// A regular meeting of the Council of the City of Lynchburg was held on the 9th day of March, 2010, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: 0

// City Manager Kimball Payne stated that Council requested the Virginia Department of Transportation (VDOT) to attend this work session to explain the proposed improvements to the Route 460/29 corridor between Campbell Avenue and the Madison Heights Bypass. Mr. Payne explained that the area in question has seen significant increase in both traffic and accidents since the opening of the Madison Heights Bypass. This situation was anticipated during the development of the Tyreeanna/Pleasant Valley Master Plan which was adopted by City Council in 2003. Mr. Payne went on to say that the residents and businesses in the corridor have expressed serious concerns about the proposed project. Mr. Payne explained that Route 460/29 is a State highway, not a City road, and as such, decisions about the project rest with the Commonwealth Transportation Board.

// Mr. Payne introduced Mr. Rob Cary, District Engineer with VDOT. Mr. Cary explained that due to cost constraints VDOT has had to scale back the work proposed to the corridor. Mr. Cary stated that the preferred plan identified as Concept I by VDOT most closely corresponds with the City's Master Plan, however, Concept I is very expensive and VDOT has settled on a reduced concept. VODT has proposed Concept #2B as their initial project. Mr. Cary explained that this concept closes a number of crossovers in the corridor.

Mr. Cary stated the perspectives of the Route 460/29 Bypass as follows:

Is Route 460/29 a local road?

Is Route 460/29 a road of Statewide and maybe even National Significance?

Or, is Route 460/29 a mix of both?

Mr. Cary stated that VDOT is obligated to view Route 460/29 from both of these perspectives. Mr. Cary explained the perspectives on safety which emergency response times have increased by up to 3 1/2 minutes, since the opening of the US 29 Madison Heights Bypass in 2005, which traffic has increased substantially but so have the crash rates. Mr. Cary explained what the benefits are of Access Management: fewer accidents, reduced traffic congestion/traffic delays, reduced air pollution, fewer and less expensive highway improvement projects and expanded market reach of businesses. Mr. Cary went on to say that Access Management Techniques are: reducing the number of intersections (median openings) and traffic signals, separating intersections (median openings) and traffic signals by a greater distance and reducing the number of left turn movements across highway lanes of traffic. Mr. Cary stated the challenge is how to address safety, preserve capacity, and minimize the impacts of the project on the community. During the discussion, Council Members raised concerns regarding the proposed corridor: (1) Is this a done deal, (2) it will be cutting the community in half, (3) no voice; and not being heard, (4) the community wants some crossover back into the community, (5) agrees something needs to happen, (6)

the number of crashes at a crossover, (7) role of Metropolitan Planning Organization (MPO), (8) Jug Handle at Concord Turnpike and (9) who makes the final decision. Mr. Carey answered questions by Council and informed that it is VODT's Chief Engineer who makes the final decision. Mr. Cary went on to say that the anticipated cost is $1,666,000 and the anticipated schedule has been set for advertisement in September 2010. Construction begins December 2010 and construction will be completed in 2011.
// Mayor Foster recognized Damian Garret, a member of the Mayor's Youth Council.
// City Manager Kimball Payne presented an overview regarding the FY 2011 Proposed Budget, stating this year's budget preparation was prepared in an environment of challenge and uncertainty. Mr. Payne explained that to some extent it appears the City has weathered the national recession fairly well. Mr. Payne stated the recession has reduced State revenues in capital gains tax, income tax, and sales tax along with the rising costs for Medicaid, public safety and human services. This has resulted in a significant budget deficit. Mr. Payne went on to say that former Governor Kaine's proposed budget addressed some of the shortfall while demonstrating a resistance to raising new revenues through increased taxes, leaving over $4 billion to be cut for the biennium. Mr. Payne stated that much of the burden of balancing the State budget would fall on localities through reduced revenues from the State for State mandated but locally delivered services. Mr. Payne explained the three major priorities of the proposed budget are public safety, education, and infrastructure. While public education will be hit particularly hard, there will also be further cuts in public safety, detention, social services, juvenile services, and transportation. Mr. Payne went on to say that the mid-year review of the FY 2010 Budget found revenues at or slightly ahead of projections and cost cutting measures had reduced budgeted expenditures to the extent that a small surplus is projected for year end. Mr. Payne explained that a major initiative was undertaken by the City's Leadership Team in July 2009, a "Cost Savings Initiative". This goal was to reduce the General Fund expenditures by approximately ten percent (10%), or about $15 million, for FY 2011. Each City department was directed to start preparing budget scenarios reflecting departmental resources for FY 2011 at only ninety percent (90%) of those available in FY 2010. The overall "90% Budget" scenarios indicated a reduction in City workforce of over 125 positions and significant impacts in every service area, most particularly in public safety, public education, social services, libraries and museums, parks and recreation, and internal services. Mr. Payne went on to say that this process involved seeking to clarify service delivery priorities, eliminate redundancies, promote consolidation and collaboration, and reduce costs. At the same time, starting in May 2009, the City Manager and School Superintendent began an ongoing discussion regarding the consolidation of services, programs, and activities between the Schools and the City organization. Progress has been slow but some potential savings have been identified such as procurement, credit card management, food services, and facilities management. Mr. Payne explained that, as a result of the efforts taken since July 2009 there was some flexibility created for preparing the Proposed FY 2011 Budget. Although overall spending will increase due to the utilization of fund balance for capital projects, the City's operating departments will see an average decrease in expenditures of 5.5%. Furthermore, seventy-five (75) positions would be eliminated, however, sixty (60) were presently vacant. Mr. Payne announced that with

the introduction of the proposed budget he was officially declaring a Reduction in Force for the City, trigging assistance for affected individuals. Mr. Payne concluded by saying that the Proposed FY 2011 Budget is offered for City Council consideration, deliberation, amendment, and adoption, and that over the next several weeks, Council will have the opportunity to hear from and question the representatives of the various departments and agencies seeking funding in FY 2011.

// Human Services Director Margaret Schmitt provided an overview regarding the City's Workforce of Personnel/Benefits for FY 2011 Budget. Ms. Schmitt explained the current workforce in demographics, retention, direct and indirect compensation and trends and recommendations.

// Due to time constraints, City Council agreed to postpone the remaining of this Agenda item report to March 16, 2010 Budget Work Session.

// During roll call Vice Mayor Dodson stated that there was going to be a stakeholders meeting next Thursday in relation to the institutional overlay initiative and requested that, since this is really a hot topic in the community, a report be provided from the stakeholders meeting. Vice Mayor Dodson questioned the attendance of the Planning Commission Members at the Planning Commission meetings.

// City Council recessed the meeting at 7:15 p.m.

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

// Mayor Foster presented a Proclamation for Multiple Sclerosis Awareness Week for March 2010 to Mr. Paul Snead, Mrs. Georgia Weiman and Ms. Kailee Weiman.

// Mayor Foster recognized Rachel Robertson a member of the Mayor's Youth Council.

// Copies of the minutes of the February 23, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

// In the matter of Fire - General, City Council Report #6 was considered. On motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-017, as presented, amending the FY 2010 City/Federal/State Aid Fund budget and appropriating $33,500, with $26,800 reimbursement, to purchase an upgrade to the Plymovent system for Station No. 2 on Grace Street and a fire alarm system for Station No. 6 on Fort Avenue:

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

// In the matter of Public Works - General, City Council Report #7 was considered. On motion of Vice Mayor Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-018, as presented, amending the FY

2010 City/Federal/State Aid Fund budget and appropriating $298,000, with $240,000 reimbursement, to convert traffic signals, message boards, and some street lights to energy efficient light-emitting diode (LED) technology:

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

Noes: 0

// Mayor Foster read the following statement “The Family Alliance, and the Presbyterian Homes and Family Services have a mutual relationship. After consultation with the City Attorney I have been advised that because of my position as the Chief Operating Officer of the Alliance for Families and Children, I have a conflict of interest that requires me to abstain from discussing or voting on the petition to allow Cole Brothers to hold a circus on the Presbyterian Homes’ and Family Services’ property. I want to state for the record that I have not discussed the petition with the other members of City Council or attempted to influence their votes on this matter. In order to avoid any appearance of impropriety, I am going to allow Vice Mayor Dodson to preside over this matter and remove myself from the Council Chamber during the discussion of the petition”.

//Mayor Foster left the meeting at 7:42 p.m.

// In the matter of Community Planning – Zoning a public hearing was held regarding City Council Report #8 outlining the petition of Tim Orris for a Conditional Use Permit (CUP) to allow the operation of a temporary circus on the grounds of the Presbyterian Homes & Family Services at 150 Linden Avenue on April 26 and 27, 2010 in an R-1, Low Density Single-Family Residential District. City Planner Tom Martin provided a brief summary regarding the petition stating that the Planning Commission recommended approval of the CUP. Representative Mr. Bob Dendy of the Presbyterian Homes and Family Services outlined the request and asked for approval. Mr. Tim Orris of the Cole Brothers Circus stated that the circus has been coming to Lynchburg for over 53 years and it is a family-friendly organization. There were several other citizens that spoke in favor of having the circus on the property of the Presbyterian Home. Mr. Joe Sanzone spoke in opposition to the petition. Mr. Sanzone presented a petition to City Council stating that there are over 96 signatures in opposition to the request. Mr. Sanzone had concerns with the zoning laws and opposed having the circus in a R-1 District. There were several other citizens that spoke in opposition with concerns of traffic, noise, animals escaping, health and safety issues. There was no one else present who wished to speak to this item and the public hearing was closed. After discussion from Council, Council Member Helgeson made a motion to approve the CUP, seconded by Council Member Johnson. After further discussion Council Member Perrow wanted to offer a friendly amendment to the motion to add another condition to the CUP, condition #17 would state that “no future circus would be held on the Presbyterian Homes’ and Family Services’ property without approval from City Council”. In response to Council question, City Attorney Walter Erwin stated that it used to be that the circus had to come back each year and get a permit. In 1996 City Council amended Section 35.1-52 of the Zoning Ordinance, it was done specifically for the Cole Brother Circus to make it easier to have a recurring circus in the City. City Council amended that section to say that once City Council has approved the original CUP permitting a circus at a particular location that in the future the permit to hold the circus can be approved administratively as long as the circus is in the same location and complies with all the development standards that were contained in the original CUP. Mr. Erwin further stated that technically the way the zoning ordinance is currently worded, if the circus wanted to come back next year to this location it would not be necessary for them to come back to City Council. Council Member Helgeson accepted the friendly amendment, Council by the following recorded vote adopted Resolution #R-10-019, as amended, granting the Conditional Use Permit:

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

// Mayor Foster returned to the meeting at 8:46 p.m. after the vote was cast.

// Mr. Lorenza Megginson representing the citizens of opposition to the 460/29 Safety Improvement Project spoke to City Council. Mr. Megginson stated that Phase I of this safety improvement project include the closure of all medium crossovers from Campbell Avenue to Monican Parkway and the closure of the Tyreeanna Road intersection into 460 and the construction of a jug handle at the Concord Turnpike intersection. Mr. Megginson explained that several businesses as well as 34 homes and families along this corridor must be relocated. Mr. Megginson reminded Council that the Pleasant Valley/Tyreeanna community has already relocated 17 homes and families from the Monican Parkway cloverleaf into 460. The closure of these crossovers will add 1 to 5 extra miles per day to the residents. Mr. Megginson also stated that Fire and Rescue Teams will also have additional miles to add and these extra miles could be the difference between life and death.

We believe highway safety can be achieved by other methods without jeopardizing the safety of its citizens. Mr. Megginson presented a petition to City Council with over 1,000 signatures in opposition to the 460/29 Safety Improvement Project.

// Mr. W. E. Clark addressed City Council regarding his concerns with the 460/29 Safety Improvement Project. Mr. Clark went on to say that he would not like to see 460 corridor, the Jerry Falwell parkway and our homes bordered by another highway or major highway like Interstate 81 going North and South. Several Council Members had some concerns with the proposed 460/29 Safety Improvement Project and Council Member Johnson suggested that a letter go forth from Council under the Mayor's signature with this petition supporting the petition. Several Council Members would consider more discussion before going forth and waiting until VDOT has had a meeting with the neighbors to hear directly from them. Council Member Johnson suggested that he was willing to draft a letter under his signature as the Ward II Representative stating his support for the petition.

// On motion of Council Member Gillette, seconded by Council Member Perrow, Council by the following recorded vote elected to hold a closed meeting for discussion and consideration of the disposition of the City's publicly held interest in real property because discussion in an open meeting would adversely affect the bargaining position of negotiating strategy of the City, and to discuss a personal matter not related to public business, pursuant to Section 2.2-3711(A)(3) and (4), respectively, of the Code of Virginia (1950), as amended:

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

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

// Council Member Johnson 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:

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

// The meeting was adjourned at 9:20 P.M.

Clerk of Council