

// A regular meeting of the Council of the City of Lynchburg was held on the 14th day of October, 2008, at 7:30 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

// John Moon presented to the City a framed copy of his artwork that was recently featured in the local magazine "Lynchburg Living", expressing his desire that the artwork become a symbol for all cultural and fine arts for the City. Mayor Foster accepted the artwork on behalf of the City and thanked Mr. Moon for his gift.

// Mayor Foster presented to Amazement Square Executive Director Mort Sajadian and his Assistant Melissa Zadell a proclamation declaring September 27 – November 30 as "Lynchburg Big Read" in the City of Lynchburg.

// Copies of the minutes of the September 8, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Garrett, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the September 9, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Garrett, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the September 23 (two meetings), 2008 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Garrett, seconded by Council Member Helgeson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the October 7, 2008 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Garrett, seconded by Council Member Helgeson, 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 Library – General, City Council Report #5 was considered. On motion of Council Member Garrett, seconded by Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-125, as presented, amending

the FY2009 City/Federal/State Aid Fund budget and appropriating \$7,800, with resources from the Gates Foundation, to purchase three new personal computers and one new Early Learning Station for the Downtown Branch Library:

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

7

Noes:

0

// In the matter of Police – General, City Council Report #6 was considered. On motion of Council Member Garrett, seconded by Council Member Helgeson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-08-126, as presented, amending the FY2009 City/Federal/State Aid Fund budget and appropriating \$15,919, fully reimbursable, to purchase nineteen (19) X-26 Tasers and cartridges:

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

7

Noes:

0

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #7 outlining the petition of West Lynchburg Baptist Church for a Conditional Use Permit to allow the construction of a playground and pavilion in an R-3, Medium Density, Two-Family Residential District, at 101,103, 105 and 107 Langhorne Lane. Senior Planner Kent White provided a brief summary regarding the petition. Mr. Tom Woodford, representing the petitioner, outlined the request and asked for approval. Mr. Woodford explained that the playground will be dedicated in memory of Jason Sherman, a member of the Church who died while serving in Iraq. Mr. Woodford stated that his parents decided to memorialize him in the form of this playground because he was active with the children of the Church. Ann and Christopher Sherman, the parents of Jason Sherman, also spoke in support 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 Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-08-127, as presented, granting the Conditional Use Permit:

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

7

Noes:

0

// In the matter of GLTC, City Council Report #8 regarding a request from the Greater Lynchburg Transit Company (GLTC) regarding a weekday shuttle service for Cabell Street to the Plaza Transfer Station was considered. GLTC General Manager Mike Carroll stated that in March 2008, the City closed the "D" Street Bridge due to structural deficiencies, restricting bus service access to Cabell Street. Mr. Carroll explained that the closure required GLTC to terminate the existing fixed route service to Cabell Street via the Routes 1A and 1B, as the extra time required to traverse Cabell Street would result in Routes 1A and 1B unable to maintain schedule adherence and miss connections at the Plaza Transfer Station. Mr. Carroll stated that GLTC received numerous complaints from Daniels' Hill residents, and has received a petition to restore transit service to Cabell Street. Mr. Carroll explained that GLTC staff prepared several options to restore some level of transit service to Cabell Street:

Option 1: Modify the current Route 1B to serve Cabell Street in lieu of Bedford Avenue;

Option 2: Establish a "Cabell Street Shuttle" which would provide limited fixed-route service to

Cabell Street, Bedford Avenue, 5th Street and the Plaza. The "Shuttle" would run approximately 7 hours on weekdays only – morning peak, mid-day, and afternoon peak service.

Option 3: Provide general public demand-response service to Cabell Street, during Route 1A service hours (7 days per week, including nights). This option would require customers to call ahead to schedule service.

Mr. Carroll stated that these options were reviewed by the GLTC Board's Community Relations Committee and Planning Committee in August, with the Community Relations Committee recommending Option 3. Mr. Carroll stated that the Planning Committee recommended either Option 2 or 3, and further recommended staff to conduct another public meeting with the residents of Daniels Hill, and that at its September Board meeting, the Board directed staff to explore additional City funding and to hold a public meeting for Daniels Hill residents. Mr. Carroll went on to say that staff held a public meeting on September 16, reviewed the service options with citizens in attendance, and Option 2 received the most number of votes. Mr. Carroll explained that no additional operating funds would be needed from the City in the FY2009 to restore the bus service since the \$71,395 estimated additional operating costs would be funded via the "unallocated reserve" of \$376,980. Mr. Carroll also noted that the matter previously discussed regarding the potential use of the additional state funding and any "maintenance of local effort requirement" has still not been acted on by the Commonwealth Transportation Board. In response to questioning, Mr. Carroll stated that Daniels Hill generates, on average, 20 or fewer bus riders a day. Council Member Johnson stated that the neighborhood has been without bus service for over six months and that he supports restoring the limited bus service to the Daniels Hill neighborhood, especially since no additional funds will be required from the City. Council Member Johnson made a motion, seconded by Council Member Gillette, to approve the request to restore a weekday shuttle service for Cabell Street to the Plaza Transfer Station. Some Council Members questioned the cost and efficiency of the shuttle proposal and suggested that the proposal needed to be forwarded to the Finance Committee for further review. Council Member Helgeson made a substitute motion, seconded by Council Member Garrett, to refer the matter to the Finance Committee for further study. Council Members discussed at length the merits of the proposal and whether or not it would be beneficial to refer the matter to the Finance Committee. Mayor Foster commented that due to the amount of discussion regarding the request, she would like to see the matter scheduled for a future work session. Other Council Members argued that the neighborhood needed to see its transit service restored immediately and that there was nothing more to be gained from referring the request to the Finance Committee or scheduling it for a work session. They also pointed out that the bus service will be even more important once the D Street Bridge is closed to pedestrian traffic. Some Council Members stated that even though they recognized that the neighborhood bus service needed to be restored, they could not support the proposal that was being recommended, suggesting that there may be a more creative and less costly solution to restoring the bus service to Cabell Street. In response to Council questioning, Mr. Carroll stated that the GLTC Board has requested quarterly reports regarding the ridership of this route. Vice Mayor Dodson suggested that Council approve

the proposal for a six month period to allow time to review the ridership information before making a final decision regarding the shuttle service and questioned if he could offer another substitute motion. City Attorney Walter Erwin stated that the Rules of Procedure states that no more than one substitute motion may be made. Following discussion, the vote was called on the substitute motion, and Council by the following recorded vote defeated the substitute motion:

Ayes: Garrett, Helgeson, Perrow 3

Noes: Dodson, Gillette, Johnson, Foster 4

Vice Mayor Dodson asked if Council Member Johnson would accept a friendly amendment to his original motion to approve the shuttle service for six months. Council Member Johnson accepted the friendly amendment; Council Member Gillette, who seconded the motion, also accepted the friendly amendment. The vote was called on the original motion and Council by the following recorded vote agreed to support a request from the Greater Lynchburg Transit Company to establish a weekday shuttle service for Cabell Street to the Plaza Transfer Station for a period of six months:

Ayes: Dodson, Gillette, Johnson, Foster 4

Noes: Garrett, Helgeson, Perrow 3

// In the matter of Economic Development - General, City Council Report #9 was considered. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote adopted Ordinance #0-08-128, as presented, changing the name of the "Industrial Development Authority" to the "Economic Development Authority of the City of Lynchburg, Virginia":

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

Noes: 0

// In the matter of Community Planning - General, City Council Report #10 regarding a request to amend the Option to Purchase Agreement between the City and Invest Lynchburg, LLC, for property located on Jefferson Street was considered. City Manager Kimball Payne stated that Invest Lynchburg, LLC, has decided to comply with the original agreement and that no action is required by Council. Mr. Payne did note that a "first right of refusal" clause was not included in the original Option to Purchase Agreement.

// 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., Social Services Advisory Board, Dr. Martin Luther King, Jr./Lynchburg Community Council, Redevelopment and Housing Authority Board, Lynchburg Business Development Centre, Transit Company Board, Lynchburg Parking Authority, and Disabilities Services Board 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 Perrow, Council by the following recorded vote re-appointed William E. Keller to serve on the Social Services Advisory Board for a term to expire September 30, 2012:

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

Noes: 0

On nomination of Council Member Perrow, Council by the following recorded vote appointed Dorothy S. Holmes, Ramona Battle, Angelia D. Wright and Antonio M. Davis, Sr., to serve on the Social Services Advisory Board for terms to expire September 30, 2012:

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

Noes: 0

On nomination of Council Member Perrow, Council by the following recorded vote appointed Jacqueline Robinson to serve on the Dr. Martin Luther King, Jr./Lynchburg Community Council to fill an unexpired term ending June 30, 2011:

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

Noes: 0

On nomination of Council Member Perrow, Council by the following recorded vote re-appointed Ruth B. Richardson and William J. Sydnor, II, to serve on the Lynchburg Redevelopment and Housing Authority Board for terms to expire September 30, 2012:

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

Noes: 0

On nomination of Council Member Perrow, Council by the following recorded vote re-appointed Dan C. Messerschmidt and Terry W. Thompson to serve on the Lynchburg Business Development Centre Board for terms to expire September 30, 2011:

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

Noes: 0

On nomination of Council Member Perrow, Council by the following recorded vote re-appointed James H. Mundy and Geneva B. Rose to serve on the Lynchburg Transit Company Board for terms to expire October 31, 2011:

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

Noes: 0

On nomination of Council Member Perrow, Council by the following recorded vote re-appointed Michael Gillette and Dennis Howard to serve on the Lynchburg Parking Authority for terms to expire October 30, 2013:

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

Noes: 0

On nomination of Council Member Perrow, Council by the following recorded vote appointed Randall Dalton to serve on the Disabilities Services Board for a term to expire October 31, 2011:

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

Noes: 0

On nomination of Council Member Perrow, Council by the following recorded vote appointed Rob Jarvis to fill an unexpired term on the Disabilities Services Board ending October 31, 2009:

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

Noes: 0

// The meeting was adjourned at 9:55 P.M.

Clerk of Council