

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of February, 2009, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Garrett 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 Gabrielle Simmons and Rachael Robertson, members of the Mayor's Youth Council.

// Copies of the minutes of the January 27 (2 meetings), 2009 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Garrett, 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 Fire - General, Resolution #R-09-004 amending the FY 2009 General Fund Budget and appropriating \$32,000, fully reimbursable, to purchase Automated External Defibrillators (AEDs) to place on various fire department vehicles, laid over from the January 27, 2009 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Garrett, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Fire - General, Resolution #R-09-005 amending the FY 2009 City/Federal/State Aid Fund Budget and appropriating \$103,695, with \$90,668 reimbursement, to assist with the purchase of a Type I International ambulance and seven (7) Panasonic Toughbook CF 30 laptop computers, laid over from the January 27, 2009 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Council Member Garrett, Council by the following recorded vote adopted the Resolution:

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

Noes: 0

// In the matter of Housing Authority, a public hearing was held regarding City Council Report #4 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted properties at 611 and 613 Washington Street under Section 36-19.5 of the Code of Virginia. LRHA Manager of Community Development Connie Snavelly provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning regarding a revised resolution, Ms. Snavelly stated that the LRHA attorney revised the resolution to include language to correspond to changes in state law. City Attorney Walter Erwin stated that he has reviewed the revised resolution, which includes a reference to Section 1-219.1 of the State Code. On motion of Council Member Johnson, seconded by Council Member

Gillette, Council by the following recorded vote adopted Resolution #R-09-006, as revised, authorizing the Lynchburg Redevelopment and Housing Authority to pursue acquisition of blighted properties at 611 and 613 Washington Street under Section 36-19.5 of the Code of Virginia:

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

7

Noes:

0

// In the matter of Schools - General, Mr. Jim Weigand expressed concern regarding the recent Lynchburg City Schools \$440,000 shortfall for fiscal year 2007-08. Mr. Weigand stated that the powers and the duties of school boards are well defined and that the expenditure of unencumbered fund balances in addition to not having the anticipated 1.4 million dollars for capital expenditures and repairs is beyond belief. Mr. Weigand went on to say that as the fiduciaries that oversee the taxpayer dollars, City Council must realize this issue is about a violation of the State Code and that City Council has an obligation to see that the State Code, which says that School Administrators who spend more than they have are guilty of malfeasance in office, is enforced in this case. Mr. Weigand requested that City Council ask the City Manager to advise the Commonwealth Attorney about the apparent violation of the Code of Virginia, specifically Section 22.1-91 -- Limitation on Expenditures. Council Member Helgeson stated that he felt Mr. Weigand had a valid argument and that Council should direct the City Manager to bring the matter to the attention of the Commonwealth Attorney and ask if any criminal violations had occurred. Council Member Helgeson made a motion to advise the City Manager to contact the Commonwealth Attorney to determine if there is a violation of Section 22.1-91 of the State Code. Council Member Perrow stated that he would second the motion to allow for discussion. Some Council Members stated that such a move was unnecessary, noting that School leaders have publicly apologized for the mistake and announced a series of new measures to strengthen their fiscal oversight. Several Council Members commented that Mr. Weigand has no children in the City schools and questioned his interest in school issues. Council Member Johnson stated that this matter was discussed with School officials at the last Council meeting and that he is concerned that the matter has been brought back up without affording the Schools an opportunity to be present and respond to Mr. Weigand's request. Council Member Helgeson reiterated that the Commonwealth Attorney should weigh in on possible criminal misconduct by School officials in relation to the School System's recent deficit troubles. Council Member Garrett stated that the Commonwealth Attorney is aware of the issue. Council Members discussed at length Mr. Weigand's request and whether or not City Council should ask the Commonwealth Attorney for his opinion regarding this matter. City Manager Kimball Payne also noted that the Commonwealth Attorney is aware of the School Board deficit. In response to Council questioning, City Attorney Walter Erwin explained that under the State Code, City Council's role regarding the Schools is very limited and that the School Board is given the authority to manage the operation of the School system. Mr. Erwin stated that City Council's role is to appoint the School Board members and to appropriate funds to the Schools. Council Member Perrow made a substitute motion, seconded by Council Member Garrett, to table the matter indefinitely. Some Council Members

stated that they did not want to postpone this matter and that they were prepared to vote against both the original motion and the substitute motion. The vote was called on the substitute motion, and Council by the following recorded vote defeated the substitute motion:

Ayes: Garrett, Perrow 2

Noes: Dodson, Gillette, Helgeson, Johnson, Foster 5

The vote was called on the original motion, and Council by the following recorded vote defeated the original motion:

Ayes: Helgeson 1

Noes: Dodson, Garrett, Gillette, Johnson, Perrow, Foster 6

// In the matter of City Council, City Council Report #6 regarding a proposed public art project was considered. Local artist Mike Twery explained that he has spent the last several months photographing people doing everyday things around the Hill City and that now he is recreating those images for a mural of painted wooden cut-outs that captures "Everyday People" in the City. Mr. Twery stated that he would like to install the mural on the long wall in the lobby adjacent to Council Chambers, and that there will be no direct cost to the City for installation of this art project. In response to Council questioning, Mr. Twery stated that although the City will own the artwork, he will still retain a copyright that would allow him to be compensated if the City decides to sell the artwork. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote endorsed the proposed Lobby Art Project – "Everyday People":

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

Noes: 0

// In the matter of Human Services - General, Director of Juvenile Services Tamara Rosser provided an overview regarding the Comprehensive Services Act (CSA), including local expenditures and cost reduction strategies. Ms. Rosser explained that CSA became law on July 1, 1993, and that the intent was to create a collaborative system of services and funding that is child-centered, family-focused and community-based when addressing the needs of troubled and at-risk youth and their families. Ms. Rosser reviewed the written information contained in the report and responded to Council questions regarding CSA.

// Ms. Rosser stated that at the December Finance Committee meeting, Council Member Garrett indicated that he considered "dysfunctional families" to be the City's number one challenge and that prior to forging ahead in developing a work plan to "strengthen families", staff is providing a report to Council on current activities that support families with City resources. Ms. Rosser reviewed information previously furnished to Council which outlined current initiatives that contribute to strengthening families in the City.

// In the matter of Police - General, City Council Report #8 regarding a request to donate surplus City equipment to the Lynchburg Police Foundation was considered. Lynchburg Police Chief Parks Snead along with Rev. James Coleman, Churches United for Service, and Mr. Curtis Roberts, Lynchburg Police Foundation, provided a brief summary regarding a request to donate a retired Police vehicle to the

Lynchburg Police Foundation. Chief Snead stated that since 2008, the Lynchburg Police Department (LPD) has been developing a partnership with a local organization, Churches United for Service (CUFS), a group of urban churches collaborating to build a healthier and stronger community in Lynchburg. Chief Snead explained that CUFS has proposed that they restore a used police vehicle, with the restoration of the vehicle intended to also be symbolic of citizens having the opportunity to “restore” their lives from past struggles or difficulties to become contributing members of the Lynchburg community, and that once restored, the vehicle will be awarded to a citizen. Chief Snead stated that citizens would become eligible by surrendering a firearm in exchange for one chance to receive the restored vehicle. Chief Snead went on to say that a retired Chevrolet Impala police vehicle with 88,343 miles and a disabled transmission has been identified for donation to the Lynchburg Police Foundation. Chief Snead stated that the City Attorney has reviewed this arrangement and has deemed it legal subject to Council approval. Chief Snead noted that the LPD, the Lynchburg Police Foundation and CUFS have a partnership agreement in place that details the responsibilities of the individual organizations and ensures that if the restoration project is not completed in a timely fashion that the ownership of the donated vehicle will revert back to the City of Lynchburg and that the agreement also ensures that all activity related to the firearms surrender program will be controlled by the LPD. In response to questioning, Chief Snead stated that he is aware of current General Assembly legislation regarding future disposition of property of “value” and that if the legislation is passed into law then the firearms would have to be sold rather than destroyed. Council Member Helgeson stated that although he has no concerns regarding the donation of the vehicle, he is concerned regarding the process used in the disposition of the vehicle and that he also has some concerns regarding the partnership agreement. In response to questioning, Chief Snead stated that over his more than 20-year career, he has been contacted by several people who wanted to turn in firearms for various reasons, including that they didn’t understand the weapon, that they didn’t want it in the house or that they didn’t want to make a mistake with that weapon that could shatter their lives. Chief Snead went on to say that we absolutely believe in people’s rights to bear arms, however, there is violence and unintentional violence with people who don’t have a want or a need for firearms and that this would be one option to allow them to turn the firearms over to the Police. Other Council Members thought the program was a good idea and voiced support. City Manager Kimball Payne advised that City Council is not being asked to approve the partnership agreement, just the donation of the vehicle to the Lynchburg Police Foundation. On motion of Council Member Johnson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-09-007, as presented, approving the donation of surplus City equipment, specifically a 2004 Chevrolet Impala police vehicle, to the Lynchburg Police Foundation:

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

6

Noes: Helgeson

1

// In the matter of Public Works - General, City Council Report #9 was considered. On motion of Council Member Gillette, seconded by Council Member Garrett, Council by the following recorded vote adopted

Resolution #R-09-008, as presented, requesting the Virginia Department of Transportation (VDOT) to increase the City's street lane mileage of roadways for street maintenance entitlement funds:

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

Noes: 0

// On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions, i.e., the Community Development Advisory Committee, pursuant to Section 2.2-3711(A)(1), 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 Johnson, Council by the following recorded vote appointed Cynthia Coles to serve on the Community Development Advisory Committee for a term to expire December 31, 2011:

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

Noes: 0

// The meeting was adjourned at 10:05 P.M.

Clerk of Council