



CITY COUNCIL WORK SESSION

Tuesday, October 14, 2025 | 4:00 PM
2nd Floor Training Room- City Hall
900 Church Street
Lynchburg, VA 24504

AGENDA

- I. **Welcome** *Larry Taylor, Mayor*
- II. **Business Item Briefing(s)** *Wynter C. Benda, City Manager*
 - II.1. 2026 Legislative Agenda
- III. **Work Session Agenda Items** *Wynter C. Benda, City Manager*
 - III.2. Lynchburg City Council Rules of Procedure Discussion
 - III.3. Councilmember Misjuns' Item: *Discussion of Proposed Amendments to Zoning Ordinance for Regulation of Specialized Medical Facilities*
- IV. **Roll Call**
- V. **Closed Session**
 - V.4. Consideration of a closed meeting to discuss the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected, pursuant to Section 2.2-3711(A)(6) of the Code of Virginia, 1950, as amended; the subject of the closed meeting being specific to an investment at the Lynchburg Regional Airport.
 - V.5. Consideration of a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Business Development Center, Greater Lynchburg Transit Company, Lynchburg Redevelopment and Housing Authority, Lynchburg Parking Authority, and Social Services Advisory Board, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.



AGENDA ITEM SUMMARY

MEETING DATE

October 14, 2025

PRESENTED BY

Mercedes Braun, Assistant to the City Manager

AGENDA ITEM # II.1

2026 Legislative Agenda

RECOMMENDATION

City Council shall discuss and review the Legislative Agenda for a vote on October 28 regarding the priorities that will represent the City of Lynchburg City Council during the 2026 General Assembly Session.

SUMMARY

The 2026 Legislative Agenda will be presented to City Council for discussion and review. The formal vote will take place on October 28 during the General Business session. Each topic originates from a Council member and has been thoroughly vetted by the appropriate departments.

PRIOR ACTION(S)

On August 26, City Council held a pop-up session that presented the plan and organization for this year's Legislative Agenda.

FISCAL IMPACT

NA

CONTACT(S)

Mercedes Braun, Assistant to the City Manager

ATTACHMENT(S)

None

REVIEWED BY

Date: October 08, 2025

Wynter Benda, City Manager

A handwritten signature in black ink that reads "Alicia L. Finney". The signature is written in a cursive, flowing style.

Alicia Finney, Clerk of Council

Date: October 09, 2025

2026 LEGISLATIVE AGENDA

OCTOBER 14, 2025



2026 LEGISLATIVE AGENDA

Purpose:

Review and discuss your 2026 Legislative Agenda. By consensus, prepare a final package for your vote on October 28th, 2025.

Why:

This package is designed to highlight those areas of importance to the City. As the General Assembly session progresses, the State representatives keep these legislative priorities in mind as they evaluate and vote on future Virginia Legislation.

WHAT TO EXPECT

- All of these items were recommended by a member of city council
- Each of the 16 items have been researched and reviewed by staff and experts to create a format in bill language
- Each of the subsequent slides will have the City Council sponsor, the language that was submitted in your packet and bullet points
- There are additional printed packets in the back for anyone to follow along
- Today, we will review each of these items, discuss and then with a majority of council members' support, position the packet for your vote on October 28th
- The General Business item will ask you to vote for the package as a whole.

EXPANDING ZONING AUTHORITY

Sponsor: Councilmember Chris Faraldi

The Lynchburg City Council supports clarifying and expanding local authority under the *Code of Virginia, Title 15.2, Chapter 22 (Zoning)*. Local governments do not possess inherent zoning powers; authority is limited to that expressly granted by the General Assembly through the Dillon Rule. Current provisions, including §§ 15.2-2280 through 15.2-2287 (grant of power, purposes, procedures, and enforcement) and §§ 15.2-2296 through 15.2-2316.6 (conditional zoning, proffers, nonconforming uses and state preemptions on wireless, solar, and energy facilities), narrowly reflect the ability to choose by local elected boards. This structure restricts flexibility for localities to respond to its unique community needs and changing development pressures. Expanding local zoning authority would allow municipalities to create ordinances that better reflect local priorities while maintaining consistency with state law.



- City Council supports clarifying and expanding local zoning authority
- The current structure restricts flexibility for localities to respond to its own community needs
- Expanding the authority would allow municipalities to create ordinances that better reflect local priorities while maintaining consistency with state law.

INVESTMENT IN CRYPTOCURRENCY

Sponsor: Councilmember Chris Faraldi

The Lynchburg City Council supports legislation granting localities the authority to invest in cryptocurrency as part of a diversified financial strategy for specific, pre-identified needs. Such investments would be limited to a term of no more than five years and would be subject to risk mitigation requirements established by the State to ensure fiscal responsibility and transparency. This authority would allow localities to respond to evolving financial markets, capture potential growth opportunities and dedicate any realized gains to targeted public priorities identified prior to the investment. These include, but are not limited to: Capital Projects, School infrastructure, and other one-time investments.



- City Council supports legislation granting localities the authority to invest in cryptocurrency
- This is part of a diversified financial strategy for specific, pre-identified needs
- Each of these investments would be limited to a term of no more than five years
- Each of these investments would be subject to risk mitigation requirements established by the state
- These investments would go to capital projects, school infrastructure and other one time investments

OPPOSITION TO MANDATORY COLLECTIVE BARGAINING

Sponsor: Councilmember Chris Faraldi

The Lynchburg City Council opposes any state mandate requiring collective bargaining. The City maintains that local governing bodies should retain clear authority to determine whether such a system is appropriate for their workforce and community. Any state requirement to impose collective bargaining would limit local discretion, reduce flexibility in addressing workforce needs and create administrative and fiscal burdens that should remain under local control. While *Code of Virginia, Title 40.1, Chapter 4, Article 2.1 (§ 40.1-57.2)* authorizes localities to adopt collective bargaining ordinances, that decision is best left to each locality.



- City Council opposes any state mandate requiring collective bargaining
- The City Council maintains that the local governing bodies should retain clear authority to determine whether such a system is appropriate for their workforce and community.
- *This is already in state code, this is a blanket opposition to the mandating of collective bargaining by the state.*

LOCAL OPTION TO ELECT A SCHOOL BOARD

Sponsor: Councilmember Chris Faraldi

The Lynchburg City Council supports legislation granting Lynchburg the authority, by ordinance of City Council, to provide that members of the School Board may be elected by the qualified voters of the City. Adoption of such an ordinance would remain at the sole discretion of City Council and would follow a public process as determined by Council, with input from the Office of the Registrar, Electoral Board and administrative support from the City Manager or designee. Nothing in this proposal would require the City to adopt an elected School Board structure; the current system of appointment would remain in place unless and until Council chooses to act. The City of Lynchburg is one of 12 remaining school boards with an appointed school board. Attempts have been made as recent as January 2025 to make all Virginia School Boards elected.



- City Council supports legislation granting Lynchburg the authority, by ordinance of City Council, to allow for an elected school board
- Adoption of such an ordinance would remain at the sole discretion of City Council and would follow a public process as determined by Council with input from the Office of the Registrar, Electoral Board and the City Manager and his staff.
- *Lynchburg is one of 12 remaining school boards with an appointed school board.*
- *Recently as this year, there have been attempts to make it mandatory for an elected school board.*

EXPAND TRANSPORTATION FUNDING BEYOND MAJOR VIRGINIA CITIES

Sponsor: Councilmember Chris Faraldi

The Lynchburg City Council urges the General Assembly to ensure transportation funding supports all regions of the Commonwealth, not just Northern Virginia, Richmond and Hampton Roads. The *SmartScale* process, established under *Code of Virginia §§ 33.2-370 and 33.2-371*, directs funds through statewide and district programs but heavily weights congestion relief and traffic volume, factors that favor larger metropolises. Smaller and rural localities often struggle to compete despite significant safety and maintenance needs as they do not fit this main driving criterion. Reforming the funding formula to better reflect regional equity would allow communities like Lynchburg to address critical infrastructure needs and fully contribute to Virginia's interconnected growth.



- City Council urges the General Assembly to ensure transportation funding supports ALL regions of the Commonwealth, not just Northern Virginia, Richmond and Hampton Roads
- The SmartScale process directs funds through statewide and district programs but heavily weights congestion relief and traffic volume
- Reforming the funding formula to better reflect regional equity, would allow communities like Lynchburg to address critical infrastructure needs and contribute to Virginia's interconnected growth

VOTER SUPPORT

Sponsor: Councilmember Chris Faraldi

The Lynchburg City Council supports legislation strengthening election integrity by requiring valid voter identification, opposing same-day voter registration and establishing a strict chain of custody for all ballots with oversight shared by the City's elected body, the local electoral board and the Office of the Registrar. Voter Identification: *Code of Virginia § 24.2-643(B)* requires that voters present acceptable identification before casting a ballot. The City supports maintaining and strengthening these provisions to ensure voter confidence and election security, and supporting the election staff and volunteers. Same-Day Registration: The General Assembly authorized same-day voter registration in § 24.2-420.1 (effective October 1, 2022). The City opposes this practice, as it increases administrative burdens on local election officials and creates opportunities for error that undermine public trust. Chain of Custody: Current law, including § 24.2-625.1 (ballot container security) and § 24.2-659 (ballot handling and delivery), establishes certain requirements for safeguarding ballots. The City supports stricter statutory language to provide for a transparent and documented chain of custody at every stage of the election process, with accountability shared among the Electoral Board, Registrar and governing body, promoting safety and transparency.



- City Council supports legislation strengthening election integrity by requiring valid voter identification, opposing same-day voter registration and establishing a strict chain of custody for all ballots with oversight shared by the City's elected body, the local electoral board and the Office of the Registrar.
- The City Council supports stricter statutory language to provide for a transparent and documented chain of custody at every stage of the election process
- Accountability is to be shared among the Electoral Board, Registrar and governing body

OPPOSITION TO MANDATED ENERGY REQUIREMENTS WITHOUT LOCALITY INPUT

Sponsor: Councilmember Chris Faraldi

The Lynchburg City Council opposes state mandates that restrict local authority in land use and energy policy decisions, including limitations on zoning for energy storage facilities and the imposition of uniform “green standards” without regard to local conditions. Local Zoning Authority: Under the *Code of Virginia, Title 15.2, Chapter 22 (§§ 15.2-2280 et seq.)*, localities are expressly empowered to adopt zoning ordinances to protect health, safety and welfare. Preemptions embedded in state law, such as §§ 15.2-2316.2 (wireless facilities) and 15.2-2316.6 et seq. (renewable energy projects), erode local authority and force communities into a uniform approach, disregarding community needs or local landscape. Energy Standards: Mandated environmental or construction requirements that disregard local fiscal capacity and infrastructure needs increase costs, reduce flexibility and undermine local innovation. The City maintains that decisions about zoning, energy infrastructure and sustainability standards must remain in the power of local governing bodies and enforced and monitored by the City Manager, or his designee. Statewide mandates that favor certain regions or industries come at the expense of balanced planning, economic competitiveness and fiscal responsibility in communities like Lynchburg. Preserving local discretion ensures that energy and environmental policy is implemented responsibly and reflects the needs of the people most directly affected.



- City Council opposes state mandates that restrict local authority in land use and energy policy decision
- Under Virginia Code §15.2-22, localities are expressly empowered to adopt zoning ordinances to protect health, safety and welfare.
- Allowing for state mandated energy solutions, will erode local authority and force communities into a uniform approach
- This disregards local community needs
- Mandated environmental or construction requirements disregard local fiscal capacity and infrastructure needs
- The City Council maintains that decisions about zoning, energy infrastructure and sustainability standards must remain in the power of local governing bodies and enforced and monitored by the City Manager
- Preservation of local discretion ensures that energy and environmental policy is implemented responsibly and reflects the needs of those it most directly affects

REINSTATEMENT OF MANDATORY MINIMUMS

Sponsor: Councilmember Chris Faraldi

The Lynchburg City Council requests reinstatement of mandatory minimum sentences for violent felony offenders, especially in domestic cases where the previous laws did not institute a mandatory minimum, and amending *Virginia Code sections §§ 18.2-51.6-58.1, 67.3, 67.4, 67.5:2, 91, 359* and adding a new section under each violent offense without a mandatory minimum, to state a mandatory minimum. A. Notwithstanding any other provision of law, a person convicted of a violent felony offense, including but not limited to offenses involving the use of a deadly force, shall be subject to mandatory minimum sentencing. B. The court shall impose the entire mandatory minimum sentence and shall not suspend, in part any portion of the sentence of a mandatory minimum.



- City Council requests reinstatement of mandatory minimum sentences for violent felony offenders, especially in domestic cases
- Previous Virginia laws did not institute a mandatory minimum in domestic cases
- The City Council requests adding a new section under Virginia Code §§18.2-51.6-58.1 (cont) to state a mandatory minimum
- Notwithstanding any other provision of law, a person convicted of a violent felony offense shall be imposed with the entire mandatory minimum sentence.

REMOVAL OF APPOINTED SCHOOL BOARD MEMBERS

Sponsor: Councilmember Chris Faraldi

The Lynchburg City Council requests an amendment to the *Code of Virginia § 24.2-234* of to allow the Lynchburg City Council to remove members of the Lynchburg School Board ‘for cause’; includes appeal process. The City requests § 24.2-234 of the *Code of Virginia* be amended and reenacted as follows: Any officer appointed to an office for a term established by law may be removed from office, under the provisions of § 24.2-233, upon a petition filed with the circuit court in whose jurisdiction the officer resides signed by the person or a majority of the members of the authority who appointed him, if the appointing person or authority is not given the unqualified power of removal. However, notwithstanding any other provision of Virginia law, general or special, the Council of the City of Lynchburg, Virginia may remove any member of the School Board for the City of Lynchburg, Virginia for cause. Cause for such removal shall be at the sole discretion of such Council, and such removal shall be affected by the adoption of a resolution. Such removal may be appealed to the Circuit Court for the City of Lynchburg, Virginia within thirty (30) days of the adoption of such resolution. Upon appeal, the court will determine whether such removal was made for cause or was arbitrary and capricious. If such removal was arbitrary and capricious, then such removal will be set aside and the member’s office reinstated.



- City Council requests an amendment to the current Virginia Code §24.2-234 to allow the Lynchburg City Council to remove appointed members of the Lynchburg School Board ‘for cause’
- The removal of a Board member should be at the sole discretion of council and be affected by the adoption of a resolution
- There will be an appeal process available and determined by the Circuit Court

ABOLISHMENT OF THE OFFICE OF THE TREASURER

Sponsor: Councilmember Chris Faraldi

The Lynchburg City Council seeks a Constitutional amendment to *Article VII of the Constitution of Virginia* to affect a Charter change request abolishing the elected office of the Treasurer and transferring all duties to the Department of Finance in order to modernize governance, eliminate redundancies and ensuring efficiency while preserving accountability through City Council oversight and state audit requirements.

- Part A: The Office of the Treasurer for the City of Lynchburg would be abolished. All powers, duties and responsibilities vested by charter, general law, or ordinance in the Treasurer's Office would be transferred to and exercised by the Department of Finance, which reports administratively to the City Manager.
- Part B: The Department of Finance already performs the essential functions of collection, custody and disbursement of revenues; preparation and maintenance of financial records; completion of required audits; and delivery of financial reports and audit results to City Council. This amendment would formalize those practices and designate the Department of Finance as the sole entity responsible for these duties.
- Part C: Any reference in the general laws of the Commonwealth or in the ordinances of the City of Lynchburg to the "treasurer" would, with respect to the City of Lynchburg, be deemed to refer to the Director of Finance or his or her designee.



- The City Council requests a Constitutional Amendment to affect a Charter change requesting an abolishment of the elected office of the Treasurer
- All duties therein would transfer to the Department of Finance
- This would modernize governance, eliminate redundancies and ensure efficiency while preserving accountability through City Council and state audit requirements

REEVALUATE HUMAN SERVICES FUNDING

Sponsor: Councilmember Marty Misjuns

The Lynchburg City Council supports amending the *Code of Virginia, Title 63.2 (Welfare)*, specifically §§ 63.2-400, 63.2-401, 63.2-403, 63.2-405, 63.2-407, 63.2-410, and 63.2-412, to revise the formula used to allocate Human Services funding to localities. The revised model should prioritize active caseload volume over total population in determining funding levels. In developing this modified formula, the Department of Human Services should incorporate data on recent caseload trends and projected future growth to ensure allocations are responsive to actual service demands. The state should also evaluate compensatory measures that reflect hours worked and operational limitations faced by local agencies.



- The City Council supports amending the Code of Virginia outlining Welfare to revise the formula used to allocate Human Services funding to localities
- The revised model should prioritize active caseload volume over total population
- The Department of Human Services should incorporate data on recent caseload trends and projected future growth to ensure allocations are responsive to actual service demands
- The State should also evaluate compensatory measures that reflect hours worked

INTRODUCTION TO A PILOT LITERACY PROGRAM

Sponsor: Councilmember Stephanie Reed

The Lynchburg City Council requests state support to introduce a pilot literacy program designed to ensure that all students entering secondary education achieve a strong primary reading level. Students who do not meet established benchmarks would be provided with elective reading courses in middle and high school to strengthen their literacy skills. The City seeks funding and programmatic guidance from the Virginia Department of Education to implement this initiative. This request aligns with *Code of Virginia* § 22.1-253.13:1 (Standards of Quality; Instructional programs supporting the Standards of Learning), which establishes the requirement for a comprehensive program of instruction, including English and reading, and § 22.1-253.13:3 (Standards of Quality; Accreditation, testing, and accountability), which provides for measurement of student achievement. Strengthening early literacy outcomes through targeted supports will improve long-term educational attainment and ensure students are prepared for success in secondary education and beyond.



- The City Council requests support to introduce a pilot literacy program designed to ensure that all students entering secondary education achieve a strong primary reading level
- Students who do not meet established benchmarks would be provided with elective reading courses in middle and high school to strengthen their literacy skills
- The City is seeking funding and programmatic guidance from the Department of Education to implement this initiative.

AMENDMENTS TO CLOSE GAPS AROUND THE USE OF MARIJUANA

Sponsors: Mayor Taylor and Councilmember Stephanie Reed

The City of Lynchburg seeks amendments to the *Code of Virginia* to strengthen protections for children by creating exceptions and enhanced penalties in cases involving marijuana in motor vehicles.

- Part 1: Amend § 4.1-1302(B) to expand exceptions to the prohibition in subsection A. The revised language would add school buses (as defined in § 46.2-100) and motor vehicles in which a child is physically present to the existing exceptions for airports and commercial motor vehicles.
- Part 2: Amend § 4.1-1107(D) to elevate the penalty when a child is physically present in a motor vehicle. A violation would remain a Class 4 misdemeanor; however, if subsection B is violated while a child is present, the offense would rise to a Class 1 misdemeanor.

These amendments would close gaps in current law, deter unsafe behavior and enhance child safety by recognizing the heightened risk posed when minors are exposed to marijuana violations in motor vehicles.



- The City Council seeks amendments to the Code of Virginia to strengthen protections for children by creating exceptions and enhanced penalties in cases involving marijuana in motor vehicles
- There are two parts to this amendment:
 - Expand exceptions to include school buses and motor vehicles where a child is physically present
 - To elevate the penalty when a child is physically present in a motor vehicle
- These amendments would close gaps in current law and deter unsafe behavior – enhancing child safety

REEVALUATE THE STANDARDS OF QUALITY SCHOOL FUNDING FORMULA

Sponsor: Councilmember Timmer

The Lynchburg City Council supports amending the *Code of Virginia* to modernize the Standards of Quality (SOQ) and reexamine the school funding formula to ensure equitable distribution of state resources. Studies conducted by the Joint Legislative Audit and Review Commission (JLARC) in 2002, 2018 and 2023 have consistently identified structural shortcomings in Virginia's education funding model, including outdated staffing standards, insufficient recognition of local fiscal stress and a failure to fully account for inflationary pressures. These deficiencies disproportionately impact divisions such as Lynchburg, where higher concentrations of at-risk students and greater service demands are not adequately reflected in the current formula. Updating the formula in alignment with JLARC's findings would improve equity, strengthen local school capacity and better position Virginia to meet its long-term educational and workforce development goals.



- The City Council supports amending the Code of Virginia Standards of Quality and reexamine the school funding formula to ensure equitable distribution of state resources
- Recent Joint Legislative Audit and Review Commission studies have consistently identified structural shortcomings in Virginia's education funding model
- These deficiencies disproportionately impact divisions such as Lynchburg, where higher concentrations of at-risk students and greater services demands are not adequately reflected in the current formula

ZONING REEVALUATION FOR TRANSITIONAL HOUSING

Sponsor: Councilmember Timmer

The Lynchburg City Council requests an addendum to the *Code of Virginia, Title 15.2, § 15.2-2291* allowing the locality to establish by ordinance, restrictions on neighborhood residential reentry centers, community reentry programs, transitional housing, recovery residence, sober living homes and supportive housing regarding drug and alcohol abuse support near and around a radius of 10 miles of a school zone.



- The City Council requests an addendum allowing the locality to establish, by ordinance, restrictions on neighborhood residential reentry centers, community reentry programs, transitional housing, recovery residence, sober living homes and supportive housing regarding drug and alcohol abuse support
- The consideration is measured around a 10 mile radius of a school zone.

ADDRESSING TDO'S AND ECO'S

Sponsor: Councilmember Timmer

The City of Lynchburg requests amending the *Code of Virginia § 37.2-808.1* to modernize procedures governing Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs) by removing the mandates requiring law enforcement officers to remain with ECO patients at hospitals and to transport TDO patients to hospital security staff. Current state law places significant strain on local police and sheriff's departments, often requiring officers to remain in hospital settings for extended periods, diverting critical public safety resources away from community needs.

Granting flexibility for alternative transportation and supervision, such as through medical transport units, behavioral health specialists, or contracted personnel. This would preserve public safety capacity, ensure individuals in crisis receive specialized care and strengthen coordination between behavioral health and emergency response systems. This change reflects a modern, collaborative approach that balances law enforcement duties with the Commonwealth's broader behavioral health goals.



- The City Council requests and amendment to Temporary Detention Orders and Emergency Custody Orders to allow for custody to transfer to hospital security staff
- Current law places significant strain on local police and sheriff's departments
- This request grants flexibility for alternative transportation and care and assist the Commonwealth in its broader health goals

NEXT STEPS

- Please provide any feedback
- This legislative package will be in front of you on October 28th for your General Business section
- It will be presented for a vote on the document as a whole
- Looking forward to representing you at the 2026 General Assembly

2026 Lynchburg City Council Legislative Priorities

This 2026 Legislative Agenda is designed to highlight those areas of importance to the Lynchburg City Council. The City Council requests that members of the General Assembly and the City's state representatives keep these legislative priorities in mind as they evaluate and vote on future Virginia Legislation:

- ❖ **The Lynchburg City Council supports clarifying and expanding local authority under the *Code of Virginia, Title 15.2, Chapter 22 (Zoning)*. Local governments do not possess inherent zoning powers; authority is limited to that expressly granted by the General Assembly through the Dillon Rule. Current provisions, including §§ 15.2-2280 through 15.2-2287 (grant of power, purposes, procedures, and enforcement) and §§ 15.2-2296 through 15.2-2316.6 (conditional zoning, proffers, nonconforming uses and state preemptions on wireless, solar, and energy facilities), narrowly reflect the ability to choose by local elected boards. This structure restricts flexibility for localities to respond to its unique community needs and changing development pressures. Expanding local zoning authority would allow municipalities to create ordinances that better reflect local priorities while maintaining consistency with state law. (Faraldi)**
- ❖ **The Lynchburg City Council supports legislation granting localities the authority to invest in cryptocurrency as part of a diversified financial strategy for specific, pre-identified needs. Such investments would be limited to a term of no more than five years and would be subject to risk mitigation requirements established by the State to ensure fiscal responsibility and transparency. This authority would allow localities to respond to evolving financial markets, capture potential growth opportunities and dedicate any realized gains to targeted public priorities identified prior to the investment. These include, but are not limited to: Capital Projects, School infrastructure, and other one-time investments. (Faraldi)**
- ❖ **The Lynchburg City Council opposes any state mandate requiring collective bargaining. The City maintains that local governing bodies should retain clear authority to determine whether such a system is appropriate for their workforce and community. Any state requirement to impose collective bargaining would limit local discretion, reduce flexibility in addressing workforce needs and create administrative and fiscal burdens that should remain under local control. While *Code of Virginia, Title 40.1, Chapter 4, Article 2.1 (§ 40.1-57.2)* authorizes localities to adopt collective bargaining ordinances, that decision is best left to each locality. (Faraldi)**

2026 Lynchburg City Council Legislative Priorities

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2026 Lynchburg City Council Legislative Priorities

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- ❖ The Lynchburg City Council requests an amendment to the *Code of Virginia § 24.2-234* of to allow the Lynchburg City Council to remove members of the Lynchburg School Board ‘for cause’; includes appeal process. The City requests § 24.2-234 of the *Code of Virginia* be amended and reenacted as follows: Any officer appointed to an office for a term established by law may be removed from office, under the provisions of § 24.2-233, upon a petition filed with the circuit court in whose jurisdiction the officer resides signed by the person or a majority of the members of the authority who appointed him, if the appointing person or authority is not given the unqualified power of removal. However, notwithstanding any other provision of Virginia law, general or special, the Council of the

2026 Lynchburg City Council Legislative Priorities

City of Lynchburg, Virginia may remove any member of the School Board for the City of Lynchburg, Virginia for cause. Cause for such removal shall be at the sole discretion of such Council, and such removal shall be affected by the adoption of a resolution. Such removal may be appealed to the Circuit Court for the City of Lynchburg, Virginia within thirty (30) days of the adoption of such resolution. Upon appeal, the court will determine whether such removal was made for cause or was arbitrary and capricious. If such removal was arbitrary and capricious, then such removal will be set aside and the member's office reinstated. (Faraldi)

- ❖ The Lynchburg City Council seeks a Constitutional amendment to *Article VII of the Constitution of Virginia* to affect a Charter change request abolishing the elected office of the Treasurer and transferring all duties to the Department of Finance in order to modernize governance, eliminate redundancies and ensuring efficiency while preserving accountability through City Council oversight and state audit requirements.
 - Part A: The Office of the Treasurer for the City of Lynchburg would be abolished. All powers, duties and responsibilities vested by charter, general law, or ordinance in the Treasurer's Office would be transferred to and exercised by the Department of Finance, which reports administratively to the City Manager.
 - Part B: The Department of Finance already performs the essential functions of collection, custody and disbursement of revenues; preparation and maintenance of financial records; completion of required audits; and delivery of financial reports and audit results to City Council. This amendment would formalize those practices and designate the Department of Finance as the sole entity responsible for these duties.
 - Part C: Any reference in the general laws of the Commonwealth or in the ordinances of the City of Lynchburg to the "treasurer" would, with respect to the City of Lynchburg, be deemed to refer to the Director of Finance or his or her designee. (Faraldi)
- ❖ The Lynchburg City Council supports amending the *Code of Virginia, Title 63.2 (Welfare)*, specifically §§ 63.2-400, 63.2-401, 63.2-403, 63.2-405, 63.2-407, 63.2-410, and 63.2-412, to revise the formula used to allocate Human Services funding to localities. The revised model should prioritize active caseload volume over total population in determining funding levels. In developing this modified formula, the Department of Human Services should incorporate data on recent caseload trends and projected future growth to ensure allocations are responsive to actual service demands. The state should also evaluate compensatory measures that reflect hours worked and operational limitations faced by local agencies. (Misjuns)

2026 Lynchburg City Council Legislative Priorities

- ❖ The Lynchburg City Council requests state support to introduce a pilot literacy program designed to ensure that all students entering secondary education achieve a strong primary reading level. Students who do not meet established benchmarks would be provided with elective reading courses in middle and high school to strengthen their literacy skills. The City seeks funding and programmatic guidance from the Virginia Department of Education to implement this initiative. This request aligns with *Code of Virginia* § 22.1-253.13:1 (Standards of Quality; Instructional programs supporting the Standards of Learning), which establishes the requirement for a comprehensive program of instruction, including English and reading, and § 22.1-253.13:3 (Standards of Quality; Accreditation, testing, and accountability), which provides for measurement of student achievement. Strengthening early literacy outcomes through targeted supports will improve long-term educational attainment and ensure students are prepared for success in secondary education and beyond. (Reed)
- ❖ The City of Lynchburg seeks amendments to the *Code of Virginia* to strengthen protections for children by creating exceptions and enhanced penalties in cases involving marijuana in motor vehicles.
 - Part 1: Amend § 4.1-1302(B) to expand exceptions to the prohibition in subsection A. The revised language would add school buses (as defined in § 46.2-100) and motor vehicles in which a child is physically present to the existing exceptions for airports and commercial motor vehicles.
 - Part 2: Amend § 4.1-1107(D) to elevate the penalty when a child is physically present in a motor vehicle. A violation would remain a Class 4 misdemeanor; however, if subsection B is violated while a child is present, the offense would rise to a Class 1 misdemeanor.

These amendments would close gaps in current law, deter unsafe behavior and enhance child safety by recognizing the heightened risk posed when minors are exposed to marijuana violations in motor vehicles. (Reed/Taylor)

- ❖ The Lynchburg City Council supports amending the *Code of Virginia* to modernize the Standards of Quality (SOQ) and reexamine the school funding formula to ensure equitable distribution of state resources. Studies conducted by the Joint Legislative Audit and Review Commission (JLARC) in 2002, 2018 and 2023 have consistently identified structural shortcomings in Virginia's education funding model, including outdated staffing standards, insufficient recognition of local fiscal stress and a failure to fully account for inflationary pressures. These deficiencies disproportionately impact divisions such as Lynchburg, where higher concentrations of at-risk students and greater service demands are not adequately reflected in the current formula. Updating the formula in alignment with JLARC's findings

2026 Lynchburg City Council Legislative Priorities

would improve equity, strengthen local school capacity and better position Virginia to meet its long-term educational and workforce development goals. (Timmer)

- ❖ The Lynchburg City Council requests an addendum to the *Code of Virginia, Title 15.2, § 15.2-2291* allowing the locality to establish by ordinance, restrictions on neighborhood residential reentry centers, community reentry programs, transitional housing, recovery residence, sober living homes and supportive housing regarding drug and alcohol abuse support near and around a radius of 10 miles of a school zone. (Timmer)
- ❖ The City of Lynchburg requests amending the *Code of Virginia § 37.2-808.1* to modernize procedures governing Emergency Custody Orders (ECOs) and Temporary Detention Orders (TDOs) by removing the mandates requiring law enforcement officers to remain with ECO patients at hospitals and to transport TDO patients to hospital security staff. Current state law places significant strain on local police and sheriff's departments, often requiring officers to remain in hospital settings for extended periods, diverting critical public safety resources away from community needs.
Granting flexibility for alternative transportation and supervision, such as through medical transport units, behavioral health specialists, or contracted personnel. This would preserve public safety capacity, ensure individuals in crisis receive specialized care and strengthen coordination between behavioral health and emergency response systems. This change reflects a modern, collaborative approach that balances law enforcement duties with the Commonwealth's broader behavioral health goals. (Timmer)

The Lynchburg City Council is committed to working in partnership with the General Assembly to advance policies that strengthen communities across the Commonwealth while ensuring that local voices are heard and respected. The City stands ready to provide the insight and collaboration needed to achieve meaningful outcomes for its citizens. For questions and feedback, please contact Mercedes "Metchi" Braun at (434) 238-5626 or at Metchi.braun@lynchburgva.gov.

AGENDA ITEM SUMMARY**MEETING DATE**

October 14, 2025

PRESENTED BYMatthew Freedman, City Attorney, Alicia
Finney, Clerk of Council**AGENDA ITEM # III.2**

Lynchburg City Council Rules of Procedure Discussion

RECOMMENDATION

Receive Information Regarding Possible Updates to the Lynchburg City Council Rules of Procedure.

SUMMARY

Proposed updates to the Lynchburg City Council Rules of Procedure (ROP) are included in a draft resolution attached. The red and yellow highlighted items are staff-recommended changes and the remaining red changes are various Councilmember-recommended changes. As requested by the Council, Councilmember Timmer's proposed changes have been incorporated into the said draft resolution attached. Councilmember Timmer's previous draft has also been included with this agenda summary in the event it's needed.

City staff seek guidance regarding what proposed changes to the ROP are to be considered.

PRIOR ACTION(S)

Work Session Agenda Item - September 23, 2025

Business Item Briefing - August 26, 2025

Last Update to the Lynchburg City Council Rules of Procedure - July 9, 2024

FISCAL IMPACT

N/A

CONTACT(S)

Matthew Freedman, City Attorney

Alicia Finney, Clerk of Council

ATTACHMENT(S)

1. Draft Resolution - LCC RoP Amendments (09-24-25 Draft)
2. LCC Rules of Procedure
3. Timmer Proposed Ordinance to Change Rules

REVIEWED BY

Alicia L. Finney

Alicia Finney, Clerk of Council

Date: October 07, 2025

RESOLUTION:

#R-25-__

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

1. That the Lynchburg City Council Rules of Procedure ("RoP") are hereby amended, reenacted, and readopted with the following changes to the Introduction:

INTRODUCTION

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council (hereafter "the Council"). Their purpose is to help the Council conduct its affairs in a timely and efficient manner as well as promote transparency, free speech, and robust debate. They incorporate the general principles of parliamentary procedure found in Robert's Rules of Order Newly Revised and applicable Virginia laws. These rules of procedure do not create substantive rights for third parties or participants in proceedings before the Council. Further, the Council reserves the right to suspend or amend these rules of procedure whenever a majority of the Council ~~decides to do so~~ directs. When the Council's rules of procedure do not address a procedural issue, the Council may consider the most recent edition of Robert's Rules of Order Newly Revised for guidance. The failure of the Council to strictly comply with these rules of procedure shall not invalidate any action of the Council.

2. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 1-1:

Section 1-1. Purpose of the Rules of Procedure

- A. To enable the 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 Councilmember;
- C. To preserve a spirit of cooperation among Councilmembers while also ensuring each Councilmember's ability to discuss and debate matters before the Council; and
- D. To determine the will of the Council on any matter.

3. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 1-2:

Section 1-2. Basic Principles Underlying the Rules of Procedure

- A. The business of the Council should ~~proceed~~ be transparent, encourage accountability, and proceed in the most efficient manner possible;
- B. The Council's rules of procedure must be followed and applied consistently;
- C. The Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;

D. Only one (1) subject may claim the attention of the Council at a time;

E. Each item presented for consideration is entitled to full and free discussion, and the freedom to express ideas and engage in robust debate will be encouraged;

F. Every Councilmember shall have equal rights to participate and vote on all issues;

G. Every Councilmember must have an equal opportunity to participate;

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.

4. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 2-1:

Section 2-1. When and Where Regular Meetings are to be Held

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 ~~Council Chamber, on the first floor,~~ as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will be no regular meeting on the second Tuesday during the month of August. ~~However, on the fourth Tuesday of February and during the months of March and April, the~~ The Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504. Except as previously noted, all regular meetings of the Council shall be held in the Council Chamber of the City Hall, 900 Church Street, Lynchburg, VA 24504.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

5. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 2-1.1:

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 the Councilmembers to attend the regular meeting. Such finding shall be communicated to the Councilmembers and the press as promptly as possible.

Additionally, if the time surpasses 11:59 p.m. during a regular meeting, the Council, by majority vote, may continue such meeting 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, so long as such continuance will not interrupt an ongoing matter or public hearing. In the event of an ongoing matter or public hearing, a motion to effectuate the continuance may be taken up immediately upon the conclusion of the same.

All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

6. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 2-2:

Section 2-2. Special Meetings

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 Sections 15.2-1417 and 2.2-3707(D) of the Code of Virginia, 1950, as amended.

A. Special meetings may be called by the Mayor, the City Manager, or any two (2) Councilmembers in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the Councilmembers of the time and place designated and the purpose of the special meeting. Notice of the special meeting shall be provided to each Councilmember by written notice, telephone, or electronic means. The Clerk of Council will attempt to give each Councilmember at least twelve (12) hours' notice before the time scheduled for the special meeting, as provided by the Virginia Freedom of Information Act and the City's Charter, and that notice shall be "reasonable under the circumstances". In order to hold a special meeting, a majority of the Councilmembers who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve (12) hours' notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

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

C. Absent an emergency, as determined by the City Manager after consulting with the Mayor, once a special meeting has been called, no other special meeting(s) may be called on the same day unless the first called special meeting has been cancelled or adjourned.

7. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 3-2:

Section 3-2. Clerk of Council

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for the Council meetings, shall attend all of the Council meetings, and shall keep an accurate record of the Council's proceedings, shall afford all Councilmembers the opportunity to request items be placed on a Council meeting agenda, and shall provide all Councilmembers with notice of items that are to be placed on a Council meeting agenda.

8. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 3-4:

Section 3-4. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum, encourage the expression of ideas, and also encourage robust debate between Councilmembers. 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 Councilmembers on this ground violated these rules;
3. To entertain and answer questions of parliamentary law or procedure, including addressing points of order raised by Councilmembers;
4. To call a brief recess at any time; *and*
5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three (3) powers listed above may be appealed to the Council upon motion of any Councilmember. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The Councilmember 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 (2) exceptions to this right of appeal. In the event the presiding officer refuses or fails to acknowledge a Councilmember seeking an appeal under the first three (3) powers listed above, then the appellant may appeal to the Parliamentarian who will make efforts to gain the attention of the presiding officer for purposes of addressing the appeal being sought.

C. 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 Councilmembers.

D. While a meeting of the Council is in session, all Councilmembers will treat one another with respect, courtesy, and exhibit appropriate decorum. Councilmembers shall not insult, demean, interrupt, or belittle one another or the City's staff while a meeting of the Council is in session.

9. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 4-1:

Option A

Commented [FM1]: Requested by Mayor Taylor

Section 4-1. Preparation

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

B. Any Councilmember may request ~~that an~~ items be placed on the agenda by contacting the Clerk of Council ~~by 5:00 p.m.~~ at least seven (7) ~~calendar~~ days prior to the ~~date of the~~ meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall ~~then~~ place ~~the~~ requested items ~~under Roll Call for an introduction by the Councilmember on the agenda for at~~ the next regular meeting following the request. Such items ~~requested to be placed on the agenda shall first will then~~ appear before the Council during a Council Work Session for discussion.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

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

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

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

Option B

Commented [FM2]: Requested by Councilman Faraldi

Section 4-1. Preparation

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

B. Any Councilmember may request ~~that an~~ items be placed on the agenda by contacting the Clerk of Council ~~by 5:00 p.m.~~ at least ~~seven (7)~~ ~~eight (8)~~ ~~calendar~~ days prior to the ~~date of the~~ meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall ~~then~~ place ~~the~~ requested items ~~on the agenda for~~ the next regular meeting following the request. ~~All Councilmember-requested items must be reviewed at a Council Work Session prior to being~~

~~added to and voted upon at a regular meeting. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion.~~

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion ~~at a regular meeting, and voted upon by a majority of the Council. Council members must use discretion in requesting the addition of items to an agenda. It is considered desirable to have items listed on a published agenda the addition is approved by a two-thirds majority vote of the Council, and has been reviewed by the Council at a Council Work Session within the last six (6) months or is a pressing matter that requires immediate consideration. The addition of speakers under the Public Comment section of an agenda are excluded from the aforesaid requirements. Councilmembers are to use discretion in requesting items be added to an agenda. It is desirable to have items listed on a published agenda.~~

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

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

Option C

Section 4-1. Preparation

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

B. Any Councilmember may request that items be placed on the agenda by contacting the Clerk of Council at least seven (7) days prior to the meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall place requested items on the agenda for the next regular meeting following the request. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion. A Councilmember's request to place an item on an agenda shall be deemed received at the time it is delivered to the Clerk of Council or his/her designee. However, if the request is delivered by email, then the request will be deemed received at the time it is sent to the Clerk of Council's official City of Lynchburg email address.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

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

Commented [FM3]: Requested by Councilwoman
Timmer

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

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

10. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-1¹:

Section 5-1. Order of Business

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

1. 4:00 p.m. Call to Order
2. Council Work Session (to conclude at 6:00 p.m.)
 - Staff Reports/Business Item Briefings
 - Roll Call
 - Closed Meeting (if necessary)
3. Recess
4. 7:00 p.m. Call to Order
5. Invocation & Pledge of Allegiance
6. Special Recognitions by the Mayor or Council (if any)
7. Roll Call
8. Consent Agenda
9. Public Hearings
10. Public Comment (if requested)
11. General Business
12. Closed Meeting (if necessary)
13. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council; however, such modifications may be reversed or otherwise changed by the Council.

11. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-1.1:

Section 5-1.1. Council Work Session

A. The Council Work Session shall be the designated time where items that affect the City, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and consideration for a vote at a later date. The Council and the City's staff are encouraged to engage in discussion, ask questions, and the like during the Council Work Sessions.

¹ Renumbering of the *Order of Business* is included without formal mark-up.

B. Unless ~~a motion to consider for adoption is~~ approved by a ~~two-thirds vote majority~~ of the ~~membership of the~~ Council, no items will be positioned for a vote during a Council Work Session. Motions to enter into closed meetings and to accept bids pursuant to the requirements of §§ 15.2-2100 *et. seq.* of the Code of Virginia, 1950, as amended, are excepted from this rule.

Commented [FM4]: Requested by Councilman Misjuns

12. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-3:

Section 5-3. Public Comment

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

Commented [FM5]: Requested by Councilwoman Timmer

B. General rules regarding Public Comment are as follows:

1. Individuals or groups wishing to speak at a regular meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting.

2. Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.

3. Remarks shall be addressed directly to the Council and not to City staff, the audience, or the media.

4. The presiding officer shall open the Public Comment period. ~~Residents of the City shall be permitted to address the Council before non-residents.~~

Commented [FM6]: Requested by Councilman Misjuns
Requested by Vice Mayor Diemer

5. Each speaker shall clearly state his or her name and locality of residence

6. There shall be a time limit ~~for each individual speaker~~ of three (3) minutes ~~for each speaker.~~

Commented [FM7]: Requested by Councilman Faraldi

7. ~~A representative of a group may have up to five (5) minutes to make a presentation. The A group representative shall identify the group they represent at the beginning of his or her their comment period. A group may have no more than one (1) spokesperson.~~

Commented [FM8]: Requested by Councilman Faraldi

8. Speakers are not permitted to donate time to other speakers.

9. There shall be no comment during the Public Comment period on a matter for which a public hearing is scheduled during the same meeting.

10. There shall be no comment during the Public Comment period on a matter that has already been the subject of a previous public hearing where no final vote has been taken.

11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.

12. Councilmembers shall not discuss issues raised by the public except by consent of a majority of the Councilmembers present. ~~Additionally, except by consent of a majority of~~

~~the Councilmembers present, Councilmembers are not permitted to leave the Council's dais during the Public Comment period or any public hearing for the purpose of interacting with speakers or members of the general public.~~

Commented [FM9]: Requested by Vice Mayor Diemer

13. 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 Councilmembers present and voting.

~~14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers at any time during the meeting. Such written comments shall be submitted through the Clerk of Council. Speakers are not permitted to approach the Council's dais during the Public Comment period or during any public hearing. Upon a request and express permission being granted by the presiding officer, materials or documentation may be provided to all Councilmembers through the City Manager or Clerk of Council.~~

Commented [FM10]: Requested by Mayor Taylor

~~15. If a speaker makes an allegation of misconduct against a Councilmember, then the presiding officer will afford such Councilmember the opportunity to briefly respond to the speaker upon the conclusion of the speaker's Public Comment period.~~

Commented [FM11]: Requested by Councilwoman Timmer

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 Councilmembers present at such meeting.

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

~~E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit ten (10) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.~~

13. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-4:

Section 5-4. Prohibited Conduct

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures;
4. ~~Interrupt Councilmembers while they are speaking and should avoid Use using 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~~

Commented [FM12]: Requested by Councilwoman Timmer

speakers have the right to comment on the performance, conduct, and qualifications of public figures;

5. Make non-germane **or frivolous** statements;

6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;

7. Engage in behavior that **intimidates others may reasonably be interpreted as physically intimidating or threatening in nature; or**

8. Address the Council on issues that do not concern the services, policies, affairs of the Council or the City; **or**

9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.

B. The presiding officer shall preserve order and decorum at the Council meetings. **There shall be zero-tolerance for a citizen's violation of subsections (A)(3), (A)(4), or (A)(7) above.**

He or she may ¶ The presiding officer 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 if such person fails to correct their conduct after being warned by the presiding officer. Immediate expulsion may be ordered by the presiding officer for (i) behavior which stops a meeting of the Council or (ii) for any words or actions which are intended to incite violence among attendees of a meeting of the Council.~~ Any person so expelled shall not be readmitted for the remainder of the meeting from which they were 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 (6) months, or upon a still subsequent expulsion a period not to exceed one (1) year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

14. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-5:

Section 5-5. 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. Public hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee. The

Commented [FM13]: Requested by Councilwoman Timmer

Commented [FM14]: Requested by Councilwoman Timmer

Commented [FM15]: Requested by Vice Mayor Diemer

Commented [FM16]: Requested by Councilwoman Timmer

presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers may seek clarification during the presentation.

3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant(s) or his or her representative's presentation.
4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. ~~Residents of the City shall be permitted to address the Council before non-residents.~~ Each speaker must clearly state his or her name and locality of residence. 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 Councilmembers present, may allow any speaker to proceed past the time limit.
5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.
6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. Emails, letters, and other writings submitted to the Clerk of Council or Councilmembers to be included as part of a public hearing shall be provided to the Clerk of Council at least one (1) calendar day prior to the applicable public hearing date. Such emails, letters, and other writings need not be read publicly. If provided in accordance with the above, such emails, letters, and other writings shall be provided by the Clerk of Council to the Council prior to the public hearing for review. If a Councilmember desires any such emails, letters, and other writings to be included as part of a public hearing, then such Councilmember shall announce the same during the public hearing and provide a summary of the applicable documents to be included in the minutes prior to the conclusion of the public hearing.

~~E. Voicemails submitted to the Clerk of Council to be included as part of a public hearing shall be publicly presented to the Council prior to the conclusion of the public hearing. Such voicemails shall be provided to the Clerk of Council at least one (1) calendar day prior to the public hearing date. Voicemails shall only be presented during a public hearing after all in-person speakers have had an opportunity to speak and all emails, letters, and other writings have been summarized.~~

EE. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. The Councilmembers, 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.

GF. 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.

Commented [FM17]: Requested by Councilman Misjuns
Requested by Vice Mayor Diemer.

Commented [FM18]: Requested by Councilman Faraldi

Commented [FM19]: Requested by Councilman Faraldi
"Text Box Submissions" would fall under "D".

15. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 5-7:

Section 5-7. Items Not on the Agenda

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

Commented [FM20]: Requested by Councilman Faraldi

16. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-3:

Option A

Section 6-3. Comments and Queries of Councilmembers

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

C. A Councilmember who holds the floor during a discussion shall hold the floor as long as they desire unless a time limit for the same has been set by a two-thirds majority vote of the Council. If, during discussion, another Councilmember or member of the general public disrupts the Councilmember, then the presiding officer shall award the Councilmember speaking additional time to offset the disruption.

D. If a Councilmember makes an allegation of misconduct against another Councilmember during a discussion, then the presiding officer will afford such Councilmember the opportunity to briefly respond to the allegation made prior to the conclusion of the discussion.

Commented [FM21]: Requested by Councilwoman Timmer

Option B

Section 6-3. Comments and Queries of Councilmembers

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

Commented [FM22]: Requested by Councilman Wilder

C. A Councilmember who holds the floor during a discussion shall hold the floor for no longer than ten (10) minutes.

17. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-5:

Section 6-5. Motions

Commented [FM23]: Requested by Councilman Faraldi

A. Informal discussion of a subject is permitted while no motion is pending. No motion shall be made while informal discussion between Councilmembers is occurring.

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

C. Councilmembers are required to obtain the floor before making motions or speaking, which they can do while seated. A Councilmember shall not make a motion unless it is at the outset of their obtaining of the floor. Otherwise, a Councilmember must re-obtain the floor to make a motion.

D. A Councilmember may make only one (1) motion at a time.

E. Except for matters recommended by a committee of the Council, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

F. Debate is not permitted on a motion until it has been seconded.

18. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-7:

Section 6-7. Procedural Motions

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

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, requires a majority of the votes cast, and 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 Councilmember 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. 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 in 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 of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of ~~two-thirds (2/3) of a majority of~~ Councilmembers present.

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 Code of Virginia, 1950, as amended, requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one (1) 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. To Call the Question. The motion to call the question is not in order until every Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that item of business has exceeded ~~thirty (30) ninety (90)~~ minutes. The motion is not amendable or debatable.

Commented [FM24]: Requested by Councilman Wilder

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. An informal amendment to a motion that is agreed upon by the movant, the Councilmember who seconded the motion, and not opposed by any other

member of the Council (known as a “friendly amendment”), shall not be considered in the number of times a motion may be amended.

Commented [FM25]: Requested by Councilwoman Timmer

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 new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made per motion properly on the floor. If a substitute motion passes and replaces the main motion, no further substitute motions may be made. A substitute motion that passes and replaces the main motion shall not be amended.

Commented [FM26]: Requested by Councilman Faraldi

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 is first.

10. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember 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. To Prevent Reintroduction for Six (6) 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 of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules of procedure.

12. To Rescind, Repeal, or Annul. This motion may be used to cancel or countermand a matter previously adopted or approved. The motion requires for adoption a vote of the majority of the entire membership of the Council. This motion shall be made and adopted in accordance with applicable laws and subject to the following exceptions:

(a) A motion to rescind, repeal, or annul shall not be in order where a motion to reconsider has been used to address the same subject and such motion has failed.

(b) A motion to rescind, repeal, or annul shall not be in order on any matter that cannot be undone or is impractical to undo.

Commented [FM27]: Requested by Councilman Misjuns

19. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-8:

Option A

Commented [FM28]: Requested by Councilman Faraldi

Section 6-8. Debate

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

1. ~~The maker of the motion is entitled to speak first~~ Debate on a motion shall be limited to no more than thirty (30) minutes in total;
2. ~~A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken~~ Councilmembers are not to speak for more than three (3) minutes at a time on a pending motion;
3. ~~To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure~~ The maker of the motion is entitled to speak first followed by the Councilmember who seconded the motion;
4. ~~A Councilmember may vote for or against his or her motion, but may not speak against his or her motion~~ A Councilmember who has not spoken to a motion shall be recognized before a Councilmember who has already spoken to a motion;
5. ~~The presiding officer may participate in the debate prior to declaring the matter ready for a vote~~ To the extent possible, debate on a motion shall alternate between proponents and opponents of the measure before the Council; and
6. ~~Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate. A Councilmember may vote against their own motion, but may not speak against their own motion; and~~
7. The presiding office may participate in the debate prior to calling for a vote.

~~B. Councilmembers shall not engage in electronic communications among themselves regarding a motion that is on the floor.~~

~~C. Three (3) minutes of the debate shall be permitted on substitute motions and motions to amend connected to the subject matter of the debate.~~

~~D. A vote shall be called after thirty (30) minutes of debate has passed on a motion, including any substitutions or amendments thereto, or after all Councilmembers have had the opportunity to speak on the motion, whichever occurs first.~~

Option B

Section 6-8. Debate

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

1. The maker of the motion is entitled to speak first;
2. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken;

Commented [FM29]: Requested by Councilwoman Timmer

3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure;

4. A Councilmember may vote for or against his or her motion, but may not speak against his or her motion;

5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote; *and*

6. ~~Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate. If a Councilmember makes an allegation of misconduct against another Councilmember during a debate, then the presiding officer will afford such Councilmember the opportunity to briefly respond to the allegation made prior to the conclusion of the debate.~~

7. A Councilmember who holds the floor during debate shall hold the floor as long as they desire unless a time limit for the same has been set by a two-thirds majority vote of the Council. If, during discussion, another Councilmember or member of the general public disrupts the Councilmember, then the presiding officer shall award the Councilmember speaking additional time to offset the disruption.

Option C

Section 6-8. Debate

Commented [FM30]: Requested by Councilman Wilder

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

1. ~~The maker of the motion is entitled to speak first~~ Debate on a motion shall be limited to no more than ninety (90) minutes in total;

2. ~~A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken~~ Councilmembers are not to speak for more than ten (10) minutes at a time on a pending motion;

3. ~~To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure~~ The maker of the motion is entitled to speak first followed by the Councilmember who seconded the motion;

4. ~~A Councilmember may vote for or against his or her motion, but may not speak against his or her motion~~ A Councilmember who has not spoken to a motion shall be recognized before a Councilmember who has already spoken to a motion;

5. ~~The presiding officer may participate in the debate prior to declaring the matter ready for a vote~~ To the extent possible, debate on a motion shall alternate between proponents and opponents of the measure before the Council; and

6. ~~Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate. A Councilmember may vote against their own motion, but may not speak against their own motion; and~~

7. The presiding officer may participate in the debate prior to calling for a vote.

B. Councilmembers shall not engage in electronic communications among themselves regarding a motion that is on the floor.

C. Fifteen (15) minutes of the debate shall be permitted on substitute motions and motions to amend connected to the subject matter of the debate.

D. A vote shall be called after thirty (90) minutes of debate has passed on a motion, including any substitutions or amendments thereto, or after all Councilmembers have had the opportunity to speak on the motion, whichever occurs first.

20. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 6-11:

Section 6-11. Decisions on Points of Order

Any Councilmember may raise a point of order without being recognized by the presiding officer. A Councilmember is not permitted to raise a point of order as a form of debate or belabor. When a Councilmember raises a point of order, the Councilmember must specifically cite the provision in these rules being violated (e.g. "Point of Order: Germaneness"). The presiding officer shall may refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Councilmember may appeal the ruling of the presiding officer to the Council which shall decide the matter without debate and by majority decision vote.

Commented [FM31]: Requested by Councilman Faraldi

Commented [FM32]: Requested by Councilwoman Timmer

Commented [FM33]: Requested by Councilman Faraldi

21. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 7-1:

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

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

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two three standing committees, Finance, Lifelong Learning, and Physical Development. Substitutes or alternates may participate on such committees only if so authorized by the Mayor. Committee members for such committees will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time by the Council, for specific purposes, as determined by the Council.

Commented [FM34]: Requested by Councilman Faraldi

22. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 7-2:

Section 7-2. Standing Committees Roles and Guidelines

The roles of and the operating guidelines for the Lifelong Learning, Finance, and Physical Development committees shall be as adopted by a majority of the Council. Such guidelines shall allow the Chairmen of such committees, with the written consent of the Mayor and except where directed otherwise by a majority of the membership of the respective committee, to set the times, dates, and locations of meetings and to also call special meetings.

Commented [FM35]: Requested by Councilman Wilder

Commented [FM36]: Requested by Councilman Misjuns

23. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 8-4:

Section 8-4. Amending the Rules of Procedure

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

Commented [FM37]: Requested by Councilman Faraldi

24. That the RoP are hereby amended, reenacted, and readopted with the following changes to Section 8-5:

Option A

Section 8-5. Special Rules of Procedure

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

Special Rule 1: Censure Proceedings

A. A motion or resolution to censure a member of the Council may be considered only if it is in writing, factually and legally sufficient, and includes citations and copies of any documents and statements relied upon to support the allegations.

B. Upon presentation of such a motion or resolution, the Council shall vote on whether to accept it for consideration and place it on the agenda for a public hearing no sooner than 30 days after the vote to accept.

C. The member(s) subject to the censure motion shall have the right to request all relevant documents and communications, and any delay in providing such information shall extend the scheduling of the public hearing accordingly.

D. At the public hearing, the proponents of the censure who are on council shall present their arguments and facts, holding the floor subject to time constraints set by a two-thirds vote of the Council prior to the hearing but which shall not be less than 30 minutes each for the proponent and opponent, unless the opponent agrees to the alternative time limit. If the resolution of censure is made against multiple members of council, each individual member against whom the resolution is made can demand a separate hearing relating to their censure. If the censure hearing

against multiple members is held concurrently, each member against whom the allegations were made shall have the right to veto any time limits less than 30 minutes for their presentation.

E. Following the proponents' presentation, the member(s) subject to the censure shall present their defense, holding the floor and may question others, subject to the same time constraints.

F. After both presentations, the Council shall vote on whether to place the censure motion or resolution on the agenda for the next regular meeting. If this motion fails, the censure is defeated. If it succeeds, the censure shall be considered as regular business at the subsequent meeting.

G. A censure motion or resolution must specify the alleged violation(s) of these Rules of Procedure, the Lynchburg City Charter, or applicable Virginia law, supported by factual evidence.

Commented [FM38]: Requested by Councilwoman Timmer

Special Rule 2: Resignations

All resignations of personnel whose resignations require the Council's attention shall be communicated by the person resigning in writing directly to the Clerk of Council. The Clerk shall distribute said writing promptly to each member of Council. Any resignation not so distributed to all members of Council shall not be considered or accepted and may not be discussed during the public work of the Council.

Commented [FM39]: Requested by Councilwoman Timmer

Option B

Section 8-5. Special Rules of Procedure

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

Special Rule 1: Councilmember Discipline

A Councilmember may be disciplined by the Council for misconduct, disorderly behavior, or as otherwise permitted by Virginia law. Such discipline shall be (i) by a resolution adopted by a majority vote of the entire membership of the Council and (ii) only considered for adoption at a regular meeting of the Council. A copy of a proposed resolution to discipline a Councilmember shall be delivered by the Clerk of Council to the entirety of the Council at least five (5) calendar days prior to the proposed meeting where the discipline is to be imposed. A Councilmember proposed to be disciplined by the Council shall be given an opportunity to publicly respond prior to the adoption of the resolution imposing the discipline. Notwithstanding any other provision of these rules, such response shall be no more than twenty (20) minutes in length.

The Council, by a majority vote of its entire membership, may agree to hold a public hearing to receive public input on the proposed discipline of a Councilmember.

Special Rule 2: Resignations of Council Appointees

A resignation of a Council appointee should be communicated in writing to the Council and to the Clerk of Council. A resignation may be accepted or rejected by the Council once communicated. Unless sooner accepted by the Council, a resignation may be withdrawn until its effective date. When no effective date is provided, a resignation shall be considered effective immediately.

Commented [FM40]: Requested by Councilman Wilder

25. That all other parts, portions, and provisions of the RoP not inconsistent herewith are readopted, reenacted, and remain in full force and effect.

26. That this Resolution shall be effective upon its adoption.

Adopted: _____

Certified: _____
Clerk of Council

DRAFT

LYNCHBURG CITY COUNCIL RULES OF PROCEDURE

(Adopted September 23, 2008; Amended August 11, 2009, July 9, 2010, July 3, 2012, May 14, 2013, July 12, 2016, July 1, 2020, July 13, 2021, July 26, 2022, July 11, 2023, and July 9, 2024)

INTRODUCTION

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council (hereafter “the Council”). Their purpose is to help the 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. These rules of procedure do not create substantive rights for third parties or participants in proceedings before the Council. Further, the Council reserves the right to suspend or amend these rules of procedure whenever a majority of the Council decides to do so. When the Council's rules of procedure do not address a procedural issue, the Council may consider the most recent edition of *Robert's Rules of Order Newly Revised* for guidance. The failure of the Council to strictly comply with these rules of procedure shall not invalidate any action of the Council.

SECTION 1 -- PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of the Rules of Procedure

- A. To enable the 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 Councilmember;
- C. To preserve a spirit of cooperation among Councilmembers; *and*
- D. To determine the will of the Council on any matter.

Section 1-2. Basic Principles Underlying the Rules of Procedure

- A. The business of the Council should proceed in the most efficient manner possible;
- B. The Council's rules of procedure must be followed consistently;
- C. The Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one (1) subject may claim the attention of the Council at a time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every Councilmember shall have equal rights to participate and vote on all issues;
- G. Every Councilmember must have an equal opportunity to participate;

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 to be Held

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 Council Chamber, on the first floor, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will be no regular meeting on the second Tuesday during the month of August. However, on the fourth Tuesday of February and during the months of March and April, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

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 the Councilmembers to attend the regular meeting. Such finding shall be communicated to the Councilmembers 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

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 Sections 15.2-1417 and 2.2-3707(D) of the Code of Virginia, 1950, as amended.

A. Special meetings may be called by the Mayor, the City Manager, or any two (2) Councilmembers in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the Councilmembers of the time

and place designated and the purpose of the special meeting. Notice of the special meeting shall be provided to each Councilmember by written notice, telephone, or electronic means. The Clerk of Council will attempt to give each Councilmember at least twelve (12) hours' notice before the time scheduled for the special meeting, as provided by the Virginia Freedom of Information Act and the City's Charter, and that notice shall be "reasonable under the circumstances". In order to hold a special meeting, a majority of the Councilmembers who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve (12) hours' notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

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

Section 2-3. Legal Holiday

When a regular meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is cancelled by a majority of the Council.

Section 2-4. Adjourned or Recessed Meetings

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

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

Section 2-5. Cancellation or Rescheduling of Meetings

A regular meeting may be cancelled or rescheduled, in special circumstances and for the convenience of the 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 Councilmembers shall be immediately notified of the change and the reason therefore. If any Councilmember objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no Councilmember objects, the public and the media shall be notified promptly.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year shall be known as the organizational meeting. The purpose of the organizational meeting shall be:

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

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

A. The first meeting in January of each year following a municipal election shall be reserved for the election of Mayor and Vice Mayor. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership of the Council.
2. Any Councilmember, after being recognized by the presiding officer, may place one (1) 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 Councilmembers shall vote by written ballot and the completed ballots shall immediately be passed to a City staff member designated by the Clerk of Council who shall collect the ballots, read them aloud, publicly announce how each Councilmember voted, and tally the respective votes.
6. Each Councilmember shall cast one (1) vote for any one (1) nominee.
7. In the case of a 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.
8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve for a term of two (2) years, or until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining Councilmembers shall determine their seating arrangement by seniority with the most senior Councilmember selecting his or her seat first and the remaining Councilmembers selecting their respective seats in seniority order based on years served on the Council. In the event that two (2) or more Councilmembers have equal seniority, the selection of seating for those Councilmembers shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

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

Section 3-2. Clerk of Council

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for the Council meetings, shall attend all of the Council meetings, and shall keep an accurate record of the Council's 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 as may be directed by the presiding officer, or as required as a result of a point of order raised by one (1) or more of the Councilmembers. If the City Attorney is unavailable, then 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 Councilmembers on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time; *and*
5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three (3) powers listed above may be appealed to the Council upon motion of any Councilmember. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The Councilmember 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 (2) exceptions to this right of appeal.

C. 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 Councilmembers.

D. While a meeting of the Council is in session, all Councilmembers will treat one another with

respect, courtesy, and exhibit appropriate decorum. Councilmembers shall not insult, demean, or belittle one another or the City's staff while a meeting of the Council is in session.

SECTION 4 -- AGENDA

Section 4-1. Preparation

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

B. Any Councilmember may request that items be placed on the agenda by contacting the Clerk of Council at least seven (7) days prior to the meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall place requested items on the agenda for the next regular meeting following the request. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

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

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

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

Section 4-2. Delivery of Agenda

The Council agenda packet shall be delivered to each Councilmember, the City Attorney, and the City Manager the Thursday prior to a regular meeting. Delivery by electronic means is the preferable method. The Public Comment Agenda Addendum will be posted after the Public Comment sign-up deadline.

Section 4-3. Public Access to Agenda Materials

The Clerk of Council shall post the Council agenda packet on the Internet for public information as promptly as possible. Copies of the Council agenda will also be available outside of City Council Chamber and at the Citizens First desk located on the first floor of City Hall for public inspection. Furthermore, paper copies of the Council agenda packet will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

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

1. 4:00 p.m. Call to Order
2. Council Work Session (to conclude at 6:00 p.m.)
 - Staff Reports/Business Item Briefings
 - Roll Call
 - Closed Meeting (if necessary)
3. Recess
4. 7:00 p.m. Call to Order
5. Invocation & Pledge of Allegiance
6. Special Recognitions by the Mayor or Council (if any)
7. Consent Agenda
8. Public Hearings
9. Public Comment (if requested)
10. General Business
11. Closed Meeting (if necessary)
12. Adjournment

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

Section 5-1.1. Council Work Session

A. The Council Work Session shall be the designated time where items that affect the City, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and consideration for a vote at a later date. The Council and the City's staff are encouraged to engage in discussion, ask questions, and the like during the Council Work Sessions.

B. Unless a motion to consider for adoption is approved by a two-thirds vote of the membership of the Council, no items will be positioned for a vote during a Council Work Session. Motions to enter into closed meetings and to accept bids pursuant to the requirements of §§ 15.2-2100 *et. seq.* of the Code of Virginia, 1950, as amended, are excepted from this rule.

Section 5-1.2. Roll Call

A. Roll Call shall be the designated time where Councilmembers may individually and publicly speak to matters relevant to the City, its citizens, and/or the operations of the municipal corporation.

B. Debate shall not be permitted during Roll Call.

Section 5-2. Consent Agenda

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

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

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

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

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

Section 5-3. Public Comment

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

B. General rules regarding Public Comment are as follows:

1. Individuals or groups wishing to speak at a regular meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting.
2. Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to City staff, the audience, or the media.
4. The presiding officer shall open the Public Comment period.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of three (3) minutes.

7. 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 comment period. A group may have no more than one (1) spokesperson.
8. Speakers are not permitted to donate time to other speakers.
9. There shall be no comment during the Public Comment period on a matter for which a public hearing is scheduled during the same meeting.
10. There shall be no comment during the Public Comment period on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.
12. Councilmembers shall not discuss issues raised by the public except by consent of a majority of the Councilmembers present.
13. 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 Councilmembers present and voting.
14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers 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 Councilmembers 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 Councilmembers present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit ten (10) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;

3. Use profanity or vulgar language or gestures;
4. Use language which insults or demeans any person or which, when directed at a public official or employee, is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane or frivolous statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;
7. Engage in behavior that intimidates others; *or*
8. Address the Council on issues that do not concern the services, policies, affairs of the Council or the City.
9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.

B. The presiding officer shall preserve order and decorum at the 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 they were 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 (6) months, or upon a still subsequent expulsion a period not to exceed one (1) year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Section 5-5. 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. Public hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee. The presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers may seek clarification during the presentation.
3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant(s) or his or her representative's presentation.

4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.
5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.
6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. Emails, letters, and other writings submitted to the Clerk of Council or Councilmembers to be included as part of a public hearing shall be provided to the Clerk of Council at least one (1) calendar day prior to the applicable public hearing date. Such emails, letters, and other writings need not be read publicly. If provided in accordance with the above, such emails, letters, and other writings shall be provided by the Clerk of Council to the Council prior to the public hearing for review. If a Councilmember desires any such emails, letters, and other writings to be included as part of a public hearing, then such Councilmember shall announce the same during the public hearing and provide a summary of the applicable documents to be included in the minutes prior to the conclusion of the public hearing.

E. Voicemails submitted to the Clerk of Council to be included as part of a public hearing shall be publicly presented to the Council prior to the conclusion of the public hearing. Such voicemails shall be provided to the Clerk of Council at least one (1) calendar day prior to the public hearing date. Voicemails shall only be presented during a public hearing after all in-person speakers have had an opportunity to speak and all emails, letters, and other writings have been summarized.

F. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. The Councilmembers, 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.

G. 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 5-6. General Business

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

Section 5-7. Items Not on the Agenda

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

Section 5-8. Closed Meetings

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

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

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

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

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

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

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

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

3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

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

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

SECTION 6 -- RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, 1950, as amended, a majority 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. A 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.

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia, 1950, as amended, provide that a majority of the remaining members of the Council shall constitute a quorum.

Section 6-2. Priority in Speaking on the Council

When two (2) or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments and Oqueries of Councilmembers

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

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one (1) at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all Councilmembers present, and the proposal will

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

Section 6-5. Motions

- A. Informal discussion of a subject is permitted while no motion is pending.
- B. Any Councilmember, including the presiding officer, may make a motion.
- C. Councilmembers are required to obtain the floor before making motions or speaking, which they can do while seated.
- D. A Councilmember may make only one (1) motion at a time.
- E. Except for matters recommended by a committee of the Council, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6. Substantive Motions

- A. A substantive motion is any motion that deals with the merits of an item of business and 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 6-7. Procedural Motions

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

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, requires a majority of the votes cast, and 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 Councilmember 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. 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 in 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 of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of the Councilmembers present.
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 Code of Virginia, 1950, as amended, requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one (1) 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. To Call the Question. The motion to call the question is not in order until every Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that 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 new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions 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 is first.

10. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember 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. To Prevent Reintroduction for Six (6) 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 of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules of procedure.

Section 6-8. Debate

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

1. The maker of the motion is entitled to speak first;
2. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken;
3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure;
4. A Councilmember may vote for or against his or her motion, but may not speak against his or her motion;
5. The presiding officer may participate in the debate prior to declaring the matter ready

for a vote; *and*

6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

Section 6-9. Duty to Vote

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

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.

Section 6-10. Method of Voting

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

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

C. An "affirmative vote" by a majority of the Council present is necessary to adopt a motion, and a tie vote means that the motion, resolution, or issue has been rejected. When a motion fails on a tie vote, the "noes" prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

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

Section 6-11. Decisions on Points of Order

Any Councilmember 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 Councilmember may appeal the ruling of the presiding officer to the Council which shall decide the matter by majority decision.

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

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

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

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

C. Ad hoc committees, such as special task forces, may be created from time to time by the Council, for specific purposes, as determined by the Council.

Section 7-2. Standing Committees Roles and Guidelines

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

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Public Engagement at cost.

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

It shall be the responsibility of the Clerk of Council 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. For example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

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

Section 8-4. Amending the Rules of Procedure

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

Section 8-5. Special Rules of Procedure

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

AMENDMENTS:

August 11, 2009: the time of Council meetings was changed to the present schedule.

July 9, 2010: amended Section 6-7, B (8) to stipulate that if a substitute motion passes it becomes the main motion for consideration and action and there may be no additional substitute motions.

July 3, 2012, amended as follows:

- Introduction; added a process to consider when the Rules of Procedure do not address a procedural issue.
- Section 2-1; adjustments reflecting the practice of no longer distinguishing separate "work session" meetings. The work session will be recognized as a part of Council's regular meeting and that section will be separated from the rest of the meeting by a recess.
- Section 4-3 to 4-4; clarifying language reflecting that agendas are now prepared, delivered, and are available to the public electronically. Section 4-5 was deleted.
- Section 5-1; amended the order of business to reflect current practice.
- Section 5-3, B; added a restriction on speakers donating their time to other speakers.
- Section 6-8, A; added a restriction on electronic communication between Councilmembers regarding an item under debate.
- Section 6-10. D; clarification that action on a zoning matter requires a majority vote of those present for resolution.
- Section 7-1, C; acknowledgement of the Mayor's responsibility to appoint Councilmembers to the Audit Committee.

May 14, 2013: amended Sections 5-3 and 5-5 to eliminate the requirement that a speaker provide his or her physical address and replace it with the requirement that the speaker identify his or her locality of residence when speaking in a public meeting.

July 12, 2016: amended Section 7-1(C) to eliminate the provision providing for the appointment of Councilmembers to serve on the Audit Committee.

July 1, 2020: amended Section 2.2 to eliminate the provision requiring that twelve hours advance notice must be given in order to hold a special meeting.

July 13, 2021: amended Section 4-1(F) and Section 5-3(B)(1) changing deadline for public comment from noon on the Wednesday preceding the Council meeting to noon on the Friday preceding the Council meeting.

July 26, 2022, amended as follows:

- All non-consequential clerical revisions including grammatical and formatting changes; uniform language changes; and modernization of terminology changes, less the revision of replacing "must" with "should" under Section § 1-2.(B.).

- Section § 2-6.(A.) - hold an Organizational Meeting annually instead of biennially to align with State code Section § 15.2-1416
- Section § 2-7.(A.)(5.) - removal of “Deputy Clerk”; changed to “City staff member designated by the Clerk of Council”
- Section § 4-3. Delivery of Agenda - addition of language to address the delivery of the Public Comment Agenda Addendum
- Section § 2-7. Procedure for Election of Mayor and Vice Mayor – address moving the Mayor and Vice Mayor elections from July to January to align with municipal elections
- Section § 3-4. Preservation of Order; separated last sentence of subsection B to be a “C” so it can be used as needed by the Mayor/Vice Mayor
- Section § 3-4. Preservation of Order; created subsection “D” to address Councilmember decorum
- Section § 5-4. Prohibited Conduct; edited language in subsection A to apply to all persons speaking or in Council Chamber

July 11, 2023, amended as follows:

- Section § 2-1 When and Where Regular Meetings are to be Held; in the month of March, hold the Council Work Sessions in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.
- Section § 3-4(D) Preservation of Order; add additional language to include, “Councilmembers shall not insult, demean, or belittle one another or the City’s staff while a meeting of the Council is in session.”
- Section § 4-1(B) Preparation; add additional language to include, “Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion.”
- Technical revisions to correct § 4-2 and § 4-3
- Section § 5-1(A) Order of Business; to further detail Council Work Session and to move the Call to Order to 7:00 p.m.
- Section § 5-1.1 Council Work Session; created a new section to further define Council Work Session.
- Section § 5-1.2 Roll Call; created a new section to further define Roll Call.
- Section § 5-5 Public Hearings; revised subsections (D) and (E) to address emails and voicemails to be submitted for the record. Created new subsections (F) and (G) as technical revisions.

July 9, 2024, amended as follows:

- Section § 5-4(A), Prohibited Conduct; add additional language to include, “ 9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.”
- Section § 2-1, When and Where Regular Meetings are to be Held; Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m. in City Hall, Council Chamber, except for the **fourth Tuesday of February** and during the months of March **and April** where the meetings will be held in City Hall, 2nd Floor Training Room. In the months of July and December, there will be meetings on each of the second Tuesdays; **in August, there will be meetings on the fourth Tuesday.**

RESOLUTION:

#R-25-__

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, VIRGINIA:

1. That the Lynchburg City Council's Rules of Procedure ("RoP") are hereby amended, reenacted, and readopted with the following changes:

INTRODUCTION

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council (hereafter "the Council"). Their purpose is to help the Council conduct its affairs in a timely and efficient manner **while promoting free speech, transparency, and robust council debate on issues of public importance**. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. These rules of procedure do not create substantive rights for third parties or participants in proceedings before the Council. Further, the Council reserves the right to suspend or amend these rules of procedure whenever a majority of the Council decides to do so. When the Council's rules of procedure do not address a procedural issue, the Council may consider the most recent edition of *Robert's Rules of Order Newly Revised* for guidance. The failure of the Council to strictly comply with these rules of procedure shall not invalidate any action of the Council.

SECTION 1 -- PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of the Rules of Procedure

- A. To enable the 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 Councilmember;
- C. To preserve a spirit of cooperation among Councilmembers **by respecting the free and transparent public discussion on issues before the Council; and**
- D. To determine the will of the Council on any matter.

Section 1-2. Basic Principles Underlying the Rules of Procedure

- A. The business of the Council should proceed in the most ~~efficient~~ **transparent and accountable manner reasonably possible;**
- B. The Council's rules of procedure must be ~~followed~~ **applied** consistently;
- C. The Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one (1) subject may claim the attention of the Council at a time;

- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every Councilmember shall have equal rights to participate and vote on all issues;
- G. Every Councilmember must have an equal opportunity to participate;
- 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.

New Section 1-3.

In cases where the application of these rules is ambiguous, the presiding officer and the Council shall interpret the rules in a manner that favors the free expression of ideas and the full participation of all Councilmembers in debate.

SECTION 2 -- MEETINGS

Section 2-1. When and Where Regular Meetings are to be Held

The time and place of regular meetings of the Council shall be established at each organizational meeting. Meetings shall be held in the City Hall, 900 Church Street, Lynchburg, VA 24504 Council Chamber, on the first floor, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m. and 7:00 p.m.; except, (i) there will be no regular meeting on the fourth Tuesdays during the months of July and December, and (ii) there will be no regular meeting on the second Tuesday during the month of August. However, on the fourth Tuesday of February and during the months of March and April, the Council Work Session portion of the Council's regular meetings will be held in the training room of the second floor of the City Hall, 900 Church Street, Lynchburg, VA 24504.

The Council may hold additional meetings at other locations and times, and may change the locations and times of its regular meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regular meetings shall be provided to the public and the press as required by the Code of Virginia. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by the Council during a regular meeting.

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 the Councilmembers to attend the regular meeting. Such finding shall be communicated to the Councilmembers 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

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 Sections 15.2-1417 and 2.2-3707(D) of the Code of Virginia, 1950, as amended.

A. Special meetings may be called by the Mayor, the City Manager, or any two (2) Councilmembers in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the Councilmembers of the time and place designated and the purpose of the special meeting. Notice of the special meeting shall be provided to each Councilmember by written notice, telephone, or electronic means. The Clerk of Council will attempt to give each Councilmember at least twelve (12) hours' notice before the time scheduled for the special meeting, as provided by the Virginia Freedom of Information Act and the City's Charter, and that notice shall be "reasonable under the circumstances". In order to hold a special meeting, a majority of the Councilmembers who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve (12) hours' notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

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

Section 2-3. Legal Holiday

When a regular meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is cancelled by a majority of the Council.

Section 2-4. Adjourned or Recessed Meetings

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

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

scheduled, or special meeting. **Prior to the vote on adjournment, or for recess of a special meeting, the members who originally sought the special meetings shall be afforded an opportunity to address the reasons the meeting was called.**

Section 2-5. Cancellation or Rescheduling of Meetings

A regular meeting may be cancelled or rescheduled, in special circumstances and for the convenience of the 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 Councilmembers shall be immediately notified of the change and the reason therefore. If any Councilmember objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no Councilmember objects, the public and the media shall be notified promptly.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year shall be known as the organizational meeting. The purpose of the organizational meeting shall be:

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

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

A. The first meeting in January of each year following a municipal election shall be reserved for the election of Mayor and Vice Mayor. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership of the Council.
2. Any Councilmember, after being recognized by the presiding officer, may place one (1) 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 Councilmembers shall vote by written ballot and the completed ballots shall immediately be passed to a City staff member designated by the Clerk of Council who shall collect the ballots, read them aloud, publicly announce how each Councilmember voted, and tally the respective votes.
6. Each Councilmember shall cast one (1) vote for any one (1) nominee.
7. In the case of a 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.

8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve for a term of two (2) years, or until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining Councilmembers shall determine their seating arrangement by seniority with the most senior Councilmember selecting his or her seat first and the remaining Councilmembers selecting their respective seats in seniority order based on years served on the Council. In the event that two (2) or more Councilmembers have equal seniority, the selection of seating for those Councilmembers shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

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

Section 3-2. Clerk of Council

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for the Council meetings, shall attend all of the Council meetings, and shall keep an accurate record of the Council's proceedings. **The Clerk shall apply these rules of procedures consistent with the objective of affording all councilmembers the opportunity to place items on the agenda while providing reasonable notice to all councilmembers of agenda items.**

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 as may be directed by the presiding officer, or as required as a result of a point of order raised by one (1) or more of the Councilmembers. If the City Attorney is unavailable, then 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 **while protecting free speech**. 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 curtesy in~~

violated these rules in his or her remarks, and to entertain and rule on objections from other Councilmembers on this ground;

3. To entertain and answer questions of parliamentary law or procedure;

4. To call a brief recess at any time; *and*

5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three (3) powers listed above may be appealed to the Council upon motion of any Councilmember. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The Councilmember 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 (2) exceptions to this right of appeal. **If the presiding officer refuses to acknowledge a councilmember seeking an appeal of the presiding officer's ruling under the first three (3) powers listed above, the appealing member may directly appeal to the Parliamentarian who will gain the attention of the presiding officer and instruct the presiding officer the appeal is in order.**

C. 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 Councilmembers.

D. While a meeting of Council is in session, all Councilmembers ~~should shall~~ treat one another with respect, courtesy, and exhibit appropriate decorum. Councilmembers should ~~shall~~ not insult, demean, or belittle one another or the City's staff while a meeting of the Council is in session.

SECTION 4 -- AGENDA

Section 4-1. Preparation

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

B. Any Councilmember may request that items be placed on the agenda by contacting the Clerk of Council at least seven (7) days prior to the meeting for which the Councilmember wishes the item scheduled. The Clerk of Council shall place requested items on the agenda for the next regular meeting following the request. Such items requested to be placed on the agenda shall first appear before the Council during a Council Work Session for discussion. **A Councilmember's request for an agenda item shall be deemed submitted at the time the Councilmember sends an email to the clerk at the clerks' proper email address requesting the item be placed on the agenda.**

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the agenda for consideration at the following regular meeting.

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

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing.

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

Section 4-2. Delivery of Agenda

The Council agenda packet shall be delivered to each Councilmember, the City Attorney, and the City Manager the Thursday prior to a regular meeting. Delivery by electronic means is the preferable method. The Public Comment Agenda Addendum will be posted after the Public Comment sign-up deadline.

Section 4-3. Public Access to Agenda Materials

The Clerk of Council shall post the Council agenda packet on the Internet for public information as promptly as possible. Copies of the Council agenda will also be available outside of City Council Chamber and at the Citizens First desk located on the first floor of City Hall for public inspection. Furthermore, paper copies of the Council agenda packet will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

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

1. 4:00 p.m. Call to Order
2. Council Work Session (to conclude at 6:00 p.m.)
 - Staff Reports/Business Item Briefings
 - Roll Call
 - Closed Meeting (if necessary)
3. Recess
4. 7:00 p.m. Call to Order
5. Invocation & Pledge of Allegiance
6. Special Recognitions by the Mayor or Council (if any)
7. Consent Agenda
8. Public Hearings
9. Public Comment (if requested)

10. General Business
11. Closed Meeting (if necessary)
12. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council after prompt notice to all members of Council is made. ***Said modifications may be reversed by a vote of majority of council.***

Section 5-1.1. Council Work Session

A. The Council Work Session shall be the designated time where items that affect the City, its citizens, and/or the municipal corporation may be introduced and considered for review, discussion, questions, guidance, and consideration for a vote at a later date. The Council and the City's staff are encouraged to engage in discussion, ask questions, and the like during the Council Work Sessions.

B. Unless a motion to consider for adoption is approved by a two-thirds vote of the membership of the Council, no items will be positioned for a vote during a Council Work Session. Motions to enter into closed meetings and to accept bids pursuant to the requirements of §§ 15.2-2100 *et. seq.* of the Code of Virginia, 1950, as amended, are excepted from this rule.

Section 5-1.2. Roll Call

A. Roll Call shall be the designated time where Councilmembers may individually and publicly speak to matters relevant to the City, its citizens, and/or the operations of the municipal corporation.

B. Debate shall not be permitted during Roll Call.

Section 5-2. Consent Agenda

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

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

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

C. There may be a short discussion of Consent Agenda items to answer questions or clarify

a matter. There shall be no lengthy debate or discussion of a Consent Agenda item.

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

Section 5-3. Public Comment

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

B. General rules regarding Public Comment are as follows:

1. Individuals or groups wishing to speak at a regular meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting.
2. Public Comment shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to City staff, the audience, or the media.
4. The presiding officer shall open the Public Comment period.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of three (3) minutes.
7. 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 comment period. A group may have no more than one (1) spokesperson.
8. Speakers are not permitted to donate time to other speakers.
9. There shall be no comment during the Public Comment period on a matter for which a public hearing is scheduled during the same meeting.
10. There shall be no comment during the Public Comment period on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.
12. At this time Councilmembers shall not discuss issues raised by the public except by consent of a majority of the Councilmembers present. **If a member of the public makes any allegation of impropriety or improper conduct against any member of council the councilmember against whom the allegation was made shall be afforded the**

opportunity to briefly respond to the speaker or at the next public meeting of the council during roll call.

13. 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 Councilmembers present and voting.

14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Councilmembers 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 Councilmembers 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 Councilmembers present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit ten (10) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. All persons appearing before the Council or in the Council Chamber while a meeting of the Council is in session will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures;
4. **Citizens should ~~Use language~~ not use language** which insults or demeans any person. Citizens, however, have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane ~~or frivolous~~ statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting, including but not limited to, applause, cheers, jeers, etc.;
7. Engage in ~~behavior that intimidates~~ **conduct that can be reasonably interpreted as physically intimidating to others or make any verbal or physical threat of physical harm to another person; or**
8. Address the Council on issues that do not concern the services, policies, affairs of the

Council or the City.

9. Display signs, flags, posters, placards, or the like in a manner that obstructs the view of a meeting attendee in the Council Chamber.

B. The presiding officer shall preserve order and decorum at the Council meetings. He or she may order the expulsion of any person for violation of these rules ~~, disruptive behavior, or any any words or action which incites violence or disorder if such person fails to properly comport their conduct after a warning by the presiding officer and an explanation of the violation. Immediate expulsion can be ordered for disruptive behavior, or any words or action which incites violence.~~ Orders of expulsion are immediately appealable to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which they were 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 (6) months, or upon a still subsequent expulsion a period not to exceed one (1) year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Section 5-5. 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. Public hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission, or committee. The presentation shall summarize the facts about the issue and the staff recommendation. The Councilmembers may seek clarification during the presentation.
3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant(s) or his or her representative's presentation.
4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.
5. After public comments have been received, in a land use case, the applicant or the

representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

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

D. Emails, letters, and other writings submitted to the Clerk of Council or Councilmembers to be included as part of a public hearing shall be provided to the Clerk of Council at least one (1) calendar day prior to the applicable public hearing date. Such emails, letters, and other writings need not be read publicly. If provided in accordance with the above, such emails, letters, and other writings shall be provided by the Clerk of Council to the Council prior to the public hearing for review. If a Councilmember desires any such emails, letters, and other writings to be included as part of a public hearing, then such Councilmember shall announce the same during the public hearing and provide a summary of the applicable documents to be included in the minutes prior to the conclusion of the public hearing.

E. Voicemails submitted to the Clerk of Council to be included as part of a public hearing shall be publicly presented to the Council prior to the conclusion of the public hearing. Such voicemails shall be provided to the Clerk of Council at least one (1) calendar day prior to the public hearing date. Voicemails shall only be presented during a public hearing after all in-person speakers have had an opportunity to speak and all emails, letters, and other writings have been summarized.

F. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. The Councilmembers, 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.

G. 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 5-6. General Business

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

Section 5-7. Items Not on the Agenda

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

Section 5-8. Closed Meetings

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

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

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

2. The Councilmembers may request the assistance of the City Attorney when making additions to the published Closed Meeting agenda.

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

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

1. Only public business matters lawfully exempted from open meeting requirements were discussed; *and*
2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed, or considered.
3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

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

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

SECTION 6 -- RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, 1950, as amended, a majority 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. A 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.

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia, 1950, as amended, provide that a majority of the remaining members of the Council shall constitute a quorum.

Section 6-2. Priority in Speaking on the Council

When two (2) or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments and Queries of Councilmembers

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

C. A Councilmember who holds the floor during council discussions shall hold the floor as long as desired unless limited by a time limit approved by a super-majority of council prior to the debate or articulated within these rules. If another councilmember or member of the public disrupts or impedes the comments of a councilmember the presiding officer shall award the offended councilmember reasonable additional time to offset the disruption.

D. If during debate or discussion a councilmember lodges an allegation of impropriety or improper conduct against another member of council, the member of council against whom

the allegation was made shall have the right to respond prior to the end of the discussion of the item at hand.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one (1) at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

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

Section 6-5. Motions

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

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

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

D. A Councilmember may make only one (1) motion at a time.

E. Except for matters recommended by a committee of the Council, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6. Substantive Motions

A. A substantive motion is any motion that deals with the merits of an item of business and 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 6-7. Procedural Motions

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

B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, requires a majority of the votes cast, and 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 Councilmember 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. 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 in 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 of procedure that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of the Councilmembers present.
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 Code of Virginia, 1950, as amended, requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one (1) 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. To Call the Question. The motion to call the question is not in order until every

Councilmember has had an opportunity to speak once on an item of business and the deliberation by the Council on that item of business has exceeded thirty (30) minutes and the proponent of the motion has the opportunity to speak last to the motion. The motion is not amendable or debatable.

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, **however, a friendly amendment accepted by the movant and the councilmember who seconded the original motion shall not against this limitation.** 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.

7. 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 new main motion will be considered and acted upon by the Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions may be made.

8. 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 is first.

9. To Reconsider. The Council may vote to reconsider its action on a matter. A motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a Councilmember who voted with the prevailing side. In the event of a tie vote on the original motion any Councilmember 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.

10. To Prevent Reintroduction for Six (6) 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 of the Council. If adopted, the restriction imposed by the motion remains in effect for six (6) months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules of procedure.

Section 6-8. Debate

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

1. The maker of the motion is entitled to speak first;
 2. A Councilmember who has not spoken on the issue shall be recognized before a Councilmember who has already spoken;
 3. To the extent possible, the debate on the motion shall alternate between proponents and opponents of the measure;
 4. **If during debate, any member of council makes an allegation of impropriety against any other member of council, the presiding officer shall afford the member against whom the allegation was made the opportunity to respond to the allegation and the opportunity to ask the councilmember who is making the allegation reasonable questions pertaining to the allegation, prior to closing the debate on the matter.**
- 45.** A Councilmember may vote for or against his or her motion, but may not speak against his or her motion;

~~56.~~ The presiding officer may participate in the debate prior to declaring the matter ready for a vote; *and*

~~6. Councilmembers shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.~~

Section 6-9. Duty to Vote

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

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.

Section 6-10. Method of Voting

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

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

C. An "affirmative vote" by a majority of the Council present is necessary to adopt a motion, and a tie vote means that the motion, resolution, or issue has been rejected. When a motion fails on a tie vote, the "noes" prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

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

Section 6-11. Decisions on Points of Order

Any Councilmember may raise a point of order without being recognized by the presiding officer. The presiding officer ~~shall~~ **may** refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Councilmember may appeal the ruling of the presiding officer to the Council which shall decide the matter by majority decision.

New Section 6:12. Censure Proceedings.

A. A motion or resolution to censure a member of the Council may be considered only if it is in writing, factually and legally sufficient, and includes citations and copies of any documents and statements relied upon to support the allegations.

B. Upon presentation of such a motion or resolution, the Council shall vote on whether to *accept it for consideration* and place it on the agenda for a public hearing no sooner than 30 days after the vote to accept.

C. The member(s) subject to the censure motion shall have the right to request all relevant documents and communications, and any delay in providing such information shall extend the scheduling of the public hearing accordingly.

D. At the public hearing, the proponents of the censure who are on council shall present their arguments and facts, holding the floor subject to time constraints set by a two-thirds vote of the Council prior to the hearing but which shall not be less than 30 minutes each for the proponent and opponent, unless the opponent agrees to the alternative time limit. If the resolution of censure is made against multiple members of council, each individual member against whom the resolution is made can demand a separate hearing relating to their censure. If the censure hearing against multiple members is held concurrently, each member against whom the allegations were made shall have the right to veto any time limits less than 30 minutes for their presentation.

E. Following the proponents' presentation, the member(s) subject to the censure shall present their defense, holding the floor and may question others, subject to the same time constraints.

F. After both presentations, the Council shall vote on whether to place the censure motion or resolution on the agenda for the next regular meeting. If this motion fails, the censure is defeated. If it succeeds, the censure shall be considered as regular business at the subsequent meeting.

G. A censure motion or resolution must specify the alleged violation(s) of these Rules of Procedure, the Lynchburg City Charter, or applicable Virginia law, supported by factual evidence.

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

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

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

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

C. Ad hoc committees, such as special task forces, may be created from time to time by the Council, for specific purposes, as determined by the Council.

Section 7-2. Standing Committees Roles and Guidelines

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

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Public Engagement at cost.

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

It shall be the responsibility of the Clerk of Council 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. For example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

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

Section 8-4. Amending the Rules of Procedure

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

New Section 8-5: Resignations

All resignations of personnel whose resignations require the Council's attention shall be communicated by the person resigning in writing directly to the Clerk of Council. The Clerk shall distribute said writing promptly to each member of Council. Any resignation not so distributed to all members of Council shall not be considered or accepted and may not be discussed during the public work of the Council.

Section 8-~~56~~. 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.

(NOTE: Red language above is new language. Red language that is lined out is existing language that will be removed. Black language is the existing rule.)

ZONING ORDINANCE AMENDMENT PROPOSAL TO DEFINE ABORTION CLINICS, ESTABLISH SPECIFIC LAND USE STANDARDS, AND AMEND BASE ZONING DISTRICTS.

Profound moral and political debate are associated with the practice of abortion, and the use of land, buildings, structures and other premises for abortion clinics must be carefully considered to avoid conflict between nearby uses of property and to promote creation of harmonious community.

Currently, abortion clinics are allowed by-right in sensitive areas such as across the street from E.C. Glass High School and Heritage High School, and next to the Jubilee Family Development Center.

Va. Code § 15.2-2280 enables zoning to regulate land uses, § 15.2-2283 promotes harmonious communities, and Section 38 of the Charter for the City of Lynchburg authorizes ordinances that City Council deems necessary; therefore, City Council may direct city staff to prepare Zoning Ordinance Amendments to amend Base Zoning Districts IN-1 and IN-2, define Abortion Clinics, and establish Specific Use Standards as follows:

1. Amend Section 35.2-49 (IN-1) and Exhibit IV-21 by adding after LBCS #6512 (Outpatient care clinics):

Abortion clinic	6512a	Abortion clinics as defined in Sec. 35.2-113	C
-----------------	-------	--	---

2. Amend Section 35.2-49 (IN-2) and Exhibit IV-23 by adding after LBCS #6512 (Outpatient care clinics):

Abortion clinic	6512a	Abortion clinics as defined in Sec. 35.2-113	C
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3. Amend Section 35.2-72 – Specific Use Standards, with new Section 35.2-72.XX – Abortion Clinics as follows:

Sec. 35.2-72.XX. – Abortion Clinics.

Abortion Clinics (see LBCS code 6512a), whether principal use or accessory to another use, shall meet the following standards:

- (a) No abortion clinic may be established within 1,000 feet of the following zoned districts:

- (1) Conservation District (R-C);
- (2) Low Density Residential Districts (R-1);
- (3) Low-Medium Density Residential Districts (R-2);
- (4) Medium Density Residential Districts (R-3);

- (5) High Density Residential Districts (R-4);
- (6) Fifth Street Revitalization Corridor Overlay District (FSC);
- (7) Historic Districts (HD);
- (8) James River Arts and Cultural District.

(b) No abortion clinic may be established within 1,000 feet of any church or other place of worship, public library, public or private pre-kindergarten, elementary, middle or high school, public park, children's museum, or child day care center.

(c) The establishment of any abortion clinic as referred to herein shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or in part, of an existing business to abortion clinic.

4. Amend Section 35.2-113 – Definitions, by adding/revising definitions as provided:

Abortion clinic: means a facility, other than a hospital, where any person administers to, or causes to be taken by a woman, any drug, medicine, or any other substance other than contraceptive methods that are approved by the U.S. Food and Drug Administration, or use any instrument, device, or means, with intent to knowingly destroy the life of an embryo or fetus in his or her mother's womb.

Hospitals: An institution receiving in-patients and rendering medical, surgical, and/or obstetrical care to private and charity patients, and usually including research and training activities, but in all cases excluding abortion clinics. This shall include general hospitals and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, tuberculosis, chronic disease and obstetrics. Hospital patients generally require intensive care for periods generally not exceeding several months.

Medical or dental clinics: Any building or group of buildings occupied by two or more medical or dental practitioners, but in all cases excluding abortion clinics, for the purpose of providing health services to people on an out-patient basis.

5. Amend Appendix A by adding row after 6512:

Land Use	LBCS #	Description	RC	R-1	R-2	R-3	R-4	B-1	B-3	B-4	B-5	IN-1	IN-2	I-1	I-2	I-3
Abortion clinic	6512a	Abortion clinics as defined in Sec. 35.2-113										C	C			

6. Identify any additional amendments that would be needed to prevent inconsistencies and gaps to ensure "abortion clinic" doesn't overlap with any other use, such as "ambulatory surgical centers," etc. This should be incorporated within the final ordinance draft before it is sent to the Planning Commission for review.



COUNTY OF WASHINGTON, VIRGINIA
1 GOVERNMENT CENTER PLACE, SUITE A
ABINGDON, VIRGINIA 24210

BOARD OF SUPERVISORS

BOARD OF SUPERVISORS
SAUL HERNANDEZ, CHAIRMAN
F-11 "TYLER" ELECTION DISTRICT
MIKE RUSH, VICE-CHAIRMAN
E-11 "TAYLOR" ELECTION DISTRICT
PHILLIP B. MCCALL
A-11 "HARRISON" ELECTION DISTRICT
RANDY L. PENNINGTON,
B-11 "JEFFERSON" ELECTION DISTRICT
CHARLIE HARGIS
C-11 "MADISON" ELECTION DISTRICT
WAYNE STEVENS
D-11 "MONROE" ELECTION DISTRICT
DWAYNE BALL
G-11 "WILSON" ELECTION DISTRICT

At a meeting of the Washington County, Virginia Board of Supervisors held the 14th day of February, 2023, at 6:30 PM, at the County Government Center Building in Abingdon, Virginia, the following were present:

PRESENT

Saul Hernandez, Chairman
Mike Rush, Vice-Chairman
Phillip B. McCall
Randy L. Pennington
Charlie Hargis
Wayne Stevens
Dwayne A. Ball

REPRESENTING

F-11 "Tyler" Election District
E-11 "Taylor" Election District
A-11 "Harrison" Election District
B-11 "Jefferson" Election District
C-11 "Madison" Election District
D-11 "Monroe" Election District
G-11 "Wilson" Election District

Jason N. Berry, County Administrator
Lucy E. Phillips, County Attorney
Tammy Copenhaver, Director-Department of Budget and Finance
Alicia Roland, Recording Clerk

At the aforementioned meeting, on motion of Mr. Pennington, second by Mr. Ball,
Ordinance Number 2023-01, was adopted, as follows.

AN ORDINANCE

TO AMEND SECTIONS 66-1, -448, AND -473, AND ADD SECTIONS 66-453 AND -478 TO THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA, TO REGULATE THE LOCATION OF ABORTION CLINICS IN THE B-1 AND B-2 ZONING DISTRICTS

[Ordinance continues on following page.]

COUNTY OF WASHINGTON, VIRGINIA

BOARD OF SUPERVISORS

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AN ORDINANCE

TO AMEND SECTIONS 66-1, -448, AND -473, AND ADD SECTIONS 66-453 AND -478 TO THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA, TO REGULATE THE LOCATION OF ABORTION CLINICS IN THE B-1 AND B-2 ZONING DISTRICTS

WHEREAS, Section 15.2-2280 of the Code of Virginia, 1950 as amended (hereinafter, Va. Code) enabled local governments to designate zoning districts and, within such districts, to regulate the use of land, buildings, structures, and other premises;

WHEREAS, Va. Code § 15.2-2283 established the purposes of zoning ordinances to include, among other things, to facilitate the creation of attractive and harmonious community;

WHEREAS, Washington County has a Zoning Ordinance that, as provided in section 66-2 of the Code of the County of Washington, Virginia (2002, as amended) (hereinafter, County Code), is intended, among other things, to facilitate the creation of a convenient, attractive and harmonious community;

WHEREAS, due to the profound moral and political debate associated with the practice of abortion, as demonstrated by the great number of passionate public comments received by the Washington County Board of Supervisors in the time period proximate to adoption of this ordinance, the use of land, buildings, structures and other premises for abortion clinics must be carefully considered to avoid conflict between nearby uses of property and to promote creation of harmonious community; and

WHEREAS, the Board of Supervisors of the County of Washington, Virginia, finds it in the best interests of the public health, safety, and welfare of the residents of the County to use the zoning ordinance of the County to accommodate the possible location in the County of abortion clinics as well as to protect surrounding uses from the potential deleterious effects of such businesses if improperly located.

NOW, THEREFORE, ON THE BASIS OF THE FOREGOING, and in consideration of the best interests of the public health, welfare, and safety, and having held a public hearing on this proposed ordinance, the Board of Supervisors of the County of Washington, Virginia hereby ordains the following:

1. That this ordinance shall be deemed effective immediately upon its adoption by the Board;
2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code;
3. That Sections 66-1, -448, and -473, of the Code of the County of Washington, Virginia (2002, as amended) shall be revised as set forth herein and new sections 66-453 and -478, as set forth

COUNTY OF WASHINGTON, VIRGINIA

BOARD OF SUPERVISORS

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herein, shall be added, subject to Article, Division, Section, and Subsection titles and numbers amendment by the Editor as necessary for Code consistency. New language is indicated by underline, and deletions are indicated by strikethrough.

Chapter 66 - Zoning

Article 1. – In General

Sec. 66-1. -Definitions

Abortion clinic means a facility, other than a hospital, where any person administers to, or causes to be taken by a woman, any drug, medicine, or any other substance other than contraceptive methods that are approved by the U.S. Food and Drug Administration, or use any instrument, device, or means, with intent to knowingly destroy the life of an embryo or fetus in his or her mother's womb.

Hospital means an institution rendering medical, surgical, obstetrical or convalescent care, including nursing homes, homes for the aged and sanatoriums, but in all cases excluding institutions primarily for mental or feeble-minded patients, alcoholics or drug addicts, and also excluding abortion clinics. Certain nursing homes and homes for the aged may be "home occupations" if they comply with the definition in this section.

Article 5. – Districts

Division 11. – Business, Limited

Sec. 66-448. – Special exception uses

In the B-1 district, the following uses or structures may be permitted only if approved for the issuance of a special exception as provided in this chapter:

- (1) Abortion clinic subject to distance requirements and standards as provided in this division.
- (2) Electrical power substations and telecommunication switching facilities.
- (3) Fire department offices and facilities, emergency medical rescue squad offices and facilities, law enforcement offices and facilities and other governmental offices and facilities.
- (4) Off-site uses related to airport safety as defined in section 66-610.
- (5) Water and wastewater treatment plants.

Sec. 66-453. – Abortion clinic distance requirements and standards

- (a) No abortion clinic may be established within 1,500 feet of any other abortion clinic.
- (b) No abortion clinic may be established within 1,500 feet of the following zoned districts:
 - (1) Agricultural, Limited (A-1);
 - (2) Agricultural, General (A-2);
 - (3) Konnarock District;
 - (4) Industrial, Limited (M-1);
 - (5) Industrial, General (M-2);
 - (6) Planned Unit Development, Limited, District (P-1)
 - (7) Residential, Limited, District (R-1);
 - (8) Residential, General, District (R-2);
 - (9) Residential, Manufactured Home District (MHR);

COUNTY OF WASHINGTON, VIRGINIA

BOARD OF SUPERVISORS

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- (10) Shoreland Recreational District;
- (11) Village District.
- (c) No abortion clinic may be established within 1,500 feet of any church or other place of worship, public library, public or private school, educational institution, governmental facility, public park, playground, playfield, tourist home, child day care center, hotel, or motel.
- (d) The establishment of any abortion clinic as referred to herein shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or in part, of an existing business to abortion clinic.

State law reference— Code of Virginia, § 15.2-2283, harmonious community.

Article 5. – Districts

Division 12. – Business, General

Sec. 66-473. – Special exception uses

In the B-2 district, the following uses or structures may be permitted only if approved for the issuance of a special exception as provided in this chapter:

- (1) Abortion clinic subject to distance requirements and standards as provided in this division.
- (2) Animal assisted therapy subject to requirements established by definition.
- (3) Auditorium.
- (4) Electrical power substations, electrical power transmission towers, telecommunication switching facilities and telecommunication towers and antennas.
- (5) Fire department offices and facilities, emergency medical rescue squad offices and facilities, and law enforcement offices and facilities.
- (6) Golf courses.
- (7) Hotels, motels, tourist courts, and bed-and-breakfast establishments, including restaurants and recreational facilities incidental thereto, with 200 or more guest rooms or with on-site meeting rooms or conference facilities, which in the aggregate seat 500 or more persons.
- (8) Indoor movie theaters; drive-in theaters.
- (9) Kennel, which may include sale of pet supplies and related services such as grooming, training, and veterinarian services.
- (10) Lumber and brick yards and building materials and equipment sales, rental, repair and services.
- (11) Manufactured homes for use by a security guard on a business and subject to the provisions of article XI of this chapter.
- (12) Multiple-family dwelling units, such as apartments, townhouses, and condominiums and subject to other provisions of this chapter. Public water and sewer are required where ten or more dwelling units are proposed.
- (13) Nursing and personal care facilities with any on-site residency, single- or multiple-family dwelling units. Public water and sewer required where ten or more dwelling units are proposed.
- (14) Off-site uses related to airport safety as defined in [section 66-610](#).
- (15) On-site material and equipment storage.
- (16) On-site storage above or below ground of 50,000 gallons or more liquefied petroleum or other fuel oil.

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- (17) Pet grooming service.
- (18) Privately owned schools, colleges, junior colleges, universities, technical institutes and vocational schools.
- (19) Public and private hospitals.
- (20) Public skating rinks, bowling alleys, dance halls, pool halls, night clubs, lounges, video game arcade and similar forms of public amusement.
- (21) Radio and television stations, studios and offices with special exception.
- (22) Recreational facilities, including but not limited to tennis and basketball courts, baseball and softball fields, parks, swimming pools and gymnasiums.
- (23) Substance abuse treatment facilities subject to regulation and licensure pursuant to § 37.1-179.1 of the 1950 Code of Virginia, as amended, subject to the following restrictions as well as conditions or restrictions imposed by the legislative body as part of the special exception permit. No such facility shall be located within one-half mile of any public or private K—12 school, public or private licensed day care center, church, synagogue or other place of worship, residentially zoned district (R-1 and R-2), nor within 1,000 feet of a residential dwelling.
- (24) Tattoo parlors and body piercing establishments.
- (25) Telecommunications-related industries.
- (26) Tobacco warehouses, storage warehouses and bulk petroleum plants.
- (27) Tractor-truck and trailer sales, rental, repair and services.
- (28) Truck stops and truck terminals.
- (29) Veterinary hospital or clinic.
- (30) Water and wastewater treatment plants.
- (31) Wholesale, distribution and processing operations.

Sec. 66-478. – Abortion clinic distance requirements and standards

- (a) No abortion clinic may be established within 1,500 feet of any other abortion clinic.
- (b) No abortion clinic may be established within 1,500 feet of the following zoned districts:
 - (1) Agricultural, Limited (A-1);
 - (2) Agricultural, General (A-2);
 - (3) Konnarock District;
 - (4) Industrial, Limited (M-1);
 - (5) Industrial, General (M-2);
 - (6) Planned Unit Development, Limited, District (P-1)
 - (7) Residential, Limited, District (R-1);
 - (8) Residential, General, District (R-2);
 - (9) Residential, Manufactured Home District (MHR);
 - (10) Shoreland Recreational District;
 - (11) Village District.
- (c) No abortion clinic may be established within 1,500 feet of any church or other place of worship, public library, public or private school, educational institution, governmental facility, public park, playground, playfield, tourist home, child day care center, hotel, or motel.
- (d) The establishment of any abortion clinic as referred to herein shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in

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either scope or area, or the conversion, in whole or in part, of an existing business to abortion clinic.

State law reference— Code of Virginia, § 15.2-2283, harmonious community.

The vote on the motion to adopt Ordinance 2023-01 was as follows: (5-2)

Mr. McCall	Nay	Mr. Stevens	Aye	Mr. Ball	Aye
Mr. Pennington	Aye	Mr. Rush	Nay		
Mr. Hargis	Aye	Mr. Hernandez	Aye		

I hereby certify that the foregoing is a true and exact extract copy of the record of motion and vote as recorded for the Minutes of the Meeting of the Washington County Board of Supervisors held Tuesday, February 14, 2023.

COUNTY OF WASHINGTON, VIRGINIA



Jason N. Berry
County Administrator

ATTEST:



Alicia Roland
Recording Clerk