March 28, 2023

// A special joint meeting of the Council and School Board of the City of Lynchburg was held on the 28th day of March 2023, at 4:00 p.m. at the Lynchburg Regional Business Alliance, 300 Lucado Place, Stephanie Reed, President, presiding. The following Members of the Council were present:

Present: Stephanie Reed, Chris Faraldi, Sterling Wilder, Jeff Helgeson, Marty Misjuns, Larry Taylor, MaryJane Dolan 7

Absent: 0

The following Members of the School Board were present:

Present: James Coleman, Robert Brennan, Gloria Preston, Randall Trost, Kimberly Sinha, Atul Gupta, Sharon Carter, Martin Day, Anthony Andrews 9

Absent: 0

// In the matter of Welcomes and Introductions, Agenda 1, School Board Chair Dr. James Coleman provided welcoming remarks and Mayor Stephanie Reed opened the meeting.

// In the matter of LCS Facility Needs Study, Agenda Item 2, Deputy Superintendent Dr. Reid A. Wodicka introduced the presentation for the LCS Master Plan. Director of Community Development Mr. Kent White and Dr. Wodicka provided the School Board and the Council a presentation on the status of the LCS Master Plan.

School Board Member Preston asked if Dr. Wodicka could identify the names of the community stakeholders and organizations that would be consulted. Dr. Wodicka responded that they had discussed the NAACP of Lynchburg, the Business Alliance, Economic Development, and business leaders in the community. He said that they were open to suggestions for who to consult and seek feedback from.

School Board Member Dr. Day asked what the long-term timeframe was. Dr. Wodicka responded that they were considering a five-year window.

Vice Mayor Faraldi asked how redistricting was incorporated into the discussion. Dr. Wodicka said that they foresaw redistricting occurring as part of the implementation plan. He said that they would not be able to redistrict the schools until the Board and Council adopted a framework for the schools. Vice Mayor Faraldi asked why they did not first determine the need then locate services in those areas of need. Dr. Wodicka said they had anonymized data for where every student lived for the past four years. He said that they currently had more seats than students, so they would reconsider the distribution of the existing assets. Vice Mayor Faraldi asked if there was a plan for old or unneeded buildings. Dr. Wodicka said that it was considered in some scenarios. He noted that they rented some spaces. He said that there could be other City purposes that could use the space. Vice Mayor Faraldi asked if there was a plan to contact families who had left LCS to determine why. Dr. Wodicka said that they had not considered interviews with families that had left LCS. He said that they could provide electronic feedback methods.

School Board Member Dr. Day said that the 1971 desegregation order was another component. He asked how they could coordinate the design of attendance zones as constraints. Dr. Wodicka responded that it would be complicated, and they would have a better determination once they figured out the portfolio of schools.

Councilmember Helgeson stated that progress would not be made for another year or two on the projects, and taxpayers would suffer. Dr. Wodicka stated that they wanted to ensure they knew the consequences of their decision making, and their decision making was sound. He said that they were moving with intention. Councilmember Helgeson asked if there was an answer to the question regarding the 1971 desegregation order. Dr. Wodicka responded that they were working through the unitary status. He said that there would be an impact on the school locations and decisions.

School Board Member Dr. Coleman stated that the School Board and school division were working diligently to address needs and concerns. He encouraged the discussion to focus on the needs identified in the schools, not the declining enrollment.

Vice Mayor Faraldi asked for clarification regarding the unitary status. Dr. Edwards explained that in 1971, the City was placed under a desegregation order because they were not desegregating the schools in the appropriate manner. She said that it took about 13 years to desegregate the school system under the desegregation order, which was still in place. She explained that to have the order lifted, the City had to approve the Green Factors—six factors that looked at the balance of students in the schools, the demographics of students and staff, and programming access.

Dr. Edwards stated that they had to consider future decisions for the schools with opportunities for equity for all students. She stated that they hired a consultant to identify what progress had been made, and the consultant identified the City had made enough progress to petition to have the order lifted. She said that they wanted to determine the future programming before petitioning to have the order lifted. She stated that they should be thoughtful of the commitments to the community to work through the process collaboratively.

Vice Mayor Faraldi asked for clarification whether the needs for the school division would be driven by the needs to meet the unitary order criteria and the budgetary needs. Dr. Edwards clarified that the school division had already met the Green Factors with the programs and progress it had made. She said that as they considered expanding more programs, they wanted to evaluate expansion through the Green Factor criteria to determine the impacts to the school system.

School Board Member Dr. Gupta asked if there was a chance the federal government would reinstitute oversight over the school division in the future if they had the order lifted. Dr. Edwards responded no because they intended to ensure that all children had access, opportunity, and availability of school resources. Dr. Gupta clarified that the process followed by the school division kept it in compliance, however, if the City processes no longer kept the schools in compliance, the federal government could become involved again.

Mayor Reed asked if the consultants were considering the barriers faced by the students, such as mental health, when determining classroom sizes and whether to consolidate the schools. Dr. Wodicka responded that smaller class sizes were often better, but due to budget and resource constraints, it was not always possible to have small class sizes. He said they recognized the unique and myriad needs of the students through a robust data collection process on each student.

School Board Member Dr. Carter asked for more information about why the City was looking to have the order lifted and why they were considering the Green Factors. Dr. Edwards explained that many of the current school zoning dynamics were created as a response to the desegregation order. She said that they wanted to consider bus travel times for students when making zoning decisions. She said that declaring unitary status allowed the City to implement targeted programming in terms of its offerings and who was participating. She said that lifting the order would remove requirements that were drafted in 1971.

// In the matter of LCS FY 2024 Budget Proposal, Agenda Item 3, Superintendent Dr. Crystal Edwards provided a presentation of the proposed budget to the School Board and the Council.

Councilmember Helgeson said that there were issues in the schools that did not require budget action, but rather they required accountability and respect to solve. He said that they should empower teachers, and the administration should support having violent students removed.

Councilmember Misjuns stated that his wife was a teacher in LCS, but he was able to debate the matter impartially. He asked why the budget request which had been presented to the City was different by about $1M when compared to the budget request presented at the work session. Dr. Edwards responded that the initial request was not based on Scenario D. She said that there was a Scenario B which contained an additional $700K, and they provided the total of Scenario B to the City Manager as an initial estimate of their figures. She said that their estimates had come in lower than expected since the initial request. Councilmember Misjuns clarified that there were no new FTEs in the administration category. He asked for clarification regarding the additional $781K for personnel services. Dr. Edwards responded that the additional funds were attributable to the proposed salary increases and reclassification of some positions. Councilmember Misjuns asked for clarification regarding the disparity in full-time staff to student ratios between the different middle schools. Dr. Edwards said that middle schools were experiencing a significant burden from the teacher shortage, and the impact was varied among the middle schools.

Vice Mayor Faraldi stated that LCS teacher starting salaries should be $50K. He said that teacher salaries were low because of a lack of prioritization, not for a lack of funding. He suggested making budget changes to redirect funding toward teachers before they considered allocating additional revenue to the schools.

School Board Member Dr. Gupta asked why the Heritage Elementary gymnasium project had been excluded from the proposed budget. City Manager Mr. Wynter C. Benda said that they were waiting to determine where the future needs of the school would be before constructing additional facilities.

Mayor Reed asked if additional SROs were proposed for the middle and high schools. Dr. Edwards responded that they did not propose additional SSOs or SROs because the five secondary schools were already staffed. She said that internally, they had been working on several safety protocols with stakeholders and the police department.

Councilmember Dr. Wilder spoke about the importance of community involvement in meeting the needs of families and students. School Board Member Dr. Carter stated that all students should be met where their needs were. Dr. Edwards stated that they were implementing new strategies to relieve stress and disruptions in classrooms while working with students so they can reengage in the classroom. Director of Student Services Dr. Derrick Brown addressed the various ways they were addressing students' mental health and welfare in the schools.

Councilmember Misjuns asked if the budget proposed expanded Pre-K access. Dr. Edwards stated that they did not include any additional Pre-K, 3-year, or 4-year classes. Councilmember Misjuns asked for clarification whether the Council had to approve the expansion of Pre-K programs. Dr. Edwards responded that they received state funding for the Pre-K programs through VPI. Councilmember Misjuns asked City Attorney Mr. Matthew C. Freedman if the Council had to approve the expansion of the programs; Mr. Freedman said he would have to research the answer.

Councilmember Dolan asked what role the Empowerment Academy played in the behavioral process. Dr. Edwards responded that they had a small population of students who attended the Empowerment Academy. She said that some students were at the Academy doing credit recovery, some had school phobias, and others were there for disciplinary reasons. She said that they wanted students to still be able to access the base school curriculum.

// The meeting was recessed at 6:00 p.m.

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

Present: Stephanie Reed, Chris Faraldi, Sterling Wilder, Jeff Helgeson, Marty Misjuns, Larry Taylor, MaryJane Dolan 7

Absent: 0

Councilmember Wilder led the Council in the invocation and the Pledge of Allegiance.

// In the matter of the Agenda, Councilmember Misjuns made the motion, seconded by Vice Mayor Faraldi, to amend the consent agenda to include the $6.6M in ARPA funding for the Richland Sewer Project.

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

Ayes: Stephanie Reed, Chris Faraldi, Jeff Helgeson, Larry Taylor, Marty Misjuns, MaryJane Dolan, Sterling Wilder 7

Noes: 0

// In the matter of the Consent Agenda Item 1, copies of the minutes of the January 24, 2023 meeting have been previously furnished to Council, and on motion of Vice Mayor Faraldi, seconded by Councilmember Wilder, Council by the following recorded vote approved the minutes as presented:

Ayes: Stephanie Reed, Chris Faraldi, Jeff Helgeson, Larry Taylor, Marty Misjuns, MaryJane Dolan, Sterling Wilder 7

Noes: 0

// In the matter of the Consent Agenda Item 2, Council conducted a second reading and adopted Resolution #R-23-029 amending the FY 2023 Sewer Capital Projects Fund budget and appropriating $6,600,000 American Rescue Plan Act (ARPA) Grant awarded by the Department of Environmental Quality (DEQ) for the Richland Hills Sewer Project. On motion of Vice Mayor Faraldi, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

Ayes: Stephanie Reed, Chris Faraldi, Jeff Helgeson, Larry Taylor, Marty Misjuns, MaryJane Dolan, Sterling Wilder 7

Noes: 0

// In the matter of Public Comment, Agenda Item 3, Citizen Clifford Clements stated that he received a 20% increase in his home property tax evaluation, totaling over $46,000 in one year, and the proposed tax rate would cause his tax bill to increase by over $500. He spoke about the impacts of inflation, increased prices, and the housing market. He said the tax rate should be lowered or equalized.

// In the matter of Public Comment, Agenda Item 4, Citizen Timothy Santiago expressed concerns about the Council meeting in closed sessions to discuss potential appointees for boards, commissions, and other bodies. He urged the Council to begin considering the appointments in the public meetings.

// In the matter of Public Comment, Agenda Item 5, Citizen Mary McCarthy stated she supported the FY 24 budget priorities as outlined by the City Manager. She said that the budget provided tax and fee relief for City residents while continuing to move the City forward. She stated that the City did not maintain its investments and expressed concern about the amount of litter, debris, blight, and dog waste throughout the City. She said that they required City maintenance and public education to improve the litter problem. She questioned the long-term benefits of tax cuts.

// In the matter of Public Comment, Agenda Item 6, Citizen Josh Pratt stated he was a pastor at All Nations Community Church and Discipleship and Education, and he started a transportation business in the City, BRT Transportation. He spoke about the importance of public transportation. He said he submitted an application to serve on the Greater Lynchburg Transit Company Board of Directors to represent the interests of the community and utilize his experience in the industry.

// In the matter of General Business, Agenda Item 7, Consideration of adopting Resolution #R-23-030 reorganizing the City's Towing Advisory Board and authorizing the commencement of the procurement process for a new City contract for towing services, City Attorney Mr. Matthew C. Freedman stated that there was a correction to be made in reference to "towing and recovery operators" instead of "towing operators." Every few years, the City enters into a contract for towing services which includes: (i) towing of City vehicles; (ii) police-initiated tows; and (iii) towing of inoperative vehicles. The City's current towing services contract is with Bee Line Transport; however, such contract is set to expire on May 31, 2023. Thus, it is time to start the process of awarding a new towing contract. Under § 46.2-1217 of the Code of Virginia, 1950, as amended, "the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of [a towing contract]. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public." In 2017-2019, the City's Towing Advisory Board consisted of the following individuals:

Tim Clements – Police Department Representative

Chuck Cramer – Fleet Director

James Hall – Risk Manager Representative

Melissa Foster – Emergency Communications

Donald Irby – Towing & Recovery Representative

Daniel Laslie – Towing & Recovery Representative

Warren McCormick – Towing Representative

Jeff Nichols – Collision Repair Representative

Kendall Craft – Car Sales Representative

Pursuant to the requirements of City of Lynchburg Resolution #R-79-297, Kendall Craft, Melissa Foster, Jeff Nichols, Donald Irby, and Daniel Laslie are ineligible to serve. Tim Clements, Chuck Cramer, and Warren McCormick may serve again on the Towing Advisory Board. James Hall has expressed a desire not to be reappointed to the said board. As the City Council will note, the attached Towing Advisory Board - Proposed Resolution, if adopted, ratifies the City's Towing Advisory Board, re-organizes the board's general make up, and defines the terms of the board members appointed. The said Proposed Resolution further outlines the requirements of the Towing Advisory Board and authorizes the commencement of the process of procuring a new City contract for towing services.

Councilmember Wilder made the motion, seconded by Councilmember Taylor, to approve the Resolution #R-23-030.

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

Ayes: Stephanie Reed, Chris Faraldi, Jeff Helgeson, Larry Taylor, Marty Misjuns, MaryJane Dolan, Sterling Wilder 7

Noes: 0

// In the matter of General Business, Agenda Item 8, Consideration of adopting Resolution #R-23-031 amending the City's Self-Insurance Program Plan Document to increase the settlement authority of the City Attorney to $55,000 or less and to permit the City Manager (or his designee) to contribute to the settlement of non-litigated property damage claims, Mayor Reed stated that the Council was previously briefed on the item during the March 14, 2023 Business Item Briefings.

Councilmember Dolan made the motion, seconded by Councilmember Wilder, to approve the Resolution #R-23-031. With no further discussion from the Council, the following vote was recorded:

Ayes: Stephanie Reed, Chris Faraldi, Jeff Helgeson, Larry Taylor, MaryJane Dolan, Sterling Wilder 6

Noes: 0

Absent: Marty Misjuns 1

// In the matter of General Business, Agenda Item 9, "No Mow April" Resolution, City Attorney Mr. Matthew Freedman provided a brief summary presentation of the item. He noted that the item had been tabled from the previous meeting.

Councilmember Dolan asked for clarification about how not mowing lawns would benefit bees. Ms. Heidi James, Chair of the Bee City Working Committee, stated that the program was meant for people who had natural lawns and wildflower blooms. She said that they were meant to benefit native pollinators, and honeybees were not native to the U.S. She stated that honeybees competed with native bee species for resources. She said that Virginia had 455 native bee species, and they did not live in hives, make honey, or travel far from their nests. She said that native bees provided $5B in pollination services every year in the country. She explained that No Mow April was to educate the public about native bees and native habitats.

Councilmember Helgeson said that they should issue a proclamation rather than a resolution that instructed citizens to violate the City code.

Councilmember Wilder asked why the item was presented as a resolution and not a proclamation. City Manager Mr. Wynter C. Benda said that they could work with the Bee City Committee and City staff to draft a proclamation to recognize No Mow April, and the item could come before the Council at the next meeting.

Councilmember Helgeson motioned, seconded by Councilmember Misjuns, to have the item return as a proclamation at the next Council meeting. With no further discussion from the Council, the following vote was recorded:

Ayes: Stephanie Reed, Jeff Helgeson, Larry Taylor, Marty Misjuns, MaryJane Dolan, Sterling Wilder	6
Noes: Chris Faraldi	1

// The meeting adjourned at 7:57 p.m.

Clerk of Council