



## **DANVILLE CITY COUNCIL WORK SESSION AGENDA**

### **MUNICIPAL BUILDING**

**January 18, 2022**

**7:30 P.M.**

#### **MEETING CALLED TO ORDER**

#### **MINUTES**

- A. Consideration of Approval of Minutes from Regular Work Session held on December 21, 2021.  
Council Letter Number CL - 2701.

#### **WORK SESSION ITEMS**

- A. Consideration of Releasing the Existing Lien and Associated Collection Costs Affecting Parcel #25163 on Gray Street.  
Council Letter Number CL - 2689.
- B. Discussion on a New Procedure for Council Members to Bring Suggestions to Council for Consideration.  
Council Letter Number CL - 2696.

#### **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-2701**

**Meeting Minutes A.**

**Work Session Meeting**

**Meeting Date:** 01/18/2022

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

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

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### **COUNCIL ACTION**

Work Session Meeting: 01/18/2022

### **SUMMARY**

Consideration of Approval of Minutes from Regular Work Session held on December 21, 2021.

Council Letter Number CL - 2701.

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### **Attachments**

Meeting Minutes

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December 21, 2021

A Regular Work Session of the Danville City Council convened on December 21, 2021 at 7:42 p.m. in Council Chambers located on the Fourth Floor of the Municipal Building. Council Members present were: James B. Buckner, Bryant Hood, Mayor Alonzo Jones, Barry P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). L.G. "Larry" Campbell Jr., (1) was absent.

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

Mayor Jones presided

## **WORK SESSION ITEMS**

### **MINUTES**

Upon **Motion** by Council Member Buckner and **second** by Council Member Whittle, Minutes of the Regular Work Session held on November 4, 2021 and November 16, 2021 were approved as presented. Draft copies were distributed to Council Members prior to the Meeting.

### **CONSIDERATION OF VACATING A PORTION OF AN ALLEY ADJACENT TO 467 WEST MAIN STREET**

Council Members had no questions or concerns and agreed to put this item on an upcoming business meeting.

### **CONSIDERATION OF VACATING A RIGHT OF WAY ADJACENT TO 200 OLD US 29 HIGHWAY**

Council Members had no questions or concerns and agreed to put this item on an upcoming business meeting.

### **CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR STATE OF GOOD REPAIR PROGRAM FUNDS IN THE AMOUNT OF \$1,493,298**

Council Members had no questions or concerns and agreed to put this item on an upcoming business meeting.

### **COMMUNICATIONS**

Council Members wished everyone a Merry Christmas.

MEETING ADJOURNED AT 7:55 P.M.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

# Council Letter

## City of Danville, Virginia



**CL-2689**

**Work Session A.**

**Work Session Meeting**

**Meeting Date:** 01/18/2022

**Subject:** Release of Abatement Liens, Collection Costs and Interest Against Parcel #25163 Vacant Lot on Gray Street

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

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**COUNCIL ACTION**

Work Session: 01/18/2022

**SUMMARY**

City Staff is seeking approval from City Council to release one (1) nuisance abatement lien, and associated costs and delinquencies affecting one (1) vacant parcel of land on Gray Street to facilitate its sale to a new owner, and partial payoff.

**BACKGROUND**

The City currently holds approximately \$23,000.00 in a nuisance abatement lien and associated collection costs and interest against one (1) vacant Parcel on Gray Street near the SOVAH School of Nursing, identified as Parcel #25163 Gray Street. The lien greatly exceeds the market value of the Parcel and makes it unmarketable.

The present owner of the Parcel has no assets and was unable to set up a payment plan due to potential bankruptcy, but has arranged a potential sale of the Parcel to a prospective local buyer that does not have any history of nuisances within the City, for a sale price of \$1,000. The present owner desires to pay all potential sales proceeds directly to the City. The potential purchaser intends to develop the Parcel, increasing its taxable value. The sale is dependent upon the City releasing the recorded nuisance abatement lien to allow marketable title.

Under State law, City Council can release nuisance abatement liens to facilitate the sale of an otherwise unmarketable lot. City Staff has determined that releasing the outstanding nuisance abatement lien and associated costs to facilitate the property sale would be of benefit to the City by eliminating likely future maintenance costs, increasing the taxable value of the Parcel, and enabling the owner to immediately pay the City a portion of what is owed to it.

**RECOMMENDATION**

City staff recommends releasing the existing lien and associated collection costs and interest affecting Parcel #25163, contingent upon the actual sale of the Parcel and the payment of all sales proceeds to the City of Danville.



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

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

RESOLUTION NO. 2022-\_\_\_\_\_.\_\_\_\_\_

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF A CITY-HELD LIEN AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #25163 GRAY STREET TO FACILITATE ITS SALE.

WHEREAS, The City of Danville, since 2018, in furtherance of its duty to protect the health and safety of the community, has recorded a lien at the Circuit Court against Parcel #25163 on Gray Street for nuisance abatement services valued at approximately \$18,000.00; and

WHEREAS, the city-held lien and associated collection costs and interest greatly exceeds the tax assessed value of Parcel #25163, making the lot presently unmarketable; and

WHEREAS, the present owner of this Parcel desires to sell the property to an unrelated person for \$1,000.00 and pay to the City all sales proceeds; and

WHEREAS, given the size and location of this Parcel it is likely that future City abatement services will be required absent a sale to a new owner; and

WHEREAS, under Va. Code § 15.2-906(4) a locality may release such lien against a particular property in order to facilitate its sale or transfer to an unrelated, bona fide purchaser.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville, Virginia that all delinquent taxes, abatement charges, city-held liens, and associated collection costs and interest of record against Parcel #25163 on Gray Street be released to facilitate its sale, provided such sale actually occurs and all sales proceeds be paid to the City.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to  
Form and Legal Sufficiency:

\_\_\_\_\_  
Assistant City Attorney

# Council Letter

## City of Danville, Virginia



**CL-2696**

**Work Session B.**

**Work Session Meeting**

**Meeting Date:** 01/18/2022

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

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

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### **COUNCIL ACTION**

Work Session Meeting: 01/18/2022

### **SUMMARY**

The Mayor has proposed an amendment to Council's Rules of Procedure regarding introduction of items by Council Members for research and presentation by staff.

### **BACKGROUND**

On February 16, 2016, City Council adopted Rules of Procedure, the Rules were amended in 2019. 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.

### **RECOMMENDATION**

The Mayor requests a discussion on a new procedure to guide Council on the most efficient way for Council Members to bring suggestions to Council for consideration. Staff recommends that Council Members bring suggestions up during the Communications portion of a Work Session. If a majority of Council Members are in agreement, staff will then research the item, and bring it back to Council at a future work session for further discussion and possible inclusion on a subsequent regular meeting agenda.

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### **Attachments**

Rules of Procedure

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**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:**