// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of November, 2009, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: 0

// Deputy City Manager Bonnie Svrcek provided a brief summary regarding a request to reallocate $18,007 to the Shelter Plus Grant to provide interim financial assistance and services to qualified persons who have transitioned from homelessness to permanent housing. Ms. Svrcek explained that in 2002, the City received a Shelter Plus Care grant in the amount of $320,700 from the U.S. Department of Housing and Urban Development (HUD) and that the City, together with Miriam's House and the Lynchburg Neighborhood Development Foundation (LNDF), have coordinated the grant to provide Tenant-Based Rental Assistance to approximately ten households who have transitioned from homelessness to permanent housing. Ms. Svrcek stated that due to the slow start-up of the program, HUD granted a five-year extension beyond the initial five-year grant period that ended in 2006 and that currently monthly assistance from this grant is $4,993. Ms. Svrcek went on to say that unfortunately, due to staffing transition in both the financial and program management areas for this grant within the City as well as insufficient tracking of expenditures by LNDF, staff has found itself with an approximate four month funding gap before the grant is renewed by HUD. Ms. Svrcek did note that HUD program staff has offered considerable assurance that the grant will be renewed in early calendar year 2010, and that staff is recommending that City Council reallocate funding in the amount of $18,007 from the budgeted per diem for the Juvenile Detention Center to the Federal/State Aid Fund to provide interim funding for this program for the months of December-March. LNDF Executive Director Laura Dupuy stated that she has received a commitment to fund $500 of the amount that is needed. Council Member Helgeson stated that the item did come before the Finance Committee and that following a lengthy discussion the Committee did not forward a recommendation to Council. Council Members questioned Ms. Dupuy regarding the shortfall and why LNDF did not renew the grant earlier to avoid this situation.

In response to Council questioning, LNDF Executive Director Laura Dupuy explained that the monthly amount varies depending upon the number of households being served and the amount that is paid by those households each month and that it was anticipated that there would be sufficient funds to cover the rental costs until the grant could be renewed. City Manager Kimball Payne commented that this is a policy question for City Council – do you want to fill the gap for this rent assistance? Council Members discussed at length whether local tax dollars should be used to cover the grant deficit. Council Members Helgeson and Perrow stated that it is not the role of local government to cover these rent payments and they were adamant that local tax dollars should not be used to cover the deficit especially since there are individuals in the community who are losing their homes to foreclosures. Council Member Gillette stated that the only way that he would support the request would be if the amount is deducted from next year's

$25,000 contribution to LNDF. Council Member Garrett stated that he had a number of questions that needed to be answered before he could make a decision regarding this request. In response to Council questioning, City Attorney Walter Erwin stated that since there is a contract between the parties, that the funding would not be a charitable contribution that would require five affirmative votes. Council Member Johnson commented that the City is a partner with LNDF and Miriam's House and that all share the blame for this deficit. Council Member Helgeson made a motion, seconded by Council Member Perrow, to deny the request. Vice Mayor Dodson made a substitute motion, seconded by Council Member Johnson, to table this matter until the December 8 meeting to allow time for Council to receive additional information, and Council by the following recorded vote approved the substitute motion:

Ayes: Dodson, Garrett, Gillette, Johnson, Foster	5
Noes: Helgeson, Perrow	2

// Mayor Foster mentioned that discussion regarding filling the impending vacancy on Council was delayed to this meeting to allow Council Member Johnson an opportunity to participate in the discussion. City Attorney Walter Erwin stated that he has provided City Council with options and is available to respond to questions. Council Member Helgeson stated that since this is the item on the table, he will make a motion to nominate Joe Seiffert to be considered as a candidate to fill the upcoming vacancy. Council Member Garrett seconded the motion. Several Council Members commented that they have not had a chance to speak with Mr. Seiffert to determine if he is even interested in serving the remainder of Council Member Garrett's term. Council Member Gillette stated that Council needs to determine the process before considering the names of individuals and suggested that Council follow the process used by past Councils when there was a vacancy on Council. Council Member Gillette made a substitute motion that City Council will not entertain formal applications, formal nominations or group interviews for the vacant seat and that Council will instead have a closed meeting at a date to be determined in December or early January to discuss and make a decision regarding an individual to fill the vacancy. Council Member Johnson seconded the motion. Council Member Gillette mentioned that in the meantime Council Members should share names with each other so that each of us individually can do the research and be prepared for that discussion when it is scheduled. Council Member Perrow stated that he would like to offer an amendment to the substitute motion that all the proceedings be held in public. Council Member Helgeson seconded the amendment. In response to Council questioning, City Attorney Walter Erwin explained that under City Council's Rules of Procedure, only one substitute motion may be made, so the second substitute motion made by Council Member Perrow is out of order. Council Member Perrow explained that his motion was to amend the substitute motion. Mr. Erwin stated that any time you are changing the original motion that is an amendment and that City Council's Rules of Procedure states that a motion may be amended no more than twice and that once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. Several Council Members commented that since this is a personnel matter that it should be discussed in a closed meeting similar to what was done in the past when a vacancy occurred on City Council. Other Council Members spoke in support of having all discussions in open session. Following discussion, the vote was called on the motion to amend the substitute motion, and Council by the following recorded vote defeated the motion to amend the substitute motion:

Ayes: Garrett, Helgeson, Perrow 3

Noes: Dodson, Gillette, Johnson, Foster 4

The vote was called on the substitute motion, and Council by the following recorded vote approved the substitute motion:

Ayes: Dodson, Gillette, Johnson, Foster 4

Noes: Garrett, Helgeson, Perrow 3

// During roll call, and in response to Council Member Garrett's question, City Manager Kimball Payne stated that staff is working towards the use of GPS in identifying bulk pickup sites. Council Member Johnson commented regarding his recent attendance at the National League of Cities conference, which included five students from the Mayor's Youth Council. In response to Council Member Perrow's question, City Manager Payne stated that all but one street light is now working on Main Street. Council Member Helgeson requested a report regarding the increase in the costs for the Greenview Drive project, requested a copy of the entire report from the joint City Council/School Board meeting where only some of the pages of the report were distributed, and mentioned a State Code section that requires the Schools to provide a copy of the average cost per pupil information to be distributed each year to parents/guardians. City Attorney Walter Erwin stated that he has spoken with Schools Superintendent Paul McKendrick who stated that he was unaware of that State Code section, but indicated that he would have staff start sending this information as required by the State Code. Vice Mayor Dodson asked that a presentation regarding a Hill City youth football and cheerleading program be scheduled for the January 12 work session. Council Member Gillette requested that staff provide a report to the Physical Development Committee regarding the erosion and sediment control regulations the City requires for various developments.

// City Council recessed the meeting at 6.57 p.m.

// City Council reconvened the meeting at 7:30 p.m. Council Member Gillette gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster and Vice Mayor Dodson presented a proclamation declaring Wednesday, November 25, as "StarTek Day" in Lynchburg in recognition for the company's dedication, commitment and involvement in the community.

// Copies of the minutes of the November 10, 2009 meeting, having been previously furnished Council, reading was dispensed with. Council Member Helgeson stated that he would like page 099 of the minutes to be corrected to reflect that he suggested former Council Member Joe Seiffert as a possible candidate to fill the remainder of Council Member Garrett's term on City Council. On motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote approved the minutes as corrected:

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

Noes: 0

// Copies of the minutes of the November 17, 2009 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Vice Mayor Dodson, 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 Courts – General, Resolution #R-09-129 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $80,000, fully reimbursable, for the provision of screening, assessment, supervision, treatment, and intervention services for the mentally ill who come in contact with the criminal justice system, laid over from the November 10, 2009 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Taxes, Resolution #R-09-130 amending the FY 2010 General Fund budget and appropriating $171,968 to refund an overpayment of erroneously paid business license taxes by Candler Oil Company, Inc. for the calendar years 2006 and 2007, laid over from the November 10, 2009 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Police – General, Resolution #R-09-131 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $39,933, with $37,408 reimbursement, to provide selective DUI and Occupant Restraint enforcement activities, attend related training, and purchase equipment, laid over from the November 10, 2009 meeting, was again presented and read, and on motion of Council Member Perrow seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Police – General, Resolution #R-09-132 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $26,500, fully reimbursable, to send crash team members to accident reconstruction training and to purchase equipment, laid over from the November 10, 2009 meeting, was again presented and read, and on motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster 7
Noes: 0

// In the matter of Commonwealth Attorney, City Council Report #10 was considered. On motion of Council Member Perrow, seconded by Vice Mayor Dodson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-137, as presented, amending the FY 2010 General Fund Budget and appropriating $66,755 from the General Fund Reserve for Contingencies to partially restore funding cut by the State for the Commonwealth Attorney's Office:

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

Noes: 0

// In the matter of Property, a public hearing was held regarding City Council Report #11 outlining a request to authorize the sale of approximately 0.08 acre of surplus property on Breezewood Drive to Mr. Alvin Mayberry. City Engineer Lee Newland 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. Council Member Johnson, Physical Development Committee (PDC) Chair, stated that this item came before the PDC and made a motion to approve the request. The motion required no second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-138, as presented, approving the sale of approximately 0.08 acre of surplus property on Breezewood Drive to Mr. Alvin Mayberry:

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

Noes: 0

// In the matter of Community Planning - General, a public hearing was held regarding City Council Report #12 regarding a request to authorize the conveyance of property and the conveyance of easements to Norfolk Southern Railway Company adjacent to the Kemper Street Station for the construction of facilities to support enhanced passenger rail to Washington, DC. City Manager Kimball Payne provided a brief summary regarding the request, stating that a public hearing regarding the sale of the property was conducted by City Council on May 12, 2009. 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 Gillette, Council by the following recorded vote adopted Resolution #R-09-139, as presented, authorizing the conveyance of property and the conveyance of easements to Norfolk Southern Railway Company adjacent to the Kemper Street Station:

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

Noes: 0

// In the matter of Community Planning – General, a public hearing was held regarding City Council Report #13 regarding support of a Transportation Enhancement Grant application to construct pedestrian and bicycle improvements in the Wards Road corridor. Deputy City Manager Bonnie Svrcek provided a brief summary regarding the request. Mr. Walter Fore spoke in opposition, stating that any transportation funds should be used to complete the work on 5th Street and replace the bridge on Fort Avenue and the D Street Bridge. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, City Manager Kimball Payne stated that work has begun on replacing the D Street Bridge and that the bridge on Fort Avenue will not be replaced but filled in as part of the Midtown project. Mr. Payne did note that funding for 5th Street has been delayed for one year. Council

Member Johnson stated that he would support this request since this was only to apply for the grant. Council Member Perrow stated that although he is under contract with Liberty University, the request before Council is to apply for a transportation grant which has nothing to do with the Liberty University tunnels project/pedestrian traffic on Wards Road and therefore he does not have a conflict of interest and intends to vote on this item. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-09-140, as presented, requesting support of a Transportation Enhancement Grant application to construct pedestrian and bicycle improvements in the Wards Road corridor:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// In the matter of Community Planning – Zoning, City Council Report #14 regarding granting a third and final extension to the Conditional Use Permit for the construction of one hundred ninety (190) townhouse units located at Parkside Villas, at 903 and 903A Wiggington Road was considered. City Manager Kimball Payne provided a brief summary regarding the request. At the request of Council, Mr. Tom DeWitt provided an update regarding the project. Mr. DeWitt explained that the developers are now working with the Economic Development Authority to acquire a small piece of their property for an entrance to this development. On motion of Council Member Helgeson, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-09-141, as presented, granting a third and final extension to the Conditional Use Permit for the construction of one hundred ninety (190) townhouse units located at Parkside Villas, at 903 and 903A Wiggington Road:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// In the matter of Library – General, City Council Report #15 was considered. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote approved the revised Internet Use Policy for the Lynchburg Public Library:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster	7
Noes:	0

// The meeting was adjourned at 8:16 P.M.

Clerk of Council