

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 3rd day of November, 2011 at 5:00 P.M., at the Heritage High School, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct a joint meeting with the School Board regarding several items. The following Members were present:

Present: Cary, Helgeson, Nelson, Foster

4

Absent: Gillette, Johnson, Perrow

3

// Mayor Foster stated that Council Member Perrow is on his way back from a meeting in Washington, DC and Council Member Gillette would not be at the meeting tonight due to business that was out of town.

// Mayor Joan Foster and School Board Chair Charlie White welcomed everyone to the joint meeting.

// Interim Superintendent Larry Massie introduced Assistant Superintendent Al Coleman who highlighted the faculty and student achievements. Mr. Coleman stated that Ms. Meg Smith from Dunbar Middle School was named the State Teacher of the Year. Mr. Coleman also highlighted the two high schools, E.C. Glass and Heritage, which are among the 5% of the National High Schools that are engaged in placement courses.

// Vice Mayor Johnson arrived at 5:30 P.M.

// Ms. April Bruce, Director of Testing, Guidance and Gifted Education, explained the Accountability and Virginia Public Schools. Ms. Bruce also explained the State Accreditation and Adequate Yearly Progress (AYP) Information and Results for school year 2011-2012. Ms. Bruce further explained there are two separate systems for school accountability:

- The State Accreditation System and
- The Federal Adequate Yearly Progress (AYP) System

// Margaret Schmitt, Human Resources Director, and Anthony Beckles, Schools Chief Financial Officer, provided a status report on the Compensation and Benefits for City/Schools Benefit Consolidation. Ms. Schmitt stated that the benefits that are under discussion are:

- Medical
- Pharmacy
- Health Management (Wellness)
- Dental
- Vision

// Mr. Beckles discussed the two options for the City and Schools. Mr. Beckles stated that moving to one plan at this time would cost both organizations more:

- The City would lose health care reform "grandfather" status, resulting in about \$150,000 additional cost and
- Schools' plan value has eroded such that moving to the City's plan would cost about \$150,000 more

Mr. Beckles further stated the intent is to issue an RFP for medical services for 10/1/12 plan year for a City Plan, School Plan and Consolidated Plan. Ms. Schmitt further stated that the biggest advantage to consolidation is potential for expanded Health Management services/savings; schools need to reduce

utilization, and the City wants to expand services to include on-site pharmacy and physician. Schools have an opportunity to save about \$115,000 by implementing the City's Rx plan and intend to issue a RFP for combined, single Pharmacy plan for 10/1/12 plan year. The design is expected to mirror the current City plan. Ms. Schmitt stated at this time they expect to maintain two medical plans until full implementation of health care reform, continue working toward a consolidated Health Management Plan and plan to issue RFP's for:

- Medical
- Pharmacy
- Dental
- Vision

// Council Member Perrow joined the meeting at 6:20 P.M.

// City Manager Kimball Payne and Donna Witt, Director of Financial Services, gave an overview of the Fiscal Outlook with emphases on the following:

- State Budget (Rainy Day Fund)
- School Budget
- Virginia Retirement System (VRS) Trust Fund
- FY 2010-11 Virginia Retirement System (VRS) Employer Rates will rise sharply in Future Biennia
- Localities will see little State Aid from FY11 Surplus
- State will have difficulty restoring cuts in core local Programs
- Increased Revenues
- Federal Programs Impacted
- State Aid for Locally-Delivered Programs was not a priority in the 2011 Session
- Stimulus Funds

Ms. Witt provided information on the Fiscal Outlook for the Budget which included the Revenue Highlights, Expenditure Highlights, Education, Infrastructure and Compensation and Benefits.

// Interim Superintendent Larry Massie and Anthony Beckles, Schools Chief Financial Officer, provided a report of the School Operating Budget. Dr. Massie stated that the Schools will present a Budget on schedule with the school budget calendar. Mr. Beckles stated that the Financial Audit was submitted on time and the Schools prepared for the first time the Financial Statement.

// Interim Superintendent Larry Massie and School Board Member Albert Billingsly provided a report on Heritage High School. Mr. Billingsly stated that the Schools had received the Task Force Report with recommendations for Heritage High School. Mr. Billingsly further stated that an RFP would be put out for an architectural firm to help with ideas regarding Heritage High School.

// School Board Chair Charlie White provided information on the Update on the Superintendent Search. Mr. White stated that the School Board is currently searching for a permanent superintendent and have

received over 35 applications for that position. Mr. White further stated that the School Board will soon start the process of sorting through the applicants and developing a transition and leadership plan.

// The meeting was adjourned at 7:36 P.M.

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 8th day of November, 2011, at 7:30 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. Council Member Cary gave the Invocation, followed by the Pledge of Allegiance led by Civil Air Patrol of Virginia – 017. The following Members were present:

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

Absent: Johnson 1

// Copies of the minutes of the October 18, 2011 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: Cary, Gillette, Helgeson, Nelson, Perrow, Foster 6

Noes: 0

Absent: Johnson 1

// Copies of the minutes of the October 25, 2011 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: Cary, Gillette, Helgeson, Nelson, Perrow, Foster 6

Noes: 0

Absent: Johnson 1

// In the matter of Finance – Bonds, Resolution #R-11-123 amending the FY 2012 General Fund's Adopted Budget and appropriating \$34,956, for issuance costs related to the FY 2012 General Obligation Public Improvement Bond Anticipation Notes and FY 2012 Water and Sewer Operating Funds' Adopted Budgets are amended; and, \$11,511 is appropriated from each Fund for the issuance costs related to the FY 2012 General Obligation Public Improvement Bond Anticipation Notes for the Bank Qualified Line of Credit, laid over from the October 25, 2011 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: Cary, Gillette, Helgeson, Nelson, Perrow, Foster 6

Noes: 0

Absent: Johnson 1

// In the matter of Legislation, City Council Report # 4 was considered. Council Member Perrow asked that this item be pulled from the Consent agenda. Council Member Perrow stated that all the changes were made to the Legislative Agenda. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote adopted, as presented, the Proposed 2012 Virginia General Assembly Legislative Agenda:

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

Noes: 0

Absent: Johnson 1

// In the matter of Police – General, City Council Report #5 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-11-124, as presented, amending the FY 2012 City/Federal/State Aid Fund budget and appropriating \$35,450, with \$17,725 reimbursable from the Bulletproof Vest Partnership Program, to purchase 50 replacement bulletproof vests for law enforcement officers:

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

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #6 outlining the petition of Virginia University of Lynchburg, Inc. for a Conditional Use Permit (CUP) at 2147 Campbell Avenue and 2460 Campbell Avenue to allow the use of existing dwellings as University offices in an R-3, Medium Density, Two-Family Residential District. Director of Community Development Kent White gave a summary of the request and stated the Planning Commission recommended approval of the CUP request. Mr. Dave Evans, petitioner, gave an outline of the request and asked for Council approval. 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 Nelson, Council by the following recorded vote adopted Resolution #R-11-125, as presented, granting the Conditional Use Permit:

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

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #7 outlining the petition of Harris Corporation for a Conditional Use Permit (CUP) at 221 Jefferson Ridge Parkway to extend an existing telecommunications tower from one hundred fifty (150) feet to one hundred eighty feet (180) feet in an I-1, Restricted Industrial District. Director of Community Development Kent White gave a summary of the request and stated the Planning Commission recommended approval of the CUP request. Mr. Mike Smith, petitioner, gave an outline of the request and asked for Council approval. 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 Perrow, Council by the following recorded vote adopted Resolution #R-11-126, as presented, granting the Conditional Use Permit:

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

// In the matter of City Council, Ms. Consuela Mosley spoke before Council regarding a concern with the Social Services Department.

// In the matter of Tourism, City Council Report # 9 was considered. Ms. Becky Nix, Director of the Lynchburg Regional Convention and Visitors Bureau requested support of the designation of Route 60 as

an Extension of the Midland Trail and as a National Scenic Byway. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-11-127, as presented, supporting the designation of Route 60 as an Extension of the Midland Trail and as a National Scenic Byway:

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

// In the matter of Central Virginia Community Services, City Council Report # 10 was considered. City Manager Kimball Payne gave a summary of the request for borrowing \$7,000,000 by Central Virginia Community Services. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-11-128, as presented, authorizing the borrowing of \$7,000,000 by Central Virginia Community Services, to provide those jurisdictions with mental health, intellectual disability, and substance abuse services:

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

// In the matter of CATV, City Council Report #11 was considered. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-11-129, as presented, for a second amendment to the Cable Franchise Agreement between the City of Lynchburg and Ntelos Media Inc.:

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

// In the matter of City Code/Fire – General, City Council Report #12 was considered. On motion of Council Member Helgeson, Chair of Finance Committee, stated this item came before the Committee, which required no second, Council by the following recorded vote adopted Ordinance #0-11-130, as presented, to amend the City Code relating to the rates that are charged by the Fire Department for ambulance services within the City:

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

// The meeting was adjourned at 8:26 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 22, 2011**

AGENDA ITEM NO.: 4

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Request by Lynchburg City Schools Regarding the Use of a Portion of the FY 2011 Fund Balance

RECOMMENDATION: Adopt the attached resolution appropriating \$1,047,695 of the FY 2011 Fund Balance to Lynchburg City Schools to fund a proposed bonus for employees.

SUMMARY: The attached letter from Interim Superintendent Larry Massie asks for time on Council's agenda so that he can present a request from the School Board for the appropriation of a portion of the FY 2011 Fund Balance to City Schools to be used to provide a two percent bonus for full-time and part-time school system employees.

The FY 2011 Fund Balance results from funds appropriated by City Council to Lynchburg City Schools but that were unexpended in that fiscal year. Any unexpended funds revert to the City at the end of the fiscal year and become available for other uses. The total amount of funds available for re-appropriation is \$3,399,432. That amount has been verified by the City's external auditor and will be highlighted in the formal audit presentation scheduled for December 13, 2011. Attached is a copy of the relevant page from the FY 2011 Comprehensive Annual Financial Report (CAFR).

By long standing agreement, City Council has had a practice of returning the unexpended appropriation from the previous fiscal year to the City Schools for one-time expenses, after audit confirmation and based on a proposal from the School Board. This request to use \$1,047,695 of the fund balance is coming to Council with different timing due to the School Board's desire to pay the bonus, if approved, to Schools employees prior to the end of the year. Approval of the appropriation will require two readings, which necessitates this request coming to Council for a first reading on November 22nd. The second reading would be on December 13th.

A proposal for the use of the remaining FY 2011 Fund Balance will be coming from the School Board in the future.

PRIOR ACTION(S): N/A

FISCAL IMPACT: As noted above.

CONTACT(S): Dr. Larry Massie, Interim Superintendent, 522-3721; Donna Witt, Finance Director, 455-3968

ATTACHMENT(S): Proposed resolution; p. 63 of the CAFR

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that the FY 2012 General Fund Budget is amended and \$1,047,695 is hereby appropriated for transfer to the School Operating Fund with resources from unexpended FY 2011 School Operating appropriations to fund a bonus for the employees of City Schools as approved by the School Board.

Introduced:

Adopted:

Certified:

Clerk of Council

176L



SCHOOL ADMINISTRATION BUILDING

915 Court Street
Post Office Box 2497
Lynchburg, Virginia 24505-2497

November 16, 2011

Mr. L. Kimball Payne, III
City Manager
900 Church Street
Lynchburg, Virginia 24504

Dear Mr. Payne:

I request to be placed on the agenda for the November 22, 2011, meeting of the Lynchburg City Council. The Lynchburg City School Board is requesting re-appropriation of \$1,047,695.35 from the FY 2011 fund balance to be used to provide a two percent bonus for all full-time and part-time employees, excluding retired employees who are working part time.

Thank you for your attention to this matter. Please call if you have questions,

Sincerely,

Larry A. Massie
Interim Superintendent

cc: Members, Lynchburg City School Board
Anthony E. Beckles, Sr., Chief Financial Officer

The world starts *here.*

CITY OF LYNCHBURG, VIRGINIA

EXHIBIT E-3

Discretely Presented Component Unit - Lynchburg City Schools
 School Operating Fund
 Schedule of Revenues, Expenditures, and Other Financing Sources
 Budget and Actual
 Year Ended June 30, 2011

	Budgeted Amounts		Actual	Variance Positive (Negative)
	Original	Final		
Revenues				
Intergovernmental				
State and Federal	\$ 42,267,920	\$ 42,267,920	\$ 41,642,021	\$ (625,899)
City of Lynchburg, before return of funds	31,975,730	33,743,661	33,741,056	(2,605)
Revenue from use of money and property	-	-	527	527
Charges for services	1,218,140	1,228,140	1,504,368	276,228
Miscellaneous	201,500	360,717	804,264	443,547
Total revenues	75,663,290	77,600,438	77,692,236	91,798
Expenditures				
Education:				
Instruction	55,114,384	56,000,634	54,022,173	1,978,461
Administration, attendance and health	4,229,933	4,238,433	3,820,833	417,600
Pupil transportation services	3,667,669	3,767,669	3,786,131	(18,462)
Operations and maintenance	9,554,790	9,554,790	9,347,596	207,194
Facilities	61,395	61,395	48,403	12,992
Technology	2,010,991	2,010,991	2,037,654	(26,663)
Contingency reserve	-	500,000	-	500,000
Capital outlay	337,282	955,655	709,526	246,129
Debt service	686,846	686,846	686,878	(32)
Total expenditures	75,663,290	77,776,413	74,459,194	3,317,219
Excess (deficiency) of revenues over expenditures	-	(175,975)	3,233,042	3,409,017
Other Financing Sources (Uses)				
Capital lease proceeds	-	175,975	-	(175,975)
Transfer out	-	-	(23,726)	(23,726)
Net change in fund balances	\$ -	\$ -	\$ 3,209,316	\$ 3,209,316
Less return of funds to City			(3,399,432)	
			\$ (190,116)	

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 22, 2011**

AGENDA ITEM NO.: 5

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Consideration of a Proposed Amendment to Section 25-145 of the City Code Regarding Streets Closed to Trucks**

RECOMMENDATION: Adopt the revised ordinance.

SUMMARY: The need to address an inconsistency between staff practice and the City Code regarding closing streets to trucks was discussed with Council on October 11th. The staff report from that meeting is attached for reference.

Council agreed to consider an amendment to the City Code granting the authority to the City Manager to close streets to trucks, after an engineering review, subject to appeal to City Council. The attached amended ordinance is offered for Council's consideration.

PRIOR ACTION(S): October 11, 2011, Council authorized the preparation of an amendment to the ordinance regarding truck restrictions.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): October 11, 2011 Council Report; Proposed Amended Ordinance

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 25-145 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO PUBLIC STREETS THAT ARE CLOSED TO TRUCKS WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 25-145 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 25-145. Streets closed to trucks.

(a) The city manager is expressly authorized to prohibit the use of trucks, except for the purpose of receiving loads or making deliveries, on any public street, or any portion of a public street, maintained by the city; provided, that any street, or any portion of a street, that is closed to trucks must be clearly indicated by suitable signs at such places as may be necessary to notify the drivers of such vehicles of such prohibition and the decision to close a street or any portion of a street to trucks shall be based on an engineering and traffic analysis / study pursuant to section 25-37 of the city code.

~~(b)~~ Vehicles prohibited. Once a street or any portion of a street has been identified as being closed to trucks by erecting suitable signs the use of any street, or portion of street, hereinafter so designated, by trucks other than pickup or panel trucks not exceeding an actual gross weight of ~~five-seven~~ thousand (5,000) five hundred (7,500) pounds, except for the purpose of receiving passengers or goods or making deliveries, is prohibited. and the city manager is authorized and directed to erect suitable signs at such places as may be necessary to notify drivers of such vehicles of this prohibition. The city's traffic engineer shall maintain a list of the streets and the portions of street that have been closed to trucks and such list shall be available for review upon request.

(c) Within thirty (30) days after a sign is erected closing a street, or a portion of a street to trucks, or within thirty (30) days of the issuance of a letter from the city manager declining to close a street, or a portion of a street to trucks, any person who is aggrieved by the action or inaction of the city manager with respect to closing a street or a portion of a street to trucks may appeal the city manager's decision to city council by letter to the clerk of council, who shall then schedule this matter for consideration by city council within a reasonable period of time. Notice of this consideration shall be provided to residents along the street in question.

~~(b) Streets where prohibited. The streets upon which such use by such vehicles is prohibited are as follows:~~

~~(1) Edgewood Avenue.~~

~~(2) Fenwick Drive.~~

~~(3) Sheffield Drive.~~

~~(4) Burnt Bridge Road.~~

~~(5) Indian Hill Road.~~

~~(6) Evergreen Road between Indian Hill Road and Hurdle Hill Road.~~

~~(7) Hurdle Hill Road between Evergreen Road and Link Road.~~

~~(8) Tyreeanna Road from Richmond Highway to Concord Turnpike.~~

~~(9) Hood Street between Lakeside Drive and Richmond Street.~~

~~(10) College Drive between Lakeside Drive and Breckenbridge Street.~~

~~(11) Breckenbridge Street between College Drive and Richmond Street.~~

(c) Penalty for violation. The driver of any such vehicle operated in violation of this section shall be guilty of a class 4 misdemeanor.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council

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LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **October 11, 2011**

AGENDA ITEM NO.: 3

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Proposed Code Amendment re Truck Prohibitions on City Streets**

RECOMMENDATION: Authorize staff to draft an amendment to the City Code delegating authority to the City Manager to determine truck prohibitions and to post streets as "No Trucks" where appropriate due to cut-thru traffic or physical restraints.

SUMMARY: Section 25-145 of the City Code lists streets closed to trucks. The current list includes 11 routes as follows:

- (1) Edgewood Avenue.
- (2) Fenwick Drive.
- (3) Sheffield Drive.
- (4) Burnt Bridge Road.
- (5) Indian Hill Road.
- (6) Evergreen Road between Indian Hill Road and Hurdle Hill Road.
- (7) Hurdle Hill Road between Evergreen Road and Link Road.
- (8) Tyreeanna Road from Richmond Highway to Concord Turnpike.
- (9) Hood Street between Lakeside Drive and Richmond Street.
- (10) College Drive between Lakeside Drive and Breckenbridge Street.
- (11) Breckenbridge Street between College Drive and Richmond Street.

It appears from the Code that no truck prohibitions have been added as a code amendment since 1988. Instead, since 1988, staff has acted to prohibit trucks on a number of routes in a manner similar to other traffic management activities performed by staff. There are an additional 12 routes that have truck prohibitions on them that are not in City Code. These are:

- (1) Winston Ridge Road
- (2) Thurman/Stephenson
- (3) Cary Street
- (4) Jefferson Street from Washington to Eight Street
- (5) 9th Street from Commerce to Jefferson
- (6) 8th Street from Commerce to Jefferson
- (7) Norwood Street from End to A Street
- (8) 13th St, between Church and Court
- (9) Dreaming Creek Road
- (10) Moreview Dr
- (11) Logans Ln
- (12) Atlanta Ave

State Code allows the governing body to delegate to the City Manager the authority to take actions on local streets as to regulatory signs such as stop and speed limits. These signs go through a process in Public Works that results in an executive order that is signed by the City Manager for each individual street. The

current practice is that truck prohibitions have been treated through the same process as regulatory signs, although there is no clear grant of authority as in other sections of the City Code.

The City Attorney has opined that the authority to post truck prohibitions could be delegated to the City Manager in a manner consistent with other grants of authority. Staff believes that this process would be more manageable and responsive to both need and changing circumstance.

Of the streets that are currently listed in the City Code, some need to be removed as the underlying factor for them being posted is now a non-issue. An example of this is that trucks are no longer using Hood Street, College Drive and Breckenbridge Street as cut-thru's since Mrs. Giles has closed. Others like Moreview Drive and Dreaming Creek Road should be signed since they are cut-thru's from Timberlake Road to Leesville Road, but are not listed in City Code.

This matter has been discussed with the Physical Development Committee and it has agreed with staff's recommendation that the City Code be amended to delegate the authority to establish truck prohibitions to the City Manager. If Council agrees with this recommendation, the appropriate code amendment will be drafted for Council's action at a future meeting.

PRIOR ACTION(S): Discussed with PDC on September 13, 2011.

FISCAL IMPACT: None

CONTACT(S): Kimball Payne – City Manager – 455-3990; Lee Newland – City Engineer – 455-3947; David Owen – Public Works Director - 455-4469

ATTACHMENT(S): Excerpts from the State and City Codes

REVIEWED BY: lkp

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Excerpts from the Code of Virginia

§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum penalties.

A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways. The governing body of any county, city, or town may by ordinance, or may by ordinance authorize its chief administrative officer to:

1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in speed shall be based upon an engineering and traffic investigation by such county, city or town and provided such speed area or zone is clearly indicated by markers or signs;

2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed sixty days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which work is being done or where the highway is under construction or repair;

3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or more of the intersecting streets has been designated as a part of the state highway system in a town which has a population of less than 3,500.

B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance.

C. No governing body of a county, city, or town may provide penalties for violating a provision of an ordinance adopted pursuant to this section which is greater than the penalty imposed for a similar offense under the provisions of this title.

D. No county whose roads are under the jurisdiction of the Department of Transportation shall designate, in terms of distance from a school, the placement of flashing warning lights unless the authority to do so has been expressly delegated to such county by the Department of Transportation, in its discretion.

(Code 1950, §§ 46-198, 46-200; 1956, c. 134; 1958, c. 541, § 46.1-180; 1960, c. 172; 1972, c. 522; 1984, c. 345; 1989, c. 727.)

§ 46.2-1301. Designation of stop and yield right-of-way intersections.

The governing body of any county, city, or town operating its own system of roads may by ordinance authorize the city or town manager or some other local officer to designate intersections, other than intersections at which one or more of the intersecting streets have been designated as a part of the state highway system in a town which has a population of less than 3,500, at which vehicles shall come to a full stop or yield the right-of-way. No such ordinance shall be violated if, at the time of the alleged violation the sign or marker placed in conformity with this section is missing or is defaced so that an ordinarily observant person under the same circumstances would not be aware of the existence of the regulation.

(1958, c. 541, § 46.1-180.1; 1989, c. 727.)

§ 46.2-1304. Local regulation of trucks and buses.

The governing bodies of counties, cities, and towns may by ordinance, whenever in their judgment conditions so require:

1. Prohibit the use of trucks, except for the purpose of receiving loads or making deliveries on certain designated streets under their jurisdiction;
2. Restrict the use of trucks passing through the city or town to such street or streets under their jurisdiction as may be designated in such ordinance.

The Cities of Poquoson and Williamsburg may restrict the operation of nonscheduled buses, other than school buses, over designated streets under its jurisdiction.

(Code 1950, § 46-206; 1958, c. 541, § 46.1-181; 1968, c. 463; 1989, c. 727; 1998, cc. [547](#), [574](#); 2007, c. [813](#).)

Excerpts from the City Code

Sec. 25-37. Powers of city manager—Generally.

The city manager shall have general supervision and control of the management and direction of all vehicular and pedestrian traffic and of the parking and routing of vehicles in the interest of the public safety, comfort and convenience not inconsistent with the provisions of Code of Virginia, Title 46.2. The city manager may cause appropriate signs to be erected and maintained, designating residence and business districts, school, hospital and safety zones, highways and railway crossings, arterial streets, arterial stops, turns at intersections, traffic lanes and such other signs as may be necessary to carry out the provisions of this chapter. The City Manager shall have power to regulate the traffic by means of traffic officers or semaphores or other signaling devices on any portion of the highway where traffic is heavy or continuous, or where in his judgment conditions may require, and may prohibit other than one-way traffic upon certain highways, and may regulate the use of the highways by processions and assemblages. The city manager shall have the power to regulate the parking and stopping of vehicles on the public streets including the power to establish restricted parking areas. The city manager may adopt any such regulations not inconsistent with the provisions of this chapter which shall be deemed advisable and necessary, including the repeal, amendment or modification of any such regulations; provided, however, that such regulations, laws or rules shall not be deemed to be violated, if at the time of the alleged violation any sign or designation required under the terms of this chapter is missing, effaced, mutilated or defaced so that an ordinarily observant person under the same circumstances would not be apprised of or aware of the existence of such rule. (Code 1959, § 20-3; Ord. No. O-95-242, 9-12-95)

Cross reference—Manager, § 2-96 et seq.

State law reference—Powers of local authorities generally, Code of Virginia, § 46.2-1300 et seq.

Sec. 25-38. Same—Duties as traffic engineer.

It shall be the general duty of the traffic engineer, to plan and determine the installation and proper timing and maintenance of traffic-control devices and signs; to plan and direct the operation of traffic on the streets of the city, including municipal parking areas; to conduct investigations of traffic conditions; to cooperate with other municipal and state officials and make recommendations for the improvement of traffic movement and conditions, including improvements in streets; and, to carry out the additional powers and duties imposed by ordinances of the city, or as may be directed by the city council and the city manager. (Code 1959, § 20-6)

Sec. 25-145. Streets closed to trucks.

(a) Vehicles prohibited. The use of any street, or portion of street, hereinafter designated, by trucks other than pickup or panel trucks not exceeding an actual gross weight of five thousand (5,000) pounds, except for the purpose of receiving passengers or goods or making deliveries, is prohibited, and the city manager is authorized and directed to erect suitable signs at such places as may be necessary to notify drivers of such vehicles of this prohibition.

(b) Streets where prohibited. The streets upon which such use by such vehicles is prohibited are as follows:

- (1) Edgewood Avenue.
- (2) Fenwick Drive.
- (3) Sheffield Drive.
- (4) Burnt Bridge Road.
- (5) Indian Hill Road.
- (6) Evergreen Road between Indian Hill Road and Hurdle Hill Road.
- (7) Hurdle Hill Road between Evergreen Road and Link Road.
- (8) Tyreeanna Road from Richmond Highway to Concord Turnpike.
- (9) Hood Street between Lakeside Drive and Richmond Street.
- (10) College Drive between Lakeside Drive and Breckenbridge Street.
- (11) Breckenbridge Street between College Drive and Richmond Street.

(c) Penalty for violation. The driver of any such vehicle operated in violation of this section shall be guilty of a class 4 misdemeanor. (Ord. No. O-81-165, § 2, 8-11-81; Ord. No. O-88-233, 9-13-88)

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 22, 2011**

AGENDA ITEM NO.: 6

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Status Report on Redistricting Submission to the Justice Department**

RECOMMENDATION: N/A

SUMMARY: City Attorney Walter Erwin will provide an update on the status of the redistricting submission to the Justice Department. As of the preparation of this agenda item summary, the Justice Department has received the submission package and has contacted the City Attorney with some follow up questions.

PRIOR ACTION(S): October 25, 2011, Redistricting adopted by City Council

FISCAL IMPACT: None

CONTACT(S): City Attorney Walter Erwin, 455-3973

ATTACHMENT(S): None

REVIEWED BY: lkp

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 22, 2011**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amendment to Sections 25-247.1 and 25-248 of the City Code Relating to Parking Restrictions in the City's Central Business District**

RECOMMENDATION: Adopt an amendment to the City Code to clarify parking restrictions in the Central Business District.

SUMMARY: Since the adoption of an amended ordinance regulating parking in the Central Business District there have been several instances where the clarity of the ordinance has been called into question either by parking ticket appellants or the judge considering the appeal. Staff has examined the questions related to clarity of the ordinance and has prepared an amendment with the goal of providing greater clarity. The proposed amendment should result in fewer appeals and less time spent in court for both appellants and parking enforcement staff.

PRIOR ACTION(S): October 13, 2009, Council adopted parking regulations for the Central Business District as part of the implementation of the Parking Master Plan.

FISCAL IMPACT: None

CONTACT(S): Norman Hale 455-3990; Kimball Payne 455-3990; Walter Erwin 455-3973

ATTACHMENT(S): Proposed Amended Ordinance

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 25-247.1 AND 25-248 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTIONS RELATING TO PARKING RESTRICTIONS IN THE CITY'S CENTRAL BUSINESS DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections 25-247.1 and 25-248 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 25-247.1. Restricted or prohibited parking areas.

(a) The city council hereby finds that that the free circulation of traffic through the streets of the city is necessary to the health, safety and general welfare of the public; that over the years the revitalization of the city's central business district has increased the number of residents, customers and visitors in the central business district and has greatly increased the parking of motor vehicles of all kinds on the public streets in the central business district creating parking congestion on the streets in the central business district; and, that such parking congestion prevents the free circulation of traffic in and through the central business district. Therefore, it is the intention of city council to address parking issues in the central business district and to support the recent and planned growth and development in the central business district by providing for the orderly and efficient use of the available parking spaces. This ordinance is adopted pursuant to the authority granted to the city council by Section 46.2-1220 of the Code of Virginia, 1950, as amended.

~~(a) "Time zone," as used in this division, refers to the areas designated by the city council or city manager in which the legal time limit for parking has been established and for which signage indicates the block time and limits of the zone. If there is parking available on both sides of the street in the designated time zone, both sides of the street are considered to be in the same time zone.~~

(b) No person shall park any vehicle in any restricted or prohibited parking area within the central business district for a period of time in excess of the maximum time shown for the parking area as indicated on signs posted on the street where the parking area is located. The central business district is designated as that area of downtown from fifth street to the route 29 business expressway and from clay street to the riverfront.

~~(b) Within a consecutive time period equal to the time limit posted, no person shall park a vehicle for longer than the posted time limit for the time zone or block.~~

(c) No person shall park a vehicle within the central business district for longer than the posted time limit on either side of the same street within the same block within an 8 hour period during the same day. For purposes of this section, a "block" is defined as that portion of both sides of the same street between two intersecting streets or what would be the continuation of two intersecting streets. However, parking for longer than the posted time limit in one block does not preclude parking an additional consecutive period of time on another block within the central business district.

~~(e d) The provisions of this section shall apply between the hours designated by the city council or the city manager on all days, except Sundays or on the following holidays: New Year's Day, Martin Luther King Jr.'s birthday, President's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and day after, Christmas Eve and Christmas Day or as otherwise designated by city council or the city manager.~~

Sec. 25-248. Ownership of vehicle inference ~~presumption~~.

In any prosecution charging a violation of any parking prohibition or restriction ordinance, regulation or rule, proof that the vehicle described in the complaint, summons or warrant was parked in violation of such ordinance, regulation or rule, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, as required by Code of Virginia, Chapter 3 (Section 46.2-1220 ~~46.1-41~~ et seq.)

shall constitute in evidence a ~~permissible inference~~ prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where, and for the time during which, such violation occurred.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

180L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **November 22, 2011**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Change the Name of the “Code Enforcement Task Force” to the “Community Code Compliance Team” and Endorse the Team’s Purpose

RECOMMENDATION: Change the name of “Code Enforcement Task Force” to “Community Code Compliance Team” and endorse its purpose.

SUMMARY: The City’s Code Enforcement Task Force was originally created by City Council to develop and implement a “long-term strategy to improve living conditions through code enforcement, thereby facilitating a positive impact on the quality of life in Lynchburg.” As part of its mission the task force frequently conducts neighborhood walkthroughs with residents. During these visits, representatives often discover that many cases are simply the result of individuals who are unaware of specific codes or a neighbor’s misconception of the City’s authority in these matters.

The Code Enforcement Task Force is interested in re-imaging itself as a proactive team, focused not just on code enforcement but community engagement and education. The consensus of the membership is that an initial step in the process should be to change the name of the Code Enforcement Task Force to the Community Code Compliance Team.

PRIOR ACTION(S): July 13, 1999; City Council approved the revised Charter for the Code Enforcement Task Force.

FISCAL IMPACT: None

CONTACT(S): Keith Wright, Neighborhood Services Manager – 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S): Resolution, Revised charter for the Community Code Compliance Team

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that City Council approves the change of the name "Code Enforcement Task Force" to "Community Code Compliance Team."

BE IT FURTHER RESOLVED that City Council endorses the purpose and strategic focus of the Community Code Compliance Team to improve the living conditions and quality of life in the Lynchburg neighborhoods through consistent code enforcement.

Adopted:

Certified:

Clerk of Council

179L



City of Lynchburg

CODE ENFORCEMENT TASK FORCE COMMUNITY CODE COMPLIANCE TEAM **CHARTER**

PURPOSE

The Task Force team will develop and implement a proactive, coordinated and focused long-term strategy to improve living conditions through consistent code enforcement compliance, thereby facilitating a positive impact on the quality of life in Lynchburg.

~~CITY COUNCIL VISION~~

~~Lynchburg 2020: Working together, we will be a progressive community shaped by new ideas and solutions, a skilled and innovative workforce, and citizen leadership—all distinguished by responsible and traditional values, involvement, education, new technology, and quality citizen services.~~

~~Realizing that government does not have all the answers, we will be a facilitative government that is inclusive, bring together diverse community and regional resources that enables citizens to address the priorities and challenges of the next century.~~

~~As a City government, we will be on the cutting edge of change, providing a clear vision and driving force to produce:~~

~~A community environment second to none. We will create a vibrant sense of community spirit among our citizenry. It will offer opportunities for enjoyment of life—a place we can be proud to call home.~~

LYNCHBURG CITY COUNCIL VISION

We will work to ensure an environment in which all of the residents of Lynchburg are free to pursue their dreams, hopes, and aspirations through our understanding and commitment to meet the public's needs in the areas of:

Community Character

The character of our City is defined by the values and behaviors of its residents and its natural and built environments. We are a beautiful, safe and comfortable community with hospitable, friendly, and caring citizens who are free to pursue their values of faith and family according to their individual preferences.

Economic Prosperity

Our City will maintain a vibrant, industrious community that will expand economic opportunities for our citizens. We embrace policies that will enhance economic prosperity with the support of a strong Economic Development Authority, emphasis on education, workforce development, and a continued commitment to business-friendly initiatives.

Good Government

City government will deliver, in an equitable manner, public services through the effective and efficient stewardship of resources. We will also engage in regional efforts that advance the interests of our citizens.

Multicultural Vibrancy

Lynchburg acknowledges and values its rich cultural, ethnic, racial, and religious diversity while promoting a respectful and cohesive community.

A Compelling Destination

The City is a regional draw for entertainment, shopping and business. Our unique historic heritage and tourism attractions draw a national audience. With its breadth of recreational experiences, centers of interactive living history, and opportunities for educational excellence, our City appeals to all generations.

Revised October 2011

Adopted December 2006

STRATEGIC FOCUS

- Enforce codes in a fair and effective manner
- Instill a spirit of cooperation and trust among ~~Task Force team~~ members
- Devise new strategies to address neighborhood and citizen concerns, including citizen engagement and education
- Improve communication between the City, other agencies, and the public regarding ~~enforcement~~ compliance activities
- Conduct neighborhood ~~walking inspections~~ walkthroughs to see and hear citizen concerns first-hand

MEMBERSHIP

The ~~Task Force team~~ is a core group of City employees whose job responsibilities relate to ~~enforcement~~ compliance and quality of life issues. The membership of this multi-disciplinary team consists of representatives of the City Manager's Office, Inspections, Billings and Collections, Fire Marshal, Waste Management, Police, Community Development, City Attorney's Office, Public Services, Customer Service Division, Social Services Division, Commissioner of the Revenue, Lynchburg Redevelopment and Housing Authority and City Council. Meetings are open to any interested ~~customers, citizens~~, City employees and agency representatives working in partnership with the City.

LEADERSHIP

Leadership is a shared responsibility. Every member of the ~~Task Force team~~ is a leader, and will be called upon to act in that capacity during the course of their service. However, in order to have an efficient organizational structure, the membership of the ~~Task Force team~~ designates a leader/facilitator, a co-facilitator, recorder and co-recorder to serve during the calendar year. The selection of individuals to staff these positions will occur at the first scheduled meeting each January.

AUTHORITY

City Council and the City Manager endorse and support the work of the ~~Task Force team~~, and have empowered its members to work cooperatively toward a common purpose. Each member of the ~~Task Force team~~ brings with them the authority inherent in their position. Collectively, the ~~Task Force team~~ can influence a wide range of enforcement and compliance strategies that are beyond the ability of individuals acting alone. Cooperation among members will enhance the impact the ~~Task Force team~~ will have on the quality of life in Lynchburg.

PERFORMANCE EVALUATION

In keeping with the goals of results-oriented government, the Code Enforcement Task Force Community Code Compliance Team shall prepare an annual performance report of results for presentation to the City Manager and City Council in January.

FUNDING

Code Enforcement Task Force.....(annual allocation)

Revised: ~~April 15, 1999~~ November 22, 2011
City Council/~~City Manager~~ Endorsement