



DANVILLE CITY COUNCIL WORK SESSION AGENDA

MUNICIPAL BUILDING

January 4, 2022

7:30 P.M.

MEETING CALLED TO ORDER

MINUTES

- A. Consideration of Approval of Minutes from Regular Work Session held on December 7, 2021.
Council Letter Number CL - 2698.

WORK SESSION ITEMS

- A. Presentation of the Fiscal Year 2021 Audit Results.
Council Letter Number CL - 2634.
- B. Consideration of Accepting Parcels #20600, #20617 and #22262 on Stokes Street.
Council Letter Number CL - 2664.
- C. Consideration of Granting a Community Garden License on Parcels #05001 and #05005.
Council Letter Number CL - 2665.
- D. Consideration of the Sale of a Vacant Lot on Fox Hollow Drive.
Council Letter Number CL - 2681.
- E. Discussion on a New Procedure for Council Members to Bring Suggestions to Council for Consideration.
Council Letter Number CL - 2696.

PROGRAM UPDATE

ECONOMIC DEVELOPMENT UPDATE

COMMUNICATIONS FROM

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

CLOSED MEETING

As Permitted by Subsection (A)(3) of Section 2.2-3711 of the Code of Virginia, 1950, as amended for discussion or consideration of the acquisition of real property or of the disposition of publicly held real property, and

As Permitted by Subsection (A)(5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended for discussion concerning a prospective business or industry related to economic development.

- A. Motion to Convene in Closed Meeting
- B. Motion to Reconvene in Open Meeting
- C. Motion to Certify Closed Meeting

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-2698

Meeting Minutes A.

Work Session Meeting

Meeting Date: 01/04/2022

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Work Session Meeting: 01/04/2022

SUMMARY

Consideration of Approval of Minutes from Regular Work Session held on December 7, 2021.

Council Letter Number CL - 2698.

Attachments

Meeting Minutes

December 7, 2021

A Regular Work Session of the Danville City Council convened on December 7, 2021 at 8:41 p.m. in Council Chambers located on the Fourth Floor of the Municipal Building. Council Members present were: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo Jones, Barry P. Mayo, Vice Mayor Gary P. Miller, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Sherman M. Saunders (1) was absent.

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

WORK SESSION ITEMS

PRESENTATION ON SPLASH PADS IN THE CITY OF DANVILLE

City Manager Ken Larking noted Director of Parks & Recreation Bill Sgrinia would be presenting options for a splash pad on the Southside of Danville. A decision had already been made to locate one splashpad on the Northside of Danville at Third Avenue. A work session was held a few months ago and Council Members discussed where to place the splash pad in the southern side of the City. There will be the two locations that Council Members had asked to be presented, and staff also included for consideration the Pumpkin Creek location. Mayor Jones noted Parks & Recreation had presented this to Council; the last time the discussion was between Ballou Park and Pumpkin Creek, and he and Council Member Hood brought up Doyle J. Thomas Park.

Council Member Vogler noted he was in favor of Ballou Park; it was the most logical place for the one on the Southside. Burlington's Splash Park was in their primary city park, not one of the neighborhood parks, and Eden's was in their prime city park, not a small neighborhood park. Other places put them where they were easily accessible, that had parking, and that were a central hub to a number of different areas; that describes Ballou Park. Mr. Vogler stated he thought it would be significant to see an investment like this go into Ballou Park which was a central hub to a number of neighborhoods of great diversity, and there was plenty of parking and infrastructure in place. He does like Doyle Thomas, but he doesn't know about parking there. He thinks if the public were polled, it would be overwhelmingly in favor of Ballou Park; that was the feedback he had been receiving.

Mayor Jones noted he would choose Green Street Park. On the Northside, they know someone will be there, and with the Peace Center at Green Street, he would vote for Doyle Thomas Park. Mr. Hood noted he was in favor of Doyle Thomas Park as opposed to Ballou Park, because he thought the community could continue to change in that area. He looked at how many citizens the park could accommodate and the impact it could have of switching the whole community with it. People may not be able to afford or be able to get to one of the other parks.

Mr. Sgrinia explained the sites they were designing were for neighborhood sized parks, accommodating about thirty-five people; Eden was a larger facility. Mr. Vogler stated he does not think the public understands that; they think they were getting something like what Eden and Burlington have. If this was going to just be a small neighborhood thing, that was not what people thought they were getting; when they see that, they were going to be disappointed.

Vice Mayor Miller questioned how many people the Riverfront park could accommodate, and Mr. Sgrinia stated it will have the whole features and will be larger than the neighborhood parks. Dr. Miller noted that would be the third park. The original plan was to put these in small communities

to help improve them; looking at that, Doyle Thomas meets what Council originally had in mind. A small splash park would help that community; it was not designed to draw people from out of town. Mr. Sgrinia noted it was his understanding that this was to look into the neighborhoods as neighborhood amenities, to make an investment in the neighborhoods; that was where they got to this scale. Mr. Vogler was right, there were different scales and if Council wanted to build something that attracted people, they would look for that bigger space.

Mayor Jones noted this conversation started around having splashpads, and these were not going to be the only ones. This was an opportunity for Council to look at something bigger, possibly, for Ballou Park. Council Member Campbell asked the City Manager if they could do all three at different stages, he believes all three areas were important, and Mr. Vogler made a strong statement, but the areas they were putting the other two were very important also. Mr. Larking explained the current constraint was the budget; they had budgeted in the current fiscal year about \$2M to do two splashpads, and that was what \$2M would buy, one in the north and one in the south. In a future budget, they could add another facility; staff would have to look at where the funding came from to pay for something bigger, somewhere else.

Reverend Campbell noted if this passes, when would it be started and Mr. Larking explained the process with the renderings has already started; until Council made a decision, they did not proceed to the next step which would be construction drawings. Reverend Campbell stated he would like Council to look at all three in stages, the one in Ballou Park could be done the following year; he would like Council to consider doing all three. Council Member Buckner stated they have two this year, can Council get another \$2M next year and put another one in then. Mr. Vogler questioned how much of a strain on the budget would it be to do all three at once, using \$2M for two smaller parks, and then begin the process of looking at a \$2M park at Ballou Park. He was not against Green Street and was in support of that, but he thinks they have an opportunity to do something even bigger, one that was not just for a neighborhood but something that people from all around the City would go to.

Council agreed to Doyle J. Thomas park as a location for the splashpad. Mr. Larking noted he has heard that Council would like staff to take steps to plan for a larger splash pad at Ballou if possible; Council noted they were in favor of that.

Mr. Sgrinia questioned if they would be in favor of another comparable location that would have good access; there may be something else. Mayor Jones directed Mr. Sgrinia to bring something back with different locations, including Ballou, and let Council look at it. Mr. Larking noted staff had direction, they will look at what revenue was available and see if there was something that could be done to amend the budget. Mr. Campbell noted out of the \$20M the City received from Caesars, \$5M went for the purchase of the property, the \$15M, where was that going and Mr. Larking noted they programmed that, it was looked at by resolution during the last budget process, but he will take a look at that and see if there was anything left in that amount.

Mr. Sgrinia noted he looked forward to seeing Council at the light show at Ballou Park.

APPOINTMENTS

Vice Mayor Miller noted following a meeting of the Committee on Appointments, they make the following recommendations:

Building Code Board of Appeals

Reappoint: Lawrence Meder and Samuel Thomas

December 7, 2021

Employee Retirement System

Appoint: Helm Dobbins

Fair Housing Board

Reappoint: Matthew Bailey

Planning Commission

Reappoint: Manuel Dodson and Steve Petrick

Council agreed to put these on an upcoming business agenda.

PROGRAM UPDATES

Mr. Larking noted he wanted Council to be aware that in this year's budget, Economic Development has funding in place to do a city-wide branding study which has the possible component of looking at the city seal; they will be working on the study in the next few months.

Mr. Larking noted regarding homelessness, the City has set aside several hundred thousand dollars for the House of Hope for expansion so they can serve women and children in that facility. Counseling was important to the success of homeless people and should be looked at. Dr. Miller noted the one-night limit at the homeless shelter needed to be looked at and Reverend Campbell noted his agreement.

COMMUNICATIONS

Council Member Campbell noted he was very appreciative of what the City was doing for the young people and believes it will have a great impact on reducing crime in the City.

Council Member Vogler thanked Council for the work they put in and noted his agreement with Council Member Campbell. It was exciting with all the positive things that were coming forward for the youth.

CLOSED MEETING

At 9:10 p.m., Vice Mayor Miller **moved** that this meeting of the City Council of the City of Danville, Virginia be recessed and that Council immediately reconvene in a Closed Meeting for the following purposes: discussion or consideration of the acquisition and/or disposition of real property for a public purpose where discussion in an open meeting would adversely impact the bargaining position of the City as permitted by Subsection A(3) of Section 2.2-3711 of the Code of Virginia, 1950 as amended, and more specifically discussion regarding the sale and/or potential purchase of a specific parcel of property for use by prospective industrial, commercial, and mixed use projects looking to locate in the City; and an Economic Development discussion and update concerning a prospective business or industry where no previous announcement has been made and/or the expansion of an existing business or industry where no previous announcement has been made as permitted by Subsection (A)(5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended and more specifically to consider: an update on multiple prospective commercial, mixed use, and industrial projects considering locating within the City and the region; and consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probably litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body as permitted by Subsection (A)(7) of Section 2.2-3711 of the code of Virginia, 1950 as amended.

The Motion was **seconded** by Council Member Buckner and carried by the following vote:

December 7, 2021

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Vogler and Whittle (8)
NAY: None (0)
ABSENT: Saunders (1)

Upon unanimous vote at 9:32 p.m., Council reconvened in open session and Vice Mayor Miller **moved** for adoption of the following Resolution:

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements of Virginia Law under Section 2.2-3711 were heard, discussed or considered, and (ii) only such public business matters as were identified in the Motion by which the Closed Meeting was convened were heard, discussed or considered by the Committee.

The Motion was **seconded** by Council Member Vogler and carried by the following vote:

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Vogler and Whittle (8)
NAY: None (0)
ABSENT: Saunders (1)

MEETING ADJOURNED AT 9:33 P.M.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2634

Work Session A.

Work Session Meeting

Meeting Date: 01/04/2022

Subject: Audit Report for Fiscal Year 2021

From: Michael Adkins, Director of Finance

COUNCIL ACTION

Work Session Meeting: 01/04/2022

SUMMARY

The City's external auditors from Brown Edwards & Company will distribute the Fiscal Year 2021 audited financial statements, and provide a brief overview of audit results.

Attachments

No file(s) attached.

Council Letter

City of Danville, Virginia



CL-2664

Work Session B.

Work Session Meeting

Meeting Date: 01/04/2022

Subject: Acceptance of Parcels #20600, #20617, and 22262 on Stokes Street

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

COUNCIL ACTION

Work Session: 1/04/2022

SUMMARY

The City is interested in improving the streetscape along parts of the boundary of the Monument-Berryman Redevelopment area. In order to complete this as planned, the City must acquire ownership of three (3) vacant lots identified as Parcel #s 20600, 20617, and 22262 on Stokes Street.

BACKGROUND

The City is interested in improving the visible streetscape along Berryman Avenue, the eastern boundary of the Monument-Berryman Redevelopment area. City Council designated the Monument-Berryman Redevelopment area to prioritize targeted improvements to encourage growth around the River District and Old West End. In furtherance of this plan, the City is able to acquire ownership of desired parcels fronting on Stokes Street near its intersection with Berryman Avenue. These Parcels are subject to a total of thirty-seven (37) nuisance abatement liens held by the City, totaling approximately \$13,560.00, a delinquency that exceeds the assessed value of the land. The owner is willing to convey the property to the City in exchange for the satisfaction and release of the existing liens and delinquencies owed against the lots.

RECOMMENDATION

City staff recommends proceeding with acquiring Parcel #s 20600, 20617, and 22262 Stokes Street in exchange for the satisfaction and release of the existing liens and delinquencies to assist with the streetscape improvements.

Attachments

Resolution

Deed

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE ACCEPTANCE OF REAL PROPERTY IDENTIFIED AS PARCELS 20600, 20617, AND 22262 STOKES STREET FOR STREETSCAPING.

WHEREAS, The City of Danville desires to make streetscape improvements along the intersection of Stokes Street and Berryman Avenue along the Monument-Berryman Redevelopment area to eliminate blight and encourage redevelopment; and

WHEREAS, Parcels #20600, #20617, and #22262 fronting on Stokes Street have been identified by the City as ideal for such streetscape work; and

WHEREAS, The City of Danville, since 2009, in furtherance of its duty to protect the health and safety of the community, has recorded Thirty-seven (37) liens total at the Circuit Court cumulatively against Parcels #20600, #20617, and #22262 on Stokes Street for nuisance abatement services valued at approximately \$13,500.00; and

WHEREAS, given the size and location of these Parcels it is likely that future City abatement services will be required absent a change in ownership; and

WHEREAS, the owner of the Parcels desires to convey the Parcels to the City to facilitate the City's purposes, in exchange for the satisfaction and release of those liens and taxes assessed directly against Parcels #20600, #20617, and #22262; and

WHEREAS, under Va. Code § 15.2-906(4) a locality may release such liens against a particular property in order to facilitate its transfer to the locality.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville, Virginia, that the conveyance of Parcels #20600, #20617, and #22262 in exchange for the satisfaction and release of those City-held liens and delinquencies assessed against Parcels #20600, #20617, and #22262 is hereby accepted by the City of Danville, Virginia; and

BE IT FURTHER RESOLVED, by the City Council of Danville, Virginia, that it hereby authorizes the City Manager, Ken Larking, to execute on behalf of the City any and all documents as may be necessary to effect the transfer of the Parcels to the City.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

THIS **DEED OF BARGAIN AND SALE** made this the ____ day of _____, 202__, by and between **ALFRED W. HARPER, JR., GRANTOR**, and the **CITY OF DANVILLE, VIRGINIA, a municipal corporation of the Commonwealth of Virginia, GRANTEE**,

W I T N E S S E T H:

For consideration, the receipt and adequacy of which is hereby acknowledged, the Grantor does hereby give and grant, with general warranty and English covenants of title, unto the Grantee, in fee simple absolute, all that certain parcel of land, together with improvements thereon and appurtenances thereto belonging, situate in the City of Danville, Virginia, and more particularly described as follows:

See attached "Schedule A" for legal description.

This conveyance is made subject to all easements, rights of way, or restrictive covenants now of record or affecting said property.

This conveyance having been accepted by the City Council of Danville, Virginia by Resolution No. _____ adopted on _____, 202__, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

WITNESS the following signatures and seals:

BY: _____
ALFRED W. HARPER, JR.
Grantor

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the _____ day of
_____, 202__, by **Alfred W. Harper, Jr.**

BY: _____
NOTARY PUBLIC

My commission expires: _____

Notary registration number: _____

ACCEPTED BY:

**THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia**

BY:

**KENNETH F. LARKING
City Manager**

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the ____ day of _____, 202__, by **Kenneth F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY:

NOTARY PUBLIC

My commission expires:

Notary registration number:

SCHEDULE "A"

TAX PIN #20600 – STOKES STREET, DANVILLE, VIRGINIA

LOT NO. 83, fronting 33 feet on the southern side of Stokes Street, and running back therefrom between parallel lines approximately 150 feet, and part of Lot No. 82, fronting 7 feet on the southern side of Stokes Street running back therefrom between parallel lines approximately 150 feet, and being in fact 7 feet on the western side of Lot No. 82, and lying next to Lot No. 83, as shown on map of part of Green Estate, the property of Messers., Boswell and Conway dated August 1905, made by J.R. Edmunds, Surveyor recorded in the Clerk's Office of the Circuit of the City of Danville, Virginia in Deed Book 71, at page 23.

BEING, in fact, the same real estate conveyed to Alfred W. Harper, Jr. from Esther H. Harper, unmarried, by deed dated January 17, 2012 and recorded in the Clerk's Office of the Circuit Court of Danville, Virginia as Ins. #12-247 at page 0025.

TAX PIN #20617 – STOKES STREET, DANVILLE, VIRGINIA

FRONTING 40 feet on the northern side of Stokes Street and running back therefrom between parallel lines 97.4 feet to a rear line of 40 feet along an alley. Being in fact, Lot No. 73, as shown on a map of part of the Green Estate, the property of Messers, Boswell and Conway, dated August 1905, made by J.R. Edmunds, Surveyor, and of record in the Clerk's Office of the Circuit Court of Danville Virginia, in Deed Book 71, page 23.

BEING, in fact, the same real estate conveyed to Alfred W. Harper, Jr. from Alfred W. Harper and Esther H. Harper, husband and wife, by deed dated August 10, 1993 and recorded in the Clerk's Office of the Circuit Court of Danville, Virginia as Ins. #93-3381.

TAX PIN #22262 – STOKES STREET, DANVILLE, VIRGINIA

FRONTING 40 feet on the northern side of Stokes Street and running back therefrom between parallel lines to an alley. Being in fact, Lot No. 72 as shown on map of a part of the Green Homestead Place, belonging formerly to Boswell and Conway made by J.R. Edmunds, C. E., recorded in the Clerk's Office of the Circuit Court of Danville, Virginia in Deed Book 71, page 23.

BEING, in fact, the same real estate conveyed to Alfred W. Harper, Jr. from Alfred W. Harper and Esther H. Harper, husband and wife, by deed dated August 10, 1993 and recorded in the Clerk's Office of the Circuit Court of Danville, Virginia as Ins. #93-3381.

Council Letter

City of Danville, Virginia



CL-2665

Work Session C.

Work Session Meeting

Meeting Date: 01/04/2022

Subject: Community Garden License near Locust Lane

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

COUNCIL ACTION

Work Session Meeting: 1/04/2022

SUMMARY

The Danville Masjid and Islamic Center desires to obtain a license from the City to operate a community garden upon two (2) surplus vacant lots owned by the City along Locust Lane.

BACKGROUND

The City owns two (2) vacant properties along Locust Lane and Sunset Place identified as Parcels #05001 and #05005, respectively. These parcels do not have any current or planned City use. The Danville Masjid and Islamic Center, a community non-profit, desires to utilize portions of these lots to operate a community garden. The City has an established program encouraging the use of vacant City-owned lots by community groups interested in operating public community gardens. The granting of a license by the City to allow for a community garden is conditioned on the licensee abiding by a license agreement and a series of best practices, copies of which are attached to the resolution.

RECOMMENDATION

City staff recommends the Council grant a one (1) year community garden license to the Danville Masjid and Islamic Center for Parcels 05001 and 05005 subject to those conditions included in the License Agreement and Rules and Procedures attached hereto.

Attachments

Resolution

Attachment 1

Attachment 2

Attachment 3

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022____.____

A RESOLUTION AUTHORIZING A LICENSE FOR COMMUNITY GARDENING NEAR LOCUST LANE.

WHEREAS, the City owns certain vacant parcels of real property commonly known as Parcel #05001 Locust Lane and #05005 Sunset Place; and

WHEREAS, the City has an interest in promoting the health of its residents and the productive use of property within its boundaries; and

WHEREAS the Danville Masjid and Islamic Center, a non-profit community group, desires a license from the City to operate a community garden on Parcels #05001 and #05005 to promote community togetherness, health, well-being, and quality of life.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia 1950, as amended, and in consideration of the public hearing this day held by Council, that the Danville Masjid and Islamic Center be granted a license to operate a Community Garden upon City Parcel #05001 and #05005 for a period of one (1) year in accordance with the License Agreement attached to this resolution and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the City Manager, Kenneth F. Larking, be, and he is hereby, authorized to execute on behalf of the City any and all documents as may be necessary to effect such community garden license.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney

COMMUNITY GARDEN LICENSE

THIS COMMUNITY GARDEN LICENSE (the “License”), made on this the ____ day of _____, 20____ (the “Effective Date,”) by and between the **CITY OF DANVILLE, VIRGINIA, a municipal corporation of the Commonwealth of Virginia** (the “City”), and the **DANVILLE MASJID ISLAMIC CENTER, a religious body organized in Virginia** (the “Licensee”), hereafter collectively known as “the Parties.”

:: R E C I T A L S ::

WHEREAS, the City owns certain real property located within the City of Danville, two (2) undeveloped lots approximately 10 acres in area along Locust Lane and Sunset Place commonly known as Parcel ID #s 05001 and 05005 (the “Property”);

WHEREAS, the Licensee wishes to operate a community garden upon the Property, for use by the general public;

WHEREAS, the City wishes to grant to the Licensee a limited, non-exclusive license to operate a community garden upon the Property, pursuant to the terms and conditions set forth in this License.

NOW, THEREFORE, for and in consideration of the mutual promises and undertakings hereinafter set forth, the City hereby grants a limited license to use and occupy the Property, subject to the limitations, terms, and conditions set forth herein:

1. **Suitability of purpose.** The Property is offered to the Licensee “as-is,” and the City makes no warranty or guarantee of any kind as to the suitability or fitness of the Property for the production of crops, or for any other purpose.

2. **Use of Property.** The License granted by the City to the Licensee is a limited, non-exclusive, non-transferable license to maintain a community garden upon the Property. This License shall permit the Licensee to invite members of the general public to enter onto the Property and plant crops, and shall permit the Licensee to place and maintain any personal property and temporary improvements necessary to facilitate the plantation of crops by the general public, subject to the further requirements of this License.

3. **Rules and Procedures.** In conducting any activity pursuant to this License, the Licensee shall observe and comply with all terms of the “Lots of Potential Community Gardening Program: Rules and Procedures” (the “Rules”), a copy of which attached hereto as “Schedule B” and is incorporated into this License by reference as if fully laid out herein. The City reserves the right to amend or modify the Rules from time to time in its sole discretion, and any amended Rules shall become incorporated into this License, as if fully laid out herein, upon delivery of notice of such amendment or modification to the Licensee. If there is any contradiction or discrepancy between the terms of this License and the Rules, as they may be amended, the terms of this License shall be given precedence in resolving such contradiction or discrepancy.

4. **Expiration; renewal.** The term of this License shall automatically expire one year from the Effective Date above referenced, unless this License is earlier terminated pursuant to the terms and conditions outlined herein. At any time prior to the expiration of this License, this License may be renewed for a subsequent term upon the mutual written consent of the Parties; provided, however, that the Licensee acknowledges that Licensee has neither a property interest in, nor a reasonable expectation of, any such renewal.

5. **Assignment and sublicense.** The Licensee may not assign or sublicense this License without the advance written consent of the City. Any purported assignment or sublicense not authorized by the City shall be without force or effect, and shall cause the automatic termination of this License without notice to the Licensee. For the purpose of this License, any participant community gardening activities described herein is considered an invitee and not an assignee or sublicensee.

6. **Termination.** The City may, in its sole discretion, terminate this License by delivering notice to the Licensee, and by posting such notice at the Property, at any time during the term of this License and for any reason whatsoever, including, without limitation:

- a. The Licensee's violation of any provision of this License, or with the Rules, as they may be amended or modified;
- b. The Licensee's abandonment of the Property, as may solely be determined by the City;
- c. Any change in ownership of the Property to a person or entity which is not an agency of the City or controlled by the City;
- d. Any emergency which affects the health, safety, or welfare of the general public; and
- e. Any act by the Licensee which results in the attachment or filing of a lien against the Property.

7. **Procedure for expiration and termination.** If this License expires, or is terminated for any reason, the Licensee shall, not more than thirty (30) days after such termination becomes effective, cause any crops on the Property to be harvested, and cause to be removed any improvements, personal property, refuse, or debris generated by its activities or the activities of any of its invitees. Any property remaining upon the Property thereafter shall be deemed abandoned and shall become property of the City. The City may charge the Licensee for the City's actual costs in demolishing or removing any improvements, personal property, refuse, or debris remaining upon the Property more than thirty (30) days after the termination of this License. The City may collect such costs from the Licensee in any manner permitted by law.

8. **Liability issues.** The Licensee shall hold harmless the City and the Commonwealth of Virginia, and their respective agents, employees, and officers, and shall indemnify and defend the same, from any and all liability related to any claim for any loss, injury, damage, death, or any other harm to the Licensee, its agents, employees, officers, and invitees, or any other third party, or to the property of any person, arising from any occurrence directly or indirectly related to, connected with, or incidental to the activities contemplated by this License, unless such damage, loss, injury, death, or other harm was intentionally caused by the City, or the Commonwealth of Virginia, or their respective officers, agents, or employees.

9. **Liability for invitees.** In relation to any claim which may be raised by the City arising from any activity contemplated by this License, the Licensee agrees to assume all liability for the acts of any invitee onto the Property.

10. **Insurance.** The Licensee shall acquire a policy of comprehensive general liability insurance with a minimum liability limit of of FIVE HUNDRED THOUSAND and 00/100 DOLLARS (\$500,000.000), applicable to all liabilities undertaken by the Licensee pursuant to this License. The Licensee shall maintain such policy during the term of this License and any subsequent renewal of this License, and shall name the City as an additional insured party under any such policy. The Licensee shall furnish proof of such insurance at the time this License is executed, and at any other time upon the City's request.

11. **Utilities.** The Licensee shall pay all utility charges that may be assessed as a result of any activity which occurs on the Property as a result of this License, and shall place any such utilities in its own name.

12. **Right of entry.** The Licensee shall allow the City, its agents, employees, and officers, access onto the Property at any time for the purpose of determining the Licensee's compliance with this License and the Rules.

13. **Land disturbing activities.** The Licensee shall not engage in any activity (including, without limitation, the erection, installation, placement, or affixation of any improvement or personal property) which penetrates the land surface of the Property to a depth of greater than six (6) inches.

14. **Improvements.** Any improvements erected, installed, placed, or affixed upon the Property by Licensee shall be temporary in nature. The Licensee shall seek the approval of the City prior to erecting, installing, placing, or affixing such improvement. The Licensee shall obtain all permits, licenses, inspections, and approvals required by the Building Code Official and the Zoning Administrator of the City of Danville, Virginia, and any other official or agency as may be required by law, for the erection, installation, placement, affixation, or demolition and removal of such improvements.

15. **Severability.** If any provision of this License shall be held invalid or unenforceable by a court, the invalidity or unenforceability of such provision shall not affect any other provision of this License, and this License shall be construed as if such invalid or unenforceable clause was not contained herein. Should the enforceability of any provision of this License be called into question, such provision shall be construed as the mutual agreement of the parties to the fullest extent permitted by law.

16. **Third-party beneficiaries.** Nothing in this License is intended, nor shall it be deemed, to confer any right or remedy upon any person not a party to this License.

17. **Non-waiver.** No waiver of any provision of this License by any party shall be deemed a continuing or further waiver of the same provision, or a waiver of any other provision.

18. **Headings.** The descriptive headings of this License are inserted for convenience only and do not constitute a part of this License.

19. **Counterparts.** This License may be executed in one (1) or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same License.

20. **Construction.** The parties agree that this License shall be construed according to the laws of the Commonwealth of Virginia, and that venue for any court proceeding instituted by a party to this License shall be in the General District or Circuit Court of the City of Danville, Virginia, unless otherwise required by law.

21. **Notices.** Any notice required to be sent by this License shall be deemed effective upon depositing such notice for delivery by certified mail at the addresses listed below:

22. **Entire agreement.** The parties agree that this License supersedes all previous understandings or agreements between the parties, whether oral, written, or implied. The parties agree that they have not relied upon any other or additional representations or consideration in the formation of the agreements contained in this License.

CITY: Kenneth C. Gillie, *or*
Current Director of Community Development
P.O. Box 3300
Danville, VA 24543

LICENSEE: Danville Masjid Islamic Center
259 Piney Forest Rd.
Danville, VA 24540

IN EXECUTION HEREOF, witness the following signatures and seals, this the day first above written:

THE CITY OF DANVILLE, VIRGINIA

BY:

KEN F. LARKING
City Manager

DANVILLE MASJID ISLAMIC CENTER

BY:

TITLE:

Lots of Potential Community Gardening Program: Rules and Procedures

The following rules and procedures of the Lots of Potential program are meant to ensure safe and responsible operation of city-owned properties for community gardens. Upon signing a License with the City of Danville, Licensees also agree to accept the following policies and procedures:

A. Water Service: The City of Danville provides water service to all City residents. A water meter is currently (or can be) installed on the property. The selected grower for a licensed property will be expected to set up an account with the City of Danville and pay for water usage. You will be charged for irrigation only.

B. Drainage: The free flow of stormwater must be maintained at all times. Damming, blocking, or obstructing a storm water conveyance channel is prohibited. The harvesting of rainwater (rain barrels) may be used upon approval by the City's Public Works Department. Irrigation drainage shall not discharge to any City storm sewer. Irrigation drainage shall remain onsite and only discharge to a vegetated area of the property.

C. Erosion and Sediment Control: The City's Erosion & Sediment Control Program must be followed at all times. Sediment laden storm water or irrigation water shall not discharge onto an adjacent property. Erosion & Sediment Control practices (i.e. silt fence, sediment traps) shall be installed in accordance with the latest version of the Virginia Erosion & Sediment Control Handbook.

D. Hours of Operation: The properties may be accessed from dawn to dusk.

E. Use of Mechanical Equipment: Household tools, lawnmowers and other lawn care equipment with manufacturer's mufflers are exempt from the City's noise ordinance from 6am-10pm.

F. Vehicular Access: Throughout the entire term of the license (including development phases), the potential impacts on the surrounding neighborhood must be considered. The project must be designed and operated with satisfactory consideration to traffic flow, parking, and pedestrian safety.

G. Noise: Activities must comply with the noise ordinance of the City of Danville and any amendments thereto. Agricultural activities, excluding animals, are exempt from the noise ordinance.

H. Odor: The Licensee should make all reasonable attempts to control odor on the premises, including best practices for composting and reuse of garden materials.

I. Weeds and Grass: Each site must be weeded regularly and weeds and grass may not be allowed to go to seed. The Licensee should abide by the City of Danville weed ordinance. The Licensee should also adhere to all state and federal regulations regarding noxious and invasive weeds, and related quarantines.

J. Sheds: Permanent tool storage sheds may be appropriate for certain sites, but any proposed buildings will require proper permitting from the City of Danville, Planning Division.

K. Season-Extending Structures: The design and location of large, permanent season extending structures (greenhouses, hoopouses, coldframes) are subject to approval by City of Danville, Planning and Inspections staff.

L. Fences and Signs: The Licensee may erect fences and signs on the Licensed Property pursuant to the City of Danville zoning code. Prior to acquisition of fences or signs, plans for fences and signs must be approved by City of Danville Planning Division staff.

M. Maintenance: If the site has a sidewalk adjacent to the property, the Licensee is responsible for any and all snow removal on City sidewalks. Licensee shall also keep the Licensed Property mowed and trimmed as to all licensed areas not under cultivation. The property must be maintained in an aesthetically appealing and safe manner – free of graffiti and debris along the sidewalks and right-of-way.

N. Fires/cooking: Licensees (or guests) may not start or maintain a campfire, or burn weeds or crop residues on the site. Limited use of a barbecue grill is permitted for special events, with prior written permission from the City Sustainability Coordinator.

O. Smoking: Smoking is prohibited on the Lots of Potential sites, as cigarette tobacco can transfer tobacco mosaic virus to tomato and pepper plants, and poses a fire hazard.

P. Personal Property: The Licensee shall be responsible for any gardening or farming tools or implements on the Licensed Property and shall secure and store any personal property left on the Licensed Property.

Q. Subletting: Sites may be subleased to additional gardeners (as in a Community Garden) or to additional farmers for production. The Lots of Potential program administrator requires notification in such cases. However, the named Licensee is the sole responsible party. Therefore, any violations incurred by a sublessee will become the responsibility of the primary Licensee.

R. Pets: Pets on the site must be on a leash per the City leash ordinance.

S. Chickens: Danville City Zoning Code allows for the raising of fowl for egg or meat production. The maximum total number of permitted fowl allowed to be owned or kept on an individual lot is five chickens per three acres by special use permit only. Requests for the raising of fowl must be made through the Danville Planning Division.

T. On-Site Produce Sales: On-site sales of garden/farm produce is prohibited.

U. Accessibility: Common Ground sites must be accessible to people with all ability levels and meet the design requirements of the Americans with Disabilities Act (ADA). Although there are no formal ADA design guidelines for urban agriculture, best practices include: Establishing an accessible entrance, creating routes of sufficient width so that wheelchair users can navigate between garden components, building raised beds (at least 24 inches high and 48 inches wide) for disabled access in at least some portion of the garden.

V. Use of Pesticides and Agricultural Chemicals: No pesticides or agricultural chemicals can be used in the Lots of Potential program that does not appear in the attached list. When pesticide use is necessary, signs will be posted one hour prior to application. They will be placed in highly visible areas and remain up for 24 hours after notification. The notification signs will include: the name and active ingredient of the pesticide product, the date of pesticide use, and the contact information for the Lessee.

W. Raised Beds: All gardening must take place in raised beds. Raised beds are to conform to Lots of Potential program requirements. They must be at least 24 inches tall, have a liner to prevent roots from growing into the ground and use new, clean soil. For accessibility, it is recommended that beds are no wider than 48 inches across.

VIOLATION OF ANY OF THE ABOVE RULES MAY BE CAUSE FOR TERMINATION.

All City of Danville codes apply. To view all relevant City codes, and ordinances:

https://www.municode.com/library/va/danville/codes/code_of_ordinances?nodeId=10628

Lots of Potential Program 2017 Allowed Pesticide List				
Signal Word	Trade/Product Name	Active Ingredient	Type	Typical Use
Caution	Armicarb	Potassium Bicarbonate	Fungicide	control blackspot, powdery mildew on roses & flowers
Caution	Cleary's 3336F	Thiophanate-methyl	Fungicide	to prevent fungal infection on pine trees and turfgrass
Caution	Protect DF	Zinc ion & Manganese Bisthiocarbamate	Fungicide	curative fungicide for turfgrass
None required	Acelpryn	Chlorantraniliprole	Insecticide	control of grub worms, bagworms - no signal word required
Keep out of reach of children	Conserve SC	spinosad	Insecticide	bagworm control
Caution	Dylox	Trichlorfon	Insecticide	turf grub worms
caution	Merit or Zenith 0.5G	Imidacloprid	Insecticide	to control grubs in turfgrass
Caution	RTU Safer Brand Insecticidal Soap	Potassium salt of fatty acid	Insecticide	to control aphids, spidermites, caterpillars on flowers
Caution	Omni Oil 6E	petroleum oil parafin base	Insecticide/Miticide	spidermites
Caution	Wasp-A-Foam Advanced	d-trans allethrin & MGK® Permethrin	Insecticide	wasp and hornet nest spray - used on plants
Caution	Zep Wasp & Hornet Killer	Tetramethrin	Insecticide	wasp and hornet nest spray - non electrical conductor
Caution	Floramite SC	Bifenazate	Miticide	used in rotation with other products to control spidermites
Caution	Hexygon DF	Hexythiazox	Miticide	used in rotation with other products to control spidermites
Caution	Talstar P	Bifenthrin	Insecticide	general insecticide for trees, flowers and shrubs
Caution	Barricade	Proflam	Herbicide	pre-emergent to control annual grassy weeds in turfgrass
Caution	Dimension	Dithiopyr	Herbicide	pre-emergent to control annual grassy weeds in turfgrass
Caution	Power Zone	carfentrazone-ethyl MCPA,2-ethylhexylester Mecoprop acid & Dicamba acid	Herbicide	post emergent selective control of broadleaf weeds like clover and dandelions in turfgrass
Caution	Dismiss	Sulfentrazone	Herbicide	post emergent control of yellow nutsedge in turfgrass
Caution	Drive XLR8	quinclorac	Herbicide	post emergent control for crabgrass in turf
Caution	Primo Maxx	Trinexapac-ethyl	Herbicide	turfgrass growth regulator

Caution	Freehand 1.75G	dimethenamid -P pendimethalin	Herbicide	pre-emergent control of yellow nutsedge, annual and perennial weeds in landscape plantings
Caution	5% Treflan	trifluralin	Herbicide	pre-emergent control of annual weeds in flower beds
Caution	Snapshot 2.5TG	trifluralin isoxaben	Herbicide	pre-emergent control of annual and perennial weeds in landscape plantings
Caution	Surflan A. S.	Oryzalin	Herbicide	pre-emergent control of annual and perennial weeds in fence lines, guard rails
Caution	Pennant Magnum	S-metolachlor	Herbicide	pre-emergent control of yellow nutsedge, annual and perennial weeds in landscape plantings, fence lines
Caution	Ornamec	fluasiflop-P-butyl	Herbicide	post emergent selective control of bermuda grass in landscape plantings
Caution	Glyphosate Pro 4	Glyphosate	Herbicide	post emergent non selective weed control
Caution	Round Up Pro Concentrate	Glyphosate	Herbicide	post emergent non selective weed control
Caution	Round Up Pro Max	Glyphosate	Herbicide	post emergent non selective weed control
Caution	Sedge Hammer or ProSedge	Halosufuron-methy	Herbicide	post emergent to control yellow nutsedge in turf and landscape plantings
Caution	Sucker Stopper	ethyl 1-napthalenacetate	Herbicide	reduce sucker growth at base of crabapple trees
Caution	Tenacity	Mesotrione	Herbicide	selective weed control in turfgrass
Caution	Remedy Ultra	triclopyr	Herbicide	post emergent control for lespediza
Caution	GreenMatch	d-limonene	Herbicide	non selective herbicide - organic product
Caution	XL 2G	benefin & Oryzalin	Herbicide	pre-emergent weed control in landscape beds
Caution	Mole Killer	Bromethalin	Rodenticide	mole control in turfgrass
Caution	DyneAmic	modified vegetable oil and organosilicone surfactent blend	Additive	increased effectiveness of product
Caution	WaterWetter	Alkyl Phenol Ethoxylate	Additive	increased effectiveness of product
Caution	TREE-age G4	Emamectin Benzoate	Insecticide	Tree injection for control of Emerald Ash Borer

COMMUNITY GARDEN LICENSE

THIS COMMUNITY GARDEN LICENSE (the “License”), made on this the _____ day of _____, 20____ (the “Effective Date,”) by and between the **CITY OF DANVILLE, VIRGINIA, a municipal corporation of the Commonwealth of Virginia** (the “City”), and **RIGHT TOUCH CHRISTIAN CHURCH, a Virginia corporation** (the “Licensee”), hereafter collectively known as “the Parties.”

:: R E C I T A L S ::

WHEREAS, the City owns certain real property located within the City of Danville, a vacant lot on N. Main Street commonly known as Parcel ID #02044 (the “Property”);

WHEREAS, the Licensee wishes to operate a community garden upon the Property, for use by the general public;

WHEREAS, the City wishes to grant to the Licensee a limited, non-exclusive license to operate a community garden upon the Property, pursuant to the terms and conditions set forth in this License.

NOW, THEREFORE, for and in consideration of the mutual promises and undertakings hereinafter set forth, the City hereby grants a limited license to use and occupy the Property, subject to the limitations, terms, and conditions set forth herein:

1. **Description of the licensed property.** The portion of the Property licensed to the Licensee (hereafter the “Premises”) is that portion of the Property identified in the sketch attached to this license as “Schedule A.” All activities permitted by this License shall take place solely within the Premises. The Premises is offered to the Licensee “as-is,” and the City makes no warranty or guarantee of any kind as to the suitability or fitness of the Premises for the production of crops, or for any other purpose.
2. **Use of premises.** The License granted by the City to the Licensee is a limited, non-exclusive, non-transferable license to maintain a community garden upon the Premises. This License shall permit the Licensee to invite members of the general public to enter onto the Premises and plant crops, and shall permit the Licensee to place and maintain any personal property and temporary improvements necessary to facilitate the plantation of crops by the general public, subject to the further requirements of this License.
3. **Rules and Procedures.** In conducting any activity pursuant to this License, the Licensee shall observe and comply with all terms of the “Lots of Potential Community Gardening Program: Rules and Procedures” (the “Rules”), a copy of which attached hereto as “Schedule B” and is incorporated into this License by reference as if fully laid out herein. The City reserves the right to amend or modify the Rules from time to time in its sole discretion, and any amended Rules shall become incorporated into this License, as if fully laid out herein, upon delivery of notice of such amendment or modification to the Licensee. If there is any contradiction or

discrepancy between the terms of this License and the Rules, as they may be amended, the terms of this License shall be given precedence in resolving such contradiction or discrepancy.

4. **Expiration; renewal.** The term of this License shall automatically expire one year from the Effective Date above referenced, unless this License is earlier terminated pursuant to the terms and conditions outlined herein. At any time prior to the expiration of this License, this License may be renewed for a subsequent one-year term upon the mutual written consent of the Parties; provided, however, that the Licensee acknowledges that Licensee has neither a property interest in, nor a reasonable expectation of, any such renewal.

5. **Assignment and sublicense.** The Licensee may not assign or sublicense this License without the advance written consent of the City. Any purported assignment or sublicense not authorized by the City shall be without force or effect, and shall cause the automatic termination of this License without notice to the Licensee. For the purpose of this License, any member of the general public invited to participate in the community gardening activities described herein is considered an invitee and not an assignee or sublicensee.

6. **Termination.** The City may, in its sole discretion, terminate this License by delivering notice to the Licensee, and by posting such notice at the Property, at any time during the term of this License and for any reason whatsoever, including, without limitation:

- a. The Licensee's violation of any provision of this License, or with the Rules, as they may be amended or modified;
- b. The Licensee's abandonment of the Property, as may solely be determined by the City;
- c. Any change in ownership of the Property to a person or entity which is not an agency of the City or controlled by the City;
- d. Any emergency which affects the health, safety, or welfare of the general public; and
- e. Any act by the Licensee which results in the attachment or filing of a lien against the Property.

7. **Procedure for expiration and termination.** If this License expires, or is terminated for any reason, the Licensee shall, not more than thirty (30) days after such termination becomes effective, cause any crops on the Property to be harvested, and cause to be removed any improvements, personal property, refuse, or debris generated by its activities or the activities of any of its invitees. Any property remaining upon the Property thereafter shall be deemed abandoned and shall become property of the City. The City may charge the Licensee for the City's actual costs in demolishing or removing any improvements, personal property, refuse, or debris remaining upon the Property more than thirty (30) days after the termination of this License. The City may collect such costs from the Licensee in any manner permitted by law.

8. **Liability issues.** The Licensee shall hold harmless the City and the Commonwealth of Virginia, and their respective agents, employees, and officers, and shall indemnify and defend the same, from any and all liability related to any claim for any loss, injury, damage, death, or any other harm to the Licensee, its agents, employees, officers, and invitees, or any other third party, or to the property of any person, arising from any occurrence directly or indirectly related to, connected with, or incidental to the activities contemplated by this License, unless such

damage, loss, injury, death, or other harm was intentionally caused by the City, or the Commonwealth of Virginia, or their respective officers, agents, or employees.

9. **Liability for invitees.** In relation to any claim which may be raised by the City arising from any activity contemplated by this License, the Licensee agrees to assume all liability for the acts of any invitee onto the Property.

10. **Insurance.** The Licensee shall acquire a policy of comprehensive general liability insurance with a minimum liability limit of of FIVE HUNDRED THOUSAND and 00/100 DOLLARS (\$500,000.000), applicable to all liabilities undertaken by the Licensee pursuant to this License. The Licensee shall maintain such policy during the term of this License and any subsequent renewal of this License, and shall name the City and the Commonwealth of Virginia as additional insured parties under any such policy. The Licensee shall furnish proof of such insurance at the time this License is executed, and at any other time upon the City's request.

11. **Utilities.** The Licensee shall pay all utility charges that may be assessed as a result of any activity which occurs on the Premises as a result of this License, and shall place any such utilities in its own name.

12. **Right of entry.** The Licensee shall allow the City, its agents, employees, and officers, access onto the Property at any time for the purpose of determining the Licensee's compliance with this License and the Rules.

13. **Land disturbing activities.** The Licensee shall not engage in any activity (including, without limitation, the erection, installation, placement, or affixation of any improvement or personal property) which penetrates the land surface of the Property to a depth of greater than six (6) inches.

14. **Improvements.** Any improvements erected, installed, placed, or affixed upon the Property by Licensee shall be temporary in nature. The Licensee shall seek the approval of the City prior to erecting, installing, placing, or affixing such improvement. The Licensee shall obtain all permits, licenses, inspections, and approvals required by the Building Code Official and the Planning Director of the City of Danville, Virginia, and any other official or agency as may be required by law, for the erection, installation, placement, affixation, or demolition and removal of such improvements.

15. **Severability.** If any provision of this License shall be held invalid or unenforceable by a court, the invalidity or unenforceability of such provision shall not affect any other provision of this License, and this License shall be construed as if such invalid or unenforceable clause was not contained herein. Should the enforceability of any provision of this License be called into question, such provision shall be construed as the mutual agreement of the parties to the fullest extent permitted by law.

16. **Third-party beneficiaries.** Nothing in this License is intended, nor shall it be deemed, to confer any right or remedy upon any person not a party to this License.

17. **Non-waiver.** No waiver of any provision of this License by any party shall be deemed a continuing or further waiver of the same provision, or a waiver of any other provision.

18. **Headings.** The descriptive headings of this License are inserted for convenience only and do not constitute a part of this License.

19. **Counterparts.** This License may be executed in one (1) or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same License.

20. **Construction.** The parties agree that this License shall be construed according to the laws of the Commonwealth of Virginia, and that venue for any court proceeding instituted by a party to this License shall be in the General District or Circuit Court of the City of Danville, Virginia, unless otherwise required by law.

21. **Notices.** Any notice required to be sent by this License shall be deemed effective upon depositing such notice for delivery by certified mail at the addresses listed below:

CITY: Kenneth C. Gillie, *or*
Current Director of Community Development
P.O. Box 3300
Danville, VA 24543

LICENSEE: Rev. Tommy Crews
Right Touch Christian Church
513 Worsham Street
Danville, VA 24540

IN EXECUTION HEREOF, witness the following signatures and seals, this the day first above written:

THE CITY OF DANVILLE, VIRGINIA

BY:

KEN F. LARKING
City Manager

RIGHT TOUCH CHRISTIAN CHURCH, INC.

BY:

TITLE:

Danville Masjid and Islamic Center

259 Piney Forest Road • Danville, Virginia 24540



11/3/2021

To the members of the city council.

Thank you for your time and consideration in the matter of the land and its use.

I have listed below the intended use of the area and its potential benefit to the community.

A community garden is at the forefront of the vision for this space. A place where the community can come together to grow and produce flowers, cultivate friendship and build a stronger connection with fellow community members. An outlet for those who really enjoy watching things grow and being a part of something enriching and wholesome.

This space will also allow the community to come and enjoy a nice stroll, nature, and potentially start a more active lifestyle. This day and age we have all become more sedentary and could benefit from a nice place to go enjoy nature and some light activities.

It would serve as a nice day trip away to rest and reflect. Enjoy time with friends and family or simply sit, enjoy a book and have some quiet time.

We have and serve a great community and I feel this space will only add enjoyment for years to come. It would leave a tradition of community gardening and togetherness for generations to come.

Again, thank you all for your time, consideration, and above all the opportunity to continue the betterment of our fine community.

Sincerely,

Kalil Khan

President and Board of Directors

Council Letter

City of Danville, Virginia



CL-2681

Work Session D.

Work Session Meeting

Meeting Date: 01/04/2022

Subject: Sale of Surplus Property on Fox Hollow Drive Map No. 9818-003-000015.000

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

COUNCIL ACTION

Work Session Meeting: 01/04/2022

SUMMARY

City Staff is seeking approval to sell a surplus vacant parcel located at the former 121 Fox Hollow Drive to the neighboring property owners.

BACKGROUND

The City owns a vacant lot along Fox Hollow Drive (formerly 121 Fox Hollow Drive) that was previously used as a pump station for Danville Utilities. The pump station has been decommissioned and demolished. City Staff have determined that the City has no current or future intended use for the lot, and it appears to be surplus to the needs of the City. City Staff wishes to sell the surplus lot to the neighboring property owners to return it to the tax rolls and eliminate future maintenance costs.

RECOMMENDATION

City staff recommends proceeding with selling said Parcel with Tax Map No. 9818-003-000015.000 on Fox Hollow Drive in exchange for \$500.00 and the cost of recordation.

Attachments

Resolution

Attachment 1 Map

Attachment 2 Deed of Sale

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-_____._____

A RESOLUTION OF THE CITY COUNCIL OF DANVILLE, VIRGINIA
DECLARING CERTAIN CITY-OWNED PROPERTY TO BE SURPLUS TO THE NEEDS OF
THE CITY AND APPROVING AND AUTHORIZING THE SALE OF SAID PARCEL ON FOX
HOLLOW DRIVE, FOR A SALES PRICE OF \$500.00.

WHEREAS, The City of Danville owns a Parcel of land along Fox Hollow Drive
with Tax Map No. 9818-003-000015.000 that previously served as a pump station for
Danville Utilities (the "Parcel"); and

WHEREAS, the pump station has been decommissioned and demolished and
the City no longer has any expected need or use for the Parcel and it is surplus to the needs
of the City; and

WHEREAS, the neighboring landowner adjacent to the Parcel, desires to
purchase the Parcel for a price of \$500.00 and all closing costs in order to maintain the land.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville,
Virginia, that the sale of the Parcel of land on Fox Hollow Drive with Tax Map No. 9818-003-
000015.000, in exchange for purchase price of \$500.00 and all closing costs is hereby
accepted by the City of Danville, Virginia; and

BE IT FURTHER RESOLVED, pursuant to Sections 15.2-1800 and 15.2-1813
of the Code of Virginia, 1950, as amended, and in consideration of the public hearing this
day held by Council, that the City Manager, Kenneth F. Larking, be, and he is hereby,
authorized and directed to convey ownership of the Parcel on behalf of the City of Danville;
and

BE IT FINALLY RESOLVED, that the City Council of Danville, Virginia, hereby
approves and authorizes the City Manager, Kenneth F. Larking, to execute on behalf of the

City any and all documents as may be necessary to effect the transfer pursuant to this resolution.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



Mail tax bills to: James and Diane Collie
145 Fox Hollow Dr.
Danville, VA 24541

Tax Map # 9818-003-000015.000

*This deed is exempt from
Grantee's tax pursuant to Va.
Code § 58.1-811(C)(4).*

THIS DEED OF BARGAIN AND SALE made this the ____ day of _____, 202__, by and between **CITY OF DANVILLE, VIRGINIA, a municipal corporation of the Commonwealth of Virginia, GRANTOR, and JAMES ALLEN COLLIE and DIANE GERRINGER COLLIE, or the survivor, GRANTEES,**

W I T N E S S E T H:

For Five Hundred Dollars (\$500.00), the receipt and adequacy of which is hereby acknowledged, the Grantor does hereby give and grant, with general warranty and English covenants of title, unto the Grantee, in fee simple absolute, all that certain parcel of land, together with improvements thereon and appurtenances thereto belonging, situate in the City of Danville, Virginia, and more particularly described as follows:

See attached "Schedule A" for legal description.

This conveyance is made subject to all easements, rights of way, or restrictive covenants now of record or affecting said property.

This conveyance having been authorized and accepted by the City Council of Danville, Virginia by Resolution No. _____ adopted on _____, 202__, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

WITNESS the following signatures and seals:

**THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia**

BY:

**KENNETH F. LARKING
City Manager**

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the _____ day of _____, 202__, by **Kenneth F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY:

NOTARY PUBLIC

My commission expires:

Notary registration number:

SCHEDULE "A"

TAX MAP NO. 9818-003-000015.000 – FOX HOLLOW DRIVE, DANVILLE, VIRGINIA

BEGINNING at a point in the west margin of Fox Hollow Drive (former Lansing Road) at the corner of Lot 1A and Lot 32 as shown on the map hereinafter referred to; thence S. 81° 23' W. 72.33 feet; thence N. 10° 45' W. 75 feet; thence N. 81° 23' E. 72.33 feet to said margin of Fox Hollow Drive (former Lansing Road); thence along said road S. 10° 45' E. 75 feet to the point and place of beginning; being Lot 1A as shown on map showing survey of lot for City of Danville dated October 1, 1955 by H. S. Peirce, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book , at page 34.

BEING IN FACT, the same property conveyed to the City of Danville, Virginia, from William W. Wilson, by deed dated October 12, 1955 and recorded in the aforesaid Clerk's Office in Deed Book , at page 31.

Council Letter

City of Danville, Virginia



CL-2696

Work Session E.

Work Session Meeting

Meeting Date: 01/04/2022

Subject: Amendment to Council's Rules of Procedure

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Work Session Meeting: 01/04/2022

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.

Attachments

Rules of Procedure

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: