

The National Citizen Survey  
City of Lynchburg, VA  
2008

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// A special meeting of the Council of the City of Lynchburg, recessed from August 14, was held on the 4th day of September, 2007, at 8:00 a.m., Fifth Floor, Human Services Building, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct City Council's annual retreat. The following Members were present:

Present: Dodson, Garrett, Gillette, Helgeson, Johnson, Seiffert, Foster

7

Absent:

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// Following a breakfast gathering, Mayor Foster welcomed everyone to the retreat and briefly reviewed the retreat agenda. Council Members outlined the goals and expectations for the retreat, i.e., begin and end on time, be flexible, a better understanding of each other, warm and fuzzy, and have fun.

// City Manager Kimball Payne provided an overview regarding the various retreat preparation documents.

// Council Members then discussed the performance measurement data which shows how Lynchburg compares to other Virginia localities and select localities outside the Commonwealth in a number of service areas, i.e., Code Enforcement, Fire and Emergency Medical Services, Fleet Services, Human Resources, Information Technology, Juvenile Services, Public Library, Police, Procurement, Public Works/Highway and Road Maintenance, Risk Management, and Refuse and Recycling. Following discussion, City Council asked staff to review the performance measurement research data regarding streets maintenance and also suggested that the performance measurement data be compared to the Citizens Survey results.

// Following a break, Council Members spent the remainder of the morning session discussing City Council's Rules of Procedure. Mayor Foster distributed some suggestions regarding participation at work sessions. Discussion focused on whether the current Rules of Procedure are serving the purposes of enabling the City government to transact business expeditiously and efficiently, whether there are sections that need to be removed or sections that need to be added to address work sessions, whether or not the rules should be revised and combined into a new document such as a set of bylaws establishing Council operations, and whether there are alternatives to Roberts Rules of Order in that Roberts Rules were developed for private assemblies and some of the rules are not well suited for the proceedings of local governments. Discussion also focused on televising the City Council work sessions and whether or not the work sessions would need to be moved to the Council Chamber in order for them to be televised. City Manager Payne stated that he would ask staff to determine costs associated with upgrading the audio/video in the Second Floor Training Room so that work sessions can either be televised live or recorded and shown at a later date. City Council also agreed to restore the three minute rebuttal time for the opposition in zoning petitions and agreed to some of the Mayor's suggestions for the work sessions. Following discussion, City Council asked the City Manager and City Attorney to draft revised Rules of Procedures for Council consideration at a later meeting.

// Following lunch, each Council Member identified ...

5 BIG THINGS THAT ARE OF CRITICAL IMPORTANCE  
FOR THE CITY TO BE GREAT

Mayor Foster

1. Economic Growth (Incentives, recruitment, support, workforce development)
2. Education System (Cooperation w/Lynchburg City Schools, higher education, alumni settlement)
3. Downtown Revitalization (Also 5<sup>th</sup> St. & Midtown, Centra partnership, housing blight)
4. Quality of Life (Public safety, services, trails, infrastructure, non-profits)
5. Destination Place (tourism, cultural arts)

Council Member Seiffert

1. Tourism – increase to \$1.1M
2. Fiscal Accountability (Cost of Government v. ability)
3. Development (Townhouse market, impact fees, rebates/cost sharing, tax abatement)
4. Crime, gangs & illegal immigrants
5. GASB (over reach?)

Council Member Gillette

1. Inferiority complex (“We’re no \_\_\_\_\_”) Boldness
2. Economic Development (Goals, Target markets, Downtown)
3. Housing Overbuild (townhomes, attachments, role of govt.?)
4. Infrastructure (CSO victory, sewerage areas, 10-20 Years out)
5. CDBG Usage (Downtown?)

Council Member Garrett

1. Economic Development (Pillars; Commercial Retail?)
2. Destination Businesses
3. Heritage Tourism
4. Trust & Accountability (dispel distrust, engender, reaffirm)
5. Tradeoffs (5<sup>th</sup> Street sidewalks)

Council Member Johnson

1. Public Education (=> quality workforce)
2. Regionalism (trash, tourism, H<sub>2</sub>O, destination)
3. WI/FI Community
4. Young Professionals (attract & retain, quality of life)
5. Inclusive Community

Council Member Helgeson

1. Government Focus (responsibility, public safety) Role?
2. Infrastructure (foundation v. enticement, facilitate private sector)
3. Fiscal Stress (alleviate) (balance)
4. Economic Development (Good job attraction, policies)

Vice Mayor Dodson

1. Fiscal Integrity (bond rating)
2. Schools (competition)
3. Economic Development (retail comp)
4. Public Safety (succession)
5. Parks & Recreation

// Council Members ranked the items and selected the top priority items as follows:

- Economic Development
- Tourism
- Fiscal Accountability
- Public Safety
- Infrastructure
- Education
- Development

// Council Members then ranked the top five priority items as follows:

- #1 Economic Development
- #2 Fiscal Accountability
- #3 Education
- #4 Infrastructure
- #5 Public Safety

Council Members identified twenty-four items for action and following discussion agreed to the following four top priority items:

Priority 1. #9 Development -- explore impact fees; look at Section 24.1-31 50% cost sharing; review tax abatement program. (Schedule for October work session)

Priority 2. #4 Change IDA to EDA; review role/philosophy; talk to IDA; research legislative process; report back to City Council.

Priority 3. #2 Economic Development – Develop tourism authority with \$1.1m budget. (Scheduled for September 25 work session)

Priority 4. #21 Prioritize and fast track housing policy plan, answering how much housing, what kind of housing, (cost type) where the housing is located. (Brief Council on components -- November work session?)

// Following a dinner break, Human Resources Director Margaret Schmitt provided an update regarding the Community Dialogue initiative. Financial Services Director Donna Witt provided a brief overview regarding the upcoming budget process.

// City Manager Kimball Payne ended the evening with a review of the nine action items:

1. Television City Council work sessions; live if possible; determine cost to outfit second floor for video.
2. City Manager and City Attorney to draft revised Rules of Procedures.
3. Schedule October work session overview of development/impact fees.
4. Talk to IDA; research legislative process; report back to City Council.
5. Develop Tourism Authority -- September 25 work session.
6. Brief Council on components/process for housing plan -- November work session.
7. Research on performance measurements on infrastructure -- what is background for those.
8. Show study circles video at September work session.
9. Have Charlene Montford come to work session to discuss "what is" a housing policy? What assumptions we would have to make before starting? Is there realistic way to generate a housing plan to reach those answers?

// The meeting was adjourned at 7:40 p.m.

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Clerk of Council



# MEMORANDUM

## The City Attorney's Office

To: The Honorable City Council  
From: Walter C. Erwin, City Attorney  
Subject: Draft Rules of Procedure  
Date: August 21, 2008

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I apologize for not being able to attend City Council's September 8-9 retreat. I especially regret having to miss the discussion of alternative rules of procedure. Since I will not be present for that discussion, I wanted to offer my thoughts to Council on this issue.

Like many other public bodies, City Council currently follows *Robert's Rules of Order* for the conduct of its meetings. In addition to *Robert's*, Council has also adopted certain special rules of procedure. Some of Council's special rules of procedure are in the City Code, others were adopted by resolution and some are on the Agenda that is prepared for Council meetings. In addition to these rules of procedure there are also a few rules of procedure dealing with such issues as a quorum, majority voting, abstaining from voting, etc. in the State Code. Having to refer to such a variety of documents to determine a rule of procedure can be confusing.

In addition to the confusion that can be created by having to refer to multiple documents, in recent years there has been recognition that *Robert's Rules of Order* may not be the best parliamentary procedure for a local governing body to follow. First, *Robert's Rules of Order* were not developed with local governments in mind. The *Rules of Order* were developed for private assemblies and some of the rules are not very well suited for the proceedings of a local government. This is particularly true when dealing with zoning issues. Second, *Robert's Rules of Order* are technical and complicated. The current edition of *Robert's* contains over 700 pages. The rules are complex and can be difficult to master. Third, many of the rules in *Robert's Rules of Procedure* do not apply to local governments. For example, *Robert's* contains provisions for suspension or expulsion of members, proxy voting, standing rules for conventions, etc. None of these rules of procedure have any application to the meetings of a local governing body.

The draft rules of procedure the City Manager, Pat Kost and I prepared were based on Council's current rules of procedure, *Robert's Rules of Order*, rules of procedure from other Virginia localities, and the "*Rules of Procedure for Small Local Governments*"

developed by the Institute of Government of the University of North Carolina at Chapel Hill. The draft rules of procedure are an effort to consolidate the various rules of procedure City Council is currently using (e.g. the City Code, *Robert's Rules of Order*, Council's special rules of procedure, etc.) into a single document. This should help eliminate the potential confusion that can be caused by having to refer to multiple documents to determine a rule of procedure. The procedural rules that City Council most often uses during its meetings (e.g. the motion to amend, the motion to call the question, the motion to postpone, the motion to reconsider, etc.) were included in the draft rules of procedure. In the event a situation arises that is not adequately addressed in the draft rules of procedure, Council could adopt a special rule of procedure to cover such situation. In adopting a special rule of procedure Council could consult *Robert's* and other model rules of procedure for guidance.

In drafting the proposed rules of procedure our goals were to (i) create rules of procedure to help Council carry out its business in an efficient and orderly manner, (ii) to combine Council's rules of procedure into a single document and to simplify them, (iii) to make sure the rules of procedure give all members of Council a fair opportunity to be heard and (iv) to try to ensure that Council's actions are a result of decisions based on the merits of an issue and not a manipulation of procedural rules.

Once again, I apologize for missing Council's retreat and hope my comments will be of some use to Council as it considers this issue.

Respectfully,

Walter C. Erwin

Cc: L. Kimball Payne, City Manager



## The City of Lynchburg, Virginia

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### MEMORANDUM

TO: City Council

FROM: L. Kimball Payne, III, City Manager

DATE: September 5, 2008

SUBJ: Draft Rules of Procedure

One of the items for Council's retreat is consideration of revised Rules of Procedure for Council meetings. Walter Erwin, Pat Kost and I have drafted the attached rules for Council's discussion. We thought that we would send them on to you now for two reasons. First, due to its length, Council may need more time to review the draft document. Second, Walter will be on vacation when Council has its retreat and there may be some questions beforehand that he is best equipped to answer.

Walter will also be providing a memo for Council with his observations regarding the proposed rules of procedure. As always, please let us know if you have any questions.

CC: Pat Kost  
Walter Erwin

Attachment

# **LYNCHBURG CITY COUNCIL RULES OF PROCEDURE**

(Adopted\_\_\_\_\_)

## **Introduction**

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council. Their purpose is to help City Council conduct its affairs in a timely and efficient manner. They incorporate the general principals of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before City Council. Further, City Council reserves the right to suspend or amend the rules of procedure whenever a majority of Council decides to do. The failure of City Council to strictly comply with the rules of procedure shall not invalidate any action of City Council.

## **SECTION 1 - PURPOSE AND BASIC PRINCIPLES**

### **Section 1-1. Purpose of Rules of Procedure**

- A. To enable the Lynchburg City Council to transact business expeditiously and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Council member;
- C. To preserve a spirit of cooperation among Council members; and
- D. To determine the will of City Council on any matter.

### **Section 1-2. Basic Principles Underlying Rules of Procedure**

- A. The business of the City Council should proceed in the most efficient manner possible;
- B. City Council's rules of procedure must be followed consistently;
- C. City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one subject may claim the attention of City Council at one time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every member has rights equal to every other member;

- G. Every member must have an equal opportunity to participate in decision making;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- I. The Council must act as a body; the personality and desires of each member should be merged into the larger unit -- the Lynchburg City Council.

## **SECTION 2 -- MEETINGS**

### **Section 2-1. When and Where Regular Meetings are Held**

The time and place of regular meetings of the Lynchburg City Council (hereinafter referred to as the Council) shall be established at each organizational meeting. Meetings shall be held in the City Council Chambers, on the first floor in City Hall, as follows:

Second Tuesday of the month, 7:30 p.m. – Regular meeting

Fourth Tuesday of the month, 1:00 p.m. – Work Session

Fourth Tuesday of the month, 5:00 p.m. – Regular meeting

There will be no regular meeting on the fourth Tuesdays during the months of July, August, and December. The work session scheduled on the fourth Tuesday of the months of July, August and December will be rescheduled to the second Tuesday of those same months.

The Council may hold additional meetings or work sessions at other locations and times, or may change the locations and times of regularly scheduled meetings or work sessions as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings or work sessions shall be provided to the public and the press as required by State Code. Additional meetings shall be referred to as “adjourned (*or additional scheduled*) meetings” and shall be approved by Council during a regularly scheduled meeting or work session.

#### **Section 2-1.1. Continued Meetings**

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the Council members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

#### **Section 2-2. Special Meetings**

A. The Council may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Section 15.2-1417 of the Code of Virginia (1950), as amended, Section 9 of the City Charter and Section 2-19 of the City Code.

B. Special meetings may be called by the Mayor, the City Manager, or any two (2) members of the Council in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the members of the Council of the time and place designated and the purpose of the meeting. Written notice of the special meeting shall be delivered to each member of the Council by leaving a copy thereof at his or her place of abode or place of business at least twelve hours before the time scheduled for the special meeting. Only matters specified in the notice of the special meeting shall be considered unless (1) all of the members of the Council are present and (2) the Council determines in good faith at the meeting that it is essential to discuss or act on such additional item(s) immediately.

C. Notice to the public of any special meeting shall be given contemporaneously with the notice provided the members of the Council, the City Attorney, and the City Manager.

#### **Section 2-3. Legal Holiday**

When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is canceled by a majority vote of the Council.

#### **Section 2-4. Adjourned or Recessed Meetings**

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings and after the recess business is resumed where it left off.

B. A properly called regular, *additional scheduled*, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, *additional scheduled*, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, *additional scheduled* or special meeting.

#### **Section 2-5. Organizational Meeting**

A. The first meeting in July of each year in which a Council election is held shall be known as the organizational meeting. The Clerk of Council shall preside during the organizational meeting pending the election of the Mayor.

B. The Mayor shall be elected at the organizational meeting for a term of two years.

C. Following the election of the Mayor, he or she shall conduct the election of the Vice Mayor.

D. Following the election of the Vice Mayor, the Council shall:

1. Establish the dates, times and places for regular meetings; and
2. Adopt its Rules of Procedure.

**Section 2-6. Procedure for Election of Mayor and Vice Mayor**

A. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership.
2. Any Council member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. When all nominations have been made, the presiding officer shall close the nominating process and call for the vote.
4. The membership shall vote by written ballot and the completed ballots shall immediately be passed to the Clerk of Council or the Deputy Clerk who shall collect the ballots, read them aloud, publicly announce how each member of the Council voted and tally the respective votes.
5. Each member may cast one vote for any one nominee.
6. In the case of three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.
7. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve until replaced.

**Section 2-7. Seating Arrangement**

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The seating arrangement of the remaining members of

Council shall be determined by the Mayor. *[Alternatively-- The remaining members of the Council shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Council. In the event that two or more Council members have equal seniority, the selection of seating for those members shall be by alphabetical order.]*

### **SECTION 3 -- OFFICERS**

#### **Section 3-1. Mayor and Vice Mayor**

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Council members present shall choose one of their members as temporary presiding officer.

#### **Section 3-2. Clerk**

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for Council meetings, shall attend all Council meetings, and shall keep an accurate record of the proceedings.

#### **Section 3-3. Parliamentarian**

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure and the Code of Virginia (1950), as amended, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Council members. If the City Attorney is unavailable, the City Manager shall serve as the Parliamentarian.

#### **Section 3-4. Preservation of Order**

- A. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:
1. To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
  2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
  3. To entertain and answer questions of parliamentary law or procedure;
  4. To call a brief recess at any time;

5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three powers listed above may be appealed to the Council upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order. There are two exceptions to this right of appeal. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members.

## **SECTION 4 – AGENDA**

### **Section 4-1. Preparation**

A. The Clerk of Council shall prepare an agenda for the regularly scheduled meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Council members may request that items be placed on a meeting agenda by contacting the Clerk at least seven (7) days prior to the Council meeting for which they wish the item scheduled. The Clerk shall place requested items on the agenda for the next regular meeting or work session, as appropriate, following the request.

C. All items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline shall be placed on the next regular work session agenda for consideration.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Council. Members must use discretion in requesting the addition to items on the agenda. It is considered desirable to have items listed on the published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless a majority of the Council votes to hold a public hearing on the item.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Wednesday preceding the Council meeting.

### **Section 4-3. Delivery of Agenda**

The Council meeting package, including the agenda and related materials, shall be delivered to each member of the Council and the City Attorney the Thursday prior to the Tuesday Council meeting.

**Section 4-4.           Copies**

The Clerk of Council shall prepare or cause to be prepared extra copies of the meeting package and shall make the same available to the public and the press in the Council/Manager Offices contemporaneous with delivery to the Council. Copies will also be available in the Main and Downtown branches of the Public Library and at the Front Information Desk in City Hall for public inspection.

**Section 4-5.           Internet**

The Clerk of Council shall post the agenda documents for all Council meetings on the Internet for public information as promptly as possible.

**SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS**

**Section 5-1.           Order of Business**

A.     At regular meetings of the Council on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1.     Call to Order
2.     Invocation & Pledge of Allegiance
3.     Special Recognitions by the Mayor or Council (if any)
4.     Consent Agenda
5.     Public Hearings
6.     Public Presentations (if requested)
7.     General Business
8.     Closed Meeting (if necessary)
9.     Adjournment

B.     The above order of business may be modified by the Clerk of Council to facilitate the business of the Council.

C.     Council work sessions are less formal meetings and the agenda may be as determined by the City Manager and Clerk of Council to best facilitate the business of the Council.

**Section 5-2.           Consent Agenda**

A. The consent agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.
2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The consent agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of consent agenda items to answer questions or clarify a matter. There shall be no lengthy debate or discussion of a consent agenda item.

D. Upon request of any Council member, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

**Section 5-3. Citizen Participation**

A. Every petition, communication or address to the Council shall be in respectful language and is encouraged to be in writing.

**B. Public Presentations**

1. Individuals or groups wishing to speak at a regular Council meeting shall submit a written request to the Clerk of Council by noon on the Wednesday prior to the regular meeting date.
2. Public presentations shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.
4. The presiding officer shall open the Public Presentations.
5. Each speaker shall clearly state his or her name and address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking.

6. There shall be a time limit for each individual speaker of 3 minutes.
7. A representative of a civic or governmental organization, of a Council appointed board or commission, or of a similar organization who is making a report or presentation to the Council may have up to ten (10) minutes to make such report or presentation.
8. There shall be no comment during Public Presentations on a matter for which a public hearing is scheduled during the same meeting.
9. There shall be no comment during Public Presentations on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
10. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting or work session by a majority vote.
11. Council members shall not discuss issues raised by the public except by consent of a majority of the Council members present.
12. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within six (6) months of the first presentation, except by a majority vote of the members of the Council present and voting.
13. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Council members at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the members of the Council present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Council members present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit nine (9) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

**Section 5-4. Prohibited Conduct**

- A. Persons appearing before the Council will not be allowed to:
1. Campaign for public office;
  2. Promote private business ventures;
  3. Use profanity or vulgar language or gestures;
  4. Use language which insults or demeans any person or which, when directed at a public official or employee is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
  5. Make non-germane or frivolous statements;
  6. Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
  7. Engage in behavior that intimidates others;
  8. Address the Council on issues that do not concern the services, policies or affairs of the city.

B. The presiding officer shall preserve order and decorum at Council meetings. He or she may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion a period not to exceed one year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

**Section 5-4. Public Hearings**

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

- B. The presiding officer shall conduct all public hearings.  
C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.
2. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the City Manager. The presentation shall summarize the facts about

the issue and the staff recommendation. Council members may seek clarification during the presentation.

3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. *[Consider including: The use of conceptual plans, renderings, and similar graphic exhibits shall be prohibited in the course of hearings on applications for rezonings and conditional use permits, unless the application before the Council requires development and construction in substantial conformity with such plans, renderings, and graphic exhibits.]*

4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.

5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Council members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

#### **Section 5-5. General Business**

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive unanimous vote upon introduction. After the presiding officer had stated the item for consideration, staff may be asked to provide a brief summary.

**Section 5-6.                    Items Not on the Agenda**

With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

*[Does Council want to include a provision such as the following?]*

**Section 5-X.                    Termination of Meetings**

*Open meetings of the Council shall terminate not later than 12:00 midnight; provided, however, with majority consent of those members present, a meeting may be extended.]*

**Section 5-7.                    Closed Meetings**

A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public.

B. No meeting shall become a Closed Meeting until the Council takes an affirmative record vote during the open meeting.

1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the Closed Meeting.

2. Members shall request the assistance of the City Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and;

2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote,

indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue.

G. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and shall treat the Closed Meeting discussion as confidential.

## **SECTION 6 – RULES OF PROCEDURE FOR COUNCIL MEETINGS**

### **Section 6-1. Quorum**

A. As provided by Section 15.2-1415 of the Code of Virginia, a majority of the members of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. Quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings. (*Section 2-18 of the City Code*)

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia provide that a majority of the remaining members of the Council shall constitute a quorum.

### **Section 6-2. Priority in Speaking on the Council**

When two or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

### **Section 6-3. Comments, Queries of Council Members**

Council members are to observe the following rules during the discussion of agenda items:

A. Comments of Council members must be constructive. The presiding officer shall ensure that comments are constructive.

B. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

C. Council members may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Council members' questions. All legal questions should be addressed to the City Attorney.

**Section 6-4. Action by the Council**

A. Items of business will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all present, and the proposal will not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Council members present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

**Section 6-5. Motions**

A. Informal discussion of a subject is permitted while no motion is pending.

B. Any member, including the presiding officer, may make a motion.

C. Members are required to obtain the floor before making motions or speaking, which they can do while seated.

D. A member may make only one motion at a time.

E. Motions need not be seconded. *[Alternatively: All motions require a second and a motion dies for lack of a second.]*

**Section 6-6. Substantive Motions**

A. A substantive motion is any motion that deals with the merits of an item of business and with the Council's legal powers, duties and responsibilities.

B. A substantive motion is out of order while another substantive motion is pending.

**Section 6-7. Procedural Motions**

A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not on listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

2. Motion To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

3. To Take a Brief Recess. This motion, allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending

4. To Suspend the Rules. The Council may suspend its rules of procedure. The Council may not, however, suspend any provisions of the rules that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of at least four (4) members of the Council.

5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:

(a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.

(b) The motion to “postpone” delays debate on an item of business so that it may be considered at a later date. An item of business may be “postponed definitely,” when it is continued to a definite time or date or “postponed indefinitely” if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.

(c) Section 15.2-2286 of the State Code requires that a zoning petition must be “acted upon” within a “reasonable time,” not exceeding one year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.

6. Call the Question. The motion to call the question is not in order until every member of the Council has had an opportunity to speak once on an item of business. The motion is not amendable or debatable.

7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended only once. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted. If the substitute motion passes, the substitute motion replaces the main motion and the matter is decided. No more than one (1) substitute motion may be made.

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

10. Motion to Reconsider. The Council may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the “noes” prevail). The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider

may not be used in a land use decision involving a rezoning or a conditional use permit.

*[Alternatively—consider using language from the City Code, Sec. 2-21. Reconsideration of vote.*

*Any member voting on the prevailing side of any question voted on by the council may move a reconsideration thereof at such meeting or at the next succeeding regular meeting; provided, however, that any two (2) members, upon the announcement by the president of the adoption of resolutions or ordinances having for their object the increase of the indebtedness of the city, or the expenditure of its revenues, except for the payment of its salaried officers and employees, may give notice of a motion to reconsider, which motion shall delay the question until such reconsideration can be acted on at the next regular meeting of the council.*

*No vote of a former meeting shall be reconsidered at any special meeting unless there be present at such special meeting as many members as were present at the former meeting when the vote was taken. (Code 1959, § 2-15)]*

11. Motion to Renew. If a motion is made and disposed of without being adopted, such as a tie vote, the original motion back for further consideration by a motion to renew. There are no time limits on making a motion to renew. A motion to renew cannot be made if as a result of the passage of time a motion to renew has become absurd. A motion to renew may not be used in a land use decision involving a rezoning or a conditional use permit.

12. Motion to Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership (4) of the Council. If adopted, the restriction imposed by the motion remains in effect for six months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules

## **Section 6-8. Debate**

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.

4. A member of the Council may vote against his or her motion, but may not speak against his or her motion.
5. The presiding officer may participate in the debate and has the privilege of speaking last if he or she so desires, prior to declaring the matter ready for a vote.

**Section 6-9.            Duty to Vote**

A.        Each member of the Council who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests act or unless excused from voting by the other members of the Council. A member who wishes to be excused from voting shall so inform the presiding officer and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the member to abstain from voting.

B.        If there is an abstention, it shall be the responsibility of the presiding officer to note the abstention for the record and request that the Council member abstaining state his or her reason for abstaining for the record.

*[Alternatively, consider using language from the City Code, Sec. 2-22. Members present required to vote.*

*Every member present shall vote upon all questions presented for decision unless excused by the council; provided, that no member shall be permitted to vote upon any matter where such vote is prohibited by the Virginia Conflict of Interest Act, Code of Virginia, Section 2.1-347 et seq. The ayes and noes shall be taken upon all matters determined by the council and shall be entered on the minutes of the proceedings. (Code 1959, § 2-16)]*

**Section 6-10.        Method of Voting**

A.        After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B.        All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.

C.        An “affirmative vote” by a majority of the Council present being necessary to adopt a motion, a tie vote means that the motion has been rejected. When a motion fails on a tie vote the “noes” prevail.

D All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in Council chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any member may request a roll call vote. In any case, the presiding officer shall announce the results of the vote

**Section 6-11. Decisions on Points of Order**

The presiding officer may refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Council member may appeal the ruling of the presiding officer to the full Council which shall decide the matter by majority decision.

**SECTION 7 -- BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES**

**Section 7-1. Appointments to Boards, Authorities, Commissions, and Committees**

A. Members of boards, authorities, commissions and committees shall be appointed by an affirmative vote of a majority of the members of the Council to serve specified terms as may be deemed to be appropriate by the Council.

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two standing committees (Finance and Physical Development). Substitutes or alternates may participate on Council committees only if so authorized by the Mayor. Committee members will serve two-year terms. The Mayor shall have the right to reassign committee members.

C. *[Does Council want to specify how appointments of Council representatives to ad hoc groups, such as special task forces, are handled? Appointment by the Mayor, or by Council, or by the Mayor with confirmation by Council?]*

**Section 7-2. Standing Committees Roles and Guidelines**

A. The roles of and the operating guidelines for the Finance and Physical Development committees shall be as adopted by a majority of the Council.

**SECTION 8 -- GENERAL OPERATING POLICY**

**Section 8-1. Broadcasting Council Meetings**

Regular meetings and work sessions of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained from the Department of Communications and Marketing at cost.

**Section 8-2.                    Numbering and Indexing of Resolutions and Ordinances**

It shall be the responsibility of the Clerk to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. Example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

**Section 8-3.                    Minutes of the Council Meetings**

The minutes of the Council meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record Council votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

**Section 8-4.                    Amending the Rules of Procedure**

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of four (4) members of the Council.

**Section 8-5.                    Special Rules of Procedure**

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

**AMENDMENTS:**

DRAFT

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§ 15.2-4903. Creation of industrial development authorities.

A. The governing body of any locality in this Commonwealth is hereby authorized to create by ordinance a political subdivision of the Commonwealth, with such public and corporate powers as are set forth in this chapter. Any such ordinance may limit the type and number of facilities that the authority may otherwise finance under this chapter, which ordinance of limitation may, from time to time, be amended. In the absence of any such limitation, an authority shall have all powers granted under this chapter.

B. The name of the authority shall be the Industrial Development Authority of \_\_\_\_\_ (the blank spaces to be filled in with the name of the locality which created the authority, including the proper designation thereof as a county, city or town).

C. Notwithstanding subsection B, for any authority authorized by this section, the name of the authority may be the Economic Development Authority of \_\_\_\_\_ (the blank space to be filled in with the name of the locality that created the authority), if the governing body of such locality so chooses.

D. The authority jointly created by the Town of South Boston and Halifax County pursuant to § [15.2-4916](#) may be named the Economic Development Authority of Halifax, Virginia, or such other name as the governing bodies of the Town of South Boston and Halifax County shall choose in the concurrent resolutions creating such authority. The authority jointly created by the City of Bedford and Bedford County pursuant to § [15.2-4916](#) may be named the Bedford Joint Economic Development Authority, or such other name as the governing bodies of the City of Bedford and Bedford County shall choose in the concurrent resolutions creating such authority.

(1966, c. 651, § 15.1-1376; 1975, c. 254; 1997, c. 587; 1999, c. 157; 2000, c. 398; 2001, cc. 5, 6, 730; 2002, cc. 169, 680, 725; 2003, cc. 159, 343, 345, 350, 357; 2004, cc. 292, 782, 933.)

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## The City of Lynchburg, Virginia

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City  
Manager's  
Office

### MEMORANDUM

TO: City Council

FROM: L. Kimball Payne, City Manager  
Bonnie Svrcek, Deputy City Manager

SUBJECT: Council Retreat 2008: Goal Setting

DATE: August 29, 2008

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In preparation for your Goal Setting agenda item at the Retreat, we wanted to remind Council of the "Five Big Things to Make Lynchburg Great" that were identified during the 2007 Council Retreat last September. The "Five Big Things" that Council identified were:

- ◇ Economic Development
- ◇ Fiscal Accountability
- ◇ Education
- ◇ Infrastructure
- ◇ Public Safety

Following is some background on our facilitator for the Goal Setting agenda item:

*Kathy Baske Young is an Executive and Organizational Coach. She has coached Fortune 500 executives and teams in a number of fields, including pharmaceutical, high-tech, telecommunications, real estate investment and professional sports. She has worked with local governments in leadership development and strategic planning.*

*Prior to becoming a professional coach, Kathy worked in sales and sales management in television for the past 25 years, most recently as VP of Sales for WRC-TV, the NBC Owned and Operated station in Washington DC.*

*Kathy is the incoming Chair of the Roanoke Regional Chamber of Commerce, and received the 2007 Roanoke Valley Women of Achievement Award in Business from the YWCA. She lives in Roanoke with her husband Mark who is an artist, and their two black Labrador girls - Emma who is 7, and Jackson who just turned 1.*

Thank you.



### 2007 City Council Retreat Follow-up<sup>1</sup>

| Action Items                                                                                                                                                                                                              | Status                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1. Televising City Council Work Sessions; live if possible; determine cost to outfit second floor for video.                                                                                                              | Complete                                                                    |
| 2. City Manager and City Attorney to draft revised Rules of Procedures.                                                                                                                                                   | Complete; for Council discussion at 2008 Retreat                            |
| 3. Schedule October work session overview of development/impact fees.                                                                                                                                                     | Completed 10/23/2007                                                        |
| 4. Talk to Industrial Development Authority; research legislative process; report back to Council.                                                                                                                        | Excerpt from the <i>Code of Virginia</i> attached                           |
| 5. Develop Tourism Authority – September 25 work session.                                                                                                                                                                 | Contract with Greater Lynchburg Chamber of Commerce approved April 22, 2008 |
| 6. Brief Council on components/process for housing plan – November work session.                                                                                                                                          | Presentation made on 11/27/2007                                             |
| 7. Research on performance measures on infrastructure – what is background on those.                                                                                                                                      | Addressed during the deliberations on the FY 2009 budget                    |
| 8. Show Study Circles video at September work session.                                                                                                                                                                    | Completed                                                                   |
| 9. Have Charlene Montford come to work session to discuss “what is” a housing policy? What assumptions we would have to make before starting? Is there a realistic way to generate a housing plan to reach those answers? | Presentation made on 11/27/2007                                             |

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<sup>1</sup> A copy of the Minutes from the September 4, 2007 City Council Work Session is attached.