

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of March, 2009, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Gillette gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Absent: 0

// Mayor Foster recognized Jimmysha Brown, a member of the Mayor's Youth Council.

// Copies of the minutes of the March 10 (2 meetings), 2009 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Garrett, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Finance – Bonds/Schools - General, Resolution #R-09-013 amending the FY 2009 School Capital Projects Fund Budget and appropriating \$16,000 for costs associated with the issuance of General Obligation School Bonds, laid over from the March 10, 2009 meeting, was again presented and read. In response to Council questioning, City Manager Kimball Payne acknowledged that these funds would only be expended if it is necessary to proceed with the issuance of the School bonds. On motion of Council Member Garrett, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Juvenile Services - General, Resolution #R-09-014 amending the FY 2009 Comprehensive Services Act (CSA) Fund budget and appropriating \$898,500, with \$652,674 reimbursement, to fund a projected deficit in the CSA fund in FY 2009, laid over from the March 10, 2009 meeting, was again presented and read, and on motion of Council Member Garrett, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of City Code, City Council Report #4 regarding amending the City Code relating to the recovery of the costs incurred by the City for boarding impounded animals was considered. City Attorney Walter Erwin stated that from time to time, Lynchburg's Animal Wardens have to seize animals that have been abandoned or abused by their owners or have been alleged to be dangerous or vicious dogs and that these animals are boarded at the Lynchburg Animal Shelter pending the proper disposition of the animals. Mr. Erwin explained that if such animals have to remain at the Animal Shelter for more than thirty days, the City can incur significant costs for boarding the animals, and the State Code allows a locality to adopt an ordinance requiring the owner of an impounded animal to post a bond to cover the costs incurred by the locality for boarding the animal. Mr. Erwin went on to say that the Animal Warden recommends

that Lynchburg adopt such an ordinance. Council Member Helgeson expressed concern regarding an owner having to pay these costs if the charges are subsequently dismissed by the Courts or if the owner is found not guilty. Council Member Perrow made a motion, seconded by Council Member Gillette, to postpone this item until the April 14 meeting. City Attorney Erwin stated that the ordinance could be rewritten to provide that the owner is not required to pay the costs of boarding the animal if no charges are placed against the owner, or if the charges are subsequently dismissed or if the owner is found not guilty. Council Member Perrow withdrew his motion; Council Member Gillette withdrew his second to the motion.

Council Member Perrow requested that the ordinance be rewritten to include language regarding an owner not having to pay these costs if the charges are subsequently dismissed by the Courts or if the owner is found not guilty and to bring the revised ordinance back to Council for further discussion at the April 14 meeting.

// In the matter of City Code, City Council Report #5 was considered. City Attorney Walter Erwin provided a brief summary regarding the request. On motion of Council Member Johnson, seconded by Council Member Perrow, Council by the following recorded vote adopted Ordinance #0-09-015, as presented, to repeal outdated Sections of the City Code dealing with housing and hygiene:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// During roll call, and in response to Council Member Garrett's inquiry, City Manager Kimball Payne stated that he would check to see if the \$440,000 from the Schools Text Book Reserve could be used to rescind the furloughs imposed on City employees during the remainder of the current fiscal year. Council Member Garrett also mentioned the upcoming Annual March on Litter. Vice Mayor Dodson requested a copy of the Economic Development Authority Fifth Street Business Assistance Plan and asked the City Attorney to contact the State Board of Elections to determine if they have come up with a clear definition of "domicile" for student voters. Mayor Foster reminded everyone regarding the Amazing Book Race – Lynchburg 2500.

// On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Boards and Commissions, i.e., Equalization Board and Community Development Advisory Committee and for consultation with legal counsel and briefings by staff members concerning probable litigation because such consultation and briefing in an open meeting would adversely affect the negotiating or litigating posture of the City, pursuant to Section 2.2-3711(A) (1) and (7), respectively, of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

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

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

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote appointed Linda S. Sullivan to serve on the Community Development Advisory Committee for a term to expire December 31, 2012:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7

Noes: 0

// The meeting was adjourned at 5:55 P.M.

Clerk of Council