// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of October, 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

// City Manager Kimball Payne provided a brief history regarding a proposed amendment to Chapter 12, Natural Resources, of the City's Comprehensive Plan 2002-2020. Mr. Payne explained that following the August public hearing, staff was instructed to bring this matter back to City Council at the October work session. Mr. Payne went on to say that Council Member Perrow has suggested some language changes, a copy of which has been provided to Council Members, and that those changes are acceptable to staff. Council Member Perrow briefly reviewed the proposed changes. In response to Council questioning, City Manager Payne stated that the adoption date of the changes could be noted at the beginning of Chapter 12 so that it would be clear that the language in the ordinance references existing conditions. Some Council Members commented that the Comprehensive Plan is to be used as a guideline and that Council is not making any changes to existing ordinances. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #O-09-124, as amended, amending Chapter 12, Natural Resources, of the City's Comprehensive Plan 2002-2020:

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

Noes: 0

// City Manager Kimball Payne stated that on September 8 Governor Kaine released his plan to address the anticipated $1.35 billion State budget shortfall in FY 2010 and, as anticipated, local governments were not spared from the axe. Mr. Payne reviewed a compilation of the State funding cuts to Lynchburg that have been identified to date:

- Funding for Local Law Enforcement ($235,000)
- Aid to the Library ($9,000)
- Support for Constitutional Officers ($245,000)
- Funding for the Blue Ridge Regional Jail ($605,993—the City is responsible for about one half of that)
- Fire Programs Fund Aid to Localities ($180,000)
- Funding for public education ($300,000)—this is a combination of a loss of $800,000 in sales tax revenue and the addition of $500,000 in basic aid to fund the Standards of Quality
- Reduction in Virginia Juvenile Community Crime Control Act funds ($15,000)
- Reduction in Detention Block Grant ($47,000)
- In addition, there will be a reduction in state funding for the Registrar's Office and the Electoral Board, for litter grants, for Community Service Boards, and for Emergency Medical Services funding through the "$4 for Life" program

Mr. Payne explained that those reductions with identified numbers total $1.33 million and that all together, the cuts in State funding for Lynchburg could total more than $1.5 million. Mr. Payne informed that this will not be the full impact on the City as there are some mitigating factors, such as:

- The Blue Ridge Regional Jail Authority has decided that, as much as possible, the reduction in state funding will be absorbed in adjustments to jail operations and through the use of fund balance. It is not planned to ask the member jurisdictions to make up the loss.
- The School System has received additional federal funds that compensate for the loss of state funding.
- Efforts will be made to mitigate other reductions within the General Fund as much as possible.
- The General Assembly could amend the Governor's actions during the 2010 session.

Mr. Payne noted that at the end of the budget process, when City Council restored the 3% pay cut that had been included in the adopted budget, an additional $500,000 was set aside in anticipation of expected cuts in State funding. Mr. Payne explained that the $500,000 was insurance against further losses in local revenues that could produce a deficit in our own FY 2010 Budget and that while revenues have so far come in at or just above projections it is still too early in the fiscal year to make any prediction about year end. Mr. Payne went on to say that at this time there is no recommendation on how to use the $500,000, with two possible exceptions, and that we should wait to see how things progress before deciding whether or not to use the funds. Mr. Payne stated that the first exception is the Clerk of the Circuit Court with the latest cut in State funding for that office totaling $59,097. Mr. Payne stated that the second exception is the Commonwealth's Attorney with the latest cut in State funding for that office totaling $74,263 in addition to the lost of a federal domestic violence grant that funds two attorneys. Mr. Payne went on to say that there are at least two options for Council to consider, i.e., step in with local funds to maintain staffing in the Circuit Court Clerk's ($47,209) and the Commonwealth's Attorney's offices ($66,775), or decline to supplant with local funds state funding cuts for state-mandated offices or programs. Mr. Payne noted that some localities across the Commonwealth by resolution or policy statement have actually taken a stand not to supplant local funds for state funding cuts for state-mandated offices/programs. Mr. Payne also suggested that Council might want to transfer the $500,000 to the General Fund Reserve for Contingencies so that any expenditure of those funds would need to come before the Finance Committee for review. Clerk of Court Larry Palmer advised that the reduction would have a significant negative impact on the operations of his office and that two employees would have to be laid-off immediately (October 1), and a third employee would be laid-off in January, 2010. Mr. Palmer explained that the layoff option would reduce staffing to the late 1970's or early 1980's level and that it would be impossible for him to meet the constitutional as well as statutory duties with a staffing level at this range. Mr. Palmer went on to say that the recording and indexing of land records would be affected, as well as court orders, probating wills, processing of civil cases, and other vital services. In response to Council questioning, Mr. Palmer stated that he is not asking for recurring funding, just enough funding to get him through June 30.

Commonwealth Attorney Michael Doucette stated that funds remain to keep them on staff until January 1 and additional grant funding is being sought. Mr. Doucette explained that if the funds are not found, the office will not be able to prosecute domestic violence cases in Juvenile & Domestic Relations Court and will only be able to prosecute felonies in that court. Mr. Doucette stated that even if funding is found to support domestic violence prosecutions, he will have to lay off two attorneys on January 1 if the cut in State funding is not restored and if that happens, the office will be unable to prosecute misdemeanors in General District Court. Mr. Doucette informed that the Commonwealth's Attorney is only required by statute to prosecute misdemeanors in Circuit Court and felonies. Mr. Doucette did note that some offices in other localities have stopped prosecuting misdemeanors due to funding cuts. Mr. Doucette also stated that he is not asking for recurring funding, just enough funding to get him through June 30. In response to Council questioning, Mr. Doucette stated that if the funding is restored, that his office would continue to prosecute domestic violence cases. City Manager Payne stated that the amount that would be needed for the Clerk's Office would only be $18,000 instead of $47,209 due to funds currently budgeted for that office. Council Members expressed displeasure over having to step in for the state, but said the services of these two offices were too valuable to sacrifice. Council Members also indicated support for transferring the $500,000 to the Reserve for Contingencies so that any expenditure of those funds would need Finance Committee review. City Manager Payne suggested that staff bring back to Council at its next meeting a proposal to restore the current state budget cuts to the Clerk of Court and Commonwealth Attorney's offices and to transfer the $500,000 to the General Fund Reserve for Contingencies. On motion of Council Member Perrow, seconded by Council Member Helgeson, Council by the following recorded vote directed the City Manager to bring back to Council at its next meeting a proposal to restore the funding for the current state budget cuts to the Clerk of Court and Commonwealth Attorney's offices and to transfer the $500,000 to the General Fund Reserve for Contingencies:

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

//City Manager Kimball Payne stated that staff was asked to schedule a discussion regarding business growth incentives during the work session. Mr. Payne did note that implementation of new or enhanced incentives would probably involve the participation of the Lynchburg Economic Development Authority since it has been the prime entity through which incentives have been provided in the past. Council Member Garrett, who requested that this item be placed on the agenda, stated that the City has to pursue creative ideas to help the community through this recession by looking at ways to promote job creation and encourage businesses to locate headquarters facilities in the City. Council Member Perrow presented a proposal to give Lynchburg businesses a one-time tax break in hopes of stimulating the local economy by deferring "pay as you go" capital improvements funds to pay for an across-the-board cut in business license taxes. Council Member Perrow stated that a 10% reduction would cost approximately $700,000. Council Member Perrow described his proposal as a "one-time, one-year local stimulus" that will give the business community a boost in these difficult times. Council Member Perrow went on to say that we have to look at this as an investment and that although we cannot help our businesses increase their sales we can help them decrease their expenses. Council Member Gillette commented that while he agreed the City should support local business, he thought it was short-sighted to cut City services to do it and questioned the effectiveness of stimulus programs in general. Council Member Gillette stated that he would need to see a cost-benefit analysis of such a proposal, and specifically asked whether the City would see a quantifiable return on its investment and which capital improvements would have to be cut from the budget to pay for it. Council Member Perrow explained that he brought the idea forward to get Council's reaction and was not yet prepared to offer a detailed plan. Council Member Perrow stated that both he and Council Member Garrett have recently met with a number of business leaders who expressed a need for some relief. Council Members agreed that further discussion was needed regarding this item and asked that it be placed on the next work session agenda. Council Member Garrett requested the City Manager to determine some alternative sources in the current fiscal year for a one-time incentive program.

// City Council recessed the meeting at 7:03 p.m.

// City Council reconvened the meeting at 7:30 p.m.

// Mayor Foster asked that everyone stand for the presentation of Colors by the Heritage High School Marine Corps Junior Reserve Officers' Training Corps (ROTC) cadets.

// Council Member Perrow gave the Invocation, followed by the Pledge of Allegiance led by the Heritage High School Marine Corps Junior ROTC cadets.

// Mayor Foster and Vice Mayor Dodson presented Certificates to the Heritage High School Marine Corps Junior ROTC program and its leaders, Major G. F. "Jeff" Ranowsky, II, Senior Marine Instructor, and Master Sergeant Rick Duperior, Marine Instructor, for garnering two national awards, i.e., the Naval Honor School Award and the 2008-2009, Region 1, Marine Corps Reserve Association (MCRA) Award. Mayor Foster announced that this is the first time in the 32-year history of Heritage High School that the School's program has achieved this level of recognition.

// Mayor Foster reminded everyone regarding the upcoming Study Circles Reconnect Event, scheduled for October 17, and the three-part civic engagement workshops focusing on the City's budget, scheduled for October 15, 22, and 29.

// Copies of the minutes of the September 22, 2009 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, 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, Resolution #R-09-104 amending the FY 2010 School Capital Projects Fund and appropriating $197,213, $162,238 and $363,500, respectively, for estimated bond issuance costs, for estimated costs associated with federal Davis Bacon regulations required for the Qualified School Construction Bond Program, and for furnishings, the security system, and landscaping costs for Sandusky Middle School, laid over from the September 22, 2009 meeting, was again presented and read, and on motion of Council Member Perrow, 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 Police – General, City Council Report #7 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-107, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $57,361, fully reimbursable, to purchase computer hardware and software to upgrade the Criminal Justice Information Sharing Program:

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

Noes: 0

// In the matter of Fire – General, City Council Report #8 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-108, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $1,000, fully reimbursable, for the Fire Department's Hazardous Materials Response Team to attend the Virginia Hazardous Materials Conference in October 2009:

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

Noes: 0

// In the matter of Fire – General, City Council Report #9 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-109, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $10,560, fully reimbursable, to purchase surgical masks for all EMS providers in the event of a state declared pandemic event:

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

Noes: 0

// In the matter of Fire – General, City Council Report #10 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-110, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $100,000, fully reimbursable, to purchase equipment for the Fire Department's Technical Rescue Team:

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

Noes: 0

// In the matter of Community Planning – General, City Council Report #11 was considered. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-09-111, as presented, amending the FY 2010– 2014 Capital Improvement Program (CIP) and appropriating $193,458, fully reimbursable, for the Greenview Drive Phase II project:

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 #12 regarding a request from the Lynchburg Redevelopment and Housing Authority (LRHA) for authorization to pursue acquisition of blighted property at 1527 Somerset Drive under Section 36-19.5 of the Code of Virginia. LRHA Manager of Community Development Connie Snavely 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. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-09-112, as presented, approving a request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 1527 Somerset Drive 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 Community Planning - Zoning, a public hearing was held regarding City Council Report #13 outlining the petition of LU Plaza Holdings, LLC, for a Conditional Use Permit (CUP) in a B-3, Community Business District, to allow a higher education/college use with up to 700 students at 2323 Memorial Avenue. City Planner Tom Martin provided a brief summary regarding the petition, stating that the Planning Commission recommended approval of the CUP. Mr. Scott Beasley, Hurt & Proffitt, Inc., representing the petitioner, outlined the request and asked for approval. Mr. Beasley stated that the proposed use would not be for the expansion of Liberty University. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow stated that he has an engineering contract with Liberty University and therefore would need to abstain from participating in and voting on this request. On motion of Council Member Helgeson, seconded by Council Member Garrett, Council by the following recorded vote adopted Resolution #R-09-113, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Foster 6

Noes: 0

Abstention: Perrow 1

// In the matter of Community Development - CDBG, a public hearing was held to receive public input regarding the reallocation of 2004/2005 HOME funds in the amount of $13,177 and 2008/2009 HOME funds in the amount of $54,886 for the development of Victoria Ridge be reallocated for Rush Homes and that 2008/2009 CDBG funds in the amount of $20,000 from Yoder Center be reallocated to Diamond Hill Center. Deputy City Manager and Acting Director of Community Development Bonnie Svrcek 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 Gillette, Chair, Community Development Advisory Committee (CDAC), stated that CDAC has approved the reallocation. On motion of Council Member

Gillette, seconded by Council Member Helgeson, Council by the following recorded vote adopted Resolution #R-09-114, as presented, approving the reallocation of 2004/2005 HOME funds in the amount of $13,177 and 2008/2009 HOME funds in the amount of $54,886 for the development of Victoria Ridge be reallocated for Rush Homes and that 2008/2009 CDBG funds in the amount of $20,000 from Yoder Center be reallocated to Diamond Hill Center:

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

// In the matter of Parks & Recreation – General, a public hearing was held regarding City Council Report #15 to authorize the donation of 0.279 acres of city-owned property from parcel #28-07-049, valued at $7,500, to Lynchburg Grows, Inc., a 501 3c non-profit organization, for development of the urban farm. Director of Parks and Recreation Kay Frazier provided a brief summary regarding the request. Lynchburg Grows President Dereck Cunningham 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. 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 adopted Resolution #R-09-115, as presented, authorizing the donation of 0.279 acres of city-owned property from parcel #28-07-049, valued at $7,500, to Lynchburg Grows, Inc., a 501 3c non-profit organization, for development of the urban farm:

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 #16 regarding the approval of a lease agreement between the City of Lynchburg and 902 Main Street Lynchburg, LLC, a Virginia Limited Liability Company, for the undeveloped strip of land located between the Midtown Parking Deck and the rear of the buildings located at 902, 904 and 906 Main Street. Real Estate Manager Steve Lawson 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 adopted Resolution #R-09-116, as presented, approving a lease agreement between the City of Lynchburg and 902 Main Street Lynchburg, LLC, a Virginia Limited Liability Company, for the undeveloped strip of land located between the Midtown Parking Deck and the rear of the buildings located at 902, 904 and 906 Main Street:

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

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #17 regarding the approval of a lease agreement between the City of Lynchburg and Claude Gunn for the property located at 1800 Garnet Street. Real Estate Manager Steve Lawson 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 adopted Resolution #R-09-117, as presented, approving a lease agreement between the City and Claude Gunn for the property located at 1800 Garnet Street:

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

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #18 regarding the adoption of an Ordinance to vacate a portion of Harrison Street between 12th Street and Dunbar Drive. City Planner Tom Martin provided a brief summary regarding the request. Mr. Martin stated that following the Physical Development Committee review, the City was requested to maintain ownership of the existing cobble stone and curb stones in the existing right-of-way by removing them from the site proposed to be vacated. Mr. Martin explained that the adjoining property owners were interested in keeping the cobble stone and curb in place to preserve the character of the neighborhood and that the proposed ordinance grants the City continued ownership of the cobble stone and curb with the right to remove at any time. There was no one else present who wished to speak to this item, and the public hearing was closed. In response to Council questioning, Mr. Steve Morris, President of Morris Construction and one of the adjoining property owners, outlined the reasons for requesting the vacation of this portion of Harrison Street. Council Member Johnson, Physical Development Committee (PDC) Chair, stated that this item came before the PDC and made a motion to approve the street vacation. The motion required no second, and Council by the following recorded vote adopted Ordinance #O-09-118, as presented, vacating a portion of Harrison Street between 12th Street and Dunbar Drive:

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

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #19 regarding the adoption of an Ordinance to vacate Kimbrough Drive between Williams Road and 4110 Williams Road. City Planner Tom Martin provided a brief summary regarding the request. Mr. John R. Nelson, representing the owners of the adjoining property owners, outlined the request and asked for approval. 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 street vacation. The motion required no second, and Council by the following recorded vote adopted Ordinance #O-09-119, as presented, vacating Kimbrough Drive between Williams Road and 4110 Williams Road:

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

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #20 regarding the adopting of an Ordinance to vacate an unnamed alley between Kemper Street and

Norfolk Southern Railway. City Planner Tom Martin provided a brief summary regarding the request. Mr. Russ Nixon, representing the petitioner, outlined the request and asked for approval. 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 street vacation. The motion required no second, and Council by the following recorded vote adopted Ordinance #O-09-120, as presented, vacating an unnamed alley between Kemper Street and Norfolk Southern Railway:

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

Noes: 0

// In the matter of City Code, a public hearing was held regarding amending Section 16.1, Erosion and Sediment Control (ESC) Ordinance*,* of the City Code to conform to the Code of Virginia regarding erosion and sediment control. Environmental Reviewer Erwin Hawkins provided a brief summary regarding the request. Ms. Hawkins explained that updating the ESC Ordinance would make the ordinance consistent with the Code of Virginia by updating definitions, clarifying inspection frequency, defining plan requirements for state agencies and utility companies and revising language regarding enforcement. 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 Johnson, Council by the following recorded vote adopted Ordinance #O-09-121, as presented, amending Section 16.1, Erosion and Sediment Control Ordinance, of the City Code to conform to the Code of Virginia regarding erosion and sediment control:

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

Noes: 0

// In the matter of Finance – Bonds, a request to amend Resolution #R-09-103 adopted by City Council on September 22, 2009, to provide for supplemental interest coupons bearing interest at a rate of not to exceed 2% per year for the General Obligation School Bonds, Series 2009, to be issued to the Virginia Public School Authority (VSPA) in connection with its Pooled Bond Sale under the American Recovery and Reinvestment Act of 2009 – Qualified School Construction Bond Program – for Sandusky Middle School was considered. Director of Financial Services Donna Witt stated that on September 22 City Council adopted Resolution No. R-09-103 authorizing the issuance of not to exceed $18,000,000 principal amount of City of Lynchburg General Obligation School Bonds and the sale of such Bonds to the Virginia Public School Authority in connection with its Pooled Bond Sale under the American Recovery and Reinvestment Act of 2009 - Qualified School Construction Bond Program to finance a portion of the cost of acquisition and construction of the Sandusky Middle School. Ms. Witt explained that at the time Resolution No. R-09-103 was adopted it was contemplated that the bonds would bear interest at the rate of 0% per year. Ms. Witt went on to say that subsequent to the adoption of Resolution No. R-09-103, the City has been advised that supplemental interest coupons may be required in connection with the pricing of the bonds. Ms. Witt explained that if it becomes necessary to include supplemental interest coupons in the bond issue, the City might reduce its borrowing to cover only the costs for Sandusky Middle School that were not financed in the recent General Obligation bond sale and that the result would be interest costs that were still less than a Literary Loan. Ms. Witt did note that it would, however, eliminate the transfer of previously issued debt to the Juvenile and Domestic Relations Court building. City Manager Kimball Payne stated that even though the City is still anticipating selling the bonds at a rate lower than 2%, he would like for Council to consider giving him the maximum flexibility during the sale of the bonds by amending the Resolution to allow interest at a rate of not to exceed 3% instead of 2%. Mr. Payne further explained that after further consideration, he felt that it would still be a good idea to proceed with the plan to transfer the previously issued debt for the Juvenile and Domestic Relations Court building and thereby free up approximately $1 million that could be used by City Council for other projects, i.e., the Wards Road Pedestrian Project. Mr. Payne stated that he plans to come to City Council on October 27 and request that the Wards Road Pedestrian Project be added to the Capital Improvement Program. Council discussed and reached consensus to authorize the City Manager to proceed with the plan to free up the $1 million, with the understanding that City Council would need to determine at a later date how those funds would be used. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution #R-09-122 to amend Resolution #R-09-103 adopted by City Council on September 22, 2009, to provide for supplemental interest coupons bearing interest at a rate of not to exceed 3% per year for the General Obligation School Bonds, Series 2009, to be issued to the Virginia Public School Authority (VSPA) in connection with its Pooled Bond Sale under the American Recovery and Reinvestment Act of 2009 – Qualified School Construction Bond Program – for Sandusky Middle School:

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

// In the matter of City Code, City Council Report #23 regarding amending Article VIII of Chapter 25 of the City Code relating to parking regulation and enforcement within the City was considered. City Manager Kimball Payne stated that following the September 22 meeting, further changes were made to clarify certain sections of the proposed ordinance, i.e., capitalization, to clarify ownership, and to designate the Central Business District. Council Member Perrow stated that some downtown business owners are very concerned regarding the recommendation to convert on-street parking to pay parking via electronic parking meters. Council Member Gillette, Vice Chair of the Parking Authority, stated that studies have shown that free parking short circuits free enterprise. Council Member Gillette also explained that the Parking Authority will still need to seek Council's approval in order for the Authority to manage on-street parking. City Manager Payne did note that the ordinance would allow for the structure to be in place for metered parking in the downtown area. Council Member Helgeson stated that he could not support the recommendation to convert on-street parking in the downtown area to paid parking in that he believes that it will do more harm than good to the existing businesses. Vice Mayor Dodson stated that there is a lot of abuse of the current system by employees working in the downtown area. On motion of Council Member

Gillette, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Ordinance #0-09-123, as presented, amending the City Code relating to parking regulation and enforcement within the City:

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

Noes: Helgeson 1

// 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 Council-appointed Boards and Commissions, i.e., VASAP Board, Community Development Advisory Committee, Transit Company Board and Lynchburg Parking Authority 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 Nicholas R. Gilger to serve on the VASAP Board for a term to expire August 31, 2012:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote re-appointed Lee Beaumont, Greg Daniels and Lisa S. Dibble to serve on the Transit Company Board for terms to expire October 31, 2012:

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

Noes: 0

On nomination of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote re-appointed Ripley Owen to serve on the Lynchburg Parking Authority for a term to expire October 30, 2014:

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

Noes: 0

// The meeting was adjourned at 9:12 P.M.

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Clerk of Council