms. Frischeisen said that there were a number of short and long-term goals, and the plan detailed what would be completed in 5, 10, and 20 years. Councilmember Wilder said that the long-term plan allowed them to continue to evaluate the methane gas and measure the residents' comfort level with continued community input.

Councilmember Helgeson said that the measured methane levels were well below the thresholds published by the VDEQ. Ms. Frischeisen confirmed that the levels were far below the threshold. She said that further study was in the plan, and it was understood that if anything was near any site such as this, they needed to do more monitoring and studying.

Councilmember Tweedy asked if there was an ongoing monitoring schedule or if it was just a plan that triggered the monitoring. Ms. Frischeisen said that it was asked of the consultant if they needed to implement a regular monitoring schedule, such as every two years, but the consultant did not feel that there was a need to do so because the concentrations were so low. Mayor Dolan asked if the answer was no. Ms. Frischeisen said there was not a set monitoring schedule at this time. Councilmember Wilder asked if additional studies could be requested going forward. Mr. Benda said that was correct.

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Councilmember Tweedy said that the community wanted to ensure the neighborhood would be safe going forward, and with the context of how they arrived at this point, citizens wanted to see ongoing monitoring in some capacity to fully know and have a record that the records continued to be low.

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

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Nelson 1

// In the matter of the Airport, Agenda Item #8, a public hearing was held and Council considered adopting a Resolution #R-22-062 authorizing a Fuel Farm Lease Agreement between the City of Lynchburg and Freedom Aviation. Council was previously briefed on this item on September 27, 2022. Mr. Andrew La Gala, Airport Director, gave a summary of the item to Council. The City of Lynchburg owns three (3) aviation fuel storage tanks and related pumping equipment located in the fuel tank farm at Lynchburg Regional Airport. This agreement would be between the City of Lynchburg and Freedom Aviation for the lease and use of the airport's fuel farm facility. Our current Freedom Aviation Fuel Farm Agreement is due to expire on June 30, 2023. Freedom Aviation has approached airport administration to renew this agreement in order to keep the dates closer to their Fixed Based Operator agreement that was approved by City Council earlier this year. The proposed agreement would be for five years with a five-year option to renew at the end of the initial term. The business terms of the agreement will remain as the previous agreement with some required Federal Aviation Administration standard language updates. There is a statutory requirement for a public hearing prior to leasing City property.

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 motioned, seconded by Councilmember Wilder, to adopt Resolution #R-22-062 authorizing a Fuel Farm Lease Agreement between the City of Lynchburg and Freedom Aviation.

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

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi 6

Noes: 0

Absent: Nelson 1

// In the matter of the Airport, Agenda Item #9, a public hearing was held and Council considered adopting a Resolution #R-22-063 authorizing a lease agreement between the City of Lynchburg and ARINC, Inc. Council was previously briefed on this item on September 27, 2022. Mr. La Gala, Airport Director, gave a summary of the item to Council. ARINC is requesting a lease agreement for their ACARS (Aircraft Communications Addressing and Reporting System) equipment. ACARS is a digital datalink system for transmission of short messages between aircraft and ground stations via airband radio or satellite. This request is for a 5-year lease with an option to renew for up to five (5) successive one (1) year terms. The rental rate shall automatically increase by two percent (2%) on the first day of each anniversary of the rent commencement date.

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 motioned, seconded by Vice Mayor Wright, to adopt Resolution #R-22-063 authorizing a lease agreement between the City of Lynchburg and ARINC, Inc.:

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

// In the matter of Economic Development, Agenda Item #10, Council considered adopting an Ordinance #O-22-064 approving the proposed boundary adjustments to the James River Arts and Cultural District. Council was previously briefed on this item on September 27, 2022. City Manager Wynter C. Benda stated that it was recognized that by redrawing this district, there were some venues that would be paying into the newly drawn district rather than the general fund. Assistant Director of Economic Development, Ms. Anna Benston gave a summary of the item to Council. The Office of Economic Development & Tourism (OEDT) works to position arts and culture, and the organizations that serve our community, as a critical sector that contributes to the City's economic health. To this end, the James River Arts & Cultural District was established in 2011. The program includes business incentives and an annual appropriation of amusement tax generated in the District granted by the Office of Economic Development & Tourism through an application process to support programs, events, and projects that drive traffic and spending

in the District. A consortium of arts and cultural organizations within the District has requested that City Council consider a boundary amendment to include the following changes:

- 1) the Central Business District extending up Fifth Street to Taylor Street to include the old City Cemetery and Legacy Museum, Madison House for the Arts, and up Rivermont Avenue to Bedford Avenue.; and
- 2) the Pierce Street Renaissance Historic District, including the properties adjacent to Pierce Street between Thirteenth Street and Fifteenth Street; and
- 3) the areas along Norwood Street, A Street, B Street, and Cabell Street encompass and include the Point of Honor.

Additionally, staff has added language to the ordinance to limit future boundary adjustments to protect the integrity of the arts and cultural district.

Councilmember Helgeson asked what the fiscal impact was of redrawing the boundaries to include more businesses to give taxes to the Arts and Cultural District. Ms. Benston said that according to the ordinance, the amusement tax generated in the district by organizations or events and activities happening in those locations were budgeted each year by Council to the fund that was then reinvested in the district. Mr. Benda said that between the three sites that were to be included, they did not have the numbers to articulate the fiscal impact of including those areas, so staff would have to return with that information for Council. He said that from a practical standpoint, adding these areas gave synergy that made good sense and had been discussed with stakeholders for a long time. Councilmember Helgeson said that he understood it would be a positive impact, but would like for it to be estimated in some way so that it could be anticipated for budgeting purposes. Mr. Benda said that the item could be addressed at the October 25, 2022 meeting so the fiscal impact would be known. Councilmember Helgeson said that he would be glad to vote for it at that time once those numbers were received.

Councilmember Wilder asked if the organizations being added would be eligible for support services from the Arts and Cultural District; Ms. Benston replied yes.

Councilmember Tweedy asked if the numbers to be provided were for informational purposes only. Mr. Benda said that at least one Councilmember was concerned about the detail and accuracy of the impact this action would have on the General Fund, and he did not have that information available

tonight, so the action would be continued to the October 25, 2022 meeting. Councilmember Helgeson said that there was a fiscal impact with no known numbers associated, so the impact should be reflective. Councilmember Tweedy asked what the fiscal impact had been previously. Ms. Benston said that the amusement tax revenues, which were allocated by City Council, had grown steadily over the years, and in FY2020 it was \$91,205 and dropped slightly in FY2021 to \$81,079, and in FY2022, it was \$11,338, and in FY23, the fund is \$102,193. There were definitely larger organizations within the district that drive the majority of the amusement tax within the district, and the organizations proposed to be added did not charge admission for many events, so the incremental impact of the boundary adjustment would be minimal at this time. She said that she would be happy to provide numbers to Council when available. Councilmember Tweedy said that was appreciated. She stated that she was prepared to vote on the item because of the minimal impact of adding these new organizations to the district.

Councilmember Helgeson said that he was not in favor of voting for this until the fiscal impact was known and enumerated on the documents provided to Council.

Councilmember Wilder asked what information would be brought back on October 25, 2022. Ms. Benston said that she would provide a potential fiscal impact depending on historical data of the organizations considered. Councilmember Wilder asked if this would impact the planning process. Ms. Benston said no.

Councilmember Tweedy motioned, seconded by Councilmember Wilder, to adopt Ordinance #O-22-064 approving the proposed boundary adjustments to the James River Arts & Cultural District.

Vice Mayor Wright noted that he had served as an unpaid volunteer on the Board for the Pierce Street Gateway project, but had no hand in this proposal and was unaware of the presentation coming forward until a few weeks ago. He said that because he served in his unpaid capacity, he could fairly and impartially vote on this proposal tonight.

Councilmember Faraldi said that this project had his unfettered support, but it was of concern that Councilmembers wished to move forward without having full picture in relation to fiscal impact on taxes, regardless of the amount of impact, so he would be unable to support the motion.

Councilmember Helgeson said that it would be more appropriate to vote on the matter when more information was received in two weeks at the next meeting, and to allow Councilmember Nelson to

participate in the discussion. Councilmember Helgeson made a substitute motion, seconded by Councilmember Faraldi, to table the motion until the October 25, 2022 City Council meeting.

Mayor Dolan said that she could support tabling the discussion for Councilmember Nelson to attend, but disagreed that more information was necessary about this economic investment.

Councilmember Tweedy said that the Arts and Cultural District was an important investment that attracted more spending by visitors attending college events in the City. She asked what the historical investment in the district had been. Ms. Benston said that since 2012, the program had awarded grants totaling \$491,809 to 177 projects or programs, which yielded an estimated economic impact of \$22,329,660.

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

Ayes: Helgeson, Faraldi	2
Noes: Dolan, Wright, Tweedy, Wilder	4
Absent: Nelson	1

Mayor Dolan called the vote for the main motion, which was to adopt the Ordinance. With no further discussion, the following vote was recorded:

Ayes: Dolan, Wright, Tweedy, Wilder	4
Noes: Helgeson, Faraldi	2
Absent: Nelson	1

// On motion of Councilmember Wilder, seconded by Vice Mayor Wright, Council, by the following recorded vote, elected to hold a closed meeting to further discuss the evaluations of the City Manager, the City Attorney, and the Clerk of Council pursuant to Section 2.2-3711(A)(1) of Code of Virginia, 1950, as amended.

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

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

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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

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

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

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

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

// The meeting adjourned at 9:17 p.m.

Clerk of Council