



## DANVILLE CITY COUNCIL WORK SESSION AGENDA

### MUNICIPAL BUILDING

**June 18, 2019**

**7:30 P.M.**

#### MEETING CALLED TO ORDER

#### MINUTES

- A. Consideration of Approval of Minutes from Regular Work Session held on April 16, 2019 and Special Budget Work Session held on April 23, 2019.  
Council Letter Number CL - 2131.

#### WORK SESSION ITEMS

- A. Review of the General Fund Financial Report as of May 31, 2019.  
Council Letter Number CL - 2109
- B. Presentation on Sports Tourism in Danville, Virginia.  
Council Letter Number CL - 2123
- C. Consideration of Amending the Rules of Procedure for Danville City Council.  
Council Letter Number CL - 2142.
- D. Consideration of Amending the City Attorney's and City Manager's Employment Agreements.  
Council Letter Number CL - 2141.

#### PROGRAM UPDATE

**COMMUNICATIONS FROM**

- A. City Manager
- B. Deputy City Manager
- C. City Attorney
- D. City Clerk
- E. Roll Call

**ADJOURNMENT**

# Council Letter

## City of Danville, Virginia



**CL-2131**

**Meeting Minutes Item #: A.**

**Work Session Meeting**

**Meeting Date:** 06/18/2019

**Subject:** Consideration of Approval of Meeting Minutes

**From:** Susan M. DeMasi, City Clerk

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### **COUNCIL ACTION**

Work Session Meeting: 06/18/2019

### **SUMMARY**

Consideration of Approval of Minutes from Regular Work Session held on April 16, 2019 and Special Budget Work Session held on April 23, 2019.

Council Letter Number CL - 2131.

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### **Attachments**

Meeting Minutes

Meeting Minutes

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April 16, 2019

A Regular Work Session of the Danville City Council convened on April 16, 2019 at 7:38 p.m. in the Conference Room located on the Fourth Floor of the Municipal Building. Council Members present were: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (8) Adam J. Tomer was absent (1).

Staff Members present were: City Manager Ken Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

## **MINUTES**

Upon **Motion** by Council Member Buckner and **second** by Council Member Whittle, Minutes from the Special Work Session held on March 13, 2019 and Special Joint Work Session held on March 18, 2019, were approved as presented. Draft copies were distributed to Council Members prior to the Meeting.

## **REVIEW OF THE GENERAL FUND FINANCIAL REPORT AS OF MARCH 31, 2019**

Director of Finance Michael Adkins gave the General Fund Financial Report as of March 31, 2019; the third quarter was over and 75% of the year complete. Revenues are at \$71M, an increase of 5% over last year and about \$3.4M more. About half of that was a timing difference on the Bank Stock Tax, American National and Virginia Bank and Trust paid a month early in March. Of the true increase, \$1.3M relates to property taxes, over \$300,000 more was collected than last year in delinquent real estate. There were a couple of auctions this year, they were successful and the City is seeing an uptick in collections. Local taxes are doing very well, at or above budget and showing an increase over last year; all other revenues are on track. On Expenditures, the City has spent 69% of the budget; the only notable increase was in public safety and that relates to the increase in retirement benefits for public safety employees. There was a slight increase in Community Development and Economic Development, relating to blight, and additional travel in Economic Development. With regard to non-Departmental spending, the City's group health insurance is the largest item, that was just short of budget and on track this year.

Mr. Adkins noted in collecting taxes, the City does use an outside collection agency and turns over real estate taxes and utility accounts to them. The agency has indicated they are ready to take on delinquent Personal Property taxes as well. The City currently uses DMV stops and also garnishes state tax refunds. They will give its customers a year, and if that still does not work, staff will turn over accounts to the collection agency. Mr. Adkins stated he will issue a press release before they do so, to let the public know that will happen. This was at no cost to the City, the collection agency adds on their fee, collects it from the customer and the City receives its payment.

## **DISCUSSION OF BRIDGE BETWEEN WATER STREET AND EAGLE SPRINGS ROAD**

City Engineer Brian Dunevant noted this item was regarding the bridge that connects Water Street to Eagle Springs Road. Mr. Dunevant reviewed his power point noting the bridge was owned by Norfolk Southern, constructed around 1932 and the average daily traffic count in 2015 was 150 cars per day. Somewhere around September 30, 2017, a train hit the bridge and took out the center span. Norfolk Southern has since indicated they are not interested in repairing the bridge; they are agreeable to considering allowing the City to construct a new bridge if they wanted to, but it would have to be built to current design standards. It would be mostly financed by the City, and

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ultimately owned and maintained by the City. Staff researched the existing bridge and could not find any agreements or easements.

Norfolk Southern has offered to consider a contribution of 10% of the cost of a new structure, assuming it meets current design standards. Alternatively, they have offered to permanently close the crossing, take down what is left of it, put up barricades and signs and make a \$50,000 donation to the City. The City did some preliminary estimates in September, and had Schwartz & Associates look at it; to replace the bridge, build back what was there, but higher, was estimated at around \$1.5M; staff is not sure this would be supported by Norfolk Southern. The way the bridge was configured, he did not think it would be in the best interest of the City to rebuild and have ownership of a bridge like that because of the amount of maintenance it would require. If the City built a new two lane bridge and put it on a better alignment, the estimate for that was about \$4.5M. If the City moved forward with building a new bridge, some funding opportunities include the City applying for Smart Scale funding. It is a competitive process and he does not know if the City would fare well; it could get 100% of the funding if the application was approved. If the City went through that process and was successful with the application, construction would start sometime well after 2025 because of the way they allocate the funds.

The other funding opportunity is Revenue Sharing which is 50-50; whatever the City receives from VDOT, the City would have to match 50%. It would take several application cycles because they only fund so much per cycle to any one locality. If the City were successful in getting those funds, construction would probably start sometime after FY 2023. Mr. Dunevant noted there has been some concern about Evans' Park and discussed the distance to get there. He did a search from the Municipal Building which gave him two routes, with Water Street being the shortest route; the other route was to go down 58 to Kentuck Road. The difference in the mileage was about three miles.

In response to Mr. Whittle, Mr. Dunevant explained the City could apply for a Smart Scale and that process for would be next year. Mr. Shanks noted Smart Scale is a statewide system ranking road priorities and asked Mr. Dunevant if he thought there was any chance the City would get Smart Scale. Mr. Dunevant stated with the current conditions, no, he did not think the application would score well; it was very competitive. The City is up against all the other applications in the District and the State. Economic Development on this side of the state plays a big part of the score. Mr. Saunders noted there are some businesses located in that area whose employees may use that road, and didn't know if any of them would be interested in helping to repair the bridge. Mr. Saunders questioned if there was a place on Halifax Road to make a road over and what would the cost be. Council had no other questions for Mr. Dunevant.

### **CONSIDERATION OF CHANGES TO THE REAL ESTATE TAX ABATEMENT PROGRAM**

Assistant Director of Economic Development Corrie Bobe explained, in the nineties the City of Danville established an Historic Real Estate Tax Abatement program in order to encourage the redevelopment of the historic structures. Up until 2011, the north and south banks of the River were considered an historic district, called the Mill District, and included the White Mill and Long Mill properties. It was taken out of the program in 2011 due to the fact that 50% of the properties within the district had caught fire or were demolished; that particular district was de-listed at the State and Federal level. Since then, the prior owners of the White Mill property re-listed the White Mill as an individual historic structure. Given the importance and significance of that historic property within the community, staff would like to add it back into the historic tax abatement program. Ms. Bobe discussed the how the abatement works and noted staff feels this is a great program that has encouraged historic redevelopment in a number of the City's districts. It was an

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alternative to traditional incentives; if someone comes to the City, they can take advantage of the tax abatement program or they could be considered for an incentive, they cannot have both.

Mr. Shanks noted he understood the process but was concerned that the City was doing economic development for the purpose of increasing the tax rolls, but even with the success the City was having, it was not getting back because the City was abating things. He hesitates, with this budget year, going up that road until or unless Council agrees to it at a later time when the City had someone of interest that they know what to deal with. Ms. Bobe stated regardless of the end use or development of the property, because it was going to be so expensive to redevelop, there will be a request for some form of incentive; this was a great alternative.

Dr. Miller questioned the original decision to take it off the register, who made that decision and Ms. Bobe stated City Council approved to amend the ordinance to remove it, but it was the Mill and the district in its entirety that was removed from the program, which included the Long Mill property and the north and south banks of the district. This was putting an individual building instead of the district. Dr. Miller stated it seemed like the logical thing to do; the City needs to get that building developed and it would help the developers.

Vice Mayor Vogler questioned if there was a rush to do this now, could they have this conversation further down the road when Council has a clear understanding of what they may be looking at for that property. Ms. Bobe noted the request to look into adding it back into the program was part of staff's conversation with the company that has it under option. They have it under option for nine months and during that time, they will develop their plans on how to redevelop it, talk to financiers about how they can finance that project, look for investors and will come back to the City with the final plan. They need to understand what programs are available, whether it was tax credits, tax abatements or grants. Mr. Larking noted this would take the place of any other grants or incentives; it could still be seen as an incentive, but it was a tax abatement, it only gets paid out on the back end. The City is not outlaying any funds, all of this happens after the improvement occurs.

Mr. Shanks noted his concern was why does Council need to do this now, why doesn't the developer come if he wants to propose something that would include it. He hesitates to put that property back in the abatement program especially since the City cannot get enough revenues in every year as it is. Ms. Bobe explained it was about their financial planning, what they take to potential investors and financiers; they have to showcase that was a viable project for them. Mayor Jones questioned if this could be put off until July and Ms. Bobe noted it could. Vice Mayor Vogler questioned if it would make it more difficult for the developer waiting until July, make it more difficult for them to do the project and Mr. Tucker noted it would.

Mayor Jones questioned how many Council Members were in favor of putting it on a business agenda; six council members noted their agreement.

## **PROGRAM UPDATES**

Mr. Larking noted he had sent an email to Council regarding the retiree bonus for Council's consideration going forward. Mr. Shanks stated that was good news in one way and not necessarily good news in another way. If the City keeps finding this money, he is hoping it can use that to offset things.

Dr. Miller questioned when the by-pass would be open; Mr. Larking noted the weather has been difficult. VDOT has the pipes in, they are clearing out dirt, they need to put in good dirt so it is

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compactible and feel confident that the road won't sink. They are at the beginning of the fourth quarter of this operation and noted he will forward Council the latest update.

Vice Mayor Vogler questioned the status of allowing City employees the ability to have one hour a week to mentor a Danville Public School student. Mr. Larking explained the Director of Human Resources, Ms. Weller will give an update at the next budget meeting.

MEETING ADJOURNED AT 9:19 P.M.

APPROVED:

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MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

DRAFT

April 23, 2019s

A Special Budget Work Session of the Danville City Council convened on April 23, 2019 at 5:30 p.m. in the Conference Room located on the Fourth Floor of the Municipal Building. Council Members present were: James B. Buckner, L. G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

Staff Members present were: City Manager Ken Larking, Deputy City Manager Earl B. Reynolds, Jr., and City Attorney W. Clarke Whitfield Jr.; City Clerk Susan M. DeMasi was absent.

Mayor Jones presided.

## **DISCUSSION ON PROPOSED BUDGET FOR FY 2020**

### **PARKS & RECREATION**

Mr. Larking noted the changes in the Operational Budgets are minor other than increases for salaries. One adult transportation position was moved to the Transportation Division.

#### **Parks & Recreation CSP**

\$ 105,000	Facility Improvements – Renovation of Welcome Center Restroom; storage shed
\$ 50,000	Park Improvements – playground replacement per schedule
\$ 50,000	Parks Paving Projects – repair sections of park roads as needed
\$2,500,000	Riverfront Park – Phase II Construction
\$ 25,000	Riverwalk Trail
\$ 50,000	Equipment Acquisition
\$5,000,000	Track and Field Facility

Mr. Shanks questioned the \$2,500,000 for the Riverfront Park and Mr. Larking explained there were no plans to move forward until Council had the opportunity to review how it will be funded. The City has \$4M committed toward the park portion and another nearly \$1M for the white water rafting portion. The City was still looking for additional sources; Parks & Recreation has been working with someone to help them identify sources to come up with a majority of the remainder. Mr. Shanks questioned the \$5,000,000 for the Track and Field facility, some of the money was reprogrammed funds and some was to be determined. Ms. Thomasson explained the \$1,087,900 was the remainder of the funds that were already set aside. Mr. Larking stated they are waiting for Averett University to come back with a proposal on how they want to partner with the City to help fund it. The proposed facility would still be located at Langston and all the challenges had been factored in, including the Stormwater drainage. Part of that system started collapsing after Michael and the City has submitted some of that to FEMA for reimbursement which may lower the cost of the project.

### **TRANSPORTATION**

The Transportation Fund includes Amtrak and the Airport.

#### **Transportation CSP**

\$ 288,893	Primary Runway Underdrain and Pavement Crack Repair – Reprogrammed/State
\$ 3,626,055	Rehabilitation of Terminal Ramp Area – State/Federal/Reprogrammed
\$ 126,149	Rehab of Ramp Area in front of hangars – State/Reprogrammed

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Mr. Buckner questioned the difference in Recoveries and Rebates for the proposed budget and Mr. Adelman explained about twenty years ago, the tower staff was financed through a National Weather Service grant agreement. The FAA wanted to put in an automated system which eliminated the grant funding to cover the salaries; at that time, the City Manager asked him to go to the corporations and Averett University to seek funding to cover a portion of their expenses. There used to be funds coming in from Dan River, Dimon and the Daniel Group; the City has purchased the Daniel Group hangar, and they previously provided \$2400 in funding for the Unicom recovery, that has been eliminated. All the City receives for the tower recovery fee comes from Averett University in the amount of \$4800.

### Mass Transit

Ms. Thomasson noted Mr. Adelman received revised numbers from the State, they increased some operating funds; in addition to that, they denied a couple of capital purchases. In all, it made a difference of about \$102,000 of increased revenues, and it decreased the General Fund support of Transportation. Mr. Shanks questioned the regional bus service to Halifax and Mr. Adelman explained it was not part of this budget. The City has received information from the Virginia Department of Rail and Public Transportation that they recommend funding for the project. The Commonwealth Transportation Board has to approve it; once the City is notified of final approval, staff will go to Council and appropriate the funds. Mr. Larking noted this has a zero dollar cost to the City; the City's role in this partnership is to manage the operation. All the local matches are covered by grants at this point and then will be the responsibility of Pittsylvania and Halifax County.

### **FIRE DEPARTMENT**

In response to Mr. Saunders regarding levels of Fire Department personnel, Mr. Larking explained the proposed budget includes all positions, and there are six positions that are included but were added to attrition. There was nothing in the budget related to reducing the number of stations. Those six positions were identified in the NRN report as ones that potentially could be eliminated; this budget does not eliminate them, it holds them to see how things go, but provides some relief to balancing the budget in the amount of \$230,000. They were mainly there to help fill in whenever firefighters were on vacation or sick. The NRN recommended that it could be more cost effective to utilize overtime when necessary instead of having those positions on staff full time. Closing a fire station was not projected to happen in the next fiscal year, it would probably take a year to plan for that. The process would involve identifying a new location and probably closing two locations. The City was in the early stages of working with a vendor to help identify whether or not it was possible to do that, and what effect it may have on service delivery. Mr. Larking stated there was currently a class of trainees about halfway through their training. The City will hire nine of them full time and have six or so available to be part time; if another vacancy occurs, they can move a part time up to full time. Mr. Buckner questioned when the replacement of turnout gear would be budgeted and Chief Eagle noted it was in his CSP for the year after next.

### Fire Department CSP

\$700,000 Replacement of 1998 fire truck and 1987 tanker – state and bonds

Ms. Thomasson noted the tanker will be purchased in this fiscal year, it reduces the amount of bonds that will be issued as it was going to be purchased with bonds.

## POLICE DEPARTMENT

Mr. Larking explained Personnel Services went down, but Employee Benefits have gone up and that is retirement related. The reduction has to do with the number of police officers that did retire; it was a significant number. Chief Booth noted he has eleven sworn vacancies, one senior secretary and one animal control officer.

Mr. Tomer noted he has spoken with the City Manager about a referendum, hopefully this fall, where voters would vote up or down for bond funding for a new police station, and leave it up to the citizens if they want to fund that. It wouldn't be another tax increase that Council initiates, it was one that the citizens would initiate until the bond is paid off. Mr. Larking explained the City did a study on a new police station that showed the cost will be significantly more than what the City can borrow in any given year. The City has a \$6M bond limit, and can roll over some from the previous year; a police station will cost much higher than that. The only way to fund it would be to go to the voters for a bond referendum. The first step in that process would be for Council to receive the presentation from the consultants related to the building itself. Council would have to adopt a resolution to have a referendum, call for it to be placed on the ballot and the voters would then decide whether or not to approve the expenditure. There would be a corresponding tax increase that would be included on the ballot measure. Mr. Tomer noted Council should get that presentation soon and maybe get it on the ballot this November or next May. Mr. Vogler questioned if the SUVs that the Police Department switched to are costing the City more to keep up. Chief Booth explained the initial price and the update are more expensive for the SUVs than the Impalas; Mr. Larking stated they are projected to last longer. Mr. Shanks questioned how the City got by building a Fire Station without a referendum, was that money that was set aside over several years and Mr. Larking stated he believed that a couple of years of debt borrowing was put together. Ms. Thomasson stated the City used \$6M in one year, took some money from fund balance and then used money from another bond issue.

### Juvenile Detention

Ms. Thomasson noted their overall budget is down \$106,000, basically because of debt service. Mayor Jones questioned how many juveniles were currently there and Michelle Johnson stated they had twenty-three today; it fluctuates constantly based on the operations of the Courts they serve. They have the capacity for sixty and usually stay about 50%, but it was down from what it normally was.

### Adult Detention

Ms. Thomasson noted their budget was also down.

### Police CSP

\$75,000	Close Circuit Television Expansion Phase III – General Fund
\$161,952	Tasers & Body Work Cameras – General and Reprogrammed Funds

### Discussion of FY 2020 Budget

Mr. Larking noted over the past few years, since the Council identified their three focus areas, the City has made progress in those areas by making investments. Violent crime has been reduced dramatically and there have been improvements in education with the partnership with the school system and the funding Council has made available in previous years. Under Grow Danville, the

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City has seen the investments made in Economic Development reap positive results, with hundreds of job announcements, millions in capital investment, and unemployment down to an eighteen year low. The purpose of doing multi year financial forecasting is to lower the cost of government as much as possible, and also to be able to provide funds for investing in Danville's future. The implemented measures have lowered the five year fiscal gap by \$7.8M and the recommended budget lowers the gap an additional \$2.1M.

Mr. Larking noted the Real Estate Tax proposed was \$.88 per \$100, a cigarette tax of thirty cents per pack and an increase in Personal Property Tax Revenue earmarked for Economic Development; these were included in the recommended budget. The General Fund Budget is \$2.9M over the current fiscal year; removing the fact the City transferred Customer Service from the Utilities Fund to the General Fund, \$2.3M of that increase was for Danville Public Schools and \$280,000 was an increase for Danville Life Saving Crew. The eight cent real estate tax increase generates \$1.76M, the average household would pay \$72 yearly or \$6 per month. The implementation of a thirty cent cigarette tax would generate \$500,000, and there is some debate about whether that will be realized. It would put the total cost of a pack of cigarettes comparable to what people pay in North Carolina. The ten cent personal property tax rate generates \$100,000 the first year because it starts January 1, and \$300,000 in subsequent years. It would be an average of \$12.60 per year, per car with a \$15,000 value. The purpose of that was to reduce the reliance on fund balance to pay for Economic Development.

Mr. Larking stated there were three budget decision points that need to be asked, the first, was City Council in favor of funding education in the amount recommended in the budget. The next, was Council interested in using the Personal Property tax rate to lower the amount of fund balance used to fund Economic Development. How much is Council interested in increasing funding for Danville Life Saving Crew; if it was not going to be \$280,000, if it was going to be less than that, it will help determine what revenue sources and budget cuts were necessary.

Mr. Shanks noted they went through a rigorous process going through various components in the budget, he did not agree all the time with everything that came out of that committee. Mr. Tomer explained he was on the revenue subcommittee and their job was to look at various ways and how Danville compared to other cities for additional revenue. It isn't something the committee took lightly in recommending tax increases, but if members of Council are just going to vote no on the tax increases, he would ask that they at least have a recommendation on how the City is going to make up that revenue. Mr. Tomer noted he is fine with Council Members disagreeing with how the budget has been presented, but they need to have solutions. The City cannot rely on future projects, that was not financially sound. If Council is against the budget, then have alternatives.

Mayor Jones thanked Mr. Tomer and Mr. Shanks for serving on the committee and noted his agreement, the City Manager has presented a budget, if Council disagrees with it, have some solutions. Mayor Jones asked each Council Member their thoughts on support of the Schools.

Council Member Buckner noted his support of schools, the City has to fund them. Mr. Tomer noted the City needs to support the Schools and he does not have an alternative to the tax increases, unless it is laying off City employees. If that is the route Council wants to go, they should talk about it. Mr. Campbell stated education is one of Council's top priorities and he supports it, but every year there is a large increase and the City throws money on the problem. He believes moving forward, they need teachers to make sure students are prepared for jobs that are here and those to come. Mr. Saunders noted he supports the School system. When he was Mayor and Dr. Miller was Vice Mayor, in a meeting with the Superintendent and staff, they were told the School Board would close their office and move it and Galileo to Langston, to save money. Mr. Saunders stated

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he supports the schools but he still has not heard the answer about moving the school board and Galileo, why wasn't it moved, and what would be the cost savings if it was moved.

Mr. Whittle stated he wanted to know what the budget looks like next year on the five year plan. The City was looking at another eight cents of real estate tax and questioned how much was in the Wastewater Fund. Ms. Thomasson explained the support from the Wastewater Fund to the General Fund was done by formula and the City was at the maximum by that formula. The policy would have to be changed and Mr. Whittle stated, then change the policy. Mayor Jones noted the question on the floor was, was there enough time to change the policy and how much money could be allocated from the Wastewater Fund.

Mr. Shanks stated there was an excess in the Wastewater Fund based on good decisions that were made on how wastewater treatment was to be operated. It was saving the City money, and funds have accumulated in that account. He would like to see that number looked at from a financial side and see whether \$100,000 might be there, or \$300,000. It cannot be considered a perpetual revenue but it could be considered a onetime item, if anyone holds the same optimism he has for other solutions coming in the short term. Council changed the policy once, and he doesn't see why Council couldn't change it again. Mr. Tomer noted he was open to looking at it, but his only word of caution was Council has done a lot of one year solutions in the past and that is unfortunately why they are in the situation they are in as far as where fund balance was going to be.

Mr. Vogler noted as far as the schools, they all know it was important that they are funded at the proper level, and he wants to make sure Council does that. There has been growth, success and progress made, he does support the schools, but he does not support the real estate tax increase. The City has had some kind of tax increase for three years in a row; the citizens have had to bear these increases. At some point, there needs to be revenue growth that is based off business and industry and not the taxpayers. He would like to look at the Wastewater Fund, and there is \$1.35M in the budget for the River District projects, that number could come down, and \$400,000 for blight removal, that could be looked at.

Mr. Larking explained Economic Development was all Fund Balance, it would not be a sustainable source of revenue; Council would be using Fund Balance for Education instead of Economic Development. Mr. Vogler stated all this is under the assumption that nothing changes or arrives in the next year to two years. He is very optimistic about a couple potential prospects that would change the scenario quite a bit. Mr. Larking noted he did not believe it was a sound way to do it; the City's fund balance has been diminishing every year and the City is getting to the point where they are reaching their minimum policy.

Dr. Miller noted he wanted to address what Mr. Saunders commented on; many Council members are upset at where the School Board is located. They are paying about \$300,000 a year for their lease; in three years, that is close to \$1M, that needs to be looked at. On the real estate tax, two years ago, the City Manager asked Council to raise the real estate tax to eighty eight cents; if Council had done it, the City would have that revenue coming in. Council needs to listen to the City Manager, get the funds so the fund balance is not depleted and the City doesn't go into debt like Petersburg did.

Mr. Shanks noted he was in support of funding for the schools; last year was not a onetime thing, Council started something that had to continue. Danville Public Schools needs to be a destination school system. He was not in support of how it was being paid for, he will not support the cigarette tax and more than likely not support the full eight cents real estate tax increase.

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Mayor Jones suggested the City Manager take some of the ideas from Council, go back to staff and bring some ideas back to Council.

Mayor Jones did a straw poll on those in favor of the cigarette tax; only three council members were in favor and Mayor Jones noted the cigarette tax died. Dr. Miller noted that was the funding for the rescue squad and Mayor Jones noted they would have to figure out a way for that funding.

Mayor Jones did a straw poll on personal property tax; Mr. Larking noted this was to reduce reliance on fund balance for economic development. Mr. Shanks, Dr. Miller, Mayor Jones, Mr. Saunders, Mr. Campbell, Mr. Tomer and Mr. Buckner noted their support. Mr. Vogler and Mr. Whittle noted they did not support it.

Mr. Larking noted his understanding from Council was they want the funding for education in the budget as proposed, how to pay for it was to be determined and he will look at some of the options presented by Council. Mr. Larking stated he did not receive direction on how much to put in the budget for the Danville Life Saving Crew. It doesn't have to be \$280,000, it can be some other amount and whatever that amount is makes it easier to figure out how to fund it. Mr. Shanks noted he would suggest between \$250,000 and \$280,000, the \$30,000 difference may help. Mr. Tomer noted he wanted the \$280,000; Council could use part of the Personal Property tax increase to pay for it. He will have a hard time voting for a budget that doesn't give them the amount of money they deserve.

Dr. Miller noted some localities have a \$2.00 per night room charge in addition to a lodging tax and Mr. Larking noted the City does have the ability to do that, but just never instituted it. Council members requested staff look into that. Council agreed to a special budget work session on April 30, 2019 at 5:30 p.m.

MEETING ADJOURNED AT 7:43 P.M.

APPROVED:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**Council Letter  
City of Danville, Virginia**



**CL-2109**

**Work Session Item #: A.**

**Work Session Meeting**

**Meeting Date:** 06/18/2019

**Subject:** General Fund Financial Report through May 31, 2019

**From:** Michael Adkins, Director of Finance

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**COUNCIL ACTION**

Work Session Meeting: 06/18/2019

**SUMMARY**

A brief summary of the General Fund financial results through May 31, 2019 will be given. Financial statements are included.

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**Attachments**

[Financial Statements](#)

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**To: Ken F. Larking, City Manager**

**From: Michael L. Adkins, Director of Finance**

**Date: June 6, 2019**

**Subject: Summary of Preliminary General Fund Financial Results for May 31, 2019**

Through May 31, General Fund revenues continue to compare favorably to the previous year showing an increase of 2.79% or \$2,512,240. As of May 31, General Fund revenues were \$92,455,010 which represents 87.49% of the FY 2019 budget. Last year, through May 31, we had collected \$89,942,771 or 87.48% of budget. The increase in revenue is primarily within property tax collection and meals tax.

All revenue categories are very comparable or ahead of the prior year. Current year real estate tax collections were \$14 million at May 31. This is comparable to last year's collections showing a decrease of \$300,000. We continue to see steady performance in the collection of delinquent real estate taxes compared to both budget and prior year. Through May 31, we realized \$1,091,004 which is 136% of the current year budget and \$338,000 ahead of the prior year. Personal property taxes are trailing behind budget with \$8.9 million received through May 31. This represents 71.3% of the FY 2019 budget and reflects an increase of \$700,000 over last year at this time. Tax bills were mailed during the first week of May and payments are due on June 5.

Local taxes collected through May 31 were \$25.1 million, or 94.5% of budget and compares favorably to the prior year showing an increase of \$1.3 million. Sales tax collections through May amounted to \$8.2 million, or 93% of budget, an increase of \$146,000 over last year. Meals taxes collected for the first eleven months of the fiscal year amounted to \$7.7 million, or 93.6% of budget, an increase of \$788,000 over last year, and indicative of the rate increase from 6% to 6.5%. Business Licenses realized at the end of May were \$5.2 million, showing an increase of \$163,000 from the previous year. Lodging taxes received as of May 31, were \$1,014,000, or 105.6% of budget, an increase of \$124,000 over the prior year. With the exception of recordation tax (decreased \$6,500 from the prior year) and daily property rental tax all other revenue categories are performing well at this point in the fiscal year and any notable variances between the current and prior years relates to timing.

Expenditures for the first eleven months were \$92.5 million or 80.5% of budget. This reflects a decrease of \$89,000 when compared to May 31, 2018. The decrease resulted from the net effect of a decrease of \$96,000 in departmental expenditures offset by an

increase of \$1,143,000 in public safety (retirement expense) along with an increase in non-departmental expenditures of \$40,000. In addition, there is a \$1,176,000 million decrease in transfers to schools, capital projects and other funds as compared to the prior year to date. Departmental expenditures at the end of May were contained under budget at 85.9% or \$57,422,000.

Total General Fund expenditures exceeded revenues by \$109,131, an improvement of \$2.8 million from the prior year. Unassigned fund balance at May 31, 2019, is comparable to the prior year at \$29.9 million and continues to indicate that fund balance may not vary significantly from the prior year, despite budgeting for a decrease. At this point, the General Fund results are tracking well with the FY 2019 budget. Year-end closing procedures will begin in July and a preliminary financial report for June 30, 2019 will be prepared and communicated in August. I will keep you informed of expected year-end results and fund balance changes as we close out FY 2019.

CITY OF DANVILLE, VIRGINIA

GENERAL FUND REPORT

92% OF YEAR LAPSED AS OF MAY 31, 2019

\*\*PRE-CLOSING FIGURES - SUBJECT TO CHANGE - UNAUDITED\*\*

	Budgets & Appropriations For Current Year	Actual Revenues & Expenditures For Year-to-Date	Percent Realized/Expended This Year	Encumbrances	Balance to be Realized/Expended	Actual Revenues & Expenditures At This Date Last Year
<b>REVENUES:</b>						
Property Taxes	\$ 31,867,700	\$ 25,892,792	81.25%		\$ 5,974,908	\$ 24,875,747
Other Local Taxes	26,601,000	25,138,641	94.50%		1,462,359	23,832,599
License Permits & Privilege Fees	252,950	202,429	80.03%		50,521	217,759
Fines & Forfeitures	393,550	347,432	88.28%		46,118	293,740
Revenue From Use Money & Property	1,309,009	1,444,894	110.38%		(135,885)	1,076,391
Charges For Services	3,742,950	3,293,394	87.99%		449,556	3,432,965
Miscellaneous Revenue	125,100	96,644	77.25%		28,456	79,004
Recovered Cost	6,033,394	6,072,882	100.65%		(39,488)	5,476,692
Non-Categorical Aid	5,976,720	4,851,711	81.18%		1,125,009	4,934,521
Shared Expenses (Categ. Aid State)	5,124,990	4,398,655	85.83%		726,335	4,400,138
Categorical Aid (State)	9,360,701	7,099,072	75.84%		2,261,628	7,551,673
Emergency Services (Federal)	5,833	1,631	27.96%		4,202	-
Categorical Aid (Federal)	27,020	-	0.00%		27,020	4,125
Transfers From Utilities	14,848,000	13,614,833	91.69%		1,233,167	13,767,417
Transfers From Other	-	-			-	-
<b>TOTAL REVENUES</b>	<b>\$ 105,668,917</b>	<b>\$ 92,455,010</b>	<b>87.49%</b>		<b>\$ 13,213,906</b>	<b>\$ 89,942,771</b>
<b>EXPENDITURES:</b>						
General Government Administration	\$ 8,880,695	\$ 7,635,191	85.98%	\$ 132,825	\$ 1,112,679	\$ 7,720,425
Judicial Administration	7,036,737	6,247,515	88.78%	9,378	779,843	6,206,220
Public Safety	29,937,904	26,748,652	89.35%	395,484	2,793,767	25,605,578
Public Works	4,410,272	3,657,439	82.93%	82,227	670,606	3,726,114
Health, Education, Welfare & Soc. Svc.	9,249,470	7,238,031	78.25%	8,520	2,002,919	7,273,902
Parks, Recreation & Cultural	5,189,642	3,942,013	75.96%	66,931	1,180,698	4,112,279
Community Development	2,170,463	1,953,131	89.99%	67,900	149,431	1,730,408
Non-Departmental	12,534,923	10,408,473	83.04%	6,099	2,120,351	10,368,627
Transfer to Schools - Operating	26,680,085	19,561,578	73.32%	2,255,825	4,862,682	17,494,907
Transfer to Capital Projects	4,694,960	3,381,003	72.01%	-	1,313,957	5,466,450
Transfer to Other Funds	4,099,240	1,791,114	43.69%	-	2,308,126	2,948,532
<b>TOTAL EXPENDITURES</b>	<b>\$ 114,884,390</b>	<b>\$ 92,564,141</b>	<b>80.57%</b>	<b>\$ 3,025,190</b>	<b>\$ 19,295,060</b>	<b>\$ 92,653,442</b>
Revenue over(under) Expenditures		\$ (109,131)	\$ 66,875,182			\$ (2,710,671)
<b>FUND BALANCE:</b>						
Beginning Fund Balance 07/01/2018		\$ 39,518,570				\$ 42,975,385
Revenue over(under) Expenditures		(109,131)				(2,710,671)
Ending Fund Balance 05/31/2019		<b>\$ 39,409,439</b>				<b>\$ 40,264,714</b>
Composition of Fund Balance:						
Reserved for Encumbrances/Designated Funds		\$ 9,458,141				\$ 10,041,175
Unassigned		29,951,298				30,223,539
<b>TOTAL FUND BALANCE 05/31/2019</b>		<b>\$ 39,409,439</b>				<b>\$ 40,264,714</b>

**City of Danville, Virginia**  
**Summary of Other Local Tax Revenues - PRE-CLOSING - UNAUDITED**  
**For the period ending May 31, 2019 (year to date)**

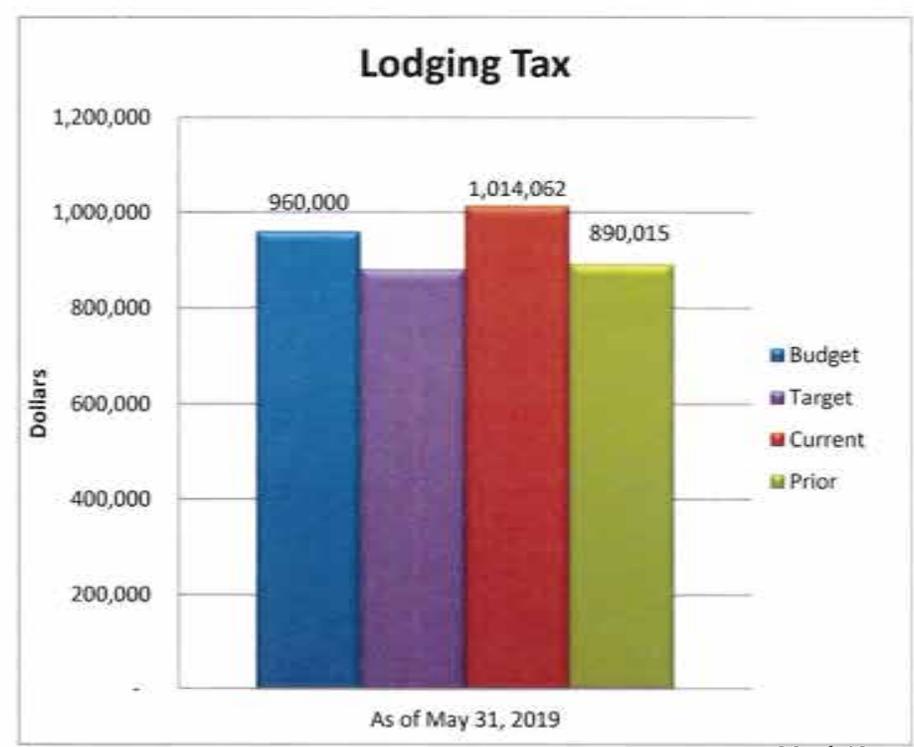
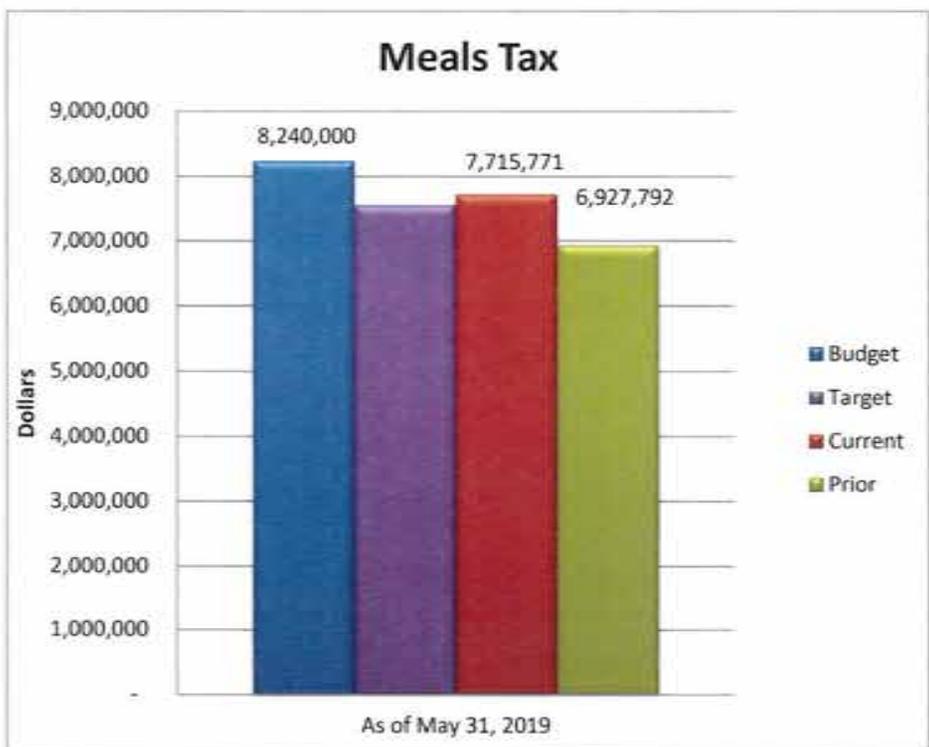
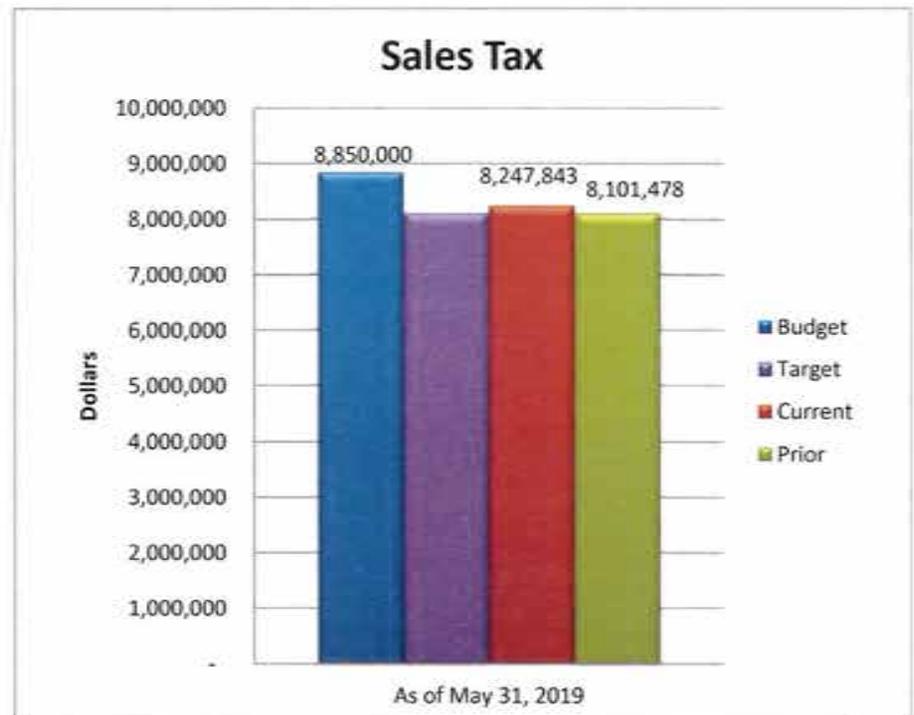
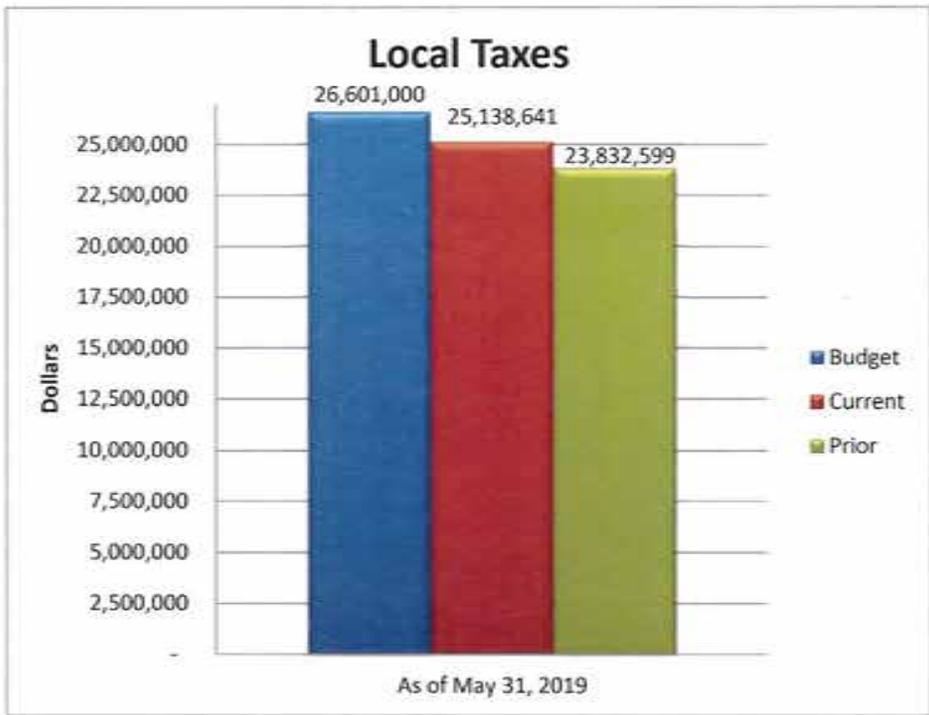
<u>Description</u>	<u>Current Budget</u>	<u>Revenue Realized</u>	<u>Percentage Realized</u>	<u>Prior Year Budget</u>	<u>Prior Year Realized</u>	<u>Percentage Prior Year</u>
Sales Tax	\$ 8,850,000	\$ 8,247,843	93.20%	\$ 8,750,000	\$ 8,101,478	92.59%
Business Licenses	5,200,000	5,157,978	99.19%	5,100,000	4,995,199	97.95%
Meals Tax	8,240,000	7,715,771	93.64%	7,500,000	6,927,792	92.37%
Utility Taxes	963,000	882,718	91.66%	978,000	837,694	85.65%
Vehicle License Fees	1,000,000	728,034	72.80%	1,000,000	712,004	71.20%
Bank Stock Tax	800,000	839,353	104.92%	790,000	848,169	107.36%
Recordation Tax	200,000	143,570	71.79%	180,000	150,040	83.36%
Hotel Motel Tax	960,000	1,014,062	105.63%	990,000	890,015	89.90%
Daily Property Rental Tax	18,000	13,374	74.30%	17,000	17,413	102.43%
Motor Vehicle Tax	150,000	161,266	107.51%	135,000	138,360	102.49%
DMV Fees	220,000	234,672	106.67%	215,000	214,435	99.74%
<b>TOTAL</b>	<b><u>\$ 26,601,000</u></b>	<b><u>\$ 25,138,641</u></b>	<b><u>94.50%</u></b>	<b><u>\$ 25,655,000</u></b>	<b><u>\$ 23,832,599</u></b>	<b><u>92.90%</u></b>

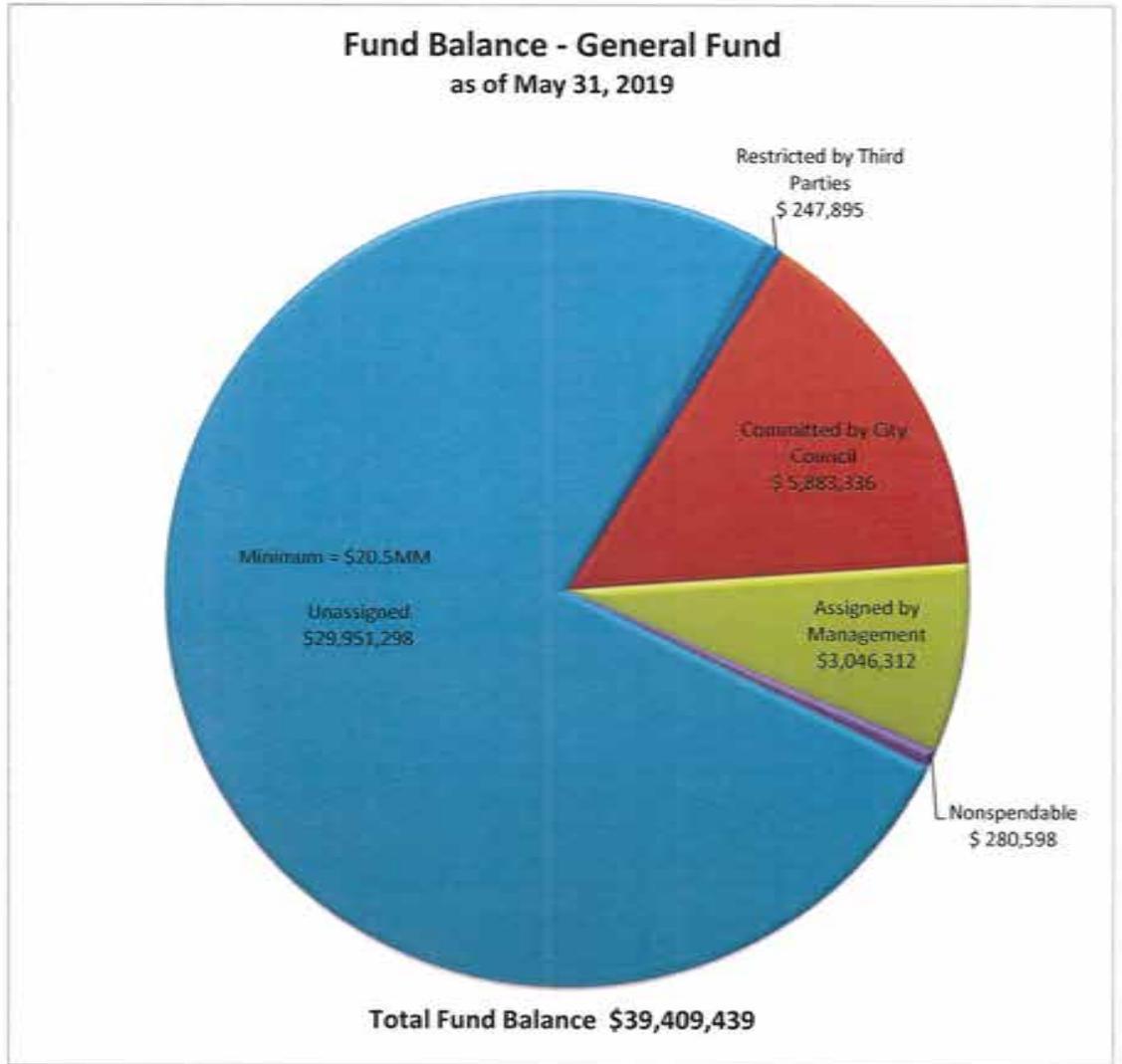
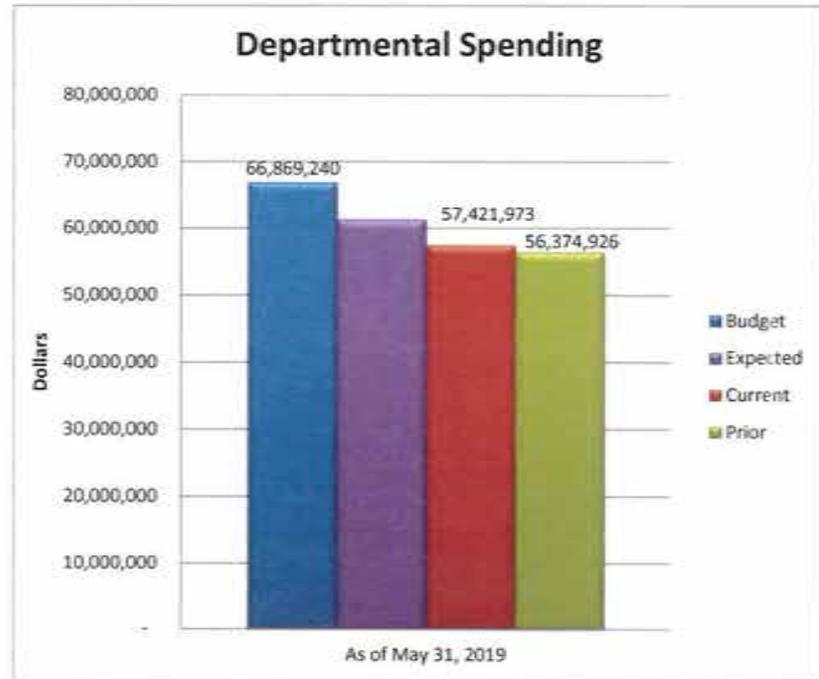
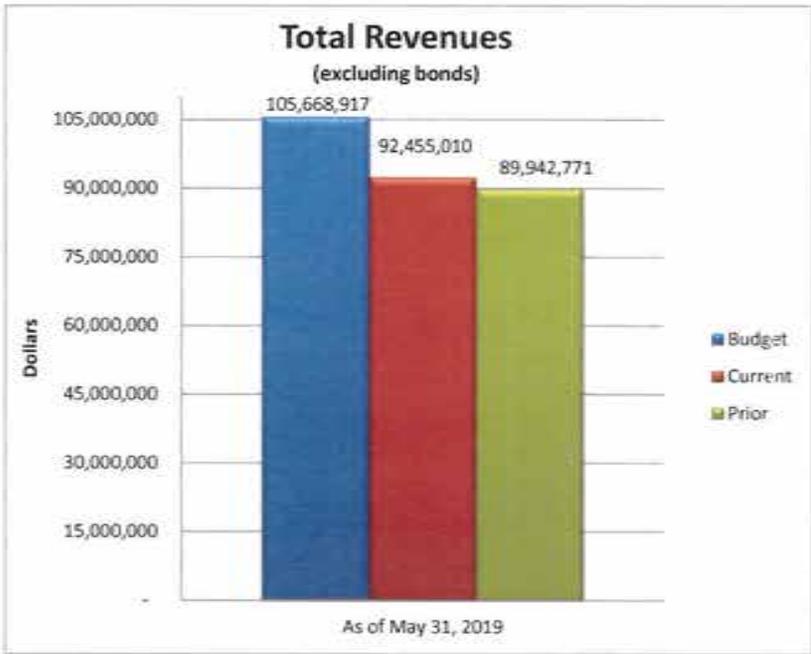
**CITY OF DANVILLE, VIRGINIA  
GENERAL FUND  
COMPOSITION OF FUND BALANCE  
PRELIMINARY - AS OF MAY 31, 2019**

Beginning Total Fund Balance, July 1, 2018	\$ 39,518,569.81
Add: General Fund Revenues	92,455,010.41
Deduct: General Fund Expenditures	<u>(92,564,141.01)</u>
Ending Total Fund Balance, May 31, 2019	<u><u>\$ 39,409,439.21</u></u>

<u>Composition of Fund Balance:</u>	
Restricted for Commonwealth Attorney	\$ 110,324.22
Restricted for Police Department	47,799.85
Restricted for Fire Department	89,770.99
Committed for Sheriff's Department	2,100.07
Committed to Schools	1,000,000.00
Committed to Budget Stabilization	3,000,000.00
Committed transfer of Fund Balance FY2019	1,881,236.30
Assigned to Sheriff's Department	16,223.13
Assigned to Community Development Dept.	4,898.93
Assigned for Encumbrances	3,025,189.57
Nonspendable (Inventory and Prepaids)	280,598.06
<b>UNASSIGNED</b>	<b><u>29,951,298.09</u></b>
Total Fund Balance, May 31, 2019	<u><u>\$ 39,409,439.21</u></u>

Unassigned fund balance from above	\$ 29,951,298.09
Unassigned Minimum per policy (20% of General Fund Operating Revenues) based on FY 2019 budget	<u>20,455,832.00</u>
Current surplus (deficit) over (under) minimum	\$ 9,495,466.09





# Council Letter

## City of Danville, Virginia



**CL-2123**

**Work Session Item #: B.**

**Work Session Meeting**

**Meeting Date:** 06/18/2019

**Subject:** Sports Tourism Presentation

**From:** William Sgrinia, Director of Parks, Recreation & Tourism

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**COUNCIL ACTION**

Work Session: 06/18/2019

**SUMMARY**

Council Members had requested that staff look into Sports Tourism, and creating a taskforce to implement plans that would specifically focus on increasing sports tourism in the City and the region. Hundren Strategic Partners, the contactor the City hired to analyze Danville as a potential market for Sports Tourism, will present their findings to Danville City Council.

**BACKGROUND**

In November of 2017, Mayor Gilstrap assembled the Sports Tourism Committee chaired by Dr. Miller. The original committee consisted of interested citizens, council members, and was supported by City Staff. The Committee was comprised of: Dr Miller, Vice Mayor Lee Vogler, Kenny Lewis, Meg Stevens, Dianna Schwartz, Robert Jones, Tommy Dodson, and Robert Marshall, and supported by Ken Larking, Bill Sgrinia and Emily Ragsdale. The group has met several times to discuss options. In January of 2018, the group went to Rocky Mount, NC to see what they were doing and how Sports Tourism impacts their city. In October of 2018, Hundren Strategic Partners were hired to assess and analyze the Danville market for its ability to invest in Sports Tourism. Hundren Strategic Partners presented its draft findings to the Sports Tourism Committee on January 17, 2019.

**RECOMMENDATION**

This presentation is for information purposes only.

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**Attachments**

*No file(s) attached.*

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# Council Letter

## City of Danville, Virginia



**CL-2142**

**Work Session Item #: C.**

**Work Session Meeting**

**Meeting Date:** 06/18/2019

**Subject:** Amendments to Council's Rules of Procedure

**From:** W. Clarke Whitfield, Jr., City Attorney

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**COUNCIL ACTION**

Work Session Meeting: 06/18/2019

**SUMMARY**

Mayor Jones has requested that Council amend section 4-3 entitled "Prohibited Conduct". This amendment is designed to promote civility and more substantive public discourse.

**BACKGROUND**

City Council Adopted Rules of Procedure in January of 2015. Since that time, Council amended the rules in 2016 to better manage Public Hearings. This proposed amendment would be the second since the rules were initially adopted.

**RECOMMENDATION**

It is recommended that City Council adopt the amendments to Section 4-3 relating to prohibited conduct.

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**Attachments**

Resolution

Amended Rules of Procedure

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PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

RESOLUTION NO. 2016-\_\_\_\_.\_\_\_\_

A RESOLUTION AMENDING THE RULES OF PROCEDURE FOR THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA.

WHEREAS, Danville City Charter Section 2-11 grants City Council the power to adopt its' own rules of procedure; and

WHEREAS, on January 6, 2015 the Council of the City of Danville adopted rules of procedure designed for the benefit and convenience of the Council to help Council conduct its affairs in a timely and efficient manner, while protecting the rights of each individual Council member, preserving a spirit of cooperation among Council members, and affording every opportunity to citizens to witness the operations of their government; and

WHEREAS, the Council has determined that the attached amendments to section 4-3 entitled Prohibited Conduct would improve the designed goal of the Rules of Procedure.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that is does hereby authorize and approve the Amended Danville City Council Rules of Procedure attached hereto and made a part hereof, as if fully set out herein; and

BE IT FURTHER RESOLVED that these rules may be further amended from time to time by future resolutions of this Council at any regular scheduled meeting or properly called special meeting.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

---

CLERK

Approved as to  
Form and Legal Sufficiency:

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City Attorney

**DANVILLE CITY COUNCIL  
RULES OF PROCEDURE**

(Adopted July 2, 2019)

**Introduction**

These rules of procedure were designed and adopted for the benefit and convenience of the Danville City Council. Their purpose is to help City Council conduct its affairs in a timely and efficient manner. They incorporate the general principles 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 so. When City Council's rules of procedure do not address a procedural issue, Council may consider the most recent edition of *Robert's Rules of Order* for guidance. The failure of City Council to strictly comply with the rules of procedure shall not invalidate any action of City Council.

(Charter 1986, § 2-11)

**SECTION 1 - PURPOSE AND BASIC PRINCIPLES**

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

- A. To enable the Danville City Council to transact business fully, 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 equal rights to participate and vote on all issues;
- G. Every member must have 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.

## **SECTION 2 -- MEETINGS**

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

Regular meetings of the Council shall be held in the Council Chamber at 7:00 p.m. on the first and third Tuesdays of each month; provided, however, that whenever the day for a regular meeting of the Council falls on the first day of January, the third day or fourth day of July or on the date of a general election, then such meeting shall be held on the following Thursday at the same hour and place.

When it reasonably appears that a quorum will not be present at a subsequent regular meeting of Council, Council may by resolution adopted at any prior regular meeting cancel such subsequent regular meeting. The City Clerk shall publish notice of the cancellation of the meeting in a local newspaper not less than seven (7) days prior to the date on which the meeting was to be held. However, no more than one (1) regular meeting in any calendar month may be cancelled.

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 “additional scheduled meetings” and shall be approved by Council during a regularly scheduled meeting or work session. (Code 1986, § 2-50)

### **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) and Section 2-51 of the City Code.
- B. The Mayor or any three (3) members of the Council may call a special meeting of the Council to be held at any time, date or place and for any purpose.
- C. Written notice of each special meeting of the Council shall, except in the case of an emergency, be given to each member of the Council, to the City Manager and to the City Attorney at least three (3) hours before the time designated for such special meeting. The notice shall specify the time, date and place for and the purposes of the special meeting. If any person to whom such notice is required to be given may not be found at his or her residence or place of business, then it shall constitute sufficient notice if the written notice of the special meeting is delivered to a member of the family, a business associate or an employee of that person.  
(Code 1986, § 2-51)

**Section 2-3. 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. Cancellation or Rescheduling of Meetings**

A regularly scheduled meeting may be cancelled or rescheduled, in special circumstances and for the convenience of Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change and the remaining members of the Council shall be immediately notified of the change and the reason therefore. If any member of the Council objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no member of the Council objects, the public and the media shall be notified promptly of the change.

**Section 2-6. Inaugural or organizational meeting; mayor and vice mayor generally**

- A. An inaugural or organizational meeting of the Council shall take place in the Council Chamber in the municipal building at twelve o'clock noon on the first day of July of each even-numbered year, or if such day shall fall on Saturday or Sunday, then on the following Monday. The meeting shall be called to order by the City Clerk, who shall administer the oath of office to the newly elected members of the Council. In the absence or inability of the City Clerk, the meeting may be called to order and the oath administered by the City Attorney. The first business of the Council shall be the election of a Mayor and Vice Mayor pursuant to subsection B below. Until this business has been completed, the Council shall not adjourn for a period longer than forty-eight hours.
  
- B. At the inaugural or organizational meeting provided for in subsection A above, the Council shall choose, by majority vote of all members thereof, one of its members to be Mayor and one to be Vice Mayor for the ensuing two years. The Mayor shall act as president of the Council, shall preside at meetings of the Council and shall perform such other duties consistent with his office as may be imposed by the Council. He shall be entitled to vote and speak as other members, but shall possess no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. He may use the title of Mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the State, may so require, but this shall not be construed as conferring upon him the administrative functions or other powers or functions of a Mayor under the general laws of the State.
  
- C. The Vice Mayor shall, in the absence or disability of the Mayor, perform the duties of Mayor, and if a vacancy shall occur in the office of Mayor, shall become Mayor for the unexpired portion of the term. In the absence or disability of both the Mayor and Vice Mayor, the Council members shall, by majority vote of those present, choose one of their number to perform the duties of Mayor.

(Charter 1986, § 2-5)

**Section 2-7.                    Procedure for Election of Mayor and Vice Mayor**

- A. The City Attorney shall preside over the election of the Mayor and 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. After all nominations have been made the presiding officer shall close the nominating process and open the floor for discussion.
  4. After discussion the presiding officer shall call for the vote.
  5. The membership shall vote by stating the last name of the nominee he or she wishes to be elected Mayor/ Vice Mayor.
  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 vote of all members shall be required to elect the Mayor and Vice Mayor.
- B. The Mayor and Vice Mayor shall serve each for a two year term.

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

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

- A. The Mayor, while the Council is in session, shall have general supervision of the Council Chamber, with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Stenographers and reporters for the press, wishing to take down the proceedings of the Council, may be admitted by the Mayor, who shall cause to be assigned them such places on the floor as shall not interfere with the convenience of the members, and no person, except officers of the City or their deputies or clerks in the exercise of an official duty, shall be admitted within the bar unless by permission of the Mayor. No person, other than members, shall be permitted to occupy the seat of any member during a session of the Council. The Mayor shall have the right to invite to the floor such persons as he shall deem deserving of the privilege, but the right of admission under such invitation shall not be extended beyond the day on which it shall be given.
- B. 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.  
(Code 1986, § 2-26)

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

The Clerk of Council shall be appointed by the Council. He or she 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 not germane to the subject under discussion or 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, the motion does not require a second, 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 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS**

**Section 4-1. Order of Business**

- A. At every regular meeting of the Council the order of business shall be as follows:
  - 1. Meeting called to order.
  - 2. Roll call.

3. Invocation.
  4. Pledge of allegiance.
  5. Special recognitions and announcements.
  6. Communications from visitors.
  7. Old business.
  8. Appointments.
  9. New business.
  10. Consent agenda.
  11. Communications from the City Manager, City Attorney, City Clerk and members of the Council.
  12. Adjournment.
- B. The above order of business may be modified 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 Council to best facilitate the business of the Council.  
(Code 1986, § 2-52)

**Section 4-2.                    Communications from Visitors**

A. At any regular meeting of the Council, visitors who desire to speak upon matters other than those on the agenda for such meeting may do so only at the time for communications from visitors. Matters brought to the attention of the Council at that time which require action by the Council shall be referred to the City Manager for a report at a subsequent meeting of the Council. Persons who desire to speak upon a matter of business which is on the agenda of the meeting may do so only at the time the matter is considered by the Council.

B. Communications from Visitors

1. Communications from Visitors 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.
2. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.
3. The presiding officer shall open the Communications from Visitors.
4. 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.
5. There shall be a time limit for each individual speaker of 3 minutes.

6. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.
  7. Speakers are not permitted to donate time to other speakers.
  8. There shall be no comment during Communications from Visitors on a matter for which a public hearing is scheduled during the same meeting.
  9. There shall be no comment during Communications from Visitors 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 three (3) 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 4-3. Prohibited Conduct**

A. Persons appearing before the Council will be courteous in their language and in their presentations. Persons appearing before the Council will be respectful in their remarks, and will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
- ~~3.~~ Use profanity or vulgar language or gestures;
- ~~3-4.~~ Make comments which are harmful, discriminatory or embarrassing to any citizens, officials, or employees of City of Danville or make comments in the form of personal attacks.
- ~~4-5.~~ 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;
- ~~5-6.~~ Make non-germane or frivolous statements;
- ~~6-7.~~ Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
- ~~7-8.~~ Engage in behavior that intimidates others;
- ~~8-9.~~ 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 4-4.                    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).
  - 4.        There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.
  - 5.        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.
  - 6.        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.
  - 7.        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 – RULES OF PROCEDURE FOR COUNCIL MEETINGS**

### **Section 5-1. Quorum**

- A. As provided by Section 15.2-1415 of the Code of Virginia and Section 2-10 of the City Charter, a majority of all 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 5-2. 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 5-3. Comments, Queries of Council Members**

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

- A. 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.
- B. A member of the Council desiring to speak shall respectfully address "Mr. Mayor." No member shall proceed until he has been recognized by the Mayor, and during the time allowed him he shall confine himself strictly to the question before the Council. No member, while speaking, shall be disturbed in any manner by private conversation or otherwise.  
(Code 1986, § 2-52)

- 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 5-4. Action by the Council**

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.

**Section 5-5. 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. All motions require a second and a motion dies for lack of a second.

**Section 5-6. Substantive Motions**

- A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.
- B. A substantive motion is out of order while another substantive motion is pending.

**Section 5-7. 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 requires the floor and a second, 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 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, the motion does not require a second, 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 provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules that state requirements imposed by law on the Council. No rule shall be suspended by the Council, unless two-thirds of the whole number of members elected to the Council shall vote in the affirmative.
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 and the deliberation by the Council on an item of business has exceeded thirty (30) minutes. 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 no more than twice. 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 on. 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. In the event of a tie vote on the original motion any Council member may introduce a motion to reconsider. 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.

11. 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 5-8. 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. No member shall speak more than once until all others have spoken who have a desire to do so, nor more than twice without the consent of a majority of the members present;
  3. No member shall speak more than ten (10) minutes at one time.
  4. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
  5. A member of the Council may vote against his or her motion, but may not speak against his or her motion.
  6. The presiding officer may participate in the debate prior to declaring the matter ready for a vote.
  7. Council members shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

**Section 5-9. Duty to Vote**

- A. Every member present at a Council meeting shall be required to vote on all questions as presented, unless he shall have such an interest therein as would disqualify him under the provisions of the Comprehensive Conflict of Interests Act.
- B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining for the record.  
(Code 1986, § 2-28)

**Section 5-10. 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 all the members of Council on any such question, unless otherwise required by special or general law.
- C. An “affirmative vote” by five (5) members of Council is 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. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition by a call of one member. When voting has commenced by call of the roll, members shall respond only a "yea" or "nay" vote, or in a proper case, an abstention. In any case, the presiding officer shall announce the results of the vote

**Section 5-11. Decisions on Points of Order**

Any Council member may raise a point of order without being recognized by the presiding officer. The presiding officer shall 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 6 -- GENERAL OPERATING POLICY**

**Section 6-1. Broadcasting Council Meetings**

Regular meetings and work sessions of the Council shall be broadcast live on River City TV and the Internet.

**Section 6-2. 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 6-3. 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 6-4. 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 6-5. 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:**

# Council Letter

## City of Danville, Virginia



**CL-2141**

**Work Session Item #: D.**

**Work Session Meeting**

**Meeting Date:** 06/18/2019

**Subject:** Discussion on Amending the City Attorney and City Manager's Contracts

**From:** W. Clarke Whitfield, Jr., City Attorney

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### **COUNCIL ACTION**

Work Session Meeting: 06/18/2019

### **SUMMARY**

The City Attorney and the City Manager are each requesting amendments to their Employment Agreements.

The City Attorney is requesting that section 7 of his Employment Agreement be amended to accrue annual leave and holidays on the same basis and under the same terms and conditions as all other City employees.

The City Manager is requesting that section 4 of his Employment Agreement be amended to be reimbursed for out of town mileage on the same basis and under the same terms and conditions as all other City Employees. The City Manager will not be reimbursed for any mileage within the corporate limits of the City of the City of Danville.

The City Manager is also requesting that section 8 of his Employment Agreement be amended to accrue annual leave on the same basis and under the same conditions as all other City employees.

### **BACKGROUND**

Both the City Attorney and the City Manager have Employment Agreements with the City of Danville which defines the benefits and conditions of employment applicable to each.

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### **Attachments**

[Resolution](#)

[Resolution](#)

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PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

RESOLUTION NO. 2019-\_\_\_\_.\_\_\_\_

A RESOLUTION AMENDING SECTION 7 ENTITLED "VACATION AND SICK LEAVE BENEFITS" OF THE CITY ATTORNEY'S EMPLOYMENT AGREEMENT.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, section 7 entitled "Vacation and Sick Leave Benefits" of the City Attorney's Employment Agreement is hereby amended as set forth below:

Section 7. Vacation and Sick Leave Benefits.

The City Attorney shall ~~receive accrue~~ twenty (20) days annual leave ~~each year on the same basis and under the same terms and conditions as all other City employees~~ with a maximum ~~accrual~~ accumulation of forty (40) days, and shall accrue one (1) day per month sick leave each year with no maximum ~~accrual~~ accumulation. He shall also be entitled to any other categories of leave and paid holidays on the same basis and under the same terms and conditions as all as other City employees. The City Attorney shall be entitled to all of his presently ~~accrued~~ accumulated leave.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Clerk

Approved as to  
Form and Legal Sufficiency:

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Assistant City Attorney

PRESENTED: \_\_\_\_\_

ADOPTED: \_\_\_\_\_

RESOLUTION NO. 2019-\_\_\_\_.\_\_\_\_

A RESOLUTION AMENDING SECTION 4 ENTITLED "AUTOMOBILE ALLOWANCE" AND AMENDING SECTION 8 ENTITLED "VACATION AND SICK LEAVE" OF THE CITY MANAGER'S EMPLOYMENT AGREEMENT.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, section 4 entitled "Automobile Allowance" and section 8 entitled "Vacation and Sick Leave" of the City Manager's Employment Agreement is hereby amended as set forth below:

**Section 4. Automobile Allowance**

The City Manager is required to be on call for twenty-four hour service. In recognition thereof:

The City shall grant to the City Manager an automobile allowance of Five Hundred Dollars (\$500.00) per month, and the City Manager shall purchase, maintain, and insure said vehicle. The City Manager shall ~~not~~ be reimbursed for out of town mileage ~~within a thirty (30) mile Radius of the Danville City Limits~~ on the same basis and under the same terms and conditions as all other City employees. The City Manager will not be reimbursed for any mileage within the corporate limits of the City of Danville.

**Section 8. Vacation and Sick Leave**

The City Manager shall ~~earn twenty (20) days~~ accrue annual leave ~~each year on the same basis and under the same terms and conditions as all other City employees~~ with a maximum ~~accrual~~ accumulation of forty (40) days each year and shall earn one (1) day per month sick leave each year with no maximum ~~accrual~~ accumulation. The City Manager shall be entitled to all of his presently accrued leave.

APPROVED:

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MAYOR

ATTEST:

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Clerk

Approved as to  
Form and Legal Sufficiency:

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City Attorney