



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

December 4, 2018

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

**CITY COUNCIL
MEMBERS:** James B. Buckner
L.G. "Larry" Campbell, Jr.
Dr. Gary P. Miller
Sherman M. Saunders

Fred O. Shanks, III
Adam J. Tomer
J. Lee Vogler, Jr., Vice Mayor
Madison J. Whittle

STAFF: Ken F. Larking, City Manager
Earl B. Reynolds, Jr., Deputy City Manager

W. Clarke Whitfield, Jr., City Attorney
Susan M. DeMasi, City Clerk

The City Council is the City of Danville's legislative body and is composed of nine Council members. Council members are elected to serve a four year term of office and elects one of its own to serve as Mayor and presiding officer for a two year term.

Time and Place of Meeting

The public is invited and encouraged to attend and participate in the City Council meetings. The City Council meets in the City Hall, Fourth Floor, Council Chambers at 7:00 p.m. on the first and third Tuesday of each month. All meetings of the Council are open to the public.

Communications from Visitors

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address. Each individual speaker shall have five uninterrupted minutes. A representative of a group may have up to ten uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

Guidelines for Public Hearings

For Public Hearings 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. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and

then those opposed to the proposal. Each speaker must clearly state his or her name and address. 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 presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. 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.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - J. Lee Vogler, Jr.

PLEDGE OF ALLEGIANCE TO THE FLAG

COMMUNICATIONS FROM VISITORS

Citizens who desire to speak on matters not listed on the agenda will be heard at this time. Citizens who desire to speak on agenda items will be heard when the agenda item is considered.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine, have previously been discussed by City Council and/or introduced for First Reading. There will be no separate discussion on these items and they will be enacted by one motion. If discussion is desired by a Council Member or a citizen, the item(s) will be removed from the consent process and considered separately.

- A. Public Hearing
- B. Consideration of Approval of Minutes from Regular Council Meeting held on November 8, 2018.
Council Letter Number CL - 2033.
- C. Consideration of Amending the FY 2019 Budget Appropriation Ordinance for the Proceeds from the Issuance of Bonds.
Council Letter Number CL - 2016

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance for the Proceeds from the Issuance of Bonds and Appropriating Same for Anticipated Expenditures.

FINAL ADOPTION

- D. Consideration of Amending the Fiscal Year 2019 Budget Appropriation Ordinance in the Amount of \$612,080 for Two Virginia Tobacco Commission Grants.
Council Letter Number CL-2027

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance in the Amount of \$612,080 to Provide for One Half of the Required Local Matching Funds for Two Virginia Tobacco Region Revitalization Commission Grants #3301 and #2264 for the Southern Virginia Megasite at Berry Hill and Appropriating the Same.

FINAL ADOPTION

- E. Consideration of Amending the Fiscal Year 2019 Budget Appropriation Ordinance in the Amount of \$120,000 from the Danville Regional Foundation.
Council Letter Number CL-2026

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Increasing Revenues from the Danville Regional Foundation in the Amount of \$120,000 for the City's Business Attraction Strategy and Appropriating the Same.

FINAL ADOPTION

NEW BUSINESS

- A. Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville Virginia, Article 8, entitled "Parking and Loading Requirements."
Council Letter Number CL - 2034

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically Article 8, Entitled "Parking and Loading Requirements" to Allow for Reductions of Parking Space Requirements.

- B. Consideration of Granting a Special Use Permit to Operate a Bed and Breakfast at 327 West Main Street.
Council Letter Number CL - 2035

1. Public Hearing
2. An Ordinance Granting a Special Use Permit for a Bed and Breakfast in Accordance with Article 3:E, Section C, Item 3 of the Code of the City of Danville, Virginia 1986, As Amended at 327 W. Main Street, Otherwise Known as Grid 1719, Block 022, Parcel 000023 of the City of Danville, Virginia Zoning District Map.

- C. Consideration of Granting a Special Use Permit to Operate an Auction Establishment at 2179 South Boston Road.
Council Letter Number CL - 2036.

1. Public Hearing
2. An Ordinance Granting a Special Use Permit for an Auction Establishment in Accordance with Article 3.M, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, As Amended at 2179 South Boston Road, Otherwise Known as Grid 4719, Block 005, Parcel 000003, of the City of Danville, Virginia Zoning District Map.

- D. Consideration of Approving and Authorizing the Execution of a Local Government Agreement with the Virginia Department of Health.
Council Letter Number CL - 2024.

A Resolution of the City Council of Danville, Virginia Approving and Authorizing the Execution of a Local Government Agreement with the Virginia Department of Health.

- E. Consideration of Amending the Fiscal Year 2019 Budget Appropriation Ordinance for Funds from the Department of Housing and Urban Development and Estimated Program Income in the Amount of \$1,286,284.00.
Council Letter Number CL - 2022

A Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance for Projects to be or Being Undertaken to Improve the Danville Community Financed with Community Development Block Grant, HOME Investment Partnership Funds from the U.S. Department of Housing and Urban Development, and Estimated Program Income for a Total Appropriation of \$1,286,284.00.

FIRST READING

- F. Consideration of Amending the Fiscal Year 2019 Budget Appropriation Ordinance for Funds from the Litter Control and Recycling Grant in the Amount of \$9,597.00.
Council Letter Number CL - 2019

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance to Anticipate Grant Funds from the Commonwealth of Virginia for Litter Control and Recycling Efforts in the Amount of \$9,597 and Appropriating Same.

FIRST READING

- G. Consideration of Amending the FY 2019 Budget Appropriation Ordinance for the 2018 Edward Byrne Memorial Justice Assistance Grant Program in the Amount of \$33,274.
Council Letter Number CL - 2021

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Increasing Revenue for the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award in the Amount of \$33,274 to be Used to Implement a Community Bicycle Patrol Project.

FIRST READING

COMMUNICATIONS FROM:

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

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-2033

Consent Agenda Item #: B.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 12/04/2018

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on November 8, 2018.

Council Letter Number CL - 2033.

Attachments

Meeting Minutes

November 8, 2018

The Regular November meeting of the Danville City Council was held on November 8, 2018, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Vice Mayor J. Lee Vogler, Jr., Adam J. Tomer and Madison J.R. Whittle (9).

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Council Member Sherman M. Saunders; the Pledge of Allegiance to the Flag followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones read a Proclamation entitled National Nurse Practitioner Week, November 11-17, 2018 and presented it to Karen Hill, FNP, President of the Southside Chapter of VCNP.

Mayor Jones recognized Lori Eanes-Brooks who gave Council the annual update from Danville Pittsylvania Community Services.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Kimberly Hill, speaking on behalf of her parents who reside at 610 Westview Drive and their neighbors. Ms. Hill shared pictures of her parent's yard before and after Hurricane Michael and asked for help with the reservoir behind Wal Mart. Mayor Jones asked the City Manager to contact Ms. Hill and thanked her for coming to Council.

MEETING MINUTES

Upon **Motion** by Council Member Whittle and **second** by Council Member Saunders, Minutes from the Regular Council Meeting held on October 4, 2018 were approved as presented. Draft copies had been distributed prior to the meeting.

APPOINTMENTS

Vice Mayor Vogler **moved** for adoption of the following Resolutions:

Resolution No. 2018-11.01 - Reappointing Richard L. Turner as a Member of the Industrial Development Authority.

Resolution No. 2018-11.02 - Reappointing John Laramore as a Member of the Industrial Development Authority.

Resolution No. 2018-11.03 - Reappointing Max Glass as a Member of the Industrial Development Authority.

November 8, 2018

Resolution No. 2018-11.04 - Appointing Anna Kautzman as a Member of the Transportation Advisory Board.

Resolution No. 2018-11.05 - Appointing Paul Liepe as a Member of the Danville Utility Commission to Fill an Unexpired Term.

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

VOTE: 9-0
AYE: Buckner, Campbell, Jones, Miller, Saunders,
Shanks, Tomer, Vogler and Whittle (9)
NAY: None

COMMUNICATIONS

There were no communications from the City Manager, Deputy City Manager, City Attorney or City Clerk.

ROLL CALL

Council Member Miller noted the City has picked up 2,200 truckloads of wood debris from Hurricane Michael, plus tons of other debris, and are doing a great job cleaning up the City; Public Works has said they will continue to collect the storm debris for an additional week. Dr. Miller congratulated Danville, they had a 54% turnout for the recent election. Council recently met with the Life Saving Crew, their budget is now at \$2.1M of which the City only provides \$80,000 per year; Council wants to look and see if they can help them with more than 3% of their funding. Dr. Miller stated 72,000 people died of overdoses last year in this country and believes the City needs to join the class-action suit against the pharmaceutical companies.

Council Member Saunders noted he appreciated the City Manager and staff working hard to get assistance for people whose property was damaged from the floods. Also, thanks to the City Manager and staff for extending the bulk trash pick up; there are still people cleaning out their homes and basements. Mr. Saunders thanked City employees for all they do.

Council Member Tomer congratulated new Congressman Denver Rigglesman on his election, Senator Tim Kaine for his re-election and looks forward to working with both of them.

Vice Mayor Vogler noted people are still sorting through their flood damage and was glad to hear the pick up deadline had been extended. Mr. Vogler noted the opioid situation is serious, and is something that has to be addressed. He believes Council discussed the drug courts at one point and asked for an update at an upcoming meeting. Mr. Vogler stated drug courts have shown to reduce recidivism, drug dependency and graduates of the program have a 33% higher income and rate of employment versus dropout peers. The City needs to look at this situation and work toward finding some solutions; it impacts everything the City does. Mr. Vogler noted in recent weeks, the City has had some really good economic development announcements and since 2013, there have been twenty industrial companies that located to Danville. Telly Tucker and Matt Rowe are doing a tremendous job.

Council Member Whittle noted the joint meeting with the Danville Life Saving Crew was very informative and feels the City needs to look into helping them more. Mr. Whittle stated he

November 8, 2018

also has a property on the other side of the retention pond, noted he will get back with the City Manager and see what can be worked out.

Council Member Buckner thanked everyone who came out last weekend supporting this year's Bridge Street Food Truck Rodeo, it was a big success; food trucks came from all over and many sold out. This Saturday at the Community Market is the 11th Annual Bright Leaf Brew Fest and encouraged citizens to attend.

Council Member Campbell asked the City Manager to address what citizens can do about storm damage and Mr. Larking stated the first thing that property owners need to do is contact their insurance provider. A lot of people will find that they don't have flood insurance and will have to take steps on their own to make improvements. The City is working with their State and Federal partners, the Virginia Department of Emergency Management and the Federal Emergency Management Agency. Both have had representatives come to Danville in recent weeks, made assessments and verified damage that has occurred on public and private property. They are making determinations as to what kind of assistance they will be able to provide to the City, residents and property owners. Mr. Larking noted he is not sure what form that will be in, but understands the City will get a determination through the Governor's office sometime next week. Once they have that information, they will share that with the community, will make sure everyone knows what they can do, what steps they need to take and what kind of assistance will be available. The Deputy City Manager has been working on some local assistance programs; nothing is set up yet, but that could also provide some assistance for property owners. The City will be sharing that information as it is ready as well.

Mayor Jones noted his agreement with Mr. Whittle regarding the Danville Life Saving Crew; to Mr. Woodall, staff and board of directors hosting City Council, it was a great meeting. Mayor Jones recognized Cynthia Poteat who does a lot of work with the City's young people in Cedar Terrace, and thanked her for all that she does. Mayor Jones noted the food truck festival was a vision of Mr. Buckner's and noted how proud he was of him for bringing this to Danville, it was an amazing event. Mayor Jones noted the Community Christmas Dinner has received \$9,000 in donations and thanked the citizens of Danville for their generosity. Mayor Jones thanked all the veterans, and reminded citizens, this weekend is the Veteran's Day Parade.

The meeting adjourned at 7:45 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2016

Consent Agenda Item #: C.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: Ordinance for the Appropriation of Bond Proceeds

From: Michael Adkins, Director of Finance

COUNCIL ACTION

First Reading: 11/20/2018

Final Adoption: 12/04/2018

SUMMARY

The City has successfully issued General Obligation Bonds for Fiscal Year 2019. Appropriation of the bond proceeds is needed to fund the various projects as specified in the FY 2019 Capital Improvement Plan.

BACKGROUND

The City's Capital Improvement Plan for FY 2019 includes bond funding in the amount of \$7,396,440 for project costs. In accordance with City Council's approval on July 17, 2018, General Obligation Bonds have been issued and proceeds have been received. A bond premium of \$254,367 was also received and will be used to cover the costs associated with the bond issuance.

RECOMMENDATION

It is recommended that the City Council adopt the attached Ordinance Amending the FY 2019 Budget Appropriation Ordinance by utilizing bond proceeds in the amount of \$7,650,807 to cover related bond issuance costs and fund projects as specified in the FY 2019 Capital Improvements Plan.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE FOR THE PROCEEDS FROM THE ISSUANCE OF BONDS AND APPROPRIATING SAME FOR ANTICIPATED EXPENDITURES.

WHEREAS, the City Council has authorized and issued general obligation bonds in the par amount of \$7,015,000 to finance various capital projects; and

WHEREAS, City Council desires to appropriate the proceeds to fund the various capital projects, including fire apparatus purchase, various street improvements, elevator, roof, HVAC replacements, emergency generator purchase, park facility improvements, electric system line rebuilds and substation upgrades, and bond issuance costs.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2019 Budget Appropriation Ordinance be, and it is hereby, amended by appropriating funds from the sale bonds as follows:

REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
General Fund:		
Proceeds from the Sale of Bonds	0100000-44090	\$ 120,859
Capital Project Fund:		
Fire Apparatus Eqpt	60184-999-50	378,000
Intersection-Rvrside/Audubon	61441-999-50	216,500
River Distict Street Improvements	61281-999-50	500,000
Riverside Drive Reconstruction	61282-999-50	500,000
Traffic Signal-S Main/Goodyear	61442-999-50	162,613
Elevator Replacement	60000-437-6999	275,000
Roof Replacements	60000-119-6999	300,000
HVAC Replacements	60000-120-6999	275,000
Emergency Generator Purchases	60000-126-6999	300,000
Recreation-Facility Improvements	60901-999-50	208,000
A/P T-Hangar Taxilane	61109-999-50	131,327
A/P HVAC Replacement	61434-999-50	150,000
Sub-Total		<u>\$3,517,299</u>

REVENUES (Cont.)

Electric Fund:		
Proceeds from the Sale of Bonds	5400000-44090	\$ 133,508
Line Rebuilds	60613-999-44050	2,000,000
Substation Upgrades	61029-999-50	<u>2,000,000</u>
Sub-Total		\$4,133,508
Total Revenues		<u>\$7,650,807</u>

EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Capital Project Fund:		
Fire Apparatus Eqpt	60184-999-50	\$ 378,000
Intersection-Rvrside/Audubon	61441-999-50	216,500
River Distict Street Improvements	61281-999-50	500,000
Riverside Drive Reconstruction	61282-999-50	500,000
Traffic Signal-S Main/Goodyear	61442-999-50	162,613
Elevator Replacement	60000-437-6999	275,000
Roof Replacements	60000-119-6999	300,000
HVAC Replacements	60000-120-6999	275,000
Emergency Generator Purchases	60000-126-6999	300,000
Recreation-Facility Improvements	60901-999-50	208,000
A/P HVAC Replacement	61434-999-50	150,000
A/P T-Hangar Taxilane	61109-999-50	131,327
General Fund		
Bond Issuance Cost	0114802-58335	<u>120,859</u>
Sub-Total		\$3,517,299
Electric Fund:		
Line Rebuilds	60613-999-50	\$2,000,000
Substation Upgrades	61029-999-50	2,000,000
Bond Issuance Cost	5400000-58335	<u>133,508</u>
Sub-Total		\$4,133,508
Total Expenditures		<u>\$7,650,807</u>

BE IT FURTHER ORDAINED that all other accounts and provisions of the
Fiscal Year 2019 Budget Appropriation Ordinance, as amended, not hereby amended,

shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2027

Consent Agenda Item #: D.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: Budget Appropriation for the Southern Virginia Megasite at Berry Hill Grant

From: Telly D. Tucker, Economic Development Director

COUNCIL ACTION

First Reading: 11/20/2018

Final Adoption: 12/04/2018

SUMMARY

The Danville Pittsylvania Regional Facility Authority was approved for a total of \$4,941,567 from the Virginia Tobacco Region Revitalization Commission (TRRC), for infrastructure development at the Southern Virginia Megasite at Berry Hill (SVMS). Both the City of Danville and Pittsylvania County are required to provide matching local funds in support of these grants. The requested budget appropriation in the amount of \$612,080 represents one-half of the required match for the total grant; the remaining half will be appropriated by Pittsylvania County.

BACKGROUND

In 2011, the Virginia Tobacco Region Revitalization Commission (TRRC) approved Grant 2264 in the amount of \$2,700,000 to be used for land and engineering phase two improvements for the Southern Virginia Megasite at Berry Hill (SVMS). Similarly, in 2015, the TRRC approved \$2,241,567 to be used for water system improvements Phase II for the SVMS. At the time these grants were approved, RIFA had not obtained a land disturbance and grading permit from the United States Army Corps of Engineers (USACE), and subsequently, City staff and Council agreed to postpone approving the local match until a permit was obtained.

RECOMMENDATION

Staff recommends approval of a Budget Appropriation Ordinance in the amount of \$612,080 from fund balance to provide for the local match of Virginia Tobacco Region Revitalization Commission Grants #2264 and #3011.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018 - _____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE IN THE AMOUNT OF \$612,080 TO PROVIDE FOR ONE HALF OF THE REQUIRED LOCAL MATCHING FUNDS FOR TWO VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION GRANTS #3301 AND #2264 FOR THE SOUTHERN VIRGINIA MEGASITE AT BERRY HILL AND APPROPRIATING THE SAME.

WHEREAS, a total of \$4,941,567 was approved by the Virginia Tobacco Region Revitalization Commission in two separate grants; grant #3011 approved in 2015 in the amount of \$2,241, 567 for Water System Improvements and Grant #2264 approved in 2011 in the amount of \$2,700,000 for Land and Engineering Phase II to the Danville Pittsylvania Regional Industrial Facility Authority (RIFA) to develop infrastructure for the Southern Virginia Megasite at Berry Hill; and

WHEREAS additional funding may be approved by the Virginia Tobacco Region Revitalization Commission to finance other infrastructure and to provide incentives for economic development prospects that locate in the industrial park.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2019 Budget Appropriation Ordinance be, and it is hereby, amended by allocating from the general fund balance the local share of \$612,080 for the purpose of providing one-half of the required local match to develop infrastructure in the Southern Virginia Megasite at Berry Hill such funds to be appropriated in the Support of Grants Fund as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
General Fund		
Transfer From General Fund Balance	XXXX	<u>\$612,080</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
General Fund Support of Economic Dev	0199501-6025	<u><u>\$612,080</u></u>

AND BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2019 Budget Appropriation Ordinance be, and the same hereby is amended, for the purpose of providing one-half of the required local match to develop infrastructure in the Southern Virginia Megasite at Berry Hill such funds to be appropriated in the Support of Grants Fund as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Economic Development Fund Transfer In From General Fund		
Grant # 3011	60340000-6101	\$112,080
Grant # 2264	60340000-6101	<u>500,000</u>
	Total	<u><u>\$612,080</u></u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Economic Development Fund Support of RIFA		
Grant # 3011	60340999-50	\$112,080
Grant # 2264	60340999-50	<u>500,000</u>
	Total	<u><u>\$612,080</u></u>

AND BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2026

Consent Agenda Item #: E.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: DRF Contribution to Economic Development Business Recruitment Strategy

From: Telly D. Tucker, Economic Development Director

COUNCIL ACTION

First Reading: 11/20/2018

Final Adoption: 12/04/2018

SUMMARY

The City of Danville Office of Economic Development, Pittsylvania County Office of Economic Development, and Southern Virginia Regional Alliance, applied to the Danville Regional Foundation for financial support to assist with funding the consultant contract for Tom Loehr, retired executive vice president of Rolls Royce Aerospace. This grant will support the region's business attraction strategy - particularly with the recruitment of precision metalworking related manufacturing. The City of Danville will serve as the fiscal agent for this project and be responsible for providing a final financial report on how the funds were utilized and a final programmatic report on the activities associated with the grant. Any unused funds will be returned to Danville Regional Foundation.

BACKGROUND

Tom Loehr has proven himself to be a valuable asset in the recruitment of new industry to Danville Pittsylvania County, particularly in the aerospace and automotive advanced manufacturing industry sectors. Loehr's participation in prospect visits provides private sector validation of the value of workforce training expertise available in the community. During the time period that Mr. Loehr has consulted with the economic development offices, the following companies have been announced: Overfinch N.A., Kyocera SGS Tech Hub, Unison Tube, BGF Industries, and Harlow Fastech, resulting in \$34 million of capital investment and creation of 245 jobs that pay well above the average prevailing wage for the region. In addition, Mr. Loehr is assisting the City and County with projects considering the Southern Virginia Megasite at Berry Hill.

RECOMMENDATION

City staff recommends approval of receiving this grant from the Danville Regional Foundation and appropriating it for use toward economic development business attraction strategy.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018 - _____. ____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM THE DANVILLE REGIONAL FOUNDATION IN THE AMOUNT OF \$120,000 FOR THE CITY'S BUSINESS ATTRACTION STRATEGY AND APPROPRIATING THE SAME.

WHEREAS, the Danville Regional Foundation (DRF) recognizes the importance of the effort to recruit manufacturing companies to the region and wants to invest in the City's support of its business attraction strategy to market Danville domestically and abroad; and

WHEREAS, DRF is providing a \$120,000 grant to the City of Danville, to be used to fund the consultant agreement for Mr. Tom Loehr who will be working with the City of Danville, Pittsylvania County, Southern Virginia Regional Alliance and other regional partners in the recruitment of economic development projects to the DRF region; and

WHEREAS, this effort is part of DRF's Economic Opportunity Fund designed to enhance the probabilities of increasing living wage jobs in the DRF region as part of its priorities related to economic development and community capacity building.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2019 Budget Appropriation Ordinance be, and the same hereby is amended, by increasing revenues in the Special Grants Fund for the receipt of a grant from DRF, such revenue and appropriation to be as follows:

ANTICIPATED REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Economic Development Project Fund:		
International Recruitment Private Donations	61097000-43640	<u>\$120,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Economic Development Project Fund International Recruitment	61097999-50	<u>\$120,000</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2034

New Business Item #: A.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: Request to Amend the Zoning Code to Allow for a Reduction in Parking Space Requirements.

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/04/2018

SUMMARY

At their October meeting, the City Planning Commission instructed staff to investigate amending Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, Article 8, entitled "Parking and Loading Requirements" to allow for reductions of parking space requirements.

BACKGROUND

On October 8, 2018, the City Planning Commission instructed staff to investigate options regarding the ability of the Commission to waive certain off-street parking requirements when issuing a special use permit. At that time, the Commission was considering a request for a special use permit for an auction establishment at 2179 South Boston Road. Based on the current Zoning Ordinance, the proposed use requires an increase in paved parking. To address future cases when certain or all parking requirements may be deemed unnecessary, staff has investigated a potential code amendment regarding such parking requirements.

Other municipalities across the country have also considered updates to their parking requirements. These considerations are typically intended to address goals such as the following:

1. Provide flexibility within the Zoning Ordinance;
2. Allow for more efficient use of land;
3. Encourage use of alternate modes of transportation; and/or
4. Anticipate future changes in transportation behavior and technology.

To promote the above goals, municipalities typically seek to uniformly reduce or waive parking requirements related to the number of required spaces. It is not common for a municipality to waive dimension or design standards. Neither is it common for a municipality to permit a Planning Commission to waive parking requirements of unique situations ordinarily considered by a Board of Zoning Appeals. Of those municipalities addressing the above goals, they have updated their Zoning Ordinances to incorporate policies such as:

1. Use of parking overlay districts in dense urban settings with public transportation, adequate public parking, and/or easily walkable spaces;
2. Not requiring parking spaces in historic districts or for historic structures;
3. Allowing shared parking between properties;

4. Placing maximum limits on provided parking for any one property or use;
5. Granting the ability of a zoning administrator to approve reduced parking requirements if a parking study indicates that such a reduction sufficiently addresses parking needs without adversely impacting nearby properties;
6. Reducing the number of required spaces based on nearby public transit or parking; and/or
7. Substituting bike parking or landscaped open space in place of a specified number of parking spaces.

According to Article 8, Sections B, D, E, and H of the Zoning Ordinance, the City of Danville currently permits four (4) exceptions to the number of required off-street parking spaces. These exceptions may only be used when specific criteria are met indicating less parking may be needed. The exceptions are as follows:

1. Ability of the Director of Planning/Zoning Administrator to reduce required parking when provided on a common location for two or more uses which occur at different times of day;
2. Ability of the Director of Planning/Zoning Administrator to approve reductions for mixed-used properties, if the applicant submits sufficient documentation indicating the impact;
3. Ability of the Director of Planning/Zoning Administrator to approve certain reductions according to specified criteria for properties used for a Multi-Family Dwelling, Duplex, Single-Family Attached Dwelling, or Furniture Sales establishment; and
4. Ability of the Planning Commission to modify handicap space requirements.

RECOMMENDATION

It is recommended that City Council adopt the attached Ordinance Amending Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, Article 8, entitled "Parking and Loading Requirements" to allow for reductions of parking space requirements.

Attachments

Ordinance

Planniing Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY ARTICLE 8, ENTITLED "PARKING AND LOADING REQUIREMENTS" TO ALLOW FOR REDUCTIONS OF PARKING SPACE REQUIREMENTS.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, more specifically, Article 8, entitled "Parking and Loading Requirements" to allow for reductions of parking space requirements be, and the same is hereby, received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, that certain paragraphs and subparagraphs of Article 8, entitled "Parking and Loading Requirements" of Chapter 41, entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

CHAPTER 41. ZONING ORDINANCE

ARTICLE 8. – Parking and Loading Requirements

Section D. - Computation of Required Parking Spaces

5. The City Planning Commission may waive or reduce the number of required parking spaces when the following conditions have been met:
 - a. The applicant is able to demonstrate fewer spaces are required because the current or proposed use does not warrant the required spaces or the required parking will be provided elsewhere;
 - b. ADA requirements are fully satisfied;

- c. The provisions of Article 8 of the Zoning Ordinance shall apply to any and all off-site parking which may be expected to be used in place of the required on-site parking;
- d. The absence or reduction of parking spaces shall not cause any adverse impact on surrounding properties;
- e. The applicant is able to demonstrate that the property was acquired in good faith, and the request is not based on any hardship created by the applicant or property owner;
- f. The applicant or property owner complies with any additional conditions the City Planning Commission deems appropriate at the time it chooses to waive or reduce the number of required off-street parking spaces.

Section H. - Handicap Parking Space Requirements

- 4. ~~The Planning Commission, upon recommendation by the Director of Planning/Zoning Administrator may modify handicap space requirements where the applicant can demonstrate fewer spaces are required and that ADA requirements are fully satisfied. Reserved.~~

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2018
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: ZONING CODE AMENDMENT REQUEST

REQUEST:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 8, entitled "Parking and Loading Requirements" to allow for reductions of parking space requirements.

RECOMMENDATION:

The Planning Commission voted 6-0 (Commissioner Bolton absent) to recommend approval of the request regarding Article 8.

Michael W. Searce (BWT)

Mr. Mike Searce, Chairman



City Planning Commission

City Planning Commission
Meeting of November 12, 2018

Subject:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 3.J, entitled "N-C Neighborhood Commercial", Section C entitled "Special Permit Uses", by adding Item 22 to allow for an indoor shooting facility, and Article 8, entitled "Parking and Loading Requirements" to allow for reductions of parking space requirements.

Background:

Planning staff have received requests for Zoning Ordinance amendments for Article 3.J, Section C by adding Item 22 for an indoor shooting range facility, and for Article 8 for reductions of parking space requirements.

The first request seeks to add indoor shooting facilities as a use permitted by special use permit within the N-C, Neighborhood Commercial District. The request is accompanied by an application for a special use permit in this district. This use is defined in the Zoning Ordinance as:

"Indoor shooting facility. A facility designed or used for shooting at targets, by archery, or with rifles, pistols, or shotguns and which is completely enclosed within a building(s) or structure(s)."

In other municipalities, shooting facilities are typically allowed only by a special use permit, or similar conditional approval. This use is generally located in low density areas, especially if an outdoor shooting range. When located indoors, shooting facilities are less likely to have adverse impact on surrounding property due to containment of sound, projectiles, and other associated effects. Currently, the Zoning Ordinance does not permit outdoor shooting ranges, and only permits indoor shooting facilities by a special use permit within the HR-C, Highway Retail Commercial Zoning District. Allowing indoor shooting ranges in additional zoning districts could encourage reuse of existing facilities and contribute to economic development, both of which are encouraged in the *Danville: 2030 Comprehensive Plan*. However, concerns could be raised regarding permitting a shooting range near residential properties.

The second request seeks to add reductions for parking space requirements. On October 8, 2018, the City Planning Commission instructed staff to investigate options regarding the ability of the Commission to waive certain off-street parking requirements when issuing a special use permit. At this time, the Commission was considering a request for a special use permit for an auction establishment at 2179 South Boston Rd. Based on the current Zoning Ordinance, the proposed use requires an increase in paved parking. To address future cases when certain or all parking requirements may be deemed unnecessary, staff have investigated a potential code amendment regarding such parking requirements.

Other municipalities across the country have also considered updates to their parking requirements. These considerations are typically intended to address goals such as the following:

1. Provide flexibility within the Zoning Ordinance;
2. Allow for more efficient use of land;
3. Encourage use of alternate modes of transportation; and/or
4. Anticipate future changes in transportation behavior and technology;

To promote the above goals, municipalities typically seek to uniformly reduce or waive parking requirements related to the number of required spaces. It is not common for a municipality to waive dimension or design standards. Neither is it common for a municipality to permit a Planning Commission to waive parking requirements of unique situations ordinarily considered by a Board of Zoning Appeals. Of those municipalities addressing the above goals, they have updated their Zoning Ordinances to incorporate policies such as:

1. Use of parking overlay districts in dense urban settings with public transportation, adequate public parking, and/or easily walkable spaces;
2. Not requiring parking spaces in historic districts or for historic structures;
3. Allowing shared parking between properties;
4. Placing maximum limits on provided parking for any one property or use;
5. Granting the ability of a zoning administrator to approve reduced parking requirements if a parking study indicates that such a reduction sufficiently addresses parking needs without adversely impacting nearby properties;
6. Reducing the number of required spaces based on nearby public transit or parking; and/or; and/or
7. Substituting bike parking or landscaped open space in place of a specified number of parking spaces.

According to Article 8, Sections B, D, E, and H of the Zoning Ordinance, the City of Danville currently permits four (4) exceptions to the number of required off-street parking spaces. These exceptions may only be used when specific criteria are met indicating less parking may be needed. The exceptions are as follows:

1. Ability of the Director of Planning/Zoning Administrator to reduce required parking when provided on a common location for two or more uses which occur at different times of day;
2. Ability of the Director of Planning/Zoning Administrator to approve reductions for mixed-used properties, if the applicant submits sufficient documentation indicating the impact;
3. Ability of the Director of Planning/Zoning Administrator to approve certain reductions according to specified criteria for properties used for a Multi-Family Dwelling, Duplex, Single-Family Attached Dwelling, or Furniture Sales establishment; and
4. Ability of the Planning Commission to modify handicap space requirements.

Recommendation:

The Planning staff recommends the City Planning Commission recommend approval of an amendment of the Zoning Ordinance to Article 3.J, Section C by adding Item 22 to allow for indoor shooting facility, to Article 8, Section D by adding Item 5 allowing reductions in parking space requirements, and to Article 8, Section D by removing Item 4 removing a redundancy when adding the previous Item.

Article 3.J: - N-C, Neighborhood Commercial

C.- Special Permit Uses

22. Indoor shooting facility

Article 8. – Parking and Loading Requirements

D.- Computation of Required Parking Spaces

5. The City Planning Commission may waive or reduce the number of required parking spaces when the following conditions have been met:
 - a. The applicant is able to demonstrate fewer spaces are required because the current or proposed use does not warrant the required spaces, or the required parking will be provided elsewhere;
 - b. ADA requirements are fully satisfied;
 - c. The provisions of Article 8 of the Zoning Ordinance shall apply to any and all off-site parking which may be expected to be used in place of the required on-site parking;
 - d. The absence or reduction of parking spaces shall not cause any adverse impact on surrounding properties;
 - e. The applicant is able to demonstrate that the property was acquired in good faith, and the request is not based on any hardship created by the applicant or property owner;

- f. The applicant or property owner complies with any additional conditions the City Planning Commission deems appropriate at the time it chooses to waive or reduce the number of required off-street parking spaces.

H.- Handicap Parking Space Requirements

4. ~~The Planning Commission, upon recommendation by the Director of Planning/Zoning Administrator may modify handicap space requirements where the applicant can demonstrate fewer spaces are required and that ADA requirements are fully satisfied. Reserved.~~

The proposed zoning code amendment would address the two requested changes. First, the amendment would permit indoor shooting ranges within the N-C, Neighborhood Commercial Zoning District. Second, the amendment would grant the City Planning Commission the ability to reduce parking requirements. As proposed, such reductions would not be limited to Special Use Permits, therefore adding flexibility to the Zoning Ordinance. Additionally, the recommended amendment removes Article 8, Section H, Item 4 which becomes redundant with the other changes.

City Planning Commission Alternatives:

1. Recommend approval of the requested code amendment;
2. Recommend approval of the code amendment with modifications per Planning Commission;
3. Recommend denial of the request; or
4. Recommend tabling the request.

CODE CHANGE AMENDMENT



The City Council, with the advice of the City Planning Commission, is authorized by the Municipal Code to change the Zoning Code as long as this action is justified by the PUBLIC NECESSITY, GENERAL WELFARE, OR GOOD ZONING PRACTICE.

P.O. Box 3300 Danville, VA 24543 434-799-5260
Fax 434-797-8919 www.danville-va.gov

PROCEDURE

1. **The Applicant** obtains a copy of the Zoning Code Section, which they wish to have amended.

2. **The Applicant** files this application with the Department of Community Development accompanied by a \$360 application fee.
3. **The Department** checks the application and material for accuracy and completeness.
4. **The Department** sends the application through the Development Review Process for comments from other City Departments.
5. **The Department** sets the case for a public hearing before the City Planning Commission and publishes legal notice of the public hearing in the local newspaper.
6. **The Department**, prior to the public hearing, analyzes the Code Change Amendment application and prepares a written report with a recommendation for the City Planning Commission. The report is made available to the applicant prior to the hearing date.
7. **The City Planning Commission** holds a public hearing at which the applicant and those interested in the requested Code Change Amendment should attend. Those attending may present testimony and evidence for and against the proposed Code Change Amendment. The City Planning Commission reviews the request and decides on a recommendation to the City Council based on compliance with the Comprehensive Plan, staff reports, and the results of the public hearing.
8. **The Department** sets the case for a public hearing before the City Council and publishes legal notices of the public hearing in the local newspaper.
9. **The City Manager** prepares and submits a written recommendation to the City Council.
10. **The City Council** holds a public hearing at which the applicant and those interested in the requested Code Change Amendment should attend. Those attending may present testimony and evidence for and against the proposed Code Change Amendment. The City Council makes its decision based on the City Planning Commission and City Managers recommendations, compliance with the Comprehensive Plan, and the results of the public hearing.

If the City Council approves the Code Change Amendment, it is adopted by Ordinance and unless otherwise noted, is effective immediately.

Every action, by an affected party, contesting a decision of the City Council to adopt, or failing to adopt a proposed Code Change Amendment, shall be filed with the Danville Circuit Court within sixty (60) days of the date of Council's decision.

CITY OF DANVILLE

CODE CHANGE AMENDMENT

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL

Application is hereby made for the Code Change Amendment as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: PLCA 201800000265 DATE FILED: September 19, 2018

RECEIVED FROM: Jason Wilson

SECTION AFFECTED: Article 3-J, Section C

PLANNING COMMISSION DATE/ACTION: November 12, 2018

CITY COUNCIL DATE/ACTION: December 4, 2018

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section: Chapter 41 Article 3-J Section C add #22

Proposed Amendment (please attach if not sufficient space: We are requesting that an
amendment be made to allow an indoor shooting facility in this property which is currently
zoned N-C

Purpose for proposed amendment: We need the amendment to use the facility for an
indoor shooting range/training facility.

PRESENT OWNER(S) OF ALL PROPERTIES INCLUDED IN APPLICATION:

1. NAME (PLEASE PRINT OR TYPE): C & J Wilson Properties LLC

ADDRESS: : 8400 Robert Mohr Court Greensboro, NC 27455

EMAIL: riversidepawn2384@gmail.com

TELEPHONE: 434-250-2952

SIGNATURE:  DATE: 9/19/2018

2. NAME (PLEASE PRINT OR TYPE): _____

ADDRESS: _____

TELEPHONE: _____

SIGNATURE: _____ DATE: _____

APPLICANT (If the applicant is not the property owner, written authorization from the property owner must accompany this application).

NAME (PLEASE PRINT OR TYPE): Jason Wilson

ADDRESS: 8400 Robert Mohr Ct Greensboro, NC 27455

EMAIL: riverside pawn 2384 @gmail.com

TELEPHONE: 434-250-2952

SIGNATURE:  DATE: 9/19/18

Council Letter

City of Danville, Virginia



CL-2035

New Business Item #: B.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: Request for a Special Use Permit to Operate a Bed and Breakfast at 327 W. Main Street.

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/04/2018

SUMMARY

A request has been filed by William C. Doss requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E, Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 327 W. Main Street, otherwise known as Grid 1719, Block 022, Parcel 000023. The applicant is proposing to operate a bed and breakfast.

BACKGROUND

An application has been filed by William C. Doss requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E, Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 327 W. Main Street, otherwise known as Grid 1719, Block 022, Parcel 000023 of the City of Danville, Virginia Zoning District Map.

The applicant is proposing to operate a bed and breakfast on a residential property. The proposed use will be listed on Airbnb. This use is defined in the Zoning Ordinance as:

"Bed and breakfast lodging. A single family dwelling, occupied by its owner or operator, containing sleeping and breakfast accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no more than eight (8) room accommodations for transient persons and wherein a charge is normally paid for such accommodations. A bed and breakfast may include banquet/event facilities for private parties as an accessory use."

Currently, bed and breakfast establishments are only permitted by-right in four (4) of six (6) commercial districts and by special use permit in seven (7) of eight (8) residential districts. Requiring a special use permit allows the City to protect the continued residential nature and use of the residential districts, without the presence of excess transient individuals.

This request was originally considered by the Planning Commission on October 8, 2018. At that time, the Commission voted to table the request. The decision was made to allow the applicant time to discuss parking concerns with neighbors.

At their meeting of The Planning Commission voted 6-0 (Commissioner Bolton absent) to recommend approval of the request subject to the following conditions:

1. The property continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast;
2. Guests may not stay for longer than thirty (30) consecutive calendar days;
3. The bed and breakfast may not include banquet/event facilities for private parties as an accessory use;
4. The facility shall use no more than two (2) guest rooms for occupancy, and only one (1) guest car at any time; and
5. The facility shall contain no visible business signage.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E, Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 327 W. Main Street, otherwise known as Grid 1719, Block 022, Parcel 000023 subject to the following conditions:

1. The property continues to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast;
2. Guests may not stay for longer than thirty (30) consecutive calendar days;
3. The bed and breakfast may not include banquet/event facilities for private parties as an accessory use;
4. The facility shall use no more than two (2) guest rooms for occupancy, and only one (1) guest car at any time; and
5. The facility shall contain no visible business signage.

Attachments

Ordinance

Planniing Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A BED AND BREAKFAST IN ACCORDANCE WITH ARTICLE 3:E, SECTION C, ITEM 3 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED AT 327 W. MAIN STREET, OTHERWISE KNOWN AS GRID 1719, BLOCK 022, PARCEL 000023 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20180000229, filed by William C. Doss requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E, Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 327 W. Main Street, otherwise known as Grid 1719, Block 022, Parcel 000023 of the City of Danville, Virginia Zoning District Map, is hereby received, subject to the following conditions:

1. The property continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast;
2. Guests may not stay for longer than thirty (30) consecutive calendar days;
3. The bed and breakfast may not include banquet/event facilities for private parties as an accessory use;
4. The facility shall use no more than two (2) guest rooms for occupancy, and only one (1) guest car at any time; and
5. The facility shall contain no visible business signage.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, PLSUP20180000229, filed by William C. Doss requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E, Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 327 W. Main Street, otherwise known as Grid 1719, Block 022, Parcel 000023 of the City of

Danville, Virginia Zoning District Map, is hereby granted and approved, subject to the following conditions:

1. The property continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast;
2. Guests may not stay for longer than thirty (30) consecutive calendar days;
3. The bed and breakfast may not include banquet/event facilities for private parties as an accessory use;
4. The facility shall use no more than two (2) guest rooms for occupancy, and only one (1) guest car at any time; and
5. The facility shall contain no visible business signage.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2018
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST
REQUEST:

Special Use Permit application PLSUP20180000229, filed by William C. Doss requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 327 W Main St, otherwise known as Grid 1719, Block 022, Parcel 000023. The applicant is proposing to operate a bed and breakfast.

RECOMMENDATION:

The Planning Commission voted 6-0 (Commissioner Bolton absent) to recommend approval of the request subject to the following conditions:

- 1) The property continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast;
- 2) Guests may not stay for longer than thirty (30) consecutive calendar days;
- 3) The bed and breakfast may not include banquet/event facilities for private parties as an accessory use;
- 4) The facility shall use no more than two (2) guest rooms for occupancy, and only one (1) guest car at any time; and
- 5) The facility shall contain no visible business signage.

Michael W Searce (BWT)

Mr. Michael Searce, Chairman

RESPONSES:

Forty (40) notices were sent to property owners within three hundred (300) feet of the property. Sixteen (16) property owners returned statements for the October 8, 2018 public hearing, and two (2) additional statements were returned for the November 12 public hearing. Nine (9) property owners are not opposed to the special use permit. (James and Pamela Houser, Gary Pribble and Jennifer Adkins, Margaret Dove and Wanda Greene and Robin Crews and Brian Dove, Roberty and Sandra Marsh. Averrett College, Jason Suddeth, Lewis and Mary Dumont, Stuart and Audrey Pearson, John Mason and Anne Adcock). Nine (9) property owners are opposed to the special use permit (William and Pamela Donahue, Jeffrey and Kristi Gilliam, Frank Losee and Linda Bergen-Losee, Ranjana Clark and Priya Edwards, Fred Shanks III, Nelson Showalter, Richard and Louise Phelps, Carlos and Elizabeth A Dearistizabal, Linda M Weir).

COMMENTS:

"Establishing a commercial enterprise in this district opens the door to future development. The area already suffers from traffic and parking issues due to multi use residential properties. This precedent is not desirable and can lead to a deterioration of property values for residential properties."

"There is insufficient parking in area the proposed property. This change will also start to change the character of this neighborhood (negatively)."

"There is no opposition on my part, but I would like to suggest that there be designated parking for this bed and breakfast that would not affect the parking by surrounding nearby neighbors. Sandra F. Marsh"

"This would require more parking. There is not enough parking for the houses and churches in this area."

Please see the attached letters for additional comments. One (1) letter is opposed to the issuance of a special use permit, while three (3) are in support.

333 West Main Street
Danville, VA 24541
October 12, 2018

Danville Planning Commission
427 Patton Street, 208
Danville, VA 24541

RE: Permit Application of William C. Doss

Dear Members of the Planning Commission:

I am writing as a co-owner of a West End home and as a neighbor of Mr. William C. Doss, whose application for special permit to host guests via Airbnb was recently tabled by this commission. Danville lacks hospitality options near downtown and, as I look around the neighborhood, Danville has many beautiful, but vacant and ageing, homes for sale. Mr. Doss' Airbnb offering should be a welcome activity—Airbnb hosting encourages visitors to stay in Danville, and promotes homeownership in an area that desperately needs stewards of these historic homes.

As a historian, I understand the value of these homes in Danville's West End. However, it was not until I became a co-owner of one of these homes that I fully appreciated how much financial investment is required to update, maintain, and improve them. The cost of updating Danville's historic homes to a decent, livable state is dear (a new HVAC system alone, for instance, can cost as much as \$40,000). If homeownership, stability and stewardship are important to this commission, requests for alternative hospitality options such as Airbnb should be considered to help ameliorate the costs of upkeep and improvement of Danville's historic and beautiful homes.

As Mr. Doss' next-door neighbor, I have seen firsthand his dedication to stewardship and hospitality in the West End. He has, like many others in the area, no doubt invested much into his home, and relies on hosting guests via Airbnb to supplement necessary home improvements. I've had friends and colleagues who stayed with Mr. Doss because of his home's convenience to downtown and for Mr. Doss' reputation as a welcoming and thoughtful host. Parking, which I understand is of great concern, has simply never been an issue for me as a resident as long as Mr. Doss has welcomed visitors into his home as an Airbnb host.

Thank you for considering Mr. Doss' application for Airbnb hosting. I trust that you will make the best decision that will encourage homeownership, stewardship, and hospitality in Danville.

Sincerely,


Ina Dixon

323-A West Main Street
Danville, VA 24541

October 12, 2018

Danville Planning Commission

To Whom It May Concern:

I am writing in regard to the application of Mr. William Christopher Doss who has applied with the City of Danville for a special use permit to host "Home-Stay" tourists in his house at 327 West Main Street.

As you can see from my address, I am his direct neighbor on the left side of his house. We share adjoining driveways, although his driveway is much larger than mine.

For most of the time that I have lived here, Mr. Doss has hosted visitors to Danville from around the nation and around the world. During that time, there has never been any parking problem at all whatsoever. Additionally, he has had many contractors working on his house during that time, and they have had multiple vehicles on the premises. But we have never had any parking issues.

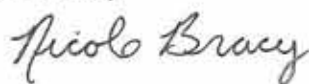
I understand that neighbors who live further away have objected to his guest hosting on the grounds of parking issues. They do not live close by. They do not understand that it has not been a problem. To the contrary, I have even had visitors coming to my house who have mistakenly parked in his driveway, and he has never complained.

I cannot state it more plainly. Parking is simply not a problem here. I think that it is only fair for you to approve his application.

Please contact me if you need more information. You are welcome to call me on my cell phone at 434-548-9988.

Sincerely,

Nicole Bracey



Cc: Doss

322 West Main Street
Danville, Virginia 24541

October 12th, 2018

Planning Commission
City of Danville
427 Patton Street, Ste. 208
Danville, Virginia 24541

Dear Planning Commission Members:

Some weeks ago, I returned a form to you expressing my support for the application of my neighbor, William Christopher Doss, to obtain the required permit to host guests through a home-stay network.

I understand that his application has been tabled based on objections related to alleged parking issues.

I am Mr. Doss's neighbor directly across the street. I am retired, and I am in a position to keep a watchful eye on my street. I can attest that I have never observed parking problems as may have been purported in your meeting.

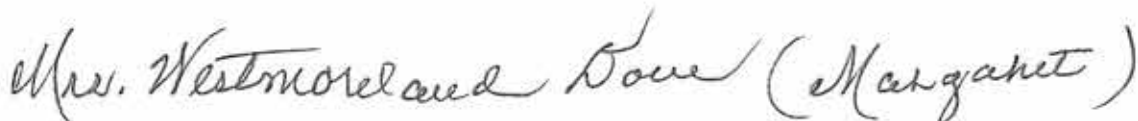
Even when there have been simultaneous renovations at Mr. Doss's house and next door to him at 333 West Main, when there have been many contractors at both locations, parking has not been problematic.

Mr. Doss has a long and spacious driveway that can accommodate at least four vehicles. Additionally, there is space for two vehicles in front of his house.

I believe that the allegations of parking issues are unfounded and unfair. As his neighbor directly across the street, I am in a position to know.

I hope that you will approve his application

Very truly yours,

A handwritten signature in cursive script that reads "Mrs. Westmoreland Dove (Margaret)".

Mrs. Westmoreland Dove

Comments regarding
William C. Doss's request for
Special Use Permit application PLSUP20180000229

As the homeowner at 349 West Main Street, Danville, Virginia, I along with my husband, Robert Weir, understand Mr. William Christopher Doss's plight regarding the unfortunate circumstances relating to his home. As have others, we also have experienced an inadequate house inspection, which resulted in costly, unexpected, and on-going repairs, as well as a serious diminishment of health and finances. These problems often arise in older homes of this age.

While both my husband and I wish Mr. Doss well, his solution to offset his financial difficulties causes great concern. The conversion of his private residence into overnight or temporary lodging for paying guests is not in the best interest of this section of West Main Street. The blocks from 254 through 561 West Main Street, as well as the entire block of Mt. Vernon, have long been single-family residences interspersed with long-term rentals. In order to maintain and preserve the neighborhood, Mr. Doss's request should be denied.

Over the long term, granting this special-use permit is a slippery slope for our neighborhood. Mr. Doss's request could become a gateway that shifts the composition of our residential, single-family and long-term rental neighborhood into a growing area of commercial activity. Without going into graphic detail here are some additional concerns:

- Encroachment of business activity in a residential-oriented neighborhood
- Long-term rentals become short-term (one or two days, e.g. Mini Hotel)
- Loss of single family housing
- Loss of commitment to neighborhood stability and appearance
- Off premises hosts in lieu of on-site caretakers
- Increased activity in the number of service workers, maids, vendors, inspectors, etc.
- Special- event activity
- Nonresident, administrative personnel activity
- Inadequate and improper parking of vehicles

The parking situation on West Main Street and the Area surrounding Averett University is currently complicated and congested for the residents in the surrounding neighborhood. Mr. Doss's request will only acerbate this issue.

Over time, a loss of single-family housing and long-term residential rentals will have a negative impact on the overall sense of our neighborhood's friendliness, accessibility, and safety which currently exists on this section of West Main Street. This fragile, older-residential community has been and is a productive and visual asset for Danville. It is admired by citizens as well as visitors.

As detailed above, these are some of the reasons we chose to live on West Main Street. We would like to maintain the character of the neighborhood that drew us here to Danville and this neighborhood.

Thank you for the opportunity to express our concerns regarding current and future activities in our neighborhood.

Again, I request that you deny Mr. Doss's special use application for 327 West Main Street.

Sincerely,



Linda M. Weir



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

City Planning Commission

Meeting of November, 12, 2018

Subject:

Special Use Permit application PLSUP20180000229, filed by William C. Doss requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 327 W Main St, otherwise known as Grid 1719, Block 022, Parcel 000023. The applicant is proposing to operate a bed and breakfast.

Background:

An application has been filed by William C. Doss requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 327 W Main St, otherwise known as Grid 1719, Block 022, Parcel 000023 of the City of Danville, Virginia Zoning District Map.

The applicant is proposing to operate a bed and breakfast on a residential property. The proposed use will be listed on Airbnb. This use is defined in the Zoning Ordinance as:

"Bed and breakfast lodging. A single family dwelling, occupied by its owner or operator, containing sleeping and breakfast accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no more than eight (8) room accommodations for transient persons and wherein a charge is normally paid for such accommodations. A bed and breakfast may include banquet/event facilities for private parties as an accessory use."

Currently, bed and breakfast establishments are only permitted by-right in four (4) of six (6) commercial districts and by special use permit in seven (7) of eight (8) residential districts. Requiring a special use permit allows the City to protect the continued residential nature and use of the residential districts, without the presence of excess transient individuals.

This request was originally considered by the City Planning Commission on October 8, 2018. At that time, the Commission voted to table the request. The decision was made to allow the applicant time to discuss parking concerns with neighbors.

In September, forty (40) notifications were sent to surrounding property owners within 300' of the subject property. Before the public hearing on October 8, 2018, sixteen (16) property owners returned statements. Additional notifications were sent after the original public hearing, with a time extension for statements to be returned. A full report will be presented to the City Planning Commission on November 12, 2018.

Recommendation:

Planning staff recommends approval of Special Use Permit application PLSUP20180000229, filed by William C. Doss, requesting a Special Use Permit to operate a bed and breakfast, subject to the following conditions:

1. The property continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast;
2. Guests may not stay for longer than thirty (30) consecutive calendar days;
3. The bed and breakfast may not include banquet/event facilities for private parties as an accessory use; and
4. The facility shall use no more than two (2) guest rooms for occupancy, and only one (1) guest car at any time.

The amended conditions would allow the applicant to operate a bed and breakfast in an OTR – Old Town Residential District, while also addressing parking concerns. The amended conditions also reflect the experiences of the applicant, who indicated that multiple rooms are typically only used when a family is traveling and able to use one car.

City Planning Commission Alternatives:

1. Recommend approval of the request as submitted;
2. Recommend approval of the request subject to conditions recommended by staff;
3. Recommend approval of the request subject to conditions by the Planning Commission;
4. Recommend denial of the request; or
5. Recommend tabling the request.

Attachments:

- Application
- Property Ownership/Zoning Map
- Data Sheet
- Existing Land Use Map (2015 Aerial)

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING

USE: bed and breakfast

CASE NUMBER: PLSOP2018-000029

EXISTING ZONING: OT-R

PROPOSED ZONING: OT-R

TAX MAP NUMBER: Parcel ID 24360

RECEIVED BY: Bryce Johnson

DATE FILED: 8/23/18

PLANNING COMMISSION DATE: 10/8/18

CITY COUNCIL DATE: 11/12/18

INFORMATION TO BE PROVIDED BY THE APPLICANT
(PLEASE TYPE OR PRINT)

Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: .19 acre Property Address: 327 W. M

Property Location: N S ☒ E W Side of: West Main

Between: Virginia and Mt. Vernon

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Home-sharing through Airbnb rental platform

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: William C. Dass TELEPHONE: 804-314-3412

MAILING ADDRESS: 327 West Main St., Danville 24541

SIGNATURE: W. C. Dass DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: christopher.dass@usa.net

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

The Shared Economy – The Economics of the Future

How can you help seniors stay in their homes? Improve Danville's deteriorating housing stock, boost real estate values, and increase property tax revenues? Help young home buyers purchase older homes that need work? Curb the growing burdens on public infrastructure? Capture a growing segment of the tourism industry?

If our only tool is a hammer, we solve every problem with a nail. No matter how familiar or unfamiliar we may be with any particular issue, we ask: What's the problem? Where's a nail? Worse, some people don't want new tools and don't seek new knowledge. We judge by what we know, even if new issues don't fit our knowledge-base. We accept or reject new ideas based on how they fit what we already accept or reject, regulate or ban.

We may have heard the terms "shared economy" or "home sharing", for example. We may have categorized them within concepts we already know. We simplistically make things fit patterns that are familiar to us. Perhaps we mistakenly make a new idea – something designed for a better future – fit into regulatory frameworks based on the past.

We also hear about sustainability; but what does that really mean? How is a "shared economy" a crucial part of the sustainability paradigm? Just what is a shared economy? Ride sharing? Home sharing? How are these better ways of using resources?

More important to public officials, how can this affect our allocation of resources and use of infrastructure? Can this alter the way we plan for roads, potable water, stormwater, power grids, senior services, etc.? Can this alter our approach to public sector problem solving?

When "*Airbnb*" is posed as an issue, what are we thinking? What's the problem that we want to examine? (*What's the nail that we'll use our hammer on?*)

What about deteriorating housing stocks and historic homes? What about keeping seniors in their homes? Getting young buyers into the housing market? Capturing a growing segment of the tourism industry? Home sharing (through venues like Airbnb) offers solutions to those problems. Shouldn't we be as eager to promote as to hinder home sharing?

The shared economy, including home sharing, is a way to use current resources more efficiently – reducing the need for new infrastructure, reducing demands on public budgets.

Car pooling is one example. When four commuters in Alexandria share a car into Washington, D.C. each day rather than driving solo, it reduces pollution and congestion; but, ultimately, it also saves taxpayers the need to add another lane onto Interstate 395 into D.C.

Home sharing is another. When 80 private homes welcome tourists in Alexandria, it eliminates problems related to building hotels in an environmentally and historically sensitive area, a colonial town on a tidal river. It helps keep prices affordable for tourists. It saves taxpayers the cost of expanded infrastructure for stormwater, potable water, sewage, roads, and power – all of which are very problematic in construction there.

But home sharing is not so simple. First and foremost, home sharing is not a mere hotel business. It's not like Uber. The best comparison takes us back to car-pooling: Commuters

get together, share a ride, save space on the highway, save petroleum, cut down on emissions, do the world a favor. Car-pooling is organized, even if informally. Ride-sharers know one another, and they arrange how to divide the driving and costs. Home sharing is similar

To become a member of a home sharing network – either as prospective guest or host – you must register, confirm your identity, and confirm your credit. This is not total strangers meeting. It's not public lodging. Each party knows something about the other.

Then there are the reviews. Airbnb is the best self-regulated, self-policed consumer protection system in the world. All guests and hosts get to review one another after every stay. Those reviews are public. Any prospective guest can see hosts' reviews. Hosts can see guests' reviews. From reviews, you learn about one another (and about the host's facility).

Yes, there are bad apples among Airbnb hosts. There are also doctors who promote drug addiction, clergy who commit misdeeds, and public officials who tweet too much. It's outrageous to judge any person, profession, or industry based on those we consider bad apples.

We also need to differentiate those who are genuinely part of the home sharing economy versus those who take advantage of Airbnb to market rental properties. Not all landlords are alike. Not every host on Airbnb is the same. Some are genuine home sharers. Some are merely property investors who utilize Airbnb's internet platform as a rental tool.

The senior citizen who occasionally rents a bedroom in her home is very different from the real estate investor who bought four condos just to list on Airbnb. Most home sharers are people who simply have an extra room to share in their homes. They're people who respect their neighbors – people who want to preserve the quality of life in their neighborhoods.

Some Airbnb hosts are bad actors who don't respect their neighbors. But many are seniors who use Airbnb as a means to keep living in their homes. Many are people who reduce the need to keep building more and more hotels in environmentally and historically sensitive areas. Many are people who rely on Airbnb to bridge the income gap when they renovate older homes, homes that might otherwise just deteriorate. We ought to promote this.

What about those tourists who are ardent home sharers – people who not only dislike hotels, but who don't want the *'entire apartment'* options on Airbnb – people who want to stay with locals? Staying in someone's home may seem odd to most people, but it's a growing segment of the tourism industry. Home sharing guests may not represent a huge number of visitors to Danville; maybe not even the majority of Airbnb clients. But they're a passionate and growing segment of the tourism industry. Danville should welcome those visitors.

Three commuters paying a fourth to drive them to work – we don't classify that as a taxi or common carrier. We don't tax or regulate it. Instead, we promote ride sharing as a public good. While some people look at home sharing as a potential problem to be regulated, I see a solution that needs to be promoted. But who will promote it to the citizens of Danville? And who will welcome those tourists and visitors who want to stay with a local?

Doss – Home Sharing Circumstances

Three years ago, I bought an old home in Danville. Based on a totally inadequate inspection report prior to purchase, I could not have dreamed how much work this house would need. Had a more thorough inspection been done, I would never have bought this money pit.

The inspection didn't scratch the surface. The inspector didn't vaguely begin to identify the problems that I've encountered in the three years that I've lived here. This house had clearly suffered critical deferred maintenance for some period of time, and I'm paying for it.

During my first 19-months in the house, ten roofers came before I even got an estimate for the roof. The first eight refused to offer a bid. The ninth and tenth offered bids that were double what my inspector led me to believe it would cost. Every repair has skyrocketed over any rational estimates: porch supports, window repairs, chimney repairs, water leaks, etc., etc. The inspector hadn't captured the full severity of problems or didn't even see problems.

I had been a frequent traveler and a home sharer for years. Home sharing seemed a logical way to bridge my financial gap. It is a joy to meet travelers from all over (India, Antigua, the Netherlands, Mexico, China, Britain, Uruguay, Germany, Sweden, etc.), and it has been a big help with all the renovation costs. Much of the deferred maintenance on my house would remain untouched without this financial help. The house would continue to go downhill.

Although health problems and limited skills sets restrict what I can do; nonetheless, I work constantly on this house. I am under medical care for Crohn's Disease, kidney failure, blood pressure, and back problems related to severe curvature of the spine and vertebrae issues in the neck. I have no training in building trades or home maintenance, but I am learning. In any event, my work on the house is limited, and I must hire people to do most of the work.

I look at the deteriorating homes in Danville, and I wonder how many people might purchase them if they knew about home sharing – if they could bring in a hundred dollars a month to help with repair costs. I read about city budget woes and the school budget and I wonder what it would be like if real estate were to make a serious turn-around in Danville. I hear about elderly people in Danville who would like to be able to afford cleaning help, and I wonder if an Airbnb guest two weekends a month would pay for that help.

With the growing number of tourists who want to stay with a local, Danville could profit in many ways.

William Christopher Doss
327 West Main Street
Danville, Virginia 24541
15 October 2018

City of Danville, Planning Commission
427 Patton Street, Suite 208
Danville, Virginia 24541

RE: Application PLSUP20180000229, William C. Doss, Special Use Permit

Dear Commission Members:

Per the concerns raised at your October meeting, I have asked my immediately adjacent neighbors if they would write letters to confirm that there have been no parking problems. Those neighbors who live in proximity are the ones who actually know the situation.

Pictures of my driveway are attached. It accommodates four to five vehicles. It is possible to park yet another car behind the gate, but I have never needed to do so. With the two spaces in front of my house, that is already a total of six to seven spaces. Parking has never been a problem, even when multiple contractors' vehicles have been present.

If, however, anyone considers parking to be a genuine, legitimate concern, then I would propose an amendment to the conditions recommended by staff: Perhaps you could approve the permit based on a limitation of two rooms rather than the three originally recommended. That should help to allay the fears of anyone who actually is sincere about parking as a real issue.

Being able to list two rooms provides flexibility, but the reality is that I would rarely use more than one guest room at any given time. No one has EVER asked me about occupancy rates when I was engaged in this activity. I seldom used more than one room at a time and had about a 20% occupancy rate. (The commercial accommodations industry's occupancy rate is about 69%.)

Could you also prohibit banquets? If that particular objection was genuine, then this prohibition would solve it. As I have stated, I have no space, no furnishings, no equipment, no talent, no skills, no inclination, and no desire to be involved with banquets.

I welcome any other recommendations that you might offer. I will do my best to accommodate any neighbors' concerns that are genuine and legitimate. If they had responded to the letter I sent back in August, I would have come to the October meeting prepared to address their issues.

Please let me know if I might provide any further information.

Thank you for your consideration.

Sincerely,



William C. Doss

Driveway at 327 W. Main St. facing frontward & backward; room for 4 to 5 vehicles.
(Driveway is 80+ feet long. If the back gate were open, that would add another vehicle.)



2 spaces in front of 327 W. Main Street (for a total of 6 to 7 spaces)

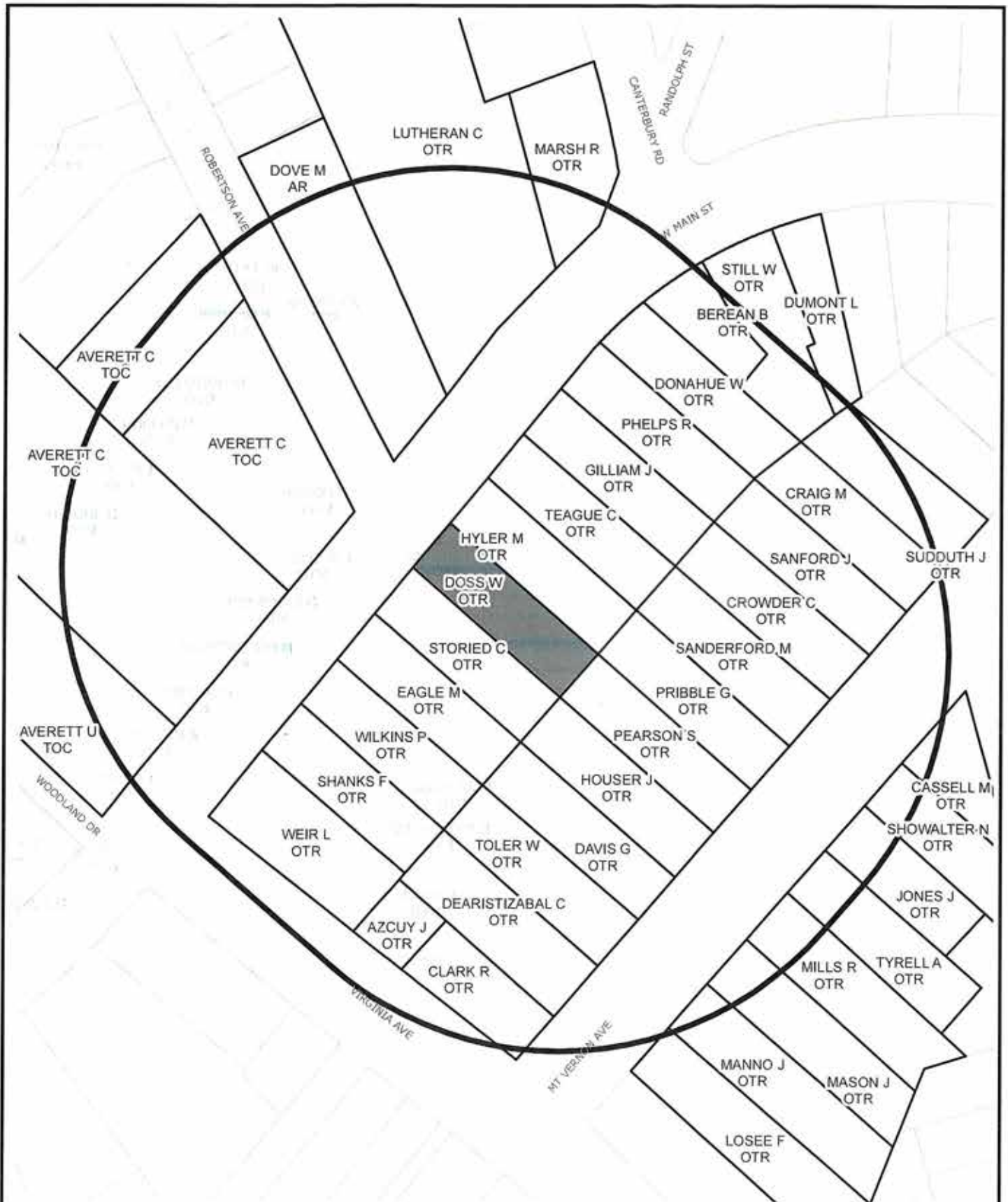


2 spaces in the driveway of
 323 W. Main plus 2 in front.



333 W. Main has a driveway leading to parking
 behind the house plus 2 in front.





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/23/2018

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATE: November 12, 2018

LOCATION OF PROPERTY: 327 W Main St

PRESENT ZONE: OTR – Old Town Residential

PROPOSED ZONE: Unchanged

ACTION REQUESTED: Special Use Permit to operate a bed and breakfast

PRESENT USE OF PROPERTY: Residential

PROPOSED USE OF PROPERTY: Residential, and bed and breakfast

PROPERTY OWNER (S): William Doss

NAME OF APPLICANT (S): William Doss

PROPERTY BORDERED BY: Residential on all sides

ACREAGE: 0.19 acres (8,276.4 square feet)

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: W Main St

TRAFFIC VOLUME: Moderate



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/18/2018

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for any errors or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Council Letter

City of Danville, Virginia



CL-2036

New Business Item #: C.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: Request for a Special Use Permit to Operate an Auction Establishment at 2179 South Boston Road

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/04/2018

SUMMARY

A request has been filed by River City Auction Co., on behalf of Sellers Brothers Inc., requesting a Special Use Permit to operate an auction establishment in accordance with Article 3.M, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended at 2179 South Boston Road, otherwise known as Grid 4719, Block 005, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an auction house.

BACKGROUND

An application has been filed by River City Auction Co., on behalf of Sellers Brothers Inc., requesting a special use permit to operate an auction establishment in accordance with Article 3.M, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended at 2179 South Boston Road, otherwise known as Grid 4719, Block 005, Parcel 000003 of the City of Danville, Virginia Zoning District Map.

The applicant is proposing to operate an auction establishment on commercial property within the city limits. Such an auction establishment is not permitted by-right in any zoning district. The use is only permitted by special use permit within the HR-C, Highway Retail Commercial District in which this property is located.

Currently, the property does not contain sufficient paved parking for an auction establishment or similar commercial use. Past commercial uses were permitted because the property's lack of paved parking was considered legal nonconforming. According to Article 8, Section E of the Zoning Ordinance, an auction establishment requires more paved parking than the previous use as an office and display space for an accessory buildings business. As an increase in the intensity of use, the property will need to be brought into compliance regarding the parking requirements. The space is currently available around the property.

This request was originally considered by the City Planning Commission on October 8, 2018. At that time, the Commission voted to table the request. The decision was to allow the consideration of a zoning code amendment to address parking requirements. A report on such an amendment has been provided with this report for consideration by the Commission on November 12, 2018.

The code amendment mentioned would permit a reduction of the parking space requirements. If not, the

property would continue to be considered legal nonconforming. Conformance with the Zoning Ordinance is generally sought from nonconforming uses, as specified in Article 7 of the Zoning Ordinance which seeks to limit the continuation of nonconforming uses, structures, and lots.

At their meeting of November 12, 2018, the Planning Commission voted 4-2 (Commissioner Bolton absent) to recommend approval of the request subject to the following conditions:

- The hours of operation are to be limited between 8:00 a.m. and 10:00 p.m. Sunday through Friday, and 8:00 a.m. and 11:00 p.m. on Saturday.

RECOMMENDATION

It is recommended that City Council grant a Special Use Permit to operate an auction establishment in accordance with Article 3.M, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended at 2179 South Boston Road, otherwise known as Grid 4719, Block 005, Parcel 000003 of the City of Danville, Virginia Zoning District Map subject to the following conditions:

- The hours of operation are to be limited between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR AN AUCTION ESTABLISHMENT IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 1 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED AT 2179 SOUTH BOSTON ROAD, OTHERWISE KNOWN AS GRID 4719, BLOCK 005, PARCEL 000003, OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20180000255, filed by River City Auction Co., on behalf of Sellers Brothers Inc., requesting a Special Use Permit to operate an auction establishment in accordance with Article 3.M, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended, at 2179 South Boston Road, otherwise known as Grid 4719, Block 005, Parcel 000003 of the City of Danville, Virginia Zoning District Map is hereby received, subject to the following condition:

- The hours of operation are to be limited between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday.

AND BE IT FURTHER ORDAINED THAT in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20180000255, filed by River City Auction Co., on behalf of Sellers Brothers Inc., requesting a Special Use Permit to operate an auction establishment in accordance with Article 3.M, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended, at 2179 South Boston Road, otherwise known as Grid 4719, Block 005, Parcel 000003 of the City of Danville, Virginia Zoning District Map is hereby granted and approved, subject to the following condition:

- The hours of operation are to be limited between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2018
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST
REQUEST:

Special Use Permit application PLSUP20180000255, filed by River City Auction Co., on behalf of Sellers Brothers Inc., requesting a Special Use Permit to operate an auction establishment in accordance with Article 3.M, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended at 2179 South Boston Rd, otherwise known as Grid 4719, Block 005, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an auction house.

RECOMMENDATION:

The Planning Commission voted 4-2 (Commissioner Bolton absent) to recommend approval of the request subject to the following conditions:

- The hours of operation are to be limited between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday.

Michael W. Searce (BWT)

Mr. Michael Searce, Chairman

RESPONSES:

Six (6) notifications were sent to surrounding property owners within 300' of the subject property. Three (3) statements were returned for the public hearing on October 8, 2018. No additional statements were returned for public hearing on November 12, 2018. Two (2) property owners are not opposed to the special use permit (Chatham Oil Company, Mary M & Hubert C Sellers Jr.). One (1) property owner is opposed to the special use permit (Mary T Gregory & David Lee Jones Jr.).

COMMENTS:

There were no additional comments.



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

City Planning Commission

Meeting of Monday, November 12, 2018

Subject:

Special Use Permit application PLSUP20180000255, filed by River City Auction Co., on behalf of Sellers Brothers Inc., requesting a Special Use Permit to operate an auction establishment in accordance with Article 3.M, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended at 2179 South Boston Rd, otherwise known as Grid 4719, Block 005, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an auction house.

Background:

An application has been filed by River City Auction Co., on behalf of Sellers Brothers Inc., requesting a special use permit to operate an auction establishment in accordance with Article 3.M, Section C, Item 1 of the Code of the City of Danville, Virginia, 1986, as amended at 2179 South Boston Rd, otherwise known as Grid 4719, Block 005, Parcel 000003 of the City of Danville, Virginia Zoning District Map.

The applicant is proposing to operate an auction establishment on commercial property. Within City limits, such an auction establishment is not permitted by-right in any zoning district. The use is only permitted by special use permit within the HR-C, Highway Retail Commercial District in which this property is located.

Currently, the property does not contain sufficient paved parking for an auction establishment or similar commercial use. Past commercial uses were permitted because the property's lack of paved parking was considered legal nonconforming. According to Article 8, Section E of the Zoning Ordinance, an auction establishment requires more paved parking than the previous use as an office and display space for an accessory buildings business. As an increase in the intensity of use, the property will need to be brought into compliance regarding the parking requirements. The space is currently available around the property.

This request was originally considered by the City Planning Commission on October 8, 2018. At that time, the Commission voted to table the request. The decision was to allow the consideration of a zoning code amendment to address parking requirements. A report on such an amendment has been provided with this report for consideration by the Commission on November 12, 2018.

The code amendment mentioned would permit a reduction of the parking space requirements. If not, the property would continue to be considered legal nonconforming. Conformance with the Zoning Ordinance is generally sought from nonconforming uses, as specified in Article 7 of the Zoning Ordinance which seeks to limit the continuation of nonconforming uses, structures, and lots.

Six (6) notifications were sent to surrounding property owners within 300' of the subject property. Before the public hearing on October 8, 2018, three (3) property owners returned statements. Additional notifications were sent after the original public hearing, with a time extension for statements to be returned. A full report will be presented to the City Planning Commission on November 12, 2018.

Recommendation:

Planning staff recommends approval of Special Use Permit application PLSUP20180000255, filed by River City Auction Co., on behalf of Sellers Brothers Inc., with the following conditions:

1. A total of thirteen (13) paved parking spaces, including a handicap space, be provided on the property and/or adjacent properties which are owned by the same owner;
2. A paved driveway be provided to connect the paved parking spaces to the public street right-of-way; and
3. The hours of operation are to be limited between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday.

The proposed conditions will bring the property into conforming status, allow the property owner more than adequate time to install the required paved parking, and protect the residential surroundings.

Alternatively, if City Council passes a zoning code amendment which allows the City Planning Commission to waive or reduce parking requirements, the Commission may consider waiving the parking requirements. The proposed code amendment includes conditions for such a waiver or reduction, based on research into parking requirements. Staff do not believe the applicant meets the proposed conditions, and does not recommend waiving or reducing the required on-site parking spaces.

City Planning Commission Alternatives:

1. Recommend approval of the request as submitted;
2. Recommend approval of the request subject to conditions recommended by staff;
3. Recommend approval of the request subject to conditions by the Planning Commission;
4. Recommend denial of the request; or
5. Recommend tabling the request.

Attachments:

- Application
- Property Ownership/Zoning Map
- Data Sheet
- Existing Land Use Map (2015 Aerial)
- Resolution

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING

USE: Auction House Auction Establishment

CASE NUMBER: PLSUP20180000255

EXISTING ZONING: HR-C

PROPOSED ZONING: HR-C

TAX MAP NUMBER: Parcel ID 77078

RECEIVED BY: Bryce Johnson

DATE FILED: 9/10/18

PLANNING COMMISSION DATE: 10/8/18

CITY COUNCIL DATE: 11/12/18

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

Exact legal description of property (Attach if insufficient space).

99.7 FT (.86AC) 101 South Boston Rd

Gross Area/Net Area: 3058 sq ft Property Address: 2179 S. Boston Rd Danville, VA

Property Location: N S E W Side of: Danville

Between: CRYSTAL LAKE and Gough St.

Proffered Conditions (if any, please attach): NA

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines. *3058 sq. ft existing building*
USE - Auction House
- Vehicular circulation system with points of ingress and egress. *AVAILABLE OFF CRYSTAL LN ASPEN*
CURRENT TRAFFIC PATTERN
- Existing on-site buildings, separation dimensions and paved areas. *NONE*
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided. *LOADING REAR OF BUILDING 12x20*
PARKING AVAILABLE ALL AROUND BUILDING
ALL OFF STREET
- Net acreage. *86*
- Gross and net square footage of building (s) (proposed and existing). *EXISTING 3058 sq. ft*
NONE PROPOSED
- Required landscaping and buffer areas. *ALREADY IN PLACE*

Please provide a brief description of the proposed development:

NO NEW DEVELOPMENT

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Lee Sellers Brothers Inc. TELEPHONE: 434 822-8263

MAILING ADDRESS: 2145 S. Boston Rd Danville VA 24540

SIGNATURE: _____ DATE: _____

SIGNATURE: HC Seller Jr DATE: 8/31/18

EMAIL ADDRESS: [Signature]

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: River City Auction Co. TELEPHONE: 434 251-2202

MAILING ADDRESS: 428 Piney Forest Rd Danville VA 24540

EMAIL ADDRESS: RSmithSmith-Side@gmail.com

SIGNATURE: [Signature] DATE: 8/31/18

Sellers Brothers, Inc.

2145 SOUTH BOSTON ROAD
DANVILLE, VIRGINIA 24540
(434) 822-8263
FAX: (434) 822-6203



August 23, 2018

City of Danville
P. O. Box 3300
Danville, VA 24543

To Whom It May Concern:

Rita Smith of River City Auction Company has our permission to apply for a special use permit (for an auction house) on our property located at 2179 South Boston Road, Danville, VA.

A handwritten signature in cursive script that reads "Bert Sellers".

Bert Sellers
President



Parcel ID: 77078



- ☐ Buildings
- ☐ Parcels
- ☐ Street Names
- ☐ House Numbers



Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, it's accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Date: 8/23/2018

Parcel ID: 77078
Address: 2179 SOUTH BOSTON RD
Owner: SELLERS BROTHERS INC
 PO BOX 1136
 DANVILLE, VA 24543
Mail-To: SELLERS BROTHERS INC
 PO BOX 1136
 DANVILLE, VA 24543



Value Information	
Land / Use:	\$17,200
Improvement:	\$60,400
Total:	\$77,600.00

Building Information	
Year Built:	1998
Total Rooms:	0
Bedrooms:	0
Full Bathrooms:	0
Half Bathrooms:	0
Finished Square Feet:	3,098

Additional Information			
State Code:	4631 Auto Repair Svc & Garage	Approx Acres:	0.86
Land Use:	Commercial	Legal Description:	99.7 FT (.86 AC) NO 1 SOUTH BOSTON RD
Tax Map:	4719-005-000003.000	Zone:	HRC Highway Retail Comm
Notes:	Sellers Garage & Speed Shop - Puryear RacingDB 04-1856: 8 lists. (Map P180A A 3)		

Building

Building Information - 1			
Property Class:	Commercial	Finished Square Feet:	3,098
Style:	No Data	Basement Square Feet:	0
Year Built:	1998	Total Rooms:	0
Condition:	No Data	* Bathrooms are not included in total room count.	
Story Height:	No Data		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Space Heater		100 %	
Concrete Block		100 %	

Improvements

Bldg #:	Improvement:	Size:
1	Concrete Paving	2,080

Land

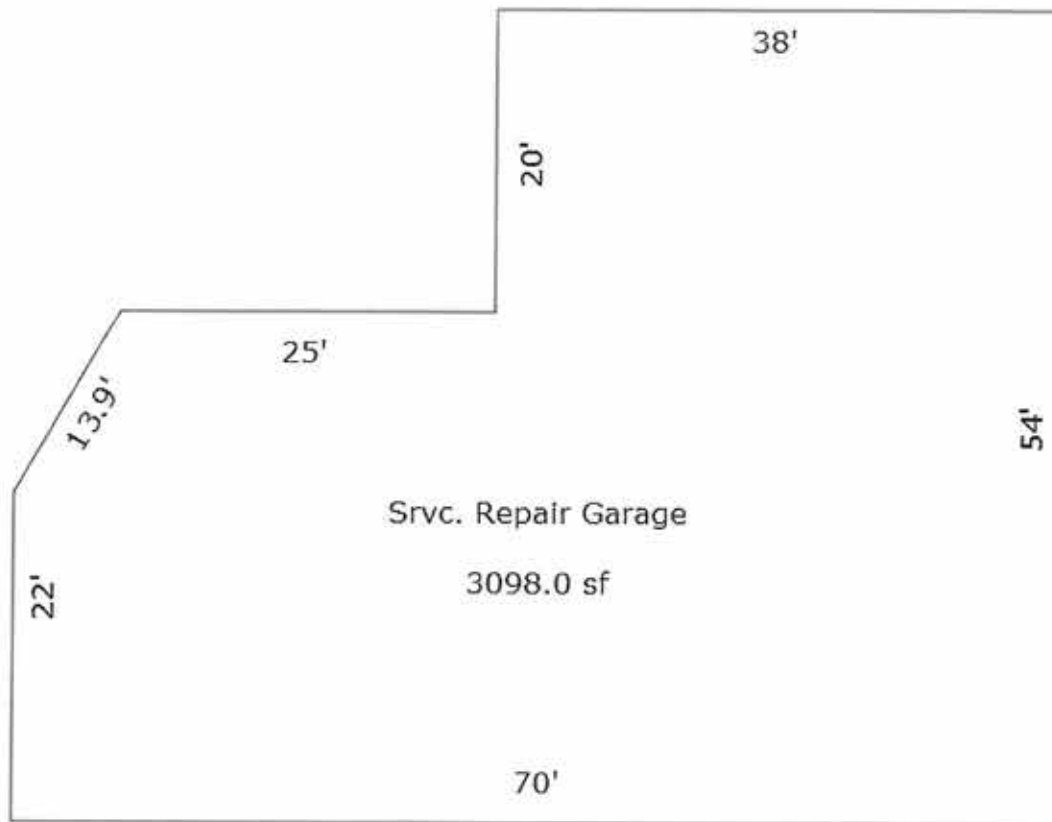
Land Code:	A36 20000 Per Acre	Rate:	\$20,000
Acres:	0.86	Adj. Rate:	\$20,000
Sq. Ft.:	37,462	Base Value:	\$17,200
Front:	0	Adj. Amount:	\$0
Effective Front:	0	Value:	\$17,200
Depth:	0		

Transfers

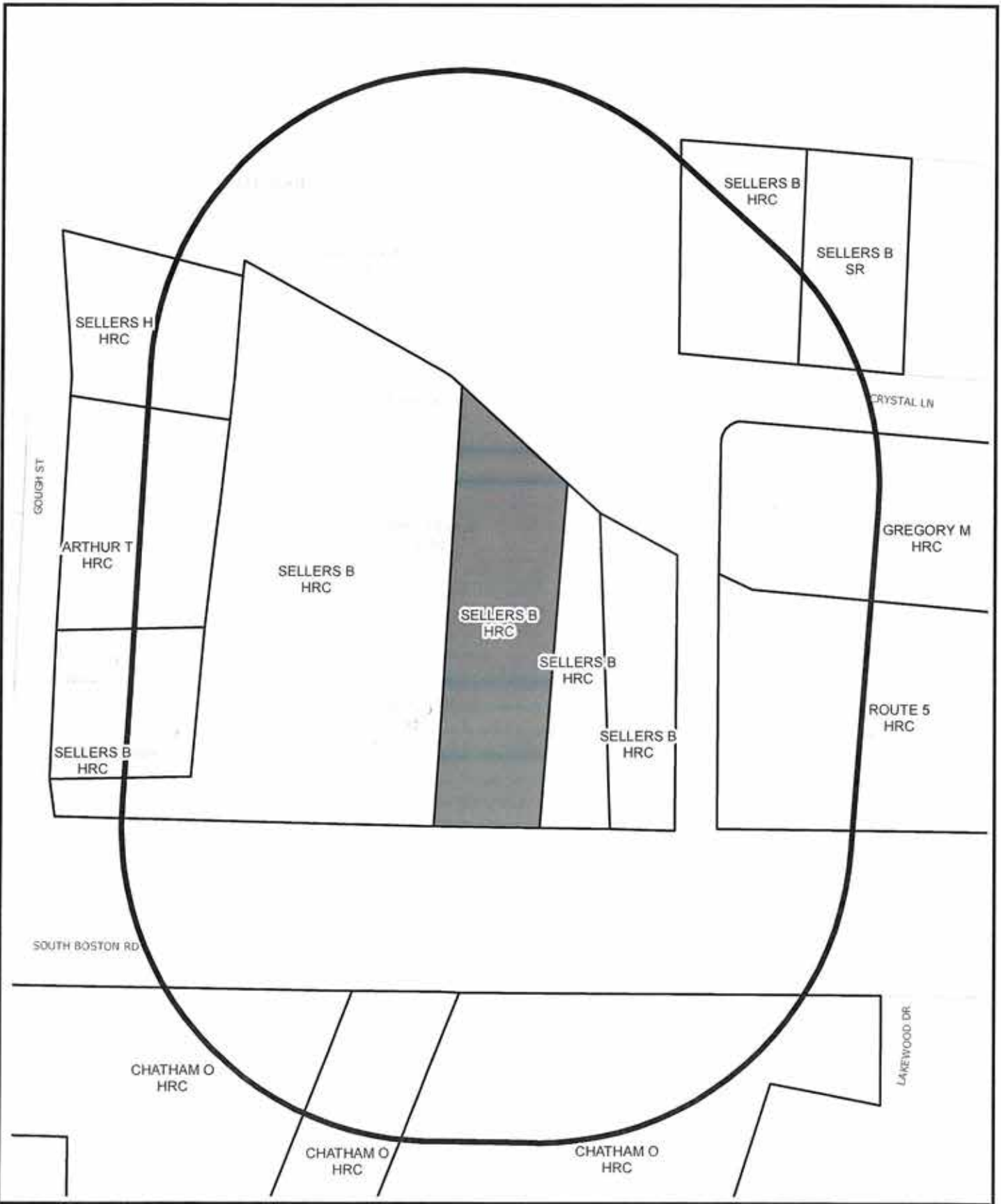
Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 04	1856	\$0	4/19/2004	SELLERS HUBERT C	SELLERS BROTHERS INC
D 99	73	\$0	1/6/1999	<i>No Data</i>	<i>No Data</i>

Assessments

Year	Land	Use	Improvements	Total
2018	\$17,200	\$0	\$60,400	\$77,600
2017	\$17,200	\$0	\$60,600	\$77,800
2016	\$17,200	\$0	\$60,600	\$77,800
2015	\$17,200	\$0	\$61,300	\$78,500
2014	\$17,200	\$0	\$61,300	\$78,500
2013	\$17,200	\$0	\$47,800	\$65,000
2012	\$17,200	\$0	\$47,800	\$65,000
2011	\$17,200	\$0	\$48,600	\$65,800
2010	\$17,200	\$0	\$48,600	\$65,800
2009	\$17,200	\$0	\$48,300	\$65,500
2008	\$17,200	\$0	\$48,300	\$65,500
2007	\$17,200	\$0	\$39,900	\$57,100
2006	\$17,200	\$0	\$39,900	\$57,100
2005	\$5,000	\$0	\$33,700	\$38,700
2004	\$5,000	\$0	\$33,700	\$38,700
2003	\$3,000	\$0	\$32,600	\$35,600
2002	\$3,000	\$0	\$32,600	\$35,600
2001	\$3,000	\$0	\$31,400	\$34,400
2000	\$3,000	\$0	\$19,500	\$22,500



Sketch by Apex Medina™



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/18/2018

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SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATE: November 12, 2018

LOCATION OF PROPERTY: 2179 South Boston Rd

PRESENT ZONE: HRC – Highway Retail Commercial

PROPOSED ZONE: Unchanged

ACTION REQUESTED: Special Use Permit to operate an auction establishment

PRESENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Auction establishment

PROPERTY OWNER (S): Sellers Brothers Inc.

NAME OF APPLICANT (S): River City Auction Co

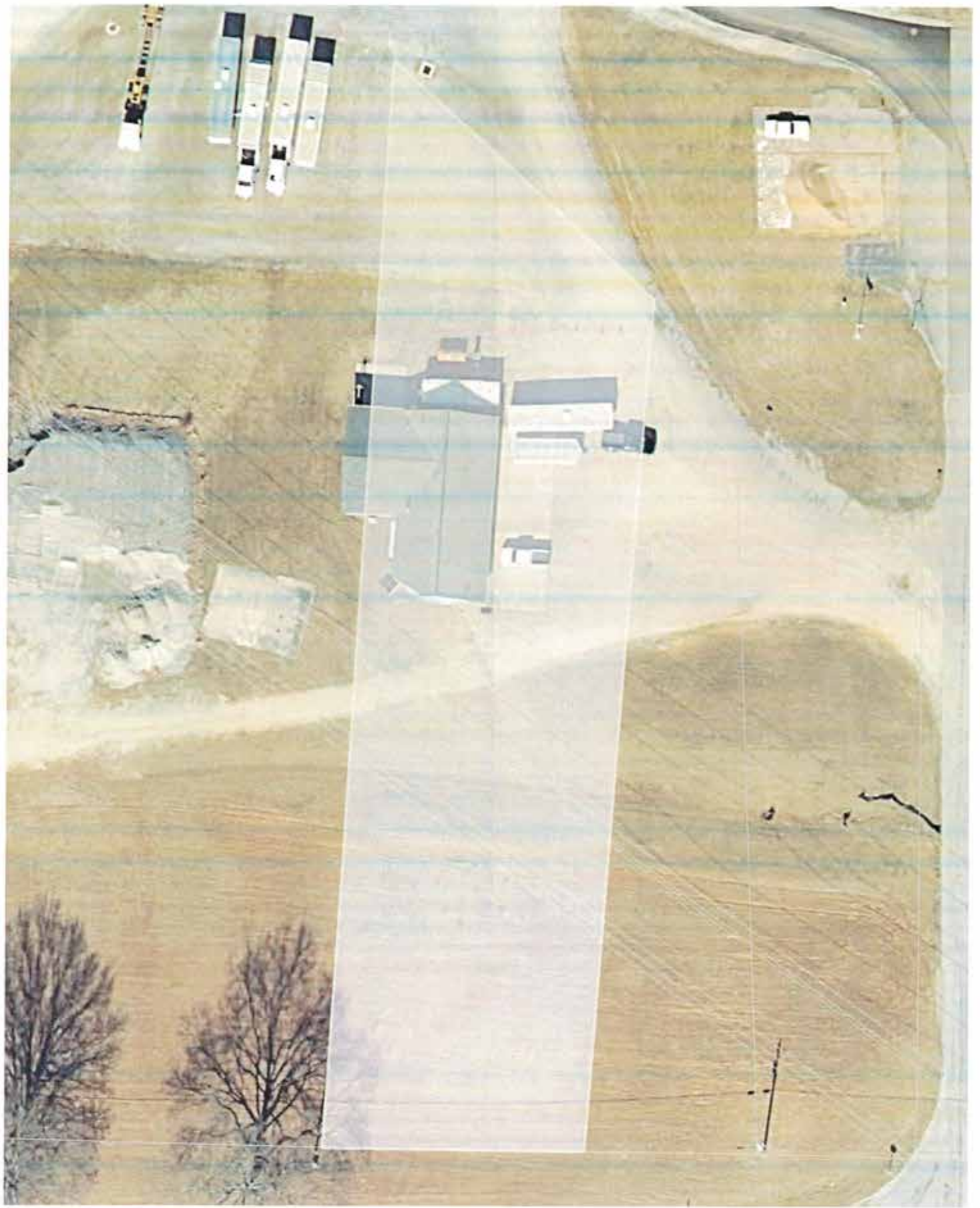
PROPERTY BORDERED BY: Commercial to the North and South; Residential to the East and West

ACREAGE: 0.86 acres (37,461.6 square feet)

CHARACTER OF VICINITY: Commercial/Residential

INGRESS AND EGRESS: South Boston Rd, Crystal Ln

TRAFFIC VOLUME: High



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/18/2018

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Council Letter

City of Danville, Virginia



CL-2024

New Business Item #: D.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: Public Health Department Annual Local Government Agreement

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

COUNCIL ACTION

Business Meeting: 12/04/2018

SUMMARY

This request recommends that Council pass a resolution approving the 2018-2019 Local Government Agreement with the Virginia Department of Health, authorize the City Manager to sign the agreement, and authorize future City Managers to sign future Local Government Agreements with the Virginia Department of Health, provided no unappropriated money is promised.

BACKGROUND

Each year, the City must enter into a signed Local Government Agreement (LGA) with the Virginia Department of Health (VDH) clarifying those services that VDH will perform for the City. These services are mandated by State law, funding amounts are predetermined in a separate agreement, and signing the LGA is largely a formality. The LGA presented this year (2018-2019) is now worded slightly different than usual, written as existing between VDH and the City Council of Danville, rather than the City of Danville. A request to the State Attorney General's Office to have the language amended back to City of Danville, was denied on the grounds that the new LGA template is a standard form that allows no language modifications. As such, Danville City Council must authorize approval by a resolution prior to the City Manager signing it.

As the annual LGA does not increase or decrease any budget appropriation, signing the LGA is a largely administrative task. The resolution additionally grants the City Manager authority to sign future LGAs, provided the LGA does not modify predetermined budget amounts, saving City Council's time each year whenever annual renewal comes up.

RECOMMENDATION

Staff recommends that City Council approve the attached Resolution approving the 2018-2019 LGA, authorizing the City Manager to sign the agreement, and authorizing the City Manager to sign future agreements of the same manner and type.

Attachments

Resolution

2018-2019 VDH LGA

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2018-____.____

A RESOLUTION OF THE CITY COUNCIL OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING THE EXECUTION OF A LOCAL GOVERNMENT AGREEMENT WITH THE VIRGINIA DEPARTMENT OF HEALTH.

WHEREAS, the City and the Virginia Department of Health partner to promote and protect the health and well-being of the residents of Danville; and

WHEREAS, the City needs to annually approve an agreement with the Virginia Department of Health to ensure continuity of community health services.

NOW THEREFORE, BE IT RESOLVED by the City Council of Danville, Virginia, that it hereby approves and authorizes the execution of the attached Local Government Agreement between the City Council of Danville and the Virginia Department of Health; and

BE IT FURTHER RESOLVED, that City Manager, Kenneth F. Larking, be, and he is hereby, authorized and directed to sign and execute the attached Local Government Agreement for 2018-2019, on behalf of the City Council of Danville, Virginia; and

BE IT FINALLY RESOLVED that the City Manager of Danville be, and he is hereby, authorized to sign and execute on behalf of the City Council of Danville, such future Local Government Agreements for services from the Virginia Department of Health, provided no unappropriated monies are pledged in such agreement being executed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND THE DANVILLE CITY COUNCIL FOR FUNDING AND SERVICES OF THE DANVILLE HEALTH DEPARTMENT

This agreement ("Agreement") for the services to be provided by the Danville Health Department and the funding therefore is by and between the Virginia Department of Health ("VDH") and the Danville City Council (collectively "the Parties").

The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Danville Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$966,452.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the City Council of Danville will provide by appropriation and in equal quarterly payments a sum of \$611,970.00 local matching funds and \$0.00 one-hundred percent local funds for a total of \$611,970.00 local funds for this fiscal year.

In addition, the City Council has approved the Danville Health Department to carry forward \$0.00 in local matching funds for a total of \$0.00 matching funds and an additional \$0.00 in one-hundred percent local funds from the prior fiscal year closing locality balance.

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Danville Health Department, which shall perform public health services in Danville as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

§ 2. The term of the agreement begins July 1, 2018. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective.

§ 3. The Commonwealth of Virginia ("Commonwealth") and VDH shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

- A. The responsibility of the Commonwealth and VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Commonwealth of Virginia Public Liability Risk Management Plan.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia (1950), as amended, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Commonwealth of Virginia Public Liability Risk Management Plan, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan, the legal representation of said employee by the city or county attorney, and, the City Council of Danville hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

Robert W. Hicks
Deputy Commissioner for Community Health Services
Virginia Department of Health

Local authorizing officer signature

Date

Authorizing officer printed name

Dr. Scott Spillmann, MD, MPH
District Health Director
Pittsylvania/Danville Health District

Authorizing officer title

Date

Date

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)
Local Government Agreement, Attachment A(2.)

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT ([32.1-11](#))

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link- 32.1-122.03 ; State Health Plan Link Virginia Plan for Well-Being 2016-2020			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link- 32.1-46			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link- 32.1-57			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links- 32.1-35 , 32.1-39 , 32.1-43			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links- 32.1-36 , 32.1-36.1 , 32.1-39			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links- 32.1-49 , 32.1-50 , 32.1-50.1			X
FAMILY PLANING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link- 32.1-77 , 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link- 32.1-77 , 42 U.S.C. 300 et seq., and 42 CFR Part 59		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT ([32.1-11](#))

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links 32.1-77 , 32.1-89 , 32.1-90			
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links 32.1-65 , 32.1-67 , 32.1-68			X
Well child care up to age _____ (enter age) Board of Health Code Link 32.1-77			
WIC : Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C. § 1786; 7 C.F.R. Part 26		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link 32.1-11			
Blood lead level testing Code Link 32.1-46.1 , 32.1-46.2			X
Outreach, Patient and Community Health Education Code Link 32.1-11 , 32.1-11.3 ,			X
Community Education Code Link 32.1-11 , 32.1-23			X
Pre-school Physicals for school entry Code Link 22.1-270	X		
Services for Children with Special health care needs Title V, Social Security Act Code Link 32.1-77			X
Child restraints in motor vehicles Code Link 46.2-1095 , 46.2-1097			
Babycare, Child : DMAS MOA			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link 32.1-77		X (Postpartum)	
Babycare, Maternal : DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.	
Investigation of communicable diseases: Pursuant to §§ 32.1-35 and 32.1-39 of the Code of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links-32.1-35, 32.1-39	X
Marinas: Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link-32.1-246	X
Migrant labor camps: Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links-32.1 Chapter 6 Article 6	X
Milk: Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links- 3.2-5206, 3.2-5208	X
Alternative discharging sewage systems: Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640-10 et seq.). Code Link-32.1-164	X
Onsite sewage systems: Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link-32.1-163	X
Rabies: Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- 3.2-6500	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

Restaurants/eating establishments: Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- 35.1-14	X
Hotels/Motels: In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link- 35.1-13	X
Wells: Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link- 32.1-176.4	X
Homes for adults: The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
Juvenile Justice Institutions: Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link- 35.1-23	X
Jail inspections: Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link- 53.1-68	X
Daycare centers: At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))	X
Radon Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link- 32.1-229 .	X
Summer camps/ Campgrounds: Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links- 35.1-16 , 35.1-17	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE **ASSURED** BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Pre-Admission Screenings (PAS) DMAS MOA Code Link- 32.1-330	X
Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- 2.2-5201 , 2.2-5211	X
Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- 2.2-5305 , 2.2-5306	X
Vital Records Code Link- 32.1-254 , 32.1-255 , 32.1-272	X
Immunizations for maternity and post-partum patients Code Link- 32.1-11 , 32.1-325 , 54.1-3408	X
AIDS Drug Assistance Program (ADAP) Code Link- 32.1-11	X
Emergency Preparedness and Response Code Link- 32.1-42 , 32.1-43 et seq., 32.1-229	X
HIV Counseling, Testing and Referral Code Link- 32.1-37.2	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All
Foreign Travel Immunizations			X
Other:			
CHILD HEALTH SERVICES			
Disabled disability Waiver Screenings DMAS MOA Code Link- 32.1-330 Other:			X
Other			
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Other:			
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Nutrition Education			
Preventive Health Services			
Pre-Conception Health Care			
Other:			
MEDICAL SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
Community Education			X
Pharmacy services-Alternate Drug Delivery Site			X
Hypertension screening, referral, and counseling			X

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served
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SPECIALTY CLINIC SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
DENTAL HEALTH SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All

PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED
UNDER LOCAL ORDINANCE OR CONTRACT

[illegible]

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH SERVICES PROVIDED UNDER
LOCAL ORDINANCES OR CONTRACT WITH LOCAL GOVERNMENTS

OPTIONAL PUBLIC HEALTH MEDICAL SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department. (identify services below)	Income A only	Local ordinance code cite, or contract number	All

Council Letter

City of Danville, Virginia



CL-2022

New Business Item #: E.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: Fiscal Year 2018-19 Community Development Programs

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

First Reading: 12/04/2018

Final Adoption: 12/20/2018

SUMMARY

The City of Danville is a participating jurisdiction under the U.S. Department of Housing and Urban Development (HUD). Under this designation, the City receives Community Development Block Grant (CDBG) and HOME Investments Partnership Program (HOME) funds annually. The City has received its funding agreement from HUD in the amount of \$1,286,284.00 and needs to appropriate the money to be used for housing related programs.

BACKGROUND

In June, City Council approved a new Fiscal Year 2018-2019 Annual Action Plan, specifying projects and activities that will be funded in the fiscal year. A large majority of the CDBG funds have historically been used for neighborhood revitalization efforts and it is proposed to continue focusing on this effort in the 2018-2019 Plan. In addition, there is a public service category which can be funded with up to 15% of the annual allocation. It provides funding to assist non-profit organizations to carry out programs that benefit low- to moderate-income individuals and/or households.

The City has received the program agreement from HUD for a total budget of \$1,286,284.00 for Fiscal Year 2018-2019, comprised of \$865,416 CDBG funds, \$270,868 HOME funds, and \$150,000 estimated program income generated from loan repayments and the sale of houses currently under City's lease-to-purchase program.

RECOMMENDATION

It is recommended that City Council adopt the attached Budget Appropriation Ordinance appropriating \$1,286,284 from HUD for FY 2018-19 for use in Housing related programs.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE FOR PROJECTS TO BE OR BEING UNDERTAKEN TO IMPROVE THE DANVILLE COMMUNITY FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND ESTIMATED PROGRAM INCOME FOR A TOTAL APPROPRIATION OF \$1,286,284.00.

WHEREAS, the United States Department of Housing and Urban Development has made available \$865,416 in Community Development Block Grant (CDBG) and \$270,868 in HOME Partnership Program (HOME) Entitlement funds to be used for projects to improve the Danville community; and

WHEREAS, it is projected that an aggregated amount of \$50,000 in CDBG program income and \$100,000 in HOME program income will be generated during the period from July 1, 2018 through June 30, 2019 from the Community Development Block Grant and HOME Entitlement funds which will be used to improve the Danville Community.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the estimated/anticipated revenues and appropriation of funds to finance the Budget of the Community Development Block and HOME Partnership Program are hereby, as follows:

**CDBG/HOME FUND
ESTIMATED/ANTICIPATED REVENUES**

<u>Description</u>		<u>Account No.</u>	<u>Amount</u>
Federal Aid-CDBG:	FY2019	61418000-48025	\$865,416
Federal Aid-HOME:	FY2019	61419000-48030	\$270,868
CDBG Program Income:	FY2019	61418000-44381	\$ 50,000
HOME Program Income:	FY2019	61419000-44361	<u>\$100,000</u>
		GRAND TOTAL:	<u>\$1,286,284</u>

ESTIMATED/ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
H & D ADMIN	FY 2019	
Salaries & Wages	61420000-51100	\$36,000
FICA Taxes	61420000-51450	\$3,000
Retirement	61420000-51525	\$3,000
Group Hospital	61420000-51600	\$1,000
Group Life Insurance	61420000-51630	\$100
Maintenance Service Contracts	61420000-52225	\$1,700
AVL Service Contracts	61420000-52226	\$200
Outside Services	61420000-52349	\$56,600
Vehicles	61420000-52550	\$1,800
Print Shop – Print Jobs	61420000-52650	\$100
Print Shop – Supplies	61420000-52655	\$1,000
Postal Service	61420000-54050	\$600
Telephone/Internet	61420000-54100	\$100
General Liability Insurance	61420000-54650	\$100
Travel/Training	61420000-54900	\$2,000
	SUB TOTAL:	<u>\$107,300</u>
CODE ENFORCEMENT	FY 2019	
Salaries & Wages	61421000-51100	\$73,500
FICA Taxes	61421000-51450	\$5,500
Retirement	61421000-51525	\$5,600
Group Hospital	61421000-51600	\$8,100
Group Life Insurance	61421000-51630	\$300
Group Hospital Insurance	61421000-51632	\$2,000
Maintenance Service Contracts	61421000-52225	\$900
AVL Service Contracts	61421000-52226	\$500
Vehicles Radio	61421000-52500	\$400
Vehicles	61421000-52550	\$8,000
Print Shop – Supplies	61421000-52655	\$200
Postal Service	61421000-54050	\$6,000
General Liability Insurance	61421000-54650	\$100
	SUB TOTAL:	<u>\$111,100</u>
CDBG REHAB ADMIN:	FY 2019	
Salaries & Wages	61422000-51100	\$190,200
FICA Taxes	61422000-51450	\$13,700
Retirement	61422000-51525	\$14,600
Group Hospital	61422000-51600	\$27,400
Group Life Insurance	61422000-51630	\$500
Legal Services	61422000-52170	\$11,300
Maintenance Service Contracts	61422000-52225	\$400
AVL Service Contracts	61422000-52226	\$200
Advertising	61422000-52275	\$2,000
Outside Services	61422000-52349	\$12,000
Vehicles Radio	61422000-52500	\$200
Vehicles	61422000-52550	\$5,400
Print Shop	61422000-52650	\$100

Print Shop - Supplies	61422000-52655	\$300
Postal Service	61422000-54050	\$200
Telephone	61422000-54100	\$1,000
General Liability Insurance	61422000-54650	\$100
Travel/Training	61422000-54900	\$3,800
Materials & Supplies	61422000-55930	\$500
Books & Subscriptions	61422000-56075	\$500
Dues & Memberships	61422000-56242	\$800
	SUB TOTAL:	<u>\$285,200</u>

REHABILITATION: FY 2019

CDBG Housing Rehab Projects	61423999-50	<u>\$151,316</u>
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HSG L-TO-P PGM FY 2019

Lease to Purchase Program	61424000-50	<u>\$14,000</u>
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FAIR HOUSING FY 2019

Fair Housing Admin	61425000-50	<u>\$28,000</u>
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PUBLIC SERVICE

ACTIVITIES (PSA): FY 2019

Head Start/CIC	61432068-55005	\$45,000
College Bound	61432069-55005	\$25,000
Legal Aid	61432415-55005	\$9,000
Telamon Counselling	61432111-55005	\$3,000
Center for Housing Counselling	61432117-55005	\$3,000
Big Brothers/Big Sisters	61432122-55005	\$13,500
Neighbors Helping Neighbors	61432125-55005	\$20,000
Ex-Offenders Program	61432416-55005	\$10,000
	SUB TOTAL:	<u>\$128,500</u>

PRESENT HELP MINISTRIES

FACILITIES FY 2019

	61426999-50	<u>\$15,000</u>
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PRT PUBLIC FACILITIES FY 2019

	61430999-50	<u>\$50,000</u>
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TEMP SHLTR SGL PARENTS

W/CHILDREN FY 2019

	61431999-50	<u>\$25,000</u>
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HOME ADMIN FY 2019

Salaries & Wages	61427000-51100	\$13,500
FICA Taxes	61427000-51450	\$900
Retirement	61427000-51525	\$1,000
Group Hospital	61427000-51600	\$2,200
Group Life Insurance	61427000-51630	\$100
	SUB TOTAL:	<u>\$17,700</u>

HOME REHABILITATION: FY 2019

HOME Housing Rehab Projects	61428999-50	<u>\$308,474</u>
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HOME REHAB CHDO FY 2019

CHDO Set Aside Rehab of Private Property	61429065-52230	\$40,631
CHDO Administration Expense	61429000-55815	<u>\$4,063</u>
	SUB TOTAL:	<u>\$44,694</u>

GRAND TOTAL \$1,286,284

BE IT FURTHER ORDAINED that a flexible budget is hereby authorized whereby appropriations may be increased to the extent that actual revenues from Interest and Program Incomes exceed the original budget amount; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriations Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2019

New Business Item #: F.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: Litter Control Grant - Fiscal Year 2019 Appropriation

From: Richard Drazenovich, Public Works Director

COUNCIL ACTION

First Reading: 12/04/2018

Final Adoption: 12/18/2018

SUMMARY

Each year, the City of Danville is awarded a grant from the Virginia Department of Environmental Quality for litter prevention and recycling program activities. The awarded grant amount for Fiscal Year 2019 is \$9,597.00. The funds are placed in a Special Grant Fund and appropriated annually to continue the City's litter prevention and recycling activities. The Litter Prevention and Recycling Grant is used to promote recycling and to provide materials and supplies for educational programs and litter collection. The funds can be used to conduct educational programs, purchase trash receptacles and other small supplies and materials necessary, including equipment and solid waste disposal fees associated with voluntary cleanups.

RECOMMENDATION

It is recommended that City Council approve the attached Budget Appropriation Ordinance appropriating funds from the Litter Control and Recycling Grant.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE TO ANTICIPATE GRANT FUNDS FROM THE COMMONWEALTH OF VIRGINIA FOR LITTER CONTROL AND RECYCLING EFFORTS IN THE AMOUNT OF \$9,597 AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the fiscal year 2019 budget appropriation ordinance be, and the same is hereby, amended by increasing revenues to the Special Grants Fund from the Litter Control and Recycling Grant for the purpose of paying for equipment, materials, and supplies, such revenues and appropriating to be within the Special Grants Fund and to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid: Litter Control Grant	60119000-47420	<u>\$9,597.00</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Litter Control	60119999-50	<u>\$9,597.00</u>

BE IT FURTHER ORDAINED that all other accounts and provisions for the fiscal year 2019 budge appropriation ordinance as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2021

New Business Item #: G.

City Council Regular Meeting

Meeting Date: 12/04/2018

Subject: United States Department of Justice 2018 Edward Byrne Memorial Justice Assistance Grant Program - Community Bicycle Patrol Project

From: Scott Booth, Police Chief

COUNCIL ACTION

First Reading: 12/04/2018

Final Adoption: 12/20/2018

SUMMARY

The Danville Police Department has been informed it is eligible for a grant of \$33,274 to be used for law enforcement purposes, from the United States Department of Justice 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Funds from this grant will be used to equip our officers with police bicycles that will enable them to more closely engage with our community. Bicycles offer the advantage of street-level interaction with community members that is often missed in the isolated environment of a passing police car. This opportunity for direct community engagement will allow the Department to more effectively identify issues in neighborhoods and establish the relationships, trust, and lines of communication that are necessary elements of the cooperative effort to reduce crime and improve safety in our City.

RECOMMENDATION

It is recommended that the City Council adopt the attached Ordinance Amending the FY 2019 Budget Appropriation Ordinance by anticipating revenues in the amount of \$33,274 from the United States Department of Justice 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-_____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FOR THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD IN THE AMOUNT OF \$33,274 TO BE USED TO IMPLEMENT A COMMUNITY BICYCLE PATROL PROJECT.

WHEREAS the City of Danville has been allocated a grant under the United States Department of Justice Fiscal Year 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) program in the amount of \$33,274.00; and

WHEREAS this grant is named in honor of NYPD Officer Edward Byrne, who was murdered in the line of duty on February 26, 1988 while serving on a detail that was protecting a witness who had agreed to testify against local drug dealers; and

WHEREAS the funding from this allocation will be used to implement a community bicycle patrol that will enable our officers to more closely engage with the community; and

WHEREAS the grant will require no matching funds.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2019 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenues to anticipate the receipt of funds in the amount of \$33,274.00 from the Fiscal Year 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) program:

ANTICIPATED REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 2018 Edward Byrne Memorial JAG Program	61466000-48230	<u>\$33,274</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 2018 Edward Byrne Memorial JAG Program	61466999-50	<u>\$33,274</u>

AND BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and shall carry forward from year to year until expended for the purpose for which appropriated; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney