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September 22, 2015

// A regular meeting of the Council of the City of Lynchburg was held on the 22nd day of September, 2015, at 4:30 P.M. in the Council Chamber, City Hall, Ceasor Johnson, Vice President, presiding. The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy

6

Absent: Gillette

1

// City Manager Kimball Payne stated that he had received requests from Liberty University, Lynchburg College, and Central Virginia Community College to adopt an ordinance allowing for the operation of golf carts and utility vehicles on certain streets near the respective institutions. Mr. Payne further stated that in response, an ordinance was drafted that would establish the criteria for such operations. Mr. Payne went on to say that staff had some concerns about allowing the operation of such vehicles on City streets and discussed the matter with the Physical Development Committee (PDC). There were mixed feelings on the committee regarding the proposal and they asked staff to bring it to full Council for discussion during a work session. In response to comments made by members of the Physical Development Committee, staff conducted further review and made revisions to the draft ordinance. Council's options regarding this matter include:

- 1) Decline to allow the operation of golf carts and utility vehicles on City streets and instead encourage the use of "street legal" low speed/utility vehicles.
- 2) Allow the use of golf carts and utility vehicles under certain conditions based on speed limits, traffic volume and road character, such as:
 - the vehicles should only be allowed on roads with posted speeds of 25 mph or less unless the road is within the property limits (internal streets) of a two or four year institution.
 - VDOT approval shall be required for any designated roadway that it maintains. VDOT standards include a traffic count of less than 1000 vpd, a pavement width of seventeen feet, and truck traffic of ten percent or less.

With respect to the specific requests from the institutions, staff offers the following for consideration:

Liberty University: Allow the use of golf carts and utility vehicles on University Boulevard, on Liberty Mountain Drive and crossing Candler's Mountain Road at University Boulevard at a designated and signal controlled crosswalk. It is not appropriate for such vehicles to operate on Candler's Mountain Road.

Central Virginia Community College: Allow the use of golf carts and utility vehicles on Harvard Street (SR 368), which is maintained by VDOT.

Lynchburg College: Public streets internal to Lynchburg College are appropriate for golf carts and utility vehicles. It is not appropriate for such vehicles to operate on Lakeside Drive, Thomas Road, Oakley Avenue (except for access to a crosswalk to cross Lakeside Drive), Breckenridge Street, or Richmond Street. Such vehicles could be allowed to cross Lakeside Drive at its intersection with Oakley Avenue/Monticello Avenue; access to Oakley Avenue would be via Jubal Street and Macon Street.

- It may also be appropriate to allow for the limited operation of golf carts and utility vehicles on sidewalks leading up to crosswalks at designated intersections.

During Council discussion the majority of Council was in favor of receiving more information on the request by the three area institutions to allow golf carts and utility vehicles on certain city streets near their campuses. Council made no decision in regards to the draft golf cart ordinance, but suggested that Staff revise the draft ordinance to address concerns posed by Council such as the type of safety equipment installed on the vehicles, and which roadways would be specified in the ordinance. Based on Council's guidance at that time, staff would finalize an ordinance for future consideration.

// During roll call Council Member Foster mentioned that last week the Live Healthy Coalition in Lynchburg was invited to attend an event hosted by the White House in celebration of The First Lady Michelle Obama Initiative, Let's Move Cities, Towns and Counties. The City of Lynchburg received three gold medals, one silver and one bronze from the Let's Move Initiative. Council Member Foster stated she would like an update from the Coalition on these efforts across the nation helping communities with Economic Development as well as issues around poverty (for example food insecurities). She went on to say that the Live Healthy Lynchburg Coalition has used their collective impact to move the needle on creating a culture of health in this community.

// Council Member Helgeson mentioned that after hearing that bells are required on bicycles, he would like to have a discussion in the near future regarding the law that requires bells on bicycles.

// Council Member Perrow mentioned the crosswalk at the intersection of VES Road and Rivermont Avenue.

// Vice Mayor Johnson made three announcements; 1) unveiling the marker for Margaret Pauline Fletcher Weedon Maloney on Saturday, September 26, 2015; 2) Council Planning Session, Thursday, September 24, 2015 and 3) Artful Bike Rack Installation Ceremony, Thursday, September 24, 2015.

// On motion of Council Member Foster, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., Virginia Alcohol Safety Action Program (VASAP) Board, Social Services Advisory Board, Board of Building Code Appeals, Redevelopment and Housing Authority and Lynchburg Business Development Centre; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

// The meeting was re-opened to the public.

// Council Member Perrow 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 Council Member Helgeson, and Council by the following recorded vote adopted the motion:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

// In the matter of Appointments, and on nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote appointed Brenda Castle Finch, to serve on the VASAP Board for a term to expire August 31, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

On nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote appointed Amy Clemons, Timothy P. Griffin and James B. Polk, Jr. to serve on the Social Services Advisory Board for terms to expire September 30, 2019:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

On nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Barry E. Layne, Otto F. Schonfelder and Mark W. Smith to serve on the Board of Building Code Appeals for terms to expire September 30, 2019:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

On nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote appointed Jorge Gomez to serve on the Redevelopment & Housing Authority Board for a term to expire September 30, 2019:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

On nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote reappointed Kaleb Matson and John M. Stone to serve on the Lynchburg Business Development Centre Board for terms to expire September 30, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

On nomination of Council Member Foster, seconded by Council Member Tweedy, Council by the following recorded vote appointed Holly Roark to serve on the Lynchburg Business Development Centre Board for a term to expire September 30, 2018:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// City Council recessed the meeting at 6:27 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Absent: Gillette 1

Council Member Foster gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the September 8, 2015 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as amended:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// In the matter of Police – General, Resolution #R-15-067 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$25,750 with resources of \$8,397 from the 2015 Byrne/JAG Crisis Intervention Team Grant and \$17,353 is transferred from the General Fund Police Department FY 2016 Budget to continue the Crisis Intervention program, laid over from the September 8, 2015 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// In the matter of Fire – General, Resolution #R-15-068 to amend the FY 2016 City/Federal/State Aid Fund budget and appropriate \$67,246 with resources of \$49,238 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund (RSAF) and \$18,008 transferred from the FY 2016 General Fund Fire Department budget to purchase one (1) Physio LifePak 15 cardiac monitor/defibrillator,

one (1) Lucas 2 chest compression device, and (1) Panasonic H2 reporting tablet, and one (1) Stryker Power Pro XT stretcher for the Fire Department, laid over from the September 8, 2015 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

// In the matter of Budget, Resolution #R-15-069 to amend the FY 2016 Operating and Capital Budgets and appropriating funds to reflect the FY 2016 First Quarter Adjustments in the General, City/Federal/State Aid, Asset Forfeiture, Technology, Fleet Services, and City Capital Projects Fund, laid over from the September 8, 2015 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

// In the matter of Parks and Recreation – General, Resolution #R-15-073 to amend the FY 2015 General Fund budget and appropriate \$76,304 to the Parks and Recreation Department with resources of \$65,817 from Debt Service Payments from the Economic Development Authority of the City of Lynchburg for Miller Center and \$10,487 from the FY 2015 Unassigned Fund Balance to make lease payments to Miller Center Building, LLC as required by the Miller Center Project Lease Agreement, laid over from the September 8, 2015 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy	6
Noes:	0
Absent: Gillette	1

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Liberty University for a Conditional Use Permit (CUP) at 3125 Albert Lankford Drive to convert the existing one hundred twenty-four (124) unit hotel into a sixty-four unit apartment style dormitory for married and graduate students in an R-C, Resource Conservation and B-5, General Business District. Planner I Rachel Frischeisen provided a brief summary regarding the petition, explaining that both the Planning Division and Planning Commission are recommending approval of the Conditional Use Permit. Ms. Maggie Cossman, Corporate Engineer with Liberty University representing the petitioner, asked Council for approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Nelson stated he previously represented Liberty University and currently represents the proposed manager of this project. His professional ethics prohibit him, as an attorney, to use his elected position to promote the interests of a client unless doing so is clearly in the public's interest. He believes the current proposal has a limited

impact and is clearly in the public's interest, so he feels comfortable participating and will support this request. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-15-076, as presented, granting the petition of Liberty University for a Conditional Use Permit at 3125 Albert Lankford Drive to convert the existing one hundred twenty-four (124) unit hotel into a sixty-four unit apartment style dormitory for married and graduate students in an R-C, Resource Conservation and B-5, General Business District:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// In the matter of City Council, Joseph Pallone, representing Creating Opportunities through Partnership and Education (COPE) International - USA, spoke before Council regarding their program. Mr. Pallone stated that the objective of the program is to enable Veterans to own and run a long-term sustainable, successful, indoor farming business.

// In the matter of Community Development – Zoning, City Council Report #10 was considered. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-15-077, as presented, granting a final twelve month extension of the Conditional Use Permit for the Kirkley Apartments project; such extension to expire on November 13, 2016:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// In the matter of City Code, City Council Report #11 was considered. On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-15-078, as presented, amending Sections 26-55 and 26-57 of the City Code relating to the City's Noise Ordinance:

Ayes: Foster, Helgeson, Johnson, Nelson, Perrow, Tweedy 6

Noes: 0

Absent: Gillette 1

// The meeting was adjourned at 7:59 P.M.

Clerk of Council