// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of September, 2011, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Absent: Perrow 1

// Deputy City Manager Bonnie Svrcek gave a presentation regarding the Neighborhood Development Foundation (LNDF) Agreement. Ms. Svrcek stated since 1999, the City of Lynchburg has had a contractual relationship with LNDF to provide consultative services in the areas of affordable housing development and financing, community development financing, and neighborhood development. This contractual relationship lapsed due to Council's deferral of funding consideration. LNDF has provided a conduit for the City in meeting the housing goals outlined in the Council adopted 2010 Consolidated Plan required by the Department of Housing and Urban Development. Ms. Svrcek went on to say LNDF is unique in that its staff has the financing expertise to redevelop properties that might otherwise remain vacant. Council is being asked today to memorialize the relationship between LNDF and the City.

During Council discussion, Council Member Nelson stated in trying to define a contract, whether or not a contract is performed satisfactory or is not performed satisfactory, there does need to be certain objectives, benchmarks and measurements within the contract, The current contract in its current form does not have a great deal of specific objective criteria from what Council or anyone can measure. Several Council Members asked what services does LNDF perform now that is unique if the contract was not renewed, and was there any other organizations that could perform these functions. Council Member Helgeson commented does this rise to the level of a contractual obligation versus discretionary. Council Member Helgeson further stated that he does not think it rises to the level of a contract. Council Member Nelson made a motion, seconded Vice Mayor Johnson, that Council approve this as a contract but limit its term to one year. Council Member Nelson stated that he does believe this is a contract. Council Member Gillette stated that LNDF does good work and they should get the $25,000 funding. However, by legal definition it constitutes a contract, but believes that it falls within the discretionary category rather than contractual. Mayor Foster stated that she believes that LNDF offers a service to this community that we ourselves are not staffed to do at the present. Mayor Foster further stated she would like to see them keep the charge on housing because they do know housing and see them being an integral part of working with the City. Council by the following recorded vote did not have a super majority and therefore the motion failed:

Ayes: Johnson, Nelson, Foster 3

Noes: Cary, Gillette, Helgeson 3

Absent: Perrow 1

Vice Mayor Johnson made a motion to vote on this issue as a discretionary issue, seconded by Council Member Gillette, and the motion failed for the lack of a super majority by the following recorded vote:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson 2

Absent: Perrow 1

Vice Mayor Johnson made a motion directing City Administration to move forward with negotiating a contract and bring it back to Council for approval, seconded by Council Member Gillette. Council Member Helgeson stated that he would not be voting for this motion because he felt like the City was just fishing for a contract and did not want staff to be spending more time on this when it should be the responsibility of LNDF to do this. Council Member Cary stated that if there is a contract with LNDF that targets developing a housing policy for the City he would be inclined to support it, and Council by the following recorded vote passed the motion:

Ayes: Cary, Gillette, Johnson, Nelson, Foster 5
Noes: Helgeson 1
Absent: Perrow 1

// City Manager Kimball Payne gave an overview of the Airshow organization and would like for the region to host future air shows featuring military flight demonstration teams. Mr. Payne went on to say that the Lynchburg Regional Airshow, Inc. has submitted an application for a military flight demonstration team to participate in an air show in 2013. In order for the region to further consider hosting an air show in 2012, it was agreed that questions of air show governance, management and coordination needed to be resolved and the support of the governing bodies obtained by October.

After Council discussion, Council Member Helgeson made a motion, seconded by Council Member Cary to support the future Regional Air Shows and Council by the following recorded vote passed the motion:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6
Noes: 0
Absent: Perrow 1

Vice Mayor Johnson left the meeting during this item and did not return until Roll Call

// Council Member Cary was still concerned about the access regarding Tyreanna and asked the City Manager to set up a meeting with Mr. Cary from Virginia Department of Transportation (VDOT). Mr. Cary with VDOT and Mr. W. E. Clark will be invited to attend the next Physical Development Committee meeting. Council Member Gillette referred to the press conference that was held at 3:00 p.m. regarding the Heritage Task Force. Council Member Gillette also thanked School Board staff and City staff and further stated he was very proud of the product. Mayor Foster also commended the Heritage Task Force and gave a big thank you for a job well done.

// Council Member Helgeson left the meeting during roll call.

// On motion of Vice Mayor Johnson, seconded by Council Member Cary, 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, Board of Building Code Appeals, Redevelopment & Housing Authority, Lynchburg Business Development Centre, Towing Advisory Board and Design Review Board; pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended:

Ayes: Cary, Gillette, Johnson, Nelson, Foster 5
Noes: 0
Absent: Helgeson, Perrow 2

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

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

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster	6
Noes:	0
Absent: Perrow	1

// Council Member Helgeson returned to the meeting for the closed session.

// In the matter of Appointments, and on nomination of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote re-appointed Thomas M. McGrath, to serve another term on the Social Services Advisory Board for terms to expire September 30, 2015:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster	6
Noes:	0
Absent: Perrow	1

On nomination of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote re- appointed Barry E. Layne and Otto F. Schoufelder to serve another term on the Board of Building Code Appeals for terms to expire September 30, 2015:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster	6
Noes:	0
Absent: Perrow	1

On nomination of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote appointed Mark W. Smith to serve a term on the Board of Building Code Appeals for a term to expire September 30, 2015:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster	6
Noes:	0
Absent: Perrow	1

On nomination of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote re- appointed John M. Perry, Jr. to serve another term on the Redevelopment &

Housing Authority Board for a term to expire September 30, 2015:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Noes: 0

Absent: Perrow 1

On nomination of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote re- appointed Phillip E. Brown, Ward A. Dean, Jr., Jeffrey W. Laub, and William T. Lease to serve another term on the Lynchburg Business Development Centre Board for terms to expire September 30, 2014:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Noes: 0

Absent: Perrow 1

On nomination of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote appointed R. Bryan David to serve on the Lynchburg Business Development Centre to fill an unexpired term to expire September 30, 2013:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Noes: 0

Absent: Perrow 1

On nomination of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote appointed Brian Satterlee to serve on the Lynchburg Business Development Centre to fill an unexpired term to expire September 30, 2012:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Noes: 0

Absent: Perrow 1

On nomination of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote appointed Patrick McNamara and Duval H. Powell, Jr., to serve on the Lynchburg Business Development Centre for terms to expire September 30, 2014:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Noes: 0

Absent: Perrow 1

On nomination of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote appointed Randall S. Houck, Donald W. Irby, Blake Isley, III Daniel J. Laslie and John McCorkhill to serve on the Towing Advisory Board for terms to expire December 31, 2011:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Noes: 0

Absent: Perrow 1

// City Council recessed the meeting at 6:36 p.m.

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

The following Members were present:

Present: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Absent: Perrow 1

Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster and Vice Mayor Johnson presented a Proclamation for National and Local Walk to School Day October 5, 2011 all encouraged all citizens to participate.

// Copies of the minutes of the September 13, 2011 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Noes: 0

Absent: Perrow 1

// In the matter of Public Works – Water, Resolution #R-11-096 amending the FY 2012 Water Capital Projects Fund budget and appropriating $24,000, fully reimbursable, to reimburse costs associated with bringing the Pedlar Dam and Abert Lagoon Dam to minimum standards, laid over from the September 13, 2011 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Noes: 0

Absent: Perrow 1

// In the matter of Police – Emergency Services, Resolution #R-11-097 amending the FY 2012 City/Federal/State Aid Fund budget and appropriating $120,000, fully reimbursable, to refresh the current Vesta Pallas 911 telephone system located in the Emergency Communications Center, laid over from the September 13, 2011 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Noes: 0

Absent: Perrow 1

// In the matter of Finance – General, Resolution #R-11-100 amending the FY 2012 Operating and Capital Budgets and appropriating funds to reflect the carry forward of unexpended funds in FY 2011, laid over from the September 13, 2011 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster 6

Noes: 0

Absent: Perrow 1

// In the matter of Police – Emergency Services, Resolution #R-11-101 amending the FY 2012 Fleet Fund Budget and appropriating $691,437, to purchase a replacement vacuum/jetter truck along with two replacement television inspection trucks destroyed in a recent fire, laid over from the September 13, 2011 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster	6
Noes:	0
Absent: Perrow	1

// In the matter of Greater Lynchburg Transmit Company (GLTC), Sharon Slaughter spoke before Council regarding GLTC.

// In the matter of Greater Lynchburg Transit Company (GLTC), City Council Report #11 was considered. City Manager Kimball Payne stated that the GLTC Board has already taken some steps with reducing services and deferring state positions among other things to produce a balanced budget for fiscal 2012. What remains is the $100,000 that is coming before Council.

During Council discussion Council Member Cary was concerned about GLTC not properly monitoring its books, blaming others for their problem and found the remarks in the paper by a GLTC Board Member disconcerting and stated that he would not support additional funding. Council Member Gillette stated that he would like to support GLTC but did not believe he could responsibly vote tonight to do this, and he also needed the following information from GLTC:

(1) Where would the $100,000 go?

(2) If there were no $100,000, what would happen?

(3) Council would like detailed information from GLTC concerning this budget.

(4) How is the structural deficit going to be covered over time?

(5) Council would like to see the most recent audit report.

Council Member Helgeson stated that for the last several years the City has given more funding to GLTC than Federal or State government. Council Member Helgeson further stated that GLTC has had deficits in previous years and GLTC is still asking for money. Council Member Helgeson made a motion, seconded by Council Member Cary, to send this item back to the GLTC Board for further discussion and to answer the five questions brought up during discussion by Council Member Gillette and Council by the following recorded vote passed the motion:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster	6
Noes:	0
Absent: Perrow	1

// In the matter of Economic Development – General, City Council Report #12 was considered. Council Member Helgeson, Finance Committee (FC) Chair stated this item came before FC with recommended approval. Council Member Helgeson made a motion to approve the request which required no second, Council by the following recorded vote introduced and laid over to a later meeting for final action

Resolution #R-11-104, as presented, amending the FY 2012 General Fund budget and appropriating $30,000 to allow the Office of Economic Development to provide incentives to attract and grow arts and cultural organizations:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster	6
Noes:	0
Absent: Perrow	1

// In the matter of Library – General, City Council Report #13 was considered. Council Member Helgeson, Finance Committee (FC) Chair stated this item came before FC with recommended approval. Council Member Helgeson made a motion to approve the request which required no second, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-11-105, as presented, amending the FY 2012 City Capital Projects Fund budget and appropriating $150,000 with resources from a donation from St. John's Episcopal Church to build a dedicated story time room at the Lynchburg Public Library:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster	6
Noes:	0
Absent: Perrow	1

// In the matter of City Council, City Council Report # 14 was considered. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-11-106, as amended, expressing opposition to the potential closure of the Courthouse Branch Post Office at Clay and 12 Streets:

Ayes: Cary, Gillette, Helgeson, Johnson, Nelson, Foster	6
Noes:	0
Absent: Perrow	1

// The meeting was adjourned at 9:02 P.M.

Clerk of Council