

May 10, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of May, 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, Jeff Helgeson, J. Randy Nelson, Treney Tweedy,
Sterling A. Wilder, Chris Faraldi 7

Absent: 0

// In the matter of Public Works, Agenda Item #1, Council received an update on the Shentel Glo Fiber Installation. Ms. Gaynelle Hart, Director of Public Works, provided Council with an overview of the item. This was a successful partnership between the City, Shentel, and Hurt & Proffitt to bring fiber to thousands of homes in Lynchburg and providing citizens another option to have high-speed internet and TV-streaming services brought to their home. The process began in 2019 when City Council approved the franchise agreement for Shentel to operate a cable TV company within the City limits. Then Shentel stated their plans to design and construct a fiber network for approximately 20,000 homes in Lynchburg in a two-year timeframe, estimating that they would be submitting about 230 projects over the two years, and four to six permits per week for review by City staff. This was in addition to the normal developmental reviews they would have to do, and they quickly realized they did not have staff to process these plans and applications in a timely manner. If Shentel followed the normal City process, they would have submitted plans to the Technical Review Committee, received comments, and revised the plans. Once the plan was approved, they needed to apply for permits, such as excavation permits for digging in City streets, maintenance of traffic permits for lane closures. The entire process of approval of a plan to permitting could take five to eight weeks depending on number of revisions. To solve that dilemma, City staff engaged with Hurt & Proffitt to supplement their staff and to expedite review and approval. Hurt & Proffitt initially embedded an engineer into the Engineering Division to streamline the process along with Shentel. Shentel continued to reimburse the City for any additional expenses, such as the cost of Hurt & Proffitt or any additional expenses incurred due to the expedited process. They were able to reduce the review time from five to eight weeks to one to two weeks, which allowed Shentel to construct up to 12 projects at any one time in the City. The partnership had been a great success, and the understanding was that there were cities considering replicating this process so that they were able to build out their

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network quickly and offer services to citizens. Ms. Hart introduced Mr. Matthew Estep, Vice President for Engineering and Construction with Shentel, who would give an update on their construction process. Mr. Estep thanked the City Council for the partnership Shentel and the City had developed over the past few years and for the staff who assisting greatly with the permitting process. The latest update on the project was that they were about 75% complete with the initial plan, with 10% remaining in the construction and permitting phase, and 15% that would require additional agreements. The key players from a franchising standpoint were Assistant City Manager Mr. John H. Hughes, IV and Deputy City Manager Dr. Reid A. Wodicka, who presented this information to Council, as well as Ms. Kate Berger, Ms. Gaynelle Hart, and Mr. Lee Newland who assisted in the permitting and construction process. This process was planned to replicated in the company's future ventures because they understood that the localities had fixed resources, and the flexibility and partnership had been key in success. He said that they measured themselves on a damaging complaint basis, and Lynchburg perhaps four times better than most of their markets, which he contributed to the press releases, communications, and the permitting processes of the City. He introduced Mr. Don Gibson. Mr. Gibson stated that after moving through the build phase, the next step was deploying the product and selling it to citizens. The citizens of the City now had a choice for broadband, with speeds that were better than offered before and competitively priced. Recently introduced was a 100Mbps plan for \$30, and with the Affordable Connectivity Program (ACP), this was a free internet service. Recently an agreement was signed with Stewart Langley to perform over 900 multiple dwelling unit upgrades, the process for which was beginning over the next few weeks. Additionally, a small business offering was tailoring product to suit individual businesses' needs. They continued to expand into other cities in Virginia, but Lynchburg was a great city to work with and be located in.

Councilmember Wilder said that it was important for citizens to have options. He asked what areas of the city Shentel was currently providing service in. Mr. Gibson answered that they were throughout the City in different places, but building continued. Mr. Estep said that mapping and updates would be provided for the service boundaries, including completed and in-progress projects, but he did not currently have street data available.

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// In the matter of Public Works, Agenda Item #2, Council received an update on the Appalachian Power Distribution & Transmission Project Update. Director of Public Works Ms. Gaynelle Hart introduced Mr. Larry Jackson, the external affairs director for Appalachian Power. Mr. Jackson said that present with him was Mr. Tom Woodford, an account manager who had dealt most with the many projects in the City. He said that expectations had changed over the past couple of decades about what customers expected of their power company; not only do they prefer and demand more reliable service, they demand it to be from cleaner sources. AP intended to be carbon-neutral by 2050, although they had been a coal-fired company in the past. Customers also wanted information on what caused power outages when they occurred. He explained that most outages occurred due to old infrastructure failing, trees falling, or severe weather events. The partnership between the City and Appalachian Power was essential to being able to clean up after such issues. While weather events and trees falling could not be controlled, aging infrastructure could be addressed, and that was currently being worked on extensively in this area. Many projects were underway in the City, and there were many more to come. Recently completed was the downtown project and the Water Resources dual projects, and nearly finished was the Dearington/Reusens transmission line rebuild. The transmission work was finished, and multiple transmission line rebuilds were all going to Reusens station, which at one point was the substation for the entire area, and why most of these major lines go into that one point. It was difficult to rebuild many of these lines because it was difficult to put an outage on that station without creating an outage for most of the City, so it must be taken piece by piece. The last two major transmission lines were rebuilding lines from the 1930s and 1940s, the Reusens/Roanoke transmission line and the Reusens/New London transmission line. The latter transmission line would have an impact because it went through the City, and it would be in the late 2020s when everything would be completed. There was another project in Nelson, Amherst, and Albemarle Counties that would bring in reinforcement from Dominion in Charlottesville. Once transmission work was completed, distribution would follow. An area in the City that was challenged during severe weather events was around Virginia Baptist Hospital, so one of the first distribution automation systems they would install would be feeding into that area of the City, where electronic reclosures would sense an outage, disconnect the part of the circuit that had the problem, and reconnect from another source. At that point, new sources would be coming in from the Reusens station, so Virginia

Baptist Hospital would have better service than in the past. In regard to reliability in streetlighting, the next major change would be to get the 10,000 streetlights that Lynchburg currently has to be replaced with LED lighting. The challenge around streetlights currently was that there was no way to monitor them other than by eyesight, and they did not have the existing technology that would allow them to monitor them remotely. Issues could be reported online at www.appalachianpower.com or by phone at 1-800-956-4237.

Councilmember Tweedy asked if the streetlight poles would be as massive on Hollins Mill Road. Mr. Jackson said yes, as it was the new federal standard for transmission lines to keep them high and away from the trees.

Councilmember Nelson asked Mr. Jackson if the Reusens station was the first source of electrical power in the area. Mr. Jackson answered that the Reusens Dam was installed in 1850, energized in the 1890s, and was the first source of electricity for the City, followed by the Blackwater coal-fired plants, which were what fueled the trolley lines, and ultimately led to Appalachian Power coming to Lynchburg in about 1925. Councilmember Nelson asked if the electrification of the Reusens power station coincided with the Rivermont Electric Attraction Company, the streetcar line. Mr. Jackson stated that those four or five attraction companies combined into Lynchburg Attraction & Light, which was what Appalachian Power purchased in 1924 and 1925. They were then able to move out to the University of Lynchburg area and Rivermont, leading to further growth of the City.

Councilmember Helgeson asked for clarification that the LED lights did not require a different pole, but did require a different bulb. Mr. Jackson said that the existing high-pressure selenium lights had to be out farther over the road than the LED lights, so the arms of the streetlights would be shorter, and the LED lights were brighter and cleaner lights that provided better visual aid on the street.

Councilmember Helgeson asked how long it would take to install the 10,000 streetlights. Mr. Jackson replied that it would depend on the supply chain deficiencies. Councilmember Helgeson asked if there was any estimated timeline. Mr. Jackson said that he could not make a commitment, but whenever an existing streetlight failed, they would replace the entire head with the new technology. Councilmember Helgeson asked what the procedure was when power outages were experienced in the parts of the City that would not have updates made to their power grids. Mr. Jackson said that the meters that indicated

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outages were not always accurate, so it was encouraged for people to call or report it online. The AP website provided updated outage information that was accessible to the public.

Mayor Dolan asked if AEP had a system to allow people to be notified when the power was out; Mr. Jackson replied yes.

Mr. Jackson said that the average customer in Virginia in 2010 used less than 1300kWh per month, at 10.3 cents per hour. In 2020, the average customer in Virginia used 200kWh less per month at a 0.5 cent increase. Energy efficiency was important, so they were trying to make a more robust program to allow more people to become more energy efficient.

// In the matter of Schools, Agenda Item #3, Council continued the Lynchburg City Schools Facility Study Part II: Demographic Analysis. Superintendent Dr. Crystal Edwards provided Council with an update on the Lynchburg City Schools Facility Study concerning the demographic analysis and introduced Mr. Blair Smith with Dominion 7. Mr. Smith stated that this item was a follow up to the March 22, 2022 work session and had been presented to the School Board. The first task was demographics, which included information on the City population and school enrollment. The City population between 2020 and 2025 was expected to increase by 1,360 people to 80,340 or by 1.7%, and from 2025 to 2030 the City population was expected to increase by 1,000 people to 81,430 or by 1.2%. Significant numbers of the 18-24-year-old population is leaving the City for college or employment. The median age was expected to increase from 31.0 in 2020 to 33.0 in 2030. Most non-college in-migration to Lynchburg occurs in the 0 to 9 and 25 to 44-year-old age groups. The schools of the City that would be seeing the largest increases in population were the Dearington area, with 11.5% increase, and Heritage with 10.8% increase. The schools of the City with expected decreasing populations were William M. Bass with 12.8% decline, Linkhorne with 0.2% decline, T.C. Miller with 0.7% decline, and Perrymont with 0.2% decline. Fertility rates in the country had been declining since 1948, and Lynchburg resident fertility rates reflected this and overall were 10% below replacement level, which was a primary reason for the decline in enrollment rates. A challenge faced by the City was that there was not much availability for new subdivisions, meaning that for a family to move into Lynchburg, another family must move out in order for that home to be made available. There were currently between 500 and 550 students in the City who were being homeschooled, which was about 50 to 75 students more than before the Covid-19 pandemic. Private

schools not only drew from the City but the surrounding areas as well, so it was difficult to compare it in any form. The enrollment of the schools based in relation to the population of the City was in a decline beginning in 2010. There were four attendance zones inside the City that were expected to grow by about 10%, and two attendance zones were expected to experience flat growth. There was a historic trend that the decline rate was flattening, which was expected to continue in the future. From 2021-2022 to 2026-2027, the total enrollment decrease would be 383 students or 4.9% across the division, and from 2026-2027 to 2031-2032, total enrollment decrease would be 189 students or 2.5% across the division. The projection was for the elementary school enrollment to increase after the 2023-2024 year to 7.8% or 290 students by 2031-2032. The increase should not be perceived as a long-term trend, as the long-term trend was for it to continue to decline. The projections over the next 10 years did not take into account any change in the Pre-K enrollment, which was currently at 268 children, along with a waiting list. Elementary school enrollment projections were provided for each ward's schools, using 19 years of data from the Virginia Department of Education. All elementary schools were expected to see an increase in enrollment in the future. Middle school enrollment will decline by 5.1% or 87 students by 2031-2032, and high school enrollment will decline by 14.5% or 352 students by 2031-2032. However, due to the projected increase in elementary school enrollment, there would be a later increase at the middle and high school levels due to matriculation. The report was prepared by Cropper GIS, who utilized a demographics expert named McKibben. The methodology of Cropper GIS included that historical enrollment did not affect the enrollment forecast, which is a significant difference between that analysis and Weldon Cooper's. Another component of the Cropper GIS methodology is that existing housing sales are a key component. The Weldon Cooper methodology relied on birth to kindergarten ratios and historical enrollment, as well as relying not on existing home sales but new home construction as a key component. Comparison of reports were provided for elementary, middle, and high school demographics projections. Based on information provided by the City and from best practices, there would be a lower teacher ratio in kindergarten versus a 5th grade classroom, but not considered was that the City schools received funding for limiting class sizes. Provided was a chart that indicated the maximum class size with projected funding, in which there were inefficiencies. A question that remained for consideration was if it was more efficient to condense the classes or if it was better to receive that funding for limiting the class

sizes. Capacity and utilization rates indicated that as time went on, there was chance of overcrowding at the elementary schools and underutilization at the middle and high school levels, which was a situation typical for all divisions with declining enrollments. Urban divisions have neighborhood schools, which made school closures a challenge, and rural divisions have schools spread over a larger area, which made consolidation a challenge. A task not within their scope was that they were encouraging the School Board to seek out a national educational planner to provide a national perspective on the trends and solutions of similar school divisions to facilitate a locally-developed vision for the City. In addition, it was recommended that a new vision for the Lynchburg City Schools be developed in order to determine the future of Pre-K education, evaluate the Schools for Innovation, and to develop a marketing campaign to promote Lynchburg City Schools. In doing so, this would help identify what the needs for the facilities would be and allow for improvement through renovation and new construction. Energy efficiency was a priority for school buildings, and collaboration and technology spaces were part of future learning. The demographic trends likely could not be slowed in the future, but things such as marketing what was offered could improve that situation. Recommendations to consider included relocation of programs that were currently leasing space, repurposing of elementary schools versus closing the school and leaving it empty, determining the future home for the alternative programs and LAUREL, if the school administration should be relocated to an existing school, and to work to find ways of keeping or attracting young families. The potential options were to focus on operational efficiency, a middle ground option, and to focus on existing facilities. Additional recommendations included update of the demographic report after the 2020 census is complete and regular budgeting every 10 years of funds for demographic study with the population changes. Assuming that the enrollment at the middle and high schools will continue to decline, those schools will soon be too large for the number of students, so the future of those buildings should be considered. A challenge to be continually addressed was the evaluation and balance of the needs of the division versus the needs of individual schools and neighborhoods. The School Board will inform and seek guidance from the community and school faculty and staff, and will develop three elementary school options for the future of the Lynchburg City Schools for the public's review and discussion. The Dominion Seven Architects' role will be to provide technical assistance, development of proposed physical changes to schools and attendance zones, short-term maintenance projects,

estimated costs, schedules, and phasing of construction projects, energy savings options, and to document the recommendations in the final report.

Councilmember Faraldi asked if clarification could be provided on the statement that the past was not relevant for the future enrollment in the schools. Mr. Smith answered that it specifically meant that if the enrollment had declined by 5% over the last 10 years, it should not be assumed that it would continue to decline by 5% in the next 10 years. Councilmember Faraldi said that it had not gone up in the past five, 10, or 20 years, so it was difficult to understand the correlation between the decline and the expected increase in elementary school enrollment. Mr. Smith said that per the calculations used to find these projections, the increase in the elementary school level was not expected to continue over time, but was an anomaly that would ultimately result in an overall decrease. Councilmember Faraldi said that he had difficulty understanding it without knowing the exact processes of the calculations mentioned. Mr. Smith said that specifics could be provided by the members who performed the calculations. Councilmember Faraldi said that he would welcome that, because this was a difficult process to undertake and that information was vital to him, especially with the past 20 years of decline in enrollment with relation to the investment strategy of the City. Councilmember Faraldi asked for clarification about the main reason there was no increase in overall enrollment being due to fertility rates. Mr. Smith replied that fertility rates were down. Councilmember Faraldi asked what the fertility rates for Lynchburg were specifically. Mr. Smith answered that he did not currently have that report but could say that it was 10% below the median to replace the death rate. Councilmember Faraldi asked if it was known how many school-aged children there were in the City. Mr. Smith said yes, that number was included in the demographics report. Councilmember Faraldi asked if it was known how many of those students were enrolled at LCS. Mr. Smith said that it was certain that that information was known. Councilmember Faraldi said that he was told during the budget process by their City Manager that that information could not be found. Mr. Smith said that there was not current information; information from the 2010 census was available, but the 2020 census would not provide that information until the end of the year. Councilmember Faraldi said that information was helpful. Given the challenges seen in education and the reasons why people were leaving, he did not understand how fertility rates were why enrollment was decreasing, so he was curious to see how the calculation put that forward.

Councilmember Helgeson said that there were many schools located near each other in the City, and if they were looking at updated data, the decline in enrollment would result in the attendance zones to be redrawn, especially if they were also closing schools. Mr. Smith said that if schools were closed, attendance zones should be reconfigured. Councilmember Helgeson said that how they were drawn now was likely not the best way to be configured. Mr. Smith said that they were what was currently had. If they kept all the schools, they had to check and make sure they complied with the 1971 court order, which had not been done, so it was unclear if the attendance zones could be changed due to that. Councilmember Helgeson asked if the Heritage High School functional capacity was 1,460. Mr. Smith said that Heritage High School was built for 1,200 students based on the criteria they were working under, and that number may include the governor's school. Councilmember Helgeson said that based on projections, the high school was given additional functional capacity, but they were now at 900 and were expecting that to be about 63% utilization moving forward. Mr. Smith said yes. Councilmember Helgeson said that there were recent analyses that indicated growth, which was why Heritage was given that additional capacity. Mr. Smith said that he could not comment as he was not involved in those conversations. Councilmember Helgeson asked if any internal factors had been analyzed. Mr. Smith said no, because that was not part of their charge. Councilmember Helgeson said that internal factors should be analyzed in order to better understand the demographics and the current attendance zones. Mr. Smith said that the school populations and City populations could be recreated in particular areas when redesigning the attendance zones. Councilmember Helgeson said that a recommendation that he did not agree with was that there was a loss of enrollment that necessitated demolishing an old school and building a new one. Mr. Smith replied that a challenge was meeting the requirements of the 1971 court order when shutting down schools and moving students to another school. Another issue was that construction and renovation was necessary to make consolidation of other schools available while closing another school. Councilmember Helgeson asked what the premise of the 1971 court order was. Mr. Smith said that he was unsure of the specifics, but the schools' attorney was researching related information. Mr. Freedman said that he was unfamiliar with the court order, and he was not the primary attorney who worked with the schools so he could not provide anything further. Councilmember Helgeson asked if the court order was in reference to busing for integration of schools. Mr. Smith said that part of the issue was that some of the schools

mentioned no longer functioned as the same type of school, which was why he could not analyze the matter further.

Councilmember Tweedy said that even with declining enrollments, there still remained 7,000 children in the City who needed education. She said that she agreed with Councilmember Helgeson that the 1971 court order played a large role in this issue, and along with the schoolyear being based on the Farmer's Almanac, these ideas had not been revisited since the initial development of the public school system. She asked if information could be provided as to why families chose education outside of the school system and if there was anything that could be done to influence those choices. It was crucial for the national educational planner to assist in approaching this process. For future development of the schools, they must consider how to create schools differently in terms of programming and draw more students, as well as reflecting the business needs and growth.

Vice Mayor Wright asked if it was known what the percentage of children within the City were enrolled in the school system. Mr. Smith said that he did not know. Vice Mayor Wright asked if other localities reported that information. Mr. Smith said that he was unsure if other counties did those types of comparisons, but he would seek more information to provide to Council. Vice Mayor Wright asked if projections would be updated once 2020 data was received. Mr. Smith said that it was recommended that they do so. Vice Mayor Wright asked if they should be updated for 2030 or within the next year. Mr. Smith said that whenever the data was published, the numbers should be updated. Vice Mayor Wright said that it was mentioned that enrollments had declined since 1948, but the curve seemed to be flattening. Mr. Smith answered that birth rates had been in decline since 1948. Vice Mayor Wright asked if the decline in enrollment had been occurring since first recorded. Mr. Smith said that it began declining in the mid-1960s. Vice Mayor Wright said that there appeared to be a spike in the graphs in enrollment around 2009 and 2010, and he was curious if it was due to the economic crisis. Mr. Smith said that that was limited to the Bedford Hills area, which he was unsure of the source of. Vice Mayor Wright asked if other wards had similar increases. Mr. Smith said that there were variations between the zones, but he could not explain why. Vice Mayor Wright asked if the schools must have a certain elasticity to account for spikes in enrollment. Mr. Smith said absolutely. Vice Mayor Wright asked what the right amount of capacity was in that instance. Mr. Smith said that planning for 80%-94% capacity was optimal, and 100% capacity would

mean adding trailers. Vice Mayor Wright asked if the funding chart included funding from the state. Mr. Smith said that he did not know the source of the funding. Dr. Edwards stated that they received funding for class size reductions, based on a three-year average of the free and reduced lunch poverty rate for individual schools, and that class size must be maintained to receive funding in grades K-3. Vice Mayor Wright asked if that funding went to those specific schools assuming those class sizes were maintained. Dr. Edwards replied yes. Vice Mayor Wright asked what determined the maximum class size number for this funding. Dr. Edwards said that the class sizes were based on the three-year average poverty rate of that school and were administered by the state upon receipt of the application for funding. Vice Mayor Wright asked if the numbers were based on what the facility could accommodate. Dr. Edwards said no, the numbers were guidance to receive funding, but were not based on the actual building the classes were located in. Mr. Smith said that capacity differed when using the ratios provided by localities versus state and federal data, so it was difficult to plan for. Vice Mayor Wright asked what metric was used for the capacity and utilization score card provided. Mr. Smith said that he used the reduced maximum class size in the funding chart. Vice Mayor Wright asked if that was not based on the physical capacity of the school. Mr. Smith said that he would personally use the standards of the Virginia Department of Education to design an elementary school and kindergarten class size. Vice Mayor Wright said that when discussing the optimal class size, he struggled to understand what parameters should be used. Mr. Smith said that an educational planner would be able to determine how to design the schools for future use.

Councilmember Wilder said that the Council must decide through policy how to invest in the City to create infrastructure to attract young families. Lynchburg was different from other cities because of the amount of private schools and Christian schools, and he would like to know how those numbers compared to other cities. He asked if this study addressed whether empty classrooms were able to be utilized for different instruction or were truly empty and unused. Mr. Smith said that the understanding of an empty classroom was a classroom being unused when it was not regularly used for classes. At the time of their visit, they found three elementary school classrooms that were unused, at Heritage, Linkhorne, and Perrymont, and empty classrooms currently existed at the middle and high school levels as well. Councilmember Wilder asked if they were not being used for anything at all. Mr. Smith said that they were not being used on a regular basis, so they were considered empty. Councilmember Wilder said

that something mentioned in the presentation was a marketing campaign for Lynchburg City Schools, which was something he found crucial to maintaining the school system.

Councilmember Tweedy said that the funding for the limited class size was due to the poverty rate, and the poverty rate should be addressed as a City-wide issue because it was not limited to schools. She asked if they had ever determined if there would be new metric standards for neighborhoods and calculate it for the school system they were building. Mr. Benda answered that he was unsure if they had done enough in considering how to attract different areas of the City to different parts because they had not attempted to approach these issues in different ways from the past. They would have to approach variables together to make an impact on some of the numbers presented. He stated his willingness to do things differently, because this process required it. Councilmember Tweedy said that there was a charge to the City Council to determine what the philosophical approach was to investment and planning of the community. She stated that achieving this was possible if they intentionally planned.

Councilmember Helgeson said that the Weldon Cooper study showed how many school-aged children there were in the City, which was about 12,500 school-aged children, and about 7,000 were enrolled in the school system, meaning that about 60% of the school-aged children were using the public school system. The birth rates in Lynchburg were increasing according to the Virginia Department of Health and should not be blamed along with empty nest homes for the declining enrollments. Mr. Smith answered that those numbers came from the demographer, Cropper GIS. Councilmember Helgeson said that if it were not related to live births, empty nests, or lack of housing, the decline was an enigma related to programming. If 40% of the community did not want to be included in the school system, it should be considered and researched in order to understand the demographics and growth rates of the schools, as well as the needs of the community.

Councilmember Faraldi stated that he had toured four or five elementary schools, and many of these buildings had historic aspects that should be considered and protected as they were repurposed for the future. He noted that from the highest view of the school system, there were very low graduation rates and declining enrollment rates. There was room for improvement, but when doing things differently in creating specialized schools, there should be consideration of charter schools or lab schools.

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Councilmember Tweedy said that there was a generational difference in students and their ability to learn, and entire schools had been created to avoid certain students, mandates, and requirements imposed upon them. The national education planner would allow for better understanding of the problems and differences in learning environments that children currently needed. All of the neighborhoods and areas of the community were planned, and intentional planning was necessary to create the Lynchburg envisioned for 2030.

// In the matter of Roll Call, Agenda Item #4, Councilmember Wilder thanked the City staff who attended the Fairview Community Center to discuss plans for the development in the Tyreanna and Pleasants Valley area. There were extreme opinions and an interesting dialogue. He commended staff for the International Festival held this past weekend, which helped make their community richly diverse and attractive as an event venue. He congratulated the firefighters of Lynchburg for raising over \$21,000 in the Fill the Boot Campaign.

Vice Mayor Wright stated that he also attended Fairview Heights last evening, and was grateful to the staff for taking the time to present and listen to the neighbors' comments. He thanked the constituents of Pleasants Valley and Tyreanna for sharing their thoughts. He congratulated the Old City Cemetery for their annual rose sale and new marker for Carl Cato, a rosarian at the cemetery.

Councilmember Tweedy thanked everyone who planned the International Festival, which was a great event with many people in attendance.

Mayor Dolan announced that the Office of Economic Development and Tourism celebrates Economic Development Week May 9-13. Economic Development Week was created by the International Economic Development Council to increase awareness of local programs that created jobs, supported business investment, and improve the quality of life in communities everywhere. Please visit www.opportunitylynchburg.com to learn more about the City's economic profile and how businesses were making a difference in their community.

Mayor Dolan announced that Virginia Amateur Sports was seeking volunteers for the upcoming Commonwealth Games, July 22-24, at Liberty University. Each year, thousands of athletes and their families visited Lynchburg to compete in the Commonwealth Games with sporting events ranging from pickleball to ultimate frisbee to basketball and much more. Please help make an impact and a successful

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event this year by volunteering to make a difference in the lives of thousands of athletes and their families who will be competing this year in the City of Lynchburg. More information about the Virginia Commonwealth Games and the volunteer form can be found at www.commonwealthgames.org.

Councilmember Wilder commended the Commonwealth Games at Liberty. He stated that Virginia Amateur Sports was doing free physical exams this Saturday at Jubilee for middle school and high school students.

// The meeting was recessed at 6:04 p.m.

// City Council reconvened the meeting at 7:30 p.m. 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 Recognitions, Mayor Dolan gave a Proclamation recognizing Drug Court Month. Ms. Taylor Jones accepted the Proclamation.

Mayor Dolan gave a Proclamation recognizing Emergency Medical Services (EMS) Week. Fire Chief Greg Wormser accepted the Proclamation.

// In the matter of the Consent Agenda Item A, Council conducted a second reading and adopted Resolution #R-22-032 amending the FY 2022 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2022 Third Quarter Detail by Fund. On motion of Councilmember Tweedy, seconded by Wilder, Council by the following recorded vote approved the adoption:

Ayes: Dolan, Wright, Helgeson, Nelson, Tweedy, Wilder, Faraldi	7
Noes:	0

// In the matter of School Board Appointments, Agenda Item #5, a public hearing was held and Council received citizen input regarding appointments to vacancies that will exist June 30, 2022, in School Board Districts I, II, and III. Council conducted its first public hearing on the matter on April 26, 2022, and chose to continue the hearing until its May 10, 2022 meeting. The School District 1 appointments were Mr. James Porter, Mr. Clifton Reed, Ms. Ashley Reich, Ms. Brandy Gibbs, Mr. Anthony Andrews, Ms. Mary Wieberg, Dr. Justin Hensley, Mr. Elliott Clifton, Ms. Marianne Criswell, Dr. Kathie Carwile, Dr. Andrea Yesalis, Dr. Kevin Struble, Mr. Jerry Gibson. The School District 2 appointments were Dr. Veronica

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McCue, Ms. Letitia Lowery, Dr. Martin Day, Ms. Erin Cruz, Ms. Charleta Mason, Ms. Rosamond Phillips. The School District 3 appointments were Dr. Jason Fleshman, Mr. John Miska, Mr. Gary Woodson, Mr. Steven Smith, Ms. Gloria Preston.

Mayor Dolan opened the floor to candidates who wished to speak on their qualifications.

Mr. Gary Woodson, nominee for School District 3, spoke before Council.

Mayor Dolan opened the floor to any citizens who wished to comment upon any name that has been submitted, or offer additional names for consideration; there were none.

Councilmember Wilder made a motion, seconded by Councilmember Helgeson, to close the public hearing. With no discussion from Council, the following vote was recorded:

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

Noes: 0

Mayor Dolan announced that City Council would be convening in a closed session at the close of the current meeting to review candidates' applications and decide on an interview schedule.

// In the matter of the Police Department, Agenda Item #6, Council considered adopting an Ordinance #O-22-035 approved the proposed amendment to the City Code regarding dogs left outside during extreme weather conditions. The Council was previously briefed on this matter at the April 12, 2022 work session Business Item briefing. Mr. Ryan Ball gave an overview of the item to Council. Recommendations from Council were made with specific regard to dogs being left in cars, so two changes were implemented. Instead of only mentioning dogs, it now stated "dog or other companion animal," and where the language in §C stated that "no persons shall be charged with a violation of the subsection if the motor vehicle's engine and air conditioning were operating and in effect when such dog or other companion animal is inside such motor vehicle." In regards to open windows, when referencing national veterinary groups, studies indicated that open windows had no effect on lessening the temperature inside of the vehicle, so was unable to be included as effective language.

Mayor Dolan said that the amendment did not ban the owners to secure their dogs to the bed of a truck. She asked if this was allowed if the temperatures were very high. Mr. Ball stated that that part of the amendment was in reference to hunting dogs that would likely only momentarily be in the City, but any dogs were supposed to be inside when temperatures were above 95°F. City Attorney Mr. Matthew C.

Freedman stated that these particular amendments were adopted pursuant to the power of adopting ordinances for animal cruelty, so these were lesser offenses than animal cruelty. Hypothetically, if an animal control officer or police officer was to find a dog tied in the back of a pickup truck that was suffering in some way, they would still have recourse to act. This amendment was a different means to pursue a lesser offense than charging someone with a Class 1 misdemeanor of animal cruelty.

Councilmember Faraldi said his requests in regard to the air conditioning exception to this amendment were satisfied.

Vice Mayor Wright made a motion to adopt the Ordinance #O-22-035, seconded by Councilmember Tweedy.

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

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

Noes: 0

// In the matter of Agenda Item #7, the Council considered a closed meeting to consider appointments to the Lynchburg City School Board and to determine a time in which to conduct the School Board candidate interviews pursuant to §2.2-3711(A)(1) of the Code of Virginia.

Councilmember Wilder made the motion, seconded by Councilmember Tweedy, to enter into a closed session.

Councilmember Faraldi stated that this appointment process for the school system should be done transparently and open to the public. There were 24 candidates for three open positions, and parents had the complete right to govern the education of their child, so it would be most proper to allow them to see who Council decided to appoint. The votes did not exist to conduct this process transparently and would ultimately be conducted in closed session. He stated that he would vote against this process to be held in closed session at this meeting. The following names were candidates that he would consider: Mr. James Porter, Clifton Reed, Ms. Ashley Reich, Brandy Gibbs, Anthony Andrews, Justin Hensley, Kathy Carwile, Kevin Struble, Veronica McCue, Martin Day, Erin Cruz, Jason Fleshman, and Gary Woodson.

Councilmember Helgeson said that the process issue of deciding a schedule to interview candidates was not a closed session issue. Clerk of Council Ms. Alicia L. Finney stated that additional

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meetings must be set to hold the interviews. Councilmember Helgeson asked if the meetings must be set in an open session. Ms. Finney said that the motion after the closed session would be to add those additional meetings for the interviews. Councilmember Helgeson asked what necessitated a closed session for this item. City Attorney Mr. Matthew C. Freedman answered that the closed session was meant to be a time for discussion of candidates and which should be appointed to the School Board. Councilmember Helgeson stated that the language written included determination of a time in which to conduct interviews. Mr. Freedman answered that yes, specific candidates would be discussed and they could discuss when an additional interview would be held. After closed session, they would set an additional meeting, and on that date, the normal meeting would be held and then they would go back into closed session to conduct the interview. Councilmember Helgeson said that the process would be discussed in an open session. Mr. Freedman said that was correct. Councilmember Helgeson asked if it was an exception to discuss the process within the closed session. Mr. Freedman said no, they would be unable to discuss the process, but what would be discussed included specific candidates and specific dates for those specific candidates. Councilmember Helgeson said that they would be unable to know who to interview and to schedule it unless it was discussed in an open session. Mr. Freedman said the motion could be amended to only include consideration of appointments and for scheduling to be held in open session. Councilmember Helgeson asked if that was the usual process. Councilmember Tweedy answered that the normal process was discussion of candidates who were to receive an interview, followed by discussion of the dates, times, and opportunities for Council to convene for those interviews of the persons discussed.

With no further discussion, the following vote was recorded:

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

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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, Nelson, Tweedy, Wilder, Faraldi 7

Noes: 0

// Councilmember Helgeson made the motion to hold two special called meetings on May 16, 2022, and May 20, 2022, both beginning at 1:00 p.m. in Council Chamber for the purposes of conducting School Board Candidate Interviews. Vice Mayor Wright seconded the motion.

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

Noes: 0

// The meeting adjourned at 8:28 p.m.

Clerk of Council