

December 13, 2022

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of December 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, Treney Tweedy, Sterling A. Wilder, Chris Faraldi	6
Absent:	0

// In the matter of Finance, Agenda Item 1, Council received a presentation of the Annual Comprehensive Financial Report from Mr. Chris Banta with Brown Edwards. The audit gave an unmodified opinion of the City's financial statements, detected no material weaknesses or significant deficiencies, found one immaterial item in the compliance supplement, and found one immaterial item in the federal single audit portion. There were no significant matters in either the City or the Schools' audit, and a copy of the management representation letter was provided in the materials.

// In the matter of Parks and Recreation, Agenda Item 2, Council received a presentation of the Parks and Recreation Master Plan. Ms. Jenny Jones gave a summary of the item to Council. Mr. Josh Gulick of Lose Design presented the findings and recommendations for the project. The recommendations included upgrades to individual parks, increased trail activity, developing a new indoor multipurpose facility, and expanding the Templeton Senior Center in order to provide recreation that can accommodate the residents of Lynchburg in ten years.

Councilmember Faraldi asked if data could be provided about how many people polled did not have access to trails. Mr. Gulick stated that it could be provided but would be in rough figures.

Councilmember Faraldi asked if IP addresses of the respondents were provided. Ms. Jones answered no.

Councilmember Faraldi stated that there was a dire need for green space in the southern part of town, which must be considered in Council discussions about future development in the City. Mr. Gulick stated that the purpose of this plan for the parks was to be used in conjunction with zoning and land use in the future development of the City.

Councilmember Wilder stated that he supported the use of connectivity in the plan, and the proposed investment in trails that would make the City more enticing for residents.

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Councilmember Helgeson stated that the plan must be very targeted to most effectively use Capital Improvement Plan funds.

// In the matter of City Council, Agenda Item 3, Council received an overview of the City of Lynchburg's 2023 Legislative Agenda from Mr. Wynter C. Benda, City Manager. Each year, the City Manager works with the City department heads, City appointees, Constitutional Officers and their staff and others on what topics, focus areas and/or potential bills/resolutions are important to the City of Lynchburg that will first be presented to City Council and later adopted by them as the City's "legislative package" so as to position it well for the impending Virginia General Assembly Session. The items of particular import to the City of Lynchburg were noted to be the emergency custody orders and temporary custody orders for the police, appropriate funding for state offices, and swatting.

Councilmember Helgeson stated that there must be additional action taken to reduce the amount of time police officers spent with individuals awaiting psychiatric care. Mayor Dolan stated that there was a task force that was addressing the issue at the state level.

Councilmember Faraldi stated that he would like to see inclusion of language similar to Roanoke's legislative portfolio regarding rollback of primary enforcement traffic offenses and presumption against bail. He noted that the document may benefit from being shortened.

// In the matter of Lynchburg Redevelopment & Housing Authority, Agenda Item 4, Council was briefed on the authorization of the designation of the Dearington Hills Apartments as a revitalization area. This item will appear before City Council for action on December 13, 2022. Dr. John Hughes gave a summary of the item to Council. The Lynchburg Redevelopment and Housing Authority (LRHA) are working to submit a 2022 Tax Credit Application. Mary Mayrose, Executive Director of LRHA, has requested that City Council acknowledge by resolution that the area of Dearington Hills is a revitalization area as evidenced by the City's Comprehensive Plan.

Councilmember Wilder asked how many units were currently on the property. Ms. Rose stated that on the entire property there were 100 units, the first phase would be 80, the second phase would be an additional 100, and the third phase would finalize it at 242. Councilmember Wilder asked if all of the units would be apartments. Ms. Rose stated that there were different architectural styles proposed at this time, including rowhouses, townhouses, a senior property, and garden-style apartments.

// in the matter of Community Development, Agenda Item 5, Council received a briefing on the FY 2024 Community Development Block Grant (CDBG) Annual Action Plan Goals. This item will appear before City Council for action on January 10, 2023. Ms. Melva Walker, Grants Manager, gave a summary of the item to Council.

// In the matter of Planning, Agenda Item 6, Council received a briefing on the Eastwood Park Future Land Use Map Amendment and Rezoning. This item will appear before City Council for action on January 10, 2023. Ms. Rachel Frischeisen, Planner, gave a summary of the item to Council. The Planning Commission recommended denial of the application on November 9, 2022.

Councilmember Faraldi asked what procedure the City had with these types of developments so far as rearranging the order of events to prevent unnecessary tree removal. Ms. Frischeisen stated that clearing and logging were not determined by the rezoning, so that activity was permitted regardless. Councilmember Faraldi asked if there was precedent of a locality requiring approval prior to tree clearing of a certain acreage. Ms. Frischeisen replied that the Department of Forestry oversees logging, so they would have to research that.

Councilmember Wilder stated that it would be helpful to have a work session with the Planning Commission and developers in order to discuss the future development of the City. Mr. Benda stated that staff was currently gathering information from developers about the housing type and locations being developed in the City.

// In the matter of Planning, Agenda Item 7, Council received a briefing on granting a Conditional Use Permit (CUP) to TPB Enterprises, LLC to allow the construction of 306 apartments at 1001, 1009 Dillard Drive and 2009 Enterprise Drive. This item will appear before City Council for action on December 13, 2022. Ms. Rachel Frischeisen, Planner, gave a summary of the item to Council. TPB Enterprises is petitioning for a CUP at 1001, 1009 Dillard Drive & 2009 Enterprise Drive to allow the construction of three-hundred and six (306) apartments in a B-3C, Community Business District (Conditional). Apartments and their associated uses are permitted in this zoning district upon approval of a CUP from City Council. City Council previously approved the CUP petition of 434 Center, LLC (Gary Schmincke) for one hundred sixteen (116) apartment units and associated gymnasium / commercial space at this location on August 13, 2019, which has expired. CUPs are valid for twenty-four (24) months once issued.

A traffic analysis was conducted in 2019 as part of the original petition. This study indicated that based upon the proposed one hundred sixteen (116) apartments and associated gymnasium /commercial space there would be no “appreciable impacts caused by the construction of the multi-use development”. The only warranted improvements indicated were left and right turn lanes to the proposed entrance from Enterprise Drive. While not warranted by the traffic analysis, City staff worked with the petitioner to include widening and restriping Dillard Drive from Enterprise Drive to the development driveway. As part of the current request, new trip generations based upon the updated concept plan were prepared by Engineering & Planning Resources using the ITE Trip Generation Manual V11. The updated trip generation based upon an increase to three-hundred and six (306) residential units, with the proposed reduction in gymnasium / commercial space, results in a decrease in the total vehicle traffic, including the number of weekday trips, AM peak trips and PM peak trips.

Vice Mayor Wright asked how the traffic impacts from J. Crew were addressed. Ms. Frischeisen stated that the J. Crew had a high number of seasonal employees, the memo indicated no additional improvements were needed beyond the original proffers, and the petitioner showed a right-in right-out turn on Enterprise Drive. Mayor Dolan stated that the 2019 traffic study did not extend to the area that included the J. Crew. Mr. Lee Newland, City Engineer, stated that the traffic study from 2019 was done by Hurt & Proffitt, and looked at the intersection of Dillard Drive and Enterprise Drive should have taken into account the traffic down Dillard Drive.

Councilmember Faraldi stated that he would not be supporting the item because of the traffic congestion on Enterprise Drive.

Councilmember Wilder asked if notices were sent to residents in the area to communicate that there would be a public hearing. Ms. Frischeisen stated that required notice included posted signs along the frontage, legal notice in the newspaper, and notification of property owners within 200 feet of the property, which must be posted 30 days before the public hearing of the Planning Commission.

// In the matter of Roll Call, Councilmember Faraldi thanked everyone who participated in Mustaches for Kids. He commended Heritage and E. C. Glass High Schools with the strides made in their football programs this year. He stated that it was a really good thing to see how Heritage in the second half of the game put up such a fight until the very end. He commended Coach Bradley and the rest of the coaching

staff and team for their zeal and making Lynchburg proud. He stated that the Christmas Parade seemed to go very well and was well-received by its attendees. He stated that he was looking forward to celebrating the Christmas holiday and rest of the holiday season with family, and hoped everyone else did as well.

Councilmember Wilder stated that Mustaches for Kids raised \$503,000 in 30 days, which was amazing for the children in the community. He commended all the City staff, Police Chief, Fire Chief, and others for participating in the project.

// On motion of Councilmember Wilder, seconded by Councilmember Helgeson, Council, by the following recorded vote, elected to hold a closed meeting to discuss the resolution of an active lawsuit currently faced by the City pursuant to Section 2.2-3711(7) and 2.2-3711(8) of the Code of Virginia, 1950, as amended, and to discuss the appointments to the following boards and commissions: Lynchburg Regional Airport Commission, Planning Commission, Community Development Advisory Committee, Horizon Behavioral Health Board of Directors, Economic Development Authority, Lynchburg Redevelopment and Housing Authority, Lynchburg Parking Authority, and Greater Lynchburg Transit Company Board of Directors, pursuant to Section 2.2-3711A(1) of the Code of Virginia, 1950, as amended.

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

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

// The meeting was reopened to the public.

// Councilmember Helgeson made the following motion:

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

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open

meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The motion was seconded by Councilmember Wilder. Councilmember Faraldi stated for the record that he had recused himself of discussion of the active lawsuit that the City is currently facing. By the following recorded vote, adopted the motion:

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

Noes: 0

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

Lynchburg Regional Airport Commission: Deputy City Manager Greg Patrick for an indefinite term as the City Manager's by proxy; Mark Elliott for a new term ending December 31, 2025; Janice Crawford for a new term ending December 31, 2025.

Planning Commission: Dave Henderson for an unexpired term ending December 31, 2024.

Community Development Advisory Committee: Dr. Brenda Farmer for a new term ending December 31, 2023; Sandra Mitchell for a new term ending December 31, 2023; Lana Musgrave for a new term ending December 31, 2023; Kay Reid for a new term ending December 31, 2023; Sally Schneider for a new term ending December 31, 2023; Dr. Sterling Wilder for a new term ending December 31, 2023.

Horizon Behavioral Health Board of Directors: Betty Brickhouse for a new term ending December 31, 2025.

Economic Development Authority: Sean Huyett for an unexpired term ending June 30, 2026.

Lynchburg Redevelopment and Housing Authority: no appointments were made at this time.

Lynchburg Parking Authority

Greater Lynchburg Transit Company Board of Directors: Deputy City Manager Greg Patrick for an unexpired term ending December 31, 2023.

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

Noes: 0

// The meeting was recessed at 6:23 p.m.

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of December, 2022, at 7:30 p.m. in the Council Chamber, City Hall, MaryJane Dolan, President, presiding. The following Members were present:

Present: MaryJane Dolan, Beau Wright, Jeff Helgeson, Treney Tweedy, Sterling A. Wilder, Chris Faraldi	6
Absent:	0

// Councilmember Faraldi led the invocation, followed by the Pledge of Allegiance.

// In the matter of Recognitions, Mayor Dolan recognized Jenna Ng of the Mayor's Youth Council.

// In the matter of Recognitions, Mayor Dolan recognized the CO.STARTERS Graduates: Nicole Levasseur, Kathleen Davis, Tony Trupe, Trish Cerulli, Amy Robinson, Brittany Gallahan, Emily Johnson, Latia Hancock, Clover Charles, Leidra McQueen, Julie Palmer, Nikos Hawkins, Tara Johnson-Smith.

// In the matter of Recognitions, Mayor Dolan presented the keys of the City to the Honorable Councilmembers Beau Wright, Dr. Treney Tweedy, and Randy Nelson. Mayor Dolan noted that Mr. Nelson was not present to receive his recognition, so she would deliver it to him at a later date.

// In the matter of the Consent Agenda, Agenda Item 5, Council formally adopted Resolution #R-22-075 ratifying the GSATSA Lease Agreement. On motion of Vice Mayor Wright, seconded by Councilmember Wilder, Council by the following recorded vote approved the adoption:

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

// In the matter of Planning, Agenda Item 6, a public hearing was held and Council considered adopting Ordinance #O-22-076 approving the rezoning of Grace Orthodox Church at 3300 Carroll Avenue. Ms. Rachel Frischeisen, Planner II, gave a brief summary of the item to Council. Grace Orthodox Presbyterian Church is petitioning to rezone approximately ninety-seven hundredths (0.97) of an acre located at 3300 Carroll Avenue from I-2, Light Industrial District to B-5, General Business District. The rezoning would bring the existing church into conformity with the zoning ordinance and allow expansion. The church has been in operation since at least 1955 and is currently considered a legal nonconforming use in the I-2, Light Industrial District. The Planning Commission recommended approval (6-0, and 1 vacancy) of the rezoning petition. The Planning Division recommended approval of the petition.

Mr. Scott Shallenberger stated that he was a ruling elder and trustee of Grace Orthodox Presbyterian Church. He said the purpose of the zoning change request was not to change the use of the church, but to build a covered deck off of the back of their fellowship hall so mothers could watch their children on the playground that was to be built in the backyard.

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 Tweedy motioned, seconded by Vice Mayor Wright, to adopt the Ordinance #O-22-076. With no discussion from Council, the following vote was recorded:

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

Noes: 0

// In the matter of Planning, Agenda Item 7, a public hearing was held and Council considered adopting a resolution granting a Conditional Use Permit (CUP) to TPB Enterprises, LLC to allow the construction of 306 apartments at 1001, 1009 Dillard Drive and 209 Enterprise Drive. Ms. Rachel Frischeisen, Planner II, gave a brief summary of the item to Council. TPB Enterprises is petitioning for a CUP at 1001, 1009 Dillard Drive & 2009 Enterprise Drive to allow the construction of three-hundred and six (306) apartments in a B-3C, Community Business District (Conditional). Apartments and their associated uses are permitted in this zoning district upon approval of a CUP from City Council. City Council previously approved the CUP petition of 434 Center, LLC (Gary Schmincke) for one hundred sixteen (116) apartment units and associated gymnasium / commercial space at this location on August 13, 2019, which has expired. CUPs are valid for twenty-four (24) months once issued. A traffic analysis was conducted in 2019 as part of the original petition. This study indicated that based upon the proposed one hundred sixteen (116) apartments and associated gymnasium / commercial space there would be no “appreciable impacts caused by the construction of the multi-use development”. The only warranted improvements indicated were left and right turn lanes to the proposed entrance from Enterprise Drive. While not warranted by the traffic analysis, City staff worked with the petitioner to include widening and restriping Dillard Drive from Enterprise Drive to the development driveway. As part of the current request, new trip generations based upon the updated concept plan were prepared by Engineering & Planning Resources using the ITE Trip Generation Manual V11. The updated trip generation based upon an

increase to three-hundred and six (306) residential units, with the proposed reduction in gymnasium / commercial space, results in a decrease in the total vehicle traffic, including the number of weekday trips, AM peak trips and PM peak trips. On November 9, 2022, the Planning Commission recommended approval (3-2, with 1 absent and 1 vacancy) of the CUP petition. The Planning Division recommended approval of the petition.

Mr. Daniel Cyrus stated that he was representing TPB Enterprises and was presenting to Council. He stated that the CUP was not associated with the B-3 commercial uses, which could be constructed by right, but was specific to the proposed 306 apartments, which would be four-story buildings with interior corridors and elevators. Mr. Norm Walton, with Perkins & Orrison, presented to Council the allowed uses of the property and the proposed proffers of the project. Mr. Bill Lynch, Traffic Engineer, presented to Council the traffic analysis of the proposed development.

Mr. Scott Munker, Vice President of Supply Chain for J. Crew, addressed Council regarding the traffic congestion of Dillard Avenue.

Mr. George Bondurant, representing Hanwha Azdel, Inc, stated that his address was 90 Horseman Drive, Lynchburg, Virginia, 24502. He stated that he had not received notification of either this rezoning or the 2019 rezoning. He stated his opposition to the proposal due to traffic congestion in the area and the issues of development of residential uses in an industrial area.

Mr. Colby York, Vice President of Thrive Logistics, stated that Thrive Logistics was located across the street from the proposed development. opposition of the project due to the issues of development of residential uses in an industrial area.

Mayor Dolan asked if the applicant had a rebuttal. Mr. Cyrus stated that the housing proposed was meant to provide housing for employees for the many businesses in the area, and the property had already been rezoned to not serve as an industrial use. He stated that the project was meant to address the existing concerns by alleviating them.

Mayor Dolan closed the public hearing and the matter rested with Council.

Councilmember Faraldi motioned, seconded by Councilmember Helgeson, to deny the petition. Councilmember Faraldi asked how many apartments could be built on the property by right. Ms. Frischeisen answered that mixed use residential was allowed by right with a ratio of 1 to 1. It would

depend on how large the floor plan was in order to determine the amount of residential. Councilmember Faraldi requested the Council review by-right policies that allowed business zoned parcels to have residential uses. He expressed his concern about the lack of communication between the developer and the surrounding businesses and about the traffic issues in the area.

Councilmember Helgeson noted the original rezoning was approved because it had much fewer apartments, but the current proposal was wholly different and he could not support it.

Vice Mayor Wright asked what the notification process was for adjoining properties. Ms. Frischeisen stated that the requirements per the City Code included signage posted at the frontage of the property, notification in the newspaper, and notifying adjoining property owners. She stated that Azdel was sent a letter and J. Crew was located too far away to receive a letter. Vice Mayor Wright asked if the study took into account what the forecasted use of the road is. Mr. Lynch answered that the study did not include the traffic in the future, only the existing traffic and the predicted traffic on the sites. Vice Mayor Wright asked if the City was planning to make improvements to the intersection of the roads other than with this petition. Mr. Benda answered no. Councilmember Helgeson clarified that it was proffered in the rezoning of the property that when the property was developed, the turn lanes were to be improved.

Councilmember Wilder stated that he understood the traffic issues of the area and was supportive of Councilmember Faraldi's motion.

Councilmember Tweedy stated that the growth of the area was of concern. She asked why the number of units had tripled. Mr. Cyrus replied that the project only worked from a financial perspective if the density was at its current proposal.

Mayor Dolan stated that she did not support the project because of the traffic concerns and the industrial uses of the area.

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

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder, Faraldi	6
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Noes:	0
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// In the matter of Planning, Agenda Item 8, a public hearing was continued and Council considered adopting Resolution #R-22-077 and Ordinance #O-22-078 amending the Future Land Use Map and approving a rezoning at 1114, 1126, and 1168 Old Graves Mill Road. On November 1, 2022, City Council

conducted a public hearing and held it open for the December 13, 2022 City Council meeting. Ms. Rachel Frischeisen, Planner II, gave a brief summary of the item to Council. ZZ & ZZ, LLC is petitioning to rezone approximately eleven and ninety-three hundredths (11.93) acres located at 1114, 1126 & 1168 Old Graves Mill Road from R-2, Low-Medium Density Residential District to R-4C, High Density Residential District (Conditional). The rezoning would allow the construction of one hundred sixty-nine (169) apartments, twenty-nine (29) condominiums, office, club house, pool, and two hundred sixty-two (262) parking spaces. On October 12, 2022, the Planning Commission recommended approval (3-1, with 2 members absent, Light and Bowden, and 1 vacancy) of the FLUM amendment and of the rezoning petition. The Planning Division recommended approval of the petitions with the addition of proffers.

Ms. Amy Seipp of Accupoint Surveying & Design, representing the applicant, addressed Council. Mr. Jason Brown of ZZ & ZZ, LLC stated that the proposal allowed for home ownership pathways to residents. Mr. Carl Hultgren, Traffic Engineer with Gorove Slade, presented the traffic study for the project to Council.

Ms. Katrina Fields stated she was a resident of Coffey Road in Lynchburg City, and stated she was speaking in support of the project due to its creation of affordable housing and homeownership opportunities.

Mr. Ted Hein stated that he was a resident of Lynchburg City and on the Board of Directors of the Lynchburg Humane Society, which was located across the street from the proposed development. He stated his support of the project due to residents being of great help to the Humane Society.

Mr. Tim Sylvester stated that he was a resident of Lynchburg and retired surgeon who had practiced in Lynchburg for almost 40 years. He stated his support of the project due to its creation of different housing types in the City.

Mr. Caleb Hill stated that he was a resident of Lynchburg and current student at Central Virginia Community College. He stated his support of the project for its creation of affordable housing and homeownership opportunities.

Ms. Debbie Sebring stated that she was a resident of Ward IV in Lynchburg. She stated her support of the project due to its creation of different housing types in the City.

Mr. Steve Clevenger stated that he was a resident of Lynchburg and minister at the Seven Hills Church of Christ at 810 Old Graves Mill Road. He stated his support of the project due to its creation of affordable housing and homeownership opportunities, beautification of the area, and revenue for the City.

Ms. Lakeisha Anderson stated her support of the project due to its creation of affordable housing and homeownership opportunities in the City.

Ms. Alicia L. Finney, Clerk of Council, read three email correspondences into the record in opposition of the petition from the following citizens: Brian Zubroski, Brian Summers, and Rachel Mullins. She read a form email previously sent in from the following citizens, in opposition of the petition: Dan Johnson, Glenda Frye, Jennifer Tanner, Kathy Germeroth, Lynn Wayne Seipp, Sona Seipp, Keith Ballengee, Melinda Tennis, Michelle and Tim Osborne, Ben Kahle, Ashley Jones, Claudia Starkovich, and Greg and Darlene Marsh. Ms. Finney read into the record a letter supporting the project signed by the following citizens: Katrina Fields, Mary Brown, Paul Brown, Edward Hunt, Timothy Sylvester, Michael Voth, David Abdshah, Thomas Greene, Cary Tromby, John Buckles, Daniel Rhodes, Steven Powell, Hugh Parnell, Matt Meyers, and Steve Clevenger.

Mayor Dolan asked if the applicant had a rebuttal. Mr. Brown stated that the traffic study indicated the true minimal impact of the project on traffic, and the development would improve the road and make it safer. Ms. Seipp stated that buffers for the parcel would be addressed at the site planning stage, and the intent was to provide a bus stop when service allowed it in the future, as well as stormwater management that enhanced the environment and walking trails available to the public.

Mayor Dolan closed the public hearing and the matter rested with Council.

Councilmember Faraldi motioned, seconded by Councilmember Helgeson, to deny the petition. Councilmember Faraldi stated that Council must have a discussion about the lack of available housing in Lynchburg, and the placement of housing was key. He stated that he did not support the resolution because of the overdevelopment of the area.

Councilmember Helgeson stated that he did not support the resolution because it was the wrong location for this type of development.

Vice Mayor Wright stated that he was supportive of the project, so he would be voting against the motion on the floor. He stated that his concerns about the project's impact to the watershed and traffic had been allayed, and that the type and density of housing was appropriate for the area.

Councilmember Tweedy stated that she would be opposing the motion.

Councilmember Wilder stated that he would be opposing the motion and was supportive of the project because of its creation of affordable housing and the homeownership program. He stated that the traffic issues were addressed in the traffic study.

Mayor Dolan stated that she would be opposing the motion and supported the project because it fit within the neighborhood and offered homeownership.

Councilmember Faraldi stated that he would amend his motion to extend the public hearing until January.

Councilmember Tweedy stated that it was integral for the community to support a diversity of housing and to allow for larger density because of the growing City.

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

Ayes: Helgeson, Faraldi 2

Noes: Tweedy, Dolan, Wright, Wilder 4

Councilmember Tweedy motioned, seconded by Vice Mayor Wright, to approve the Resolution #R-22-077 and Ordinance #O-22-078.

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

Ayes: Tweedy, Dolan, Wright, Wilder 4

Noes: Helgeson, Faraldi 2

// In the matter of Water Resources, Agenda Item 9, a public hearing was held and Council conducted its first reading of Resolution #R-22-079 amending the FY 2023 Sewer Capital Projects Fund budget and appropriating \$25,000,000 American Rescue Plan Act (ARPA) Grant to reimburse costs associated with combined sewer overflow projects. Mr. Tim Mitchell, Director of Water Resources, gave a brief summary to Council. The City of Lynchburg has been awarded a grant totaling \$25,000,000 by the Virginia General Assembly's appropriation of ARPA funding to DEQ for costs directly associated with CSO projects which

are mandated by the State Water Control Board Enforcement Action—Consent Special order issued July 31, 2015.

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

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

Noes: 0

// In the matter of Public Comment, Agenda Item 10, Citizen Zandrea Herbert who previously signed up to speak was not in attendance at the meeting.

// In the matter of Lynchburg Redevelopment and Housing Authority, Agenda Item 11, Council considered adopting Resolution #R-22-080 authorizing the designation of the Dearington Hills Apartments as a Revitalization Area. City Council was previously briefed on this item during the December 8, 2022 work session. The Lynchburg Redevelopment and Housing Authority (LRHA) are working to submit a 2022 Tax Credit Application. Mary Mayrose, Executive Director of LRHA, has requested that City Council acknowledge by resolution that the area of Dearington Hills is a Revitalization Area as evidenced by the City's Comprehensive Plan.

Councilmember Tweedy motioned, seconded by Councilmember Wilder, to adopt the Resolution #R-22-080.

Councilmember Tweedy stated she was glad to support the project and to have served on the Housing Authority Board to be a part of the development process. Councilmember Wilder stated that the project was approved after much community input and would address the need for income-based housing in the City.

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

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

Noes: 0

// In the matter of the Fire Department, Agenda Item 12, Council conducted its first reading of Resolution #R-22-081 amending the FY 2023 City/Federal/State Aid Fund budget and appropriating \$76,000 from

the 2022 State Homeland Security Program (SHSP) grant to fund equipment for the Fire Department Technical Rescue Team. Fire Chief Gregory Wormser gave a brief summary of the item to Council. The resolution is to amend the FY 2023 City/Federal/State Aid Fund budget and appropriate \$76,000 with resources of \$76,000 from the 2022 SHSP from U.S. Department of Homeland Security (DHS) to fund equipment for the Fire Department Technical Rescue Team. The funds will be used for the purchase of PPE (Personal Protective Equipment), USAR (Urban Search & Rescue) bags, water rescue equipment and specialized rescue equipment for heavy lifting, debris removal and large animal rescue. The majority of this equipment is replacing existing equipment that has exceeded its useful life, but there are a few items that are being added to enhance our rescue capabilities. This equipment can be used in a variety of ways, such as stabilization of a structure that is in danger of collapse, stabilizing a vehicle after a crash or clearing debris from a trench. This equipment is vital to the successful mitigation of a variety of incident types and ensures not only the prolonged safety of our citizens, but also the immediate safety of our responders. In addition, this grant request will also include training that will enhance the knowledge and skills of our Technical Rescue Team members when confronted with patients that are victims of a USAR related incident. The grant is 100% reimbursable; no local match is required.

At its December 13, 2022 meeting, the Finance Committee recommended approval. As Chair of that committee, Councilmember Helgeson brought the committee's recommendation for approval forward as a motion, stating that the language was vague, but it allowed for the use of funds for this purpose. No second was required, and Council, by the following recorded vote approved the motion:

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

Noes: 0

// In the matter of City Council, Agenda Item 13, Council considered adopting Resolution #R-22-082 approving the City of Lynchburg's 2023 Legislative Agenda. Council was previously briefed on this item at the December 14, 2022 work session. Mr. Wynter C. Benda, City Manager, gave a brief summary of the item to Council. Each year, the City Manager works with the City department heads, City appointees, Constitutional Officers and their staff and others on what topics, focus areas and/or potential bills/resolutions are important to the City of Lynchburg that will first be presented to City Council and later

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adopted by them as the City's "legislative package" so as to position it well for the impending Virginia General Assembly Session.

Councilmember Faraldi asked if the language regarding Roanoke's legislative initiatives could be included in the legislative agenda. Mr. Benda stated that it was not currently included but could be added. Councilmember Faraldi stated that he was comfortable with that and would rather not vote on something without seeing it. Mr. Benda stated that he would like to have something to work with before the General Assembly session began on January 11, 2023.

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

Ayes: Dolan, Wright, Helgeson, Tweedy, Wilder	5
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Noes: Faraldi	1
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// The meeting adjourned at 9:42 p.m.

Clerk of Council