

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of October, 2017, at 7:30 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

Absent: Dolan 1

// In the matter of Courts, City Council Report #1, Resolution #R-17-083, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$11,383 with resources from a grant from the Library of Virginia to preserve Deed Book 56, 1897-1898, Deed Book FF, 1880-1881, and Marriage Bonds A-L, 1805-1824 at the Lynchburg Circuit Court Clerk's Office laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Dolan 1

// In the matter of Fire, City Council Report #2, Resolution #R-17-084, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$36,784 with resources of \$17,647 from the Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund and \$19,137 transferred from the FY 2018 General Fund Fire Department budget to purchase two (2) Power Pro stretchers for the Fire Department laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Dolan 1

// In the matter of Police, City Council Report #3, Resolution #R-17-085, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$49,650 with resources of \$33,100 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$14,140 and \$2,410 transferred from the FY 2018 General Fund Police Department budget to provide selective enforcement activities and attend related training laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Dolan 1

// In the matter of Police, City Council Report #4, Resolution #R-17-086, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$21,000 with resources of \$14,000 from the

Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$5,929

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and \$1,071 transferred from the FY 2018 General Fund Police Department budget to provide funds for speed enforcement activities laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Dolan 1

// In the matter of City Council, City Council Report #5, Resolution #R-17-087, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$156,391 with resources of \$117,293 from the Commonwealth of Virginia Department of Social Services through the Employment for TANF Participants Grant and \$39,098 from in-kind contributions laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Dolan 1

// In the matter of Community Development, a public hearing was held regarding City Council Report #6 for the petition of William Bohn and Jennifer Woofter to appeal the decision of the Historic Preservation Commission (HPC) to deny a Certificate of Appropriateness (COA) to allow installation of four (4), twenty-six inch (26")-diameter main wood columns on the front of the structure with twenty-four inch (24")-diameter fiberglass columns at 1919 Rivermont Avenue. After reading this item, Mayor Foster stated the petitioners, William Bohn and Jennifer Woofter sent a letter stating they were out of town and would like to delay this item until a later date. By consensus, Council agreed to postpone this item to a later date when the petitioners could be present:

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

Noes: 0

Absent: Dolan 1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 7 outlining the petition of Bell Terrace Developers, LLC, to rezone from R-1 Low Density Residential zoning to R-2, Low Medium Density residential to allow the subdivision of the property into forty-four (44) single-household lots at 226, 300, 306, 312 and 404 Alta Lane. Planner Rachel Frischeisen gave a summary of the request for the rezoning. Mr. Norm Walton of Perkins & Orrison, Inc., representing the petitioner asked Council for approval of the rezoning. One individual spoke in favor of the rezoning petition. One individual spoke in opposition stating that the new development would be in her backyard and there would be increased traffic. There was no one else present who wished to speak to

this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-17-088, as presented,
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granting the petition of Bell Terrace Developers, LLC, to rezone from R-1 Low Density Residential zoning to R-2, Low Medium Density residential to allow the subdivision of the property into forty-four (44) single-household lots at 226, 300, 306, 312 and 404 Alta Lane:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Liberty University, Inc. for a Conditional Use Permit (CUP) at 1971 University Boulevard to allow the expansion of the existing football stadium. City Planner Tom Martin gave a brief summary of the request for the CUP from Liberty University, Inc.

Council Member Helgeson disclosed a statement that he is a graduate of Liberty University and a Flames Club representative (an organization that gives money to the University). He does not foresee a personal conflict of interest so he can render a fair and impartial vote.

Council Member Perrow disclosed a statement acknowledging from time to time his company is hired to conduct consultations with Liberty University; however, he does not have a personal conflict of interest so he can render a fair and impartial vote.

There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-17-089, as presented, granting the Conditional Use Permit to Liberty University, Inc. to allow the expansion of the existing football stadium at 1971 University Boulevard:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Community Development, a public hearing was held regarding City Council Report #9 to adopt an Ordinance to vacate a portion of right-of-way known as University Boulevard. Planner Rachel Frischeisen gave a summary of the request.

Council Member Perrow disclosed a statement acknowledging from time to time his company is hired to conduct consultations with Liberty University; however, he does not have a personal conflict of interest so he can render a fair and impartial vote.

Council Member Helgeson disclosed a statement that he is a graduate of Liberty University and a Flames Club representative. He does not foresee a personal conflict of interest so he can render a fair and impartial vote.

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 matter came before the PDC which recommended approval. This motion does not require a second and Council by the following recorded vote adopted Ordinance #O-17-090, as presented, to vacate a portion of right-of-way known as University Boulevard:

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

Noes: 0

Absent: Dolan 1

// In the matter of Community Development, a public hearing was held regarding City Council Report #10 to amend Section 35.2-46, Community Business District (B3) of the Zoning Ordinance to allow tattoo parlors as a use permitted by right. City Planner Tom Martin gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-17-091, as presented, to amend Section 35.2-46, Community Business District (B3) of the Zoning Ordinance to allow tattoo parlors as a use permitted by right:

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

Noes: 0

Absent: Dolan 1

// In the matter of City Council, a public hearing was held regarding City Council Report #11 to receive citizen comments on the proposed sale of surplus City property located at 405 Cabell Street. City Manager Bonnie Svrcek provided a summary regarding the sale of surplus City property located at 405 Cabell Street. This property is the former group home known as Opportunity House. Ms. Svrcek stated the City advertised the property as being for sale and received an offer from Boyd Coons to purchase the property in the amount of \$175,000.00 with the intent of restoring and preserving the building on the property to authentic historic standards. The City received a second offer in the amount of \$240,000 to purchase the property with the intent to convert the entire property to rental units. Ms. Svrcek went on to say that the property was purchased by the City in 1981 and the current assessed value is \$276,600. There was no one else present who wished to speak to this item, and the public hearing was closed. Council discussed this item at length. Council Member Helgeson suggested selling the property to the higher buyer. He stated the City will be losing taxes if the property is sold to the lower buyer. Council Member Nelson made a motion, seconded by Mayor Foster, to accept the lower offer, this property has been used for public purpose, an affirmative vote of three-fourths or 6 votes is required to approve the sale of the property. It was the consensus of Council to accept the lower offer and forward this item to November 14, 2017 council meeting for approval of the sale of surplus City property located at 405 Cabell Street:

Ayes: Nelson, Perrow, Tweedy, Wilder, Foster 5

Noes: Helgeson 1

Absent: Dolan 1

// In the matter of City Council, City Council Report #12, Lauren Dianich spoke before Council regarding the skatepark.

// In the matter of City Council, City Council Report #13, Katie Basten was not present at this meeting but provided Council with a letter on her behalf.

// In the matter of City Council, City Council Report #14, Jeff Suter spoke before Council regarding the skatepark.

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// In the matter of City Council, City Council Report #15, BB Shavers with Shopo Nation spoke before Council regarding several community issues.

// In the matter of Economic Development, City Council Report #16 was considered. On motion of Council Member Wilder, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-17-092, as presented, approving the issuance of up to \$8,500,000 in bonds for Lynchburg College through the Industrial Development Authority of Campbell County, Virginia (IDA):

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of City Council, Resolution #R-17-081, laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution for the proposed sale of surplus City property located at 927 Church Street:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Budget, City Council Report #18 was considered. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-093, as amended, for amending the FY 2018 Operating and Capital Budgets and appropriating funds to reflect the FY 2018 First Quarter Adjustments:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Public Works/Parks and Recreation, City Council Report #19 was considered. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before the PDC which recommended approval. This motion does not require a second and Council by the following recorded vote adopted Resolution #R-17-094, as presented, to endorse the Revenue Sharing, Transportation Alternatives and Highway Safety Improvement Program applications:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of City Code, City Council Report #20 was considered. City Attorney Walter Erwin brought forth amending Sections 25-375.1, 25-375.2, 25-375.4, 25-375.8, and 25-375.10 of the City Code to restrict weapons at assemblies and demonstrations. Mr. Erwin stated as a result of the violence that occurred during the August 12 demonstrations in Charlottesville, localities are reviewing and amending their ordinances regulating assemblies and demonstrations to prohibit the participants in such activities from possessing items such as bats, clubs, chemical irritant sprays, shields, torches, etc. in order to

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reduce the possibility of violence at assemblies and demonstrations. While citizens have a constitutional right to engage in peaceful assemblies and demonstrations, the prohibition of weapons does not violate the participants' constitutional rights. The proposed amendments to the City Code do not prohibit the possession of firearms at assemblies and demonstrations because in 2002 the General Assembly adopted legislation (Section 15.2-915 of the State Code) which prohibits localities from adopting ordinances, regulations, etc. prohibiting the possession of firearms in public buildings and public places.

After Council lengthy discussion on the City Code the section on "Picket" was added. "Picket" means anyone who participates in a public assembly, demonstration, march, parade, picket line, procession, rally, or spontaneous event on the streets, sidewalks, or other public areas of the city, either as an individual or as part of a group.

Mr. Erwin mentioned efforts across the State to address incidents like those that occurred in Charlottesville with considerations of changing ordinances. He related a taskforce has developed two recommendations to prohibit violence: 1) Law enforcement needs to keep different groups participating as separate as possible; 2) Prohibit protestors from bringing items that can be used as weapons. As a result, his office recommends the City consider amending our ordinance that deals with assemblies and demonstrations to address these two issues. These issues are not currently addressed in the City's current ordinance. Making this step will make it clear that the Police Department has a right to go out to a designate area for protests that include the protesters and counter protesters alike and put up a barrier if necessary to separate the groups. The City Police Chief has been consulted and approved by him before it was brought to City Council. On motion of Council Member Tweedy, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-17-095, as amended, to amend the City Code relating to the regulation of assemblies, demonstrations and parades within the City:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster

6

Noes:

0

Absent: Dolan

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// On motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., the Social Services Advisory Board, the Board of Building Code Appeals, the Lynchburg Business Development Centre, the Historic Preservation Commission, the Transit Company

Board and the Parking Authority, and for discussion and consideration of the disposition of City-owned property located at 405 Cabell Street, pursuant to Section 2.2-3711(A)(1)(3), of the Code of Virginia (1950) as amended.

Ayes: Nelson, Perrow, Tweedy, Wilder, Foster 5

Noes: Helgeson 1

Absent: Dolan 1

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

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

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

Noes: 0

Absent: Dolan 1

// In the matter of Appointments, and on nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote appointed Joshua Duffy, to serve on the Social Services Advisory Board for a term to expire September 30, 2021:

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

Noes: 0

Absent: Dolan 1

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote appointed Craig A. Storrs, Jr., to serve on the Social Services Advisory Board to fill an unexpired term ending September 30, 2018:

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

Noes: 0

Absent: Dolan 1

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the

following recorded vote appointed Crystal Horsley to serve on the Social Services Advisory Board to fill an unexpired term ending September 30, 2020:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote appointed Cecil Jackson to serve on the Board of Building Code Appeals for a term to expire September 30, 2021:

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Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Bonnie Svrcek to serve on the Transit Company Board for a term to expire October 30, 2020:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote appointed Joel Morgan to serve on the Transit Company Board for a term to expire October 30, 2020:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

On nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote re-appointed Ivajean M. Jaeger, Carl Matice, Thorne McCraw and James Mundy to serve on the Lynchburg Parking Authority for terms to expire October 30, 2022:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// The meeting was adjourned at 11:22 P.M.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of October, 2017, at 7:30 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

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

Absent: Dolan 1

// In the matter of Courts, City Council Report #1, Resolution #R-17-083, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$11,383 with resources from a grant from the Library of Virginia to preserve Deed Book 56, 1897-1898, Deed Book FF, 1880-1881, and Marriage Bonds A-L, 1805-1824 at the Lynchburg Circuit Court Clerk's Office laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Dolan 1

// In the matter of Fire, City Council Report #2, Resolution #R-17-084, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$36,784 with resources of \$17,647 from the Virginia Office of Emergency Medical Services Rescue Squad Assistance Fund and \$19,137 transferred from the FY 2018 General Fund Fire Department budget to purchase two (2) Power Pro stretchers for the Fire Department laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Dolan 1

// In the matter of Police, City Council Report #3, Resolution #R-17-085, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$49,650 with resources of \$33,100 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$14,140 and \$2,410 transferred from the FY 2018 General Fund Police Department budget to provide selective enforcement activities and attend related training laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

Absent: Dolan 1

// In the matter of Police, City Council Report #4, Resolution #R-17-086, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$21,000 with resources of \$14,000 from the Department of Motor Vehicles Highway Safety Grant, an in-kind service and equipment match of \$5,929 and \$1,071 transferred from the FY 2018 General Fund Police Department budget to provide funds for speed enforcement activities laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of City Council, City Council Report #5, Resolution #R-17-087, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$156,391 with resources of \$117,293 from the Commonwealth of Virginia Department of Social Services through the Employment for TANF Participants Grant and \$39,098 from in-kind contributions laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Community Development, a public hearing was held regarding City Council Report #6 for the petition of William Bohn and Jennifer Woofter to appeal the decision of the Historic Preservation Commission (HPC) to deny a Certificate of Appropriateness (COA) to allow installation of four (4), twenty-six inch (26")-diameter main wood columns on the front of the structure with twenty-four inch (24")-diameter fiberglass columns at 1919 Rivermont Avenue. After reading this item, Mayor Foster stated the petitioners, William Bohn and Jennifer Woofter sent a letter stating they were out of town and would like to delay this item until a later date. By consensus, Council agreed to postpone this item to a later date when the petitioners could be present:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 7 outlining the petition of Bell Terrace Developers, LLC, to rezone from R-1 Low Density Residential zoning to R-2, Low Medium Density residential to allow the subdivision of the property into forty-four (44) single-household lots at 226, 300, 306, 312 and 404 Alta Lane. Planner Rachel Frischeisen gave a summary of the request for the rezoning. Mr. Norm Walton of Perkins & Orrison, Inc., representing the petitioner asked Council for approval of the rezoning. One individual spoke in favor of

the rezoning petition. One individual spoke in opposition stating that the new development would be in her

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backyard and there would be increased traffic. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-17-088, as presented, granting the petition of Bell Terrace Developers, LLC, to rezone from R-1 Low Density Residential zoning to R-2, Low Medium Density residential to allow the subdivision of the property into forty-four (44) single-household lots at 226, 300, 306, 312 and 404 Alta Lane:

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

Noes: 0

Absent: Dolan 1

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #8 outlining the petition of Liberty University, Inc. for a Conditional Use Permit (CUP) at 1971 University Boulevard to allow the expansion of the existing football stadium. City Planner Tom Martin gave a brief summary of the request for the CUP from Liberty University, Inc.

Council Member Helgeson disclosed a statement that he is a graduate of Liberty University and a Flames Club representative (an organization that gives money to the University). He does not foresee a personal conflict of interest so he can render a fair and impartial vote.

Council Member Perrow disclosed a statement acknowledging from time to time his company is hired to conduct consultations with Liberty University; however, he does not have a personal conflict of interest so he can render a fair and impartial vote.

There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-17-089, as presented, granting the Conditional Use Permit to Liberty University, Inc. to allow the expansion of the existing football stadium at 1971 University Boulevard:

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

Noes: 0

Absent: Dolan 1

// In the matter of Community Development, a public hearing was held regarding City Council Report #9 to adopt an Ordinance to vacate a portion of right-of-way known as University Boulevard. Planner Rachel Frischeisen gave a summary of the request.

Council Member Perrow disclosed a statement acknowledging from time to time his company is hired to conduct consultations with Liberty University; however, he does not have a personal conflict of interest so he can render a fair and impartial vote.

Council Member Helgeson disclosed a statement that he is a graduate of Liberty University and a Flames Club representative. He does not foresee a personal conflict of interest so he can render a fair

and impartial vote.

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 matter

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came before the PDC which recommended approval. This motion does not require a second and Council by the following recorded vote adopted Ordinance #O-17-090, as presented, to vacate a portion of right-of-way known as University Boulevard:

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

Noes: 0

Absent: Dolan 1

// In the matter of Community Development, a public hearing was held regarding City Council Report #10 to amend Section 35.2-46, Community Business District (B3) of the Zoning Ordinance to allow tattoo parlors as a use permitted by right. City Planner Tom Martin gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #O-17-091, as presented, to amend Section 35.2-46, Community Business District (B3) of the Zoning Ordinance to allow tattoo parlors as a use permitted by right:

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

Noes: 0

Absent: Dolan 1

// In the matter of City Council, a public hearing was held regarding City Council Report #11 to receive citizen comments on the proposed sale of surplus City property located at 405 Cabell Street. City Manager Bonnie Svrcek provided a summary regarding the sale of surplus City property located at 405 Cabell Street. This property is the former group home known as Opportunity House. Ms. Svrcek stated the City advertised the property as being for sale and received an offer from Boyd Coons to purchase the property in the amount of \$175,000.00 with the intent of restoring and preserving the building on the property to authentic historic standards. The City received a second offer in the amount of \$240,000 to purchase the property with the intent to convert the entire property to rental units. Ms. Svrcek went on to say that the property was purchased by the City in 1981 and the current assessed value is \$276,600. There was no one else present who wished to speak to this item, and the public hearing was closed. Council discussed this item at length. Council Member Helgeson suggested selling the property to the higher buyer. He stated the City will be losing taxes if the property is sold to the lower buyer. Council Member Nelson made a motion, seconded by Mayor Foster, to accept the lower offer, this property has been used for public purpose, an affirmative vote of three-fourths or 6 votes is required to approve the sale of the property. It was the consensus of Council to accept the lower offer and forward this item to November 14, 2017 council meeting for approval of the sale of surplus City property located at 405 Cabell Street:

Ayes: Nelson, Perrow, Tweedy, Wilder, Foster	5
Noes: Helgeson	1
Absent: Dolan	1

// In the matter of City Council, City Council Report #12, Lauren Dianich spoke before Council regarding the skatepark.

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// In the matter of City Council, City Council Report #13, Katie Basten was not present at this meeting but provided Council with a letter on her behalf.

// In the matter of City Council, City Council Report #14, Jeff Suter spoke before Council regarding the skatepark.

// In the matter of City Council, City Council Report #15, BB Shavers with Shopo Nation spoke before Council regarding several community issues.

// In the matter of Economic Development, City Council Report #16 was considered. On motion of Council Member Wilder, seconded by Council Member Tweedy, Council by the following recorded vote adopted Resolution #R-17-092, as presented, approving the issuance of up to \$8,500,000 in bonds for Lynchburg College through the Industrial Development Authority of Campbell County, Virginia (IDA):

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of City Council, Resolution #R-17-081, laid over from the September 26, 2017 meeting, was again presented and read, and on motion of Council Member Wilder, seconded by Council Member Perrow, Council by the following recorded vote adopted the Resolution for the proposed sale of surplus City property located at 927 Church Street:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Budget, City Council Report #18 was considered. On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-17-093, as amended, for amending the FY 2018 Operating and Capital Budgets and appropriating funds to reflect the FY 2018 First Quarter Adjustments:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Public Works/Parks and Recreation, City Council Report #19 was considered. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before the PDC which recommended approval. This motion does not require a second and Council by

the following recorded vote adopted Resolution #R-17-094, as presented, to endorse the Revenue Sharing, Transportation Alternatives and Highway Safety Improvement Program applications:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

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// In the matter of City Code, City Council Report #20 was considered. City Attorney Walter Erwin brought forth amending Sections 25-375.1, 25-375.2, 25-375.4, 25-375.8, and 25-375.10 of the City Code to restrict weapons at assemblies and demonstrations. Mr. Erwin stated as a result of the violence that occurred during the August 12 demonstrations in Charlottesville, localities are reviewing and amending their ordinances regulating assemblies and demonstrations to prohibit the participants in such activities from possessing items such as bats, clubs, chemical irritant sprays, shields, torches, etc. in order to reduce the possibility of violence at assemblies and demonstrations. While citizens have a constitutional right to engage in peaceful assemblies and demonstrations, the prohibition of weapons does not violate the participants' constitutional rights. The proposed amendments to the City Code do not prohibit the possession of firearms at assemblies and demonstrations because in 2002 the General Assembly adopted legislation (Section 15.2-915 of the State Code) which prohibits localities from adopting ordinances, regulations, etc. prohibiting the possession of firearms in public buildings and public places.

After Council lengthy discussion on the City Code the section on "Picket" was added. "Picket" means anyone who participates in a public assembly, demonstration, march, parade, picket line, procession, rally, or spontaneous event on the streets, sidewalks, or other public areas of the city, either as an individual or as part of a group.

Mr. Erwin mentioned efforts across the State to address incidents like those that occurred in Charlottesville with considerations of changing ordinances. He related a taskforce has developed two recommendations to prohibit violence: 1) Law enforcement needs to keep different groups participating as separate as possible; 2) Prohibit protestors from bringing items that can be used as weapons. As a result, his office recommends the City consider amending our ordinance that deals with assemblies and demonstrations to address these two issues. These issues are not currently addressed in the City's current ordinance. Making this step will make it clear that the Police Department has a right to go out to a designate area for protests that include the protesters and counter protesters alike and put up a barrier if necessary to separate the groups. The City Police Chief has been consulted and approved by him before it was brought to City Council. On motion of Council Member Tweedy, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-17-095, as amended, to amend the City Code relating to the regulation of assemblies, demonstrations and parades within the City:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// On motion of Council Member Wilder, seconded by Council Member Nelson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., the Social Services Advisory Board, the Board of Building Code Appeals, the Lynchburg Business Development Centre, the Historic Preservation Commission, the Transit Company

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Board and the Parking Authority, and for discussion and consideration of the disposition of City-owned property located at 405 Cabell Street, pursuant to Section 2.2-3711(A)(1)(3), of the Code of Virginia (1950) as amended.

Ayes: Nelson, Perrow, Tweedy, Wilder, Foster	5
Noes: Helgeson	1
Absent: Dolan	1

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

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

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
Noes:	0
Absent: Dolan	1

// In the matter of Appointments, and on nomination of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote appointed Joshua Duffy, to serve on the Social Services Advisory Board for a term to expire September 30, 2021:

following recorded vote re-appointed Ivajean M. Jaeger, Carl Matice, Thorne McCraw and James Mundy to serve on the Lynchburg Parking Authority for terms to expire October 30, 2022:

Ayes: Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	6
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Noes:	0
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Absent: Dolan	1
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// The meeting was adjourned at 11:22 P.M.

Clerk of Council