// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of November, 2013, at 4:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Cary, Foster, Helgeson, Nelson, Perrow, Gillette 6

Absent: Johnson 1

// Don DeBerry, Deputy Public Works Director, provided a report on the Fort Avenue On-Road Bike Facility. Mr. DeBerry stated as Fort Avenue is resurfaced and restriped upon completion of Midtown improvements, plans are to add lane markings and separate bike lanes to the roadway where the existing pavement width allows. This proposal covers the area from Park Avenue to Wythe Road, and adds sharrows from Wythe Road to Memorial Avenue. Mr. DeBerry further stated that the markings proposed are consistent with the federal and state guidelines for pavement markings associated with both vehicular and bicycle use. Mr. DeBerry went on to say, as recommended in the approved Region 2000 Bike plan this restriping plan eliminates on street parking on one side of Fort Avenue to accomplish the addition of the bike lanes for both sides. The City comprehensive plan states that parking will not be removed from Fort Avenue for the purpose of adding capacity. Mr. DeBerry explained the proposed project which eliminates on street parking on the East side of Fort Avenue.

After Council discussion regarding the Fort Avenue Bike Lanes, Council concern was that they did not have visuals of the bike lanes. A motion was made by Council Member Helgeson seconded by Council Member Cary to defer action on this item until visuals are available for Council consideration. Council by the following recorded vote agreed to defer this item and bring it back to a future work session:

Ayes: Cary, Foster, Helgeson, Nelson, Perrow, Gillette 6

Noes: 0

Absent: Johnson 1

// Planner Anne Nygaard introduced Mr. Bill Cashman of URS who presented the Wards Ferry Road Corridor Study. Mr. Cashman stated that Region 2000 Local Government Council, the City of Lynchburg and the URS Corporation have completed a study of Wards Ferry Road from Timberlake Road to Wards Road. Mr. Cashman explained that the study focused on turn lanes, multimodal needs and access management. He explained one of the issues that became apparent early on is that future widening into four lanes, although many may feel is necessary, is not financially feasible. Mr. Cashman went on to say that the study focused on safety, capacity and a complete streets approach. The resulting document is a planning level assessment of options to address (i) vehicular traffic safety concerns; (ii) pedestrian and bicycle accommodations; and (iii) road capacity issues from current and anticipated development demands along the corridor. Mr. Cashman further stated that Staff recommends the “Preferred Alternative”. This preferred alternative would minimize the need for additional right-of-way, while adding turn lanes at key intersections, a roundabout at Wards Ferry Road and Harvard Street and a multi-use path along the length of the corridor. The preferred alternative would improve safety and preserve existing street capacity while allowing for minimal growth in traffic. Mr. Cashman went on to say additional vehicular capacity cannot be added to the corridor without significant right-of-way acquisition and public investment. The Planning Commission recommended adopting the study as part of the *Comprehensive Plan* because:

- The study is consistent with the *Comprehensive Plan* which recommends that "priorities for improvements to the transportation system should be based on safety considerations; existing deficiencies; multimodal and environmental considerations; physical, economic, and policy constraints; contribution to quality urban design; required right of way needs; level of service; and appropriate system continuity."
- The study is consistent with the *Comprehensive Plan* which recommends inclusion of "alternative transportation modes in the Transportation Master Plan (TMP), including pedestrians, bikeways, trails and transit."
- The study provides guidance on the maximum build-out of the corridor and will help inform future decisions on development in the area.

During Council discussion some concerns were raised on what the phase would look like and how to fund this project.

// Deputy City Manager Bonnie Svrcek gave a summary of the Draft 2014 Legislative Agenda outlining the position statement changes, deletions and newly-created positions. During Council discussion Council asked that two alternatives be incorporated for discussion and adoption on the issue of Law Enforcement Data Collection and Retention. It was asked that Water Quality be amended. There was some discussion on Legislation supporting the Filing of Bills with Local Fiscal Impact, there was opposition to any legislation that would reduce Taxes on Machinery and Tools and Taxes on Business Licenses and discussion on the support for full funding of Teacher Retirement which are included as 2014 Legislative Priorities. After discussion, Council agreed to bring this item back for adoption at the November 26 Council meeting.

// During roll call Council Member Nelson stated that City staff would give some consideration to the storm water run-off on Coffee and Boonsboro Roads behind the new Dollar General Store.

// Council Member Cary stated that the traffic light on Oak Lane near Virginia Baptist Hospital is working properly.

// On motion of Council Member Helgeson, seconded by Council Member Foster, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the disposition of a City owned property located near the intersection of Lakeside Drive and Whitehall Road pursuant to Section 2.2-3711(A.)(3) of the Code of Virginia because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City:

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

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

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

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

// City Council recessed the meeting at 6:18 p.m.

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

The following Members were present:

Present: Cary, Foster, Helgeson, Nelson, Perrow, Gillette	6
Absent: Johnson	1

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

// Copies of the minutes of the October 8, 2013 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #7 regarding the petition of Mr. Thomas McCann to vacate a portion of Manton Drive located between 3600 and 3607 Manton Drive, which extends approximately two hundred forty (240) feet and is approximately fifty (50) feet wide. Council Member Nelson made the following statement, "I represent the petitioner (Mr. and Mrs. Thomas McCann) for handling of this property. For this reason I will abstain from casting a vote in favor or against this item." Kevin Henry, Planner II, gave a summary of the request and the Physical Development Committee (PDC) reviewed the petition and unanimously recommended approval of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this item came before PDC which recommended approval of the request. This motion does not require a second and Council by the following recorded vote adopted Ordinance #O-13-120, as presented, approving to vacate a portion of Manton Drive located between 3600 and 3607 Manton Drive, which extends approximately two hundred forty (240) feet and is approximately fifty (50) feet wide:

Ayes: Cary, Foster, Helgeson, Perrow, Gillette	5
Noes:	0
Absent: Johnson	1
Abstention: Nelson	1

// In the matter of Public Works – General, a public hearing was held regarding City Council Report #8 regarding the consideration of a request to grant a License Agreement to Sidera Networks, LLC d/b/a Lightower Fiber Networks to place fiber optic cable from Timberlake Road to Route 29 By-pass in city right-of-way. Lee Newland, City Engineer, gave a summary of the request. A representative with Sidera Networks submitted a request for the installation of approximately 57,435 feet of fiber optic cable in city right-of-way. Sidera Networks is partnered with Virginia Department of Transportation (VDOT) to build a network of fiber optic cable throughout the State of Virginia. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this item came before PDC which recommended approval of the request. This motion does not require a second and Council by the following recorded vote adopted Resolution #R-13-121, as presented, granting a License Agreement to Sidera Networks, LLC d/b/a Lightower Fiber Networks to place fiber optic cable from Timberlake Road to Route 29 By-pass in city right-of-way:

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

// In the matter of City Council, Mr. Ronald "B.B." Shavers, representing the S.H.O.P.O. Foundation for Youth, spoke before Council regarding the incident that occurred on Friday, October 18th at the City Stadium during the E.C. Glass and Heritage football game.

// In the matter of City Council, Mrs. Demetritus Goode spoke before Council regarding an incident that occurred on Friday, October 18th at the City Stadium during the E.C. Glass and Heritage football game.

// In the matter of City Council, Mr. John Williams spoke before Council with a concern on the issue of “Food Deserts” in the Lynchburg area.

// In the matter of Public Works – General, City Council Report #12 was considered.

Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this item came before PDC which recommended approval of the request. This motion does not require a second and Council by the following recorded vote adopted Resolution #R-13-122, as presented, to participate in the Virginia Department of Transportation (VDOT) Revenue Sharing Program:

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

// In the matter of Public Works – General, City Council Report #13 was considered. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this item came before PDC which recommended approval of the request. This motion does not require a second and Council by the following recorded vote adopted Resolution #R-13-123, as presented, to support Campbell County in the participation of the Virginia Department of Transportation (VDOT) Revenue Sharing Program for a project in support of Liberty University:

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

// In the matter of Water Resources – General, City Council Report #14 was considered. Director of Water Resources Tim Mitchell provided a brief summary of the request. Council Member Cary, Chair of the Finance Committee (FC) stated that this item came before FC which recommended approval of the request. This motion does not require a second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-124, as presented, amending the FY 2014 Sewer Capital Projects Fund budget and appropriating $750,000 with resources transferred from the FY 2014 Sewer Operating Fund budget to remain in compliance with the State Water Control Board Special Order:

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

// In the matter of Public Works – General, City Council Report #15 was considered. City Engineer Lee Newland provided a summary of the request. Council Member Cary, Chair of the Finance Committee (FC) stated that this item came before FC which recommended approval of the request. This motion does not require a second and Council by the following recorded vote adopted Resolution #R-13-125, as presented, to approve the submittal of an application for $160,000 in Transportation Alternatives Program funding through Virginia Department of Transportation (VDOT) for construction of a sidewalk on one side of Jefferson Ridge Parkway providing access to Ivy Creek Park:

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

// In the matter of Transit, City Council Report #16 was considered. Finance Director Donna Witt provided a summary of the request. Council Member Cary, Chair of the Finance Committee (FC) stated that this item came before FC which recommended approval of the request. This motion does not require a second and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-13-126, as presented, amending the FY 2014 City Capital Projects Fund budget and appropriating $246,724 with resources from the General Fund GLTC committed fund balance reserve to provide for GLTC capital projects:

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

// In the matter of Central Virginia Mental Health, City Council Report #17 was considered.

City Attorney Walter Erwin gave a summary of the request regarding the Horizon Behavioral Health Charter Agreement. On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-13-127, as presented, agreeing to a change to the Horizon Behavioral Health Charter Agreement:

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

// The meeting was adjourned at 8:37 P.M.

Clerk of Council